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**STATEMENT OF RICHARD PARKINS
FOR THE REFUGEE COUNCIL USA MEMBERS**

**AT THE PUBLIC HEARING OF THE BUREAU OF POPULATION, REFUGEES, AND
MIGRATION, DEPARTMENT OF STATE**

REGARDING THE U.S. REFUGEE PROGRAM FOR FISCAL YEAR 2008

June 6, 2007

Refugee Council USA appreciates the opportunity to offer testimony at this public hearing which anticipates the US admissions program for the next fiscal year. We remain steadfast in our commitment to an admissions target of 90,000 refugees—an admissions number consistent with the President’s commitment that the US program should grow to this level. Moreover, we believe that it is altogether reasonable that the US should seek to admit 90,000 refugees next year given the ongoing need to sustain resettlement as a strategic tool of protection which must be available to a significant number of the world’s 13 million refugees. The voluntary agencies are certain that our nation has the capacity to offer good resettlement to this number of persons.

We believe that the time has come to move forward from the low admission numbers of the post 9/11 period and reinstate a generous and robust program. We also believe that the Presidential Determination should be viewed as a target and not a ceiling. A ceiling represents a number not to be exceeded. A target presents a goal which implementers are obliged to achieve – a number to be reached. It is the latter perspective which we believe should govern the management of the US admissions program. We would also press that the unallocated numbers of past years be treated as essential numbers assigned to a region where we know that substantial numbers of refugees are likely to be found for whom resettlement could be realistically entertained. If these numbers are not needed by the region to which they are initially assigned and are needed for an emergent caseload, these numbers could be shifted. However, treating the “unallocated category” as a “just in case” category and not as numbers to be included in the target as are other regional numbers tends to exonerate the Government from an obligation to reach the Presidential Determination. We encourage attention to the PRM sponsored David Martin report which notes the concept of a “target” as the lens through which the US program should be viewed.

A little less than a year ago we lamented the impact of the material support bar on the US resettlement program and asked the Administration to express bold leadership in seeking the elimination of this unreasonable impediment to offering resettlement to some of the world’s most vulnerable persons. Since that time, waivers have been granted to cover a significant number of refugees, most notably those in the Tier 3 category. This important gesture opened the door to

the resettlement of thousands of Burmese refugees who had languished in protracted situations along the Thai/Burmese border. However, a substantial portion of the Burmese could not benefit from this waiver since they had received military training or were actively engaged in resistance against the Burmese regime. Thousands still await a release from their lengthy stay in camps since their access to resettlement depends upon their ability to have their alleged links to terrorist organizations waived because their support was provided under duress. Only recently have procedures been put forward which provide relief for some number of persons in this category; and our initial understanding of these procedures indicates that a cumbersome and time consuming process awaits those who will avail themselves of this remedy.

The Refugee Council has been persistent in its advocacy for a legislative solution to the material support bar. In spite of the efforts made by RCUSA and other colleagues to seek Congressional action to fix this vexing problem, the problem remains. We ask once again that Congress take the action necessary to release the US admissions program from the bonds of the material support bar and that the Administration offer strong leadership in seeking Congressional action. RCUSA will continue with its pursuit of a legislative solution to the material support bar. As we anticipate other caseloads for which US resettlement is the right solution, such as Iraqi refugees, we are all the more concerned that the material support bars not continue to haunt the US resettlement program. Moreover, the proliferation of waivers, although welcomed since the alternative would be leaving thousands of refugees in limbo, hardly represents the response which is needed if the US program is to operate efficiently and in a timely manner given the suffering of those for whom resettlement is the intended solution. To enshrine the waiver process as a normal feature of the US program is to condemn the program to a complicated bureaucratic process which will ultimately hamper its recovery.

To date the following concerns remain as we struggle with the material support bar:

- the US asylum process remains severely hampered by the material support bar. Few asylum applicants have been issued waivers and there exists no mechanism for such persons to seek a waiver. Over 600 asylum applicants remain on indefinite hold because of the material support bar. Some of these persons could face deportation.
- the adjustment of status process is also stymied by the bar as about 4000 adjustment of status cases remain on hold because of the bar.
- Family reunification visas are being denied based on a retroactive determination of an already-admitted asylee or refugee in the US has provided material support.
- While some waivers have been extended to asylum seekers of certain designated ethnicities, many asylum seekers are not members of these ethnicities and thus must make individual efforts to have their asylum claims considered. There is present no process for allowing such claims to come forward.

Additionally, we now face the need to process thousands of Iraqi refugees for whom the material support bar could be a formidable obstacle. In the meantime, US resettlement is off limits to thousands of Columbian refugees whose duress circumstances cannot be effectively addressed. One can also see the specter of the material support bar adversely impacting Somali refugees should the US seek to respond through resettlement to that burgeoning refugee population. A further casualty of the material support bar is those in both the public and private sectors whose

energy has been consumed by this problem at a time when true humanitarian crises demand their fullest attention.

The Refugee Council encourages the adoption of other measures to enhance access to the US admissions program. We are encouraged by the PRM's consideration of NGO referrals as a means of reaching more Iraqi refugees for whom resettlement might be a possibility. We would hope that wider use of this approach would become a feature of the US program. With training and clear guidelines, NGO resources could appreciably augment access to the US 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. However, these pilot efforts have been dormant for the past couple of years and need to be revived. RCUSA has suggested areas where such teams might be usefully deployed.

The Council once again wishes to underscore the unique role which resettlement agencies can play as managers of overseas processing entities. For example, the presence of voluntary agency administered processing entities to Thailand, West Africa and East Africa has had as a key benefit the timely flow of information from overseas to the resettlement agencies, thus enhancing their ability to manage their operations by being more knowledgeable about prospective clients and more in tune with processing schedules and plans which can so significantly impact on US resettlement operations. We regret that the Government has not always valued the benefits gained when overseas processing entities have institutional ties to US resettlement activity.

RCUSA has repeatedly recommended a universal P3 as a vehicle for augmenting access to the US program. If indeed it becomes possible to widen the categories of family members who might be included in the Iraqi resettlement program beyond the current categories, an example will have been offered which might be attempted with other populations. The more that ethnicities and categories of relatives can be expanded for inclusion in the US program and, assuming that this can occur without involving UNHCR as the principal gatekeeper to the program, the greater will be UNHCR's ability to reach out to those truly vulnerable refugees whose only access to US resettlement is through the P1 referral mechanism.

The Refugee Council has had as a priority this year a review of the systems and structures which determine how refugees move to the United States. We believe that the ability to move refugees more evenly throughout the year to US resettlement sites would make for a better resettlement program. We believe that the pipeline can be more efficiently managed, enabling affiliate offices to avoid the proverbial bulge and allowing refugees to enjoy an optimal resettlement experience. The Council continues to ask PRM to examine where disconnects occur in the movement of refugees through stages of processing and how, with better planning, PRM could improve prospects of meeting the proposed Presidential Determination and operating a smoother, more effective domestic program.

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 Assistant Secretary and her staff to cooperative approach to solving the serious problems which confront the US program. The Council remains committed to the partnership. We ask that we all take

seriously our charge to reinvigorate the US resettlement program, to restore admission numbers to historic levels, and to actively pursue new means of making the program more accessible.