

Transcript for RCUSA Pre-Recorded Webinar “Educating Yourself on Refugees”

Hi everyone, thank you so much for joining the RCUSA prerecorded webinar series on supporting refugees during COVID-19. This is the first webinar in that series, and this webinar is focused on educating yourself on refugees. My name is SaraJane Renfro and I work for HIAS which is one of the nine refugee settlement agencies in the United States. I’m a program officer for partnerships and volunteer services in the New York City office. I’m part of a program to provide extended services to HIAS clients including refugees, SIVs, asylum-seekers and asylees and we will talk a lot about these groups throughout this webinar.

There are a lot of objectives for this webinar. We hope that you will gain an understanding about forcible displacement on an international scale. We also hope that this webinar will help you understand the difference between refugees, SIVs, asylum-seekers and IDPs. Finally, this webinar should help you identify useful sources of information about refugees.

Our agenda for this webinar includes first to discuss terms and definitions then we’ll talk about refugees in the international context; we’ll talk about refugees in the United States next, and then asylum in the United States; followed by recent changes in policy and finally what you can do to stay informed and stay engaged in this information.

Terms and definitions: so this is all to get us on the same page because for the rest of the webinar after we discuss terms and definitions, I’ll be using these terms frequently.

A refugee is a person who, owing to well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, is outside the country of their nationality and is unable to or owing to such fear unwilling to avail themselves of the protection of that country. This original definition came from the 1951 refugee convention and then its 1967 protocol. The United States adopted this definition into eight USC section 1101 A 42, a federal law. Refugees claims are scheduled and planned before entrance into the country of resettlement. This is an important difference from an asylum seeker and an asylee.

An asylum seeker is someone whose request for asylum is yet to be processed or determined. In order to be granted asylum they must first be physically present in the country in which they wish to be granted asylum. Then, they have to prove a well-founded fear persecution on the same bases as refugees, so on account of race, religion, nationality, political opinion, or membership in a particular social group. So those are asylum-seekers and then you hear the word asylee that’s someone who has been already granted asylum so they’ve gone through the process of the request for asylum and their case has been adjudicated positively.

A special immigrant visa holder or SIV is another person is classified as a humanitarian visa holder in United States. For their service to the US government certain Iraqis and Afghans are granted the status overseas. Anyone supportive of the US overseas operations can qualify for this status from those two countries.

Internally displaced persons or IDPs: this definition comes from UNHCR. IDPs have not crossed the border to find safety so this is unlike refugees who are in a different country from the country that they're experiencing persecution in; IDPs are on the run in that same country. IDPs stay within their own country and remain under the protection of that government even if that government is the reason for their displacement. They often stay in areas its difficult for us to deliver humanitarian assistance in, and as a result these people are among the most vulnerable in the world.

Refugees in the international context: so now you understand the definitions of the words that we're going to be using throughout this webinar, you will be able to understand better what is going on for refugees internationally and then zeroing in on the United States.

Conflicts around the world have forced over 70.8 million people to flee their homes due to persecution because of who they are or what they believe. And resettlement is a viable option for less than 1% of displaced people so when you think of refugees resettled in the United States that's really rarely an option for people who are displaced internationally.

Forcible displacement: out of the 70.8 million people that I mentioned in the previous slide, 41.3 million are IDP's (internally displaced people). So that the vast majority; if you think of what I was saying earlier, these are really the most vulnerable people and when you think of international displacement the majority of people are extremely vulnerable. Refugees are people outside of the country of persecution and that account for 25.9 million of the 70.8 million of forcibly displaced people. Finally asylum-seekers account for 3.5 million of that total.

Where are refugees coming from: so I just want to pause and take a moment for all of you for watching this webinar to think. Can you make a guess? UNHCR says 57% of refugees came from Syria, Afghanistan, and South Sudan. And then an interesting other fact is that in 2018 the greatest number of new asylum applications came from Venezuela. There were 341,800 new asylum-seekers in 2018.

Where are refugees going? Where you think people are going when they are able to leave their country of origin? 80% of people who are able to leave their origin country are actually staying near that country. They're staying in neighboring countries to the country of nationality. And then when you think about where people are going, what countries most refugees are staying in right now, those countries may not be what you would have expected. The top refugee hosting country is Turkey, then Pakistan, Uganda, Sudan, and Germany.

So now we're going to zero in on refugee resettlement in the United States. We've been talking about refugees internationally, now we are going to think about refugee resettlement in the context of the US.

Who is a refugee in the United States? This has changed over time and the graph that you'll see on the webinar right now shows fluctuations from 2000 to 2019. This is a graph from the migration policy Institute. You will see that especially for refugees from the near East and South Asia these numbers have changed a lot; right now we have a majority of refugees from Africa.

What states received the most refugees in fiscal year 2019: this graph shows that a majority of refugees resettled in fiscal year 2019 went to Texas. After that the states that received the most refugees were New York and California as well as Washington with 6% of resettled refugees. After that, 4% of refugees went to North Carolina, Ohio, Kentucky, Georgia, Michigan, and Arizona, with 48% of refugees in all other states.

Refugee resettlement policy in United States originated in the 1980 refugee act. This is the foundation of refugee resettlement and really outlines what refugees -- the processes they go through when they arrive in United States. This is also where the definition of a refugee for the United States was described and that definition is based on the 1951 refugee convention which the US didn't sign but we did sign and ratify the 1967 protocol; which basically means that everything was part of that 1951 convention is something we sign on to. The 1980 Act is importantly really stating two major goals for resettlement in the United States which include integration and self-sufficiency. Interestingly self-sufficiency is highly framed around economic terms meaning that a major goal for refugees in the resettle in United States in the first 90 days is to focus on finding a job.

The process of refugee resettlement: the first 10 steps in this slide occur overseas; so this is before folks even get to the United States. It's interesting to think about because it shows the very many levels of screenings and security checks that people go through to finally arrive in the United States. First refugees identified by an NGO as higher risk and fleeing persecution. Second refugees will undergo an interview with UNHCR (the UN High Commissioner for Refugees). Third refugees are referred to US refugee admissions program (USRAP). Fourth, they're connected with refugee support centers for prescreening and interview prep. Fifth, refugees are interviewed by a refugee officer for the Department of Homeland Security. Sixth, they are approved or not by DHS and USCIS. Seventh, refugees undergo additional screenings for health and medical issues as well as security checks, and then they'll be able to participate in overseas cultural orientation sessions which are really interesting. It's not always that refugees have access to this but in many cases refugees are able to learn more about the United States before they ever arrive. The ninth step is a case allocation to resettlement agencies (one of the nine that resettle refugees in United States), and then the case is assured by the respondent affiliates, so the specific affiliated organization in the town where the refugee will be resettled. Finally the refugee's flight is booked by the international organization of migration through an interest-free loan the refugee will pay back when they arrive in the United States over time.

Services provided by responding agencies: in the first 90 days when a refugee arrives in the United States they participate in core services under the R&P model or reception and placement program. These services include airport pickup, housing support, Social Security card enrollment, enrollment in public benefits (which includes food stamps, RCA or refugee cash assistance, Medicaid, benefit programs that are based on local, city, and state programs), referral to English tutoring programs, health screenings, enrollment in employment services, school enrollment, and more cultural orientation. It's also important to note that the US federal government provides a \$1,175 one-time payment per person who arrives in the United States as a refugee. Can you imagine having only \$1175 to live off of when you arrive in a new country with no credit and having to figure out all of these things on the side? It's pretty difficult. And is also the same amount no matter what city; so it's the same in New York City and in Omaha, Nebraska, irrespective of the cost of living.

These are the nine resettlement agencies that work in refugee resettlement in the United States. All nine are essential parts of refugee resettlement and are partners of UNHCR in the process.

Now we're going to talk about asylum which is importantly different from refugee resettlement the US. The difference is confusing so I talked about earlier, asylum-seekers and refugees are both defined based on those five bases of race, religion, nationality, political opinion, or membership in a particular social group. Asylum-seekers and refugees have to prove a well-founded fear of persecution on those

five bases. The major difference is that asylum-seekers; they make their claim of asylum in the country of refuge. In United States these applications are adjudicated by USCIS and the Department of Justice so again this is after asylum-seekers enter United States. Refugees are different because they receive their status before they even enter the United States.

Asylum in the international context is based on the soft law of the Universal Declaration of Human Rights. This was published in 1948 and was an international project. Article 14 of the UDHR is where you'll find the right to asylum. Article 14 states that everyone has the right to seek and to enjoy in other countries asylum from persecution. This right may not be invoked in the case of prosecutions genuinely arising from nonpolitical crimes or from acts contrary to the purposes and principles of the United Nations. It's basically the same definition of that for refugee.

The right to asylum is codified in federal law through eight US code section 1158. "Any alien who is physically present in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien's status, may apply for asylum in accordance with this section or, where applicable, section 1225(b) of this title." Asylum policy in the United States gets pretty complicated and I will discuss this in a few slides.

The process of seeking asylum may look simple based on this slide. Asylum-seekers have to file the form necessary to file for asylum within one year of entering United States. This is a really important thing to know when you're thinking about people who are trying to escape persecution and arrive at a port of entry or are within the United States and not really thinking about having to file legal forms. If they don't do so with a year, they will not qualify for asylum anymore. So where can someone please file a claim for asylum? Like I said, from within United States or at US border facilities. People can file for asylum from within the United States because a lot of people get to United States differently. Some people do it from the southern border; some people do it through overstaying a visa and there's a lot of different ways people end up needing to claim asylum. What happens when someone files that claim for asylum? There are two different types of cases. Affirmative cases are sort of the first step. They're through USCIS and it includes an interview with an asylum officer. That interview usually ends with a yes or no, and if it's a no, it's referred as a defensive case. This means that the person is already in removal proceedings and includes a hearing in front of an immigration judge. That hearing, though, it can take a long time for the hearing to occur; so that's why the next frequently asked question is: how long do cases last? It depends, some cases can last years. So what happens if the case is lost when it's already a defensive case. That case can be appealed to BIA but then if it's lost it can be appealed to the circuit court. It's really difficult to do this though because it tends to have to be appealed only because of a mistake made on behalf of the court. Finally if it's lost from the circuit court level then there's a removal order.

This though is what asylum processes actually look like in United States. So you'll see lots of arrows, lots of boxes; it is really complicated. We're not going to go through all the steps but this is just to demonstrate that there's a long and difficult process a lot of asylum-seekers have to undergo to perhaps finally win asylum in the United States.

While people are asylum-seekers in the United States, they often experience roadblocks. Work authorization is a major challenge; asylum-seekers have to wait 150 days to apply for work authorization

and then after that, another 180 days to get approved. And while they're waiting for asylum they sometimes live in really expensive cities like New York City where they still have to pay rent, they might have to pay for dependents, and perhaps other things are happening like medical issues, mental health issues... so work authorization has been a major roadblock for many asylum-seekers. Second, some asylum seekers end up being stuck with bad lawyers who charge a really high rate and don't do a very good job on their asylum applications. This leads us to legal services. It is really difficult for a lot of asylum-seekers to access good legal services. There are nonprofits of course that provided pro bono legal services but it's really challenging for people to find. And then also when people are not represented by legal services, their rates of actually getting asylum are far lower than when they are represented. Lastly detention: anyone working without a work authorization can be detained. Once you're detained it becomes really difficult to access legal services and this is back to the issue of legal services. It's even difficult to make a phone call between a lawyer and a client in detention... This is a major challenge a lot of people face as asylum-seekers. Another interesting note is that under the current administration the amount of time asylum-seekers are being detained is longer than any previous administration.

Another roadblock asylum-seekers face is the backlog of asylum cases in the courts. This graph from the migration policy Institute shows the increasing number of the backlog which is shown through pending cases in the court system. In 2019 we're at around a million cases that are backlogged in the courts. This is why people have to wait a really long time for their hearings.

Demographics of affirmative asylum claims: in 2018, which is the last year that statistical data was released by the federal government, what country do you think we had the most affirmative asylum claims from? I'll give you a moment to think about it. Here's your answers. Venezuela was the number one country we had the most affirmative claims. This means that the claims were filed but does not necessarily mean they were granted. 28 thousand people (approximately) filed for asylum from Venezuela in 2018. Next 10,000 people filed from Guatemala; 9000 from El Salvador; and 8000 from China; and finally 6000 from Mexico. How does this compare to how many people actually won asylum from these areas? Here are your demographics of affirmative asylum grants based on region of nationality. As you will see the most grants came from Asia actually, followed by South America and then Africa, North America, finally Europe. These numbers though when you compared the numbers in the last slide, are pretty small.

So as we spoke about earlier after the affirmative stage of the process, if that's denied, people go to the defensive stage. Let's see about the defensive claims: the demographics of defensible asylum claims. In 2018 again when we had the most data, what country do you think we had the most defensive claims from? Again I'll give you a second to think. Your number one country for defensive claims is from El Salvador with 31,000 approximately, followed by 26,000 from Guatemala, 24,000 from Mexico, 21,000 from Honduras, and 8000 from China. How many people from what areas you think actually won asylum? Here are your demographics for the grants. The most grants in 2018 according to statistics released by the federal government were from Oceania followed by Asia, North America, Africa, and Europe. The federal government has not really statistics from South America so this is something to note when thinking about how many claims were filed; we don't know how many grants there were.

Now we're going to talk about policy changes. This is important to know and many of you may have heard of these things when you were looped into news about immigrants and refugees in United States. We're going to talk about them a little bit.

The refugee ceiling: this is the presidential discrimination on refugee admissions. As you'll see the number of refugee admissions to the United States has really been low recently. This graph shows that back in 1980 the numbers were around 230,000; that has mainly gone down since then, and now in 2020 the current administration issued the presidential determination for 18,000 people.

The next major policy that we will talk about is the executive order on enhancing state and local involvement in refugee resettlement, which was released on September 26, 2019. This executive order said the state and local officials must issue written consent to accept refugee admissions in their jurisdictions. Advocates including HIAS and IRAP filed lawsuit which resulted in an injunction against the executive order, which effectively put a hold on applications for fiscal year 2020 resettlement contracts, which are called the notice of funding opportunity or NOFO. Fiscal year 2019 has been extended though.

Another major policy recently has been the Remain in Mexico policy, or the migrant protection protocols. This made it so that asylum-seekers entering through the southern border can be returned to Mexico during the pendency of their asylum proceedings before US-based immigration judge. This means that asylum-seekers have to wait in Mexico while they're waiting for their hearing. There have been a couple of major results of this policy, and they're both negative. One has been a lack of legal representation; as an example, as of March 2020, out of 10,920 cases in the El Paso immigration court only 70 have been represented by counsel. As we discussed earlier, the statistics for people receiving asylum who are represented are far higher than those for people who are not. Second has been a vulnerability to violence. As an example, as of February 2020, a minimum of 1001 individuals returned to Mexico have been the victims of rape, murder, torture, kidnapping, or other violent assault.

Another policy has been the Asylum Ban 2.0 as it is colloquially called oriented third country transit bar. This rule renders individuals ineligible for asylum if they arrived through the US southern border on or after July 16, 2019. Basically, they are ineligible if they arrived on or after that date, if they're coming from the southern border, if they didn't apply for asylum in another country on the way.

Okay, I know that was a lot of heavy information, but there is a few easy ways to stay informed and learn about what you can do and how you can be a part of the movement to support refugees and asylum seekers in United States as well as internationally.

This slide includes logos from organizations that provide important information about refugees and asylum seekers. First, RCUSA: if you are watching this webinar, you are probably already keyed into information shared by RCUSA. But it is a great source for learning about refugees in the United States. Freedom for Immigrants is another organization that provides important information about immigrant detention in the United States. The migration policy institute is a great source of really well put together information, qualitative and quantitative, including interesting graphs, great ways to share information with your friends and family about refugees and immigrants in United States and around the world. The Department of Homeland Security is a huge branch of the government providing a ton of information about immigrants through their yearly statistics factbook. The latest yearbook was released in 2018. HIAS is one of the 9 resettlement agencies as we discussed earlier and all of us have great blogs and news pages where you can learn more about our programs as well as just news about refugees and

immigrants. Finally UNHCR, as I mentioned earlier, is the UN refugee agency and they have really great news sources for refugees, IDPs, asylum-seekers and other groups who were forcibly displaced around the world.

This tool is also really useful if you were interested when we talked about the immigration court backlog. You can find out about the backlog in your area if you go to this website.

Read a book! I have been a part of refugee centered book clubs and this is a really great way of getting a broad understanding of refugees around the world. Start a book club in your area! Check out these four books that we added to this powerpoint, or if you want a full list of books that the organization I work with, HIAS, has put together, there's a web url on this powerpoint. All of the books from this list are written by refugees or asylum seekers about story centered on refugees and asylum seekers.

You can also watch a movie. Humans Flow, Midnight Traveler, and Beasts of No Nation are only three among many movies that we recommend.

For one of these recommended refugee centric stories, check on our RCUSA's webpage. On this webpage you'll find not only films and books, but also short films and youtube videos that you can watch to learn more.

Another option if you want to learn more through personal interaction with refugees and asylum seekers is to volunteer. You can volunteer with a local resettlement affiliate and UNHCR has a really great webpage where you can find out what's in your area, and it's on this slide, if you go check it out you can find out about resettlement agencies, legal aid organizations, and more that are in your area.

Thank you so much for tuning into this webinar. It's been so fun to talk about all of these issues and I really hope you check out the resources that we shared.

Surveys! Please share your feedback with us; you can find a survey about this webinar at the link provided on this slide. I'll leave this for a second and then I have another slide to end if you have any questions for me specifically.

Alright, if you have any questions please feel free to email me. I'd love to answer any questions and my email is sarajane.renfro@hias.org. Also, for more information about how to support refugees during coronavirus please visit our RCSA.org/COVID/19. Thank you so much for your time and I hope you have a wonderful day and are staying safe and well.