

**Statement of HIAS (the Hebrew Immigrant Aid Society)
Public Meeting on the FY 2008 Refugee Admissions Program
United States Department of State
Arlington, Virginia
June 6, 2007**

Presented by Mark Hetfield, Senior Vice President, Policy and Programs

My name is Mark Hetfield, Senior Vice President for Policy and Programs at the Hebrew Immigrant Aid Society. Thank you for this opportunity to present HIAS' views on the fiscal year 2008 Refugee Admissions Program.

We would, however, like to request that -- for FY2009 -- the Department of State provide us with more time than one week -- with a federal as well as a major religious holiday intervening in between -- to prepare and submit our comments for this important meeting. This year, the invitation was published in the Federal Register on May 23, 2007, with comments due by close of business on May 30, 2007.

HIAS is the international migration agency of the American Jewish Community -- a community that has long viewed the U.S. Refugee program as a pillar of U.S. foreign policy, of U.S. humanitarian policy, and of our national heritage as a land of refuge for those who have fled persecution. Our community deeply values our public-private partnership with the U.S. government to provide protection and assistance to vulnerable refugees around the world -- including over 400,000 Jewish and non-Jewish refugees who -- since the 1970's -- have been integrated into American society by local Jewish communities.

HIAS is particularly grateful to the U.S. Refugee Admissions Program for the protection which it has extended to those who have fled religious persecution from Iran and the former Soviet Union. As HIAS and nearly 3 dozen other Jewish agencies expressed in a letter to Condoleezza Rice on January 12, 2007, we urge that the similar protections be vigorously extended to the Christians and other religious minorities who are currently fleeing Iraq.

Last year, HIAS -- and all of the agencies of Refugee Council USA -- focused our remarks on the issue of material support -- a provision of the USA Patriot and REAL ID Acts. As you are well aware, this provision has effectively barred from the U.S. victims of rape, robbery, extortion, and mutilation -- for knowingly -- even if unwillingly -- providing support to the terrorists who persecuted them.

Since that time, however, the Administration has made substantial progress in addressing the problem of material support. The Administration has signed waivers for additional groups from Burma, Cuba, and Tibet; established a process for waivers for individuals who provided material support under duress; and extended such waivers to asylum seekers as well as to refugees.

Much work, however remains to be done. Otherwise, members of pro-democracy organizations as well as freedom fighters supported by the U.S. will continue to be barred from the United States until Congress extends waiver eligibility to organization members and combatants. The Administration needs to implement – and vigorously – its new policy for duress waivers. And finally, the Administration needs to replace its current *ad hoc* approach with a formal process to allow refugee and asylum applicants to apply for non-duress waivers.

The refugee applicants and asylum seekers whose cases have been put on hold have not been the only victims of the material support bar. The bar has devastated the U.S. Refugee Admissions Program and severely undermined U.S. leadership in the realm of refugee protection.

It is time to remedy not only the material support bar, but all the collateral damage which it has caused:

During the UNHCR Global Consultations on Refugee Protection, the United States had been a proponent for the strategic use of resettlement, defined as “the planned use of resettlement that maximizes the benefit of resettlement, either directly or indirectly, to refugees other than those being resettled.” Given the relatively large size of the U.S. Refugee Admissions program, the United States has the greatest potential for deploying resettlement in such a strategic manner.

The advent of the material support bar and similarly sweeping security protocols, however, have severely hindered the ability of the U.S. to promote the strategic use of resettlement.

There have been major successes, to be sure. The hard work of the U.S. Refugee Admissions Program and its partners has resulted in the successful resettlement of the Meskhetian Turks out of Krasnodar, the overcoming of material support bars to resettle Burmese Chin and Karen out of Thailand and Malaysia, and what we hope will be the imminent resettlement of Bhutanese out of Nepal. These large programs were designed to emphasize resettlement as a complement to the other durable solutions: local integration and voluntary repatriation, and were also intended to support the principle of first asylum.

The material support bar and other quasi-security protocols have, however, severely limited the opportunity for such successes in other settings:

First, in its report to Congress in 2001, the Administration outlined its plan to reach a target of 90,000 refugee admissions by FY2005. While a target of 90,000 should be feasible in a program which resettled 100,000 or more refugees annually from 1989-1995, the actual number resettled in FY2005 was slightly more than half of that target, and FY2006 was less than half. This shrinkage of U.S. refugee admissions has resulted in inadequate funding for a robust U.S. Refugee Admissions Program which, in turn, has

resulted in the lowest levels of refugee admissions since the passage of the Refugee Act of 1980.

We also lament that the Presidential Determination for FY2007 Refugee Admissions – for the first time ever – emphasized that the admissions level of 70,000 is *not* a target – but a ceiling. This declaration marks a reversal from six years ago, when the U.S. Refugee Admissions Program maintained it would strive to reach a target of 90,000 admissions.

The ceiling is now at such a low level that it cannot even rescue refugees who are standing in a dangerous queue for resettlement. For example, the regional ceiling is now so low that – at current admissions levels - religious minorities from Iran will be required to wait in their country of persecution for more than two years before they can be resettled to the United States. We urge that the Refugee Admissions target be raised to a level where current pipeline needs are being met, and where the United States also has the potential to ensure that resettlement will be used to more effectively respond to refugee crises in Iraq and elsewhere.

In 2005, HIAS welcomed the State Department’s release of its groundbreaking report entitled, “The United States Refugee Admissions Program: Reforms for a New Era of Refugee Resettlement”, by Professor David Martin. Unfortunately, the material support quagmire has diverted the attention of the U.S. Refugee Admissions Program from considering the important recommendations put forth in that report. Professor Martin made a number of sensible recommendation for administrative and legislative reform intended to invigorate the U.S. Refugee Admissions Program and to efficiently and strategically identify refugees who are in need of resettlement as a durable solution as well as those in need of resettlement as a tool of protection.

It is particularly worth noting that Priority Martin’s report focused on engaging the State Department and its partners in a more vigorous and systematic effort to identify one-to two new refugee groups to the pipeline each *month*. In spite of this recommendation, the list of Priority Two groups of special humanitarian concern to the United States – an efficient way to process distinct refugee groups since there is no need for labor intensive UNHCR referrals – looks very much the same as it did in 1994, when the new priority system was created.

The Priority Two groups consist primarily of refugee groups from the Cold War era – religious minorities from Iran and the former Soviet Union, Cubans, and Vietnamese. Human rights conditions in all of these countries certainly warrant the continuation of those programs, and HIAS strongly supports the maintenance of these Priority Two groups. Yet we would also welcome an effort by the U.S. Refugee Admissions Program to implement Professor Martin’s recommendations to more vigorously and systematically identify new groups in need of resettlement. UNHCR’s resettlement efforts – and its under-resourced efforts to preserve first asylum and promote durable solutions – should be complemented with direct resettlement processing for groups of special humanitarian concern to the United States.

While we may not agree with every recommendation of Professor Martin, they are all worthy of debate and serious consideration. It is time for the U.S. Refugee Program to give them serious consideration, and to ensure that the Presidential determination for FY2008 is revised to reflect one of David Martin's guiding recommendations – that “the number of admissions set in the annual Presidential Determination should be treated as a goal, not a ceiling...”

We would also like to emphasize the importance of family reunion and refugee resettlement.

Recently, the HIAS file on Otto Frank, the father of Ann Frank, was discovered. The file documents Otto Frank's efforts – until his family was forced to go into hiding – to apply for visas so that he and his family could flee to the United States to join his wife's brothers. U.S. government red tape prevented this from happening, and the tragic consequences are well known. There were many thousands of other Holocaust victims whose efforts to join their families in the United States were also in vain.

After the Holocaust, the U.S. Refugee Program became much more responsive to reuniting refugees with family members in the United States. In more recent years, however, family reunification has been made increasingly difficult. U.S. Permanent residents and even U.S. citizens can no longer serve as anchors to their refugee parents, and no refugee groups have been able to reunite with their brothers, sisters, and adult children since the Bosnian conflict. We understand that the U.S. Refugee Admissions Program has submitted a proposal to the Department of Homeland Security to expand family reunion possibilities for Iraqi refugees. HIAS welcomes this initiative, urges the Department of Homeland Security to act on the proposal with great urgency, and hopes more pro-family refugee resettlement initiatives will be pursued in the future.