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Dear Scott:

Thank you for your role in convening such a broad representation of U.S. Refugee Admissions Program (USRAP) stakeholders and our government partners on August 5. The discussion was a welcome step toward redesigning the USRAP to be more responsive to the refugee protection and durable solution needs of the 21st Century. As someone commented, “you’ve certainly succeeded in raising expectations.” HIAS was honored to be a part of the exercise.

As promised, below are some impressions which I hope will be useful background for the upcoming inter-agency discussions focused on moving the USRAP forward.

Each of the USRAP’s components have made tremendous strides in recent years in certain areas, particularly the USRAP’s engagement with UNHCR to enhance referrals, PRM and DHS improvements to pipeline management, and DHS’ creation and management of the Refugee Corps. PRM and ORR, however, both lack the resources they require to ensure refugees receive the reception and integration services they need, and the USRAP lacks cohesion, coordination, and a unified sense of mission.

The U.S. Refugee Admissions Program Needs Inter-Agency Leadership and Coordination:

The U.S. Refugee Admissions Program has many components - three federal agencies (and their subcomponents), the voluntary agencies, the states, UNHCR, and the International Organization for Migration. The current state of the USRAP may be likened to the Revolutionary War flag that depicts a snake sliced into thirteen pieces with the slogan, “UNITE OR DIE.”

Like the snake, the USRAP is made up of many disjointed parts. The role of Coordinator of the USRAP - as contemplated by the Refugee Act of 1980 - has long been delegated to PRM, which has been too focused on its own role to coordinate the other components.

Empower a high-level coordinator to vigorously and holistically coordinate the U.S.

Refugee Admissions Program: Even when information is shared through working groups, meetings, and the like, these exercises are undertaken primarily to share information - not to collaborate. David Martin addressed this issue as a “key attitudinal point” in Chapter 2 of the 2005 Resettlement Study commissioned by PRM. One properly staffed high-level entity - perhaps outside of all of the agencies, as originally intended in the Refugee Act of 1980 - should

Rescue, resettlement & reunion

take charge of the USRAP as coordinator, with the interests of the entire program in mind. In the alternative, the Department of State should be empowered - and dedicate itself - to vigorously reassert its role as an effective USRAP Coordinator.

Convene an outside study of experts so the USRAP can better meet post-Cold War

Resettlement Needs: Each of the components of the USRAP - public and private – is so entrenched in its own role that it tends to lose sight of the program as a whole. To overcome this, it may be desirable to convene an independent commission of experts with a timeline to propose long term and thoughtful strategies to transform the refugee program from one designed to deal with two large Cold-War populations to one designed to meet the much more dynamic and diverse needs of today. Short term strategies, however, are needed in the interim. Between the current economic crisis and issues with the resettlement of Iraqis and other populations, we cannot wait for a Commission to start fixing the system.

Address Overseas Inefficiencies: The U.S. Refugee Program contains a number of gross inefficiencies in processing. As no one “owns” the USRAP, there has been no attempt at a holistic approach to make processing more secure and efficient. Wasted money overseas means less money for domestic resettlement.

- **Information is Collected Multiple Times and Never Used:** U.S. Refugee Processing overseas is rife with redundancies and inefficiencies. The same information is collected multiple times by multiple parties (UNHCR, OPE/PRM, USCIS) in multiple forms and interviews, and then is not even shared with the receiving VOLAG or ORR in ways that could ensure better reception and integration—. Similarly, rather than creating a special “Form I-590 EZ” (Refugee application form) to verify the information on the UNHCR Resettlement Registration Form, the USRAP (DHS, PRM and the OPEs) waste resources collecting the same information all over again, and interpreter/caseworker/protection officer errors on the competing forms remain uncorrected and are frequently used to impeach the applicant’s credibility – and deny the claim - by DHS. Time and resources are wasted each step of the way, yet no one is “in charge” of the USRAP so no one addresses this problem of over-collecting yet under-utilizing information.
- **USRAP Lacks a Reliable Tool in Addressing Protracted Refugee Situations:** UNHCR has recognized resettlement as a weapon in its arsenal to strategically address protracted refugee situations. However, USCIS circuit rides (for example, to process the 1972 Burundians) frequently result in high denial rates when interviewing long staying refugees who cannot go home. Often, refugees in protracted situations have been out of their country of persecution for so long that they have difficulty articulating their fear of return at a level of specificity sufficient to pass their refugee interview. The David Martin report recognized this challenge and drafted a legislative provision which would allow the USRAP to designate populations of humanitarian concern who could be admitted as refugees by establishing admissibility and membership in that group. This provision would allow USCIS to use their interview time more efficiently to ascertain security risks and detect family relationship fraud and less time interviewing them to decide what the State Department has already determined - that the group to which the person belongs cannot safely return home. However, PRM originally expressed opposition to a similar provision in the House, and the language was consequently dropped from the bill. We hope it will be revived in the Senate, but this time with the Administration’s enthusiastic support.

- Redesign the NGO Referral Process with NGO Involvement:** A classic example of USRAP partners sharing information without collaboration has been the effort to establish an NGO referral process. NGOs which are partners with UNHCR and PRM are in the front-lines of refugee assistance, and are in a strong position to identify refugee groups and individuals in need of resettlement. At the same time, NGO identification of cases for resettlement cannot succeed without significant consultation and caution, in order to prevent against fraud and against NGO operations from being overwhelmed by refugees seeking resettlement. Refugee Council USA spent years advocating for an NGO Referral process. PRM established such a process in 2003, and has met many times and exchanged much correspondence with NGOs to discuss it. This, however, has been an exercise in information sharing, not in collaboration. NGOs are not involved in the design of the trainings for NGO referrals, nor in its oversight and implementation, nor are NGOs given ongoing feedback by the USRAP to improve the process. In addition, PRM has taken a firm principled stand against funding any NGO to coordinate or otherwise participate in any referral process. This “principle” underestimates the need for coordination, support and follow-up of NGOs trained in case identification. Meanwhile, UNHCR has asserted its own principle that NGO referrals should be made exclusively through UNHCR, and not directly to the USRAP. UNHCR’s position has created a significant chilling effect that has prevented UNHCR implementing partners from referring cases to the USRAP. Yet UNHCR has not implemented (though it claims it has drafted) guidance to its field on engaging NGOs in UNHCR case identification efforts. Needless to say, the potential for partnering with NGOs to identify the most vulnerable refugees in need of resettlement has not been realized. NGO partners should be engaged, resourced, and held accountable for referrals by PRM as well as by UNHCR
- Dysfunctional Family Unity Programs:** Family Unity is a fundamental human right (Article 23 of the Declaration of Human Rights). Moreover, failing to reunite families certainly retards domestic integration. As a matter of principle, family reunification for refugees and asylees should be universally available to those with relatives (particularly those with a dependent relationship) in the United States. Family unity for refugees should certainly not be contingent upon nationality or upon whether the anchor relative in the United States entered as a refugee/asylee. That said, refugees and asylees in the U.S. should enjoy a particularly expeditious process to reunite with their spouses and unmarried minor children overseas. Today, such a process – known as the Visa 92/93 process – exists in theory. In practice, however, reunification through Visas 92/93 takes upwards of two years.

Institutionalize an Expedited Family Reunion Process for Asylees and Refugees in the United States. By law, refugees and asylees may reunite with their spouses and unmarried children through a simple process known as the Visa 92/93 process. This requires the filing of an I-730 application.

For years, Consular and USCIS officials have regarded the I-730 as “just another immigration program,” not as the program which reunites refugee families torn apart by persecution and conflict.

Consequently, in practice, the I-730 process takes years. For upwards of a decade, the I-730 process has been so incoherently implemented that many immediate relatives have instead opted for reunification through the more complex and restrictive P-3 process – even though the latter requires that the applicant establish not only relationship, but also a refugee claim. As a result, P-3 refugees are denied refugee status by USCIS, and in the

meantime have aged or timed out of eligibility for the simpler Visa 92/93. The agencies involved in the Visa 92/93 process - PRM, Consular Affairs, the National Visa Center, USCIS Refugee Division, USCIS Asylum Division, USCIS International Operations, and USCIS Service Centers - should take a holistic approach and commit themselves to making the I-730 process an efficient one – as it was intended to be.

The Departments of State and Homeland Security should ensure that anyone who is Visa 92/93 eligible is not tempted to seek P-3 processing. While P-3 processing should be made as expeditious as possible, the USRAP should work to ensure that the simpler Visa 92/93 process will be *reliably* more expeditious. To have Visa 92/93 eligible applicants apply for P-3 processing is a waste of government resources, and increases processing times for all refugees in queue.

Stop Separating Refugee Children from Their Mothers and Fathers: Under current regulations, if a father receives asylum or refugee status in the United States and impregnates his wife while visiting her in a refugee camp (after one or two years of waiting for the processing of her I-730!), the child born from this liaison may not enter the U.S. because the child was not *in utero* at the time the principle applicant was admitted as a refugee or approved for asylum. Similarly, if a woman is impregnated by another man during the separation period – either through rape or through a voluntary relationship – the resulting child may not enter the U.S. to join the mother.

This is not a mere theoretical problem – given I-730 processing times, it is not uncommon for women to become pregnant while waiting for permission to join their refugee/asylee husbands in the United States. The only way they can bring the child with them to the United States is through humanitarian parole, which significantly increases the separation period and is frequently denied as a matter of discretion. As I mentioned during the meeting, HIAS recently assisted with reuniting a 4 year old Darfuri girl with her parents after three years of separation under such circumstances.

The State Department Authorization bill passed by the House contains a provision which would correct the latter problem. We hope that the Administration will actively support its enactment in this or some other legislative vehicle, or will immediately revise the regulations.

Refine and Expand the P-3 Category so that Refugees with Close Relatives in the United States are not Separated from their Family: Refugees abroad with spouses or minor unmarried children in the United States are discriminated against by the USRAP on the basis of the *lawful* status of the anchor relative, i.e. if the anchor is in the United States in any lawful status other than that of a refugee or asylee, the spouse, parent or child abroad is ineligible for reunification through the USRAP. Similarly, the refugee abroad is discriminated against on the basis of nationality. Even if (s)he can establish that (s)he is a refugee, and has a spouse, child or parent lawfully in the United States, the refugee application will not even be considered if (s)he does not belong to a “designated nationality.” This is simply not right.

The P-3 Processing Priority should be both expanded and contracted. Contracted so that it no longer causes processing inefficiencies by overlapping with the Visa 92/93 category, and expanded so that it no longer discriminates on the basis of nationality or on the basis of which *lawful* status the anchor relative has in the United States.

While the integrity of the P-3 Program has been compromised by family relationship fraud, the piecemeal and cumulative manner through which this fraud has been addressed has only made the program less efficient and responsive. It is only slight exaggeration to say that – once you take into account the redundancies of P-3 eligibility with the Visa 92/93 program, the nationality restrictions, and the legal status restrictions on the anchor, the only refugees left to apply for the program are those willing to defraud it. This will be even closer to reality once all P-3 applicants are expected to pay for DNA testing, and once age restrictions currently being contemplated are imposed.

DNA testing should occur in random cases or when there is an articulable reason to doubt a claimed relationship. It should be done in a culturally sensitive manner with full consent. It should not be done at the expense of the refugee. And the RAVU process (Refugee Anchor Verification Unit) should be re-evaluated to determine whether it needs to be continued or streamlined in light of DNA testing and other anti-fraud measures. Fraud should be taken seriously, and the message should be clear that fraud will not be tolerated, and will have serious consequences. However, the ongoing practice of fighting fraud by reducing the size of the pool of refugees eligible to reunite with immediate family members is simply not right.

Abandon the One-Size Fits All Approach to Domestic Resettlement: The refugee program currently takes a one size fits all approach when resettling refugees. The only exception is ORR which, through its Matching Grant program, has two types of refugees: those who are employable within a few months after arrival, and those who are not. Matching Grant slots should be - but are not - available to all employable refugees. A refugee's eligibility for a Matching Grant slot – as opposed to welfare – is contingent upon the number of slots allocated to that particular resettlement agency as a result of that agency's performance, not upon the needs of the individual refugee. By allocating slots based on VOLAG performance, the Matching Grant allocation process does not penalize the lower-performing agencies nearly as much as it punishes refugees resettled by the lower-performing agencies. Moreover, these cuts have no influence on PRM's decisions regarding the allocation of arriving cases to the voluntary agencies, yet they do have an impact on the capacity of receiving agencies to resettle refugees. This is another example of the parts of the USRAP working independently of one another and undermining the good of the whole program. ORR and PRM should work more closely together to guarantee that all refugee resettlement agencies are properly resourced to perform to capacity.

Take Into Account the Integration Needs of 21st Century Refugee Populations: The existing Reception and Placement and Matching Grant funding levels - which have not even kept up with inflation - were designed for refugees joining established communities and/or families. They do not take into account the greater needs of the refugees arriving today. Furthermore, supplemental funding and placement should take into account (1) refugees with special needs relating to their mental or physical health; (2) refugees who are illiterate or semi-literate and therefore need more preparation for entry into the workforce; and (3) refugees who were professionals when they fled but who need recertification in order to practice their profession or their field in the United States. The refugee program may be accused of causing brain drain but, ironically, most of the brains the USRAP "drains" end up driving cabs or working in Starbucks because they receive no assistance whatsoever obtaining the credentials necessary to work in their field of expertise. Each of these groups has special needs which require unique approaches in order to successfully integrate into the United States. These needs are not being addressed under the current "one-size-fits-all" approach.

Enact Temporary Emergency Measures for Integration: In spite of the many issues above, the U.S. Refugee program has a stronger pipeline and higher admissions levels than it has had in years. Unfortunately, this success comes at a time when high unemployment makes self-sufficiency and successful integration of refugees an excruciatingly difficult task. The “sink or swim” approach characteristic of the U.S. Refugee Admissions Program only works well when the economy is strong. Until the economy has rebounded, temporary emergency measures, in addition to supplemental funding, should be put in place by the USRAP to prevent refugees from falling into destitution. Allowing refugees to be resettled outside of the “zone” of resettlement agencies to places where they can find employment, lifting free case site restrictions, and relaxing some housing standards, should be implemented on a temporary basis. These issues should be addressed through a team approach, not by each player in the USRAP acting independently of the others.

Study the System on an Ongoing Basis for Continuous Improvement: The U.S. Refugee Admissions Program is by far the largest in the world, with many hundreds of professionals employed in the noble effort. However, the USRAP is under-studied, good practices at home and abroad are seldom shared outside of individual resettlement networks, and refugee resettlement professionals have no access to professional journals, studies, certification, etc. In other words, we reinvent the wheel far too often, and learn from our mistakes far too seldom. It would be ideal if a Refugee Resettlement Academy could be established to create webinars, certification processes, and the sharing of best practices among the local and national players - or if ORR and PRM could pursue this together in more modest ways.

Thank you for your consideration. If you have any questions, please do not hesitate to contact me at 202-550-7352 or at mark.hetfield@hias.org.

Sincerely,



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