

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 21 FEBRUARY 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(99) Program 2.1: Refugee and Humanitarian Assistance

Senator Cash (L&CA 55) asked:

Provide any information about the US Patriot Act and the material assistance.

Answer:

The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (the USA PATRIOT Act) included a range of provisions relating to law enforcement, regulation of financial transactions, intelligence gathering and sharing and immigration powers.

Among other things, the USA PATRIOT Act provided that grounds for inadmissibility to, or deportation from, the USA include where the person affords "material support" for the commission of a terrorist activity or to any terrorist organisation or to any individual that the person knows or reasonably should know has committed or plans to commit a terrorist activity. "Material support" is a broad term that was non-exhaustively defined to include "a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training". The ground applies even where the "material support" was provided under duress or coercion.

An analysis of terrorism-related grounds for exclusion from the USA is contained in Congressional Research Service *Immigration: Terrorist Grounds for Exclusion and Removal of Aliens* (12 January 2010), available at <http://www.fas.org/sgp/crs/homesecc/RL32564.pdf>