

February 1, 2016

**Re: Please Support S. 2449, the “Equal Protection in Travel Act of 2016.”**

Dear Senator:

On behalf of the 65 undersigned groups, we write to express our strong support for the Equal Protection in Travel Act of 2016 (S. 2449), bipartisan legislation to address recent amendments to the Visa Waiver Program (VWP) that discriminate against certain dual nationals.

Just one month ago on December 18, 2015, Congress passed the FY2016 Omnibus Appropriations Act which included changes to the VWP that, among other changes to the program, would revoke VWP travel privileges from citizens of VWP countries who are dual nationals of Iran, Iraq, Sudan, or Syria. Drafted and passed on the heels of the November 2015 terrorist attacks in Paris, the 2015 visa waiver law enshrines discrimination based on nationality, ancestry, and parentage. There is no compelling security argument that justifies the discrimination against certain dual nationals in violation of fundamental American values.

Citizens of VWP countries can now no longer travel to the U.S. visa-free if they are dual nationals of Iran, Iraq, Sudan, or Syria—solely due to their ancestry and not because of any decision or action on their part. They will now need to apply for visitor visas, pay a \$160 fee, attend an interview at a U.S. consulate, and pass additional background checks. They will need to clear these extra hurdles if they are coming to the U.S. for any visitor purpose – whether to attend a family reunion, go on vacation, or attend business meetings and conferences. In fact, directly as a result of this new law, on January 19 a British-Iranian *BBC* journalist and her British citizen daughter, who were heading to New Jersey to attend the birthday party of a family member living in the United States, were stopped from boarding their flight at Heathrow Airport.<sup>1</sup> Similarly, a European-Iranian photographer, whose work has been published in *Time Magazine*, *The New York Times*, and *National Geographic*, can no longer travel to the United States with just her European Union passport because of this new restriction.<sup>2</sup>

Given that citizenship is passed down through the father in Iran, Sudan, and Syria, many dual nationals will be barred from visa-free travel under the VWP based solely on their heritage. For example, a British citizen who has lived in London her entire life will lose her visa-free privileges if her father is a Syrian citizen, even if she herself has never been to Syria. Singling out these dual nationals is rank discrimination and contradicts fundamental American values of fairness and equality. Indeed, according to one Iranian-American entrepreneur and investor, “the idea that some of us would lose this privilege because of our Middle Eastern or African heritage compromises the very essence of America: that ‘all men are created equal.’”<sup>3</sup>

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<sup>1</sup> Saeed Kamali Dehghan, *BBC journalist stopped from flying to US over UK-Iranian nationality*, THE GUARDIAN (Jan. 19, 2016), <http://www.theguardian.com/uk-news/2016/jan/19/bbc-journalist-stopped-from-flying-to-us-over-uk-iranian-nationality>.

<sup>2</sup> Hadas Gold and Nahal Toosi, *New York Times Iran reporter on new visa requirements: ‘America, it was fun while it lasted,’* POLITICO (Jan. 26, 2016), <http://www.politico.com/blogs/on-media/2016/01/new-york-times-iran-reporter-visas-218240>.

<sup>3</sup> Ali Partovi, *A Call To Arms Against McCarthy 2.0*, TECHCRUNCH (Dec. 16, 2015), <http://techcrunch.com/2015/12/16/a-call-to-arms-against-mccarthy-2-0/>.

Furthermore, because the VWP operates on the basis of reciprocity, the 2015 visa waiver travel restrictions risk inviting the 38 VWP countries to erect similar bans on dual nationals of the United States. By swiftly repealing the discriminatory travel restrictions, Congress can diminish the likelihood that American citizens—including Iranian Americans like Dr. Firouz Naderi, Director for NASA’s Solar System Exploration Directorate, or orthopedic surgeon Kourosh Kolahi<sup>4</sup>—will be impacted by these restrictions.

We are encouraged that a bipartisan group of lawmakers has swiftly introduced the Equal Protection in Travel Act of 2016 to repeal the travel restrictions targeting dual nationals. We applaud Senators Jeff Flake (R-AZ), Dick Durbin (D-IL), and Cory Booker (D-NJ) for sponsoring this legislation in the Senate.

Passage of the Equal Protection in Travel Act will ensure that dual nationals are not punished because of their nationality, ancestry, or parentage and that Americans are not similarly targeted for discrimination under the VWP. We strongly urge Congress to swiftly pass the Equal Protection in Travel Act of 2016.

Sincerely,

### **National Organizations**

American Immigration Lawyers Association  
American-Arab Anti-Discrimination Committee (ADC)  
American Civil Liberties Union  
Asian American Legal Defense and Education Fund (AALDEF)  
Asian Americans Advancing Justice-AAJC  
Bill of Rights Defense Committee/Defending Dissent Foundation  
Casa Esperanza  
Christian Church (Disciples of Christ) Refugee and Immigration Ministries  
Demand Progress  
Friends Committee on National Legislation  
Human Rights First  
International Campaign for Human Rights in Iran  
Iranian Alliances Across Borders (IAAB)  
Iranian American Bar Association  
ISLAMIC CIRCLE OF NORTH AMERICA  
Jewish Voice for Peace  
Just Foreign Policy  
Justice Strategies  
The Leadership Conference on Civil and Human Rights  
MoveOn.org  
NAFSA: Association of International Educators  
National Immigrant Justice Center  
National Immigration Forum

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<sup>4</sup> David Smith, *Iranian Americans dismayed by discrimination in new visa regulations*, THE GUARDIAN (Jan. 15, 2016), <http://www.theguardian.com/us-news/2016/jan/15/iranian-americans-visa-regulations-waiver-programme-us-immigration>.

National Immigration Law Center  
National Immigration Project of the National Lawyers Guild  
National Korean American Service & Education Consortium  
National Religious Campaign Against Torture  
NIAC Action  
Pars Equality Center  
Physicians for Human Rights  
Project South  
Public Affairs Alliance of Iranian Americans (PAAIA)  
Reporters Without Borders  
South Asian Americans Leading Together (SAALT)  
The HAND Foundation  
U. S. Committee for Refugees and Immigrants  
Unitarian Universalist Service Committee  
United for Iran  
We Belong Together  
YWCA USA

**State/Local Organizations**

Asian Americans Advancing Justice - Asian Law Caucus  
Asian Americans Advancing Justice-Atlanta  
Asian Law Alliance  
Austin Jewish Voice for Peace  
Bay Area Iranian-American Democrats  
Colectiva Legal del Pueblo  
Conversations With Friends (MN)  
Creating Law Enforcement Accountability and Responsibility project at CUNY School of Law  
Dar al-Hijrah Islamic Center  
Esmail Khoi Foundation  
Friends of Broward Detainees  
Georgia Peace & Justice Coalition  
Georgia Rural Urban Summit  
Illinois Coalition for Immigrant and Refugee Rights  
MAIZ  
Massachusetts Immigrant and Refugee Advocacy Coalition  
New York Immigration Coalition  
North Carolina Justice Center  
Northwest Immigrant Rights Project  
Racial Justice Action Center  
Reformed Church of Highland Park (NJ)  
Refugee and Immigrant Center for Education and Legal Services (RAICES)  
Services, Immigrant Rights, and Education Network (SIREN)  
Undocumented Student Alliance at KSU  
Virginia Coalition for Immigrant Rights