



**STATEMENT OF THE HEBREW IMMIGRANT AID SOCIETY (HIAS)
PRESENTED BY MARK HETFIELD, SENIOR VICE PRESIDENT FOR POLICY AND PROGRAMS**

**AT THE PUBLIC HEARING OF THE BUREAU OF POPULATION, REFUGEES, AND MIGRATION,
DEPARTMENT OF STATE**

REGARDING THE U.S. REFUGEE ADMISSIONS PROGRAM FOR FISCAL YEAR 2011

**TUESDAY, MAY 4, 2010
ARLINGTON, VIRGINIA**

Since the enactment of the Refugee Act of 1980, HIAS and the American Jewish community have resettled nearly 340,000 Jews from Iran and the former Soviet Union in partnership with the U.S. Refugee Admissions Program (USRAP). Driven by Jewish values and out of gratitude for the USRAP bringing hundreds of thousands of Jews from persecution to freedom, HIAS has diversified its resettlement considerably over the last few years. Last year, the HIAS network resettled refugees representing 22 nationalities and a multitude of faiths.

HIAS is grateful to the USRAP for its continued international leadership in the protection of religious minorities – Jews among them – from the former Soviet Union and Iran, and for the heroic efforts of PRM (the Bureau of Population, Refugees and Migration, Department of State), USCIS (U.S. citizenship and Immigration Services, Department of Homeland Security, and OPE ICMC (Overseas Processing Entity The International Catholic Migration Commission) last year to take Yemenite Jews out of harm's way and reunite them with their families in the United States.

As a partner of the USRAP, HIAS is pleased that the United States is about to succeed Sweden and assume the year-long chairmanship Annual Tripartite Consultations (ATCR) in Geneva. The ATCR is the forum for the United Nations High Commissioner for Refugees (UNHCR), NGOs, and all of the resettlement countries to advance resettlement as a tool of protection and a durable solution. The ATCR chairmanship will provide the United States with an unparalleled opportunity to pursue international partnerships to further the strategic use of resettlement, and to lead by example. HIAS is hopeful that the working relationship between the USRAP and its NGO umbrella partner – Refugee Council USA – will be a model for other countries to follow.

The USRAP has made significant strides over the last year. Most remarkably, HIAS welcomes the doubling of the State Department's support for the reception and placement of refugees and the new flexibility built into this support. This, together with the USRAP's successful effort to more evenly distribute refugee arrivals over the course of the year, has assisted the voluntary agencies with the challenge of resettling more refugees than have been admitted at any time in the 21st Century – in spite of severe capacity issues due to the weak U.S. economy and job markets. We look forward to the launch of the White House's inter-agency plan to make the USRAP more responsive to the needs of today's refugees – a review which is the first of its kind since the passage of the Refugee Act. The review is badly needed, as the Cold War era legal and programmatic framework of the USRAP has not kept pace with the diversification of the Program.

As I've said many times, the USRAP may be likened to the Revolutionary War Flag that depicts a snake sliced into 13 pieces with the slogan "UNITE OR DIE." The USRAP has become the largest and most complex refugee resettlement program in the world. It consists of three federal agencies and their subcomponents, the voluntary agencies, the states, UNHCR, and the International Organization for Migration. Yet no one is charged with coordinating this entity on a full time basis, nor is there any forum in which the partners may address inter-agency operational or policy concerns. Consequently, many solvable problems languish.

The clear priority of the White House review is to reform domestic resettlement to be more responsive to the refugee integration needs of today. We hope the reform will boost capacity by providing local resettlement affiliates with stable funding, ensuring that funding is based on the number of refugees they agree to plan for, even if fewer refugees arrive. Refugee resettlement is a federally managed program, yet refugee benefit packages vary significantly from state-to-state. For the first year after arrival, refugees should be taken out of state welfare programs and given a standard federally determined package of benefits. This should be accompanied by extended case management and more acculturation initiatives to facilitate better integration of refugees into their new society.

In 2009 the United States resettled nearly 75,000 refugees, utilizing 93% of resettlement slots - the best performance since 1997. Congratulations are in order to UNHCR, PRM, USCIS, the OPEs, ORR, and all of the voluntary agencies for making this happen. However, this success should not cloud the dire need for improvements to make refugee processing more efficient and responsive to protection needs. According to UNHCR, in 2010 there are 161,368 refugees who need resettlement but will not be resettled due to a shortfall in capacity. We need to do better.

Family reunification – once the cornerstone of the U.S. Refugee Admissions Program, is now a train wreck. In theory, refugees have two somewhat redundant means of reuniting with family – the I-730 application and the Priority Three process. The former is unnecessarily slow and highly restrictive, and the latter has been totally non-functional for the past two years as the USRAP has attempted to address integrity problems with the program. As a result, children, husbands, wives, and parents are stuck in dangerous situations and remain separated from their loved ones in the United States. Such was the case of Wesal Adam, a four-year-old Darfuri girl who was finally reunited in 2009 with her mother and father after a separation which lasted more than half her life. Her reunification could not be accomplished through the I-730 or the P-3 processes, so HIAS and USCIS worked together to facilitate the *ad hoc* measure of humanitarian parole. We need to do better when it comes to reuniting children with their parents and husbands with wives.

These and other challenges are addressed at greater length in the attached HIAS Letter to Scott Busby and in the Refugee Protection Act introduced by Senator Leahy in March 2010. HIAS hopes both will be considered as the USRAP devises its plan of action for the coming year.

Also, every year at this meeting, HIAS raises the issue that USCIS refugee adjudications are cloaked in a level of secrecy that would not be tolerated in asylum or in any other domestic adjudication. For example, the law requires that USCIS decisions of denial for refugee status under the Lautenberg Amendment be explained “to the maximum extent feasible.” For more than 20 years, INS and USCIS have managed to evade these particular requirements of the law, and Lautenberg applicants – like all others – are given denial notices consisting of check-boxes which are devoid of any information specific enough upon which to base a meaningful appeal. Such opaque decisions make it impossible for denied refugees to ascertain whether the denial was based on an error in law, fact, or language interpretation. On April 14, however, the USCIS Ombudsman issued a report calling upon USCIS to rectify this and a number of other serious issues relating to transparency and due process in refugee adjudications. Moreover, the Ombudsman’s recommendations are addressed to all refugees, not just Lautenberg applicants. We urge USCIS to implement the recommendations of the Ombudsman without delay or dilution.

While this Administration has already achieved numerous improvements to the USRAP, we are deeply troubled by the failure to successfully address the so-called “material support” or “Terrorist Related Inadmissibility Grounds (TRIG)” issue, which has caused endless delays in refugee and asylum adjudications for applicants who supported organizations allied with the United States as well as for those who were victimized by terrorist organizations. While the U.S. Government has spent countless resources trying to figure out how to disentangle victims

and fighters of terrorism from being mislabeled as “terrorists,” a real live terrorist - Umar Farouk Abdul Mutallab – managed to board a plane with a valid U.S. visa and explosives sewn into his underwear, even after his own father reported him to the U.S. Embassy in Lagos as a terrorist threat. The highly centralized, labor-intensive, *ad hoc* approach taken in the implementation of the material support bar has diverted government resources away from detecting and acting upon *real* threats to our national security. The attached sign-on letter to the Attorney General and the Secretary of Homeland Security explains our concerns.

I conclude by noting that, while the USRAP’s strength will always be more its size than speed, it can do better – and has done better - in responding to urgent resettlement cases. The United States and UNHCR each have arrangements with third countries to bring refugees out of harm’s way while they are processed. These arrangements are currently under-utilized. Moreover, while U.S. law requires an interview for refugee adjudications, there is nothing to prohibit interviews from being conducted by video when needs dictate and a DHS officer cannot conduct an interview on-site. In the 1990’s, the United States exercised parole authority to urgently rescue refugees from Northern Iraq and developed bifurcated processing to evacuate Kosovars. Such innovations, however, have since fallen by the wayside. They should be revived. For example, political dissidents fleeing post-election violence in Iran and Iranian sexual minorities remain extremely vulnerable and stuck in UNHCR backlogs while awaiting resettlement in countries of first asylum. We urge that the USRAP work with UNHCR and with their NGO partners to think outside the box and bring these – and other individuals like them – out of harm’s way as quickly as possible.

Thank you for this opportunity and for your partnership.