COMBATING BIAS, BIGOTRY, AND BACKLASH:
SIKH AMERICAN CIVIL RIGHTS POLICY PRIORITIES

THE SIKH COALITION
This policy memorandum outlines critical, long-term priorities for federal lawmakers, including the White House and Congress. The Sikh Coalition is the nation’s largest Sikh American civil rights organization. Presented throughout is a specific series of civil rights policy priorities that relate to the Sikh Coalition’s programs, highlighting many of the challenges that Sikh Americans face. However, the civil rights policies outlined in this document are not the only policies that the Sikh American community cares about. Policymakers must also address the broader needs of the Sikh and Asian American and Pacific Islander (AAPI) communities, including but not limited to increased access to healthcare, labor protections, language accessibility, and small business opportunities.
INTRODUCTION: WHO ARE SIKHS

Sikhs have been in the United States for more than 130 years and are well-established as active contributors to civic society. Sikhs primarily emigrate from Punjab, India. Sikhism, or Sikhi, is the world’s fifth largest organized religion, with approximately 25 million adherents worldwide.

A majority of Sikhs are also a part of the influential AAPI demographic group and our nation’s quickly changing electorate. With nearly 500,000 Sikhs across the United States and approximately 300 gurdwaras (Sikh houses of worship) in 38 states, the Sikh population continues to expand as community members increasingly become more civically engaged. Large population centers of Sikhs exist on both coasts, with growing population centers emerging in major U.S. cities in the Midwest, parts of the South, and across the Atlantic seaboard.

Sikhism is an independent faith. From its founders, scripture, worship, ceremonies, traditions, and history, it is clear that it is not a blend of religions. Similar to other faiths, there are of course differences in observance, and we organizationally work to protect all Sikh Americans while placing no judgment on how any Sikh chooses to practice their faith. However, Sikhs who maintain their articles of faith and outward identity tend to experience a unique set of challenges to their civil rights. When those rights are protected and enforced, the rights for all religious minorities are protected and enforced as well.

The Sikh identity includes five articles of faith. The most visible aspects of the Sikh identity include unshorn hair and the turban. Love, service, and justice are core Sikh values.

Like many minority communities in America, Sikhs have faced incredible challenges in our nation’s larger struggle for civil rights. Despite immense contributions to nearly every facet of American society, Sikhs continue to experience discrimination and hate. Cultural and religious illiteracy, coupled with the visible Sikh identity, has translated to bias, bigotry, and xenophobic violence and discrimination against Sikhs for generations. After 9/11, this problem was exacerbated as Americans conflated the turban and beard with terrorism. Twenty years later these challenges continue, especially during a period of renewed nationalism that has weaponized the othering of minority communities across the United States. As a result, Sikhs remain disproportionately vulnerable to cases of bias, bigotry, and backlash.

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Guru Nanak, the founder of Sikhism, was born in 1469 A.D. in Punjab, a region in South Asia that spans modern-day Pakistan and northwest India. Most of the world’s Sikhs today continue to live in Punjab (India).

Credible estimates on the Sikh American population range from about 300,000 to 700,000. The number most commonly cited is 500,000.
According to the Office of Personnel Management, only 20 percent of all Senior Executive Service federal employees are people of color. In congressional offices, staff composition also rarely aligns with the demographics of their constituencies. Our government must model policies of inclusion and representation to ensure a workforce that reflects the communities that they serve. This includes recruiting and hiring qualified Sikh Americans.
SPECIFIC RECOMMENDATIONS TO MODEL AND IMPLEMENT POLICIES FOR INCREASING REPRESENTATION:

- The White House should ensure that the Sikh perspective is included on the White House Initiative on Asian Americans and Pacific Islanders.

- Congressional offices should recruit Sikh staff members to ensure that the community’s perspectives are consistently included in lawmaking. This naturally should hold more true in districts with a strong Sikh electorate, donor presence, and/or population.

- Appoint a Sikh American to the U.S. Commission on International Religious Freedom to include the world's fifth-largest organized religion and demonstrate our nation's commitment to ensuring religious freedom for non-Abrahamic faiths.

- Recognize Vaisakhi as an observed holiday for the Sikh community. Vaisakhi is one of the most historically significant Sikh celebrations and is celebrated in April every year.

- Declare April as National Sikh Awareness & Appreciation Month. Such a declaration would follow the model of 15 states. The official recognition of Sikh Awareness & Appreciation Month allows the Sikh community to forge better relationships with their government officials and educate the broader community as to the contributions Sikhs have made to American life.

- Resume the Obama Administration’s celebration of the founding of the Sikh faith (November 19, 2021) to honor Guru Nanak Dev Ji’s Gurupurab by inviting Sikh community leaders and government officials to the White House.
Sikhs have faced bias and discrimination in the United States for generations. In the early 1900s in Bellingham, Washington, lumberjacks attacked hundreds of Sikh mill workers in their homes, beating them and forcing them out of the city. The first deadly hate crime in America after 9/11 targeted a Sikh American named Balbir Singh Sodhi, who was murdered outside his gas station on September 15, 2011. Nearly 20 years later, many link anti-Sikh hate violence with “mistaken identity,” but defaulting to this framework fails to account for the other bias-related motivations behind violence against Sikhs, and often inadvertently (and wrongly) implies that there is a group that should be targeted by those who lash out in hate.

The challenges that Sikhs face often foreshadow systemic problems for our nation. One of the worst attacks on an American house of worship occurred on August 5, 2012, when a white supremacist murdered six Sikhs inside a gurdwara in Oak Creek, Wisconsin. The FBI’s annual hate crime report consistently categorizes anti-Sikh violence within the top five most targeted religious communities. Despite the systemic problems with underreporting all forms of hate crimes, this data validates the Sikh Coalition’s conservative estimate that Sikhs remain hundreds of times more likely to be targeted for hate crimes than their fellow Americans.

Despite the 2021 passage of the COVID-19 Hate Crimes Act, much work remains to protect all communities from hate incidents and intimidation. Every elected official must condemn racially or religiously motivated hate speech and hate crimes, and our leaders must also address implicit bias by consistently communicating positive narratives of Sikhs and other religious minorities in a manner that is thoughtful and nuanced. Pursuing initiatives that reduce hate incidents, providing stronger mechanisms to document hate, and addressing racial profiling remain critical. Furthermore, while hate crimes are traditionally prosecuted as a state offense, federal guidance remains essential with respect to implementing hate crime laws, providing law enforcement and prosecutors with cultural competency training, and emphasizing restorative justice methods.

**Address the Threat of White Nationalist and Supremacist Violence**

According to the DHS, racially and ethnically motivated violent extremists – particularly white supremacist extremists – have been deemed, “the most persistent and lethal threat in the Homeland.”[1] Political rhetoric focused on Islamophobia, xenophobia, and most recently COVID-19-driven anti-Asian bigotry has increased the risk of white nationalists and supremacists targeting minority communities for violence, including Sikhs.

On April 15, 2021, four Sikhs were murdered by a former employee at a FedEx facility in Indianapolis. The shooter killed eight, injuring several more, and knew that he was targeting a place largely employed by Sikhs. While the investigation into motive remains ongoing, according to law enforcement, the shooter had reportedly visited white supremacist and neo-Nazi websites prior to the shooting.

Our federal policymakers must continue to recognize and elevate concern regarding the role of white supremacist ideology plays in the loss of life we have already seen across the nation against minority communities.
SPECIFIC RECOMMENDATIONS TO REDUCE HATE CRIMES:

- Ensure that local, state, and federal hate crime laws are meaningfully enforced. Doing so will reduce emboldening violent offenders to escalate their attacks on vulnerable communities and improve victim reporting to law enforcement. The Department of Justice (DOJ) must increase federal enforcement beyond the small number of hate crimes annually prosecuted to better promote justice to targeted communities.[4]

- Mandate local and state law enforcement to provide accurate and verifiable hate crime reports to the Federal Bureau of Investigation (FBI). According to the Bureau of Justice Statistics, approximately 250,000 hate crimes take place annually, while only 6,200 incidents are reported to the FBI on average. Law enforcement agencies routinely report zero hate crimes, which often runs contrary to media reports and our own verifiable legal work. This effort should include audits by state agencies with oversight over law enforcement at state, local, and tribal levels to ensure that hate crimes reported are true and accurate.

- Pass the Justice for Victims of Hate Crimes Act (S. 3228) which seeks to correct a loophole in federal hate crime legislation that currently requires an act of bigotry to be the singular motivating factor of the crime. Many times bias is just one of many factors in the targeting of an individual for a hate crime.

- Ensure that all houses of worship, including gurdwaras, are provided with better direct resources and assistance in obtaining federal funding to improve security, training, and other essential resources. Sikhs and other minority faith groups are too often left to navigate the complex system, including the Nonprofit Security Grant (NSGP), on their own, without assistance and funding to protect the community from acts of domestic terror.

- Create resources to protect minority-owned small businesses targeted for hate incidents and crimes. Similar to the Protective Security Advisor (PSA) Program offered to houses of worship, small business owners should be able to receive security assessments and develop threat mitigation strategies with the assistance of the Department of Homeland Security (DHS), along with state and local law enforcement. Funding should be made available to qualifying minority-owned small businesses that require improvements in security infrastructure.

- Establish a permanent commission that will work with key community stakeholders to address gaps in federal hate crime legislation and swiftly implement preventative measures. The commission must include community advocates and routinely meet with the White House’s Domestic Policy Council to further collaborate after the 2021 DOJ interagency review on hate crimes.

- Increase programs that promote greater understanding between communities and reduce misconceptions of Sikhs through greater funding to the DOJ Community Relations Service. The agency must also work to update their training content to be applicable to myriad policing reforms and the real-world needs of the community.

- Increase public awareness and acknowledge those who experience hate crimes firsthand. These actions could include community naming ceremonies, town halls, White House events, and Presidential Medal of Freedom consideration. These actions will counteract victimhood frameworks while also acknowledging the courage, strength, and resilience of survivors and the targeted communities in order to further change the perceptions that drive hate crimes against such communities in the first place.
• Effectively implement the COVID-19 Hate Crimes Act and the Jabara-Heyer NO HATE Amendment. The recent passage will improve hate crime reporting and victim assistance and support. However, the implementation of this law should still consider the following:

  • States that are awarded grants to establish hate crime reporting hotlines must make them language accessible, including in Punjabi. The attorney general should also issue guidance on data sharing and best practices for online hate crime reporting.

  • State hotlines and online reporting systems created under the new law should be language accessible and annually share anonymized data with community advocates to ensure communities remain aware of the threats against them. The attorney general should condition grants to state hate crime reporting hotlines and websites that regularly share hate incident data with community stakeholder organizations.

  • The law requires the collection of hate crime data that is disaggregated. To ensure the data helps better inform impacted and targeted communities it is imperative that disaggregation captures the ethno-religious identity of hate crime victims. Such information would permit the targeted and impacted communities to better understand the true extent of the risk they face and the solutions that are necessary to better protect them against hate incidents and crime.

  • The law requires additional training in enforcing and responding to hate crimes, but the attorney general should ensure that awards of grant funding that bolster hate crime training programs will incorporate a broad spectrum of community stakeholder perspectives to help state, local, and tribal law enforcement agencies better protect communities targeted and impacted by hate.

**Recommendations to Address the Threat of White Nationalists and Supremacists**

• Prioritize the enforcement of the more than 50 existing federal laws to hold white nationalists and supremacists accountable for their crimes against society. We do not need new domestic terrorism charges that could be used to further harm Muslim, Arab, South Asian, and Black communities – instead, we need leadership that will guide the DOJ and FBI to better coordinate existing resources to utilize existing criminal statutes to hold perpetrators of domestic terror responsible.

• Pass the Domestic Terrorism Prevention Act (H.R. 350 / S.963). This legislation would create standards for appropriate investigation of white nationalist and supremacist groups and implement several common sense processes to combat white supremacy while not falling into tropes of racial and religious groups who may become unintentional targets of national security responses.

• Include the Sikh community perspective with the Domestic Policy Council to address the threat of white nationalist and supremacist violence in accordance with President Biden’s National Strategy for Countering Domestic Terrorism.

• Prohibit and end harmful surveillance programs that unfairly target minority communities by specifically discontinuing the Targeted Violence and Terrorism Prevention grant program. Experts and advocates have cited concerns that such programs are not effective and have been predisposed towards Muslim communities with limited transparency.

• Conduct hearings to pursue legislation to address the role of social media platforms becoming the conduit for white nationalist and supremacist groups to communicate, recruit, and fund their activities.
No American should face the false choice between career and faith, and this starts with policies that hold employers accountable. Under Title VII, employers are not required to reasonably accommodate an individual’s request to practice their religious grooming observances (including headwear and facial hair); rather, the religious accommodation request has to meet a de minimis cost standard, for which the threshold is very low. As a result, employers can use virtually any excuse to discriminate against observant Sikhs, Jews, Muslims, and other faiths with grooming requirements. Current law also fails to provide religiously observant individuals with protections against workplace segregation. This allows employers to ‘hide’ employees with religious observances out of view, often in inferior roles that they did not apply for and that have limited opportunities for advancement.

According to complaints received by the Sikh Coalition, federal safety regulations have also been used by employers to wrongfully demand that Sikhs abandon their religious observances. Despite the federal law providing guidance for religious accommodations and there being alternative personal protective equipment (PPE) solutions, the guidance is either not easily accessible or easily understood by employees and employers. As we have battled the COVID-19 pandemic, Sikhs in the healthcare industry have disproportionately reported complaints of employers failing to provide accommodations for alternative forms of PPE. Reasonable alternatives to the N-95 respirator must be provided to those with religious observances or disabilities. The Occupational Health and Safety Administration (OSHA) and the Centers for Disease Control (CDC) must implement permanent guidance to inform workplaces of the obligation not to discriminate during a public health emergency.

Workplace safety has repeatedly been used as a pretext to discriminate against Sikhs and other religious minorities with grooming observances in workplaces. Sikhs in particular represent thousands of drivers in the commercial trucking industry and have faced disparate challenges in obtaining and maintaining employment. In 2008, four observant Sikh truck drivers, who are mandated by the Sikh religion to never cut their hair, were wrongfully terminated from J.B. Hunt. In 2016, after a multi-year federal investigation, the Equal Employment Opportunity Commission (EEOC) brokered a settlement, concluding that J.B. Hunt had discriminated against the Sikh truck drivers by failing to provide religious accommodations. During the course of the investigation, J.B. Hunt revised its written policies and procedures regarding discrimination and religious accommodations, and established an effective alternative to drug testing by hair sample.

To make matters worse, the federal government may soon implement hair drug testing that will lead to increases in these discriminatory employment incidents. Traditionally, drug testing has been conducted through urine analysis; under the Fixing America’s Surface Transportation (FAST) Act, however, the federal government plans to issue guidance on using hair samples for drug testing in federal workplaces and federally regulated industries. While the FAST Act allows an individual with religious observances to take a urine analysis test in lieu of hair testing, accommodations like these are only required of the Department of Transportation – not of the 430 other federal agencies and departments. As such, the rules promulgated by the federal government could create a patchwork of inconsistent and unclear testing standards.

**Further End Employment Discrimination in the Military**

The Department of Defense (DOD) is the nation’s largest employer, and ensuring equality of opportunity within the military is an issue of employment discrimination. After more than 12 years of advocacy work, which included successful litigation, a landmark U.S. Army policy change in 2017 significantly improved the standards for Sikhs and other religious minorities who seek to serve their country with their religious articles of faith. In 2020, the U.S. Air Force followed suit with a similar policy change, leaving the Navy, Marine Corps, Space Force, and Coast Guard with policies that still prohibit Sikhs from serving their country freely.
SPECIFIC RECOMMENDATIONS TO ENSURE EQUAL EMPLOYMENT OPPORTUNITIES:

- Close the Title VII loophole that lets employers discriminate against workers with religious grooming requirements. This can be accomplished by reintroducing and fully supporting the Workplace Religious Freedom Act, which would correct the Supreme Court's action in *Trans World Airlines, Inc. v. Hardison* to provide dignity and respect for religiously observant employees with reasonable accommodations.

- End the practice of workplace discrimination. Hiding away employees who have religious grooming observances such as a Sikh turban and unshorn beard must end to enable our nation to showcase that diversity is our greatest strength.

- Revise and permanently clarify federal OSHA and CDC workplace safety regulations (beyond Emergency Temporary Standards) to make it explicitly clear that religious accommodations are scientifically and legally appropriate. This will further ensure that employers do not interpret OSHA or CDC workplace regulations to supersede federal equal employment opportunity laws. Accommodations must be provided if reasonable alternatives to wearing of safety equipment, including hard hats and N-95 respirator, exists. Such a policy change will ensure that religiously observant employees are not wrongfully excluded from workplaces.

- Encourage federal hiring goals to raise minority religious employment. Increasing the percentage of religious minorities will help balance decades of workplace inequality and promote a greater general understanding of diverse religious observances.

- Ensure that the Department of Health and Human Services (HHS) does not implement federal workplace drug hair testing (DOCKET NO. SAMHSA-2020-0001) that will lead to disparate impact and perpetuate workplace employment in federally regulated industries.

- Increase funding for the EEOC, the U.S. Labor Department’s Office of Federal Contract Compliance Programs (OFCCP), and the DOJ’s Civil Rights Division to increase the number of investigators.

Recommendations to Further End Employment Discrimination in the Military

- Ensure that the DOD is committed to adopting policies across all military branches that permit military personnel to observe grooming requirements that are compatible with individuals’ sincerely held religious beliefs. Having Sikhs and other religious minorities serve openly in the U.S. military underscores the ideals of democracy and religious freedom that the Armed Forces fight to preserve and protect.

- Codify that all branches adopt specific policies that accommodate religious grooming requirements that are promptly decided by O-6 command and endure throughout a service member's career in order to ensure full equality of opportunity.

- Mandate that all military chaplains are educated about Sikhism to better understand the faith and inform commanders on appropriate religious accommodations.
According to the Sikh Coalition’s research, Sikh youth face bullying rates up to twice the national average. [15] Left unmitigated, bullying can escalate to brutal violence, which routinely leaves Sikh children across the United States with permanent physical injuries, mental trauma, and post-traumatic stress; less violent but more pervasive verbal bullying and harassment also affects thousands of Sikh children a year, going mostly unaddressed by teachers, administrators, and public officials. To make matters worse, state and federal bullying legislation has not kept pace with the ubiquitous use of technology that children rely on to communicate and learn. Cyberbullying has become a difficult challenge for parents and school administrators to address as many states lack laws to address off-campus cyberbullying, despite the ease of access and anonymity that it affords bullies.

Over the last decade, several states have worked to update their state standards to better reflect a more accurate teaching of American history, as well as improve student understanding of the diverse racial, ethnic and religious backgrounds of all Americans. However, this work to create more inclusive and safer classrooms for all students is at risk of being undermined and undone by the renewed push in multiple states to enact legislation supposedly addressing “Critical Race Theory” but, in reality, often more broadly rolling back any effort to teach about or discuss systemic racism and matters of racial justice in public school classrooms. For Sikhs and other minorities, the stakes are high – and intrinsically linked to the future progress to combat bullying, bigotry, and hate.
SPECIFIC RECOMMENDATIONS TO CREATE SAFE AND INCLUSIVE CLASSROOMS:

- Allocate additional funding for the DOJ and Department of Education (DOE) for anti-bullying initiatives, including programs specifically opposing the bullying of religious youth.

- Support the mandate for school curriculums to address faith communities, including Sikhs, to reduce misconceptions and promote unity. The Sikh Coalition has developed constitutionally appropriate curriculum and instructional materials for schools.\textsuperscript{16, 17}

- Provide funding for educator professional development so that community organizations can raise cultural awareness for teachers and their school districts.

- Ensure that any school that receives any public funds, including charter and private schools, are not permitted to exclude students on the basis of religion.

- Re-establish a White House interagency Bullying Prevention Task Force with representative community stakeholder organizations.

- Reintroduce and support the Safe Schools Improvement Act to require school districts in states that receive Elementary and Secondary Education Act funds to adopt codes of conduct specifically prohibiting bullying and harassment, including on the basis of race, color, national origin, sex, disability, sexual orientation, gender identity, and religion. It would also require that states report data on bullying and harassment to the DOE to better address bullying.

- Reintroduce and support the Tyler Clementi Higher Education Anti-Harassment Act to outlaw cyberbullying and ensure higher education institutions put in place anti-harassment policies based on sexual orientation, gender identity, and religion.

- Instruct HHS to provide Punjabi language access to the Sikh community by translating StopBullying.gov and ensuring that all printable resources are translated and disseminated in partnership with community organizations to better serve the Sikh community.
Profiling and policing structures that permit racism to continue in a systematic manner by law enforcement remain a deadly and desperate problem for racial and religious minorities throughout the United States. Anti-Black discrimination that routinely leads to the disproportionate marginalization, criminalization, and murder of Black Americans at the hands of law enforcement agencies demands comprehensive federal policy reforms. It is also important to include in policy reform demands the unique profiling and policing challenges facing minority religious communities. For example, observant Sikhs remain targets for additional screening at airports and other public and private venues. In addition to disproportionate secondary screening, Sikhs are also more likely to experience invasive screening. All communities, including Sikhs, must be able to trust law enforcement, but that trust is undermined when state and federal law enforcement agencies employ policing policies that target and harm minority communities on the basis of their race, religion, nationality, gender, or other protected class identifications.

**End TSA Profiling at Airports**

In the years after 9/11, Sikh Americans have been subjected to profiling on the basis of their actual or perceived race, religion, ethnicity, and national origin at airports across the nation. To make matters worse, these biases have also been reinforced in screening technologies deployed at our nation’s airports that virtually guarantee that specific kinds of travelers will be subjected to unnecessary additional screening. Such complaints have been noted by travelers with religious headwear, disabilities, and thick hair as a result of their race, as well as transgender travelers. Travelers who are subjected to profiling by the Transportation Security Administration (TSA) are left with no meaningful recourse to hold the agency accountable.

The Sikh Coalition has documented close to 1,000 TSA complaints and trained thousands of TSA and Customs and Border Patrol employees with the expectation that screening procedures that target Sikhs diminish. Despite the Sikh Coalition’s initiatives, which have been the subject of congressional inquiry, Sikhs and other travelers continue to report discriminatory treatment at our nation’s airports.
SPECIFIC RECOMMENDATIONS TO REFORM PROFILING AND POLICING STRUCTURES TO PROTECT ALL MINORITIES:

- The Senate must introduce and pass the George Floyd Justice in Policing Act (H.R. 7120) to set in place standards to reform policing and increase transparency and accountability.

- Prioritize and pass the End Racial and Religious Profiling Act (H.R.1280 / S.597) to prohibit federal, state, and local law enforcement from targeting a person based on actual or perceived race, ethnicity, national origin, religion, gender, gender identity, or sexual orientation without trustworthy information that is relevant to linking a person to a crime.

- Demilitarize law enforcement agencies and correctional facilities with respect to equipment, training, and culture.

- Ban the excessive use of force by law enforcement officers, including by implementing policies that hold officers accountable for the use of excessive force against individuals or groups.

- Provide training to raise the cultural competency of law enforcement and prosecutors at the federal, state, and local levels.

- Ensure that automation in security and surveillance by devices used by the federal, state, and local governments meets anti-bias standards.

- Support measures that provide better statistics on police-community relations.

- Require all federal law enforcement agencies to implement the most current DOJ guidance on racial profiling without security or border exceptions. This must, in turn, be updated to provide clear anti-profiling instruction in close consultation with community stakeholders like the Sikh Coalition.

- Create a robust national use of force standard, including that deadly force may be used only when necessary and as a last resort to protect against an imminent threat to life. It is imperative that this standard applies to federal law enforcement and requires the adoption of the national standard at the state and local level by conditioning the receipt of federal grants on adopting such a standard.
Recommendations to End TSA Profiling at Airports

- Re-introduce and pass the Screening with Dignity with Act to ensure that travelers passing through TSA will not be discriminated against in security screening on the basis of their religion, race, disability, gender, or gender identity.

- Require the TSA to log statistical data on secondary screening practices to eliminate inconsistencies, gauge the efficacy of secondary screenings, and identify disproportionate enforcement and non-compliance with civil rights protections.

- Require the TSA to adhere to consistent and transparent standards of discretionary criteria that reduce the likelihood of profiling. Criteria that requires a clear and articulable suspicion of an individual and imminent security threat is sufficient to thwart credible security threats and reduce the likelihood of discretionary abuse.

- Require the TSA to adopt consistent and mandatory anti-discrimination training with community stakeholder input for all employees to promote systemic, agency-wide change (as opposed to training and disciplining officers only when complaints arise).

- Ensure that any new technology or procedures reduce the use of pat-downs and ensure travelers aren't singled out based on their race, religion, or gender.

- Mandate regular and independent Civil Liberties Impact Assessments at all airports, including unannounced audits that identify discriminatory screening practices.

- Amend the Airline Passengers’ Bill of Rights to establish clear guidelines limiting the ability of airlines to forcibly remove passengers solely based on generalized concerns of personal safety without any specific information. All airline crew members must undergo training focusing on behavioral forces like implicit bias and stereotype threats.
U.S. immigration policies should not exploit discrimination and hate, but should instead be grounded in the fair, equal, and humane treatment of all people regardless of their immutable characteristics such as race, religion, nationality, gender, ethnicity, and sexuality. How we treat those who come to our nation is not just a policy or political issue—it reflects who we are. Unjustly punitive immigration policies violate the spirit of this nation’s founding, laws, and values.

Civil rights organizations, including the Sikh Coalition, have advocated against the mistreatment and deprivation of due process rights of those held in Immigration and Customs Enforcement (ICE) custody. Sikhs and other Indian nationals continue to obtain asylum in the United States. With requests for bond denied, many Sikhs spend months or years in detention while their cases work their way through the system. Without any interpreters or translated resources, detainees cannot meaningfully defend their cases in court. During the Trump Administration, Sikh asylum seekers were denied vegetarian meals, wear of their articles of faith, and language access; others were coerced to cut their hair, denied access to congregate for prayers with other Sikhs, and were forced to pray next to an open toilet in a dirty jail cell. The Biden Administration’s actions to reverse the Muslim Ban and close of some federal detention centers have started to undo the harm inflicted upon individuals and families seeking a better life in the United States. However, policymakers must ensure that adequate protections are in place so that our nation does not repeat the horrific and unjust treatment for detained migrants and their families.

Prevent the Genocide of Afghan Sikhs and Hindus

Our nation must also work to uphold religious freedom around the world so that religious minorities are not forced to flee their home country. Sikhs and Hindus in Afghanistan have long faced targeted violence. In March 2020, ISIS-affiliated gunmen attacked a gurdwara in Kabul, killing 25 Sikhs; this was followed by an attempt to bomb funeral services and plant additional explosive devices the next day. The few hundred remaining Sikh and Hindu families have been told to leave their homes or face death.

In the months thereafter, most fled to India and some went to Pakistan. In both cases, these families remain stateless: they face an untenable choice between returning home to the real possibility of death or staying in
nations that don’t want them and will not provide them with government financial support or a pathway to permanent protection. While seeking refuge in India the refugees were also wrongfully denied refugee status due to misinformation that the Indian government would provide the necessary assistance to resettle the community.[25] To give a sense of how bad the situation is, several Afghan Sikh families felt that they had no choice but to leave India and return to Afghanistan in May 2021 as a result of little to no support provided by the Government of India.[26, 27] The drawdown of U.S. forces has further exacerbated these families’ risk of genocide if the United States does not grant immediate refugee protections to and resettle them. The Afghan Sikh and Hindu community has not been able to obtain safe refuge and without intervention, they face extinction.

**SPECIFIC RECOMMENDATIONS TO SUPPORT HUMANE IMMIGRATION POLICIES:**

- Pass the NO BAN Act (H.R.1333) to make critical changes to the Immigration and Nationality Act (INA) to create a more stringent standard for presidents to invoke suspension or restriction of entry into the country on the basis of religion.

- Invoke a moratorium on civil and criminal denaturalization until a study can be conducted to determine whether such enforcement is having a disparate impact or enforcement on the basis of spurious suspicions against race, ethnicity, nationality, and/or religion.

- Ensure language access is meaningfully available to all detainees. Far too often, interpreters do not provide accurate Punjabi translations. Detention centers and interpreters must be subjected to routine and unannounced audits to ensure language access meets expectations of being intelligible and accurate, and all audit findings must be binding to ensure language access is meaningfully provided.

- Ensure that migrants and asylum-seekers are afforded due process, including a full and fair hearing to determine whether they should be released from custody based upon whether they are a flight risk or pose a danger to the community.

- Provide a pathway to obtaining legal status for Deferred Action for Childhood Arrival recipients. Vulnerable individuals who are involuntarily brought to the United States, such as children, should be afforded solutions that reward a commitment to becoming law-abiding members of our society.

- Safeguard families from unlawful separation and children from indefinite detention in accordance with the *Flores* agreement.

**Recommendations to Prevent the Genocide of Afghan Sikhs and Hindus**

- Provide Sikhs and Hindus in Afghanistan, who face systematic targeting and eradication, with safe and expeditious relocation into the United States through the U.S. Refugee Admissions Program by way of Priority 1 or 2 embassy referrals.
CONCLUSION

The history of Sikhs in America is a shared story of resilience. For more than 130 years, Sikhs have worked hard and sacrificed to contribute to the fabric of this nation; through their perseverance, they have only asked for equality in return. Sikhs will remain at the forefront of ensuring that every American can practice their faith freely and that no one is discriminated against on the basis of race, religion, gender, disability, sexual orientation, or gender identity.

To that end, it is critical that our federal workforce across all branches of government represent the true composition of America. Our nation must ensure that Sikhs and all other religious minorities are given the opportunity to be free from workplace discrimination. This will ensure that Sikhs impacted by policies are an essential part of the decision-making process. Our nation must also use a whole of government approach to tackling the threat of hate crimes and white nationalist and supremacist violence. We must also address systemic racism by reforming policing and ensuring that communities are not profiled on the basis of their identity. Our nation’s schools require greater commitments to protect youth against bullying and the inclusion of curricula that shares America’s diversity. And we must also make sure that our nation continues to be a beacon of hope for refugees and asylum seekers.

For 20 years, the Sikh Coalition has worked with Sikh communities and organizational partners across the nation to provide nonpartisan policy guidance in areas pertaining to hate crimes, bullying, racial profiling, civic participation, discrimination, equal employment, and school education initiatives. Moving forward, we look forward to working on bipartisan solutions to Sikh policy issues, guaranteeing that Sikh issues are well represented, and ensuring that your staff know where to find our policy resources and expertise.

CONTACT

To obtain additional information on the Sikh community and faith or policy recommendations, please visit www.sikhcoalition.org. For more specific information regarding policy prescriptions, Sikh civil rights, or referrals to other Sikh organizations, please contact the Sikh Coalition’s policy staff at advocacy@sikhcoalition.org.