

STATEMENT 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 2009

June 11, 2008

Refugee Council USA appreciates the opportunity to offer testimony on the fiscal year 2009 U.S. Refugee Admissions Program. We have long valued the unique public-private partnership that this program represents. We strongly believe that the U.S. can and should reach an admissions target of 100,000 refugees in FY 2009. This number is consistent with the President's commitment to expand the program. The number also reflects UNHCR's renewed commitment to resettlement and increase in its referrals. Indeed, based on its global needs assessment, in 2006 UNHCR referred over 53,000 cases globally, of which almost 30,000 were referred to the U.S., signifying a 17.1% increase. In 2007 UNHCR referrals increased by over 100%. Global referrals totaled 98,983, of which 72,431 were referred to the U.S. Most importantly our collective networks have the will and the capacity to welcome and to help integrate at least 100,000 refugees. Resettlement not only helps to rebuild the lives of countless individuals, it can also serve as a key burden-sharing tool that brings much wider protection dividends. As we have recently witnessed with the case of the so-called "1972 Burundians," due to the U.S.' commitment to resettle several thousand of these refugees, up to 100,000 others may be afforded local integration by the Government of Tanzania.

The FY08 target of 80,000 refugees was a welcome increase from the low arrivals in the years immediately following September 11, 2001. We hope this trend continues in FY09. We also appreciate the decline in unallocated reserve numbers to 10,000; yet, we continue to believe that all numbers should be assigned to a specific region to help ensure the most effective programming and planning. If these numbers are not needed by the region to which they are initially assigned and are needed for an emergent caseload, they could be shifted. Allocating all of the available numbers also helps ensure that the government is treating the Presidential Determination as a target and not as a ceiling. This is not pure semantics: a ceiling represents a number not to be exceeded, whereas a target presents a goal to be achieved.

To reach the target, now more than ever, the U.S. needs to invest resources into ensuring that the resettlement process is timely and efficient. Many factors—including increasing referrals from UNHCR, growing global needs, stringent security screenings and the growing diversity of populations in far reaching geographic locations—require the Government to engage in proactive planning that takes into consideration all of these dynamics and changing realities. We appreciate the increase in the number of refugees interviewed in the first, second, and third quarters of FY08. This will hopefully reduce the comparatively large numbers of refugees who often arrive in the fourth quarter, providing for a more even and predictable program that better serves refugees.

To anticipate and resolve the complexities and challenges of the USRP in the 21st Century, more pro-active and multi-year planning is needed. Preliminary preparation and organization should commence well in advance of the annual Presidential Determination on refugee admissions to ensure a more effective and coordinated process and program. In light of this, certain procedures should be reviewed. For example, from countries with large group resettlement, it would be useful to consider permanent postings of USCIS Refugee Officers for adjudications for more efficient and quicker processing. Similarly, while we support a security process that preserves the integrity of the USRP, lengthy delays in procuring Security Advisory Opinions (SAO) can disrupt and cause a significant break in refugee processing. In addition, improving coordination between the SAOs and the medical screening process is greatly needed. Unfortunately, there is often a problematic cycle of expired clearances – refugees pass their medical exam but await the SAO clearance. Once the SAO is available, medical approval has expired; thus requiring another round of medical exams and lab tests. As such, the Government should review the time required for security clearance and related or interdependent processes. We also encourage efforts aimed at addressing and eliminating the Refugee Access Verification Unit (RAVU) backlog, as well as developing and implementing procedures that will prevent future backlogs. A systematic U.S. response is necessary for host governments that increasingly delay or even refuse exit permission to refugees accepted for U.S. resettlement. Finally, resources must not only be invested in overseas operations to ensure that processing operations run smoothly and ceilings are met, but must also adequately support the domestic side of the resettlement process to ensure that the resettlement process is a success and that public support for refugee resettlement is sustained.

For the past several years one of the largest obstacles confronting the U.S. Refugee Program has been the “material support” and related bars of inadmissibility. There has been some minor progress on this issue. To date approximately 5,000 refugees and asylees have been granted “material support” group waivers and have thus been granted protection in the U.S. Still, the “waiver” authority is discretionary and the process remains very problematic.. Judicial review of a determination to grant or revoke a “waiver” is limited, and the application of these waivers is extremely slow, bureaucratic, time consuming, and in some cases arbitrary. There is currently no administrative procedure for status adjustment cases on hold for material support. Only three Tier I and II groups (all three from Colombia), have been designated so that individuals who provided support to these groups under duress can be considered for waivers. Many more need to be quickly designated. There has also been little progress in adjudicating cases involving activities related to Tier III groups. The current process of requiring each Tier III group to be specifically designated before an individual can be granted a waiver has proven unworkable. We are also seeing application of the INA’s definition of a “non-designated” or “Tier III” “terrorist organization” to groups that have not existed in years, to groups that are no longer engaged in any use of force, and to groups that were not engaged in the use of force at the time the applicant was connected to the group. Since no formal list of suspect organizations defines Tier III, decisions are being made in an historical vacuum, based on unsophisticated use of internet sources. Finally, there has been little progress on implementing procedures for considering waivers for individuals in removal proceedings.

Moreover, the Consolidated Appropriations Act of 2008, in which there was a provision that broadened the Administration’s authority to waive any terrorism-related bar to admission, has

yet to be implemented. While the waivers have helped some refugees, broadened “waiver” authority alone will not solve the on-going “material support” problem plaguing refugees and asylum seekers. Unless the root of this problem is addressed legislatively, “material support” will continue to plague the U.S. Resettlement Program and hamper efforts aimed at making processing more efficient. We call on the Administration to offer strong leadership in seeking Congressional action aimed at revising the overly broad definition of “terrorist activity.” Otherwise, to enshrine the waiver process as a normal feature of the U.S. program is to condemn the program to a complicated and almost unrealistic bureaucratic process which will ultimately hamper its recovery.

Among those groups affected by the “material support” bar are Iraqi refugees. “Material support” issues are but one of many issues that have affected the timely resettlement of these refugees to the U.S. Despite unprecedented UNHCR referrals in a short period of time, the U.S. admission pledges for Iraqis continue to fall short. In FY07, of the pledged 7,000, only 1,608 were admitted; in FY08, of the pledged 12,000, only 4,500 have been admitted as of May 21st. Given the special U.S. responsibility for these particular refugees, it is imperative that the U.S. continue to develop plans to help identify and resettle in a timely fashion refugees at risk. In May 2007 UNHCR estimated that some 66,000 Iraqis were in need of third country resettlement in a multiyear effort between 2007 and 2011. The analysis was based on the assumption that conditions in Iraq will allow voluntary repatriation in conditions of safety and dignity as of 2009. To date few refugees have voluntarily returned. Some, with dwindling savings and few opportunities to work, returned due to cash payment incentives and free transportation by the Government of Iraq. Based on recent UNHCR surveys and reports, the majority do not believe that the security conditions warrant safe and dignified returns. Moreover, there is no property restitution system in place; thus, it is likely that many refugees will become displaced internally if they repatriate now. The Iraqi refugee situation will likely be a protracted one. The longer Iraqis live in exile without access to livelihoods and with little aid, the more precarious the protection situation will become for them. It is therefore critical to increase opportunities for their resettlement. Indeed UNHCR has revised its resettlement needs assessment of Iraqis to over 95,000.

If those numbers are to be resettled, the process needs to be vastly improved. The U.S. needs an extraordinary response to the crisis—not merely business-as-usual. To help preserve the rapidly dwindling first asylum space, the U.S. must demonstrate to the host countries its commitment to international responsibility sharing. To date, so few Iraqis have been admitted to the U.S. that even UNHCR is questioning the utility of its effort to provide a steady stream of referrals. While new infrastructure has been built to help process Iraqis, it is inadequate to meet the needs of the U.S.’ modest program currently in place, let alone UNHCR’s projected needs. Since refugees live in urban areas (and not in easily defined camp locations), outreach and identification is a critical component to ensure the success of this program. An active publicity campaign detailing the U.S.’s “direct access program” is needed to ensure that all those who are eligible are aware of its existence. Unfortunately, misinformation and lack of information continue to be the norm. We welcome PRM’s in-country processing efforts for those Iraqi refugees who were unable to leave Iraq. We would encourage PRM to explore options to expand in-country processing so more refugees can benefit from this added avenue into the U.S. resettlement program.

Non-governmental organizations responding to the Iraqi refugee crisis and others should be trained and encouraged to refer cases for resettlement. We are appreciative of the latest NGO resettlement referral training in Cairo, but sustained commitment and follow-up by the government is required to make this model more viable. With training and clear guidelines, NGO resources could appreciably augment access to the U.S. program, especially in urban areas where reaching out to refugees is more challenging. We hope that wider use of this approach would become a feature of the U.S. program. This use of the private sector as partners in case identification and processing has also been tried through the creation of targeted response teams. In the past few years these pilot projects have been dormant and are in need of revitalization. RCUSA is ready and willing to meet with you to further discuss areas where this might be appropriate.

RCUSA is dedicated to ensuring that vulnerable refugees in different regions around the world have continued access to resettlement. In Africa, the resettlement numbers have declined while resettlement needs increase. We urge the U.S. government to increase attention toward protracted refugee situations, including Somalis and populations from eastern Democratic Republic of Congo. Other vulnerable refugee situations include Eritreans and Darfuri refugees in Chad. Due to the disturbing violations of refugee rights in South Africa as well as in other parts of the continent, these trends warrant a renewed emphasis on resettlement from Africa and an increase in the admissions ceiling for African refugees.

Our members are strongly committed to ensuring that resettlement occurs under the highest standards and with the utmost integrity. Persons in need of family reunification should continue to be provided the opportunity to present themselves to the program. RCUSA has repeatedly recommended a universal P3 as a vehicle for augmenting access to the U.S. program. The more that nationalities and categories of relatives can be expanded for inclusion in the U.S. program, the greater will be UNHCR's ability to reach out to those truly vulnerable refugees whose only access to U.S. resettlement is through the P1 referral mechanism.

There have been many instances of collaboration and information sharing between the RCUSA members and PRM this past year, and the Council appreciates the commitment of the former Assistant Secretary and the current Acting Assistant Secretary and their staff to cooperatively approach issues affecting the U.S. Admissions Program. The Council remains committed to the partnership and hope our testimony will be used to help develop refugee admissions goals for FY2009. We stand ready to work with you to reinvigorate the U.S. resettlement program, to restore admission numbers to their historic levels, and to actively pursue new means of making the program more generous and accessible.