

Restoring the United States' Refugee Resettlement Program

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Key Takeaways

- ▶ The Trump administration has presided over the historic dismantling of the U.S. refugee resettlement program that undermines overseas objectives and fails to protect the most vulnerable.
- ▶ Reforms are needed to restore the United States' position as a leader in resettlement and ensure the continued viability of the U.S. refugee admissions program.
- ▶ These five reforms include enhancing community involvement, strategic resettlement, in-country processing, strengthening Congressional oversight, and bolstering global cooperation.

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Forward, *by Mayor Wilmot Collins*

The United States Refugee Admission Program (USRAP) has always been one of the finest examples of American leadership in fighting against oppression, for human rights, and as an example for the rest of the world to follow. Over the last few decades, the U.S. generously welcomed over three million individuals to the U.S. as refugees, giving individuals freedom and opportunity to rebuild shattered lives in this new land.

I am one of those three million individuals grateful to have been received into this country after being persecuted, fleeing the Liberian Civil War, and separated from my family in the early 1990s. Like so many of my fellow refugees, I have never taken the American people's generous spirit for granted. I felt it was an obligation to give back to the country that had provided shelter and safety to my family and me. I did this through service in the U.S. Army, through my work with U.S. veterans, as an official with the U.S. Department of Homeland Security (DHS), and now as the Mayor of Helena, the capital city of my adopted state of Montana. It is both an honor and pleasure to now serve my fellow American citizens in this great city.

However, I've watched as the U.S. refugee program experienced severe cutbacks and restrictions for the last four years. The number of refugees arriving through this historical and legal migration program fell from over 80,000 people coming in fiscal year 2016 to less than 10,000 this year. The current administration is reportedly interested in decreasing admissions more in the coming year and looking to set another record low for admissions totals in the last half-century.

Today, with nearly 80 million forcibly displaced people and 26 million refugees, the American retreat on welcoming refugees moves our country—and the world—in the wrong direction. Never has U.S. leadership on refugee protection and resettlement been more needed yet more diminished than right now.

It is time for the U.S. to resume its global leadership position on this vital international action that saves lives and encourages other nations to better help persecuted individuals. Moreover, the resettlement program brings people to the U.S. who strengthen and contribute to our communities—as I've seen firsthand as a citizen and a mayor, and evidenced by my public service.

I am happy to endorse the recommendations included in this report by the Niskanen Center that examines how the program can be brought back to historic levels of refugee protection and resettlement, and ways USRAP can be made even better than before. These recommendations will make the U.S. resettlement system better for the refugees resettled, for the communities that receive them, and for the welfare of our nation, society, and economy. As this report shows, we can do some necessary steps now, and in the coming months, to make this happen.

The U.S. has long welcomed refugees. This country's prosperity and greatness have been directly tied to the skills, drive, and contributions that refugees and other immigrants bring with them.

Aiding the persecuted is something that defines us as a nation in the most favorable terms and is an essential element to maintaining our position as the world's beacon for freedom and democracy. It has always been a win-win proposition for the refugees and the American people. I say this as both a former refugee and now U.S. citizen, someone who was saved by this country and this program, and someone who has committed my life to serving my fellow citizens.

Let us restore our commitment to this invaluable humanitarian program. Let us explore and welcome ways to make the U.S. refugee program as effective and sustainable as possible and look hard at and embrace ways to expand resettlement pathways. Let us find ways to do better.

Now is not the time for us to retreat from resettlement, but to advance our program so that this country is once more an example for the global community. We have led, innovated, and scaled up resettlement efforts more so than any country around the world, and we should strive to hold that mantle once again. The U.S. has been a beacon of hope to refugees worldwide for decades, but that light has dimmed in recent years. May we make it shine brightly into the world once again. ►

Wilmot Collins is a refugee of the Liberian Civil War. He and his wife Maddie fled in the midst of one of Africa's most brutal civil wars that killed over 250,000 people. He was resettled in Montana where he worked for child services organizations, the Montana Department of Health and Human Services, and joined the United States Navy Reserve. In 2018, he became the first Black mayor of a city in Montana history. He graduated from Troy University in 2005 with a master's degree in human resource management. He currently serves as the mayor of Helena, Montana.

Introduction

The Trump administration has enacted sweeping restrictions on immigration to the United States, and refugee resettlement is no exception. Restoring the nation's position as a leader in refugee resettlement is consistent with our values as a land of freedom and opportunity; provides an essential tool of foreign policy;¹ and offers numerous benefits to local communities.² With steep cuts to resettlement slots over the last several years, the damage done to refugees and service providers will likely have lasting effects for years to come and has tarnished the global reputation of the United States.³ That is why it is imperative to quickly restore the U.S. Refugee Admissions Program (USRAP) to its former standing, while also improving its efficiency and ensuring its long-term viability.

Refugee resettlement was once relatively unique among immigration policies in that there was historically broad, bipartisan support for the USRAP.⁴ Humanitarian groups, defenders of religious and political liberty, and foreign policy hawks all agreed upon the importance of this vital program. Under the Trump administration, however, refugee assistance has been politicized like never before, as overblown fears of terrorist threats and contrived competition between resettlement and asylum processing became a pretext for slashing refugee admissions across the board.⁵

The shortsightedness of the Trump administration's retrenchment of refugee assistance has been written about at length,⁶ and there has been considerable pushback against the sweeping cuts from voices across the political spectrum.⁷ It has become abundantly clear that the current USRAP needs reforms that will allow it to withstand a hostile executive branch — now or in the future — while renewing the public's confidence in our responsibility and ability to accept a share of the world's most vulnerable people.

¹ Salehyan, Idean. 2018. *The Strategic Case for Refugee Resettlement*. Washington, D.C.: Niskanen Center (https://niskanencenter.org/wp-content/uploads/old_uploads/2018/09/NC-Refugee-Paper-SalehyanElec_FINAL.pdf).

² Capps, Randy, et al. 2015. *The Integration Outcomes of U.S. Refugees: Successes and Challenges*. Washington, D.C.: Migration Policy Institute; Kerwin, Donald. "How America's Refugee Policy is Damaging to the World and to Itself." *The Economist*, June 19, 2018 (<https://www.economist.com/open-future/2018/06/19/how-americas-refugee-policy-is-damaging-to-the-world-and-to-itself>).

³ Natter, Robert and Mark Hertling. "Cutting Refugee Admissions Will Have Severe Consequences for the U.S. Military." *Washington Post*, September 8, 2019 (<https://www.washingtonpost.com/opinions/2019/09/08/cutting-refugee-admissions-will-have-severe-consequences-us-military/>).

⁴ Salehyan, Idean. 2019. *Insider's Perspectives: The Forgotten Refugee Resettlement Consensus and Motivation*. Washington, D.C.: Niskanen Center (https://www.niskanencenter.org/wp-content/uploads/2019/09/Salehyan-Niskanen-Center_September-2019.pdf).

⁵ Bier, David J. 2018. *Extreme Vetting of Immigrants: Estimating Terrorism Vetting Failures*. Washington, D.C.: Cato Institute. Policy Analysis No. 838.

⁶ Alvarez, Priscilla. 2018. "America's System for Resettling Refugees is Collapsing." *The Atlantic*. September 9, 2018 (https://www.theatlantic.com/politics/archive/2018/09/refugee-admissions-trump/569641/?gclid=CjwKCAjwXqX4BRBhEiwAYtJX7X7kCtNhMtxUJuA2g4BB1PY9LLpF5a2HLTSSnRv9E-ESZPIqw5R4RhoCKZwQAvD_BwE).

⁷ Senator Chris Coons, press release. "Sens. Coons, Lankford send bipartisan letter to Trump Administration in response to proposed elimination of refugee resettlements." August 6, 2019 (<https://www.coons.senate.gov/news/press-releases/sens-coons-lankford-send-bipartisan-letter-to-trump-administration-in-response-to-proposed-elimination-of-refugee-resettlements>); Win Without War, "U.S. Members of Congress Respond to Historic Low Refugee Admissions Goal" (<https://winwithoutwar.org/policy/congressrefugeegoals/>).

This report begins by recapping the drastic changes to U.S. refugee resettlement, then will turn to proposing reforms to the program, which will strengthen the USRAP, restore U.S. leadership in refugee protection, and ensure the program's long-term viability.

Trump's overhaul of refugee resettlement

Candidate Trump relied heavily on anti-refugee rhetoric during his campaign. Within days of assuming office, President Trump signed an executive order suspending refugee resettlement and barring travel to the U.S. from seven majority-Muslim nations.⁸ The courts blocked the so-called "Muslim ban" until a revised version of the order was crafted. While refugee resettlement eventually resumed, the number of refugees admitted to the U.S. in 2017 was less than half of the 110,000 proposed by President Obama in September 2016 (see Figure 1).

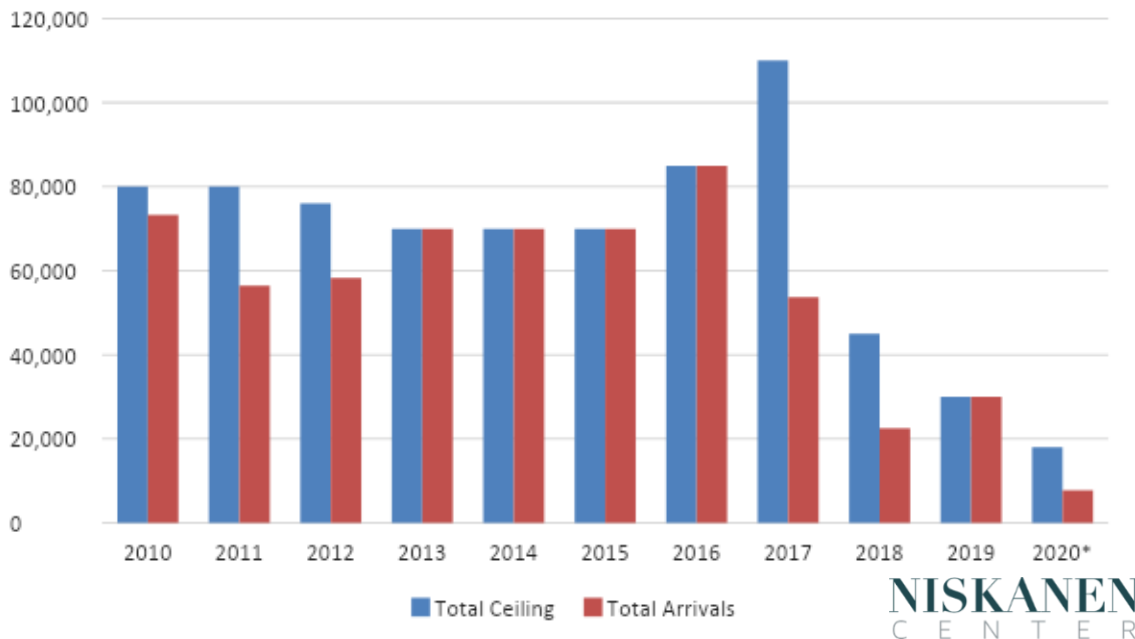
Since then, the Trump administration has repeatedly slashed the ceiling on refugee admissions, with the FY 2020 proposal standing at 18,000 — an all-time low for the USRAP. For the first time since the passage of the 1980 Refugee Act, the United States is no longer the world's leader in refugee resettlement.⁹ As of July 1, fewer than 8,000 refugees were resettled this year, ostensibly due to the COVID-19 pandemic. As valid as public health concerns are, it is indeed possible to test new entries upon arrival and quarantine people before allowing contact with the community, particularly as refugees already undergo mandatory health screenings before departure and upon arrival in the U.S. Moreover, many resettled refugees have worked as frontline health workers in containing the pandemic, attesting to the valuable role refugees play in communities across the country.¹⁰

⁸ Pierce, Sarah and Doris Meissner. "Trump Executive Order on Refugees and Travel Ban: A Brief Review." February 2017. Washington, D.C.: Migration Policy Institute (<https://www.migrationpolicy.org/research/trump-executive-order-refugees-and-travel-ban-brief-review>).

⁹ Radford, Jynnah and Philip Connor. "Canada Now Leads the World in Refugee Resettlement, Surpassing the U.S." Washington, D.C.: Pew Research Center. June 19, 2019 (<https://www.pewresearch.org/fact-tank/2019/06/19/canada-now-leads-the-world-in-refugee-resettlement-surpassing-the-u-s/>).

¹⁰ La Corte, Matthew and Haley Hamblin. "2020 Sees Record Low Refugee Resettlement from COVID-19 and Previous Policy." Washington, D.C.: Niskanen Center. June 26, 2020 (<https://www.niskanencenter.org/2020-sees-record-low-refugee-resettlement-from-covid-19-and-previous-policy/>).

Figure 1. Refugee Ceilings and Arrivals by Year



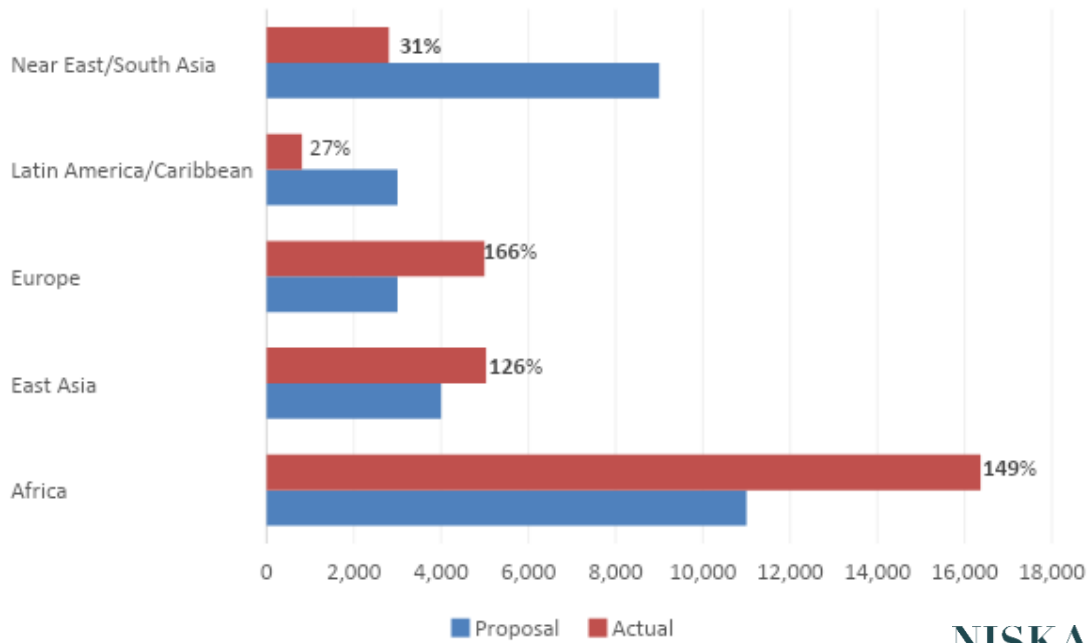
Data Source 1: *As of June 2020. U.S. Department of State, Bureau of Population, Refugees, and Migration.

Beyond the decline in numbers, the composition of admitted refugees has also changed, reflecting the Trump administration’s continued animus toward certain groups — particularly Muslims and people from Latin America. While regional refugee targets in FY 2019 for Europe, Asia, and Africa were surpassed, resettlement from Latin America and the Middle East/South Asia was less than a third of the number allocated for those geographic regions (see Figure 2).

Indeed, a report by the Migration Policy Institute found that in FY 2016, 44 percent of resettled refugees were Christian and 46 percent were Muslim; by FY 2019, Muslims comprised only 16 percent of admitted refugees, and the share of Christians increased to 79 percent.¹¹ In the same year, only 809 Latin American refugees were admitted.

¹¹ Greenberg, Mark, Julia Gelatt, and Amy Holovnia. “As the United States Resettles Fewer Refugees, Some Countries and Religions Face Bigger Hits than Others.” Washington, D.C.: Migration Policy Institute. September 2019 (<https://www.migrationpolicy.org/news/united-states-refugee-resettlement-some-countries-religions-face-bigger-hits>).

Figure 2. FY 2019 Refugee Resettlement by Region



Data Source 2: Percentages indicate the number of actual arrivals relative to proposed targets. U.S. Department of State, Bureau of Population, Refugees, and Migration



Further changes to the USRAP in 2019 included Executive Order 13888, which effectively authorized state and local governments to refuse to allow refugees to resettle in their jurisdiction — an unprecedented move in the history of the program.¹² Only Texas declared its intent to opt out of the USRAP, while 42 governors affirmatively stated their intention to host refugees, along with over 100 municipalities.¹³

And for the first time, the Presidential Determination (PD) on refugees for FY 2020 prioritized persons fleeing religious persecution. This represents a departure from the accepted international definition of a “refugee” as someone fleeing persecution on account of their race, religion, nationality, membership in a particular social group, or political opinion.¹⁴

¹² See full text of Executive Order 13888 at <https://www.federalregister.gov/documents/2019/10/01/2019-21505/enhancing-state-and-local-involvement-in-refugee-resettlement>.

¹³ Eventually, the executive order was blocked by a federal judge in Maryland.

¹⁴ De Peña, Kristie and Matthew La Corte. “The Devil is in the Details: Digging Deeper into 2020 Refugee Resettlement Changes.” Washington, D.C.: Niskanen Center. November 18, 2019 (<https://www.niskanencenter.org/the-devil-is-in-the-details-digging-deeper-into-2020-refugee-resettlement-changes/>).

Long-term impacts

Even though a future administration could undoubtedly return the number of resettled refugees to the historic norm, the changes have hollowed out resettlement agencies responsible for assisting refugees. Nonprofit agencies like the International Rescue Committee, U.S. Conference of Catholic Bishops, and Lutheran Immigration and Refugee Service are vital to helping refugees find housing, employment, and schooling, and for assisting new Americans to integrate into society. All nine of the accredited national resettlement agencies have been forced to close many of their offices and lay off staff, debilitating local capacity to welcome refugees into communities across the country.¹⁵ The cumulative effect of years of cuts to the program has been to curtail these agencies' ability to respond to the next refugee emergency.

One of the most troubling long-term impacts of Trump's sweeping changes to refugee admissions has been the damage done to the United States' global standing. Most egregiously, Special Immigrant Visas (SIVs) have been slashed for Iraqis and Afghans promised protection by the U.S. government for bravely assisting the U.S. military in fighting al-Qaeda, the Islamic State group, and the Taliban. Despite averaging 1,669 entries each year between 2008-18, the U.S. granted only 189 SIVs in FY 2019.¹⁶ As former Secretary of Defense and Marine Corps General James Mattis stated, "A failure to honor our commitments to those who have supported the U.S. in combat would undermine our diplomatic and military efforts abroad to protect the Homeland and support key aspects of the President's national security strategy by making it more difficult to sustain the support of partners elsewhere."¹⁷

Failing to rescue those targeted for their assistance to the U.S., and leaving host countries in volatile regions alone to deal with massive refugee inflows, sends the wrong message about American reliability, and undermines global security. Abandoning friends and allies will make it more difficult to secure cooperation with U.S. foreign policy objectives now and in the future. Moreover, it undermines global goodwill and the reputation of the U.S. as a welcoming, tolerant society that champions human rights.

The Trump administration's stance toward refugees and immigrants has been nothing short of a disaster. From the Reagan through the Obama administrations, refugee resettlement advocates could rest assured that they had the support of the White House, as well as broad bipartisan support in Congress. They no longer have that luxury. For this reason, reforms are needed to

¹⁵ Alvarez, Priscilla. "Resettlement offices close as fewer refugees are allowed into the US." CNN, September 20, 2019 (<https://www.cnn.com/2019/09/20/politics/refugee-resettlement/index.html>).

¹⁶ Based upon data from the United States Department of State, Refugee Processing Center.

¹⁷ See the full text of Mattis' memorandum at <https://www.politico.com/f/?id=0000016c-0709-dd54-a17d-7f8b31690002>.

restore the United States' position as a leader in resettlement and ensure the continued viability of the USRAP.

The way forward: Five necessary changes to revive and improve the resettlement program

1. Enhanced community involvement

The U.S. resettlement program is frequently described as a public-private partnership, involving primarily the federal government on one side and voluntary agencies on the other. It is also a national–local partnership, with actors at the national, state, and local levels all playing important roles. National decision-makers focus mainly on broad issues such as planning for the numbers of refugees to resettle, and which refugees will be processed and from where. In contrast, at the local level, the principal objective is the successful integration of refugees into their new communities.

Federal agencies and resettlement nongovernmental organizations are usually seen as the drivers of the integration process. Yet, there are stakeholders at the local level who are as essential, if not more so, to this phase of resettlement. These include local government officials, schools, businesses, religious organizations, health care providers, service organizations, and so on.

Existing local community-service providers are often not equipped to handle a significant number of new arrivals, in particular, adequately providing for refugees' unique language and cultural needs. Although many residents are, in principle, willing to help integrate newcomers in their community, they need financial support, as well as training, to accommodate refugee populations. Regrettably, these actors have not always been kept in the loop on resettlement planning and implementation occurring in their areas.¹⁸ In any retooling of the refugee program, finding ways to more meaningfully involve these public and private stakeholders, including refugees, will be essential for rebuilding and improving the USRAP.

Following a 2012 Government Accountability Office report, some nascent steps were taken to have more regular consultations between federal authorities, NGOs, and local stakeholders on resettlement; however, many of the report's recommendations were never implemented. The experience of the last four years has shown that despite animosity against refugees by the administration, state and local stakeholders continue to actively support the program. Dozens of sanctuaries for refugees and asylum seekers were established in cities and counties across the country. As noted, Executive Order 13888, requiring the consent of state and local officials before refugees could be resettled in their jurisdictions, led to 42 states and over 100 mayors agreeing

¹⁸ U.S. Government Accountability Office. *Refugee Resettlement: Greater Consultation with Community Stakeholders Could Strengthen Program*. Washington, D.C.: GAO-12-729. Jul 25, 2012. p.1.

to resettlement.¹⁹ This bipartisan support underscores that local communities are ready and willing to receive refugees.

As the program rebuilds, receiving communities should be given a more significant role in resettlement to ensure continued, robust support across the country. New methodologies are needed so that communities can better indicate their desire and capacity for receiving refugees. A prerequisite for efficient resettlement moving forward is a careful analysis of labor market needs, housing availability, and impacts on schools and health systems in receiving communities.

Other community actors, in addition to traditional refugee agencies, could also play a constructive role by sponsoring refugee resettlement to their communities. In other countries, such as Canada, local organizations, religious congregations, groups of individuals, and universities can sponsor refugees.²⁰ These long-standing, successful options provide practical ways to channel local interest and resources to resettle more refugees that could be done via the governmental program alone. These alternatives also foster stronger community awareness of refugees, and the participatory nature of these programs creates a shared responsibility in making resettlement successful.²¹

To this end, two complementary approaches should be adopted to strengthen local involvement in the refugee resettlement process. First, federal officials should improve linkages with state and local officials and develop systems to better match resettled refugees and their needs/preferences with available employment opportunities, affordable housing, schooling opportunities, and health care capacity. Second, a community sponsorship program that allows local groups to voluntarily share in the responsibility of welcoming refugees should be implemented. These groups would contribute to the short-term financial expenses of resettlement, work with local NGOs and government officials to provide for the needs of refugees as they arrive, and facilitate successful integration into their communities. Such sponsored refugees should be admitted *in addition to* the number established for refugees arriving through the traditional resettlement program.

In conjunction with these changes, government agencies should also be equipped to regularly measure refugee integration success, beyond the traditional metrics that focus mainly on refugee employment. Indicators of economic integration, language acquisition, civic engagement, educational attainment, and health should be collected regularly to demonstrate the

¹⁹ Chishti, Muzaffar and Sarah Pierce. "Despite Trump Invitation to Stop Taking Refugees, Red and Blue States Alike Endorse Resettlement." Washington, D.C.: Migration Policy Institute. January 29, 2020 (<https://www.migrationpolicy.org/article/despite-trump-invitation-stop-taking-refugees-red-and-blue-states-alike-endorse-resettlement>).

²⁰ See <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/help-outside-canada/private-sponsorship-program.html>.

²¹ De Peña, Kristie and Matthew La Corte. "Using Our Communities: The Power of Charity in Refugee Resettlement." Washington, D.C.: Niskanen Center. March 23, 2020 (<https://www.niskanencenter.org/using-our-communities-the-power-of-charity-in-refugee-resettlement/>).

effectiveness of the USRAP and to identify critical challenges and areas for improvement.²² This information should be available to stakeholders at all levels, and should be available in a timelier manner than in the past.

2. Strategic resettlement

An ongoing goal of resettlement is to use it strategically to improve the situation not only of resettled refugees, but also those refugees not being relocated. These are the displaced individuals who will remain in the original host country, often for many more years or even decades. Resettlement entails strategic benefits as it provides another tool, beyond simply providing funding, to engage with host countries and other nations who are grappling with significant refugee situations. Therefore, not only is resettlement a humanitarian gesture, but it is also part of a holistic foreign policy strategy.

Most of the world's refugees remain in developing countries within the region of their displacement, and several refugee-hosting nations face significant economic, demographic, and political challenges in accommodating such large-scale arrivals. Resettlement to the wealthier countries is rarely the tool that will resolve regional refugee crises or provide a durable solution for all refugees in a particular location. An exception to the rule has been the resettlement of Bhutanese in Nepal, where an international resettlement response led by the U.S. resettled nearly 98 percent of the refugees in new countries, largely bringing to an end a refugee situation that had been unresolved for more than a decade. On occasion, resettlement has been catalytic in achieving other durable solutions. For example, the resettlement of several thousand Burundians from Tanzania led to positive moves by the government of Tanzania to regularize the status of the remaining 162,000 refugees in that country.

The use of resettlement, however, has more often been to ease the burden on frontline countries that host hundreds of thousands, or millions, of refugees; to ensure that these countries continue to live up to their international obligation to admit refugees; and to facilitate their continued cooperation with U.S. military and diplomatic efforts. Such was the case with resettlement from the former Yugoslavia, as humanitarian goals dovetailed with a broader U.S. strategy for the region. It was also the case for Iraq and Syria, as the U.S. had a leading role in a multinational response that led to the resettlement of tens of thousands of refugees and fostered productive engagement with indispensable countries in operation against extremist groups. It also strengthened the overall commitment of the international community to these countries, allowing for improvements in protection — including keeping borders open to asylum seekers.

Several current refugee crises, including in Syria, South Sudan, and Venezuela, have major geopolitical consequences that can directly affect the United States. When the scale or political

²² Bernstein, Hamutal and Nicole DuBois. 2018. *Bringing Evidence to the Refugee Integration Debate*. Washington, D.C.: Urban Institute.

significance of refugee emergencies reaches strategic importance, a coordinated response by foreign policy decision-makers, including the Departments of State and Defense, the National Security Council, and relevant congressional committees, is warranted. Moreover, broad multinational plans of action, coordinated with the United Nations High Commissioner for Refugees (UNHCR), countries in the immediate region, and other resettlement and donor countries are required.²³

History has shown, however, that for resettlement to serve strategic purposes, there must be a significant commitment in terms of refugee numbers. The resettlement of a few individuals rarely will have any decisive effect. Moreover, U.S. resettlement must be consistent over several years for host states and other resettlement countries to see the commitment as credible. Finally, strategic resettlement has worked best when it has been part of a multilateral effort by resettlement states to advance protection goals. Joint resettlement efforts increase the numbers of refugees who can be resettled and permit broader and deeper engagement of the international community to address the overall refugee situation.

In a renewed program, the U.S. must expand its resettlement numbers back to levels that were the norm before 2016 and consistently maintain them. To provide for the necessary consistency for both overseas and domestic resettlement agencies, the U.S. should adopt a minimum number of refugees to admit annually. A starting point would be to permanently set a minimum ceiling for resettlement at 50,000 places annually — a bare minimum of slots the U.S. commits to provide. The 1980 Refugee Act placed a pierceable cap of 50,000 on resettlement slots for the first three years of the program's existence, although the Reagan administration admitted far more in practice. Rarely in the program's history has the U.S. admitted fewer than 50,000. Using this figure as a starting point, the U.S. should seek to admit 50,000 or more refugees annually, depending on the current global resettlement needs.

The U.S. also must work to resume its leadership role in assembling multinational strategic resettlement responses, in coordination with UNHCR and other international partners. UNHCR has projected resettlement needs at 1.4 million refugees for 2021. For UNHCR to marshal a global response to meet these significant needs, U.S. participation and leadership in resettlement is essential.

While the resettlement of strategically meaningful numbers is important, it may also be the case that certain individuals merit special consideration. This was the impetus for the creation of the SIV program for Iraqi and Afghan interpreters who directly assisted U.S. military efforts. SIV mechanisms, or unique resettlement processes, should be put in place to include a broader range

²³ Suhrke, Astri. 1998. "Burden-sharing During Refugee Emergencies: The Logic of Collective Versus National Action." *Journal of Refugee Studies*, 11(4): 396–415.

of individuals — not limited to natives of Iraq or Afghanistan — who are vital to U.S. national security interests, including those who have worked with the U.S. government or can provide valuable intelligence. For instance, the repression of democracy movements in places such as Hong Kong, Iran, and Belarus — among others — could provide an opportunity to offer visas for dissidents of special interest to the U.S. These individuals would be fast-tracked for resettlement following a referral by an embassy, military official, or other appropriate U.S. agency. Such efforts would protect vital U.S. partners and send a strong signal to others who may consider assisting the U.S. government in the future.

3. In-country refugee determinations and processing

The U.S. is one of the few countries that have established a way for persons inside their country of origin to be resettled as refugees. Because in-country resettlement processing involves persons who have not crossed international borders, this is an area of resettlement where the U.S. operates largely independently of other international actors. Under presidents as disparate as Reagan, Clinton, Bush, and Obama, in-country processing has been undertaken in support of foreign and humanitarian policy aims, and in response to the concerns of domestic constituencies.

Resettlement in this manner has been used in the past to dissuade asylum seekers from risking their lives by making dangerous, irregular movements. In the 1980s, when tens of thousands of Vietnamese asylum seekers drowned every year in attempted sea crossings, U.S. in-country resettlement provided this life-saving option. Similarly, U.S. resettlement directly from Cuba offered a viable alternative to hazardous flight by boats or rafts. Programs established in Central America late in the Obama administration were similarly dedicated to deterring dangerous journeys by asylum seekers trying to reach the U.S.²⁴ However, these nascent programs largely ceased under the Trump administration, and persons suffering persecution were left with no option but to risk their lives on long journeys to the U.S.

In-country processing has often provided the U.S. with a means to engage with countries during diplomatic or political tensions. By focusing on what is mutually perceived as a neutral humanitarian issue, the U.S. and other countries can keep lines of communication open. The most significant example was in Vietnam, where long-running, in-country resettlement processing — the Orderly Departure Program — laid the groundwork for interaction and coordination that led eventually to the normalization of diplomatic relations.²⁵

In a renewed resettlement program, the U.S. should again make generous use of this unique diplomatic and humanitarian tool. Particularly as the U.S. draws down its footprint in places such

²⁴ La Corte, Matthew. "It's Time to Relaunch an Improved Central American Minors Program." *Washington, DC*. Niskanen Center. August 7, 2018 (<https://www.niskanencenter.org/its-time-to-relaunch-an-improved-central-american-minors-program/>).

²⁵ Kumin, Judith. 2008. "Orderly Departure from Vietnam: Cold War Anomaly or Humanitarian Innovation?" *Refugee Studies Quarterly* 27(1): 104-117.

as Iraq and Afghanistan, in-country processing should be expanded to protect those foreign nationals and their family members who served U.S. and coalition forces and advanced democracy-building efforts. In doing so, the U.S. can help rebuild its credibility with future partners who risk their lives to work with the U.S. or its allies.

In reestablishing in-country processing, it is important to note that the most successful programs include resettlement as part of an array of migration solutions, such as Special Immigrant Visa processing, regular immigration channels (e.g., family-based visas), and other population-specific migration programs, like the Amerasian resettlement program that admitted people born in Vietnam to a parent who served in the U.S. military. Secondly, in-country programs must be able to assure timely departures and offer enough slots to demonstrate a visible and credible effort. Where in-country processing has failed to yield desired results — like in Haiti in the 1990s and El Salvador after 2015 — it has been due to the high rate of denials and lack of alternative solutions. More recently, the Trump administration closed the in-country processing program for minors in Central America (CAM) entirely, which, not unsurprisingly, was followed by increased arrivals of Central American children at the border.

It is time to revive in-country processing, most notably in Central America and South America, to discourage individuals from taking long, risky journeys north. Resettlement from the region must be expeditious and on a sufficient scale that it would preclude the need to travel to the U.S. border. Moreover, in-country refugee processing must be coupled with other migration channels for those who do not meet the strict definition of 'refugee,' but merit consideration under alternate visa categories because of a high level of physical risk or vulnerability. This would not only provide humanitarian benefit to those seeking protection, but also ease the strain on border enforcement resources.

4. Strengthened congressional oversight and consultation process

The 1980 Refugee Act calls for the president to make an annual determination for refugee admissions numbers before the beginning of each new fiscal year. This determination must be preceded by consultations between the administration and both chambers of Congress. The Act also requires that certain information be provided to the respective congressional committees in advance, such as the contemplated overall and regional ceilings for admissions; whom the U.S. plans to resettle and why; the estimated cost of resettlement; procedures to be used; the effect of admissions on U.S. foreign policy; and domestic impacts.

In recent years, the consultation process has been honored more in the breach than in the observance. Consultations are usually held at the last minute, are cursory rather than detailed, and are increasingly by phone. During the Trump administration, the presidential determination has sometimes been issued after the start of the fiscal year, beyond its due date. For FY 2020, for

example, the presidential determination was not issued until November 2, more than a month past the deadline.

Many have called for reforms in the consultation process, including members of Congress.²⁶ Their main objection is that the consultations occur after the administration's plans are set in place already, thus preventing any meaningful revisions and interbranch dialogue. Moreover, departmental budgets and appropriations are also set earlier in the year, making programmatic changes unlikely. Conversely, when Cabinet-level officers have attended the consultations in person, often members of Congress use their time to raise other issues unrelated to refugee admissions.

Under existing law, several steps could be taken to improve the consultation/planning process. First, future consultations must adhere to legally prescribed timelines. This requires the administration to provide the annual Report to Congress on Refugee Admissions at least two weeks in advance of consultations, and requires the consultations and presidential determination to take place before the start of the fiscal year.

Second, the participation of a Cabinet-level officer is often the cause of delay, leading to rushed, last-minute phone calls among principals. A formal pre-consultation hearing could be held annually with persons designated by their departments to present the administration's plan. At this hearing, the Report to Congress could be discussed earlier and in greater detail with persons who are directly responsible for USRAP functions, such as the leaders of the Bureau of Population, Refugees, and Migration (PRM); the Office of Refugee Resettlement (ORR); and U.S. Citizenship and Immigration Services. The statutorily required consultation of principals could thus still be met, although with significant input before the formal presidential determination.

Third, the 1980 Refugee Act calls for the administration to provide the Congress both "descriptions" for some matters and "analysis" for others. Meaningful analysis of the performance of the resettlement program continues to be absent. While future plans are being set, there is sparse analysis of the outcomes of prior admissions. Other than numerical ceilings, there are no specific goals, objectives, or performance indicators set by the program. In short, the only outcomes measured in detail are the number of arrivals and data relating to the employment rates of those who arrived in the previous year.

The consultation process should present the qualitative and quantitative goals and objectives of the program, including how resettlement should advance U.S. foreign policy aims and impact the

²⁶ United States Senate, Committee on the Judiciary. "Feinstein, Durbin Call on Trump Administration to Consult Congress About Refugee Resettlement as Required By Law." September 10, 2019. De Peña, Kristie. "Congress is Letting the Administration Violate Consultation Requirements for Refugee Admissions." *The Hill*. August 26, 2019 (<https://thehill.com/opinion/immigration/458860-congress-is-letting-the-trump-administration-violate-consultation>).

domestic integration elements of the program. In short, clear goals for resettlement outcomes should be specified in well in advance.

Information should go beyond measuring refugee employment, but also analyze “the anticipated social, economic, and demographic impact” of resettlement, as called for in the Refugee Act.²⁷ Other countries have adopted this objective-based approach because it provides decision-makers and stakeholders information that is essential to logically plan, allocate resources, and identify areas of strength and weakness in their refugee programs. As the GAO noted in its 2012 study, “Neither PRM nor ORR currently measure refugee integration as a program outcome.”²⁸ This is still the case eight years later, and this simple reform is essential for providing Congress the information needed to make informed decisions.

Fourth, a proposed change that would require legislation is to establish a minimum annual ceiling for U.S. resettlement. The 1980 Refugee Act called for a ceiling of 50,000 for the first three years, with the expectation that the president would increase the numbers as needed. From the outset, admission numbers were higher than the 50,000; 207,000 refugees were admitted in 1980, and 159,000 in 1981. On a bipartisan basis, from FY 1980–2017, under six presidential administrations, the U.S. resettlement program averaged over 82,000 admissions annually.²⁹ Prior to FY 2018, arrival numbers fell below 50,000 only four times.

To return the program to respectable levels, and to strengthen predictability and planning, a minimum ceiling of 50,000 should be established, and should serve as a target for the administration. If the administration and Congress fail to hold consultations or the president fails to issue his determination on refugee admissions before the start of the year, the authorized admission levels for the next year would be set by default at 50,000, thus allowing admissions to continue without interruption in the new fiscal year. The president would, as now, be able to propose admissions above the 50,000 minimum, as international conditions demand.

Establishing a baseline number for U.S. resettlement would ensure that there is greater continuity and predictability in the USRAP. Guaranteeing a minimum level of U.S. admissions would help to avoid the creation of massive backlogs of refugees in the processing queue — now numbering in the hundreds of thousands. It would ensure that individuals in the “pipeline” to be resettled from previous years would not be left stranded abroad. It would allow for improved long-term planning and management and more efficient use of resources in both the public and private sectors, with the ultimate aim of improving outcomes for refugees while advancing U.S. interests.

²⁷ 8 U.S. Code § 1157 (e) (4).

²⁸ GAO Study 12-729, p.33.

²⁹ U.S. Refugee Processing Center, Admission & Arrivals Report, 30 June 2020.

5. Bolstering global cooperation

Refugee resettlement should not be conceived of as a unilateral policy, but as a global partnership between the U.S., the UNHCR, and other resettlement countries. Resettlement works best on an international level, when the U.S. is actively engaged in multilateral consultations. The U.S. should resume working closely with UNHCR for the identification of candidates for resettlement and again accept UNHCR referrals, which it has stopped doing under the Trump administration. Coordination with UNHCR provides multiple benefits for the USRAP.

The UNHCR has a global presence and works directly with vulnerable populations and is thus in a prime position to identify those refugees most suitable for resettlement around the world. They are experts on country conditions, cultures in conflict, and situations in countries of first asylum. They have unparalleled expertise in refugee law and the requirements of resettlement countries.

UNHCR referrals provide information vital for U.S. decision-making in resettlement, including biometric data such as fingerprints, iris scans, and digital photographs. UNHCR referrals also include detailed accounts of the refugee's persecution claims, family composition, special needs, and the situation in the country of asylum. Thus, the UNHCR is a vital player in vetting and screening refugees, significantly augmenting the United States' capacity to identify candidates for resettlement. It provides information that enables the U.S. to conduct more thorough background checks and security screenings and to corroborate refugee claims. Rebuilding trust between the U.S. foreign policy community and the UNHCR is critical to enhancing the efficacy and efficiency of vetting procedures.

Moreover, the U.S. can encourage other countries to resettle refugees by working in partnership with UNHCR. When the U.S. expresses willingness to resettle a significant number of refugees, it signals to other nations to do their part as well. When the U.S. identifies specific populations of concern, UNHCR can help mobilize a larger multinational resettlement response for that group. As was seen in Vietnam, Kosovo, Bhutan, Iraq, and many other refugee emergencies, U.S. leadership was vital in ensuring broad, multilateral cooperation to resolve fragile situations. And resuming cooperation with UNHCR does not inhibit American capacity to resettle urgent cases of interest to the U.S.

Planning for fiscal year 2021

For FY 2021, the U.S. should first prioritize completing the processing of those individuals who are already in the U.S. resettlement pipeline, but have been languishing for years in refugee camps awaiting a ticket out. The U.S. should give particular attention to those individuals who have fled locations in the Middle East and South Asia, where there continues to be armed conflict and active persecution of minorities and persons associated with the U.S.

The U.S. should also support multinational efforts to stem the dangerous, irregular migration to Europe across the Mediterranean by offering resettlement places to refugees in sub-Saharan and Northern Africa, in coordination with European partners and UNHCR. Such measures can help to restore trust in trans-Atlantic partnerships and provide a partial solution for overburdened asylum systems in Europe.

The U.S. should significantly increase resettlement from the Americas region, where countries including important allies, such as Colombia, are now hosting millions of Venezuelans who have fled the authoritarian regime there. Providing resettlement opportunities throughout the Americas region could help strengthen the capacity of Central and South American countries who are hosting refugees. It would also reduce the impetus for individuals to travel to the U.S. for family reunification, or because they remain at high risk in a country of first asylum. Meaningful resettlement opportunities would thus relieve the U.S. asylum system and immigration courts, and dissuade some from risking perilous journeys to reach a port of entry.

Finally, procedures established for expedited family reunification for refugees and asylees in the U.S. through the I-730 process — which allows spouses and minor children of refugees to come to the U.S. — have become increasingly slow, and in many cases unavailable to refugees in specific locations. As reuniting separated families is a humanitarian imperative and also greatly aids in refugee integration, every effort should be made to make these programs more functional and universally available to qualified refugees and their immediate family members.

Conclusion

The United States' refugee resettlement program was once a robust, honored tool for rescuing tens of thousands of vulnerable people each year and played an important role in managing tenuous situations around the world. U.S. global leadership on refugee affairs provided many tangible benefits, including humanitarian protection, maintaining global stability, and revitalizing communities across the country. Under the Trump administration, the USRAP is barely recognizable, as cutting refugee admissions has become yet another way to restrict overall immigration to the United States.

Returning to the letter and spirit of the 1980 Refugee Act is vital, as it provided a crucial lifeline for refugees in precarious situations. Yet, a renewed program must include safeguards against future attempts to undermine it. To recap our modest set of reforms, we specifically call for:

- ▶ Establishing a 50,000-refugee admissions minimum;
- ▶ Adhering to the deadlines for annual consultations between Congress and the administration and making the consultations more substantive;

- ▶ Improved consultations with local officials and a matching system to place refugees in communities best equipped to welcome them;
- ▶ A community sponsorship program to enable groups of individuals and organizations to fund refugee expenses and assist with service provision;
- ▶ For the annual consultations, having the administration provide clear policy foreign policy and domestic objectives for the USRAP, and report the following year on progress made toward those objectives;
- ▶ Establishing longitudinal and more holistic metrics for measuring refugee integration success;
- ▶ In-country processing where appropriate, particularly in Central and South America;
- ▶ Regularized, strategic input from the foreign policy community on refugee priorities;
- ▶ Expansion of the SIV program to include other nationalities and persons of interest to the United States;
- ▶ Restoring global partnerships with the UNHCR and other resettlement countries.

These steps represent a broad outline of potential changes to refugee resettlement, and further elaboration is needed to bring them to fruition. Congress, the president, and relevant stakeholders must begin to hammer out meaningful reforms to the USRAP to restore the United States' global leadership on refugee protection.

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Larry also headed UNHCR resettlement activities for the Caribbean region, covering 27 countries in the Caribbean and South America. He reviewed and approved all individual case submissions with other resettlement countries such as Canada, Sweden, Australia and New Zealand.

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