

**Testimony of  
Migration and Refugee Services  
United States Conference of Catholic Bishops**

**United States Senate Committee on the Judiciary  
“Renewing America’s Commitment to the Refugee Convention:  
The Refugee Protection Act of 2010”**

**May 19, 2010**

Migration and Refugee Services of the U.S. Conference of Catholic Bishops (MRS/USCCB) is the resettlement arm of the U.S. Catholic bishops and the largest resettlement agency in the United States, helping to resettle more than one-quarter of the refugees brought to the United States each year. Through more than 100 dioceses across the country, we provide much needed transitional and long-term support to refugees entering the United States, with the goal of helping them gain self-sufficiency in a short time period.

We are guided by the teachings of the Catholic Church, which calls upon all to welcome newcomers with dignity and respect. MRS/USCCB applauds Senator Patrick Leahy (D-VT) for his introduction of the Refugee Protection Act of 2010 (S. 3113) and offer our support for the legislation.

As we celebrate the 30th anniversary of the Refugee Act of 1980, which established the legal framework for the refugee and asylum systems, it is appropriate that we look toward making improvements to those systems based on our three decades of experience. While much has been done to protect and serve refugees and asylum seekers in the intervening years, current policies and practice fall short of our international obligations and our moral responsibility.

The importance of a robust United States refugee resettlement program and of a fair, efficient, and humane asylum process cannot be overstated. Since the passage of the Refugee Act thirty years ago, approximately 500,000 people have been granted asylum and 2.8 million refugees have been resettled in the United States from nearly every corner of the globe.

The U.S. Refugee Program and asylum system are cornerstones of the American ideal to provide safety for the most vulnerable, and in doing so provide protection and the opportunity for people from around the world to build new lives in this country after fleeing persecution. While we celebrate the many successes of our asylum and refugee programs, the 30th anniversary of the Refugee Act provides an important opportunity to

reassess the program and make needed changes. As the refugee resettlement program has changed little during the past 30 years, it is high time we make long-overdue improvements and ensure that we can continue to offer protection and support to the world's most vulnerable individuals.

As the U.S. government reflects upon its accomplishments and commits itself to fixing identified problems, the Refugee Protection Act offers a set of practical solutions that would reduce inefficiencies, avoid redundancies, and improve the United States' ability to provide protection to refugees and asylum seekers in a timely, effective and humane manner. This bill would help to ensure that the United States reaffirms its commitment to be a worldwide leader in protecting those fleeing persecution.

The Refugee Protection Act includes a number of key improvements to the resettlement program and asylum system. While the following list of issues does not represent the totality of our interests with respect to this legislation, we would like to highlight several provisions which will better enable the U.S. refugee resettlement program and the asylum system to function smoothly and fairly and to best offer protection to those it is intended to serve.

#### **Protection of Refugee Families**

Of great concern to MRS/USCCB are the protection of children and the strengthening of families. Section 17 of the Refugee Protection Act would help facilitate the reunification of refugee families and protect refugee children in a number of ways, including by enabling the spouse or child of a refugee to bring their children to the United States when they accompany or follow to join the spouse or parent who was originally awarded refugee status.

Current law does not allow a derivative's child to be admitted as a refugee, yet, given the long waits and often unsafe conditions that many derivative applicants and their children face in camps overseas, the United States should provide this group protection. This bill would also help children who were orphaned or abandoned by their blood relatives and are living in the care of extended family, friends, or neighbors who are granted admission to the United States as refugees or asylees.

Where it is in the best interest of such a child to join that refugee or asylee in the United States, this section creates a mechanism whereby they may be admitted. Over the course of our many years of serving unaccompanied and separated refugee children, we know just how crucial it is to have the best possible care situation for a child who has suffered persecution and the loss of family members.

#### **Protecting Victims of Terror from Being Defined as Terrorists**

We support Section 4 of the legislation, which would ensure that asylum seekers and refugees are not barred from admission to the United States under an overly broad definition of terrorist organizations and terrorist activities in the Immigration and Nationality Act (INA).

The U.S. Catholic bishops appreciate and support the responsibility and obligation of our government to protect the American public from terrorist attacks or other hostile actions. We believe, however, that this goal can be achieved without harming individuals who are not a security threat and are in need of protection from those groups or individuals who are indeed threats to our country and others.

Since September 11, 2001, changes in the law have resulted in innocent activity and coerced actions being labeled as material support for terrorism, a determination that can render genuine refugees ineligible for protection in the United States. The security related grounds of inadmissibility contained in INA §212(a)(3) were enacted to protect the national security interests of the United States and prevent individuals who have engaged in acts of terrorism, genocide, torture or other crimes against humanity from being granted admission to the United States.

In our view, the current definitions of terrorism and terrorist activity within the INA are overly broad and are resulting in unintended consequences for refugees and asylum seekers who are themselves fleeing terrorism and persecution. For example, an individual who was forced to give a glass of water or a cup of rice to an armed group classified as a terrorist organization would be inadmissible to the U.S. resettlement program. Instead of protecting our country from terrorists, these laws are punishing victims of terrorism.

### **Lawful Permanent Resident Status of Refugees and Asylum Seekers Granted Asylum**

Section 14 of the bill would enable refugees and asylees to become lawful permanent residents (LPRs) when they receive the grant of refugee or asylee status. Current law requires both to wait for one year before adjusting to LPR status. This modification to current law would save taxpayer dollars by eliminating the cost of processing refugee LPR applications and running security and background checks on persons who passed the same checks one year earlier.

It will also enable refugees and asylees to integrate into American communities more fully and efficiently than if they are forced to wait a full year before applying for a green card. By providing refugees LPR status, or “green cards”, upon arrival, this provision would improve the reception refugees receive; reduce confusion with employers, landlords, and social service providers; and improve the refugee resettlement process as a whole.

### **Elimination of Arbitrary Time Limits on Asylum Applications**

In Section 3 the bill would eliminate the one-year time limit for filing an asylum claim. In many cases, refugees or asylum-seekers are unable to obtain documentation or legal assistance to meet the required deadline, or they simply are unaware of the deadline. This prevents many from receiving protection they deserve.

The stated intent of Congress in enacting the one-year deadline was to prevent fraud, not to deprive *bona fide* applicants from securing protection under our laws. Yet, even when

the deadline was originally enacted, problems related to fraud had been resolved through administrative reform implemented by the INS, which opposed the implementation of an application deadline.

Since the one-year deadline was enacted in 1996, and despite exceptions available in the law for extraordinary or changed circumstances that may prevent the timely filing of an application, many asylum seekers with genuine claims have been denied protection. For instance, many adjudicators do not allow an exception for those who have suffered severe psychological trauma prior to entering the United States. Eliminating the one-year filing deadline would enable adjudicators to evaluate individual cases on their merits rather than on largely arbitrary time limits.

### **Secure Alternatives Program and Conditions of Detention**

This legislation goes on to establish standards and requirements for detention facilities and requires DHS to promulgate regulations and procedures to enforce the detention requirements, including the establishment of a detention commission to report on compliance. Large numbers of detainee deaths, including several high profile cases, have drawn attention to the urgent need for enforceable minimum standards governing the conditions of detention and the treatment of detainees.

In addition, the rapid expansion of immigration detention involving privately contracted facilities and state and local jails has underscored the need to move away from a sprawling criminal model and toward a civil model of detention. Enacting standards and requirements would ensure that immigrants are not held in the same conditions as criminals with whom they may be housed.

The legislation also establishes a nationwide program for group legal orientation presentations, and requires the Secretary of Homeland Security to establish a secure “alternatives to detention” program. Alternatives to detention are a pressing need for vulnerable populations and those who pose no risk of flight or harm to the community. Detention can exact a high toll on individuals and families, and even affect the legal and parental rights of detained immigrants. Alternatives programs have been shown to be effective and offer cost savings to U.S. taxpayers. For these reasons, we strongly support Sections 9 and 10 of this bill.

### **Authority to Designate Certain Groups of Refugees for Consideration**

Section 20 of S. 3113 would authorize the Secretary of State to designate certain groups as eligible for expedited adjudication as refugees. The authority would address situations in which a group is targeted for persecution in their country of origin or country of first asylum and the Secretary wishes to expedite refugee processing for humanitarian reasons.

In addition to enhancing security and the efficiency of the refugee adjudication process, the provision would bolster the U.S. Refugee Admissions Program's efforts to assist refugees who have no realistic prospects of return to their homes or integration in their countries of first asylum, but who have been outside of their countries of persecution for

so long that they may have difficulty articulating the conditions in their home country to a degree sufficient to meet current adjudication standards.

Over 200,000 Eritreans, for example, have languished in Sudan and Ethiopia for 40 years, while nearly 150,000 Sudanese in the Great Lakes region sit for 25 years now with no durable solutions in sight. This provision would also assist children and others who are known to be vulnerable and have difficulty expressing their own refugee claims.

The program would not be limited to refugees in protracted situations but could also help other groups of vulnerable refugees designated by the Secretary of State, in particular those whose country conditions and persecution claims are similar and well-understood.

### **Update of Reception and Placement Grants**

Section 21 of the Refugee Protection Act would ensure regular updating of the per capita grant administered by the Department of State. This grant provides refugees with financial and case management support upon arrival.

When a refugee is resettled in the United States, the federal government provides financial support that help refugees find housing, place their children in school, enroll in ESL classes, and take other initial steps toward building a new life in the United States.

Early in 2010, the per capita grant level was increased, but prior to 2010 the per capita level had not kept pace with inflation. For years it was set at a level so low that refugees were effectively consigned to poverty upon arrival in the United States, and resettlement agencies were barely able to offset the cost of basic support services to the refugees by raising additional funds.

To ensure that the per capita amount does not fall behind the minimum level required for basic needs, this legislation would require that the per capita amount be adjusted on an annual basis for inflation and the cost of living.

### **Protections for Aliens Interdicted at Sea**

We applaud Section 23 of the legislation, which would require DHS to develop uniform policies to identify asylum seekers interdicted at sea and ensure protection in the course of interdiction and rescue operations.

### **Protection of Stateless Persons in the United States**

Finally, the Refugee Protection Act would enable *de jure* stateless persons (those individuals who are not considered to be citizens under the laws of any country) who are present in the United States to gain lawful status in the United States. Individuals in such circumstances do not have a country and therefore cannot be returned anywhere. They are ineligible for lawfully recognized status in the United States based on the fact that they are stateless. Section 24 would make such persons eligible to apply for conditional lawful status if they are not inadmissible under criminal or security grounds and if they pass all standard background checks. After one year in conditional status, *de jure* stateless persons would be eligible to apply for lawful permanent status.

In conclusion, the important improvements and expanded protections included in the Refugee Protection Act of 2010 make it an essential piece of legislation which is crucial to bringing the U.S. refugee program and asylum system up to date and ensuring that our nation serves those in need of protection while keeping our country safe.

The U.S. Conference of Catholic Bishops supports these much needed changes and looks forward to being better able to serve those newcomers we welcome to the United States each year.