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POLICY BRIEF

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Foreign Policy Fallout: Assessing the Risks of Post-Sept. 11 Immigration Policies

by Benjamin Johnson*

A growing number of foreign policy experts are voicing concern that certain restrictive policies toward non-citizens implemented by the U.S. government in the aftermath of the September 11, 2001, terrorist attacks may be causing long-term damage to U.S. foreign policy goals. According to these experts, some policies, in particular the registration requirements imposed on non-immigrants from predominantly Muslim countries, have cast a net too wide to effectively enhance security, while promoting a perception that Muslims and Arabs are no longer welcome in the United States.

Writing in the most recent issue of *Foreign Affairs*, John N. Paden, George Mason University Professor of International Studies, and Peter W. Singer, Olin Fellow in Foreign Policy Studies at the Brookings Institution, argue that poorly conceived and inappropriately implemented regulations have sent a message to "potential friends and supporters of the United States" that "they are no longer wanted in the country." Paden and Singer write, "The most painful irony of this new policy is that the United States' openness to outsiders has long been the underpinning of the country's economic and social fabric."¹

As a result, by fostering resentment and anger against the United States, these new rules run the risk of undermining diplomatic efforts by the U.S. government to build

cooperative and amicable international relations, particularly with Muslim and Arab countries. While some may argue that we should not care what other nations think of us, the fact remains that, whether we like it or not, international cooperation is needed to achieve American objectives on many issues. Moreover, certain policies make cooperation in the war on terrorism more difficult both at home and abroad. Pakistani government officials have said that the decision to add Pakistani males to the list of individuals who are photographed and fingerprinted upon entry to the United States has been potentially destabilizing to Pakistan's government. It engendered street protests in Pakistan and makes Pakistan's cooperation with the United States against terrorists more controversial inside the country.

Some policies have also fostered resentment among Muslims and Arabs in the United States. Actions described by some as "secret detentions" and the registration requirements for citizens of 25 mostly Muslim countries have "alienated a lot of these communities, caused a great deal of fear and reinforced the tendency of immigrant communities to huddle together and not trust authorities, which works against intelligence gathering by law enforcement, particularly the FBI," said Vincent Cannistraro, former director of Counterterrorism Operations and Analysis at the Central Intelligence Agency.

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“The idea that you stigmatize whole classes of people and profile them because you think this is going to prevent the next terrorist attack is exactly the wrong way [to go about it],” said Cannistraro. “There may very well be another clandestine al-Qaeda cell in North America, but none of these methodologies has contributed to identifying them.”²

New Regulations

Some of the new regulations that have been criticized derive their authority from the broad discretion granted to the executive branch by the Immigration and Nationality Act (INA). Most controversial has been the special “call-in registration” requirement for male non-immigrants (primarily visitors or temporary workers), 16 years or older, from any of 25 predominantly Muslim countries, who must meet strict deadlines for reporting to immigration authorities after arriving in the country, regardless of any previous background checks or screening procedures. In addition, security checks on visa applicants, while necessary and desirable, have been implemented in a way that harms chances for foreign students to start their studies and obstructs important international research programs.

Citing the results of an October 2002 survey by the Association of American Universities and NAFSA: Association of International Educators, Paden and Singer note that “Unintended consequences of the new visa screening requirements have included a massive decrease in the number of foreign students from Muslim states, scores of foreign faculty being unavailable to teach courses, scientific research projects becoming delayed or derailed, and businesses moving trade elsewhere.” Moreover, “the selective registration program for Muslim males inside the United States has had little success in finding actual

terrorists, even while causing great distress and offense to Muslim visitors.”³

There have been self-congratulatory statements in the press from Department of Justice (DOJ) aides like Kris Kobach, who, predictably, said of alien registration: “I regard this as a great success.”⁴ However, it’s worth noting that no terrorists have been prosecuted criminally or paraded before TV cameras as a result of the mass registration of Muslims and Arabs. Does anyone doubt that the Justice Department would have announced any forthcoming criminal prosecutions of terrorists discovered through this controversial policy?

On April 29, Homeland Security Secretary Tom Ridge announced that a new entry-exit system, to be “phased in” starting at the end of the year, will provide “the crucial biometric information needed to end the domestic registration of people from certain countries.” Subsequent clarifications from the Department of Homeland Security indicate that no new countries will be added to the call-in registration list for those inside the United States, but it remains uncertain whether those who have already been registered will have continuing reporting obligations or whether new arrivals from these nations will continue to be fingerprinted upon entry to the United States. One hopes that lessons learned from the various debacles created by DOJ’s National Security Entry-Exit Registration System (NSEERS) will inform policymakers on the design of the new system.

Impact of Visa Screening Delays

The U.S. government has not been able to cope effectively with new visa screening requirements, including name checks on certain categories of individuals applying for U.S. entry. This has resulted in months-long backlogs that have real-world consequences. On December 13, 2002, the presidents of the

National Academy of Sciences, National Academy of Engineering and Institute of Medicine issued a statement in which they expressed concern that “Recent efforts by our government to constrain the flow of international visitors in the name of national security are having serious unintended consequences for American science, engineering, and medicine.”⁵

The *Hartford Courant* reported on a visa delay that forced a University of Utah laboratory to shut down just as it was nearing completion of a decade-long project to create “HIV-fighting molecules small enough to turn into drugs.” One of the lab’s principal researchers returned home to Egypt in May 2002 “to accompany his children to their exams,” was “flagged for a security review” when he tried to return,” and “has been waiting for a visa to return to the University of Utah ever since.”⁶

Delays in security reviews have also debilitated the U.S. refugee program. Largely because of the enormous delays in conducting background checks, the United States admitted fewer than 28,000 refugees in Fiscal Year 2002, the lowest total in 25 years and well below the 70,000 ceiling. Projections this year are for an even lower number of admissions as a result of the new policies. As of March 31, fewer than 9,000 refugees had been admitted so far this fiscal year. While some of these new policies may have been necessary, the question of whether adequate priority and resources have been devoted to them must be asked. Officials must concede the real human cost of these policies not being adequately implemented.

Conclusion

Former Secretary of Defense William J. Perry, Honorary Chair of NAFSA’s Strategic Task Force on International

Student Access, has written that, “Educating the world’s future leaders is part of the solution to terrorism, not part of the problem... Welcoming international students to our nation constitutes a crucial long-term investment in American leadership and security. Such openness has long been a bulwark of U.S. foreign policy and is a proven means to fight against the uninformed stereotypes, fear, and ignorance that are at the heart of the crisis we face today.”⁷

The concern is that, in the long run, certain policies may turn potentially pro-American young people against the United States. Future leaders in many nations may never be exposed to America, its market economy, and its system of government. The list of foreign leaders educated in the United States is lengthy and includes Mexican President Vincente Fox, Saudi Arabia’s minister of foreign affairs Prince Saud Faisal, and Filipino President Gloria Macapagal Arroyo. “Rather than combating the growing radicalism and anti-Americanism of many Muslim youths around the world, the stringent new policies are only feeding such resentment,” write Paden and Singer. “At a time when the United States needs pro-American ambassadors more than ever, its government seems bent on turning away the next generation of them.”⁸

As the United States moves beyond the events of September 11, key challenges confront policymakers. Immigration policies must be carefully tailored to effectively enhance national security and take into consideration long-term foreign policy objectives, while upholding the U.S. tradition of welcoming newcomers and recognizing the important contributions immigrants make to the U.S. economy and society.

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Endnotes

¹ John N. Paden & Peter W. Singer, “America Slams the Door (On Its Foot): Washington’s Destructive New Visa Policies,” *Foreign Affairs*, May/June 2003.

² Joe Feuerherd, “Critics say immigration tactics threaten security,” *National Catholic Reporter*, March 28, 2003.

³ Paden and Singer.

⁴ Rachel L. Schwarns with Christopher Drew, “Fearful, Angry, or Confused, Muslim Immigrants Register,” *The New York Times*, April 25, 2003.

⁵ Statement from Bruce Alberts, President, National Academy of Sciences; Wm. A. Wulf, President, National Academy of Engineering; and Harvey Fineberg, President, Institute of Medicine, “Current Visa Restrictions Interfere with U.S. Science and Engineering Contributions to Important National Needs,” December 13, 2002.

⁶ Kim Martineau, “With Research On Hold, Lab Is Shutting Down,” *Hartford Courant*, March 23, 2003.

⁷ Strategic Task Force on International Student Access, *In America’s Interest: Welcoming International Students*. NAFSA: Association of International Educators: Washington, DC, January 2003.

⁸ Paden and Singer.