



TRANSITION REPORT 2020

REFUGEE COUNCIL USA

A woman wearing a headscarf and a child with a backpack are walking away from the camera on a dirt path. The background shows a rural landscape with hills and some buildings. The entire image has a red overlay.

Introduction

RCUSA is a diverse coalition advocating for just and humane laws and policies, and the promotion of dialogue and communication among government, civil society, and those who need protection and welcome. Individual RCUSA members do not all address all refugee-related issues, nor do all individual members approach common refugee-related issues identically.

The Current State of the U.S. Refugee Admissions Program

An unprecedented 79.5 million people worldwide have been forced from their homes, of which 29.6 million¹ are classified as refugees, having fled their countries to seek safety from persecution. Yet, the gap between refugees who need to be resettled and available resettlement slots has only widened. In 2019, only 5% of the 1.4 million refugees in need of resettlement were resettled worldwide. The United States' declining resettlement slots and reduced financial support for global resettlement infrastructures have contributed directly to the growing shortfall. In 2018, for the first time in the resettlement program's history, the United States failed to resettle the most refugees worldwide. This abdication of U.S. leadership has prolonged the suffering of tens of thousands of refugees and forfeited our ability to credibly urge other countries to keep their doors open to people in need of protection.

As outlined in Refugee Council USA's 2019 report, "Where are the Refugees?"² the Trump administration has made countless policy and operational decisions that have dismantled the U.S. Refugee Admissions Program (USRAP). The Trump administration set consecutively record-low caps on refugee admissions: 45,000 in FY 2018, 30,000 in FY 2019, and 18,000 in FY 2020, marking an 80% decline from the historic average of 95,000. In FY 2020, the Trump administration discontinued the acceptance of new resettlement referrals from the United Nations Refugee Agency (UNHCR) to the USRAP, which long accounted for the majority of refugees considered for resettlement to the United States, and abandoned the practice of allocating refugee resettlement slots according to geographical regions based on need. Instead, its FY 2020 admissions scheme set rigid, arbitrary categories that do not reflect the needs of the world's refugees and all but stopped the identification of new refugees for consideration by the USRAP.

The damage cannot be overstated.³ Refugees who were approved for resettlement years ago are languishing in both camps and urban settings, still waiting for safety and in many instances reunification with their loved ones. The administration has dismantled the USRAP's international processing capacity, and, due to the administration's drastic cuts to refugee admissions, more than 100 resettlement offices,⁴ or one third, have been forced to close their programs. U.S. Citizenship and Immigration Services (USCIS), the Department of Homeland Security agency which conducts in-person interviews with refugees being considered for U.S. resettlement, may furlough a large portion of its staff.

Simultaneously, the administration has repeatedly violated U.S.⁵ and international law⁶ by denying,

1 "1 Percent of Humanity Displaced: UNHCR Global Trends Report," UNHCR, June 18, 2020. <https://www.unhcr.org/en-us/news-press/2020/6/5ee9db2e4/1-cent-humanity-displaced-unhcr-global-trends-report.html>.

2 RCUSA. 2019. "Where Are the Refugees?." <https://rcusa.org/wp-content/uploads/2019/07/RCUSA-Report-1.pdf>.

3 Sarah Pierce and Jessica Bolter. 2020. "Dismantling and Reconstructing the U.S. Immigration System: A Catalog of Changes under the Trump Presidency," Migration Policy Institute, July. <https://www.migrationpolicy.org/research/us-immigration-system-changes-trump-presidency>.

4 Priscilla Alvarez. 2019. "Resettlement Offices Close As Fewer Refugees Are Allowed Into the US." CNN. September 20. <https://www.cnn.com/2019/09/20/politics/refugee-resettlement/index.html>

5 Aliens and Nationality, 8 U.S.C. § 1158. <https://www.govinfo.gov/content/pkg/USCODE-2011-title8/pdf/USCODE-2011-title8-chap12-subchapII-partI-sec1158.pdf>.

6 UN General Assembly, Declaration on Territorial Asylum, 14 December 1967, A/RES/2312(XXII), available at: <https://www.ref-world.org/docid/3bofofo5a2c.html>.

banning, blocking, and turning away people legally seeking asylum at the U.S. border. The U.S. asylum system is a critical component of refugee protection, and the U.S. has built capacity over decades to humanely process asylum applications. Both the USRAP and U.S. asylum systems must be strong to allow the United States to lead by example as we encourage other countries to also provide humanitarian protection for those fleeing persecution. The quality of our own asylum system and resettlement program, as well as our support for other countries' protection infrastructures, are critical to advancing U.S. foreign policy interests. Encouraging countries hosting large numbers of refugees and asylum seekers, like Jordan, Turkey, Egypt, Lebanon, and Kenya, to keep their doors open to refugees and asylum seekers, and to allow refugees to work and their children to attend school are critical to both humanitarian efforts and regional stability.

Displaced populations urgently need aid and access to safety.⁷ Refugees are particularly vulnerable to food insecurity, income disruptions, loss of housing, and medical or health emergencies – which make them a population especially vulnerable to exploitation, particularly women head of households⁸ and unaccompanied refugee children.⁹

While UNHCR continues to help countries provide emergency assistance including cash-based assistance and secure shelter spaces, refugee resettlement is more critical than ever for helping the most vulnerable refugees, given that COVID-19 has exacerbated already dire humanitarian needs globally.

Further, securing public health and protecting refugees are not mutually exclusive.¹⁰ Longstanding U.S. law can be respected even as we adopt more stringent measures to protect public health. There are ways to respond to this pandemic in a manner which respects international human rights and refugee protection standards, including the principle of non-refoulement, through



WWII refugees resettled by Church World Service

7 “Displaced people urgently need Aid and access to social safety nets as coronavirus causes severe hardship,” UNHCR, May 1, 2020. <https://www.unhcr.org/news/briefing/2020/5/5eabdc134/displaced-people-urgently-need-aid-access-social-safety-nets-coronavirus.html>.

8 “Displaced and stateless women and girls at heightened risk of gender-based violence in the coronavirus pandemic,” UNHCR, April 20, 2020. <https://www.unhcr.org/news/press/2020/4/5e998aca4/displaced-stateless-women-girls-heightened-risk-gender-based-violence-coronavirus.html>.

9 “As COVID-19 pandemic continues, forcibly displaced children need more support than ever,” UNHCR, April 20, 2020. <https://www.unhcr.org/news/press/2020/4/5e9d4c044/covid-19-pandemic-continues-forcibly-displaced-children-need-support.html>.

10 “Beware long-term damage to human rights and refugee rights from the coronavirus pandemic,” UNHCR, April 22, 2020. <https://www.unhcr.org/news/press/2020/4/5ea035ba4/beware-long-term-damage-human-rights-refugee-rights-coronavirus-pandemic.html>.

health screenings, treatment, and other safe processing procedures.¹¹ Many refugees, displaced people, stateless people, and migrants have skills and resources that can also be part of the solution to keeping our communities safe and healthy during and after the COVID pandemic. Refugees who are forced to flee conflict and persecution should not be denied safety and protection on the pretext, or even as a side effect, of responding to the COVID pandemic.

The United States must act boldly to restore and strengthen its longstanding global leadership on refugee protection, both internationally and domestically. This will require a return to humanitarian principles, the expansion of current international and domestic capacity, the modernization of existing programs, and robust international cooperation. This includes active engagement in The Annual Tripartite Consultations on Resettlement (ATCR) – a global multi-stakeholder forum that brings together UNHCR, States, civil society, and an increasingly broad range of stakeholders and through which the important Three-Year Strategy on Resettlement and Complementary Pathways¹² is coordinated and implemented – and its working groups. This strategy was developed through a consultative and collaborative process and aims to expand the number of resettlement countries, increase the number of resettlement spaces, and improve the availability and predictability of complementary pathways for refugees.

The administration should also set ambitious goals for domestic refugee resettlement to reflect the growing global need. It should also restore and improve the U.S. asylum system by providing meaningful access to protection for all asylum seekers, particularly for those from Guatemala, Honduras, and El Salvador who have been drastically impacted by anti-asylum policies. Asylum policies must be rooted in humanitarian and protection frames, rather than criminalization and deterrence. The global scope and scale of the need for humanitarian protection also requires the active participation of countries around the world; the United States should therefore assist other countries in developing asylum systems and capacities that uphold international law and respect human rights, instead of pressuring states to enter into agreements that undermine the rights of asylum seekers.

This document outlines reforms that the next administration should make to rebuild access to humanitarian protection, including for asylum seekers,¹³ special immigrant visas (SIVs), Cuban/Haitian Entrants, and refugees resettled and integrated through the USRAP and related programs. This includes steps that the administration should take during its first week in office regarding the resumption of refugee admissions, which have been stalled since March 2020 due to COVID-19. It contains an action plan specifying a general timeline during which reforms should be made, as well as appendices with detailed recommendations on how these reforms should be executed by the Department of State (Appendices A and B), Department of Health and Human Services (Appendix C), Department of Homeland Security (Appendix D), Department of Defense (Appendix E), and Department of Justice (Appendix F).

11 “The rights and health of refugees, migrants and stateless must be protected in COVID-19 response,” UNHCR, March 31, 2020. <https://www.unhcr.org/news/press/2020/3/5e836f164/rights-health-refugees-migrants-stateless-must-protected-covid-19-response.html>.

12 “The Three-Year Strategy (2019-2021) on Resettlement and Complementary Pathways,” UNHCR, June 2019. <https://www.unhcr.org/5d15db254.pdf>.

13 Please review the Big Book for extensive recommendations on ways to restore and strengthen asylum protections and assist asylum seekers.

RCUSA Principles

In articulating the many policy and programmatic changes needed to enhance refugee protection, RCUSA emphasizes the following principles:

- 1** The U.S. should lead the world on human rights and protection issues.
- 2** U.S. leadership is needed to provide interim and durable solutions for people who have been displaced, but also to proactively address factors contributing to displacement, such as violence and armed conflict, endemic poverty and economic insecurity, and climate change.
- 3** Robust resettlement to the United States is a valuable and important component of America’s humanitarian commitment, but not its only response. This commitment should also include efforts to ensure a displaced person can safely return home, meaningfully integrate into their current host society, be resettled to another country, or find protection at and within our borders. Resettlement can be leveraged to support these aims.
- 4** Our approach should reflect the ways people live and move in the 21st century, be rooted in core values, uphold human dignity, and respect the rule of law.
- 5** Excellence in protection and resettlement programs require robust public-private partnership and cross-sectoral collaboration.
- 6** Resettlement can promote orderly processing and relieve certain regional pressures but can never be viewed as a replacement or substitute for a robust asylum system.





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Acronyms

ACF	Administration for Children and Families
CA	The Department of State Bureau of Consular Affairs
CAM	Central American Minors Program
CHEP	Cuban/Haitian Entrant Program
COM	Chief of Mission
DHS	Department of Homeland Security
DOS	Department of State
IOM	International Organization for Migration
MG	Matching Grant
ORR	Office of Refugee Resettlement
PD	Presidential Determination on Refugee Admissions
PRM	Bureau of Population, Refugees, and Migration (DOS)
RCUSA	Refugee Council USA
R&P	Reception & Placement
RSC	Resettlement Support Center
SIV	Special Immigrant Visa Program
UC	Unaccompanied Children
UNHCR	The UN High Commissioner for Refugees / The UN Refugee Agency
URM	Unaccompanied Refugee Minor
USCIS	U.S. Citizenship and Immigration Services (DHS)
USRAP	U.S. Refugee Admissions Program

Impact of the COVID-19 Pandemic on Refugees & Resettlement

Due to COVID-19, countries across the globe have restricted travel and international organizations are coping with policy changes and health precautions that have made resettlement impossible but for a few very urgent cases. Many countries have limited both international travel and internal movements. This includes countries hosting refugee populations, both in camp and urban situations. In addition to a very limited availability of international flights, exit permits to leave a host country may be difficult, if not impossible, to obtain, especially for vulnerable populations including refugees. In addition, international and humanitarian organizations have altered their protocols based on location and technical resources relating to remote work and staff and client travel, which has limited certain aspects of their work. These challenges are on top of an already lengthy and arduous vetting process required for all refugees, including biometric and biographic checks; interagency intelligence sharing; screenings against multiple domestic and international terrorist and criminal databases; background investigations by the FBI, Department of Defense, State Department, and National Counterterrorism Center; and in-person interviews.

The USRAP imposed a moratorium on refugee arrivals from March through July due to COVID-19. Currently, refugee arrivals¹⁴ undergo additional pre-departure and post-arrival COVID-related health screenings as required by the Centers for Disease Control and Prevention (CDC),¹⁵ as well as a mandatory 14-day quarantine with temperature monitoring – required for all international travelers. The Cultural Orientation Resource Exchange (CORE) has worked with PRM and the CDC to provide information to refugees and SIV recipients regarding what to expect upon arrival in the United States given COVID-19. All resettled refugees are provided masks, gloves, sanitation resources, and thermometers. And, case management is provided remotely, with home visits as needed utilizing social distancing practices.



Since each part of the refugee screening process has a narrow validity period, refugees only have about a two-month travel window during which all their checks remain complete and valid. Any delays or interruptions can result in one or more of their security checks expiring, and while they wait for one check to be repeated, it is likely that they will see another check expire, often resulting in a domino effect of expiring validity periods. Re-running these checks can take six months or longer, depending on the size of the family or case. Given the massive interruptions to resettlement due to COVID-19, and the fact that the administration has not extended the validity periods of interviews, fingerprints, and security checks, all refugees who were approved for resettlement in March have now had at least one of their checks expire. It will be essential for the administration to review these cases and ensure that they can be resettled as soon as possible. Other difficulties center around two systemic problems in current resettlement policies: the over-emphasis on early employment; and the lack of affordable housing. These challenges predate

¹⁴ “Refugee Resettlement during COVID-19 FAQ,” CORE, August 17, 2020. <https://coresourceexchange.org/covid-19-faq/>.

¹⁵ “Returning from International Travel,” CDC, August 25, 2020. <https://www.cdc.gov/coronavirus/2019-ncov/travelers/after-travel-precautions.html>.

COVID-19, but the pandemic has exacerbated these challenges and shone a light on the need for longterm, sustainable improvements to resettlement policies.



Responding to Climate-Induced Displacement

RCUSA recognizes that climate change is increasingly forcing displacement and contributing to distress migration in many parts of the world, including within the U.S. itself. RCUSA believes that all people deserve the opportunity to lead lives of dignity wherever they are, and that investing in climate resilience is critical for this reason. We cannot ignore that people are already being displaced because of climate change and climate-related disasters; and that this trend will only increase.

At the national level, the U.S. government should recognize that climate change impacts are creating inhospitable conditions and threats to life and livelihoods, and that internal durable solutions will not always be possible. It should lay the groundwork now for admission of climate-induced displaced persons, drawing on the expertise of USRAP partners, including RCUSA members, that have assisted refugees to resettle. This new challenge may require expanding existing protection mechanisms, such as Temporary Protected Status (TPS), to explicitly include climate-related impacts as causes of displacement; or creating new humanitarian visa opportunities specifically for “climate-displaced persons,” such as those listed in the Global Climate Change Resilience Strategy bill (S.2565) and Climate Displaced Persons’ Act (H.R.4732).

When developing climate mitigation policies and moving from an extractive to a regenerative economy, the U.S. government should apply a just transition framework that centers those most impacted by climate change. Alongside increasing support to climate resilience, the U.S. government must also develop new responses to ensure the safety, dignity and human rights of people displaced by climate-related disasters and climate change impacts, including impacts on health and food security. These should include partnerships with governments, civil society and directly affected communities in responding humanely to climate-induced internal displacement and internal migration, particularly in urban areas as people move from rural locations to towns and cities where they may face new challenges or threats; and support to climate-affected communities in assessing internal relocation possibilities, where adaptation in place may not be feasible or durable. Mobility itself can be adapted to climate change, and contribute to resilience in communities of origin, if managed in ways that promote the dignity and rights of people on the move.

On a global scale, the U.S. is one of the largest emitters of greenhouse gases that drive anthropogenic climate change. As climate change disproportionately impacts vulnerable communities, particularly those in the global south and the most marginalized U.S. residents, the U.S. government needs to recognize that it carries significant responsibility to address and mitigate climate change.

The U.S. must re-enter the Paris Agreement, and other global processes such as the Warsaw International Mechanism for Loss and Damage and multilateral, multi-stakeholder cooperation as envisioned in the Global Compact for Migration, to ensure that international responses to climate resilience and displacement are well coordinated and adequately funded. The U.S. should immediately disburse its outstanding \$2 billion pledge from 2014 to the Green Climate Fund, which earmarks half its resources toward adaptation support, and join the 13 countries whose contributions were doubled at the GCF's First Replenishment in 2019. These additional resources are needed both to support projects already in the GCF's pipeline, and to consider financial support toward planned relocation or managed retreat for communities that explicitly request such support.

These policy responses will need foundational structures and processes to ensure that the most vulnerable are given the protection they need. This includes identifying ways to map and measure climate-affected areas and impacts on communities in vulnerable parts of the world, including families and communities who lack resources needed to migrate and who risk becoming trapped in environmentally fragile locations. Above all, responses to climate-induced displacement should respect the dignity and autonomy of climate-affected families and communities to assess mobility options and to make informed decisions for themselves.



White House Recommendations

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Introduction

The White House should lead in the coordination of the U.S. humanitarian response to protect and assist refugees through viable durable solutions, including resettlement. Through executive action, agency coordination, diplomacy, and legislative engagement, the White House can restore U.S. leadership in response to the global refugee crisis, rebuild and modernize the U.S. Refugee Admissions Program (USRAP), and increase support among the American public for refugee resettlement. RCUSA urges the White House to:

Action Plan

- | | |
|----------------|---|
| WEEK 1 | • Rescind the Muslim, African, refugee, asylum, and immigration bans (Page 14) |
| | • As a first step to building toward a FY2022 admissions goal of 125,000, notify Congress of intent to increase the FY 2021 admissions goal to 100,000 refugees and signal to Congress a desire for a statutory floor (Page 14) |
| | • Restore regional allocations for refugee admissions to reflect global needs (Page 15) |
| | • Reestablish USRAP acceptance of UN High Commissioner for Refugees (UNHCR) referrals (Page 16) |
| | • Nominate pro-refugee Attorney General and Secretaries of State, Homeland Security, and Health and Human Services (Page 16) |
| MONTH 1 | • Appoint a senior-level White House coordinator and advisory body on refugee protection (Page 16) |
| | • Ensure agencies prioritize resettlement cases that have been approved but are on hold or stalled at various stages of processing (Page 16) |
| | • Conduct an interagency audit of refugee security check processes (Page 17) |
| | • Request additional funds from Congress to rebuild resettlement capacity (Page 18) |
| | • Begin quarterly meetings with resettlement stakeholders to assess needed reforms (Page 18) |
| | |
| MONTH 2 | • Launch a robust Central American resettlement program and reestablish CAM (Page 19) |
| | • Appoint a PRM Assistant Secretary with robust experience in refugee protection and resettlement (Page 19) |
| | • Engage in robust communications and outreach efforts on the importance of refugee resettlement (Page 20) |
| MONTH 3 | • Ensure execution of interagency reforms to meet admissions goals (Page 20) |
| | • Ensure effective processing of and expand the Special Immigrant Visa program (Page 20) |
| | • Expand U.S. capacity to protect and welcome through community sponsorship and other complementary pathways. (Page 21) |
| | • Create a federal Office of New Americans (ONA) (Page 23) |
| | • Organize a longitudinal study on refugee integration and economic contributions (Page 24) |
| | • Convey legislative priorities on rebuilding resettlement to Congress (Page 25) |
| | • Convey legislative priorities to act for stateless people on U.S. territory (Page 27) |
| | |
| YEAR 1 | • Increase refugee admissions annually, including to 125,000 in FY 2022 (Page 28) |

Detailed Recommendations

Week 1: Rescind the Muslim, African, refugee, asylum, and immigration bans

The next administration should immediately rescind Presidential Proclamations 9645, 9822, 9983, 9984, 9993, and 10014; and Executive Orders 13769, 13780, 13815, and 13888. Each of these executive actions has implemented harmful and discriminatory restrictions against immigrant, asylum seekers, and refugee admissions to the U.S. The Trump administration has invoked its authority under INA section 212(f) as a pretext to carry out anti-refugee, anti-asylum, and anti-immigrant policies that target Black and brown communities. Anyone whose visa application has been denied or who received a lesser or different form of relief due to one of these policies, should be permitted to submit a



new visa application, present a new asylum claim, and/or be considered for resettlement, at no additional cost, notified by the U.S. government of this opportunity, and have their application prioritized. In regard to EO 13888, the administration should work with state and local officials to increase support for resettlement, but should make it clear that it is unlawful for any official to stop a refugee from resettling in their state or locality. The President should also publicly repudiate xenophobia and apologize for these official acts of discrimination by the U.S. government that have impacted so many families and individuals.

Week 1: As a first step to building toward a FY2022 admissions goal of 125,000, notify Congress of intent to increase the FY 2021 admissions goal to 100,000 refugees and signal to Congress a desire for a statutory floor

To demonstrate the administration's commitment to restore the United States' legacy as a place of welcome for those seeking refuge from persecution, we urge the administration to include critical steps toward rebuilding the USRAP during its first week in office. U.S. refugee admissions, now at an historic low, must be immediately restored, scaled up, and adequately funded in order to demonstrate U.S. leadership in the face of the largest displacement crisis the world has ever seen. RCUSA supports proposals to increase refugee admissions to 125,000 and advises the following approach:

On the next administration's first day in office, the President should notify Congress that they propose to immediately raise the FY 2021 Presidential Determination (PD) on refugee admissions to 100,000, with regionally-based allocations that account for the greatest resettlement needs - and signal to Congress a desire for a statutory floor. This increase should be made via executive order, justified by grave humanitarian concerns and the national interest, pursuant to Section 207 of the Immigration and Nationality Act (INA).

The President should strengthen the annual consultation process with Congress by sharing quarterly information, scheduling consultations to take place prior to August of each year, and regularly sharing pipeline information about the many refugee populations that Members of Congress care about. In consultation with Congress and according to requirements listed in the Immigration and Nationality Act, the administration should also build back the program in a safe and efficient manner and increase the annual refugee admissions goal so that it is consistent with global resettlement needs and reflects U.S. humanitarian leadership. Below are recommended goals over four years, which includes the fulfillment of

resettling 125,000 refugees during the administration’s first full fiscal year in office. The recommendations for Year 1 and beyond include important reforms that will be needed to pursue and meet these refugee admission goals.

- FY 2022: 125,000
- FY 2023: 150,000
- FY 2024: 175,000
- FY 2025: 200,000

Week 1: Restore regional allocations for refugee admissions to reflect global needs

When the Trump administration set the record-low FY 2020 Presidential Determination¹⁶ on refugee admissions at 18,000 refugees, it also eliminated the traditional use of regional allocations, and instead set the following four allocations categories:

- 5,000 for religious minorities
- 4,000 for Iraqis who supported U.S. missions (Iraqi P2s)
- 1,500 for Guatemala, Honduras and El Salvador
- 7,500 for all other refugees

The administration also, for the first time in history, required¹⁷ consultation among the Secretaries of DOS, DHS and HHS, and the Attorney General, in order to reallocate unused slots between categories. Previously, regional allocations have been adjusted every year,¹⁸ at the discretion of PRM and with notification to Congress. No rationale was ever given for these measures; they only furthered the administration’s self-fulfilling prophecy of never meeting the 18,000 cap.

A next administration should return to the use of regional allocations for refugee admissions, and should authorize the Secretary of State, upon notification to the Senate and House Judiciary Committees, to transfer unused admissions allocated to a particular region to one or more other regions.

One recent example of a population that should be resettled are refugees in Hong Kong,¹⁹ including pro-democracy leaders and protestors who are targeted by China’s recently passed national security legislation. However, since the administration has dismantled the USRAP, it is more difficult than it otherwise would be to resettle Hong Kong refugees to the United States. We urge the resettlement of refugees from Hong Kong to be in addition to the Presidential Determination, so as to not disadvantage other refugees who have been waiting for years for protection and family reunification.

¹⁶ “Report to Congress on Proposed Refugee Admissions for FY20,” U.S. Department of State, September 26, 2019. <https://www.state.gov/reports/report-to-congress-on-proposed-refugee-admissions-for-fy-2020>.

¹⁷ Memoranda. “Presidential Determination on Refugee Admissions for Fiscal Year 2020,” (November 1, 2019). <https://www.whitehouse.gov/presidential-actions/presidential-determination-refugee-admissions-fiscal-year-2020>.

¹⁸ Memoranda. “Presidential Determination.”

¹⁹ “RCUSA Sends Letter to Sec. Pompeo on the Protection of Hong Kong Protestors and all Refugees,” RCUSA, July 17, 2020. <https://rcusa.org/resources/rcusa-sends-letter-to-sec-pompeo-on-the-protection-of-hong-kong-protesters-and-all-refugees>.

Week 1: Reestablish USRAP acceptance of UN High Commissioner for Refugees (UNHCR) referrals

In FY 2020, the Trump administration stopped accepting all referrals from UNHCR, with the very narrow exception of a small number of referrals from Guatemala, Honduras, and El Salvador. UNHCR referrals typically make up about 75% of U.S. resettlement cases, so this change has significantly impacted the refugee pipeline and ability of the United States to welcome refugees. As the world's leading refugee agency, UNHCR is instrumental in helping the U.S. to identify and refer the most vulnerable refugees who are in need of resettlement as mandated by the USRAP. UNHCR referrals undergo all U.S. security screenings, and the U.S. government has full authority over who is admitted to the United States. The next administration should notify UNHCR that the USRAP will immediately resume accepting its referrals for resettlement. The next administration should also work with UNHCR to develop a plan to rapidly scale up referral submissions in order to rebuild the resettlement pipeline and support higher refugee admissions ceilings in future years.

Week 1: Nominate pro-refugee Attorney General and Secretaries of State, Homeland Security, and Health and Human Services

The next administration must ensure that the Attorney General, Secretary of State, Secretary of Homeland Security, and Secretary of Health and Human Services understand the important roles that the USRAP and a comprehensive asylum process play within the missions of their agencies. These officials should have a solid grasp of international humanitarian and human rights law, U.S. immigration law, the role of the United Nations and international organizations, and why resettlement is strategic to U.S. foreign policy interests.

Month 1: Appoint a senior-level White House coordinator and advisory body on refugee protection

The next administration should appoint a senior-level coordinator based in the White House with a high-level security clearance to coordinate federal agencies and other stakeholders around refugee welcome in the U.S., establish specific benchmarks to meet admissions goals, and lead an interagency audit in FY 2021 of all existing refugee security checks, including recommendations on reforms needed in each agency involved in refugee processing. The administration should strive to hire a former refugee for this position, since refugees can provide unique insights into how these programs work and impact human lives. The damage that the Trump administration has inflicted on the refugee program cannot be overstated, and rebuilding this life-saving infrastructure will take time, resources, coordination, and leadership. The President should establish an advisory body on refugee protection, led by the White House coordinator and composed of leaders and experts, including a significant number of refugees, former refugees, asylees, stateless people, and other vulnerable migrants.

Month 1: Ensure agencies prioritize resettlement cases that have been approved but are on hold or stalled at various stages of processing

Since each part of the refugee screening process has a narrow validity period, refugees only have about a two-month travel window during which all their checks are complete and valid. For refugees who are approved for travel, any delays or interruptions may result in one or more steps of the screening process expiring. With so many stops, starts, and changes to the program under the Trump administration,

many refugees have seen a domino effect of expiring validity periods,²⁰ creating an enormous backlog of approved cases that are unable to travel due to expired clearances. Refugees who reside in remote locations and have expired medical screenings may have to wait many months before International Organization for Migration (IOM) medical staff or a panel physician can rescreen them. Refugee nationals requiring security advisory opinion (SAO) security checks may have to wait months, if not years, after their SAO clearances expire and must be renewed. Canceled flights, multiple rebookings, and expired checks that necessitate repetition in the medical and security screening process all come with many costs, including financial, relationships, and the mental health of refugees and their families who remain separated and in harm's way. The USRAP is most effective when the U.S. government works collaboratively with UNHCR, the IOM, and refugee hosting countries and operates in a way that is transparent, functional, and predictable. The USG should also advocate more strongly with host governments to expedite exit permits.

The next administration should prioritize every refugee case that has been approved for resettlement but is on hold in the various stages of processing. Each case should be reviewed and relevant agencies should renew expired clearances at the earliest possible date so that refugees are permitted to travel as soon as possible. While Resettlement Support Centers (RSCs) regularly re-request clearance for cases with expired checks, the vetting agencies must be just as vigilant in terms of processing these checks and ensuring that those with expired clearances are not unnecessarily delayed. This will require coordination between PRM and DHS to ensure the proper sequencing and ensure no one falls between the cracks. Any case in the pipeline longer than five years should get a Level 2 expedite, and any case in the pipeline longer than 10 years should get a Level 1 expedite.

Month 1: Conduct an interagency audit of refugee security check processes

One of the first priorities of the senior-level White House coordinator on refugee protection should be to conduct an interagency audit of refugee admissions security checks to ensure that security vetting is fair, efficient, and narrowly tailored to its legitimate purpose. Select nationalities and applicants identified as having heightened security-related concerns require an SAO security clearance, an interagency check in which numerous law enforcement and intelligence agencies must review and clear the case before it can continue with processing. Severe staffing shortages and a misalignment in SAO review sequencing has caused enormous backlogs to the resettlement pipeline and has resulted in refugees sometimes waiting years just for their security checks to clear. Without risking the integrity and security of the program, the process needs to be made more efficient to ensure that refugees seeking life-saving protection can access it in a timely manner.

This audit should focus in particular on:

- Identifying redundant layers of screening;
- Reversing unduly burdensome expansion in data collection requirements;
- Reviewing vetting thresholds to ensure fairness and establishing ongoing oversight audit mechanisms to increase accountability;
- Amending security check sequencing and validity periods;

²⁰ Erol Kekic. 2017. "Homeland Security Chief John Kelly Says Waiting 120 Days Won't Hurt Refugees. He's Wrong." Time, February 10. <https://time.com/4666828/refugees-john-kelly-president-trump>.

- Streamlining checks through better use of technology and data sharing;
- Increasing staffing to accelerate the pace of returning security screening results; and
- Adding members to the family tree as U.S. Ties or updating information of the U.S. Tie contact should not require a new security check.

Recommendations should be implemented during the first six months of FY 2022 and monitored by the senior-level White House coordinator on refugee protection. This should include engagement with Congress and other stakeholders and a communications plan that clearly conveys changes for the sake of efficiency without loss of rigor.

Month 1: Request additional funds from Congress to rebuild resettlement capacity

The next administration should request increased funds from Congress for FY 2021 to ensure that both the overseas and domestic components of the USRAP have the capacity needed to rebuild the resettlement program. A detailed description of how we calculated our funding requests is available here.²¹ This should include a total FY 2021 budget of \$6,342,106,000 for the Refugee and Entrant Assistance (REA) account that funds the Office of Refugee Resettlement (ORR), which will be critical to rebuilding the domestic resettlement infrastructure, returning refugee admissions to historic norms, and accounting for cost of living increases and replenishing reprogrammed funds.

- The administration should also request the following total FY 2021 amounts for the following State and Foreign Operations accounts:
- \$4,520,000,000 for the International Disaster Assistance (IDA) account to respond to the humanitarian needs of displaced persons abroad;
- \$4,350,000,000 for the Migration and Refugee Assistance (MRA) account, including support for refugees abroad, UNHCR resettlement referrals to the United States and other countries, and an increase to the Reception and Placement grants for refugees resettled in the United States; and
- \$100,000,000 for the Emergency Refugee and Migration Assistance (ERMA) account, in addition to increasing its authorized level to at least \$200,000,000 and authorizing the Secretary of State, rather than the President, to draw down funds to streamline emergency response.

Month 1: Begin quarterly meetings with resettlement stakeholders to assess needed reforms

The USRAP is a public / private partnership that thrives when stakeholders communicate and collaborate. It is critical that the administration rely on the expertise of refugee resettlement agencies, other service providers, and civil society actors as it restores the USRAP. The senior-level White House coordinator should convene these partners, including a significant number of refugees and former refugees, with any additional relevant government agencies regularly, through quarterly meetings in order to gather and solicit input on reforms needed to restore the USRAP.

²¹ RCUSA, "FY 2021 Refugee and Entrant Assistance Account Needs Based on Resettlement Policies and Admissions Consistent with Historic Norms." https://drive.google.com/file/d/1SxL41oxYzF5UgZS3UV8_5qg1UBRJsDio/view.

Month 2: Launch a robust Central American resettlement program and reestablish CAM

The Central American Minors (CAM) program provided a pathway to safety through resettlement or humanitarian parole for children from the Northern Triangle of Central America by reuniting them with a parent residing in the United States. Fleeing gang violence and intimidation, thousands of Central American children are forced to leave their homes in search of safety. On the way to Mexico and the U.S., they risk further violence, kidnapping, trafficking, and death. This program, which was terminated under the Trump administration, provided an important way for children to seek safety and reunify with a parent or guardian without undergoing the dangerous journey to the United States. The next administration should restore this program, along with resources for safe transport and housing while children wait for reunification and funding for application preparation with civil society organizations. Resources should be allocated carefully to reduce the in-country waiting process for children. On the domestic side, the administration should ensure CAM program parolees are eligible for ORR services and have opportunities to adjust to lawful permanent residency and be reunited with other family members. In addition to restoring CAM, a similar program should be established to allow parents to reunite with their children. Parents with children in the United States would be eligible to apply to come to the United States as program parolees or asylees. It is equally imperative that the U.S. government protect from deportation the parents and loved ones in the United States who are reunifying with CAM participants to ensure that children brought to the United States under the CAM program are not at risk of family separation. More information about restoring and expanding the CAM program, as well as increasing resettlement from Central America and Venezuela, please see Appendix A.



Month 2: Appoint a PRM Assistant Secretary with robust experience in refugee protection and resettlement

The next administration must ensure that the Assistant Secretary for PRM, its Domestic Resettlement Chief, and the ORR Director have strong experience in the resettlement field. The administration should strive to appoint former refugees for these positions whenever possible, since refugees can provide unique insights into how these programs work and impact human lives. These officials should also have the background and skill set to help transform the USRAP from a compliance-based model based on standardized inputs to a model that fosters innovation and encourages strong integration outcomes. Qualifications should include:

- ORR: Proven experience with integration programming with refugees, asylees, SIVs, unaccompanied children, and other ORR populations; knowledge of immigration law; and management and budgeting experience in government or a large organization or coalition.
- PRM: Proven experience facilitating direct aid to displaced persons; foreign policy expertise; deep knowledge of international humanitarian and human rights law, U.S. immigration law, and durable solutions; past experience with the United Nations and international organizations; and management and budgeting experience in government or with international or large organizations or coalitions.

Month 2: Engage in robust communications and outreach efforts on the importance of refugee resettlement

As the administration works to rebuild the USRAP, it will be critical to harness the broad, bipartisan support for resettlement and communicate to the general public in a way that builds upon this support and avoids antagonizing detractors. This will require the administration to engage in constructive conversations, cultivate partnerships, and build relationships with state and local officials. State Offices of New Americans and similarly situated state agencies will be part of this, but outreach must also include a broader range of government entities at all levels, especially in conservative and moderate states. The administration should also engage with the public on how refugee resettlement strengthens local communities around the country, highlighting the contributions of refugees in the United States and the importance of America’s heritage of refugee protection. Messaging should be evidence-based and include the importance of refugee resettlement to the U.S. economy, foreign policy goals, and strategic interests; the rigorous security check processes that refugees go through; identifying best practices in state and local policies to welcome refugees, counter xenophobia, and build social cohesion; and improving federal support to states and localities in promoting and facilitating refugee resettlement. It is essential that such efforts are designed in the context of, and strongly support, initiatives to reduce polarization and support inclusive communities for all, not only refugees.

Month 3: Ensure execution of interagency reforms to meet admissions goals

In response to the recommendations of the interagency audit on refugee security screenings, the administration should make the changes needed to streamline the USRAP. The senior-level White House coordinator on refugee protection should aggressively monitor the progress on each of these reforms to ensure they are pursued in a timely, sustainable, and comprehensive manner.

Month 3: Ensure effective processing of and expand the Special Immigrant Visa program

The Secretary of State, in accordance with the FY 2014 National Defense Authorization Act, should appoint a Senior Coordinating Official to oversee all aspects of the special immigrant visa (SIV) program. The SIV program provides a pathway for Afghans and Iraqis who face danger because of their service to the U.S. mission in Afghanistan and Iraq. Over the years these SIV programs have been beset by technical, practical, and political obstacles and inefficiencies that have hampered its operation and threatened the promise that the U.S. government made to these allies for their service. Though Congress mandated that the State Department and vetting partner agencies issue visas within nine months, average processing times have always been several years long and have dramatically increased since 2017. In 2020, the Department of State Inspector General (DOS IG) released a congressionally-mandated report²² based on an investigation that included consultation with the International Refugee Assistance Project (IRAP) evaluating the obstacles to effective implementation of the SIV programs and providing suggestions for improvements. After identifying gaps in the DOS IG’s report, IRAP issued its own extensive report with specific recommendations for reform of the SIV program.²³ Together these reports provide a roadmap

22 “Review of the Afghan Special Immigrant Visa Program,” U.S. Department of State, June 2020. <https://www.stateoig.gov/system/files/aud-mero-20-35.pdf>.

23 “Recommendations on the Reform of the Special Immigrant Visa Program for U.S. Wartime Partners,” IRAP, June 2020. https://refugeerights.org/wp-content/uploads/2020/06/IRAP_SIV_Report_2020.pdf.

to fix the issues with the current SIV program and to ensure that future special immigration programs avoid the pitfalls and mistakes that have needlessly put so many U.S. allies in danger. While many of these recommendations fall within the scope of multiple State Department offices, they are detailed below in Appendix B on Consular Affairs.

The Afghan and Iraqi SIV programs are a solid example of how Congress can continue to provide relief to individuals through visa authorization despite an administration scaling back the USRAP. In addition to implementing the recommending reforms of these programs, the next administration should make the SIV programs permanent, encourage Congress to authorize additional visas to reduce the backlog of SIV applicants and engage the interagency process to implement efficiencies, reduce backlogs and delays, and ensure that all SIV processing agencies have appropriate staffing to issue SIVs expeditiously.

Other groups to consider for an SIV program or humanitarian visa include refugees from the countries that were impacted by the Trump administration's multiple refugee bans (Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, Sudan, South Sudan, Syria, Yemen). Any future SIV program should, from the outset, provide clear expectations for processing timelines. It should also ensure that adequate visas are regularly authorized, and that authorized visas do not expire until they are issued. If an SIV program requires documentary evidence of a person's past work with the U.S. or its allies, the program should allow applicants to submit and update information in a securely protected central database. It should also provide a process to submit updates and correct errors. Applicants should also be able to establish their eligibility through documentary evidence if their information is not located in a central database.

Month 3: Expand U.S. capacity to protect and welcome through community sponsorship and other complementary pathways

The new administration should expand U.S. capacity to protect and welcome refugees and other forcibly displaced populations by:

1. Supporting participation in traditional forms of community sponsorship such as co-sponsorship of newly arrived refugees and the sponsorship of asylum seekers.
2. Expanding community sponsorship in the U.S. to include private sponsorship, to be defined, creating a complementary pathway to traditional resettlement.
3. Establishing a scholastic refugee program either through private sponsorship or another complementary pathway.
4. Expanding the complementary pathway of Special Immigrant Visas.
5. Exploring the establishment of other complementary pathways, such as expanded family reunification and pathways to work.

Community sponsorship pairs refugees and other forcibly displaced populations with groups of individuals who will provide financial and/or in-kind contributions and certain volunteer services to support their welcome and integration. It has the potential to mobilize public support for refugees, connecting community groups and private institutions directly to refugees, engaging them in refugee integration and success.



It can also facilitate an infusion of private resources into refugee protection, supporting the identification of refugees for admission to the United States, as well as their resettlement and integration. Community sponsorship may take place within the context of a traditional resettlement program or it may be used to facilitate the entry of additional refugees as part of a complementary pathway.

In the United States, community sponsorship most typically occurs in the form of co-sponsorship where established community groups partner with RAs who are the sponsorship holders and ultimately responsible for service delivery. There are numerous benefits to this form of community sponsorship including engagement of community members in resettlement, the infusion of private resources into the program, and strengthened community connections. At one time, co-sponsorship was widely used within the U.S. resettlement program; however, due to a variety of factors, it does not occur at the levels it once did. To address these factors and to increase co-sponsorships in the United States, it is recommended that:

1. RAs be allowed to resettle Non-UST refugees near co-sponsors that are outside of an affiliate's 50 mile radius.
2. The current R&P requirement that co-sponsors be formal groups be lifted, allowing informal groups to partner with Resettlement Agencies in co-sponsorship.
3. Additional funding be made available through the R&P Cooperative Agreement to support co-sponsorship recruitment, training, and management.
4. Current community sponsorship opportunities accessible through <https://rcusa.org/get-involved/community-sponsorship/> be promoted with support from the U.S. government.

Community sponsorship can also be used for asylum seekers as an alternative to detention, reducing government cost and supporting newcomer integration. However, as asylum seekers are not immediately eligible for employment and not eligible for many public benefits, and the duration of asylum procedures is often uncertain, potential sponsor groups are reluctant to assume an indefinite financial responsibility. To increase the number of groups serving as sponsors to asylum seekers and reduce the number of asylum seekers being held in detention, it is recommended that:

1. Individuals who establish a credible fear be immediately eligible for an Employment Authorization Document, allowing them to achieve self-sufficiency more quickly.
2. The Administration work to streamline the filing of the Notice to Appear to support the efficient processing of cases and timely adjudications.
3. Asylum seekers be eligible for certain public benefits.

It is further recommended that the administration expand community sponsorship in the United States to include private sponsorship, a complementary pathway that can exist alongside traditional resettlement. Unlike co-sponsorship, private sponsorship allows groups of individuals to serve as sponsorship holders and assume primary responsibility for the resettlement of cases to the United States. While this form of sponsorship is best known for its administration in Canada, the model existed in the Reagan, Bush, and Clinton Administrations during which time more than 16,000 refugees were resettled to the United States. As has been demonstrated in Canada and other countries with private sponsorship programs, private sponsorship can expand the capacity of resettlement countries, allowing refugees to be resettled outside

of heavily impacted areas; engage communities in the resettlement process, catalyzing public advocacy at a local level in support of positive refugee policies; support refugee integration; and bring private resources into the resettlement program, filling short-term gaps in resettlement infrastructure, including referrals and expanding resettlement numbers in the longer term.

In establishing private sponsorship in the United States, it is recommended that:

1. A private sponsor pilot be launched in the first year of a new administration.
2. Privately sponsored refugees be admitted in a way that is numerically additive to the Presidential Determination or authorized by Congress under a new humanitarian category.
3. Privately sponsored refugees receive similar public benefits to refugees resettled under the currentUSRAP model so as not to make sponsorship cost prohibitive.
4. Private sponsor groups be trained, supported, and monitored by RAs with expertise in refugee resettlement.
5. A campaign making Americans aware of the opportunity be funded and launched.

The model of private sponsorship creates flexibility within the resettlement program. This same model can be used to support a scholastic refugee program, for example, as has been done in Canada, where the World University Student Service of Canada serves as a sponsorship agreement holder and has supported over 2,000 students from 39 countries in accessing protection and continuing their education in Canada. Alternatively, the administration can admit these students by creating a specific complementary pathway for refugee students.

The administration can also grow welcome and protection through the expanded use of Special Immigrant Visas, a complementary pathway that has allowed for the in-country processing and resettlement of Iraqi and Afghan allies, and/or other humanitarian visas. Groups to consider for an SIV program or humanitarian visa include refugees from the countries that were impacted by the Trump administration's multiple refugee bans (Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, Sudan, South Sudan, Syria, Yemen).

Finally, it is recommended that the administration explore other complementary pathways such as extended family reunification and pathways to work.

Month 3: Create a federal Office of New Americans (ONA)

The administration should work to build partnerships across federal agencies and with national, state, and local stakeholders to help facilitate refugee and immigrant integration. The goal of a federal ONA should be to champion refugee and immigrant rights, improve services, and engage diverse immigrant and refugee communities through enhanced collaboration with all levels of government, community organizations, academic institutions, and the private sector. The administration should hire former refugees to staff this office, since refugees can provide unique insights into how the USRAP works and impacts human lives. The ONA should coordinate with the senior-level White House coordinator on refugee protection to review reforms that would strengthen refugee processing and integration and continue to build upon community support for resettlement.

To support the effective resettlement and integration of refugees to the United States, the ONA should ensure that Americans are aware of community sponsorship opportunities, inclusive of co-sponsorship and private sponsorship. This can be accomplished with the launch of a public awareness campaign, through which the stories of sponsors and sponsored refugees are shared and means of participation described.

Month 3: Organize a longitudinal study on refugee integration and economic contributions

For the remainder of FY 2021, the administration should launch efforts to study refugee and asylee integration and economic contributions in a comprehensive way that offers new insights into refugees' successes and the challenges they face in the United States over time. Such a study should include first-hand accounts and recommendations from refugees and asylees themselves. The administration should prioritize building better knowledge of the refugee and asylee integration process, including to improve the limited understanding²⁴ of the intergenerational changes experienced by the children of refugees.

Further, because there is “no single, generally accepted definition, theory or model”²⁵ of refugee integration, the administration should work to redefine integration with a holistic approach that includes refugees' own indicators of integration. One study²⁶ suggested that integration includes markers and means (housing, health, employment, education); social connections (social bonds, social bridges, social links); facilitators (language and cultural knowledge, safety and stability); and foundation (rights and citizenship). Other marks of successful integration include purchasing a home, active civic engagement, opening a business, hiring other community members, cultural exchanges, and establishing enough economic security to donate to their U.S. communities and home country communities. Currently, the Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) conducts an Annual Survey of Refugees (ASR) to collect information on refugees for five years after their arrival to the U.S. This survey should be expanded and strengthened to better understand long-term refugee integration.

For example, the administration should conduct longitudinal studies of refugees to fill a critical gap in generating an evidence-base, such as through the ASR, to better understand long-term refugee and asylee integration and economic contributions over time. The administration should ensure ORR has sufficient additional funds to support a longitudinal study that would take place every 5 years to assess the integration of refugees and asylees during their first 15 years in the United States. Notably, the ASR and other studies should include refugees, asylees, and other populations served by ORR, while previously it has been limited to solely refugees.



24 Hamutal Berstein and Nicole DuBois. 2018. “Bringing Evidence to the Refugee Integration Debate.” Urban Institute. July. https://www.urban.org/sites/default/files/publication/97771/bringing_evidence_to_the_refugee_integration_debate_1.pdf.

25 “Alastair Ager and Alison Strang. “Understanding Integration: A Conceptual Framework,” *Journal of Refugee Studies*, Volume 21, Issue 2, June 2008, Pages 166–191, <https://doi.org/10.1093/jrs/feno16>.

26 Michaela Hynie. “Refugee Integration: Research and Policy,” *Peace and Conflict: Journal of Peace Psychology*, Volume 24, Issue 3, August 2018, Pages 265-276, <https://psycnet.apa.org/fulltext/2018-39059-002.html>.

The administration should also work with Congress to request that the U.S. Government Accountability Office (GAO) design an audit method to collect information regarding:

- Top industries for refugee employment 1 year, 5 years, and 10 years after arrival.
- Refugees' economic and spending power 1 year, 5 years, and 10 years after arrival.
- Rates of home ownership of refugees 1 year, 5 years, and 10 years after arrival.
- Net revenue refugees bring over benefits accessed 1 year, 5 years, and 10 years after arrival.
- Gross taxes refugees contribute after 1 year, 5 years, and 10 years after arrival.
- Rate of entrepreneurship after 1 year, 5 years, and 10 years after arrival.
- Number of jobs created by refugee business owners.
- Labor markets for which refugees fill critical gaps.
- Rate of employment after 1 year, 5 years, and 10 years after arrival.
- Immigration status 1 year, 5 years, and 10 years after arrival.
- Refugee access to higher education, by those resettled as adults and those resettled as children.
- An assessment of positive and negative integration outcomes through rapid employment.

Month 3: Convey legislative priorities on rebuilding resettlement to Congress

The next administration should convey its support to Congress for a number of reforms that would modernize the USRAP, restore America's global leadership in refugee and asylum protection, and provide social, economic, and civic support to all those seeking safety in the United States, including the following legislative initiatives:

- The Refugee Protection Act (S. 2936²⁷ / H.R.5210²⁸) is a comprehensive blueprint to rebuild and restore refugee protection in the United States. It addresses refugee resettlement, asylum, and SIV applicants.
- Legislation to safeguard the Afghan Special Immigrant Visa program. Congress should authorize 4,000 Afghan SIVs annually until sufficient visas are approved to meet the backlog and projected future need of wartime partners.
- Legislation, similar to the Strengthening Refugee Resettlement Act (H.R. 651) and the Domestic Refugee Resettlement Reform and Modernization Act (H.R.1784) of 2014, that would elevate ORR within HHS and create a new Senate-confirmed Assistant Secretary of Health and Human Services for

218,000

POTENTIALLY AT RISK AND STATELESS PEOPLE IN THE UNITED STATES

²⁷ Refugee Protection Act of 2019, S. 2936, 116th Cong. (2019). <https://www.congress.gov/bill/116th-congress/senate-bill/2936>.

²⁸ Refugee Protection Act of 2019, H.R. 5210, 116th Cong. (2019) <https://www.congress.gov/bill/116th-congress/house-bill/5210>.

Refugee and Asylee Services position.

- The Guaranteed Refugee Admissions Ceiling Enhancement (GRACE) Act (S.1088²⁹ / H.R.2146³⁰) would ensure that the U.S. sets a minimum annual refugee admissions goal of 95,000 refugees, in line with the historic, bipartisan average from 1980 to 2017. It also increases transparency by mandating quarterly reporting to Congress and promotes greater responsiveness to global needs.
- The National Origin-Based Antidiscrimination for Nonimmigrants (NO BAN) Act (S.1123³¹ / H.R.2214³²) would repeal all versions of the refugee, Muslim, and asylum bans, requires travel restrictions to be fact-based and time-limited, and prevents future discriminatory travel bans by broadening the Immigration and Nationality Act's (INA's) nondiscrimination clause to prohibit discrimination against any immigrant or visa applicant based on religion or country of origin.
- The New Deal for New Americans Act (S.3470³³ / H.R.4928³⁴) would set a minimum refugee admissions goal of 110,000, eliminate roadblocks to citizenship for eligible residents, establish a National Office of New Americans in the White House, and provide social, economic, and civic support to refugees and rebuild the capacity and infrastructure of local communities to welcome refugees.
- The Lady Liberty Act (H.R.3376³⁵) would ensure that the U.S. sets a robust minimum annual refugee admissions goal of 110,000 refugees to restore America's global leadership in resettlement.
- The To Offer Refugees College Help (TORCH) Act (H.R.3391³⁶) would require states to charge in-state tuition rates for institutions of higher education to refugees, asylees, and special immigrant visa holders when they are first resettled.
- The New Way Forward Act (H.R.5383³⁷) would provide due process protections for asylum seekers.

**This overview of existing pro-refugee and pro-immigrant legislation does not constitute an endorsement by all members of RCUSA.*

29 Guaranteed Refugee Admission Ceiling Enhancement Act, S. 1088, 116th Cong. (2019). <https://www.congress.gov/bill/116th-congress/senate-bill/1088>.

30 GRACE Act, H.R. 2146, 116th Cong. (2019) <https://www.congress.gov/bill/116th-congress/house-bill/2146>.

31 National Origin-Based Antidiscrimination for Nonimmigrants Act, S. 1123, 116th Cong. (2019). <https://www.congress.gov/bill/116th-congress/senate-bill/1123>.

32 NO BAN Act, H.R. 2214 116th Cong. (2019). <https://www.congress.gov/bill/116th-congress/house-bill/2214>.

33 New Deal For New Americans Act of 2020, S.R. 3470, 116th Cong. (2020). <https://www.congress.gov/bill/116th-congress/senate-bill/3470>.

34 New Deal for New Americans Act of 2019, H.R. 4928, 116th Cong. (2019). <https://www.congress.gov/bill/116th-congress/house-bill/4928>.

35 Lady Liberty Act of 2019, H.R. 3376, 116th Cong. (2019) <https://www.congress.gov/bill/116th-congress/house-bill/3376>.

36 To Offer Refugees College Help (TORCH) Act, H.R. 3391, 116th Cong. (2019). <https://www.congress.gov/bill/116th-congress/house-bill/3391/text>.

37 The New Way Forward Act, H.R. 5383, 116th Cong. (2019). <https://www.congress.gov/bill/116th-congress/house-bill/5383>.

Month 3: Convey legislative priorities to act for stateless people on U.S. territory

There are 218,000 potentially at risk and stateless³⁸ people in the United States.³⁹ Stateless people face many challenges, including:

- Barriers to: obtaining identity or travel documents, entering into contracts, opening bank accounts, traveling between states or abroad legally, obtaining college or advanced degrees, and accessing financial assistance and resources.
- Arbitrary, prolonged, and repeated immigration detention, with no country that will accept them for return.
- Inadequate or ineffective counsel due to lack of awareness among the legal community.
- No path to U.S. citizenship, but no way to legally exit the United States and live elsewhere.

Among other recommendations,⁴⁰ the United States should immediately consider deferred action for stateless people and support legislation that permanently protects stateless persons in the United States, adopts a definition of “stateless person” in line with international human rights standards, and grants eligibility to stateless persons to apply for conditional lawful status in the United States. This is critical as stateless persons are not considered to be citizens under the laws of any country (do not have a nationality) and therefore cannot be returned anywhere. These individuals are generally rendered stateless by forces beyond their control, such as the collapse of their country of origin (e.g., the Soviet Union). Similarly, legislation should establish a federal-level Stateless Status Determination (SSD) Procedure, based on UNHCR’s Handbook on Protection of Stateless People, to ultimately provide stateless people a designated path to lawful status and U.S. citizenship. While in the SSD Procedure waiting period, the United States should provide stateless people with identification cards, access to higher education, the ability to obtain travel documentation domestically and internationally without hardship, housing and financial assistance, work authorization, and language assistance (ESOL). The United States should also terminate removal proceedings and refrain from detaining stateless individuals and others who cannot be returned to their countries of last residence.

Within the U.S. government, the U.S. should provide resources to fund, train, and support immigration judges, law clerks, and USCIS officers to recognize, screen, and identify stateless individuals or those at a heightened risk of statelessness, as well as the SSD process. Moving forward, the United States should establish internal mechanisms to collect data and statistics on stateless individuals to be used for the

38 Donald Kerwin, Daniela Alulema, Michael Nicholson, and Robert Warren. “Statelessness in the United States: A Study to Estimate and Profile the US Stateless Population.” Center for Migration Studies of New York, January 2020. <https://cmsny.org/publications/stateless-in-the-united-states>.

39 A stateless person is someone who is not recognized as a national by any state under the operation of its laws. The United Nations estimates that at least 10 million people are stateless worldwide. A Center for Migration Studies (CMS) report in 2020 estimates that as many as 200,000 people may be stateless in the U.S. However, even among human rights activists, statelessness remains an unknown issue. While the U.S. discourages statelessness abroad, U.S. law provides no dedicated mechanism to protect stateless people on U.S. territory. Much work remains to be done in this area.

40 UNHCR and Open Society Justice Initiative. “Citizens of Nowhere: Solutions of Statelessness in the U.S.” UNHCR and Open Society Justice Initiative. December 2012. <https://www.unhcr.org/en-us/about-us/background/56fbfcea4/citizens-of-nowhere-solutions-for-the-stateless-in-the-us.html>.

benefit of stateless individuals, including for example numbers of people identifying as stateless and numbers of people released from detention due to not being recognized as a national of any country. The U.S. should support:

- Research into how foundlings are treated under federal and state law.
- Research into asylum cases impacting or involving stateless individuals; educating legal providers how to make stateless arguments in support of asylum.
- Analysis of current laws, regulations and government practices guidance/practice in detention and removal proceedings to identify advocacy points under current law and ideal of law reform.

Year 1 and Beyond: Increase refugee admissions annually, including to 125,000 in FY 2022

Annually, the President should, in consultation with Congress and according to requirements listed in the Immigration and Nationality Act, build back the program step-by-step and increase the annual refugee admissions goal so that it is consistent with global resettlement needs and U.S. humanitarian leadership. These Presidential Determinations should be ambitious, achievable, and aggressively pursued. Given the number of refugees in U.S. resettlement processes overseas and overwhelming need, it is critical for the FY 2021 PD to be increased to 100,000 and for that goal to increase and be reached each year. Below are recommended goals over four years, including the resettlement of 125,000 refugees during the administration's first full year in office and subsequent increases that build on that success.

- FY 2022: 125,000
- FY 2023: 150,000
- FY 2024: 175,000
- FY 2025: 200,000

The following reforms will be necessary to meet these goals:

- Resume the reception of and rapidly scale-up the pipeline of UNHCR referrals to increase the number of refugees considered by the U.S.
- Immediately review and resolve cases that have been approved but are on hold or stalled at various parts of the process over the past four years, prioritizing cases with urgent protection concerns and family unity.
- Ensure that the Department of Homeland Security (DHS) immediately schedules sufficient circuit rides and increases staff capacity to interview and screen enough refugees to dramatically accelerate progress toward the next admissions goals.
- DHS should identify ways to shorten processing times. For example, previously under the Obama administration, presentations at the Admissions Conference indicated that DHS was working on ways to process parts of cases remotely (e.g. accepting electronic stamps or signatures).
- Increase the capacity of all vetting agencies and streamline procedures to greatly reduce the security clearance backlog and lengthy delays in order to accelerate progress toward the next admissions goals.

- Work with Resettlement Support Centers to scale up pre-screening efforts.
- Build back and significantly expand the domestic resettlement network, which has been reduced by approximately one-third.
- Submit adequate appropriations requests for the Migration and Refugee Assistance (MRA) and Refugee and Entrant Assistance (REA) accounts in order to facilitate these capacity increases.
- Develop and implement coordinated messaging and engagement to build public support for refugee resettlement, improve relationships between the federal government with state and local officials in regard to resettlement, and encourage other countries to increase their own commitments to refugees.
- Aim for a target of at least 1% of the total refugee admissions in FY 2021 for Unaccompanied Refugee Minors (URMs).





Appendix A

**State Department, Bureau
of Population, Refugees,
and Migration (PRM)
Recommendations**

Introduction

The Department of State plays a critical role in refugee resettlement. The Bureau of Population, Refugees, and Migration (PRM) manages both overseas assistance to refugees and the U.S. Refugee Admissions Program (USRAP), and thus will play a central role in rebuilding the program and returning refugee admissions to historic norms. RCUSA calls on PRM to embrace its leadership role amongst other agencies involved in refugee resettlement, take immediate action, and undertake analysis and reforms needed to meet those objectives, including the following recommendations.

Action Plan

- | | |
|----------------|---|
| WEEK 1 | <ul style="list-style-type: none"> ● Reestablish USRAP acceptance of UN High Commissioner for Refugees (UNHCR) referrals (Page 32) ● Restore regional allocations for refugee admissions (Page 32) ● Scale up overseas processing capabilities (Page 32) |
| MONTH 1 | <ul style="list-style-type: none"> ● Prioritize the resolution of cases that have been approved but are on hold or stalled (Page 32) ● Remove resettlement agency limitations that impede operations (Page 33) ● Develop a plan to meet the new refugee admissions goals in FY 2021 and beyond (Page 33) ● Request additional funds from Congress to rebuild resettlement capacity (Page 34) |
| MONTH 2 | <ul style="list-style-type: none"> ● Modernize programmatic and funding structures (Page 34) ● Restore information sharing mechanisms with resettlement stakeholders to improve coordination and efficiency and the public to improve transparency (Page 34) ● Participate and provide expertise in interagency audit of refugee security checks (Page 35) ● Increase admissions of URM's to at least 1% of all admissions (Page 35) ● Reestablish the Central American Minors (CAM) Program (Page 35) ● Launch a robust Central American resettlement program and regional resettlement initiative in Central America and Venezuela (Page 36) |
| MONTH 3 | <ul style="list-style-type: none"> ● Expand U.S. capacity to protect and welcome through community sponsorship and other complementary pathways (Page 36) ● Designate additional groups of refugees for P-2 group submission (Page 38) ● Reduce barriers to family reunification by expanding P-3 eligibility and improving processing efficiency (Page 39) ● Improve efficiency in Special Immigrant Visa processing (Page 40) ● Request an increase in visa numbers for Special Immigrant Juvenile Status (SIJS) holders to become permanent residents (Page 40) ● Revise travel loan structures and processes (Page 40) ● Conduct a study on the long-term structural changes needed to the USRAP (Page 41) |

Detailed Recommendations

Week 1: Reestablish USRAP acceptance of UN High Commissioner for Refugees (UNHCR) referrals

PRM must take immediate action to restore UNHCR's Priority 1 referrals to USRAP and coordinate with UNHCR to dramatically increase referrals to restore the USRAP pipeline. The Trump administration stopped accepting the vast majority of referrals from UNHCR in FY 2020. UNHCR referrals typically make up about 75% of U.S. resettlement cases, so this change has significantly impacted the ability of the United States to welcome refugees. UNHCR is instrumental in helping the U.S. identify refugees who are in need of resettlement. UNHCR referrals undergo all U.S. security screenings and the U.S. government has full authority over who is admitted to the United States. As a frontline service provider, UNHCR is uniquely positioned to identify and refer the most vulnerable refugees as dictated by USRAP. PRM should coordinate with UNHCR to resume and expand referrals and secondment for refugee resettlement to the United States.

Week 1: Restore regional allocations for refugee admissions

In its FY 2020 Presidential Determination⁴¹ on refugee admissions, the Trump administration eliminated the traditional use of regional allocations, and instead established the following four allocations categories:

- 5,000 for religious minorities
- 4,000 for Iraqis who supported U.S. missions (Iraqi P-2s)
- 1,500 for Guatemala, Honduras and El Salvador
- 7,500 for all other refugees

These allocations are arbitrary, neglect the most sizable and vulnerable refugee populations such as Syrians, Somalis, Congolese, and others, and made it impossible for the administration to meet the FY 2020 Presidential Determination. PRM should return to the use of regional allocations for refugee admissions, prioritizing the most vulnerable and in need of resettlement.

Week 1: Scale up overseas processing capabilities

PRM should coordinate with all agencies across the USRAP to increase staff capacity and reform policies and practices in order to meet the new admissions goal. Additionally, PRM should direct Resettlement Support Centers (RSCs) to increase pre-screening efforts and staff capacity, and ensure coordination with DHS to ensure as many cases can be processed as possible.

Month 1: Prioritize the resolution of cases that have been approved but are on hold or stalled

Since each part of the refugee screening process has a narrow validity period, refugees only have about a two-month travel window during which all their checks are complete and valid. For refugees who

⁴¹ "Report to Congress on Proposed Refugee Admission for FY20." U.S. Department of State. <https://www.state.gov/reports/report-to-congress-on-proposed-refugee-admissions-for-fy-2020/>.

are approved for travel, any delays or interruptions may result in one or more of their security checks expiring. With so many stops, starts, and changes to the program under the Trump administration, many refugees have seen a domino effect of expiring validity periods⁴² that has required them to repeat medical screenings, interviews, and other parts of the process in order to keep their cases current. PRM should work with DHS and other involved agencies to prioritize the review of all cases that have been approved but are on hold or stalled at various points in the resettlement pipeline; renew their approvals; and clear as many cases as possible so that they can finally be resettled in a timely way, prioritizing urgent protection concerns and family unity.

Month 1: Remove resettlement agency limitations that impede operations

The Trump administration's dismantling of the USRAP's domestic capacity has shed light on the disproportionate vulnerability and burden placed on local resettlement offices. The existing affiliate funding structure that is entirely per capita-based creates enormous challenges in planning for future arrivals and in sustaining staffing levels and resettlement infrastructure, particularly when arrivals aren't predictable or consistent. PRM should ensure that, at the beginning of each fiscal year, each Resettlement Agency is able to access 100% of their administrative per capita based on their approved Consolidated Placement Plan (CPP). The budgeted portion should be guaranteed funding and not tied to actual future arrivals.

Such changes in the funding structure will enable Resettlement Agencies to support the opening of new affiliate sites as well as rapid scale-up of existing affiliates that anticipate a significant increase in future arrivals. It will also sustain the resettlement infrastructure during periods of low or unpredictable arrivals.

PRM should also remove barriers to efficient integration and community engagement by allowing for greater flexibility in resettling refugees outside of the 50 or 100 mile radius of a resettlement office. Placement decisions should be made based on the best interest of refugees, available jobs, and the presence of supportive community members and volunteers.

In addition, PRM should incentivize innovation and holistically evaluate integration outcomes, rather than initial inputs. PRM should recognize that initial resettlement needs and approaches vary by population and location context, and evaluate programs accordingly. PRM should consider expanding overseas programs that provide ESL training to refugees prior to arrival, as well as creating opportunities for higher-skilled refugees to become recertified or access extended learning even if at the expense of early employment.

Month 1: Develop a plan to meet the new refugee admissions goals in FY 2021 and beyond

PRM should do everything in its power to meet the next administration's increased Presidential Determination (PD) on refugee admissions for FY 2021 and beyond to build back the resettlement program in a safe and efficient manner consistent with global resettlement needs and U.S. humanitarian leadership. Unaccompanied Refugee Minors should account for at least 1% of each year's refugee

⁴² Erol Kekic. "Homeland Security Chief John Kelly Says Waiting 120 Days Won't Hurt Refugees. He's Wrong." February 2017. <https://time.com/4666828/refugees-john-kelly-president-trump/>.

admissions. In addition to the other reforms listed in this document, PRM should develop a comprehensive plan that puts in place benchmarks, proposes needed funding and capacity increases, and evaluates which policies and procedures need to be changed in order to meet the new PD.

Month 1: Request additional funds from Congress to rebuild resettlement capacity

PRM should request an updated FY 2021 budget of \$4,350,000,000 for the Migration and Refugee Assistance (MRA) account, including support for refugees abroad, UNHCR resettlement referrals to the United States and other countries, and an increase to the Reception and Placement grants for refugees resettled in the United States. PRM should also request \$100,000,000 for the Emergency Refugee and Migration Assistance (ERMA) account, support increasing its authorized level to at least \$200,000,000, and propose changing its level of authorization so that the Secretary of State, rather than the President, can draw down funds to streamline emergency response.

Month 2: Modernize programmatic and funding structures

PRM should evaluate the Reception & Placement (R&P) per capita grant amount on an annual basis and increase it accordingly to account for inflation, cost of living increases, and additional needs caused by unanticipated events such as COVID-19. The R&P grant should also be tiered per capita to more appropriately reflect cost of living differences across resettlement locations.

Month 2: Restore information sharing mechanisms with resettlement stakeholders to improve coordination and efficiency and the public to improve transparency.

In the past, RSCs shared quarterly program reports with domestic resettlement agencies in order to help agencies plan for future refugee arrivals. With the current funding structure (post arrival per capita payment), it is essential that resettlement agencies receive this information as it also helps with budget and financial planning. Under the Trump administration, PRM drastically reduced the information that it shares with stakeholders, including refugee resettlement agencies, Resettlement Support Centers (RSCs), and State Refugee Coordinators (SRCs). This included revoking access to reports that previously had been shared as a matter of course and in the best interest of the functionality of the program, as well as restricting access to past records. PRM guidance and reduced transparency have created a chilling effect on information sharing between the overseas and domestic components of the USRAP. Many of these changes were made under the guise of client privacy and data security, but most of the data withheld never contained identifying personal information.

The USRAP operates best when all stakeholders engage in open communication, transparency, and coordination. PRM should increase the sharing of information with stakeholders to the maximum extent practicable. Resettlement agencies should have access to regular reports on case status information, including which cases are on hold and for what reason, to help agencies make informed decisions about when certain cases will arrive in the future. Password protected access to the Refugee Processing Center's WRAPS database, which is transitioning to a new START database, should include departure pipeline reports so that trusted resettlement agency staff can analyze arrival data. PRM should encourage and support information sharing between overseas and domestic components of the USRAP, including quarterly RSC reports so that domestic stakeholders can plan ahead, as well as Consular Affairs when processing SIVs. PRM must find a way to balance client privacy, data security, and program efficiency,

coordination, and success. In addition to sharing information with trusted stakeholders, PRM should reassess the information that it deems appropriate to share with press and the general public, including statistics on overseas processing, stories of clients who want to share their experiences with the media, lists of resettlement offices by state, and other information about the USRAP that furthers program accountability.

Month 2: Participate and provide expertise in interagency audit of refugee security checks

An interagency audit of refugee admissions security checks is essential to ensure that security vetting is fair, efficient, and narrowly tailored to its legitimate purpose. PRM should advise the senior-level White House coordinator on refugee protection on the issue areas that should be addressed and how to best analyze resettlement systems and put forward recommendations. PRM's expertise will be useful in identifying redundant layers of screening, recommending changes to security check sequencing and validity periods, securing better use of technology and data sharing in order to streamline checks, and proposing ways to increase staffing and accelerate the pace of returning security screening results.

Month 2: Increase admissions of URM's to at least 1% of all admissions

The United States is the only country to offer refugee resettlement in significant numbers to unaccompanied refugee minors (URMs).⁴³ Refugee resettlement is a critical lifeline for URM's. This is a different and separate category than Unaccompanied Children – to be considered for resettlement as a URM a child must be displaced, be found in need of resettlement, and not have a parent or guardian capable of providing long-term care. As part of its focus on restoring vulnerability as the touchstone of refugee resettlement, PRM should strive to ensure that 1% of refugee admissions are available to URM's.

Month 2: Reestablish the Central American Minors (CAM) Program

The Central American Minors (CAM) Program provided a pathway to safety, through resettlement or parole, for children from the Northern Triangle of Central America by reuniting them with a parent and guardian residing in the United States. This program, which was terminated under the Trump administration, provided an important way for children to seek safety and reunify with a parent and guardian without undergoing a dangerous journey to the United States. PRM should resume the CAM program, including both the resettlement and parole pathways. PRM should review the applications of children and guardians who applied but were denied or had their applications deleted when the program ended, were provided parole status but could potentially qualify for refugee status, or began the process and could have completed their applications had the program not been terminated. PRM should also ensure applicants have safe transport and housing while they wait for reunification and make every effort to reduce wait times in-country. On the domestic side, PRM should provide funding for application preparation and ensure that CAM parolees are eligible for the



⁴³ "About Unaccompanied Refugee Minor Program." U.S. Department of Health and Human Services. Accessed August 2020. <https://www.acf.hhs.gov/orr/programs/urm/about>.

same services as refugees and are able to pursue adjustment of status and be reunited with other family members. In addition to restoring CAM, a similar program should be established to allow parents and guardians to reunite with their children. Parents and guardians with children in the United States would be eligible to apply to come to the United States as program parolees or asylees.

Month 2: Launch a robust Central American resettlement program and regional resettlement initiative in Central America and Venezuela

PRM should launch a regional resettlement⁴⁴ initiative focused on Central American (Salvadoran, Guatemalan, Honduran) and Venezuelan refugees as is done in other major refugee situations. In addition, there should be a separate process established to allow parents to reunite with their children. Parents with children in the United States would be eligible to apply to come to the United States as program parolees or asylees. More information on support for refugees and displaced populations from Central America, including recommendations for addressing the root causes of this forced migration, is available⁴⁵ in a roadmap for U.S. policies towards the northern countries of Central America.

Month 3: Expand U.S. capacity to protect and welcome through community sponsorship and other complementary pathways

PRM should expand U.S. capacity to protect and welcome refugees and other forcibly displaced populations by:

- Supporting participation in traditional forms of community sponsorship such as co-sponsorship of newly arrived refugees and the sponsorship of asylum seekers;
- Expanding community sponsorship in the U.S. to include private sponsorship, to be defined, creating a complementary pathway to traditional resettlement;
- Establishing a scholastic refugee program either through private sponsorship or another complementary pathway;
- Expanding the complementary pathway of Special Immigrant Visas;
- Exploring the establishment of other complementary pathways, such as expanded family reunification and pathways to work.

Community sponsorship pairs refugees and other forcibly displaced populations with groups of individuals who will provide financial and/or in-kind contributions and certain volunteer services to support their welcome and integration. In the United States, community sponsorship most typically occurs in the form of co-sponsorship where established community groups partner with RAs who are the sponsorship holders and ultimately responsible for service delivery. There are numerous benefits to this form of community sponsorship including engagement of community members in resettlement, the infusion of private resources into the program, and strengthened community connections. At one time, co-sponsorship was

44 “Protecting Refugees and Restoring Order: Real Solutions to the Humanitarian Crisis.” Human Rights First. June 2019. <https://www.humanrightsfirst.org/sites/default/files/Protecting-Refugees-Restoring-Order.pdf>.

45 “A Roadmap for Transforming Relations Between the United States & the Northern Countries of Central America.” Latin America Working Group. July 2020. <https://www.lawg.org/wp-content/uploads/LAWG-Central-America-recommendationsFIN2.pdf>.

widely used within the U.S. resettlement program; however, due to a variety of factors, it does not occur at the levels it once did. To address these factors and to increase co-sponsorships in the United States, it is recommended that:

- RAs be allowed to resettle Non-UST refugees near co-sponsors that are outside of an affiliate's 50 mile radius;
- The current R&P requirement that co-sponsors be formal groups be lifted, allowing informal groups to partner with Resettlement Agencies in co-sponsorship;
- Additional funding be made available through the R&P Cooperative Agreement to support co-sponsorship recruitment, training, and management;
- Current community sponsorship opportunities accessible through <https://rcusa.org/get-involved/community-sponsorship/> be promoted with support from the U.S. government.

It is further recommended that PRM expand community sponsorship in the United States to include private sponsorship, a complementary pathway that can exist alongside traditional resettlement. Unlike co-sponsorship, private sponsorship allows groups of individuals to serve as sponsorship holders and assume primary responsibility for the resettlement of cases to the United States. While this form of sponsorship is best known for its administration in Canada, the model existed in the Reagan, Bush, and Clinton Administrations during which time more than 16,000 refugees were resettled to the United States. As has been demonstrated in Canada and other countries with private sponsorship programs, private sponsorship can expand the capacity of resettlement countries, allowing refugees to be resettled outside of heavily impacted areas; engage communities in the resettlement process, catalyzing public advocacy at a local level in support of positive refugee policies; support refugee integration; and bring private resources into the resettlement program, filling short-term gaps in resettlement infrastructure, including referrals and expanding resettlement numbers in the longer term. In establishing private sponsorship in the United States, it is recommended that:

- A private sponsor pilot be launched in the first year of a new administration;
- Privately sponsored refugees be admitted in a way that is numerically additive to the Presidential Determination or authorized by Congress under a new humanitarian category;
- Privately sponsored refugees receive similar public benefits to refugees resettled under the current USRAP model so as not to make sponsorship cost prohibitive;
- Private sponsor groups be trained, supported, and monitored by RAs with expertise in refugee resettlement;
- A campaign making Americans aware of the opportunity be funded and launched.

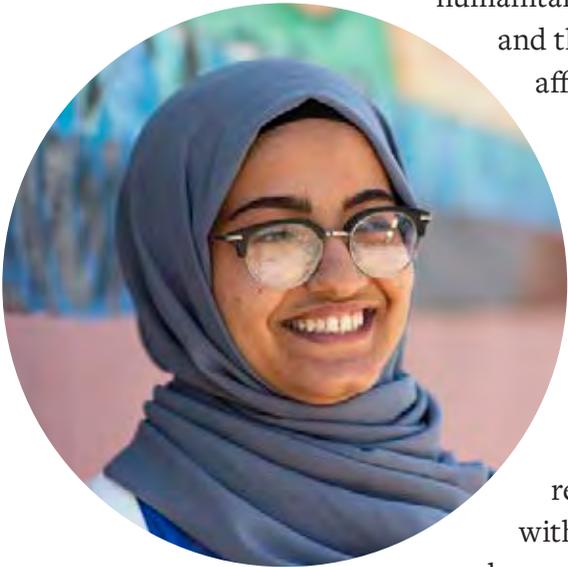
The model of private sponsorship creates flexibility within the resettlement program. This same model can be used to support a scholastic refugee program, for example, as has been done in Canada, where the World University Student Service of Canada serves as a sponsorship agreement holder and has supported over 2,000 students from 39 countries in accessing protection and continuing their education in Canada. Alternatively, the administration can admit these students by creating a specific complementary pathway for refugee students.

PRM can also grow welcome and protection through the expanded use of Special Immigrant Visas, a complementary pathway that has allowed for the in-country processing and resettlement of Iraqi and Afghan allies, and/or other humanitarian visas. Groups to consider for an SIV program or humanitarian visa include refugees from the countries that were impacted by the Trump administration's multiple refugee bans (Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, Sudan, South Sudan, Syria, Yemen).

Finally, it is recommended that the administration explore other complementary pathways such as extended family reunification and pathways to work.

Month 3: Designate additional groups of refugees for P-2 group submission

There are three pathways that allow a refugee to be considered for U.S. resettlement. First, a refugee can be referred based on individual (as opposed to group) vulnerability (called a Priority 1 or P-1 referral). The vast majority of Priority 1 referrals are made by UNHCR, though NGOs and U.S. Embassies can also make P-1 referrals. Second, under Priority-2, a group of refugees can be designated as being of “special humanitarian concern.” P-2 groups include⁴⁶ religious minorities from Iran and the former Soviet Union, Iraqis who face threats because of their affiliations with the United States, and Syrian I-130 cases.



Each of these pathways requires action from PRM, outlined below, to ensure that vulnerable people can reach safety and reunite with family members. After PRM receives a referral for resettlement, it coordinates with its contracted Resettlement Support Centers (RSCs) to conduct initial interviews and compile refugees' biographic information. PRM then coordinates with USCIS to schedule in-person interviews with vetting agencies to complete security checks and with IOM to schedule refugees' medical examinations and travel. Finally, PRM contracts with U.S.-based resettlement agencies to provide initial reception and placement services to welcome refugees to their new communities.

In consultation with UNHCR and resettlement stakeholders, P-2 groups have been designated based on close connections to the United States, as with the Direct Access Program for U.S.-affiliated Iraqis. P-2 groups have also been designated as an efficient way to resettle refugee populations with similar persecution claims, as with Bhutanese refugees in Nepal. In FY 2020, the Trump administration removed mention of the P-2 groups of refugees from Democratic Republic of Congo (in Rwanda and Tanzania), Burmese refugees (in Malaysia and Thailand), and Syrian I-130 beneficiaries.⁴⁷ PRM should ensure these P-2 designations are reinstated, and also actively engage with UNHCR and resettlement partners to identify additional P-2 groups.

⁴⁶ “U.S. Refugee Admissions Program Access Categories.” U.S. Department of State. Accessed August 2020. <https://www.state.gov/refugee-admissions/u-s-refugee-admissions-program-access-categories/>.

⁴⁷ “I-130, Petition for Alien Relative.” U.S. Citizenship and Immigration Services. Accessed August 2020. <https://www.uscis.gov/i-130>.

PRM should expand the P-2 Direct Access Program to include individuals who face danger for their support to the U.S. – including the U.S. mission in Syria – in addition to our Iraqi and Afghan allies. Other groups to consider include refugees from the countries that were impacted by the Trump administration’s multiple refugee bans (Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, Sudan, South Sudan, Syria, Yemen). The United States should also explore opportunities to expand resettlement for LGBTQIA+ refugees from around the world.

Month 3: Reduce barriers to family reunification by expanding P-3 eligibility and improving processing efficiency

The third pathway that allows refugees to be considered for resettlement to the U.S. is the Priority 3 program (P-3) process for the parents, spouses, and children (unmarried and under the age of 21) of refugees or asylees already in the United States. In the past, refugees and asylees in the United States could also sponsor their married sons and daughters, siblings, grandparents, and grandchildren (Priority 4), and uncles, aunts, nieces, nephews, and first cousins (Priority 5). These two categories have not been utilized in more than a decade.

Family unity is critical to refugees’ well being, integration, and success. Unfortunately, family reunification options within the USRAP are too narrowly defined (only accessible to the parents, spouses, and unmarried children under the age of 21 of refugees or asylees already in the United States) and heavily backlogged, leaving many families permanently separated. PRM should work with other agencies to identify and resolve bottlenecks in family reunification processing to correct and prevent unnecessary delays. PRM should also reduce inefficiencies in DNA testing and processing steps that are required only for P3 cases, which can add years to average processing times and is cost-prohibitive to refugees who have to pay for them upfront, and work with USCIS to re-examine and expedite P-3 processing by reducing lengthy delays in the Refugee Access Verification Unit’s initial review of the relationship between the anchor relative and overseas family member listed.

PRM should also expand the nationalities that are eligible to access the P-3 program. Currently, only refugees from Afghanistan, Burundi, Central African Republic, Cuba, DPR of Korea, DR Congo, Eritrea, Ethiopia, Iran, Iraq, Mali, Somalia, South Sudan, Sudan, and Syria can utilize this program. Access should be expanded to allow any refugees or asylees, regardless of country of origin, to apply for family reunification. In addition, PRM should expand the P-3 program to include the same family members that once were included in the P-4 and P-5 programs: married sons and daughters, siblings, grandparents, grandchildren, uncles, aunts, nieces, nephews, and first cousins of resettled refugees or asylees. This would allow the P-3 program to more adequately reflect the family ties that are critical for refugees, many of whom have endured the loss of many family members and may only have a more distant family member as their last surviving relative.

In addition, as long as the individual who would be resettled to the United States through the P-3 program is themselves a refugee, it should not matter how their family member in the United States arrived or how long they have lived in the United States. Currently, only individuals who arrived as a refugee or asylee can apply for their family members through the P-3 program and have a five year deadline from the date they initially entered the United States. These restrictions are arbitrary and should be discontinued, especially due to the fact that it can take years for refugees to find and contact their family members who have been separated from them, unable to access communications tools, and/or have needed to hide or remain

on the move for their own safety. Finally, it is critical that the administration provide funding for filing applications, similar to CAM filings, as eligibility is expanded.

Month 3: Improve efficiency in Special Immigrant Visa processing

As with USRAP processing, SIV processing has suffered extensive delays – despite a statutory mandate to complete government stages of processing within nine months. And as with USRAP, improving efficiency will require concerted efforts to improve processing across all stages to meet this binding timeline. Since most SIV holders opt to participate in the R&P program, PRM should improve transparency by publishing regular case status reports for resettlement agencies. This would allow resettlement agencies to monitor processing timelines and undertake post-arrival preparations. In addition, PRM should establish standing programs to address the needs of overseas partners regardless of their location, while taking proactive steps to ensure that immigration is not the only recourse for locally employed staff who face danger.

Month 3: Request an increase in visa numbers for Special Immigrant Juvenile Status (SIJS) holders to become permanent residents

Individuals granted SIJS must currently wait to apply for permanent residency because visas for Special Immigrant Juveniles are subject to an annual quota based on category and country of origin. In recent years the fourth preference category has been oversubscribed for immigrants from El Salvador, Guatemala, Honduras, and Mexico. This means that SIJS holders from these countries must wait until a visa is available before they can submit their application for permanent residency. It is critical that moving forward this backlog for individuals with SIJS be alleviated by increasing the number of visas allocated by category and country of origin. Specifically, the administration should request an increase in visa numbers for “special immigrants” from El Salvador, Guatemala, Honduras, and Mexico such that the current backlog is eliminated.

Month 3: Revise travel loan structures and processes

One long-standing aspect of refugee resettlement has been a self-sustaining system of providing medium-term loans through the International Organization for Migration (IOM) for refugees to pay back the cost of their flight to the United States. However, regulations requiring the use of only American-owned airlines often exponentially increases the size of the loan a refugee family must agree to repay. Allowing the purchase of the most affordable flights will not only ease the debt burden on refugee families in their first years in the United States, it will also allow these families to be greater contributors to their local economies with increased disposable income not earmarked to pay off the IOM loans. Additionally, purchase of more affordable flights would be a responsible use of federal funds – savings that may be used for additional refugee travel or for other refugee programming.

Month 3: Conduct a study on the long-term structural changes needed to the USRAP

The USRAP, and the world at large, have changed significantly since the signing of the 1980 Refugee Act. In 2005, a study⁴⁸ was commissioned by the State Department to examine the USRAP and recommend reforms. Given that this study is now outdated, PRM should commission a similar study to move the USRAP forward given today's realities. Such a study should include analysis on both the overseas and domestic aspects of the USRAP and make recommendations regarding how to best help refugees integrate and thrive in the United States. The study should include center refugee voices and investigate how services affect client wellbeing, situation, and experience. It should also put in place a framework on best practices regarding integration outcomes, which can serve to guide PRM's work, as well as the work of other governmental agencies and private sector partners.

48 "The United States Refugee Admission Program: Reforms for a New Era of Refugee Resettlement." U.S. Department of State. July 2004. <https://2001-2009.state.gov/g/prm/refadm/rls/rpts/36958.htm>.

A photograph of a woman with dark hair, wearing a patterned top, holding a young child. The child is wearing a striped beanie and a patterned shirt. The entire image is overlaid with a semi-transparent red filter. The text is positioned on the left side of the image.

Appendix B

**State Department,
Bureau of Consular Affairs
Recommendations**

Introduction

The Department of State Bureau of Consular Affairs (CA) plays a critical role in the implementation of the Special Immigrant Visa (SIV) programs, along with other Department of State entities, the Department of Homeland Security, and other vetting partners. Specifically, CA is responsible for an application's approval from the Chief of Mission (COM), conducting a visa interview, and issuing the visa to an eligible applicant.

Unfortunately, the process has not been smooth. Over the years the SIV programs have been beset by technical, practical, and political obstacles and inefficiencies that have hampered their operation and threatened the promise that the U.S. government made to these allies for their service. This Appendix includes the detailed recommendations that the Department of State through a Senior Coordinating Official must undertake to improve the SIV programs, including, but not limited to CA reforms.

Action Plan

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| MONTH 3 | <ul style="list-style-type: none"> • Senior Coordinating Official (SCO) appointment for Special Immigrant Visa (SIV) program (Page 43) |
| MONTH 6 | <ul style="list-style-type: none"> • SCO implementation plan (Page 43) |

Detailed Recommendations

Month 3: Senior Coordinating Official (SCO) appointment for Special Immigrant Visa (SIV) program

The Secretary of State should appoint a Senior Coordinating Official (SCO) to oversee all aspects of the Special Immigrant Visa (SIV) program.

Month 6: SCO implementation plan

The SCO should issue a plan to implement the policies laid out in the DOS IG report⁴⁹ issued June 2020 and the IRAP recommendations report⁵⁰ issued the same month. In particular, the SCO's plan should address the following issues:

Staffing, Backlog and Timelines: The SCO should assess and resolve staffing issues at each stage of the SIV process. The SCO should also issue and implement a plan to reduce the SIV backlog and comply with the nine-month adjudication time frame established by Congress.

Centralized Database: The SCO should work with the Secretaries of State, Defense, Homeland Security and the Administrator of the U.S. Agency for International Development to establish a unified database of information related to personnel conducting work on executive agency contracts, grants, or cooperative agreements that can be used to adjudicate SIVs.

49 "Review of the Afghan Special Immigrant Visa Program." Office of Inspector General, U.S. Department of State. June 2020. <https://www.stateoig.gov/system/files/aud-mero-20-35.pdf>.

50 "Recommendations on the Reform of the Special Immigrant Visa Program for U.S. Wartime Partners." International Refugee Assistance Project. June 2020. https://refugeerights.org/wp-content/uploads/2020/06/IRAP_SIV_Report_2020.pdf.

Proactive Protection for Locally Employed Staff: The U.S. government should take proactive measures to protect locally employed staff, including providing on-base housing, minimizing risks to individuals traveling to and from work, providing basic protective gear, and protecting the anonymity of employees, including by providing internet security training. For individuals who do face threats, the U.S. government should provide relocation funding. For those who are injured or killed, the U.S. should provide compensation.

Holistic Consideration of Faithful and Valuable Service: COM should assess whether an applicant provided “faithful and valuable service” by assessing the totality of the circumstances, including individual recommendations where evidence shows that an individual was terminated. COM should reopen applications when it becomes aware of mistakes or missing evidence outside of the applicant’s control. This would include a mistaken assessment by COM, an improper termination, inaccurate evidence of a for-cause termination, or an unresponsive supervisor. If eligibility requirements have increased, COM should apply the lower, previous standard.

Uncooperative Employers: COM should accept supervisor letters in lieu of HR employment verification letters from employers that are unwilling to provide HR documentation to applicants for reasons beyond the applicant’s control. COM should disregard employer clauses in employment verification letters that purport to invalidate their use for SIV purposes. COM should instead focus on whether the elements of the letter suffice to verify employment. DOS, as with all government agencies and contractors, should provide information on how to obtain employment verification and respond to attempts to verify employment. U.S. government contractors must be required to confirm employment under U.S. government funding. COM should improve its staff training and guidance so that applicants are not wrongly denied due to COM’s failure to adequately search for and locate readily available contracts.

Letters of Recommendation: A central database should accept letters of recommendation from supervisors contemporaneously with employment, and should not require re-verification of the information contained in the recommendation letters. If the SIV program needs to verify evidence, it should do so immediately after applicants, supervisors, or employers submit evidence. DOS and DOD should provide an effective process to assist applicants to identify their former supervisors. To the extent that verification of documents is needed, COM should verify documents as quickly as possible after the letters are submitted. No applicant should be denied for COM’s inability to verify a document where COM has not made good-faith efforts to contact a recommender or employer. COM should reopen applications when it becomes aware of mistakes or missing evidence outside of the applicant’s control, including where a supervisor does not respond in a timely manner to verify a letter. If eligibility requirements have increased, COM should apply the lower, previous standard.

Other procedural reforms that are not limited to Consular Affairs should include:

COM Adjudications:

- **Statements of threat** from the applicant, credibly describing the danger that they face, should sufficiently establish that the applicant faces an ongoing serious threat.
- DOS should approve applicants who meet all statutory requirements. **When a requirement is repealed by statute**, such as the “Sensitive and Trusted” requirement, DOS should not continue to

issue denials based on no longer existing requirements.

- If an applicant is killed in the line of duty or while applying, the **surviving spouse and child** should be allowed to pursue the primary applicant's SIV.
- The responsibility to adjudicate the initial application step from COM in the country where the applicant served should be **reassigned to a senior diplomat** who can be located in a place that supports greater staffing and longer staff tenure. Too often instability in Afghanistan or Iraq, for example, results in significant COM delays.
- Applicants who are not provided with a copy of their denial notice should be afforded the **opportunity to appeal** within 120 days of receiving the denial, per statutory requirements.

U.S. Embassies: particularly the Baghdad and Kabul Embassies – must ensure **compliance with procedural rights afforded by law**, such as the right to counsel. Embassies should also comply with immigration law by reviewing requests for reconsideration made by applicants and considering submitted evidence.

National Visa Center: DOS should ensure that NVC is responsive to individual applicant and attorney inquiries rather than issuing pattern responses that take up valuable time and fail to respond to questions and requests.

Post-interview Visa Refusal:

- DOS should publish on its website guidance on best practices with respect to documentation of major life events, including what evidence an applicant may bring to the interview to prove dependents' eligibility.
- When there is uncertainty about the accuracy of certain relevant dates based on marriage certificates, divorce certificates, and tazkiras, applicants should be issued a refusal under 221(g) and requested to provide additional evidence clarifying the uncertainty.
- DOS should affirmatively review inadmissibility findings for misrepresentation and smuggling. Where applicants were not given opportunities to provide additional evidence, DOS should remove the finding, notify applicants, and consider another application, or should change the status to a 221(g) refusal to allow applicants to submit additional evidence.

Security Checks: DOS should take steps to increase the efficiency of the security check process and ensure that all checks for which DOS is responsible are completed within the required 9-month adjudication period. The agencies should also ensure that congressional overseers have necessary and accurate information about delays.

Travel Delays: DOS should ensure that, once an individual is cleared for travel, they are admitted to the United States rather than being arbitrarily detained.

State Department Transparency: DOS should ensure that published processing data reflect actual processing times. DOS should improve response times to Freedom of Information Act requests. DOS cannot avoid its obligations to adjudicate applications within nine months, including by relying on an expired appropriation.



Appendix C

**Health and Human Services
(HHS), Office of Refugee
Resettlement (ORR)
Recommendations**

Introduction

The Office of Refugee Resettlement (ORR), within the Department of Health and Human Services' (HHS) Administration for Children and Families (ACF), was originally established to assist refugees resettled by the United States. Over the past three decades its mandate has grown and the populations it serves have become more varied, their needs more complex, and their numbers more difficult to predict. ORR's services have been destabilized by more than a decade of under-resourcing and reprogramming funds out of refugee resettlement services to meet the needs of unaccompanied children. The administration must request adequate funding for ORR to meet the needs of all populations under its mandate, and to replenish reprogrammed funds.

Action Plan

WEEK 1	<ul style="list-style-type: none"> Stabilize and expand ORR services to strengthen service provision 	(Page 47)
MONTH 1	<ul style="list-style-type: none"> Invest in case management capacity and tailored specialized services Assess opportunities to serve asylum seekers and CAM parolees Invest in refugee leadership development Develop mechanisms for comprehensive and longitudinal data collection Ensure safe and swift reunification during public health emergencies 	(Page 49) (Page 50) (Page 51) (Page 51) (Page 52)
MONTH 2	<ul style="list-style-type: none"> Elevate ORR within HHS to strengthen its authority 	(Page 53)

Detailed Recommendations

Month 1: Stabilize and expand ORR services to strengthen service provision

ORR's budget has not kept pace with its growing mandate, its evolving challenges, or cost of living increases and inflation. Despite being severely underfunded, ORR has faced times of unpredictable humanitarian crises and had to regularly reprogram or transfer resettlement funds for other ORR populations without opportunities to replenish the shortfall created. In addition, the current ORR budget structure does not allow enough flexibility to target specific emerging needs such as professional recertification and long-term case management. ORR funding to states for job training, English language acquisition, and citizenship services is allocated based on a formula using prior refugee arrival numbers in the state over the previous two years rather than including projected annual admissions numbers and needs. Further, ORR's successful Matching Grant (MG) Program⁵¹ matches federal dollars with private sector contributions of cash, goods, and volunteers. This program is widely recognized as an efficient way to help refugees find employment within 4-6 months of arrival. However, due to underfunding, the majority of refugees are not able to access this program.

⁵¹ "Voluntary Agencies Matching Grant Program." Office of Refugee Resettlement, Administration for Children & Families. <https://www.acf.hhs.gov/orr/programs/matching-grants>.

We recommend that ORR take the following actions in Month 1:

- Update ORR’s formula for funding and apply it more flexibly to take into account the actual number of individuals expected to be served each year, including projected arrivals and changes due to secondary migration.
- Conduct a comprehensive review of Refugee Support Service (RSS) funding with an eye toward needed reforms (e.g. end bifurcated program years, which decrease predictability and erode goodwill in some states; make more transparent or overhaul the RSS formula; provide sufficient funding for investments in state capacity building; review and update composition of programs according to current needs).
- Maintain the refugee cash and medical assistance time frame of 18 months that was put in place to support eligible populations during the COVID-19 pandemic in FY 2020, instead of the 8-month service period in previous years (Congress authorized such services to be provided for up to 36 months, but it has been cut over the years due to funding shortfalls). Refugees face the same vulnerabilities related to COVID-19 as all of us, but as newcomers to the U.S. their needs are particularly acute. Refugees’ ability to navigate and survive the pandemic crisis is distinct from most people in the U.S., as their pursuit of self-reliance through early employment has been thwarted by the health threats and economic impacts of COVID-19.
- Scale up the highly successful MG program by increasing slots, annually increasing the government’s per capita contribution to respond to inflation and cost of living, and accommodating higher admissions levels.
- Ease the administrative burdens of implementing the MG program, particularly the match requirement, which has remained at a 2-to-1 federal to private ratio since FY 1999⁵², which requires substantial resources for documentation and restricts limited private resources that could be used to support more vulnerable clients or program innovations.
- Simultaneously scale up other employment, case management, job readiness, and job advancement programming that is complementary to the MG program’s shorter term option for new arrivals so that individuals or families who require more time to achieve economic self-sufficiency, who wish to invest in longer term career pathways or are ineligible for MG for other reasons can receive the same robust case management and employment services offered through Matching Grant. These programs should be flexible enough to be able to adapt to changing needs of refugee and ORR populations, including meeting the unique challenges presented by the pandemic that combine urgent financial, employment, and case management needs.
- Establish a contingency fund for all ORR populations to allow for steady, uninterrupted services to all populations under ORR’s mandate so that funds are not reprogrammed or transferred when challenges arise – as they have been multiple times over the last decade, without being replenished.
- Strengthen relations with state and local governments by creating new staff positions devoted exclusively to these partnerships.

⁵² FY 1999 again was a year of significant changes. After an initial award of \$28.8 million, ORR in mid-year replaced the \$1.40 to \$1 match with a \$2 to \$1 match supplemental award. For more information, please visit: <https://www.acf.hhs.gov/orr/resource/the-history-of-the-matching-grant-program>.

Month 3: Invest in case management capacity and tailored specialized services

Populations under ORR's mandate include refugees, unaccompanied children, asylees, torture survivors, Iraqi and Afghan special immigrants who worked with the U.S. missions in their countries, Cuban and Haitian Entrants, and victims of human trafficking. Beyond case management and basic services to serve all populations in its mandate, ORR supports partners to better serve refugees with significant physical or mental health vulnerabilities.

Many of the populations served by ORR face challenges even beyond their particular vulnerabilities. For example, studies have shown that 44% of refugees in the United States are either direct (primary) survivors of torture or family members of (secondary) survivors of torture. Given the long-term consequences of torture – and its impact on families – an estimated 40% of survivors develop symptoms of Post-Traumatic Stress Disorder and/or Major Depressive Disorder for which specialized assistance is necessary. By investing in specialized services like mental health care, vocational training, professional recertification, and case management capacity, ORR can ensure that the spectrum of contributions that refugees bring to their new communities is maximized.

In addition, while asylees are eligible for ORR services, they do not qualify for PRM programs where much of the funding for case management is provided. Moreover, few asylees are aware of the services to which they are entitled, and thus only between 10-15% access ORR benefits.

We recommend that ORR take the following actions in Month 3:

- Strengthen the staffing infrastructure of local resettlement offices to rebuild and ensure continuity of services, including integration programs, long-term case management, and assistance to secondary migrants.
- Increase funding for all ORR programs commensurate to the projected populations to be served under the next administration.
- Initiate convenings between State Refugee Coordinators, State Refugee Health Coordinators, Resettlement Agencies, and other stakeholders on a quarterly basis to improve coordination and communication between resettlement stakeholders.
- Particularly in light of the 2020 COVID-19 pandemic and public health emergencies, invest in tailored specialized services that better support particular communities, such as refugees arriving with specific skills who cannot access those industries for employment, and strengthen digital literacy (including telemedicine) for all clients served.
- Ensure CAM program parolees are eligible for ORR services.

44%

OF REFUGEES IN THE UNITED STATES ARE EITHER DIRECT (PRIMARY) SURVIVORS OF TORTURE OR FAMILY MEMBERS OF (SECONDARY) SURVIVORS OF TORTURE.

- Invest in (and bring to scale nationally) specialized and innovative rehabilitation programs that empower refugees to overcome the long-term physical and psychological effects of torture and trauma.
- Invest in outreach and scale up resources for case management programming for asylees (asylum seekers who have been granted asylum).
- Ensure every asylee who would wish to do so can access ORR services by:
 - Relaunching the National Asylee Information and Referral Hotline, and providing funding for an accompanying website. Relaunching the National Asylee Information and Referral Hotline, and providing funding for an accompanying website.⁵³
 - Collaborating with USCIS and EOIR to improve grant materials. ORR should work with USCIS and EOIR to ensure that grant materials from asylum offices and immigration courts include clear, multilingual information about benefits and accessing them. Once the national website and hotline are operational, all grant materials should mention them.⁵⁴
 - Instituting a collaborative referral mechanism between USCIS and ORR. When USCIS (automatically) issues an I-94 following a grant of asylum, it should also notify ORR of the grant. ORR can then coordinate with State Refugee Coordinators and the resettlement agencies to have either a state government official or agency staff member contact that person, answer any questions they may have, and let them know about the services available in their area.
- Make discretionary funds available in a rapid-response fashion to states experiencing unplanned secondary migration, especially in communities without resettlement infrastructure.

Month 3: Assess opportunities to serve asylum seekers and CAM parolees

Asylum seekers are not eligible for the same set of ORR services as asylees (with an exception for unaccompanied children in ORR's care and custody). Individuals who arrived as part of the Central American Minors (CAM) program as refugees are eligible for resettlement services, but individuals who arrived through CAM as parolees are not eligible for those same services. Some organizations, states, and localities offer support to asylum seekers while their asylum cases are pending.⁵⁵ ORR should explore opportunities to support CAM parolees as well as asylum seekers during the adjudication of their cases, such as efforts to more quickly integrate asylum seekers into the workforce, offer asylum seekers case management services, and other programs to meet asylum seekers' needs. Further, funding for legal

⁵³ From FY 2001 through FY 2012, ORR provided funding to the Catholic Legal Immigration Network, Inc. (CLINIC) to administer the National Asylee Information and Referral Line. The hotline, staffed by interpreters capable of speaking 18 languages, provided information on benefits and other topics to nearly 40,000 asylees during its twelve years of operation. There is a tremendous need for a centralized, widely available resource to provide information on the benefits available to asylees and guidance on how to access those benefits. Asylum is a federal status, and there needs to be a federal solution to this sort of information provision.

⁵⁴ When ORR initially launched the hotline almost twenty years ago, the agency failed to secure the assistance of EOIR to promote it through the immigration courts. If this challenge recurs, ORR should contact the National Association for Immigration Judges to devise a decentralized approach to promoting the hotline.

⁵⁵ For example, in Maine, the state legislature created a loan program in 2019 for asylum seekers who are waiting for their work authorization to cover the costs of obtaining licenses and certifications so that they can begin working as soon as they receive work authorization.

representation – for asylum seekers, unaccompanied children, parolees, etc. – is fundamental to successful integration. These programs would require a robust infusion of resources, but they are incredibly important given the asylum backlog and the lengthy processing times for asylum claims.

Month 3: Invest in refugee leadership development

Leadership development among refugees, asylees, asylum seekers, and immigrants themselves is essential to building welcoming communities, supporting refugee integration, and resisting challenges that negatively impact the lives of refugees and immigrants. It is important for ORR to educate the refugee community on how to tell their stories, advance their career goals, organize other refugee leaders, and combat discrimination. We urge ORR to make resources available in support of deepening refugees' long-term economic, social, and cultural integration, including resources for new and innovative integration support and leadership development activities.



Month 3: Develop mechanisms for comprehensive and longitudinal data collection

ORR provides newly resettled refugees, asylees, and other populations of concern with services intended to assist them in expeditiously reaching self-sufficiency. While individual stories and localized data are compelling evidence of success, they fail to fully illustrate nationwide trends or a complete view of ORR programs. ORR, in collaboration with the White House, should prioritize building better knowledge of the refugee integration process, especially to improve limited understanding⁵⁶ of the intergenerational changes experienced by the children of refugees. We recommend that ORR take the following actions in Month 3:

- Collect comprehensive nationwide data on refugee and asylee contributions, needs, program outcomes, and secondary migration in order to identify the successes and gaps of the resettlement program and inform program changes.
- Review the definition of integration and expand the metrics⁵⁷ for defining successful integration to include both quantitative and qualitative factors, such as markers and means (housing, health, employment, education), social connections (social bonds, social bridges, social links), facilitators (language and cultural knowledge, safety and stability), and foundation (rights and citizenship). Other marks of successful integration include purchasing a home, active civic engagement, opening a business, hiring other community members, cultural exchanges, and establishing enough economic security to donate to their U.S. communities and home country communities.
- Conduct longitudinal studies of refugees (and asylees, see bullet below) to fill a critical gap in generating an evidence-base through the Annual Survey of Refugees (ASR) to better understand long-term refugee integration and economic contributions over time — such as a longitudinal study that would take place every 5 years to assess the integration of refugees during their first 15 years in the United States.

⁵⁶ Hamutal Bernstein, Nicole DuBois, “Bringing Evidence to the Refugee Integration Debate,” The Urban Institute, July 2018. https://www.urban.org/sites/default/files/publication/97771/bringing_evidence_to_the_refugee_integration_debate_1.pdf.

⁵⁷ Michaela Hynie, “Refugee integration: Research and policy,” Peace and Conflict: Journal of Peace Psychology, 2018. <https://psycnet.apa.org/fulltext/2018-39059-002.html>.

- Add asylees to the ASR so that ORR can gauge the efficacy of its programs for asylees and identify issues related to program access. There is a tremendous dearth of data on both short-term and long-term integration outcomes for asylees.

Month 3: Ensure safe and swift reunification during public health emergencies

The administration should issue a memorandum by the Director of ORR that describes procedures for safe and swift reunification for the duration of the public health emergency, and any ongoing economic or social crisis resulting from the public health emergency. The memorandum should include:

- Directing that shelters provide rapid COVID-19 tests to incoming UCs, with those UCs to be held in quarantine until results come back — and with the assurance that ORR will pay directly or reimburse shelters for the cost of testing.
- Directing shelters to move UCs with two negative COVID-19 results (at GBP screening and at shelter arrival) into the general shelter population. UCs with mixed or positive tests should proceed with established care provider procedures to meet UCs' medical needs, including isolation and protocols for medical clearances, as well as access to treatment, care, and vaccines.
- Allocating additional funding and ORR resources to speed up discharges from ORR shelters. This includes increased capacity within the sponsor-search process, sponsor vetting, Home Studies, and sponsor clearance within case management at care providers, as well as all administrative oversight from ORR.
- Allocating additional funding for Post-Release Services (PRS) for UCs. ORR should expand eligibility for PRS to all UCs and should extend the term of PRS from 3 months to 6 months for the duration of the public-health emergency.



Month 6: Elevate ORR within HHS to strengthen its authority

The U.S. resettlement program involves the work of many agencies, including DHS, HHS, the State Department, as well as various security agencies, but no single agency is responsible for coordinating all aspects of the program to ensure joint planning, information sharing, and problem solving. To address some of the coordination problems, ORR should be elevated within HHS, and the ORR Director position should be elevated to Assistant Secretary of Health and Human Services for Refugee and Asylee Services, appointed by the President, confirmed by the Senate, and to report directly to the Secretary of HHS. The administration should strive to appoint a former refugee for this position, as refugees can provide unique insights into how these programs work and impact human lives. It is imperative that the administration works with Congress to see that HHS elevates ORR to improve stability and coordination, and ensure that ORR's priorities are being seriously considered and implemented by the agency. This would require legislative changes that should be prioritized by the administration.

A photograph of a person wearing a jacket and pants, standing in a desert-like environment. The image is overlaid with a semi-transparent red filter. The person's hands are visible, and they appear to be holding something. The background shows a sandy, rocky terrain with some sparse vegetation.

Appendix D

Department of Homeland Security (DHS) Recommendations

Introduction

The Department of Homeland Security’s (DHS) U.S. Citizenship and Immigration Services (USCIS) plays a key role in the protection of refugees and asylum seekers and other displaced individuals. The Refugee, Asylum, and International Operations Directorate (RAIO) within USCIS is responsible for determining asylum or refugee status in the United States. After multiple verifications and reviews of biographical information, lengthy interviews and extensive, multi-agency security screenings based on biometric data, Refugee and Asylum Officers determine an applicant’s eligibility for admission to the U.S.

The Trump administration’s anti-refugee, anti-asylum policies have decreased USCIS’s staffing devoted to good-faith processing of refugee and asylum applicants. Further, refugees that require Security Advisory Opinions (SAO checks) as part of their refugee security check process have seen a logjam that has prevented their cases from moving forward. This has resulted in enormous backlogs and significant delays in processing of applications. In addition, the Trump administration has created a National Vetting Center (NVC), designed to (among other things) facilitate the processing of refugee applications; however, the creation of this new NVC has been marked with opacity. As a key vetting agency, it is critical that the next administration push DHS to immediately and swiftly improve efficiency, transparency, and accountability, and provide better protection for diverse refugees and asylum seekers.

Action Plan

- WEEK 1**
 - Direct the termination of policies that undermine the right to seek asylum (Page 56)
 - End the detention of asylum seekers (Page 58)
- MONTH 1**
 - Improve processing of refugees and asylum seekers (Page 58)
- MONTH 2**
 - Reform Terrorism-Related Inadmissibility Grounds (TRIG) rules and exceptions (Page 60)
 - Facilitate and expedite refugee family reunification (Page 60)
 - Improve efficiency and better facilitate asylee integration (Page 61)
 - Restore and expand the Cuban / Haitian Entrant Program (CHEP) (Page 62)
 - Restore TVPRA screenings for unaccompanied children (Page 63)
- MONTH 3**
 - Restore welcome at the border (Page 64)



Detailed Recommendations

Week 1: Direct the termination of policies that undermine the right to seek asylum

The administration should immediately issue a memorandum that revokes the implementation of the Migrant Protection Protocols (MPP) as prescribed in the relevant Big Book⁵⁸ section.⁵⁹ This policy forces asylum seekers to return to dangerous Mexican border cities while they wait for their request for legal protection to be processed, which can last over a year. This policy has put thousands of asylum seekers at grave risk and subject to violence, including, rape, beatings, torture, kidnappings, and ransom,⁶⁰ and has made it extraordinarily challenging for migrants to obtain legal representation in their cases (only 1.3% of those affected by the MPP have achieved representation).⁶¹

The administration should immediately direct the Centers for Disease Control and Prevention (CDC) to revoke the order suspending the introduction of individuals at the border as prescribed by the relevant Big Book section.⁶² Since March 2020, DHS has used the CDC order to justify expeditiously deporting (expelling) anyone — including asylum seekers and unaccompanied children — trying to enter the U.S. at the Mexican or Canadian borders. There are no meaningful screenings to determine if asylum seekers need humanitarian relief, likely resulting in their return to places where they will be persecuted or tortured, violating the principle of non-refoulement.

The administration should immediately rescind memorandum authorizing “metering” or “queue management practices” as prescribed in the relevant Big Book section.⁶³ This policy was formalized in 2018 and forces asylum seekers to wait for weeks or even months in dangerous Mexican border cities to have the chance to apply for asylum. Although metering is moot at the moment because of the closure of the border due to the CDC order mentioned above, it will become relevant once the CDC order is revoked.

The administration should immediately instruct DHS and Attorney General (AG) to rescind the IFR that created the asylum transit ban (EOIR Docket No. 19-0504) as prescribed by the relevant section of the Big Book.⁶⁴ This ban bars asylum seekers at the U.S. southern border from qualifying for asylum if they transited through another country without first applying (and being denied) asylum at that country/ies. Essentially this ban bars all but Mexican asylum seekers from asylum. Although there is currently an injunction on the ban, litigation is ongoing.

58 The “Big Book” is a transition report from the immigrants’ rights community, which includes detailed recommendations for restoring and strengthening immigration, asylum protection, refugee resettlement, etc. The “2021 Immigration Action Plan” is a summary of the larger Big Book and is a set of concrete, actionable and fully articulated proposals addressing every stage of immigration policy and processing for the next administration. The Action Plan is available here: <https://static1.squarespace.com/static/5b60b2381aef1dbe876cdo8f/t/5f3bbcb9fb307boee11e59c3/1597750460712/2020+Immigration+Action+Plan++08182020.pdf>.

59 Big Book, Chapter 42, Metering. <https://bit.ly/3m5m7Em>.

60 Catholic Legal Immigration Network (CLINIC), American Immigration Lawyers Association (AILA), and American Immigration Council sent a Letter Urging Homeland Security to End the Migrant Protection Protocols.

61 TRAC, “Access to Attorneys Difficult for Those Required to Remain in Mexico,” TRAC Immigration of Syracuse University, July 2019. <https://trac.syr.edu/immigration/reports/568/>.

62 Big Book, Chapter 42, Metering. <https://bit.ly/3m5m7Em>.

63 Big Book, Chapter 42, Metering. <https://bit.ly/3m5m7Em>.

64 Big Book, Dismantling Unfounded New Bars to Asylum and Other Humanitarian Protections Subchapter. <https://bit.ly/33ayuXj>.

The administration should immediately instruct DHS and the AG to rescind the IFR giving place to the irregular entry ban on asylum (83 FR 55934) as prescribed in the relevant section of the Big Book.⁶⁵ This rule prevents asylum seekers from qualifying for asylum for entering or attempting to enter the U.S. between ports of entry, in violation of domestic and international law. The rule is currently enjoined, but litigation is ongoing.

The administration should immediately direct the Commissioner of Customs and Border Protection (CBP) to revoke the memoranda allowing the implementation of the PACR and HARP programs as prescribed in the relevant section of the Big Book.⁶⁶ The Prompt Asylum Claim Review (PACR) and Humanitarian Asylum Review Process (PACR) are two identical programs that apply to different populations. Mexicans are subject to HARP, and non-Mexican nationals are subject to PACR. Those subject to these programs remain in CBP custody a week or longer, but the facilities are designated to be short-term, which means individuals should not be detained at these facilities for more than 72 hours. In fact, many advocates believe that 72 hours is still too long due to the harsh conditions of these facilities. As asylum seekers remain detained during the pendency of the “review of their claim” they are only allowed a short call, which sets a massive barrier to obtaining the assistance of counsel, raising serious due process concerns.



The administration should immediately direct DHS and the AG to end the Asylum Cooperative Agreements with El Salvador, Guatemala, and Honduras as prescribed in the relevant section of the Big Book.⁶⁷ These agreements bypass the requirements for “safe third country” as their effect is to send individuals to seek asylum in countries that are not safe. In fact, these are the nations a considerable percentage of asylum seekers at the border are escaping.

The administration should immediately direct DHS to rescind the two finalized rules on work authorizations for asylum seekers (DHS Docket No. USCIS-2018-0001 and DHS Docket No. USCIS-2019-0011) as prescribed by the relevant Big Book section.⁶⁸ The first removes the requirement that USCIS provide a work authorization to asylum seekers within thirty days after filing the application for work authorization. The latter more than doubles the time (from 150 days to 365 days) asylum seekers must wait before they can file a work authorization application and includes additional bars to qualify for work authorization. The inability to obtain work authorizations is extremely detrimental to asylum seekers, as it might force them to work in the informal economy to be exploited, and become more susceptible to trafficking and other forms of victimization.

The administration should immediately issue an IFR to remove the fees it intends to charge asylum seekers to file their application and request employment authorization (DHS Docket No. USCIS-2019-0010; Effective Oct. 2, 2020). If rulemaking on USCIS fees are delayed, the USCIS Director should use their discretionary authority to waive fees for asylum seekers. It is critical for the next administration to restore access to fee waivers and reverse the other harmful fee increases for vulnerable populations.

65 Big Book, Dismantling Unfounded New Bars to Asylum and Other Humanitarian Protections Subchapter. <https://bit.ly/33ayuXj>.

66 Big Book, Dismantling Unfounded New Bars to Asylum and Other Humanitarian Protections Subchapter. <https://bit.ly/33ayuXj>.

67 Big Book, Dismantling Unfounded New Bars to Asylum and Other Humanitarian Protections Subchapter. <https://bit.ly/33ayuXj>.

68 Big Book, Dismantling Unfounded New Bars to Asylum and Other Humanitarian Protections Subchapter. <https://bit.ly/33ayuXj>.

Week 1: End the detention of asylum seekers

Asylum seekers — including families — in the defensive asylum process have been increasingly incarcerated⁶⁹ during the pendency of their cases due to DHS's increased focus in deterring individuals from coming to the United States. This system is particularly cruel, since immigration violations are civil, and immigration custody was never intended by Congress to be punitive or carceral. In the context of asylum seekers, even when they cross between ports of entry for the first time, they have not violated immigration laws. The justification for such a cruel system is based on the premise that families and individuals will not show up to court, despite there being case management systems that have consistently proven⁷⁰ an effective and cheaper alternative to the use of detention.

We recommend that DHS take the following actions to be consistent with the interior detention chapter of the Big Book:⁷¹

- The administration must formally adopt a policy of presuming liberty rather than detention.
- Instead of placing individuals in expedited removal, asylum seekers must be placed in regular removal proceedings and must be provided with a Notice to Appear.
- Within 30 days of inauguration ICE should issue guidance requiring the agency to undertake a review of files of all persons in custody and render new custody determinations in every case, operating under a presumption of release in all cases. This process should involve the review of all individual case files, and where possible begin with releases of cases of specially vulnerable populations, such as asylum seekers, within the first 15 days.*
- Within 30 days, end the use of all family detention.*
- Within 60 days, convene two Task Forces to phase out immigration detention and create a new system of community-driven processing centers.*

**We note these actions can be completed during months 1-2.*

Month 1: Improve processing of refugees and asylum seekers

All refugees and affirmative asylum applicants are required to attend in-person interviews with USCIS Refugee and Asylum Officers, who are trained in interview techniques, U.S. immigration and refugee law, fraud, and exclusion considerations. In certain circumstances, the in-person interview requirement can cause bottlenecks and lengthy delays to case processing and can be life-threatening to refugees with urgent protection needs. For example, security restrictions have recently prevented USCIS Refugee Officers from conducting circuit rides to select locations such as Beirut, Lebanon; and Baghdad, Iraq which has caused significant processing delays. Furthermore, refugees with serious protection needs cannot

69 Report to the Chairwoman, Subcommittee on Immigration and Citizenship, Committee on the Judiciary, House of Representatives: "Immigration Enforcement Arrests, Detentions, and Removals, and Issues Related to Selected Populations," United States Government Accountability Office, July 2019. <https://www.gao.gov/assets/710/703032.pdf>.

70 NIJC, "A Better Way: Community-Based Programming As An Alternative To Immigrant Incarceration," National Immigrant Justice Center, April 22nd, 2019.

71 Big Book, Interior Enforcement Chapter - Custody & Alternatives Section. <https://bit.ly/3h8pLd6>.

benefit from expedited processing if they reside in remote locations where circuit rides are scheduled infrequently — sometimes years apart. USCIS should utilize secure video conferencing technology to conduct interviews in locations where USCIS staff is unable to travel, or in situations where refugees have urgent protection or medical needs and an in-person interview is not viable in the near term.

In addition to being interviewed, refugees must undergo multiple security checks before their case is approved for resettlement to the United States. Select nationalities and applicants identified as having heightened security-related concerns require an SAO security clearance, an interagency check in which numerous law enforcement and intelligence agencies must review and clear the case before it can continue with processing. Severe staffing shortages and a misalignment in SAO review sequencing has caused enormous backlogs to the resettlement pipeline and has resulted in refugees sometimes waiting years just for their security checks to clear. Without risking the integrity and security of the program, the process needs to be made more efficient to ensure that refugees seeking life-saving protection can access it in a timely manner.

For individuals seeking asylum once inside the U.S. through the affirmative asylum process, there is currently a wait of up to six years before their claim will even be heard. Living in this limbo status impedes long-term integration prospects and delays family reunification.

We recommend that DHS take the following action starting in month 1:

- Allocate sufficient staffing and resources to conduct and resolve security checks on a timeline in accordance with statute.
- Expand the Asylum Corps and Refugee Corps to allow for increased processing for both beneficiary populations, obviating the need for the respective corps to borrow officers from one another, thereby avoiding the creation of unnecessary backlogs.
- Provide refugees with non-classified, but meaningful information, on an adverse decision by DHS on their case which would allow them to provide more effective clarification in their Request for Reconsideration (RFR).
- Enable USCIS to use video-conferencing to conduct interviews in limited and exceptional circumstances where waiting for an in-person interview puts the refugee or asylum seeker at increased risk.
- Ensure USCIS discontinues enforcement operations and focuses instead on welcoming immigrants through adjudication of petitions for immigration relief.
- Ensure robust training for Asylum Corps and Refugee Corps on trauma-informed practices for working with particularly vulnerable populations such as children, domestic violence survivors, torture survivors, and LGBTQIA+ individuals.
- Maintain strong protocols and systems that ensure the security and integrity of the system.
- Create sustainable solutions that address the hectic and overwhelmed nature of the shelter response, such as an NGO/community partnership model, connections to the satellites, etc., in order to improve the level of service offered to families and individuals.

Month 3: Reform Terrorism-Related Inadmissibility Grounds (TRIG) rules and exceptions

The administration should implement long-overdue reforms to Terrorism-Related Inadmissibility Grounds (TRIG) rules and exceptions. Bona fide refugees and asylees have been denied protection, lawful permanent residence, and the ability to reunite with their families due to the overly broad application of anti-terrorism provisions in the USA Patriot Act of 2001 and the Real ID Act of 2005. Individuals who have been denied immigration benefits on “terrorism-related” grounds include women captured and forced to cook and clean for their captors, parents who paid ransoms for the return of their kidnapped children, and shopkeepers conducting routine commercial transactions. While DHS has authority to grant waivers, the process under the Obama administration was lengthy and opaque, and has ground to a halt under the Trump administration.

We recommend that DHS take the following action in month 3:

- Revise current legal interpretations of what constitutes “material support” under immigration law and robustly use existing waiver authority so that survivors of terrorist activity, including women captured and forced to cook and clean for their captors, parents who paid ransom for the return of their kidnapped children, shopkeepers conducting routine commercial transactions, and other similarly situated individuals are not deemed inadmissible.
- Examine and provide relief where appropriate — on a case-by-case basis — to individuals associated with “Tier III” groups. The Obama administration’s process, reviewing each Tier III group before an associate of the group could be granted an exemption, caused years-long delays.
- Create processing timelines and an appeal process for individuals who fall under TRIG bars to be considered for waivers or exemptions.

Month 3: Facilitate and expedite refugee family reunification

Family unity is critical to refugees’ well being, integration, and success. Unfortunately, family reunification options within the USRAP are too narrowly defined and heavily backlogged, leaving many families permanently separated. The administration should engage in an interagency process to help identify and resolve bottlenecks in Priority-3 (P-3) and follow-to-join case processing that result in extreme and unnecessary delays. It is equally critical that the administration reunite refugee families by expanding the number of approved nationalities, types of family relationships, and categories of immigration statuses eligible for individuals in the United States to apply for their family members to be resettled.

We recommend that DHS take the following action in month 3:

- Re-examine and expedite P-3 processing by reducing lengthy delays in USCIS’ initial paper review (known as RAVU) of the relationship between the anchor relative and overseas family member listed on the Affidavit Of Relationship (AOR). Reduce inefficiencies in DNA testing and processing steps that are required only for P-3 cases, which can add years to average processing times.
- Rescind the regulatory two-year filing deadline for I-730 applications and address and prevent bureaucratic delays so that refugees can reunite with their spouses and minor children in a more timely fashion.

- Improve coordination between the National Visa Center (part of USCIS) and PRM so that the administration is aware of how many I-730s are being processed. Currently, this lack of information means they cannot address issues or backlogs within their Embassies, which is common when embassy staff do not have experience with the applications.
- P-4 and P-5 case processing is currently not accessible and should be reestablished to strengthen family reunification.



Month 3: Improve efficiency and better facilitate asylee integration

In order to receive asylum, individuals must establish that they meet the definition of a refugee. As such, DHS should extend similar benefits and accommodations it offers to refugees to asylees. It should also take steps to help facilitate the integration of asylees. We recommend that DHS take the following action in month 3:

- Provide asylees with electronic I-94 documents. Upon the arrival of a refugee to the United States, Customs and Border Protection (CBP) creates an electronic Form I-94, a Departure/Arrival Record, for that person.⁷² The government does not create an electronic Form I-94 for asylees, however. This causes greater inefficiency and cost for USCIS, as asylees often must make an in-person appointment to receive a paper I-94. This process often proves quite opaque and impedes asylees from obtaining the form.

⁷² 81 FR 91646 is the relevant rule change from DHS <https://www.regulations.gov/document?D=USCBP-2013-0011-0021>.

- Issue standard guidance on asylee benefits orientations. Various asylum offices host benefits orientations for asylees. These orientations, pioneered by the San Francisco Asylum Office, provide asylees essential information related to life post-adjudication.⁷³ USCIS should issue standardized guidance mandating all asylum offices host such sessions on a regular (ideally monthly) basis, and work with EOIR and ORR to develop a system to ensure asylees and other humanitarian populations are informed of and can receive advice concerning the benefits and services for which they are eligible from ORR and other programming.
- Provide automatic fee waivers to asylees when adjusting status. Although asylees are eligible to apply to become lawful permanent residents one year after the asylum grant, many do not apply because they cannot afford the application fee and associated costs.⁷⁴ The fee waivers currently available do not meet the needs of asylees. Like refugees, asylees should receive automatic fee waivers; there is no real statutory basis for this discrepancy.⁷⁵
- Launch and sustain funding for community-based case management programs as a viable alternative to immigration detention, as has been recommended by the DHS Advisory Committee.⁷⁶ Evidence-based studies have consistently proven that community-based programs are safer than a detention-based approach, less expensive, and equally as effective at ensuring compliance with government-imposed requirements.⁷⁷
- Go beyond the minimum compliance with the Flores Settlement Agreement, which places limits on the detention of children and families and guarantees a certain quality of care that protects their human rights. Instead, seek to modify the settlement agreement to release all children and families (adults traveling with children). The administration sought to modify the Flores Settlement Agreement in October 2019, but it was blocked through litigation efforts before the changes went into effect.⁷⁸ DHS should prioritize family unity and release from detention wherever possible, and engage in settlement negotiations with Flores class counsel to ensure children are released with parents and family when possible, including those they are traveling with when they arrive at the border.

Month 3: Restore and expand the Cuban / Haitian Entrant Program (CHEP)

The Cuban/Haitian Entrant Program (CHEP), facilitated by USCIS, provides initial reception support to Cuban and Haitian individuals and the communities that serve them. CHEP has assisted over 200,000 individuals over the last thirty years. Participants receive resettlement services including employment orientation, referral to job counseling and training programs, referral to English classes, and community

73 For more, see the New Asylee Orientation page from SF-CAIRS, <http://sf-cairs.org/asylum-orientation/>, or Prof. Lindsay Harris' article "From Surviving to Thriving." <https://socialchangenyu.com/review/from-surviving-to-thriving-an-investigation-of-asylee-integration-in-the-united-states/>.

74 Lindsay Harris, "From Surviving to Thriving, Social Change New York University, 2006" <https://socialchangenyu.com/review/from-surviving-to-thriving-an-investigation-of-asylee-integration-in-the-united-states/>.

75 Department of Homeland Security, RIN 1615-AB53;8 CFR 103 <https://www.regulations.gov/document?D=USCIS-2006-0044-3481>.

76 DHS Advisory Committee, "Report on Family Residential Centers," September 2016.

77 NIJC, "A Better Way: Community-Based Programming as An Alternative to Immigrant Incarceration," National Immigrant Justice Center, April 2019.

78 Nicolas Wu, "What Is the Flores Agreement, and What Happens If the Trump Administration Withdraws from It?," Just Security, October 2018, <https://www.justsecurity.org/61144/flores-agreement-trump-administration-withdraws-it/>.

orientation. These services have resulted in a 98% rate of free case participants becoming economically self-sufficient within 180 days of enrollment in the program. CHEP also has the ability to provide rapid disaster relief response as evidenced in 2010 when the program received approximately two hundred Haitian evacuees in a period of three days. Similarly, CHEP can be adapted to serve populations part of other current or future humanitarian programs and relief efforts declared by DHS, including at risk nationalities such as Venezuelans and Nicaraguans.

However, CHEP was terminated by the Trump administration. There is a continued need in the community for the services provided by CHEP. A study should be conducted to see how CHEP could be best re-established and expanded to support other non-refugee populations beyond Cubans and Haitians.

98%

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BECOME
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WITHIN 180 DAYS
OF ENROLLMENT
IN CHEP.

Month 3: Restore TVPRA screenings for unaccompanied children

The Commissioner of CBP should issue a memorandum to restore Trafficking Victims Protection and Reauthorization Act of 2008 (TVPRA) screenings for unaccompanied children (UCs). The TVPRA requires that DHS transfer UCs to the authority of the Office of Refugee Resettlement (ORR) in HHS within 72 hours. CBP must take further action to ensure a safe and capable transfer for UCs in its temporary custody, as follows:

- CBP must minimize the time that all potential UCs spend waiting for determination.
- CBP must minimize the time that UCs spend post-CBP determination waiting for transfer to an ORR shelter.
- CBP must ensure that all potential UCs are given proper PPE, sterile and sized appropriately, as soon as the children enter CBP custody; and that CBP officers and officials follow the health measures above, including wearing PPE, during any and all interaction with any potential UC.
- For the duration of public-health emergencies, CBP should do a rapid COVID-19 test for all UCs, and have test results available for ORR shelters when UCs arrive, or as soon as possible afterwards if results have not arrived. In no cases should a lack of test result nor a positive test for COVID-19 prevent the transfer of a UC to ORR.
- CBP, ICE, DHS, and any contractor to DHS or a subagency must have available and use proper PPE during transfers to ORR shelters.

Year 1: Restore welcome at the border

Our borders are places of encounter, opportunity, and hope, but our current unaccountable, xenophobic, enforcement, and militarization-only policies have undermined their potential and growth. Instead, we must implement a welcoming process at the border to respond to those arriving seeking protection in an effective, efficient, and humane way. It is critical that U.S. policy reflects a shift to a “reception” model from a “processing” or “detention” model. We envision a U.S. approach where everyone arriving at the border receives compassionate care and dignity.

To restore order and humanity to the border, the next administration must take decisive action to streamline processing, minimize the time that individuals spend in government custody, and ensure that those arriving are treated humanely and provided due process as their cases are heard.⁷⁹ CBP must work hand in hand with civil society, ensuring robust stakeholder access and routine third-party monitoring of this process. This will be essential to rebuilding public confidence in border processing and to ensure that individuals receive proper care and treatment and that their rights are respected in short-term government custody at the border. Reforming the border processing system from its current form into the welcoming, humane, and well-managed system described below will require a substantial amount of political will to hold CBP accountable for the way it receives and processes those who arrive at our border. The following are principles that should serve as the foundation for the priority actions outlined below:



- DHS should end the use of expedited removal under INA section 235 and ensure that every individual receives a hearing before an immigration judge before a potential removal from the United States. In order to do this DHS must ensure individuals apprehended or taken into custody at the border are placed in regular INA 240 proceedings.
- Processing and screening at the border must continue to exist, but screenings must include medical and humanitarian needs as well as some assessment of immigration status/claims. During the reception process, the emphasis must be on ensuring that individuals being processed understand what is happening to them at each step, and that they have any emergent medical or humanitarian needs met.
- Consistent with the recommendations of the custody and alternatives section of the interior enforcement chapter⁸⁰ of the Big Book, there should be a presumption of release on recognizance or parole for those who are apprehended or taken into CBP custody and individuals shall only be placed in the least restrictive form of custody necessary.

⁷⁹ CBP processing can generally be completed in two to two-and-a-half hours total. In the event that an individual’s information is shared via biometric data-sharing agreements between Central American enforcement agencies, and ICE and CBP, it should not be utilized to prevent an individual from seeking asylum, to endanger individuals who return or are returned to their home countries, or to separate families. For more information, visit: https://www.americanimmigrationcouncil.org/sites/default/files/litigation_documents/doe_v_johnson_findings_of_fact_and_conclusions_of_law.pdf.

⁸⁰ Big Book, Interior Enforcement Chapter - Custody & Alternatives Section. <https://bit.ly/3h8pLd6>.

The welcoming process is broken into three phases based on location:⁸¹

1. Initial border processing (at the port of entry or border patrol station);
2. At the reception center;
3. After release to shelters/into the community.

The total process is not to exceed 72 hours and the emphasis is on getting individuals quickly from the initial location to a central reception center for the bulk of their processing and ensuring their prompt release to the community or transfer to other custody (in the case of unaccompanied children, transfer to ORR custody). Additionally, while COVID-19 remains a concern, CBP should implement science-based measures recommended⁸² by public health experts to safely process asylum seekers and others at and between ports of entry, which may include social distancing, appropriate face coverings, disinfectants, sanitation supplies, and plexiglass barriers.

These priority actions can be done quickly and without changes to current law. The focus on the priority actions is minimizing time in custody before release or transfer and having strong oversight of the system. In the short-term, it is also designed to be quickly scalable in response to changing flows at the border. In the medium to long-term, the administration should facilitate more intensive medical services, case management,⁸³ child appropriate spaces, legal orientation, and more.⁸⁴ More information can be found in the detention/alternatives chapter in the Big Book.⁸⁵

81 More details for each phase is available here: <http://bit.ly/RestoreWelcome>.

82 HRF, “Public Health Measures to Safely Manage Asylum Seekers and Children at the Border,” Human Rights First, May 15, 2020. <https://www.humanrightsfirst.org/resource/public-health-measures-safely-manage-asylum-seekers-and-children-border>.

83 The contract could be run through the newly-created Office of Migrant Protection, through FEMA, or through another component of DHS and could be modeled after current/past State Department contracts with humanitarian organizations to manage and process refugees for the USRAP.

84 A 2012 Department of Justice study showed the LOP program in the context of immigration detention to be remarkably successful in fiscal, efficiency, and due-process related measures.

85 Big Book, Interior Enforcement Chapter - Custody & Alternatives Section. <https://bit.ly/3h8pLd6>.



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Appendix E

Department of Defense (DOD) Recommendations

Introduction

America’s commitment to refugee protection has profound implications for America’s national security interests and global stability. Resettlement strengthens our partnerships with allies abroad. Tens of thousands of Iraqis and Afghans who have served alongside the U.S. military as interpreters, security details, and intelligence experts, face threats to their life as a result of their critical support to the United States. Further, the U.S. has often leveraged its refugee resettlement program, combined with humanitarian assistance, to encourage host countries to continue providing safe haven to large populations of displaced people. This helps to stabilize key strategic allies who are disproportionately affected by forced displacement.



Action Plan

- WEEK 1** • Work with the State Department, DHS, and the White House to clear the SIV and P-2 backlogs (Page 67)
- MONTH 1** • Call for the expansion of the SIV and P-2 designations (Page 67)
- YEAR 1** • Support robust refugee admissions during inter-agency decision-making processes and consultations with Congress (Page 67)

Detailed Recommendations

Month 1: Work with the State Department, DHS, and the White House to clear the SIV and P-2 backlogs

The defense community has played a key role in elucidating the importance of refugee admissions to Congress and the administration, particularly as it relates to U.S. national security objectives overseas. DOD should work with the State Department, DHS, and the White House to clear the backlogs for the Iraqi and Afghan SIV programs and Iraqi P-2 program.

Month 2: Call for the expansion of the SIV and P-2 designations

DOD should advocate for the expansion of SIV and/or P-2 designations to ensure that other groups that face danger for their support to the U.S. (including the U.S. mission in Syria) are protected.

Year 1: Support robust refugee admissions during inter-agency decision-making processes and consultations with Congress

DOD should continue to demonstrate support for robust refugee admissions during consultations ahead of the annual Presidential Determination, highlighting the important national security implications of resettling refugees from conflict-ridden regions.



Appendix F

Department of Justice (DOJ) Recommendations

Introduction

The Trump administration has wielded the enormous influence of the DOJ to carry out an anti-immigration agenda. The asylum and refugee programs have unfortunately borne the brunt of the damage. Over the past three years, the Trump administration has used the DOJ to further an anti-asylum and anti-refugee agenda through a complex and comprehensive set of policies.

In order to repair and rebuild from the harm wrought over the last several years, RCUSA endorses Big Book DOJ recommendations⁸⁶ for: 1) institutional and policy reforms to the immigration courts; 2) U.S. Attorney prosecutorial practices, specifically prosecutions for illegal entry and reentry and of Good Samaritans; 3) DOJ's use of grant programs to penalize so-called sanctuary cities; and 4) programs that provide legal counsel and legal orientation to people facing removal.

The detailed recommendations below briefly touch on some of these recommendations that are of special importance and provide a few additional recommendations specific to the asylum and refugee framework.

Action Plan

- DAY 1** • AG appointment should prioritize refugee and asylum seekers' rights (Page 69)
- MONTH 1-3** • Rescind anti-refugee, anti-asylum opinions, decisions, rules, and policies (Page 70)
- MONTH 2-4** • Restore pro-refugee, pro-asylum policies and practices consistent with international standards (Page 70)
 - Full participation in interagency audit of refugee admissions security checks (Page 70)
- MONTH 3-5** • Review and assess anti-refugee, anti-asylum bias of BIA members, appellate judges, and Immigration Judges (Page 71)

Detailed Recommendations

Day 1: AG appointment should prioritize refugee and asylum seekers' rights

The Attorney General (AG) and the Director of EOIR play a critical role in adjudicating asylum cases, administrating protection under the Convention Against Torture, and setting forth refugee-related regulations and policies. In order to achieve even limited asylum and refugee-related goals, a next administration must appoint an Attorney General that prioritizes the rights of asylum seekers and refugees with the same ruthlessness with which the previous administration expressed their disdain for the same.

⁸⁶ Big Book, Recommendations for Presidential Transition Team: Priority Reforms for the Department of Justice and Immigration Courts. <https://bit.ly/3liPK4J>.

Months 1-3: Rescind anti-refugee, anti-asylum opinions, decisions, rules, and policies

Through Executive Order, the President must instruct the AG to immediately rescind all anti-refugee and anti-asylum AG-certified opinions, BIA decisions, policy memoranda, and proposed rules; and for DHS to rescind all guidance stemming from those DOJ policies. Many of these decisions pushed forward incorrect legal principles, such as the confusion and misinterpretation of particular social group analysis and nexus. Those are comprehensively discussed in a separate Big Book chapter⁸⁷ that RCUSA endorses. Other harmful changes have undermined or entirely dissolved important due process protections – for example, eliminating bond hearings for immigrants who establish a credible fear of persecution or validating insufficient *in absentia* removal orders against asylum seekers.

Months 2-4: Restore pro-refugee, pro-asylum policies and practices consistent with international standards

Subsequent or tandem to the rescission of Trump administration DOJ promulgations (and corresponding DHS guidance), the AG must immediately prepare and issue revised decisions and policy memoranda. At the same time, the AG should identify cases for AG certification on asylum and refugee issues that are consistent with international standards, including but not limited to particular social groups, persecution, non-state persecutors, and torture. Finally, the AG should immediately initiate expeditious rulemaking to rescind Trump-era final rules, including interim final rules (IFRs) that limited the protection afforded to asylum-seekers, asylees, and refugees; such IFRs implementing the “Asylum Bans,” Asylum Cooperative Agreements, and the “Third-country Transit Bar.”



Month 2-4: Full participation in interagency audit of refugee admissions security checks

Delays in completing security checks are a major contributing factor to delays in asylum and refugee processing. DOJ is responsible for many of the relevant security checks, including Security Advisory Opinion (SAO) checks conducted by the Federal Bureau of Investigation and Intelligence Community partners. As stated above, one of the first priorities for a next administration is to conduct an interagency audit of refugee admissions security checks to ensure that security vetting is fair, efficient, and narrowly tailored to its legitimate purpose. DOJ must commit to full participation in this process and the resultant recommendations that may include directives to increase staffing and prioritize SAO review.

⁸⁷ Big Book, SUBTOPIC: “Promoting Clarity and Ensuring Compliance with the 1951 Convention and 1967 Protocol Relating to the Status of Refugees (Refugee Convention) in U.S. Asylum Jurisprudence. <https://bit.ly/3hfcG1x>.

Months: 3-5: Review and assess anti-refugee, anti-asylum bias of BIA members, appellate judges, and Immigration Judges

Under the Trump administration, new Immigration Judges have predominantly come from law enforcement or trial attorney roles. Frighteningly, new BIA members have had among the highest asylum denial rates among immigration judges nationwide. Consistent with union contracts, the AG should instruct the Director of EOIR to conduct a review of BIA members, appellate judges, and IJs and remove or reassign judges with anti-asylum or anti-refugee bias. At the same time, the AG and the Director of EOIR should hire new immigration judges and BIA members from a diverse pool of candidates that includes robust representation from members of the NGO and private bar that represent asylum seekers, refugees and SIVs.

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