

COMMENTS OF ROBERT J. CAREY
on behalf of
REFUGEE COUNCIL USA

AT THE PUBLIC HEARING OF THE BUREAU OF POPULATION, REFUGEES, AND
MIGRATION, U.S. DEPARTMENT OF STATE

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

May 4, 2010

On behalf of Refugee Council USA, I wish to thank the Bureau of Population, Refugees, and Migration (PRM) for the opportunity to offer testimony about the fiscal year 2011 U.S. Refugee Admissions Program. We have long valued the unique public-private partnership that this program represents, and we are appreciative of PRM's decision to move this hearing to earlier in the year. We believe this new timing will ensure a more meaningful consultation process.

Refugee Council USA is proud to be partners with the U.S. Government in the U.S. Refugee Admissions Program, a program that demonstrates the best humanitarian principles of the American people and gives a second chance to thousands of refugees each year. For over 30 years, we have relied on our nationwide networks to welcome refugees and help them find paths to self-sufficiency. We believe that we should, and with proper support can, provide protection to 100,000 refugees in 2011.

There are an estimated 11 million refugees around the world, and UNHCR has identified 747,000 refugees for whom resettlement is the only durable solution. As the world's leading resettlement country, we must respond to this need to not only ensure that thousands of refugees are given the opportunity to rebuild their lives, but also to continue to demonstrate that a strong U.S. resettlement program can unlock solutions for refugees around the world and expand protection space in countries of first asylum.

Family Reunification

RCUSA members are pleased to learn that information about the reinstatement of the P3 program will be forthcoming shortly. This is an issue of immediate concern to us, because eighteen months after P3 operations were suspended, an untold number of family members of refugees resettled in the United States remain separated from their loved ones. The delay in the process of revising the Affidavit of Relationship (AOR) form and related measures has resulted in the prolonged separation of relatives. In addition, due to the suspension of the family reunification program, over 6,000 unprocessed AORs were returned to resettlement agencies, including many from applicants who have since aged-out and are therefore no longer eligible to participate in the program. RCUSA members look forward to the reopening of the P3 program, and recommend that it should include universal access. In FY 2010, 18 nationalities are eligible for P3 access, but we believe that all refugees should have the opportunity to reunite with their families, regardless of their country of origin. RCUSA also supports looking at family composition with flexibility to take into account the realities of the refugee experience and the construct of families in non-Western contexts.

It is our understanding that there have been discussions about the introduction of DNA testing and its application to the P3 program. RCUSA members are concerned about this approach, and at a minimum believe that the cost of DNA testing should not be borne by the anchor relative or the refugee applicant. Requiring anchor relatives or refugee applicants to pay for DNA testing could result in a class-based resettlement scheme and contradicts the *UNHCR Note on DNA Testing to Establish Family Relationships in the Refugee Context*, which recommends that States requesting DNA testing also cover the cost of such tests and related counseling on unexpected outcomes. RCUSA urges PRM to consider alternative methods to fund any potential DNA testing.

Arrival Flows

While much work remains to reform the U.S. Refugee and Admissions Program, RCUSA would like to thank PRM, as well as their partners within U.S. Citizenship and Immigration Services (USCIS), for their on-going efforts to even out the arrival flow of refugees. Particularly in the current economic climate, a smooth arrival pattern greatly helps resettlement affiliates plan for and most effectively assist incoming refugees. RCUSA recommends that no less than 20% and no more than 30% of the annual Presidential Determination numbers should arrive per quarter.

Information Sharing

In addition, we welcomed PRM's interest in the past year to convene regular meetings with the Office of Refugee Resettlement to facilitate the exchange of information to ensure that resettled refugees receive the support they need upon arrival. RCUSA believes that the exchange of information should also extend to the transfer of data that is gathered by Overseas Processing Entities (OPEs). Information about refugees' educational backgrounds, medical conditions, and employment histories is invaluable in efforts to better plan for arrivals and provide the most comprehensive and appropriate services possible to newly arriving refugees.

Protracted Refugee Situations

RCUSA is also appreciative of the important role the United States has played in addressing some of the world's protracted refugee situations and continues to support the strategic use of resettlement to resolve these situations. For example, given the current lack of a sustainable resolution to the Iraqi refugee crisis, we are supportive of the continuation of a robust Iraqi resettlement program. In addition, the continued humanitarian crisis in Columbia remains of great concern to RCUSA members. We urge the U.S. to take all possible steps to support improved registration and assistance for Columbian refugees in Ecuador, Venezuela, Panama, and Costa Rica. RCUSA members also believe that the plight of Eritrean refugees in the Eastern part of Sudan is a protracted situation that has not received the attention it requires. Thousands of new arrivals from urban areas in Eritrea continue to cross the border into Sudan each year, and resettlement should be used strategically to encourage the development of livelihoods and integration for the tens of thousands who will remain in Sudan. Furthermore, as we know, Somalia remains the site of one of the worst humanitarian crises in the world. We urge sustained U.S. focus on Somali refugee issues, and urge the U.S. to work closely with UNHCR to develop a comprehensive plan of action to better respond to the numerous and complex needs of displaced Somalis. RCUSA also recommends that a regional strategy, an approach that is necessary for Darfuri resettlement, should now be utilized to capitalize on the recently

commenced resettlement program for Darfuri refugees from Kakuma in order to continue accessing other Darfuri populations in exile throughout the region, most notably in Chad, but also in Cairo.

Statelessness

RCUSA also commends PRM's increased focus on statelessness and urges continued attention to the problem. For example, one population RCUSA members remain interested in finding a durable solution for are Rohingya refugees. Rohingya were stripped of their Burmese nationality in 1982, rendering them stateless. Since 1999, there have been no fewer than 20 major eviction campaigns directed against the Rohingya, resulting in large-scale forced migration to neighboring countries where most Rohingya have been unable to integrate or live in safety. We urge the U.S. to support the development of a regional approach for the Rohingya and to support durable solutions, including the establishment of P2 referrals, for this population.

Best Interest Determinations

A Best Interest Determination (BID) is the critical first step in ensuring protection and potential subsequent processing for children at risk. RCUSA members are encouraged by PRM's leadership in supporting the training of UNHCR staff and implementing partners on UNHCR's new BID Guidelines. However, we recommend continued encouragement of UNHCR to further expand its BID capacity. We ask that PRM support BIDs for all vulnerable refugee children in order to assure that the best durable solutions are found for them.

Urban Refugees

As the world's population continues to rapidly urbanize, the number of refugees and internally displaced persons moving to urban areas is also increasing. In view of the complex and urgent protection needs in urban areas and how they intersect with refugee documentation, status determination, and resettlement issues, RCUSA thanks PRM for the leadership and commitment it has shown in working with UNHCR as it begins the process of implementing its *Policy on Refugee Protection and Solutions in Urban Areas*. RCUSA supports PRM's encouragement of UNHCR to make sure that all field staff are aware of and engaged with the new policy and that they receive appropriate training. RCUSA is also supportive of PRM's recommendations to UNHCR to develop minimum standards and identification of best practices for urban settings, as well as its efforts to seek more collaboration and transparency with regard to plans for UNHCR's "pilot cities" effort to test the urban refugee policy in 2010. RCUSA recommends that PRM continue to work with UNHCR to develop specific plans for the pilot sites and to encourage UNHCR to fully engage NGOs throughout the development and implementation of urban refugee policy operational guidance. We believe that NGOs have a critical role to play in identifying and serving refugees in urban areas. The best practices that have already been developed for cooperation among UNHCR, governments and NGOs in urban settings can serve as a solid foundation for the development of the pilot projects. As a leading nation in providing resettlement as a durable solution, the U.S. can also promote the strategic use of resettlement as a critical means by which to resolve protracted urban refugee situations, in addition to promoting local integration and voluntary repatriation.

Conclusion

There are countless examples of collaboration between PRM and RCUSA, and we look forward to continuing to strengthen this partnership, particularly as the United States prepares to assume the responsibility of serving as the ATC focal point. This is a significant opportunity to demonstrate to other resettlement countries around the world the uniqueness and importance of the public-private partnership that is the cornerstone of the United States resettlement program. One such example of this partnership is the recent increase of the Reception and Placement (R&P) per capita grant. We want to take this occasion to publicly commend PRM and Assistant Secretary of State Eric Schwartz for this welcome increase in the R&P grant. We believe it will greatly assist refugees as they become contributing members of American society, as well as ensure that refugee protection is a complete continuum from identification overseas to well-being and new lives of dignity upon resettlement in the United States. While the increase to the R&P grant is a tremendous step forward, we also recognize that more work needs to be done to bring about the comprehensive reform that the U.S. Refugee Program needs. For example, RCUSA members are encouraged by the recent introduction of Senator Leahy's *Refugee Protection Act*. We believe this legislation comes at the right time, as the U.S. Refugee Program celebrates and reflects on the 30th anniversary of the *Refugee Act of 1980*, and looks towards making improvements to the U.S. Refugee Program based on three decades of our nation's experience in offering refuge to the world's most vulnerable.

We thank you again for this opportunity to provide testimony today and look forward to continued collaboration as the refugee admissions goals for fiscal year 2011 are developed.