

**Statement of the
Refugee Council USA
On FY 2007 Refugee Admissions to the United States**

Presented by

Richard Parkins
Chair, Refugee Council USA

Director
Episcopal Migration Ministries

To

Bureau of Population, Refugees, and Migration
U.S. Department of State

June 28, 2006

The Refugee Council USA is a coalition of U.S. non-governmental organizations focused on refugee protection and advocacy affecting the protection and rights of refugees, asylum seekers, displaced persons, victims of trafficking and victims of torture in the United States and across the world and is the principal consultative forum for the national resettlement agencies.

3211 4th Street NE, Washington, DC 20017-1194; tel: 202-541-5402/04 fax: 202-722-8737, www.refugeecouncilusa.org

The Refugee Council USA, a coalition of 22 agencies committed to the protection of refugees and forced migrants, is pleased to provide testimony to the Bureau of Population, Refugees, and Migration as it anticipates the U.S. admissions program for FY 2007. We thank the Bureau for providing us with this opportunity.

No testimony at this juncture in the history of the refugee program would be relevant if it did not confront the issue of material support. The Administration's interpretation of this statute jeopardizes thousands of refugees worldwide and may condemn many to a future of prolonged pain and suffering. By excluding thousands from the U.S. resettlement program, we are abandoning our moral leadership as a nation which has historically led the world in offering the most persecuted among us the safety and protection which they need and deserve.

By discrediting refugee claims because of an alleged association with a so-called terrorist organization—even when that association is under duress—the very fundamentals of the U.S. refugee program are undermined. If not resolved on an urgent basis, this provision of the USA Patriot Act and the Real ID Act, which drastically amended the Immigration and Nationality Act, could well nullify the work of the Government and its private partners in rebuilding the program after the dramatic decline in refugee admissions in recent years. As we lament the prospect of welcoming only 42,000 refugees or less this year, we are even more concerned about what the future holds, including the prospect that admissions numbers are likely to further decline. The voluntary agencies, with vital support from other colleagues in the human rights field, have worked tirelessly to support administrative solutions to this impasse. While encouraged by the limited waiver that was recently granted for a number of Burmese Karen refugees, this response is insufficient in addressing the more widespread and profound impact of denying U.S. admission to thousands of others. The prospect of undergoing a convoluted interagency process in dealing with successive refugee groups to garner a waiver for each one would severely hamper the rescue of thousands.

We acknowledge the efforts of those within the Administration to produce a more balanced policy regarding material support but urge even more vigorous efforts to reverse this misguided initiative. Executive leadership is clearly needed to end the impasse before us. In the meantime, we shall pursue a legislative remedy while hoping for a positive, comprehensive response from the Administration on changing a policy which clearly endangers a program to which we are all committed. While the Refugee Council will continue to seek ways to extend resettlement opportunities to more refugees in need, our best efforts will make sense only when this impediment to a responsible, generous, and compassionate response to the world's refugees is eliminated.

Assuming that our concerted efforts will reverse the unintended consequences of the material support bar, the Council believes that urgent attention must also be paid to the overarching problem of access to the U.S. admissions program. Even prior to the blockages created by the excesses of the material support bar, refugee admissions numbers were steadily declining, due to decreased avenues of access. Based on the experience of recent years, it seems clear that despite the considerable support the U.S. provides to UNHCR, the rate of individual Priority 1 (P-1) referrals will never keep pace with the need or with the United State's ceilings. The channel for refugees eligible through family reunification is likewise narrow. New avenues of access to the U.S. program must therefore be urgently created if significant numbers of refugees are to benefit from this life-saving solution.

To that end, we strongly encourage the administration to adopt three partial remedies to the problem of access: (1) increase designation of Priority 2 (P-2) groups; (2) increase utilization of NGO case identification and referral mechanisms; (3) institute universal Priority 3 (P-3) eligibility and rescind recent discriminatory restrictions which exclude most lawful permanent residents of the United States from reuniting with refugee relatives.

A more effective and creative use of private agencies is essential in ensuring sufficiently broad access to the U.S. refugee program, both in the identification and processing of refugees. A hallmark of the program has always been a vital public-private partnership. We believe that this partnership has great potential for strengthening the U.S. admissions program if the experience and expertise of the voluntary agencies can be used more strategically to augment the work of both the U.S. Government and the UNHCR.

Increased Designation of Priority 2 Groups

We welcome the ways in which the Bureau supports efforts to improve access to resettlement in the U.S. We know that the Bureau has committed significant additional resources to UNHCR under the “Resettlement Initiative” to bolster its ability to designate candidates for resettlement. We caution, however, against over-reliance on this mechanism for identifying cases, as it has not thus far resulted in evident increased access to the program for a variety of reasons. We therefore urge the Bureau to more aggressively consider suggestions for P-2 group referrals that rely less on the capacity of UNHCR. Many such suggestions have arisen in the context of the joint regional working groups—an invaluable strategizing forum which we are grateful to share with the Bureau. These proposals should be given due consideration in order to provide more timely solutions for a larger number of refugees. As with the trend in UNHCR’s “Project Profile,” P-2 groups in the future might be delineated by shared protection needs and vulnerabilities, in addition to those based on shared ethnic identity.

Increased Utilization of NGO Case Identification and Referral Mechanisms

We would encourage the Bureau to give increased attention to utilizing targeted response teams (TRT) to conduct field assessments as a means of identifying populations for whom resettlement might be appropriate. We were grateful for the TRTs to East and West Africa in 2004 that included private agency representatives. Both of these trips yielded fruitful results in terms of identifying caseloads for resettlement. This mechanism however has not since been utilized.

We would advocate extending this approach to include rapid response teams—an arrangement that would allow private agencies to deploy trained staff to locations where urgent crises indicate a need for the early identification of groups or individuals needing rescue through resettlement. These readily available teams could serve as an augmentation of UNHCR’s referral role in locations and at times when the UNHCR might be unable to make a timely response due to resource constraints and competing priorities.

Even though some attempts to use NGOs as a source of referrals have been successful and could serve as models, we would contend that NGOs are an underutilized resource in that regard. Currently, NGO referrals are only encouraged and sanctioned in a few locations. This important alternative avenue of access to the program should be extended to all locations globally in order to cast the net more broadly over refugees in need. Members of the Refugee Council USA, including a number with significant global operations, stand ready to assist with identifying NGO

partners overseas and training staff on resettlement requirements and expectations. We believe that with the proper training and safeguards in place, NGOs can be credible sources of referrals without compromising their core assistance mission. Additionally, NGO referral operations could be established independent of other assistance programs.

Institution of Universal P-3 Eligibility

Finally, the need for a universal P-3 should be considered. We welcome the increase in the number of nationalities for which P-3 referrals are possible. Nevertheless, there are still significant ethnicities that are excluded from this process, thus burdening UNHCR with status determinations for family members who could otherwise be covered as P-3 refugees. We feel that steps have been taken to address concerns that previously existed about the misuse of the P-3 designation and that circumstances now permit a universal P-3 designation to take place. We also urge the Department of State to rescind recent P-3 restrictions allowing asylees and refugees—but not other legal immigrants—to apply for reunification with refugee relatives abroad. Family reunion of refugees with family in the United States should be promoted irrespective of whether the U.S. relative entered as a refugee or as a legal immigrant.

As we contemplate the challenges of the year ahead, we see an even greater need to fully utilize the resources of the private agencies in invigorating the U.S. program and expanding access to resettlement. We welcome the Bureau's decision to contract with our member agency, the International Rescue Committee, to serve as the overseas processing entity (OPE) in Thailand, joining our other members currently operating OPEs worldwide. We hope that voluntary agencies with resettlement credentials will continue as processing entities with the expectation that this trend will lead to the revival of the joint voluntary agency model as the preferred means of handling the overseas processing of refugees.

We know that our federal partners are as cognizant as we of the special challenges that face the program for FY 2007. While we are eager to expand our role in the partnership which has distinguished this program since its inception, what cannot be overlooked is the material support bar which serves as a momentous obstacle threatening to undermine the entire resettlement program. This overshadows much of the good work which both the government and the private agencies are proud to claim. This challenge takes precedence over all others, as will be further revealed in the ensuing comments by our members and colleagues.

#####