

Testimony of

The Honorable Dan Glickman

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Testimony Submitted by
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Introduction

Thank you, Chairman Leahy, for holding this important and timely hearing on renewing America's commitment to the Refugee Convention and on your legislation: the Refugee Protection Act of 2010. The United States has a treasured tradition of providing sanctuary and protection to people fleeing war, insecurity and persecution, and in the midst of so many security challenges around the world – from Burma, Afghanistan and Pakistan, to Iraq, Somalia, Sudan and Colombia. The United States is also more actively involved in reducing statelessness than ever before. I cannot think of a better time to discuss long overdue reforms to U.S. laws governing asylum, refugee resettlement, and persons who do not presently enjoy their fundamental right to a nationality.

I want to recognize the coalition of non-governmental organizations that worked over many years to encourage this legislation. Over thirty organizations and individuals have endorsed Senator Leahy's Refugee Protection Act of 2010, which is a testament to its urgency and comprehensiveness. I urge the Members of the Judiciary Committee to support and quickly pass the Refugee Protection Act of 2010 to ensure that one of our most honorable humanitarian traditions is upheld. In so doing the United States will continue to lead the world in refugee protection and stand as a powerful example to all, that our country remains a place of refuge for the world's most vulnerable to rebuild their lives and become productive members of society.

Overview of Refugee Situation Worldwide

During his Nobel Peace Prize acceptance speech in Oslo, President Obama acknowledged that in today's wars "many more civilians are killed than soldiers; the seeds of future conflict are sown . . . refugees amassed, and children scarred." As President Obama noted, we know that innocent people everywhere bear the burden of armed conflict. There are currently an estimated 15.9 million refugees worldwide. At the end of 2005 the number of refugees was at its lowest in almost a quarter of a century. The last four years have seen a sharp increase in the numbers of refugees as a result primarily of the violence in Iraq and Somalia, but also due to increasingly complex security challenges around the world.

Climate change,

Only one half of one percent of refugees are ever resettled anywhere and the United States is responsible for half of those resettlements. This is something of which to be both proud and troubled. I'm here today to say that with the right kind of internal security measures in place, we can continue to provide safe haven to the world's most vulnerable, to those whose homes have been pillaged and loved ones killed.

Statelessness

I want to begin my testimony with the story of a woman who embodies one of the most compelling, least understood – and yet solvable – global issues of our time: statelessness. Stateless people are perhaps even more vulnerable than refugees due to their near-total lack of ability to exercise their human rights.

Tatianna is a 61 year-old mother and grandmother, a piano teacher who has lived in the United States for over 20 years. She was born in Russia during Soviet times and eventually moved to what is now Ukraine. In 1992, after being persecuted by the authorities for her political beliefs, she came to the United States with the younger of two sons and applied for asylum. Their case was denied in 1997. Following its independence Ukraine passed a law requiring people to have resided in Ukraine for two years following independence to be eligible for citizenship. Tatianna had fled before having lived in Ukraine for two years and she is therefore not recognized as a Ukrainian citizen. Russia doesn't recognize Tatianna as a citizen either because Russian nationality laws require individuals to have lived in Russia after the collapse of the Soviet Union, which Tatianna did not.

This means that the United States had nowhere to return Tatianna after denying her asylum claim. Tatiana and her son are stateless. No country recognizes Tatianna as a citizen. She has no nationality, and there is no legal pathway for her to acquire citizenship in the U.S. She lives in limbo and is unable to fully participate in society. She has no travel documents and no means to acquire them. She has been separated from some of her closest family members for decades. And although she and her son have paid taxes in the United States since they arrived 20 years ago, she is not eligible for social security. Tatianna must check in with the Department of Homeland Security (DHS) every month by telephone and every six months in person. She never knows what might happen when she goes to DHS and lives in fear that she could be arbitrarily jailed.

There are an estimated 12 million stateless people like Tatianna around the world. This number rivals the 15.9 million refugees globally, yet few people understand what it means to be stateless.

Stateless people are found everywhere. Among the most vulnerable groups are the Rohingya in Burma and throughout Asia, Bidoon in the Middle East, Roma in Europe, children of Haitian migrants in the Caribbean, individuals from the former Soviet Union, denationalized Kurds, some Palestinians, and certain groups in Thailand. Their status results from factors such as political change, border demarcation or secession, forced expulsion, discrimination, nationality based solely on descent, and laws regulating marriage and birth registration.

Since 2004, Refugees International has visited over a dozen countries to assess the situation of people who are stateless or at risk of statelessness. In the course of our ongoing advocacy, we have witnessed exemplary positive developments in some cases, and backward movement in others.

In the United States there are an estimated 4,000 stateless people like Tatianna. Currently there is no

pathway for stateless people in the United States to gain lawful status. Some administrative remedies such as work authorization may help stateless people, but they are still largely ignored and unable to fully participate in society. Chairman Leahy's Refugee Protection Act of 2010 is the first piece of U.S. legislation to attempt to comprehensively address this problem in our country and would allow Tatianna and others like her to apply for legal permanent residency here and obtain their right to a nationality.

I spoke to Tatianna earlier this week and she said "I have no rights, no voice. I'm nobody." Tatianna is far from nobody and I want to thank you for recognizing that and for your efforts to respond to this most vulnerable group of disenfranchised people in the United States. I encourage others to support Chairman Leahy's legislation.

Refugee Resettlement

Thirty years ago this year, the landmark Refugee Act of 1980 codified in law a system to identify and process refugees worldwide in need of third country resettlement. The law was drafted in the wake of large scale displacement in South East Asia and was modeled around that historical experience. It was also drafted in the spirit of bringing U.S. law into compliance with the principles outlined in the 1951 United Nations Convention and 1967 Protocol relating to the Status of Refugees. As a result and in that spirit, refugee arrivals averaged over 100,000 annually through the early 1990s. They then declined to only 68,925 in 2001 and then plummeted to 26,773 in 2002 due largely to the shift in security procedures and admission requirements after September 11, 2001. In 2009 the United States had the highest level of refugee admissions in a decade with a total of 74,602. I am pleased that our refugee resettlement numbers are growing again, but I believe that the United States, as the leading humanitarian actor in the world, can do better.

There are three more provisions of the Refugee Protection Act of 2010 that I want to address:

Authorization for the Secretary of State to Designate Certain Groups Eligible for Expedited Adjudication as Refugees

The first provision is the authorization for the Secretary of State to designate certain groups eligible for expedited adjudication as refugees, through expedited interviews and streamlined consideration for admission to the United States. It would also allow DHS to focus the refugee interview and adjudication process on admissibility and security issues rather than on re-establishing that each individual meets the refugee definition. In the words of Erika Feller, Assistant United Nations High Commissioner for Refugees (UNHCR), "the credibility of resettlement efforts depends on programs being balanced according to global needs and priorities."

Today the average refugee lives in exile for 17 years, without dignity, work, access to education or hope for a future. Two of Refugees International's advocates are currently in Djibouti, where 13,000 Ethiopian and Somali refugees have lived in a desolate desert camp for decades, largely forgotten by the international community. Often these refugees are born into exile in the camps and have little knowledge of the places from which their parents fled.

Now, for the first time since 2001, some refugees have the opportunity to access resettlement opportunities to the United States. This provision will help facilitate the process by ensuring that this group of refugees is admissible under U.S. law and meets the security requirements, preventing the waste of resources to re-establish what UNHCR has known for twenty years—that they are refugees in

need of protection.

This authority would allow the United States to send a clear message to the world and to UNHCR about the refugee populations in particular need and of priority concern to the United States.

Protecting Victims of Terrorism from Being Defined as Terrorists:

The second provision I would like to discuss is designed to protect victims of terrorism from being defined as terrorists. It is critical for the U.S. Congress to address further the unintended consequences of the USA PATRIOT ACT for the protection of refugees and asylum seekers. Refugees International is grateful for past bi-partisan efforts to address this issue but more must be done. Section 4 of the Refugee Protection Act of 2010 would amend the law to exclude coerced activity from the definition of "terrorist activity" and further clarify the definition of the term so it does not include virtually all armed conduct. It would also repeal a provision that makes spouses and children inadmissible for the acts of a spouse or parent.

It is unacceptable that the law as it stands is denying entry and protection to thousands of refugee and asylum seekers with bona fide claims. These include some Iraqi groups who rose up against Saddam Hussein; Afghan mujahidin groups that fought the Soviet invasion in the 1980s with U.S. support; groups that have taken up arms against the Iranian government since the 1979 revolution; and members of the Movement for Democratic Change, the main political opposition to President Robert Mugabe of Zimbabwe.

There are countless examples of victims of terrorist acts and other forms of violence and persecution who are being denied safe haven in the United States because of current U.S. law. Refugees International advocates who travel the world often come across women and men who have been terrorized into giving what little they have to armed groups. That does not make them terrorists. As a former Member of Congress I understand the delicate balance between national security and our obligation to help the neediest. The security related grounds of inadmissibility in the Immigration and Nationality Act were enacted to protect national security and prevent individuals who have engaged in the most brutal acts, including terrorism, genocide, torture and crimes against humanity, from being granted admission to the United States. It was well intended. But we went overboard and now we know that we have further harmed people who have already been so damaged. I know that none of the Members of the Judiciary Committee intended for that to happen and I urge you to work with Chairman Leahy to amend these laws through the Refugee Protection Act of 2010.

Updating the Reception and Placement Grants to Better Reflect the True Cost of Resettlement

Finally, one of the most critical parts of the resettlement process is the Reception and Placement process financed through the State Department's Bureau for Population, Refugees and Migration (PRM) and implemented by 10 voluntary agencies. These services are provided through a per capita grant used for two purposes: 1) to cover rent, security deposit, utilities, food and other necessary expenses to support refugees in the initial reception period, and 2) to fund resettlement workers around the country to provide pre-arrival services like locating housing for the refugee, receiving them at the airport, orienting them to their new community, facilitating health screenings for enrollment in school for refugee children, linking them to employment, setting them up with English programs, etc.

In 1975 the total grant for both the refugee and the resettlement worker was \$565. Up until last year we were providing refugee resettlement grants of only \$900. This means that over the course of 35 years,

despite the increasing costs of resettlement, the impact of inflation, and the increased cost of living, the grant rose by less than \$400. If we were to calculate the grant today based on need it would be around \$2,200. Last year the grant was raised from \$900 per capita to \$1,800 per capita, for which we are grateful to Congress and PRM.

Section 21 of the Refugee Protection Act of 2010 would require the Secretary of State to conduct, on an annual basis, a review of the Reception and Placement grant amount to ensure that it reflects the actual costs of resettlement during the first 30-90 days. The Secretary would then notify Congress of any changes.

This is long overdue. For years we have accepted refugees into our country only to relegate them to poverty. This is wrong for us, it's wrong for our new neighbors, it's bad for the economy and it's bad for our reputation around the world when refugees communicate their situation to family members back home. I urge the Members of the Judiciary Committee to support this provision by supporting and passing the Refugee Protection Act of 2010. In so doing we can ensure that we give refugees a basic foothold from which to rebuild their lives and the basic protection we promised them when we agreed to offer them a durable solution from their plight as refugees.

Conclusion

The U.S. has a long and proud history of providing protection and long-lasting durable solutions to refugees, including Hmong refugees who fought with the United States in Vietnam, Soviet Jews, Iraqis who were displaced due to the U.S. led war, and many other populations in need of an opportunity to rebuild their lives. We have helped victims of rape and sexual violence, unaccompanied refugee children, the sick, the elderly, and those facing indefinite detention and the threat of forced return to the hands of their persecutors.

The provisions in the Leahy bill will help strengthen the Refugee Protection Act and ensure that the proud and historic U.S. traditions of refugee resettlement and providing basic protection for the world's most vulnerable are upheld.

I want to close by recognizing the good work of Senators of both parties for ensuring that the steps we take to provide safe haven for refugees and asylum seekers with bona fide claims do not come at the expense of security here at home. But I also strongly believe that the protections granted in the Refugee Protection Act of 2010 do not come at the expense of national security. Rather I believe it will enhance our security and global standing by showcasing the compassion and justice on which the United States was founded.