

# EMPTY SEATS IN A LIFEBOAT: ARE THERE PROBLEMS WITH THE U.S. REFUGEE PROGRAM?

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## HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

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FEBRUARY 12, 2002

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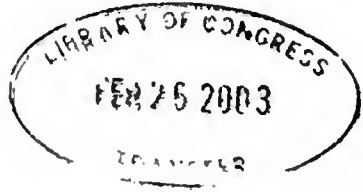
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# **EMPTY SEATS IN A LIFEBOAT: ARE THERE PROBLEMS WITH THE U.S. REFUGEE PROGRAM?**

**TUESDAY, FEBRUARY 12, 2002**

**UNITED STATES SENATE,  
SUBCOMMITTEE ON IMMIGRATION,  
COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.***

The subcommittee met, pursuant to notice, at 3:00 p.m., in Room SD-226, Dirksen Senate Office Building, Hon. Edward M. Kennedy, Chairman of the Subcommittee, presiding.

Present: Senators Kennedy, Brownback, and Grassley.

## **OPENING STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS**

Chairman KENNEDY. We will come to order, if we could, please. Just as the way we are going to proceed, I will make some opening comments and I will ask Senator Brownback, invite him to make some comments, and then we will hear from Senator Grassley who has joined with us.

People can ask why the good Senator from Iowa would be able to be so invited, and there is a very special reason. That is that this Committee takes note that in 1975 Iowa was the only State that became an agency in order to receive refugees, of all the 50 States, because of the concern and the interest of the people of Iowa. So they have a very special and unique position in terms of the refugee policy. This is a tradition that is followed by our good friend and we will always look forward to hearing from him on this matter or other matters as well, but in particular on this matter.

Senator GRASSLEY. Thank you.

Chairman KENNEDY. The United States refugee program provides hope and opportunity to those who are forced to leave their native lands fearing for their lives and the lives of their loved ones. For decades we have welcomed these men and women and children to our shores and provided them with safe haven from persecution and oppression. Today our commitment to refugee admissions is more necessary than ever. For years we have seen a steady increase in the number of refugees and the new challenges around the world have intensified the problem.

The crisis in Afghanistan has forced significant numbers of Afghan refugees to flee to already overcrowded camps in neighboring Pakistan and Iran, and dire situations in other parts of the world continue to deteriorate. Millions of Africans have been uprooted

from their homes, fleeing civil strife, human rights abuses, and natural disasters. In other parts of the world there are millions of others in need of resettlement due to war-torn homelands, human rights abuses and persecutions.

Yet the United States response to this problem is not in keeping with our overwhelming need, more than 14 million refugees worldwide and another 20 million internally displaced persons. The number of refugees admitted by the United States has been on the decline over the past decade.

Last November, President Bush proposed the admission of 70,000 refugees for this fiscal year and indicated the intention to increase refugee admissions in subsequent years. However, I understand that in January the State Department submitted a reprogramming request to Congress asking that the ceiling be limited to between 45,000 and 50,000. This reduction would have made 2002 the lowest number for refugee admissions in decades.

I am pleased that the reprogramming request has been put on hold and Assistant Secretary of State Dewey and Commissioner Ziglar are both committed to reaching the 70,000 ceiling. However, 70,000 is still a significant cut in refugee admissions and meeting that number will be difficult given the slow pace of admissions so far this year. Last year at this time the United States had admitted more than 14,000 refugees to this country. So far this year we have only accepted around 2,000.

Due to security concerns in the aftermath of the September 11th attacks the refugee admissions program has experienced severe and unavoidable difficulties. Many of those difficulties have since been addressed by implementing rigorous screening procedures and measures to safeguard U.S. Government personnel overseas.

The decline in admissions cannot be attributed entirely to the war on terrorism. Well before the terrorist attacks, and in fact over the last decade, actual refugee admission numbers have been far below the level approved by the Administration in consultation with Congress. For example, in 2000 the Administration approved the admission of 90,000 refugees and only 72,500 were actually admitted. That means that more than 17,000 spots for refugees went unfilled. Over the past 10 years more than 106,000 refugees could have been admitted as allowed by the President's determination and were not, despite the fact there are millions of refugees in need of resettlement around the world.

It is clear that the current crisis in the U.S. refugee program is not a short term problem. It is endemic. But we cannot allow this critical program to continue to decline. We must give serious consideration to expanding the use of joint voluntary organizations to relieve the burden of the U.N. High Commission in processing refugees. We must consider including family reunification as a special U.S. humanitarian interest, broadening the minority groups we currently give priority to in the admission process, and eliminating the backlog of cases waiting for processing which currently total almost 40,000 refugees.

It is not too late for the U.S. to reach the President's ceiling of admitting 70,000 refugees this year and it is not beyond our ability to admit significantly greater numbers in future years. In the early

1990s we admitted more than 130,000 refugees. In the early 1980s we admitted almost 200,000 each year.

I look forward to the testimony of our distinguished witnesses, and working with the Administration, the U.N. High Commissioner, refugee groups, my colleagues to effectively address the current shortfalls in the U.S. refugee program and increase the level of refugee admissions. I am very encouraged by the leadership and commitment of Assistant Secretary Dewey and Commissioner Ziglar that the United States can live up to its longstanding tradition of providing a safe haven to those in need around the world.  
[The prepared statement of Senator Kennedy follows.]

STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

The United States Refugee Program provides hope and opportunity to those who were forced to leave their native lands fearing for their lives and the lives of their loved ones. For decades we have welcomed these men, women, and children to our shores and provided them with a safe haven from persecution and oppression.

Today, our commitment to refugee admissions is more necessary than ever. For years, we have seen a steady increase in the number of refugees, and new challenges around the world have intensified the problem.

The crisis in Afghanistan has forced significant numbers of Afghan refugees to flee to already overcrowded camps in neighboring Pakistan and Iran. And dire situations in other parts of the world continue to deteriorate. Millions of Africans have been uprooted from their homes, fleeing civil strife, human rights abuses, and natural disasters. And in other parts of the world there are millions of others in need of resettlement due to war torn homelands, human rights abuses, and persecution.

Yet, the United States' response to this problem is not in keeping with the overwhelming need. There are more than 14 million refugees worldwide and another 20 million internally displaced persons, but the number of refugees admitted by the United States has been on the decline over the past decade.

Last November, President Bush proposed the admission of 70,000 refugees for this fiscal year, and indicated an intention to increase refugee admissions in subsequent years. However, I understand that in January, the State Department submitted a reprogramming request to Congress, asking that the ceiling be limited to between 45,000 and 50,000. This reduction would have made 2002 the worst year for refugee admissions in decades. I'm pleased that the reprogramming request has been put on hold, and that Assistant Secretary of State Dewey and Commissioner Ziglar are both committed to reaching the 70,000 ceiling.

However, 70,000 is still a significant cut in refugee admissions, and meeting that number will be difficult, given the slow pace of admissions so far this year. Last year at this time, the United States had admitted more than 14,000 refugees to this country. So far this year, we've only accepted around 2,000.

Due to security concerns in the aftermath of the September 11<sup>th</sup> attacks, the refugee admissions program has experienced severe and unavoidable difficulties. Many of those difficulties have since been addressed by implementing rigorous screening procedures and measures to safeguard U.S. government personnel overseas.

The decline in admissions can't be attributed entirely to the war on terrorism. Well before the terrorist attacks—and in fact over the last decade—actual refugee admissions numbers have been far below the level approved by the Administration in consultation with Congress. For example, in 2000, the Administration approved the admission of 90,000 refugees, and only 72,5000 refugees were actually admitted. That means that more than 17,000 spots for refugees went unfilled. Over the past ten years, more than 106,000 refugees could have been admitted—as allowed by the President's Determination—and weren't, despite the fact that there were millions of refugees in need of resettlement around the world.

It's clear that the current crisis in the U.S. refugee program is not a short-term problem—it's endemic. But we can't allow this critical program to continue to decline. We must give serious consideration to expanding the use of joint voluntary organizations to relieve the burden of UNHCR in processing refugees. We must consider including family reunification as a special U.S. humanitarian interest, broadening the minority groups we currently give priority to in the admissions process, and eliminating the backlog of cases waiting for processing which currently total almost 40,000 refugees.

It isn't too late for the U.S. to reach the President's ceiling of admitting 70,000 refugees this year, and it isn't beyond our ability to admit significantly greater numbers in future years. In the early 1990's we admitted more than 130,000 refugees and in the early 1980's we admitted around 200,000 each year.

I look forward to the testimony of our distinguished witnesses and to working with the Administration, UNHCR, refugee groups, and my colleagues to effectively address current shortfalls in the U.S. Refugee Program and increase the level of refugee admissions. I am very encouraged by the leadership and commitment of Assistant Secretary Dewey and Commissioner Ziglar. The United States can live up to its longstanding tradition of providing a safe haven to those in need around the world.

I recognize my friend and colleague, Senator Brownback.

**STATEMENT OF HON. SAM BROWNBACK, A U.S. SENATOR  
FROM THE STATE OF KANSAS**

Senator BROWNBACK. Thank you very much, Mr. Chairman. Appreciate it, and appreciate you holding this hearing.

The success of the United States refugee program is of great personal interest to me and obviously to a number of other people given the packed room that we have here today. Each time I think of our Nation's commitment to providing shelter to the world's dispossessed I am moved by the wisdom and commands of what we read in Jeremiah where he said this, Thus says the Lord, do justice and righteousness and deliver the one who has been robbed from the power of his oppressor. Also, do not mistreat or do violence to the stranger, the orphan, or the widow. Do not shed innocent blood in this place. Later then he states that the good King, he pled the cause of the afflicted and needy, and then it was well. Is not that what it means to know me, declares the Lord?

Today's hearing, it strikes me, is precisely about doing what is just and what is right. Tragic events of September 11th interrupted our country's ability to process refugees. However, we cannot allow those events which have already caused so much death and sorrow to undermine our commitment to rescuing the persecuted, the widow, and the orphan. I think everyone here agrees it is time that refugee processing got back on track.

In the fall President Bush determined that our Nation could receive up to 70,000 refugees in this fiscal year. While I fully appreciate that the figure selected by the President is a ceiling, an upper limit on how many refugees we might admit, the reality is that 70,000 is a small number of the world's refugees. It contains approximately 14 million refugees worldwide. That is the externally displaced, not the internally displaced. We should strive to admit as many refugees as the President thinks that we can handle. To do less, even by a single person, is to deprive a victim of persecution of the protection that we ought to, and that we can provide.

I want to point to the board that we have got up over here about what has happened over a period of years. Senator Kennedy cited to that as well. That we have had a steady erosion, a significant erosion of the number of refugees that the United States has taken in over a period of years. In the 1980s up to 200,000 per year and now we are down to 70,000 per year of that upper ceiling, and that is continuing. We have up there both the number that was approved and the number then that was actually admitted as refugees into the United States.

Again I would point out to you, even one person is a person that was then deprived of an opportunity to be able to live and to thrive.



This is something that we ought to match and that we ought to help people out with.

Before our panelists begin I want to commend both Assistant Secretary Dewey and Commissioner Ziglar on their personal commitment to reaching this year's 70,000 ceiling. I thank you very much for it. I appreciate that playing catch-up is a difficult task, but I am confident the dedicated men and women of your agencies are up to that task.

I also look forward to the testimony of our distinguished witnesses appearing on behalf of the refugee groups. We all appreciate the invaluable service that your organizations provide and the unique insights that you as individuals have to offer.

In closing let me say that I look forward to all of our witnesses' testimony regarding the decline in refugee admissions over the past decade. This statistic concerns me greatly. If we are to lead the world by example we need to determine why our numbers declined so consistently year after year when there is so much need that is there around the world. Given this trend we need to ask ourselves, are we truly doing what is right and what is just and what we are capable of doing to help those that in many cases are the poorest of the poor in the most difficult circumstances around the world?

I, along with my colleagues up here, have had chances to visit refugee camps in different places around the world, and it is a difficult, horrible plight for a number of people. If we can do more and if we can help more, we really are called to do more and to help more, these people that are in the most difficult of circumstances. Even if it is a few more, we need to do it; every bit that we can to help.

I look forward to hearing the testimony of the panel that is in front of us and our expert witnesses of what the United States can do to hopefully reduce and to stop this erosion of the number of refugees and to start being a better, stronger example of taking care of refugees around the world.

We do a number of things, I want to say, in addition to this. This is admissions into the United States. We do help refugees in refugee camps, and I want to say on a very positive note that a number of people in Afghanistan and Pakistan that have fled that conflict are being fed by United States aid. Where they were looking at a horrible winter situation, that now a number are getting food and shelter that would not have gotten it. I am so pleased that our country is doing that. Yet I think here is a current situation of something that we can do and hopefully will do better.

Thank you, Mr. Chairman.

Chairman KENNEDY. Thanks very much.

Senator Grassley?

**STATEMENT OF CHARLES E. GRASSLEY, A U.S. SENATOR FROM THE STATE OF IOWA**

Senator GRASSLEY. Senator Kennedy, thank you for holding the hearing. More importantly, I appreciate very much accommodating my schedule so I can attend a couple meetings that we have of Finance Committee business this afternoon. Hopefully Mr. Ziglar will understand that I will have to submit questions for answers in writing. I would appreciate that very much.

I think Senator Kennedy made all the points that I want to make, but I guess since I like to hear my voice I will just say them again. First of all, he gave very important background about the leadership of my State. That started under a former Republican governor, Robert Ray, who is still a very active citizen of the State of Iowa. He was very outgoing and set a very good example, and consequently we have a lot of people in Iowa that are welcome refugees, want to work with refugees. So I thank you for recognizing Iowa for that and giving that history.

Our citizens have been committed to opening their doors and hearts to thousands of people who come to this country to escape persecution. I think with compassion Iowans have led the Nation in helping refugees resettle and become self-sufficient, even though we are a State of only 3 million people. I have a longstanding record in support of refugee services and remain committed to supporting policies that positively affect refugees throughout the world.

Now unfortunately September 11th has had tremendous impact on this honest and worthwhile program. I know that many churches, volunteers, and youth groups are waiting for families to come to Iowa. I am proud to announce that my State will be receiving one of the first Afghan families who have been victims under Taliban rule. On Valentine's Day, a very appropriate day, a mother and child will be welcomed to Iowa and be met with sincere compassion.

So that brings me then to a significant point. Many small States such as Iowa have longstanding records of success in refugee resettlement. Such success translates to less drain on Federal and State resources. In January, however, Iowa received less than 0.5 of 1 percent of new refugees that came to the United States, so I am interested—and this will be in a question form—to know what the State Department is doing to encourage resettlement programs in smaller States, which in turn save our taxpayers money.

I agree with Commissioner Ziglar when he says that we cannot judge immigrants by the actions of terrorists. Nevertheless, we must not ignore that abuses in a system are possible. There is room for error, room for improvement. While we must continue our refugee assistance, we must also be concerned about admitting those refugees who are associated or supportive of organizations that wish to harm the United States.

I obviously misspoke because they would not be classified as refugees under our approach because we would not want them to come into the country if they were here to do that sort of activity. On the other hand, people can slip by.

I need to take some commendation to the Bush Administration as well as to the people of my State in greeting those who seek a better life. I also urge them to continue to screen applicants as they always have in order to protect our American citizens. Security is and should remain our country's top priority.

Thank you all very much. And thank you, Mr. Chairman.  
[The prepared statement of Senator Grassley follows.]

STATEMENT OF HON. CHARLES E. GRASSLEY, A U.S. SENATOR FROM THE STATE OF IOWA

In my home state of Iowa, many citizens are committed to opening their doors and hearts to the thousands of people who come to this country to escape persecution. With compassion, Iowans have led the nation in helping refugees resettle and become self-sufficient. I have a long standing record in support of refugee services, and remain committed to supporting policies that positively effect refugees throughout the world.

Unfortunately, the September 11 attacks have had tremendous impact on this honest and worthwhile program. I know that many churches, volunteers, and youth groups are waiting for families to come to Iowa. I am proud to announce that my state will be receiving one of the first Afghan families who have been victims under Taliban rule. On Valentines Day, a mother and child will be welcomed into Iowa and met with sincere compassion.

That brings me to a significant point. Many small states, such as Iowa, have long standing records of success in refugee resettlement. Such success translates to less drain on the Federal and state resources. In January, however, Iowa received less than .5% of new refugees that came to the United States. I want to know what the State Department is doing to encourage resettlement programs in smaller states, which in turn, saves our taxpayers money.

I agree with INS Commissioner Ziglar when he says that we cannot judge immigrants by the actions of terrorists. Nevertheless, we must not ignore that abuses in the system ARE possible. There is room for error, and room for improvement. While we must continue our refugee assistance, we must also be concerned about admitting those refugees who are associated or supportive of organizations that wish to harm the U.S.

I would like to take this opportunity to commend the Bush Administration and the people of my state in greeting those who seek a better life. I also urge them to continue to screen applicants as they always have in order to protect our American citizens. Security is and should remain our country's top priority right now.

Chairman KENNEDY. Thank you very much. Our distinguished panel this morning includes Gene Dewey. Mr. Dewey, I was remembering, we go back a long ways. Is it Biafra or Bangladesh?

Mr. DEWEY. Biafra, sir.

Chairman KENNEDY. Biafra. That is a long way back. It is nice to see you again.

He brings to his position as an assistant secretary of state for the Bureau of Population, Refugees a long and distinguished career assisting refugees. Served five years in the State Department, deputy assistant secretary Bureau for Refugee Programs, subsequently named as the United Nations Assistant Secretary General and served four years in Geneva, United Nations Deputy High Commissioner for Refugees. Current position as assistant secretary oversees U.S. Government policies regarding population, refugees and international migration issues.

Mr. Dewey brings an insightful perspective to his position. I look forward to hearing from him and working with him.

It is a pleasure to see Jim Ziglar once again. Last week at the National Immigration Forum Conference Commissioner Ziglar said he was recruited for the job of INS commissioner, but had he known what he knows today he would have pursued the job because it provides to many opportunities to make a difference in the lives of millions of Americans and millions of future Americans.

Commissioner Ziglar took advantage of one of those opportunities last week when he announced the INS commitment to meet the goal of admitting 70,000 refugees for the fiscal year. I commend your leadership on this program at such a critical time and look forward to hearing more about your plan.

Also you made some announcement with regard to children, unattended children coming in, which has been a matter of interest to this Committee and we applaud you for your leadership in this area. That is an important initiative and one that needed attention so we are glad to have you.

We will start off with Mr. Dewey. We look forward to hearing from you.

**STATEMENT OF ARTHUR DEWEY, ASSISTANT SECRETARY OF STATE FOR THE BUREAU OF POPULATION, REFUGEES, AND MIGRATION, DEPARTMENT OF STATE, WASHINGTON, D.C.**

Mr. DEWEY. Mr. Chairman, members of the Subcommittee, I welcome this opportunity to meet with you today in my new role as assistant secretary of state, Bureau of Population, Refugees, and Migration. As you alluded, Mr. Chairman, my first appearance before you was also in the middle of a war. This was the Nigerian civil war. I was a White House fellow then working with Clyde Ferguson on relief initiatives into Biafra.

This time our country is directly involved in a war launched against us on September 11th. In every previous war I can remember the first casualty has been more than truth. They say that truth is the first casualty in war. In this case it has been—in most cases it is far more than that. It has almost inevitably been humanity itself is the first casualty in war. But not so in this war. From the beginning, the President has determined to feed the oppressed even while we are bombing the oppressors.

But what about the oppressed needing the protection of admission to the United States? This is a subject of our meeting today. While the legitimate demands of homeland security have resulted in significant hiatus in refugee admissions to the United States, we are determined that this particular humanitarian casualty of the war will be as short-lived as possible. Our original numbers calculated in the wake of September 11th posited a significant reduction below the President's determination of 70,000 refugee admissions for fiscal year 2002.

We consulted with both our NGO partners and with INS on this problem and we were delighted and encouraged that Jim Ziglar's recent commitment to streamline and augment INS capabilities in ways that would give this partnership of the State Department, INS, and the NGOs a realistic prospect of restoring our goal of 70,000 admissions. We will give these procedures and others, as required, our best shot. It will be difficult. It may take a miracle, but we in the population, refugee, migration bureau are committed to make the effort, and to make the resources available to come as close as possible to the 70,000 ceiling.

Perhaps only in America are the people and its leaders capable of waging a major military campaign while keeping the imperatives of humanity, both in assistance and refugee admissions, at the top of the national agenda. This is the essence of our commitment. We will keep a running watch with you as to the results of this commitment as we go forward. I would welcome that. I hope we can keep in very close touch so that we will have total transparency as to how we are doing in this challenge.

With your permission, Mr. Chairman, I would like to submit my longer statement for the record. Thank you very much.  
[The prepared statement of Mr. Dewey follows.]

STATEMENT OF ARTHUR DEWEY, ASSISTANT SECRETARY OF STATE FOR THE BUREAU OF POPULATION, REFUGEES, AND MIGRATION, DEPARTMENT OF STATE, WASHINGTON, D.C.

Mr. Chairman and members of the Subcommittee:

It is a distinct pleasure to appear before you today in my new role as Assistant Secretary of State in the Bureau of Population, Refugees and Migration. It has been 15 years since I last served in the Bureau—then as Deputy Assistant Secretary when the Bureau was known as “Refugee Programs” or “RP.” In the meantime, I have remained engaged in several critical refugee issues: serving as the Deputy United Nations High Commissioner for Refugees, the Director of the Congressional Hunger Center, and as a consultant with the U.S. military to ensure that humanitarian assistance considerations are factored into post-Cold War military training.

While most of my professional focus has been on the humanitarian relief side of the refugee portfolio, I have always been proud of our country’s leadership role in refugee resettlement. Whenever the need has arisen for the United States to step forward and extend its welcome to refugees in need of our protection and the opportunity for a new life in freedom, we have never let them down. Upon returning to the Department, I am pleased to find that, with President Bush’s strong support for immigration, the commitment to a vibrant admissions program in which refugees receive the highest quality of resettlement services remains intact. In the year 2000, of the 37,000 UNHCR-referred refugees offered permanent resettlement in third countries around the world, the United States accepted 25,000—a clear demonstration of our leadership in this field.

Something that has changed dramatically during my absence from the Department is the degree to which our admissions program has become decidedly more diverse. During the 1980’s, our refugee admissions program was overwhelmingly focused on refugees from Indochina. During the early 1990’s, religious minorities from the New Independent States of the former Soviet Union became the dominant group. By the mid-1990’s, the number of persons in need of resettlement from these two areas declined. At the same time, the U.S. began to coordinate its admissions program more closely with other resettlement countries and with UNHCR. As a result, last year we processed members of 77 nationality groups in a comparable number of processing locations around the world. We are now truly global in our commitment to refugee resettlement. Our country also continues to lead the world in its commitment of resources to all major international relief organizations providing life-sustaining humanitarian assistance to refugees in desperate circumstances.

Prior to the tragedy of September 11, we determined in consultation with our partners in the NGO community that the current fiscal year would be one of consolidation for the resettlement program. We recognized that the cost of providing a dignified welcome for arriving refugees was exceeding the available public-private funding and that the quality of refugee reception was suffering as a result. The Department substantially increased the amount of government resources available for each refugee in combination with the continued commitment of private resources to this important humanitarian undertaking.

As is well known, the shock of September 11 had a dramatic impact on the admissions program. The Presidential Determination of the number of admissions for FY 2002 was delayed pending completion of our review of the program’s security-related aspects. The admission and interviewing of refugees overseas was suspended as the Department of State and all the other government agencies involved in admissions processing addressed very legitimate security concerns regarding adequate screening of refugee applicants. To this end, we worked diligently with the Department of Justice, the National Security Council and the intelligence community to develop reasonable procedures for safeguarding the security of the American public and the integrity of the refugee admissions program. My implementing these measures we balanced the security imperative with our commitment to providing resettlement to those in need of protection. To do less could undermine long-term public support for the program.

With our enhanced security procedures in place since late November, my staff is working closely with other government agencies and non-governmental partners to facilitate the processing and admission of as many refugees as possible during this fiscal year. We are greatly encouraged by INS Commissioner Ziglar’s commitment of greater resources to the task at hand, and have every intention of doing our part

to come as close as possible to reaching the President's authorized ceiling of 70,000 refugee admissions this fiscal year.

The steps we have taken include authorizing the hiring of additional staff at several overseas processing locations to implement new security requirements. We have also assumed all pre-screening tasks in Moscow, freeing INS officials to carry out other urgent and pressing duties. To expedite medical screening, we have authorized the International Organization of Migration to conduct most refugee medical examinations in Africa, where the remote location of refugee camps and other logistical complications often delayed processing. Our overseas refugee coordinators are working with UNHCR field staff throughout the world to identify refugee populations in need of resettlement. As a result, while only 800 refugees arrived in December (compared to almost 15,000 in the first quarter of FY 2001), we were able to admit 2,000 in January and over 3,000 are scheduled to arrive in February.

But we still have a long way to go. The United States of America sustained a tremendous blow on September 11. The refugee admissions program was hard hit in the aftermath as we made the difficult adjustments to assure its integrity and to ensure our security as a nation. Nonetheless, even in the context of the current war, this Administration remains committed to keeping the door open to refugees.

We have a tremendous challenge before us—to bring in as many of the 70,000 authorized refugees as we can, being mindful of the reduction in funds for the Migration and Refugee Assistance (MRA) account for FY 2002, and of continuing large assistance needs overseas. I want to assure you, Mr. Chairman, that we have the funding necessary to meet that goal. The challenge will continue into FY 2003 as we maintain our efforts to implement the enhanced security requirements, to protect the integrity of the program, and to improve the quality of refugee reception once services in the United States.

In closing, I want to assure the Committee that the Bush Administration is committed to a refugee program that will be responsible as well as responsive and generous, maintaining U.S. leadership in this important humanitarian endeavor. Accepting refugees for permanent resettlement manifests the best traditions and the compassion of the American people, incidentally burnishing the image of this country in a way that also advances our foreign policy.

Once the refugees are within our borders, it quickly becomes clear that their activities, and those of other immigrants who have made this country their own, contribute immensely to the cultural and economic vitality of this nation. There could scarcely be a better or more fitting reward for this exercise of the best of our American traditions and for the work of the State Department and all of the other agencies involved.

I look forward to your questions.

Chairman KENNEDY. Thank you very much.  
Mr. Ziglar, glad to hear from you.

**STATEMENT OF JAMES ZIGLAR, COMMISSIONER, U.S. IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE, WASHINGTON, D.C.**

Mr. ZIGLAR. Mr. Chairman, Senator Brownback, it is an honor to be back before this Subcommittee. I feel like it is almost my second home. Been around this place a long time. I am really pleased to be here to have the opportunity to testify about refugee policy.

Senator Kennedy and Senator Brownback, I wanted to thank both of you for your leadership on refugee issues. You have made a very big difference over a long period of time and you are to be commended for that.

Senator Kennedy, I also wanted to take the opportunity to congratulate you publicly on your award from the National Immigration Forum, which is the Promise of Liberty Leadership Award. It was the first time it has been offered, and like I said to someone, they have set the standard pretty hard. So my congratulations to you.

Chairman KENNEDY. Thank you.

Mr. ZIGLAR. Mr. Chairman, and Senator Brownback, I want you to know that this Administration and I are personally committed to the American ideal that we should keep our doors open to people who are the victims of religious and political persecution and who want to come to this country to become a part of this community and to share in our values of freedom, tolerance, and self-sufficiency. You look at people like Albert Einstein and Andy Grove, and if that is not the case for refugees, I do not know where there is one.

The concerns that I know about our ability to reach the 70,000 limit ceiling are widespread, and they are justifiable. We had a slow start because of September 11th and then the period of time before the authorization was signed, and the security concerns that we had regarding a lot of things including the refugee process. But I believe, Senator Brownback, your admonition from Jeremiah is well taken, and we are going to do our best to live up to that admonition for sure.

We are making and we are committed to making a better than good faith effort to reach that ceiling. That was the reason why on February 1 I announced what I think is a businesslike approach, a businesslike program to streamline the process in order to get us to that 70,000 person commitment. We cannot do it alone, but we can do it in cooperation with our partners at the Department of State, at the UNHCR, and obviously, with the NGOs that we participate with. We have been working very closely with the Department of State, with the National Security Council, and with the Domestic Policy Council in our attempts to come to closure on a way of doing this and doing this effectively.

The events of September 11 had an enormous impact on the refugee program. I do not think there is any question about that. As you know, we suspended our circuit riders because of safety concerns for them during that period. On September 30, the authority expired and was not immediately reinstated, as you know. During that period between September 30th and November 21st a host of new security measures were put into place that were approved by the Homeland Security Council late in November and then on November 21st the President authorized a ceiling of 70,000 to come in.

We resumed our process, but I will be first to admit that the process resumed rather slowly; probably too slowly. But we are moving and moving aggressively to resume that processing and to find more and better and more effective ways to do it. Let me just make this comment about that. I believe that this is an opportunity, this situation is an opportunity for us at INS to take the process that we have got now and fix it for the long term so that we can avoid those shortfalls that you have over there, at least with respect to our part of it.

I am looking at this whole relook at it in a way that is permanent, not just a quick fix for a short term problem. So that has been my approach at INS is to try to get out in front of problems instead of responding to them. It is sometimes tough, but that is the approach.

I am pleased to report that we are now interviewing in Moscow, Zagreb, Vienna, Nairobi, Accra, and we are going to begin inter-



viewing in Cairo, Belgrade, and hopefully Islamabad, although we are having some problems with our facilities in Islamabad at the moment. But we are going to hopefully do all of those in the next couple of weeks. But we need to do a lot more.

Our plan to meet the 70,000 ceiling has five elements to it. First, we are substantially increasing the personnel that are going to be available on the ground to do the processing. In fact, we are in the process right now of training a substantial number of additional officers. These are adjudicators in our organization who will be deployed to wherever it is in the world that we need to send them to meet the surge. It is a firm commitment. I have committed the resources and the people, and the training is ongoing. We will have all of those people trained and ready by the middle of March. It is a series of training sessions.

Secondly, we are securing safe interviewing locations for these interviews. We have had a problem with security in some of the embassies. We have had a particular problem in Moscow. We are back now to five interview rooms of the nine that we had before October 11th when we had to shut down in Moscow. The State Department has been extremely helpful to us in trying to work with our embassies to give us the facilities to do our interviews.

The third item of this plan is one that I consider maybe the most important in the long term. That is to expand the pool of possible refugees by reaching out beyond the normal process that we have now where UNHCR and walk-ins to the embassy are the people that fundamentally we talk to. UNHCR is overwhelmed. Let us face it, they have got 14 million refugees out there. They have got a tough job. They try to do their job, but the fact is that we are not looking in all the right places.

I am hoping to engage the NGOs and the refugee advocacy groups so that our pool of prospective refugees can be much broader. I think that is going to create a rich source of Albert Einsteins and Andy Groves and others, and also identify the people who truly do need to be treated as refugees and need to be protected. So I am encouraged and we are reaching out to have as big a pool as we can so that we will not have that shortfall. We will have a real challenge in doing what we are trying to do.

We are also going to work with our processing partners, and we are working with the processing partners, although I have to say it has not been very satisfactory in the past, to also identify vulnerable populations under our Priority Two category. I think that we can do better in terms of identifying those populations by working with organizations like HIAS and others to do that.

Fifth, and this is also an important long term initiative, and that is to identify additional ports of entry for refugees to come in. As it is now we have New York, Miami, Chicago, and Los Angeles. Those are the four ports they come into. But with some of the new security screening requirements and that sort of thing, it is very labor intensive and what we are having to do is to limit the number that can come in at any one time. So what we need to do is get more ports of entry where we can process people through and get them in in an orderly and expeditious fashion.

Mr. Chairman, I know my time is up and as you know, I am the eternal optimist, but I do not think that my optimism is misplaced



in the sense that I believe that with a strong cooperative effort—and this is an all-American college try to try to reach this goal, but I think that if we really put our nose to the grindstone that we can reach this goal of 70,000 in this fiscal year. I just want you to know that I am committed to doing it. I am committed to the best—good faith and the best efforts to do that, and I know that my colleagues at the State Department feel the same way.

With that, I thank you for the opportunity of being here again and I look forward to your questions.

[The prepared statement of Mr. Ziglar follows.]

STATEMENT OF JAMES W. ZIGLAR, COMMISSIONER, DEPARTMENT OF JUSTICE, U.S.  
IMMIGRATION AND NATURALIZATION SERVICE, WASHINGTON, D.C.

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to testify about U.S. refugee policy. I first want to acknowledge the leadership and long history of support for refugees exhibited by both you, Mr. Chairman, and Senator Brownback. It is a record of dedication to an important cause.

Mr. Chairman, it was Ronald Reagan who said, "It's the great life force of each generation of new Americans that guarantees America's triumph shall continue unsurpassed into the next century and beyond." And part of that triumph has been America's enduring commitment to protect those who face religious or political persecution. Whether it is Albert Einstein and fellow scientists fleeing the Nazis, or Intel chairman Andy Grove escaping communism, or the "Lost Boys" of Sudan running from oppression in Africa, America has remained committed to freedom and offering that freedom to others. I share that commitment and pledge to do everything within my power as INS Commissioner to keep America's door open to those who must escape political or religious persecution.

I know there are concerns that the ceiling of 70,000 refugees set by the President for this fiscal year simply cannot be met because of the late start in processing and the new security enhancements put into place as a result of the terrorist attacks of September 11. That is why I announced on February 1st that we have designed a realistic business plan to address this issue. I realize that meeting the 70,000 ceiling will be a difficult task, that we must overcome logistical barriers, and that we need, to a great extent, to rely on excellent interagency cooperation, but I believe this is so important that we must try. And that is why INS and the State Department, with the help of the Domestic Policy Council and National Security Council, have been working closely together on this issue. I intend to continue working closely on refugee matters with Assistant Secretary Gene Dewey and other key individuals in the Administration, as well as with Members of Congress and with religious and relief organizations.

The events of September 11 had a significant and immediate effect on our refugee program. The need to address a range of security concerns resulted in significant processing delays. Out of concern for the safety of our officers, we were forced to curtail the circuit rides by INS officials interviewing refugees. In addition, refugee travel to the United States was suspended while security enhancements for the refugee program were reviewed and developed. Those heightened security measures were adopted, following approval by the Homeland Security Council, in November. Immediately thereafter, the President authorized the admission of up to 70,000 refugees during FY 2002, and refugee travel to the United States resumed, albeit on a limited basis.

Throughout this difficult period, INS worked steadily to ensure that refugee processing resumed as quickly and as smoothly as possible. We are back at work and remain committed to our humanitarian mandate of providing protection and resettlement opportunities for refugees. I am pleased to report that 12 INS officers are on the ground in Africa and interviews will begin this week in Nairobi and Accra. Other INS officers are already interviewing refugee applicants in Zagreb, Moscow, and Vienna. Additional officers will be deployed to Islamabad, Cairo, and Belgrade in coming weeks. While this is good news, more needs to be done.

Toward that end, INS has developed an action plan to enhance refugee processing activities overseas:

First, INS will increase financial resources devoted to refugee processing. INS will select and train a significant number of additional officers who will be available for refugee details by March. INS will also fund overtime to lengthen the workday or

workweek, allowing INS to increase its interview capacity at overseas processing locations.

Second, in close cooperation with the Department of State, INS will seek out safe and secure interview settings at all refugee processing posts overseas—a challenge in the post-September 11 world. For instance, because of security concerns, less space has been made available in Moscow for INS interviews. We are working to try and fix that.

Third, there are many bona fide refugees who never get in to see an INS officer. I believe that current U.S. government processes and criteria used to identify the pool of applicants eligible for INS refugee interviews needs to be revisited. Therefore, I am directing my staff to work with the Department of State, the NGO community and other refugee advocates to identify additional mechanisms for identifying individuals who are of humanitarian interest to the United States. That is why I am proposing an organized effort to allow U.S. nongovernmental organizations to refer individuals for interviews with INS officers in the field. Those individuals still must pass the legal standard for a refugee, but these referrals would significantly and fairly bring to our attention a larger pool of individuals who are of potential humanitarian or foreign policy interest to the United States.

Fourth, while the designation of Priority Two categories (specific groups of humanitarian concern within certain nationalities) is primarily the responsibility of the Department of State, INS pledges to work with our processing partners to identify new vulnerable populations appropriate for resettlement consideration.

Finally, the action plan identifies ways that the INS can accommodate greater numbers of refugee arrivals to the United States. New fingerprinting requirements at Ports-of-Entry have resulted in our request to the International Organization for Migration to schedule no more than 35 refugees per flight. While space constraints at Ports-of-Entry now designated to receive refugees preclude increasing this number, I have directed my staff to explore the possibility of designating additional ports for refugee arrivals.

These measures—increasing the number of officers available to conduct refugee interviews, ensuring work space for officers, expanding the workday or workweek, increasing the pool of applicants eligible for INS interviews, and accommodating more refugee arrivals at Ports of Entry—will give us the tools to increase the number of refugee applications processed. All of these initiatives to maximize refugee admissions numbers during FY 2002 involve a number of players that are working to attain these goals—the Department of State, the United Nations High Commissioner for Refugees, the International Organization for Migration, and the various agencies that assist in refugee processing overseas and receiving refugees in the United States.

Mr. Chairman, as I have said before: The terrorist attacks of September 11 were caused by evil, not by immigration. These tragic events have forced us to re-evaluate the way we live and think, and the way we function as a government. We can and will protect ourselves against people who seek to harm the United States, but we cannot judge immigrants—or refugees—by the actions of terrorists. Our Nation must continue its great tradition of offering a safe haven to the oppressed and persecuted.

Thank you. I would be pleased to answer any questions you may have.

Chairman KENNEDY. Thank you. I will just start off with you, Mr. Ziglar. On some of these matters that you mentioned in the latter part of your testimony about the pipeline. As you mentioned, four cities, groups of 35. It is a major bottleneck, and you have indicated to us you are attempting to open that up in some period of time. You might give us some idea—we will ask the question and maybe for the record you could give us some idea about, some details about what you do and when you think that that might be worked out, unless there is something you want to add now.

Mr. ZIGLAR. I can tell you that we are looking at, there are obviously a number of things, resources available at the airport, the kind of flights that come in there, the inspection capabilities, all of those sorts of things. We are looking everywhere to see what those opportunities are. If you are lobbying for Boston, I am sure it will be on the list.

Chairman KENNEDY. Let me ask you with regards to, just on the number of how many INS were performing the refugee status and determinations or other refugee processing tasks prior to September 11th and how many are doing so now. You can provide those if you want to.

Mr. ZIGLAR. I can tell you—

Chairman KENNEDY. Can you tell us?

Mr. ZIGLAR. Prior to September 11th we had between, on the ground, permanently, overseas between 10 or 15 people that did refugee processing. Then in the asylum corps we have 100 people, 102 people that were involved in this. That is last fiscal year. This fiscal year we have roughly the same number overseas but roughly 100 in the asylum corps. That is going to be supplemented by these additional people, primarily adjudicators, that are going through our training now to become refugee screeners. That is a substantial number of people that we are going to have.

Let me make one point about that.

Chairman KENNEDY. How many more, just do you have an approximate?

Mr. ZIGLAR. If you press me I will tell you, and since you pressed me I will tell you. It is 60, which is a substantial increase.

Chairman KENNEDY. Good.

Mr. ZIGLAR. But I also see this as an opportunity to increase our, I do not want to use the word refugee corps because we do not have a refugee corps, but it does increase our numbers of people that are cross-trained that will allow us to move people around to meet demands where we have them. That is one of the things I am trying to do at INS is to do some cross-training so that as we have these surges in different kinds of programs that we can meet those challenges. This is one of the goals that I have with respect to the refugee program.

Chairman KENNEDY. You need cooperation from State Department, the NGO community and others to secure adequate interview sites as I understand it. Is that something that you are working on?

Mr. ZIGLAR. Yes, sir, very much so. Primarily State Department because we do a lot of these at the embassies. The security at embassies has been a real concern, particularly we have had a problem in Moscow. But I know Elliott Abrams has been working on our behalf in the Moscow embassy to get it moving as fast as we can.

Chairman KENNEDY. I will come back to Mr. Dewey on that. Let me just ask you about the—I will go to Mr. Dewey. If I could ask you about, you have only a handful of groups as Priority Two refugees and that has remained virtually unchanged for over a decade despite the increasing number of refugees. I have got the list of those here. They are from Africa, Bosnia, Burma, Cuba, Iran, former Soviet Union, Vietnam. Of course, this has changed a lot, some of those countries. Burma and Bosnia certainly, obviously changed. This group has not been changed.

Are you considering altering or changing? Some of our witnesses that will be appearing later make a recommendation of the kinds of people that ought to be included in that category two, Afghan women, religious from Burma, widows and orphans from

Chechnya, and other kinds of groups. Could we not broaden that group to include some of these targeted groups, and would that not help us move this whole process more rapidly?

Mr. DEWEY. Yes, Mr. Chairman, that certainly is our commitment, to work with the refugee coordinators in the field who have access to these groups, to work with UNHCR people in the field who also have access, and particularly to work with the NGO representatives in the field who come in as close contact with these groups as anybody. We are continuing our discussions with all of these mentioned to reach out, to continue the diversity of our program which has to reach to the groups that you mentioned plus some others that we have not—

Chairman KENNEDY. What do we take from it? This has been 10 years in place. We have got a new situation. I have mentioned some of these groups that seem to be compelling. What can you tell us? Will you in the next month look at these? Do you want me to give you a list of them and have you look over the next month and give us answers which ones are in or out and for what reason? Or are you prepared to tell us that in a month you will do something? How are we going to leave it so that we know—

Mr. DEWEY. I am prepared to tell you that within a month certainly we will be looking at these groups and we will be prepared to consult with—

Chairman KENNEDY. Make some recommendations as to which groups might fall in the second?

Mr. DEWEY. Exactly.

Chairman KENNEDY. And if there ought to be some changes in the ones that have been as well.

Mr. DEWEY. Yes.

Chairman KENNEDY. I appreciate that.

Mr. DEWEY. We will do that.

Chairman KENNEDY. Let me ask you about the current Priority Three, to open current Priority Three to all nationalities for immediate family reunification. We allow people from only six nationality groups to petition for their immediate refugee relatives to join them. Now obviously, reuniting families has always been a fundamental component of the U.S. refugee program. This proposed change seems to make some eminent sense. Can you give us any sense where you are on this?

Mr. DEWEY. Yes, where we are on the Priority Threes, Mr. Chairman, is we have, as you know, have moved from the practice during the entry of the Vietnamese refugees where we had expanded the Priority Threes to the extended families and have over time seen that those persons would be better accommodated in the regular immigration program. Whereas, now we are looking at the new affidavits of relationship for Priority Three being accepted for applicants from Sierra Leone, Sudan, Burundi, the Democratic Republic of the Congo, Angola, and Congo Brazzaville. So we are looking at these cases.

A problem with the family reunification cases has been fraud. As you know, the recent problems in Africa with fraud in the UNHCR have been of great concern to us as they have to the High Commissioner for Refugees. This has slowed us up. But we are trying to work through that. The Africa case, as you know, has been dealt

with and we are hoping that these steps that have been taken will restore some of the integrity of the program there.

Chairman KENNEDY. None of us want to certainly encourage the fraud but it does seem that with the changed situation we have got to—we have had only six nationality groups and it does seem to me that it is valuable or worthwhile. If there are going to be particular problems in some because of fraud then we have got to deal with those. But we have only had the six. We have been stuck with this. It is difficult to believe that all the others have been tainted with fraud.

Clearly, we ought to see if there is reasonable justification—I think a compelling case could be made for these family unifications outside of that. If this is as a result of these investigations of fraud then I think it is worthwhile for us to know. If not, we would like to know if you have looked at them and the reasons that you think they could be opened up, or the reasons that they should not be. Could you take a look at that too and let us know?

Mr. DEWEY. I will do that, Mr. Chairman, and also keep you apprised of our work.

Chairman KENNEDY. Thank you. Senator Brownback?

Senator BROWNBACK. Thank you, Mr. Chairman. Thank the gentlemen. I know both of you and your past work are deeply concerned about refugees and what takes place. So I know what you want to do is the right thing to do and you may be caught in a series of policy issues and some problems, particularly what we saw last September 11th, that makes it more difficult.

Let me add my voice to the Chairman's on this P-2 category. I hope, Mr. Dewey, we can get from you some clarity and some changes involved in that, because it looks like to me that that is an area where we could fairly quickly take some action to be able to go at some of these refugee pools and populations that it seemed like followed on with what Mr. Ziglar was saying about going to other places than what normally we have been to in identifying people that we should be helping out more, given the current set of circumstances around the world. They have certainly changed over the last 10 years.

Let me ask you a general question because I do not know—this does not make much sense to me, about why the number has been falling so much over the past really 15, 20 years even, but we have got it charted up here for the past 10, of the number of refugees that we have put in at the ceiling and in the actual number that we have experienced. Both of you have only been in your jobs a short period of time, but yet you have inherited a declining graph when the number of refugees around the world has not been falling in that nature. Certainly what we have seen recently, that there is a number of people in dire circumstances, whether they are refugees or internally displaced.

Do we need law changes to change this? What has produced this particular situation through both Democrat and Republican administrations over the past 10 to 20 years?

Mr. DEWEY. If I could, Senator, there are several things which have been produced it. We can explain I think what has happened. The large groups of people that we have brought in as a result of the end of the Vietnam War, I think we understand the huge num-

bers that were accommodated during that period. The large numbers that came in from the former Soviet Union is another large peak in our admissions program. So we go from peaks to reductions and to peaks again.

Right now and beginning in the early 1990s as the former Soviet Union program began to taper off we began to see a change in the number of people for whom resettlement, the admissions solution, was the best solution. We all admitted that for the Vietnamese and for those in the former Soviet Union this was the best solution. Now we are in a consolidation phase where we are seeing the need to diversify and look all over the world, not just in major blocks of beneficiaries, but all over the world for people in compelling cases where the best solution for them and the one that satisfies their protection rights is the resettlement solution and admission to the United States in many cases. So this is the explanation as to why it is happening.

I think it forces us to realize too that when we look at 70,000 as our ceiling, this is not a 70,000 block. These are 70,000 refugees that come one by one. I think more and more we are brought to focus upon that fact, that each one in that list in our view, and in the consultation with our consultative partners, was of a compelling concern to the United States. That is why we are so determined to reach that ceiling because we feel that that is the level of need.

Senator BROWNBACK. Could I challenge you somewhat on that point? We have or we did have in refugee camps on the border and there are still a number of refugees out of the Sudan. I have been to refugee camps there; 2 million refugees, rough numbers there, probably more. We had 4 million displaced out of Afghanistan. Now maybe the situation gets better moving back in. I have met with Tibetan refugees fleeing over the Himalayas to get out in large refugee areas. Those are just places and people that I have seen or know of. Now I have not been to the Pakistani refugee camps to see that.

And 70,000 out of 14 million does not strike me as a particularly high number for a country like the United States to be able to deal with. I understand the rationale for saying what it has fallen down, but I think if we are to lead the world by example, and we need to in these situations, we need to help them on the ground in those places, but we also need to be able to help them if it is best for them to be resettled. In some of these countries there are desperate situations that they need to resettle out of.

I think that P-2 category may be one, and I am particularly concerned about some of those in the most precarious positions, particularly the widows and orphans that you see in some of these refugee camps. My goodness, there just is not much of an opportunity for them to be able to have a life or a hope in some places. Do you not think we can do better?

Mr. DEWEY. I think we can do better, Senator. Let me just address the widows and the orphans that are among the most compelling cases. The UNHCR is taking a strong lead in recognizing the special needs of refugee women, which include widows. When I was in UNHCR, remember that we used to think if we did a good job for every refugee, since the majority of refugees are women and

children, we were doing a good job for women and children. I soon realized that that was not the case. That the special needs of women, the special needs of children, the special needs of widows, the special needs of orphans have to be taken into account and it has to be a very gender and age-sensitive kind of approach that is needed.

We set up a women's steering Committee in UNHCR when I was there as the deputy to deal with these issues. This I understand has continued and strengthened over the years. So the UNHCR is well aware of the U.S. concern for this particular category and they are, at our urging are identifying particularly the widows for referrals to the United States for admission. I assure you we will do our utmost to provide the admissions protection for that group.

As far as the orphans are concerned, another very vulnerable group. We abide by the international conventions that a search should be made for parents, an exhaustive search to try to find the parents. For some of the orphans, being with a foster family or being with an extended family is the best solution for them. But the UNHCR makes what is called a benefit judgment, what is the best solution for the refugee. Where that judgment is that this person, this child should be resettled in a resettlement country then we are eager to do that.

We will be pursuing that very vigorously I assure you, and again I would like to, in our more regular consultation process, keep you apprised of how we are doing in this particular area.

Senator BROWNBACK. I hope we can do better in those populations as well.

Mr. Ziglar, I appreciate your comments on identifying new vulnerable populations for refugee resettlement, going to some different places. Could you flesh that thought out a little bit further? Where are you thinking about going to other vulnerable populations? Has that taken any more form than your study in your office?

Mr. ZIGLAR. Let me talk about it generally and then a little more specifically. As it is now, primarily this is a U.S. Government function to make determinations about vulnerable populations. Now there have been situations in the recent past where some of the NGOs I know have reached out to the State Department in terms of trying to provide additional information to them and to us about vulnerable populations. That consultation process I do not think has really gone very far.

But I do believe that we could get a whole lot more information, a lot more on the ground intelligence about where the needs are by reaching beyond the end of our nose, because the Federal Government is not omnipotent. It does not know everything, and that there are people out there on the ground who do have a real sense of that. And take that information into account in some kind of consultation process and put that into our equation about where we should be doing these P-2 priorities. So that is my view of where we ought to go with this.

Now I cannot tell you that that process has taken any wings and is flying, but it is clearly part of the five-point initiatives that I have announced and part of our overall trying to restructure how we do our part of the refugee program.



Senator BROWNBACK. Good. I would note too, I think both of you have commented previously about that refugees are not likely people to be in the terrorist category that would come into this country. While I think we have got to watch our security concerns, it seems like this is not generally a population for where we have that concern to come from.

I would just say finally, if I could, Mr. Chairman, I just think that the United States, really we have to do more in this category if we are to lead by example. The 70,000 in a world where we have so many millions of refugees we need to reach out and to feed and to help. I know you two gentlemen I think would share that same feeling, that for the United States to be a world leader that we need to be doing this to help those who are in the most vulnerable situations of any populations around the world. It is our duty to do these things.

I am glad that we are going to meet that 70,000 and I hope we can see about doing more of that in the future, and particularly looking at this P-2 category. I think that is a place where we can do this pretty efficiently.

Thank you, gentlemen.

Chairman KENNEDY. We want to work together on this and I think that Senator Brownback has made a strong—in times in the past that has not been the case. We have had administrations and Congress looking at this different ways. But I think we have, as he pointed out, a recognition that in our whole real struggle in dealing with terrorism is multifaceted and we obviously have special responsibilities in the areas of entry, those that enter our country in particular, but we have also, I think, special responsibility in the area of refugees, particularly in these areas, demonstrate our values as well in dealing with these problems of terrorism.

So we want to work very closely with you. We thank you very much for your appearance here today. We will be following up with you and looking forward to hearing from you. Thank you.

Mr. ZIGLAR. Mr. Chairman, Senator, thank you very much.

Mr. DEWEY. Thank you.

Chairman KENNEDY. Our second panel, Leonard Glickman, a strong voice for refugees and immigrants, president and chief executive of the Hebrew Immigrant Aid Society, the oldest immigration refugee resettlement agency in the United States. Also an impressive record in Government service, working a number of years in the Office of Refugee Resettlement at HHS, prior to that as press secretary to Representative Tom Ridge, staff director for Senator John Heinz.

Mr. Glickman appears today in his capacity of chair of the Refugee Council USA, a coalition of agencies concerned about refugee protection. He is uniquely qualified to testified on the important. I am pleased he is here.

Anastasia Brown is the assistant director for processing operations, migration and refugee services, United States Conference of Catholic Bishops. Her organization sponsors approximately one-quarter of all refugee arrivals in the United States. Ms. Brown is responsible for all the steps involved in the refugee resettlement process prior to the refugee's arrival in the United States.



Prior to joining U.S. Catholic Conference Ms. Brown worked at the International Catholic Migration Commission where during her tenure over 320,000 Indochinese refugees departed through the orderly departure program and resettled in the United States. I am pleased to have her speak on this subject based on her significant experience.

Bill Frelick is a well-respected expert on refugees having traveled to some of the most dangerous parts of the world to assess the plight of refugees and internally displaced. He is the director of U.S. Committee for Refugees, a non-profit organization dedicated to defending the rights of refugees and asylum seekers throughout the world in his work at the USCR since 1984. Today he is responsible for coordinating the agency's policy and research as well as producing both refugee reports and world refugee survey, and USCR's annual report of refugee conditions throughout the world. I am pleased to have a person with such experience here today and look forward to hearing his recommendations.

So we thank all of you. We have invited our previous panel to leave well-qualified staff here to listen to your recommendations on it because there are some thoughtful comments that I have seen in the recommendations. We look forward to hearing from you. We will start with you, Mr. Glickman.

**STATEMENT OF LENNY GLICKMAN, CHAIRMAN, REFUGEE  
COUNCIL USA, NEW YORK, NEW YORK**

Mr. GLICKMAN. Thank you, Mr. Chairman. Chairman Kennedy, Senator Brownback, on behalf of the 19 resettlement processing assistance and advocacy organizations which are members of the Refugee Council USA I want to thank you for convening this hearing on the current crisis in the U.S. refugee admissions program and for giving us the opportunity to testify.

Refugee Council USA shares the horror and the grief of all Americans at the terrible tragedy of the September 11th attacks. As agencies dedicated to the protection of refugees around the world we are troubled that in its aftermath the U.S. refugee admissions program has virtually ground to a halt, stranding over 22,000 U.S. already approved refugees overseas and leaving thousands of others unable to access our program. These refugees, many of whom have fled the extremists and the terrorists with whom we are now at war have been left in harm's way.

That being said, when the terrorists attacked the U.S. on September 11th the refugee program was already in a crisis. In 1993, when President George H.W. Bush left office the U.S. resettled nearly 120,000 refugees. In 2001, after eight years of the State Department driving down refugee admissions level, less than 69,000 out of 80,000 authorized were resettled. With more than 14 million refugees, as has been pointed out, many of whom desperately need resettled as their only durable solution, it is unacceptable that so many refugee admission slots go unfilled.

As you will hear later, we are disturbed but not shocked. Over the years, despite some exceptional people at the department, State has viewed this program as why we cannot rather than how we can. Had the U.S. actually settled all of the refugees authorized over the past 10 years, as you can see, more than 100,000 people

would have had the opportunity to begin new lives here, safe and secure. Quite frankly, in all of my years of Government service and as HIAS' president I have never seen such an example of a government bureau failing to meet both the President's stated objectives and the will of the American people as expressed through you their elected representatives.

In late September 2001, while the Administration would only commit to 70,000 admissions for fiscal year 2002, we agreed to work with the State Department to increase U.S. resettlement capacity. The Administration declared that it would incrementally increase admissions and by 2006 achieve an admissions level of 90,000 refugees.

Commissioner Ziglar and Assistant Secretary Dewey now advise that they will strive to resettle 70,000 refugees this year. We welcome this new commitment. We agree with the commissioner and with the assistant secretary that with proactive leadership and a sense of urgency the Administration can ensure that 70,000 refugees will be protected and resettled in the U.S. this year.

But again, with over 14 million refugees in the world, it is difficult, if not impossible, to understand why the U.S. has had such trouble finding 70,000 refugees to resettle. The simple answer is that the U.S. refugee program has becoming increasingly inaccessible, notwithstanding specific recommendations of Refugee Council USA, members of Congress, and others, on how to make it more responsive to those in need of rescue and refuge.

Since 1995, the Office of the U.N. High Commissioner for Refugees has nearly doubled the number of refugees whom it referred for resettlement to the United States. This is no small feat given that the overall number of refugees admitted to the U.S. has declined by more than 30 percent over the same period. During this time the State Department has increasingly made UNHCR the gatekeeper to the U.S. refugee program.

We do welcome and encourage UNHCR's increasing use of resettlement as a tool of protection. At the same time, if we expect the already overburdened UNHCR to be the primary source of refugee referrals for the U.S. program, it unrealistic, it is inefficient, and it is an abdication of our leadership.

Resettlement through UNHCR to the U.S. refugee program cannot occur until a refugee endures three separate adjudications, four interviews, massive paperwork. This usually takes months, if not years. As a result, the UNHCR resettlement referral process is often more of an exercise in the survival of the most patient rather than protection of the most vulnerable. In such a system, refugees in hiding, torture victims, widows and children stand little chance of being resettled.

What is the answer? I appreciate your discussion about P-2s. We believe that in addition to encouraging UNHCR's referrals, the State Department should reinvigorate its use of the so-called Priority Two category. As you and Commissioner Ziglar indicated, this mechanism has allowed specific categories of refugees chosen by our own Government, such as religious minorities from Iran, ex-detainees, victims of ethnic cleansing from Bosnia, Jews and evangelicals from the former Soviet Union, and pro-democracy activists from Burma to apply for refugee status. In 2000 we identi-

ried a number of refugee groups who should be able to access the U.S. program without UNHCR referral. Not a single one of these were implemented.

A second policy shift that has undermined refugee admissions has been the near abandonment of family reunion in refugee processing. From the experience of the Holocaust when immigration restrictions prevented many American families from reuniting with their relatives in Europe, refugee advocates are familiar with the anguish felt by Americans who relatives overseas are unable to flee persecution.

Learning from those years, the U.S. had made family reunion a cornerstone of its refugee resettlement program. In recent years, as you indicated in your discussion with Assistant Secretary Dewey, that cornerstone has been chipped away. Year after year we have urged the State Department to facilitate family reunification for refugees with immediate family members in the U.S. without a UNHCR referral, regardless of nationality. Yet today, our Government has taken the opposite extreme measure of making it even more difficult through INS audits of the anchor relative here in the United States.

A third element of the failure to reach out to many refugees in need is its tragic missed opportunities to protect victims of religious persecution. Under the International Religious Freedom Act of 1998 the Attorney General is instructed to provide training to all officers adjudicating refugee cases on the nature of religious persecution abroad. Given recent events, we have to question whether this statute has been implemented.

For example, in Vienna INS adjudicates refugee applications from Iranian Jews, Bahai, Christians, and Zoroastrians. Austria admits these individuals into its country for the express purpose of applying to the U.S. refugee program. We owe that nation a debt of gratitude for maintaining its post-World War II legacy as a transit nation to freedom. The Austrian authorities, however, are now concerned that in recent months INS has been denying refugee status to 23 percent of religious minorities who have fled Iran. That is a 600 percent increase.

Now to its credit, INS headquarters has finally agreed to work with the NGO community and PRM to resolve this situation. However, our experience causes us to fear that the constant discrimination and oppression faced by Christians, Jews, and Bahais in Iran may not, in INS' view, always been sufficient to warranting the granting of refugee status. In such cases we urge the Attorney General to, at the very least, follow earlier precedent and allow members of these religious minorities to enter the U.S. under humanitarian parole so that they will not be forced to return to Iran where they cannot practice their faith in safety and in dignity.

We hope that now, when confronting a true crisis in the refugee program, the Administration will join fully with our communities in identifying groups who should be given access to the refugee program without having to wrestle with the U.N. bureaucracy. We also urge that it promote reunification of refugees with their families in the U.S. And we request that they ensure that oppressed religious minorities are not returned to countries that routinely and egregiously violate religious freedom.

With the recent statements supporting expanded resettlement, we hope the U.S. will fulfill this pledge and reverse the downward trend of the previous eight years and restore its commitment to refugee protection. We look forward to building our communities partnership with the State Department under the new leadership of Assistant Secretary Gene Dewey, and our partnership with INS under Commissioner Ziglar. We hope you very much for holding this hearing, and I have a much fuller statement I hope we can insert into the record.

[The prepared statement of Mr. Glickman follows.]

STATEMENT OF LEONARD S. GLICKMAN, CHAIR, REFUGEE COUNCIL USA AND  
PRESIDENT AND CEO, HEBREW IMMIGRANT AID SOCIETY

Chairman Kennedy, Senator Brownback, members of the Subcommittee, on behalf of the 19 refugee resettlement, processing, assistance and advocacy organizations who are members of Refugee Council USA, I would like to thank you for convening this hearing on the current crisis in the U.S. Refugee Admissions program, and for giving us the opportunity to testify.

The Refugee Council USA is the coalition of U.S. non-governmental organizations focused on refugee protection. The Refugee Council USA provides focused advocacy on issues affecting the protection and rights of refugees and displaced persons in the United States and across the world. Particular areas of concern are adherence to international standards of refugee rights, the promotion of the right to asylum, political and financial support for UNHCR, and the promotion of durable solutions, including resettlement to the United States. The Refugee Council USA also serves as the principal consultative forum for the national refugee resettlement and processing agencies as they formulate common positions, conduct their relations with the U.S. Government and other partners, and support and enhance refugee service standards.

I would also like to welcome recent statements by Commissioner Ziglar and Assistant Secretary Dewey that show a strong commitment to refugee protection and resettlement. My testimony today will focus on the challenges that lie ahead for the program, and the private sector's enthusiasm to work together in partnership with the State Department, the Immigration and Naturalization Service (INS) and the United Nations High Commissioner for Refugees (UNHCR), to meet our commitments.

For refugee advocates—and I believe for all Americans—the United States Refugee Program is a defining element of our country's core values. Through this program we have offered new hope, and new lives, to victims of persecution around the world. Whether they are courageous victims of religious persecution or attempts at stifling political dissent—or are the vulnerable widows, orphans, or torture survivors from vicious civil conflicts across the globe—refugees have looked to us for a chance at a future. In return, refugees have made America home, have revitalized neighborhoods, have helped businesses thrive, and have reaffirmed American values of family, community and love of country. Refugees are truly as much part of America's future as they are part of our past.

Refugee Council USA shares the horror and grief of all Americans at the terrible tragedy of the September 11 attacks. As agencies dedicated to the rescue of refugees around the world, we are troubled that the U.S. refugee admissions program has virtually ground to a halt, stranding over 22,000 U.S.-approved refugees overseas. These refugees—many of whom have fled the extremists and terrorists with whom we are now at war—have been left in harm's way instead of being granted a safe future in America.

We must emphasize, however, that much of the crisis faced by the Refugee Admissions program pre-dates September 11.

The agencies of Refugee Council USA have long enjoyed a public-private partnership with the U.S. government. Overseas, our member agencies help the Department of State and the INS with preparing refugee applicants for their INS interviews, and for life in the United States. Domestically, our networks of local volunteer organizations, professional staffs, and faith-based communities work with the State Department and the Office of Refugee Resettlement to help the refugees find housing, learn English, get employed, and prepare to become citizens of our country.

From this perspective we have seen some positive trends in recent years. The United States remains the leading international advocate for refugee protection. We

are also pleased that the refugees recently resettled in the United States represent the most diverse caseload since the enactment of the Refugee Act of 1980.

That being said, when the terrorists attacked the United States on September 11, the refugee program was already in crisis. In 1993, when George H. W. Bush left office, the United States resettled nearly 120,000 refugees. In FY2001, after eight years of the State Department driving down refugee admissions levels, less than 69,000 refugees—out of 80,000 authorized—were resettled. With more than 14 million refugees in the world, many of whom desperately need resettlement, it is unacceptable that, year after year, so many refugee admission slots go unfilled.

In late September 2001, while the Administration would only promise 70,000 admissions for FY 2002, we agreed to work closely with the State Department to increase U.S. resettlement capacity. The Administration declared that it would incrementally increase admissions and, by FY2006, achieve an admissions level of 90,000 refugees—still significantly lower than several years ago.

Commissioner Ziglar and Assistant Secretary Dewey now advise that they will strive to resettle 70,000 refugees this year. We welcome this modest number because, only a few weeks earlier, the Administration asserted that we should expect little more than half of that number, and well under the target of 75,000 in FY 2003. We agree with the Commissioner and the Assistant Secretary that—with proactive leadership and a sense of urgency—the Administration can ensure that 70,000 refugees are rescued from persecution and resettled in the United States this year.

At the same time, we are concerned that this commitment may not be able to be maintained with the President's FY 2003 budget request of only \$705 million for the Migration and Refugee Assistance (MRA) account. This budget request is \$10 million less than the Administration sought for FY 2002. While we are suggesting changes that would make some aspects of refugee processing more cost-efficient, enhanced security measures will likely cause an overall increase in the cost of resettlement. Under these circumstances, a higher level of funding for MRA will be needed.

#### GRASSROOTS NETWORK FOR REFUGEES AND THE PUBLIC PRIVATE PARTNERSHIP

I would like to underscore the breadth of public support for refugee resettlement. The U.S. refugee admissions program is an excellent example of a public-private partnership. In refugee resettlement, core American values are put into action through joint efforts of the government, a coalition of national refugee agencies and a vast network of local organizations and volunteers who provide services to refugees and help them integrate into American society.

Below are brief descriptions of many of the Refugee Council USA's member networks illustrating the depth of involvement of Americans across our country in the refugee protection movement.

- Lutheran Immigration and Refugee Service (LIRS) is a cooperative agency of the Evangelical Lutheran Church in America, the Lutheran Church—Missouri Synod and the Latvian Evangelical Lutheran Church in America. Together, these church bodies include more than 17 thousand congregations around the country with nearly 8 million members. LIRS and its 27 affiliates and 16 sub-offices around the country resettled approximately 13,000 refugees per year before the crisis.
- World Relief is the relief and development arm of the National Association of Evangelicals, which represents 43,000 congregations in the United States. World Relief has 27 refugee resettlement offices nation-wide and worked with nearly 2,000 churches. World Relief's volunteers are dedicated to helping refugees rebuild their lives by providing their time, resources, and dedication. Since 1998, World Relief has had over 10,000 volunteers from churches and local communities assist refugees in their resettlement offices.
- The Church World Service Immigration and Refugee Program (CWS/IRP) is a network of ten national Protestant denominations, representing over 30 million people and 45 local affiliate offices serving the needs of refugees as they resettle in the United States. CWS/IRP seeks to involve the local congregations of these ten denominations in life-giving ministry to refugees from around the world. As refugee sponsors, congregations live out the biblical call to "welcome the stranger" by creating hospitable communities for refugees and providing for their material needs upon their arrival.
- The Hebrew Immigrant Aid Society (HIAS) is the Jewish Community's international migration agency. HIAS, at 120 years old, is the country's oldest migration and assistance organization and includes over 100 affiliated Jewish communities that resettle refugees across the United States. Serv-

ices are provided by HIAS, local Jewish Family and Children Services and Jewish Vocational Services offices, and are supported by the local Jewish Federations.

- The Ethiopian Community Development Council (ECDC) is a community-based organization dedicated to serving newcomers from around the world while maintaining a focus on Africans. Through its refugee resettlement, health education, social services, cross-cultural understanding and micro-credit programs, ECDC assists a diverse community of refugees and immigrants to become self-sufficient and make contributions to their new homeland. ECDC is dedicated to improving opportunities for strengthening communities and individual advancement among newcomers by coordinating with over 40, mainly African, community-based organizations around the country.
- The International Rescue Committee (IRC) is a leading nonsectarian organization that normally resettles nearly 10,000 refugees in over 21 cities across the country. IRC has an extensive volunteer network of over 1,000 persons committed to assisting refugees resettled in their communities. IRC's experience and knowledge as a resettlement agency are enhanced by its provision of emergency assistance to refugees and other populations displaced by violence and oppression, in over 30 countries worldwide.
- Migration and Refugee Services of the U.S. Conference of Catholic Bishops coordinates the refugee resettlement activities of the Catholic Church in the United States and is the largest resettler of refugees in the nation. Through more than 100 diocesan affiliates across the nation, MRS/USCCB resettles approximately one-quarter of the refugees brought into the United States each year. In FY 2001, MRS/USCCB helped resettle close to 17,000 refugees of 102 ethnicities and fifty-five nationalities.
- Episcopal Migration Ministries (EMM), which serves as the refugee assistance and advocacy arm of the Episcopal Church serves 26 dioceses throughout the U.S., encompassing 38 different U.S. communities. Churches and private volunteers figure strongly in EMM's assistance to about 3000 refugees annually.
- The Immigration and Refugee Services of America (IRSA) has served the needs of refugees and immigrants since 1917 when its affiliate structure assisted in the resettlement and reunion of families after the ravages of World War I. IRSA is composed of a national headquarters in Washington, DC; a network of 35 community-based partner agencies throughout the United States that provide resettlement and integration services to all refugees from all ethnic groups; and the US Committee for Refugees, its public information and advocacy arm.
- The Center for Victims of Torture, based in Minneapolis and St. Paul, was established in 1985 as the first U.S. comprehensive treatment center for victims of torture. There are now 34 programs in 19 states assisting victims of torture and organized in the National Consortium of Torture Treatment Programs. Many of the National Consortium members receive financial support through the Torture Victims Relief Act, which authorizes the Office of Refugee Resettlement of the Department of Health and Human Services to support these programs.
- The Southeast Asia Resource Action Center (SEARAC) is the national advocacy and capacity-building organization for Americans who arrived in this country as refugees from Cambodia, Laos, and Vietnam. SEARAC's national network includes over 130 community-based nonprofit organizations known as "mutual assistance associations" (MAAS) that are managed by and for Southeast Asian Americans. SEARAC focuses much of its effort on working with the twenty-two MAA members of its Southeast Asian American Advocacy Initiative.
- The Lawyers Committee for Human Rights has, since 1978, worked to promote human rights and to protect the rights of refugees in the United States and abroad. The Lawyers Committee grounds its work on refugee protection in the international standards of the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol as well as other international human rights instruments. It advocates adherence to these standards in U.S. law and policy. Through its Asylum Program, the Lawyers Committee operates one of the largest and most successful pro bono asylum representation programs in the country.
- The Institute of International Law and Economic Development has advised a number of small states on their constitutional development and supported human rights seminars both in Africa and the Pacific. Currently it



is engaged in an examination of emergency mass asylum and the development of specialized training materials for the U.N. High Commissioner for Refugees.

- The United States Association for UNHCR is an organization with members in all 50 states. It exists to support the work of UNHCR, primarily by accepting private donations to augment United States Government contributions. USA for UNHCR conducts outreach and awareness projects that build support for UNHCR in communities across the United States.

This combined movement constitutes the active commitment of the American public to provide an essential safety net for newly arrived refugees, and its shared responsibility to facilitate the smooth functioning of the United States government's policy in the refugee arena.

## PROBLEMS WITH THE U.S. REFUGEE PROGRAM PRIOR TO SEPTEMBER 11

### U.S. REFUGEE PROGRAM INCREASINGLY INACCESSIBLE

With over 14 million refugees in the world, why has it been so difficult for the United States to find 70,000 to resettle?

The simple answer is that the U.S. Refugee Program has become increasingly inaccessible, notwithstanding specific recommendations from Refugee Council USA, members of Congress, and others on how to make it more responsive to those in need of rescue and refuge.

Since 1995, the UNHCR has nearly doubled the number of refugees whom it referred for resettlement in the United States. This is no small feat, given that the overall number of refugees admitted to the United States has declined by more than 30% over the same period. During this time, the United States has increasingly made the office of the UNHCR the gatekeeper to the U.S. Refugee Program. Do not get me wrong—we welcome and encourage UNHCR's increasing use of resettlement as a tool of protection and as a durable solution for refugees, and strongly believe that UNHCR should be encouraged to refer refugees in need of resettlement to the United States. At the same time, expecting UNHCR to be the primary source of refugee referrals for the U.S. program is unrealistic, inefficient and an abdication of our leadership.

UNHCR has a mandate to protect millions of refugees all over the world. This mission is overwhelming for the agency and where, in some regions, there is only one protection officer for every 500,000 refugees. Under these circumstances, UNHCR Protection Officers, among many other duties, are expected to identify individuals for status determination and resettlement. Such refugees must endure two lengthy UNHCR interviews and adjudications concerning their persecution, conditions of first asylum and need for resettlement. Protection Officers must provide extensive written justification for their decisions in each of these adjudications.

Once these steps are completed, the UNHCR Protection Officer must find a way to get the refugee physically in front of what the State Department calls the "Overseas Processing Entity" (and what we still prefer to call a "Joint Voluntary Agency") for another interview and preparation of yet another redundant and lengthy INS refugee application form, the I-590. Once the I-590 is completed, the refugee must be interviewed for the fourth time—now by the INS. In Africa, there are only three regular INS refugee processing posts on the entire continent, and in the fifteen countries which once made up the USSR, there is only one processing post—credible hurdles to overcome.

With a screening process like this, UNHCR Protection Officers deserve great credit for referring any refugees for resettlement. However, with three lengthy forms and four interviews that the refugee must endure, this process almost always takes many months, and often takes years. During this time, the refugee is seldom able to get any information about the status of his case. If he or she is screened out by UNHCR during the process, there is no appeal. As a result, the so-called "Priority One" resettlement referral process is often more an exercise in the survival of the fittest than the protection of the most vulnerable.

In such a system, refugees in hiding, torture victims, widows, and children stand little chance of being resettled.

We do not entirely blame UNHCR, however. While their exhausting procedures should be streamlined and improved, they are in place to ensure that UNHCR officers do not stray from established resettlement criteria. INS could also help make the referral process more efficient by allowing UNHCR referrals to submit simplified INS application forms that are not redundant to the exhaustive forms already completed by UNHCR. It could also show more flexibility in choosing interview sites.

What is the answer? In addition to encouraging UNHCR referrals, the State Department should reinvigorate its use of the so-called Priority 2, or P-2, category to allow access to the U.S. Refugee Program. This mechanism allows specific categories of refugees chosen by our own Government—such as religious minorities from Iran, ex-detainees and victims of ethnic cleansing from Bosnia, Jews and Evangelicals from the former Soviet Union, and pro-democracy activists from Burma—to apply for refugee status without having to spend years navigating the UNHCR protection bureaucracy. Registration without a UNHCR referral can be a much more cost-effective and expeditious means of resettlement. And remember, to be admitted under Priority 2, each individual must still establish that he or she meets the U.S. definition of a refugee—an individual with a well-founded fear of persecution on the basis of race, religion, political belief, nationality, or membership in a particular social group.

The Refugee Council USA has had a long and frustrating experience attempting to work with the State Department to develop new P-2 categories.

In 1999, we identified a number of refugee groups who should have been allowed to access the U.S. program without a UNHCR referral. One of these, the Somali Bantu, was adopted by the State Department. While there are almost 10,000 Somali Bantu languishing in an extremely dangerous refugee camp in Kenya, at the border with Somalia, not a single one has yet entered the U.S. as a refugee.

In 2000, we identified a similar number of refugee groups who should be able to access the U.S. program without a UNHCR referral. Not a single one of these were implemented.

Finally last year, the State Department asked us for our recommendations of categories of refugees who should be able to access the US program without a UNHCR referral. We recommended no less than a dozen specific groups for the State Department's consideration. In June, UNHCR wrote to the State Department agreeing with many of our recommendations and, to its great credit, identified an additional four categories of refugees who should be given access to the U.S. program without a UNHCR referral.

Again, thus far no concrete action has been taken on these recommendations.

Our first recommendation is that the State Department should permit direct registration of refugee caseloads. It should stop relying to such a degree on UNHCR referrals, when UNHCR itself, together with Refugee Council USA, has suggested numerous vulnerable caseloads which could be adjudicated much more efficiently without a UNHCR referral.

My colleague from the US Committee for Refugees, a member agency of the Refugee Council USA, will provide additional information about specific groups of refugees in need of this type of processing and protection in separate testimony.

#### NEAR ABANDONMENT OF FAMILY REUNIFICATION IN REFUGEE PROCESSING

From the experience of the Holocaust, when immigration restrictions prevented many American families from reuniting with their relatives in Europe, refugee advocates are familiar with the anguish felt by Americans whose relatives are stuck as refugees overseas. After World War II, the U.S. learned from this experience and made family reunion a cornerstone of its refugee resettlement program. Family reunion rescues the persecuted, helps Americans reunite with their families, and facilitates the successful integration of refugees into our society.

In recent years, that corner stone has been chipped away.

While many refugees have links to Americans, very few would be eligible for immigrant visas without waiting for years and years. Today, only a half dozen nationalities are eligible to gain access to an INS refugee interview based on having immediate family members in the U.S. This is the so-called P-3 category. Unlike in years past, the siblings, grandparents, grandchildren, or married children have no access to the refugee program, regardless of nationality. This was covered by the now extinct P-4 category.

Increasingly, the only hope families have of reuniting with relatives who are living as refugees overseas is through referrals from the over-burdened UNHCR bureaucracy. Such referrals are far too few.

Year after year, the agencies of Refugee Council USA have urged the State Department to facilitate family reunification for refugees with immediate family members in the U.S. without a UNHCR referral, regardless of nationality. We have also urged that, with certain large refugee caseloads, the U.S. allow refugee siblings, grandparents, grandchildren and married children of Americans to have direct access to the U.S. program. UNHCR has been supportive of these requests, indicating that the INS is in a better position to verify family links to the United States than is UNHCR.



That being said, in the recent past INS has paid too little attention to verifying family links. Today, INS has taken the opposite extreme, suspending processing of its entire family reunification caseload. Every single family reunification case is now required to undergo a Washington, D.C. audit prior to approval. With few new cases eligible and all old cases tied up at INS headquarters, family-based refugee processing is now in a state of paralysis.

As with our other recommendations, our requests for the State Department to expand family reunification have been repeatedly ignored.

To summarize, our second recommendation is that the State Department employ a "universal P-3" designation to facilitate the processing of refugees, regardless of nationality, with close relatives in the United States. When dealing with large and vulnerable caseloads, it is also appropriate for the State Department to also give priority to refugees who have more extended family links to the United States.

#### VICTIMS OF RELIGIOUS PERSECUTION

Under the International Religious Freedom Act of 1998, the Attorney General is instructed to provide training to all officers adjudicating refugee cases on the nature of religious persecution abroad. Given recent events, we have to question whether this statute has been implemented.

For example, in Vienna, INS adjudicates refugee applications from Iranian Jews, Bahai, Christians and Zoroastrians who have fled religious persecution. Up until August 1, 2001, the denial rate for this caseload had averaged 3.6%. Since August 1, 2001, 23% of members of Iranian religious minorities have been denied refugee status by INS—a 600% increase in denials. This denial rate is disturbing, as country conditions for religious minorities remain unchanged in Iran, a country that President Bush has just described as being part of the "axis of evil." Indeed, the State Department has cited Iran as a "country of particular concern for its severe and egregious violations of religious freedom."

Austria admitted these individuals into the country for the express purpose of applying to the U.S. Refugee Program. We owe that nation a great deal of gratitude for maintaining its post-World War II legacy as a transit nation to freedom. The Austrian authorities, however, are now so concerned by the surge in INS denials of refugee applications that it has told the U.S. government that Austria may have to close its borders to religious minorities fleeing from Iran.

To its credit, INS has acknowledged the problem and has started taking steps to re-examine its adjudications in Austria, including those cases that it has already denied. The State Department has been supportive of working with INS and the Overseas Processing Entity/JVA to facilitate reconsideration of these denied cases.

However, our experience causes us to fear that the constant discrimination and oppression faced by Christians, Jews, and Bahais in Iran may not, in INS' view, always be sufficient to warrant the granting of refugee status. In such cases, we urge the Attorney General to follow earlier precedent and allow members of these religious minorities to enter the United States under humanitarian parole so that they will not be forced to return to Iran where they cannot practice their faith in safety and dignity.

Our third recommendation, therefore, is that the U.S. Refugee Program implement the training and guidelines required under the International Religious Freedom Act, and offer humanitarian parole to bona fide members of persecuted religious minorities who should not be forced to return to a country where they would be mistreated on account of their religious beliefs.

#### THE REFUGEE CRISIS AFTER SEPTEMBER 11TH

The refugee program was severely impaired prior to September 11. Today, it is virtually paralyzed. However, we believe that, with appropriate resources, refugee processing can be efficient without compromising the security of the United States. So far, such resources have not been dedicated, processing has come to a standstill, and refugees who are trying to flee terror are paying the price.

In the aftermath of the September 11th tragedy, the Refugee Council USA fully understood the necessity of enhancing the integrity and security of the U.S. Refugee Program. However, we were greatly troubled by the length of the review and the absence of any opportunity for us as the voluntary agency partners in the refugee program to provide input based on our decades of experience in overseas refugee processing. Substantively, we were very concerned that while none of the terrorists were refugees, the refugee program was the only "immigration" program that faced a near moratorium. In addition to stopping the admission of already approved refugees, the INS has only been permitted to conduct new refugee adjudications in three sites around the world.

The human costs of this delay have been enormous. Among the refugees placed in limbo waiting for the possibility to find freedom and safety in America were Afghan widows, single women and children in Pakistan, religious minorities from the former Soviet Union and Iran, long-time refugees living in West African refugee camps, and many others. Family members here in the United States became sick with worry.

Officially, the moratorium was lifted on November 21st when President Bush signed the Presidential Determination on the fiscal year 2002 refugee program and the security review was completed. The refugee community was pleased that, despite the lost time, the President recommitted the Administration to reaching this year's goal of 70,000 refugee admissions.

While strengthening security procedures is necessary, the manner in which this has been implemented has had an extremely negative impact on refugee arrivals, thereby exacerbating the crisis for refugees in the field. Our calculations indicate that in the first four months of FY 2002, only 2,981 refugees were admitted compared with over 16,000 in the same period in FY 2001. Reports that the International Organization for Migration has scheduled only 2,600 refugees for admission in February 2002, instead of the usual 5,000-7,000, demonstrates that the ominous shortfall in admissions is continuing. Again, I need to underscore that refugee numbers lost are not numbers alone, but lives of individuals in tremendous need of protection.

To demonstrate the impact on local communities, and the refugee resettlement capacity of the United States, I would like to use my own agency as an example.

During the first three months of FY 2002, nine HIAS affiliates received a total of only 56 refugees. During the same period last year, 102 HIAS affiliates resettled a total of 2,142 refugees. Indicating the impact on local communities, in the first quarter of fiscal year 2002, HIAS' affiliate in Tucson resettled one refugee instead of 34; in San Francisco, three instead of 86; and in New York City, seven instead of 837. As a consequence of the lack of arrivals, affiliates are being forced to re-trench resettlement staff. Most are aware that should arrivals pick up later in the year, the linguistically skilled case managers who are being laid off and the dedicated volunteers who are moving on to other programs may not be available to assist in resettling newly arrived refugees.

These dramatic shortfalls can be seen throughout the networks of the Refugee Council USA member agencies. In polling our members to determine the current and anticipated impact of low arrivals, and consequent drop in revenues to support local programs, we see alarming developments. Agencies report between 10% and 60% reductions in staff at the affiliate level due to lack of revenues. And, if the network is diminished further, our ability to gear back up when U.S. policy requires assistance for future arrivals will be made all the more challenging. Our objective of enhancing the quality of the resettlement experience for newly arriving refugees will be in jeopardy under these circumstances.

#### POST-SEPTEMBER 11 MIXED MESSAGES FROM THE ADMINISTRATION

Based on projected admissions figures alone, FY 2002 will be a crisis year of monumental proportions. At the current rate, the United States will not even admit half of the 70,000 refugees whom the Administration pledged to admit even after September 11. Other groups of immigrants, temporary workers and visitors to the United States have not been similarly impacted. We can still resettle 70,000 refugees this year if the U.S. Government takes an aggressive and creative approach to refugee processing and admissions. Time, however, is running out.

In January, Refugee Council USA was concerned to learn from the Department of State that they believed no more than 45-50,000 refugees could be admitted in FY 2002, and so had decided to reprogram \$38 million from resettlement to other refugee assistance needs. While all Refugee Council agencies are strong supporters of overseas refugee assistance, and some provide this assistance themselves, we believe both assistance and resettlement are essential components of refugee protection, and require appropriate funding to fulfill their missions. Particularly when the admissions program is already struggling to meet the President's goals, we believe that processing funds should not be cut, thereby dooming hopes for this crucial protection tool.

Against this background, we were encouraged by INS Commissioner Ziglar's public declaration in early February that the Bush Administration would take the steps necessary to meet the target of 70,000 admissions.

However, in the immediate aftermath of this reassuring news, refugee advocates were disappointed to see that the President's FY 2003 budget request does not seek an increase for the Migration and Refugee Assistance account that would allow

badly needed protection to reach more refugees. The budget request seeks \$705 million for this account—a funding level that is the same as the FY 2002 final appropriation, but \$10 million less than the President's own FY 2002 proposal. Sadly, the message of this budget is the contraction of the United States' commitment to refugees. It does not promote the growth and expansion of this critical tool of the United States' humanitarian and foreign policy, to which the State Department just last year told us they were committed.

Finally, I would like to identify several key problems relating to the new security measures that have had a devastating impact on this year's refugee program. We firmly believe that each of these difficulties can be resolved with additional resources and an energetic common sense approach that fulfills both our legitimate security needs and our commitment to refugee protection.

- The system is so slow on the U.S. side that only 30 refugees can be scheduled per flight because refugees, unlike other immigrants and non-immigrants, must undergo a special security screening upon arrival at each airport.
- There are only four ports of entry where refugees may be admitted—New York, LA, Chicago, and Miami.
- New fingerprints are required at ports of entry, but insufficient staffing and equipment has been made available to admit refugees in a timely manner.
- There is a terrible backlog in the processing of Security Advisory Opinions (SAOs), thereby holding up refugees stranded abroad. For example, in Vienna, SAOs are taking two months to process.
- New requirements that all family reunion refugee cases be sent back to Washington for additional review has caused indefinite delay for thousands of refugees, and has had a particularly negative impact on refugees in Africa.
- While upcoming INS activity may improve the situation to some degree, the United States government has not expeditiously addressed the need to begin adjudicating or even registering new refugee cases.
- Further affecting refugee processing is the new requirement that the Regional Security Officer must declare overseas sites to be "secure" before INS can conduct interviews there. Last week, there were only two such "secure" sites worldwide, and this week, there are a total of three—Vienna, Havana, and Moscow.

My colleague from Migration and Refugee Service of the United States Conference of Catholic Bishops, a member agency of Refugee Council USA, will address these new processing impediments in greater detail in separate testimony.

#### CONCLUSION

Again, I would like to thank you for inviting me to testify here today on behalf of Refugee Council USA. We hope that now, when confronting a true crisis in the refugee program, the Administration will join fully with the refugee community in identifying groups who should be given access to the refugee program without having to wrestle with the UN bureaucracy. We also urge that it promote reunification of refugees with their families in the United States. We request that they ensure that oppressed religious minorities are not returned to countries that routinely and egregiously violate religious freedom. With the recent statements supporting expanded resettlement, we hope the United States will fulfill this pledge and reverse the downward trend of the previous eight years and restore its commitment to refugee protection. Finally, we look forward to a building of our communities' partnership with the State Department under the new leadership of Assistant Secretary Gene Dewey.

Chairman KENNEDY. All the statements will be printed in their entirety in the record as if read.

Ms. Brown?

#### STATEMENT OF ANASTASIA BROWN, ASSISTANT DIRECTOR FOR PROCESSING OPERATIONS, MIGRATION AND REFUGEE SERVICES, U.S. CONFERENCE OF CATHOLIC BISHOPS, WASHINGTON, D.C.

Ms. BROWN. Thank you, Mr. Chairman, for inviting me to testify today. You have the written testimony of my agency which address-

es more fully the many issues involved in the U.S. refugee admissions program. My presentation today focuses on the number of refugees known to be available for interviews and recommendations for reaching admissions of 70,000 refugees in this fiscal year.

The main message of my testimony is that with concentrated effort and political will the U.S. can process 70,000 refugees into the country in this fiscal year. This will require several steps of the refugee process to occur concurrently, and will require the cooperation of all partners, U.S. Government and NGOs, to achieve the goal.

Analysis of the most recent data from overseas posts indicates that as of the end of the November there was a pool of approved refugees from all regions of the world of over 21,000 persons, and that almost 55,000 persons were pending INS interviews. In addition, cases were open for over 7,000 new persons in one month. Based on this information, if INS is able to conduct large scale interviews over the next five to six months sufficient numbers of refugees could be approved and could arrive in the U.S. by the end of the fiscal year.

Chairman KENNEDY. Could you give me that just again, please? I was listening but I want to get it. Could you just restate that?

Ms. BROWN. Certainly. There were 21,000 persons who had already been approved. There were 55,000 persons pending INS interviews. And they had opened within one month cases for 7,000 new persons.

Chairman KENNEDY. So you are saying 21,000 are overseas already approved.

Ms. BROWN. Already approved.

Chairman KENNEDY. And they are not included in any of the lists that we have so far? They do not count them?

Ms. BROWN. This group of refugees was already identified, approved, and are pending departure to the United States.

Chairman KENNEDY. And the 50,000, they are in what category?

Ms. BROWN. Fifty-five thousand have been identified, cases prepared and are pending INS interview.

Chairman KENNEDY. Then the last 7,000?

Ms. BROWN. The overseas posts had opened new cases for 7,000 persons in one month.

Chairman KENNEDY. Thank you.

Ms. BROWN. So interviewing at the rate of large scale interviews for five to six months there would be sufficient persons approved to enter in this fiscal year.

Because of the events of September 11th certain new security procedures are required which delay the arrival of approved refugees. They are fingerprinting of all refugees, which is currently done at the U.S. port of entries; security advisory opinion name checks which are conducted by the FBI on certain nationalities of refugees; the INS review of family-based refugee claims which involves INS headquarters review of the refugee records to ensure claimed relationships are genuine; and there is the need to identify secure facilities for INS to conduct interviews overseas.

We believe there are proactive steps that the Government can take to expedite the processing of refugees without sacrificing security concerns. In the area of fingerprinting, more personnel should be committed to this process and our Government should be more

proactive to identify secure locations at ports of entry. We need to process over 200 refugees arriving per flight to process such a large number of refugees into the country in a short period of time.

In the area of INS review of the family-based refugee claims, INS must have sufficient staff to complete this review within six months. In order to save time and increase efficiency overseas other necessary steps in the process, including name checks, medical exams, sponsorship assurances by the U.S. resettlement agencies, even INS interviews must be completed prior to or concurrent with the INS review here in the United States.

In the area of security advisory opinions, review should be completed more expeditiously. It requires placing refugee reviews as a priority within the Justice Department, and ensuring that the FBI has the resources and capacity to meet a shorter deadline. As with INS review, all other steps should be completed while waiting for the results of the name checks. This was including INS interviews with approvals based pending the reviews of the security checks.

The INS interview facilities overseas, the Department of State must identify the number of interviewing officers required to reach the admissions ceiling and communicate the need to expeditiously locate these interviewing space to the embassies. We would calculate very roughly that 30 to 40 INS officers committed to interviews over five months could achieve the number of refugee admissions required.

While the immediate crisis has brought delays to light, there have been chronic problems with reaching the admissions ceiling over the many years. I would make two recommendations in this area. The Department of State should strive to achieve a travel-ready pool of at least one-quarter of the admissions ceiling at all times. And the Department of State should try to reach the designated number of arrivals per quarter instead of scrambling to meet admissions ceilings in the last few months of each year.

Finally, Mr. Chairman, I would like to speak to the family reunification processing. As you know, the U.S. Catholic Bishops agree with you that family reunification is the cornerstone of the U.S. immigration and refugee systems. Unfortunately, family-based eligibility is becoming a closed avenue for admission into the U.S. In recent years the number of nationalities dropped from 21 to only six nationalities.

There have been concerns raised that the program has in some cases led to misrepresentation of relationships. But in light of the new security measures which require reviews of the family-based cases we would hope this important category can be reopened to all refugee populations. Cases which are currently in the process of closure due to administrative deadlines should be reopened, and criteria involved for application to this program should be revisited.

We would recommend the registration of refugees upon arrival in countries of first asylum by the UNHCR as an additional method to combat misrepresentation. Moreover, increased avenues of access to resettlement interviews would reduce the problem of misrepresentation. Mr. Chairman, each refugee admission number not used in a fiscal year is a refugee forced to continue in a hopeless situation overseas.

I thank you very much for this opportunity to testify.

[The prepared statement of Ms. Brown follows.]

STATEMENT OF MIGRATION AND REFUGEE SERVICES, UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, PRESENTED BY MS. ANASTASIA BROWN, ASST. DIRECTOR FOR PROCESSING OPERATIONS

I am Anastasia Brown, Assistant Director for Processing Operations, Migration and Refugee Services, United States Conference of Catholic Bishops. Mr. Chairman, I thank you for inviting me to testify.

My written testimony represents the concerns of Migration and Refugee Services (MRS) of the U.S. Conference of Catholic Bishops (USCCB) whose Committee on Migration is chaired by Bishop Thomas Wenski, Auxiliary Bishop of Miami, Florida. The written testimony provides a comprehensive overview of the concerns and recommendations of Migration and Refugee Services of USCCB (USCCB/MRS). However, at your request, my oral presentation will focus on the number of refugees known to be available for resettlement interviews and recommendations for reaching an admissions level of 70,000 refugees in fiscal year 2002.

### I. INTRODUCTION

Mr. Chairman, USCCB/MRS would first like to thank you for calling this hearing and for your leadership on refugee protection. Your leadership is sorely needed and welcomed at a time when the United States' commitment to protecting the persecuted has waned. USCCB/MRS would like to extend its appreciation to you, Senator Kennedy, for your tireless efforts on behalf of refugees and asylum-seekers. Indeed, we can trace the very establishment of our refugee protection laws to your vision and determination, Mr. Chairman. We would also like to extend our appreciation to you, Senator Brownback, for your support of the U.S. refugee program.

Mr. Chairman, the U.S. Catholic bishops have long been committed to improving the plight of refugees and asylum-seekers. Indeed, the U.S. Catholic bishops Harken back to the plight of the Holy Family, including the infant Jesus, who fled into Egypt to escape the tyranny of King Herod. Jesus teaches us that in the face of the refugee and asylum-seeker we see the face of Christ. "For I was hungry and you gave me food, thirsty and you gave me drink, a stranger and you welcomed me" (Matthew 25:35).

In response to our Lord's call, the Catholic Church in the United States, through the work of USCCB/MRS, the Catholic Legal Immigration Network, Inc. (CLINIC), our Catholic Charities agencies, and Catholic Relief Services, provides basic needs and resettlement assistance to refugees and asylum-seekers throughout the world. Through MRS, the Catholic Church resettles approximately one-quarter of the refugees who are admitted to the United States each year. MRS works with more than 100 Catholic dioceses in 44 states to resettle refugees from all over the globe. In fiscal year 2001, MRS helped to resettle 16,789 refugees in the United States, representing refugees from 102 different ethnic groups and fifty-five different nationalities. Since the enactment of the Refugee Act of 1980, MRS, working with our government and diocesan resettlement programs throughout the country, has resettled nearly three-quarters of a million refugees.

The policy section of this testimony will focus upon the need for the U.S. Department of State and the INS to commit themselves to admitting 70,000 refugees by the end of the fiscal year and expanding the U.S. refugee program through the use of creative solutions and with the increased involvement of non-governmental organizations. The testimony also provides general recommendations that can either be pursued through legislation, regulation or internal administrative guidance and will provide specific information on overseas processing. If these recommendations are pursued in implementing the U.S. refugee resettlement program, our country will go a long way in ensuring that refugees needing and deserving refugee protection through resettlement are able to obtain it.

### II. SUMMARY OF GENERAL RECOMMENDATIONS

In summary, we recommend the following:

1. We urge the Department of State to take immediate steps to ensure that it can identify and admit 70,000 refugees by the end of fiscal year 2002;
2. We urge the Department of State and the INS to undertake a number of steps to ensure that the United States is offering admission to especially vulnerable populations of refugees, such as unaccompanied refugee children, unaccompanied elderly refugees, refugees with serious medical conditions, at-risk women, including women heads of households, refugees who have languished in camps for a long period of

time, certain urban refugees who do not have access to assistance and cannot integrate into the country of asylum and certain categories of refugees in Africa;

3. We urge the INS to make every effort to conduct as many adjudications as are needed to identify and admit 70,000 refugees by the end of fiscal year 2002;

4. We urge the Department of State to utilize non-governmental organizations (NGOs) with direct ties to domestic constituencies for overseas refugee processing;

5. We urge the Department of State to engage in long-term planning and capacity-building with regard to refugee protection, including immediately planning to admit 90,000 refugees in fiscal year 2003 and increasing this admissions number in the years immediately following fiscal year 2003; and

6. We urge the Department of State (including through the participation of the Secretary of State) to conduct consultations meaningfully with the Senate and House Judiciary Committees as early as possible in each fiscal year so that admissions ceilings and funding issues can be better coordinated.

### III. OVERVIEW OF ISSUES OF CONCERN

#### 1. *Fiscal Year 2002 Refugee Admissions*

We are disappointed in the number of refugees resettled in the United States in recent years. In 1980, the United States admitted more than 200,000 refugees and for a five-year period ending in 1994 the U.S. consistently admitted over 100,000 refugees each of those years. Since 1993, refugee admissions have fallen to the most recent low of 70,000 in the Administration's proposal for fiscal year 2002. The Administration should implement a four-year plan to raise admissions numbers to meet levels of need.

Millions of Africans have become new refugees or newly displaced persons within their own countries after years of war, repression, and civil unrest. Many peace negotiations have faltered, producing more military offensives and atrocities, forcing African refugees to seek protection in countries that are already suffering from armed conflict.

A compelling example is the hundreds of thousands of Liberians and Sierra Leoneans in the small West African country of Guinea. We urge that one area of U.S. government focus be West Africa, to where a group of Refugee Council USA (RCUSA) Executives traveled in August 2001. The clear need for resettlement from such countries as Guinea, UNHCR's strong support for such resettlement, and the strengthened U.S. government and Overseas Processing Entity presence in nearby Ghana all argue that this area must be made a high priority for all of us.

West Africa is of course not the only region where refugees have difficulties accessing protection. We must deal with the populations of Afghan refugees in Pakistan and Iran who cannot return to Afghanistan, and also address continually deteriorating situations in other areas of the world. Thousands of Burmese political dissidents and ethnic and religious minorities are particularly vulnerable in India and languish without effective solutions in Thailand. Large numbers of uprooted people from the Sudan and the Balkans still lack a durable solution. These are a few examples of the grim future faced by refugees worldwide.

United States refugee assistance helps relieve explosive international tensions and sets an example for the rest of the world. This example, in turn, makes it more likely that other nations will accept refugees fleeing to their territory, provide assistance to refugees who languish in camps in first countries of asylum, and resettle those refugees for whom resettlement in a third country is the only durable solution.

#### 2. *Admission of Vulnerable Refugees*

Efforts should be made to identify and resettle particularly vulnerable refugee groups, including unaccompanied refugee minors, unaccompanied elderly refugees, refugees with serious medical problems, at-risk women, including women heads of households, refugees who have languished in camps for a long period of time, certain urban refugees who do not have access to assistance and cannot integrate in the country of asylum and certain categories of refugees in Africa. This effort complements the program's capacity to rescue those in imminent danger of return.

#### 3. *INS Adjudications for Fiscal Year 2002 and Beyond*

INS conducts adjudications of individual cases based on the recommendations of the Department of State regarding caseloads. In order for INS to conduct adjudications this fiscal year and beyond for greater numbers of refugees, additional financial resources from Congress and current information from non-governmental organizations regarding individual claims and country conditions will be necessary. Given the current difficult situation in which refugees find themselves, we stand ready to work with Congress and the INS on how to continue to welcome refugees. The INS contribution, of course, will be vital, and thus planning the travel schedule to conduct adjudications of individual cases is an urgent priority if there is to be



any prospect of bringing in the number of refugees authorized by the President this fiscal year and beyond.

#### 4. *U.S. Government Collaboration with Non-governmental Organizations (NGOs)*

In the past, private sector Joint Voluntary Agencies (JVAs) have been successfully used by the Department of State to help identify and process refugees in the field. This collaboration with NGOs could be expanded so that NGO expertise could be utilized in making resettlement determinations.

Though the State Department has been creating more outreach capacity through the creation of additional Overseas Processing Entities (OPEs), more can and should be done. The government should develop partnerships with NGOs to assist in the identification and referral of prospective U.S.-eligible refugees in need of resettlement and create formal mechanisms through which NGO-referred refugees receive consideration from U.S. authorities. This concept is different from the "Joint Voluntary Agency" arrangements currently in place in at least one significant way. Under these arrangements the NGO partners would identify and refer prospective refugees, but would not be involved in the processing typically done by JVAs and OPEs.

Another dimension of this needed expansion could be the strengthening of the so-called "deployment" program, through which NGO personnel are seconded on temporary assignments to augment United Nations High Commissioner for Refugees (UNHCR) personnel in various resettlement processing regions of the world. With more resources and program management enhancements applied to this effort, a greater number of NGO personnel can be added to expand the international capacity to identify and process refugees for resettlement.

#### 5. *Capacity-Building and the U.S. Refugee Program*

In each of the last ten years, the number of refugees admitted to the United States was below the authorized and budgeted admissions levels. Actual admissions of refugees during this period ranged between seven and sixteen percent below the levels authorized by the President in consultation with Congress. Had the U.S. government fully utilized its admissions authority, more than 100,000 additional refugees could have been resettled over the past decade. Considering that the population of refugees in need of resettlement far exceeds the number of resettlement offers from the international community, this under-utilization of U.S. capacity is unacceptable.

##### A. *Political Will and Commitment*

There are a multitude of reasons for this under-utilization. First, the political will and commitment to take full advantage of the U.S. government's admissions authority has not been in evidence. Until very recently, the chronic under-utilization of its admissions authority was not perceived by political leaders, in the Administration and in Congress, as a problem. Also, historically, for some in government, the level of admissions set forth in the annual Presidential Determination was not perceived as a target towards which to strive. If there had been political commitment to taking full advantage of its admissions authority, the governmental agents responsible for administering the admissions program would have been held more accountable for the chronic under usage in admissions each year.

##### B. *Management of Refugee Admissions*

Second, inadequacies in the management of refugee admissions have also contributed to the annual admissions shortfalls. Some of the problems have been as follows:

- (i) Over-reliance on UNHCR referrals, even as that organization's capacity to identify and process refugees for resettlement consideration has been inadequate to the task and has not been a high priority;
- (ii) A lack of aggressive, comprehensive efforts to identify prospective U.S.-eligible refugees in need of resettlement;
- (iii) An inadequately proactive development of "admissions pipelines," resulting not only in admissions shortfalls, but the creation of end-of-year surges (bulges) in arrivals;
- (iv) A lack of comprehensive and viable contingencies when logistical impediments interfere with the creation and processing of "admissions pipelines;"
- (v) Restrictive and narrowly-defined processing priorities applied to refugee groups;
- (vi) An underutilization of the priority 2 category, or special "groups of concern," for processing refugees; and
- (vii) Inconsistent INS approval rates and lack of oversight and timely interventions when negative trends appear.



### *C. Global Infrastructure to Carry Out Resettlement*

Third, a significant impediment to the U.S. government's taking full advantage of its admissions authority has been the inadequacy of the worldwide infrastructures designed to identify and process refugees in need of resettlement. As the U.S. admissions program has shifted away from 6 large scale processing operations in a few regions of the world, in place in the 1970s and 1980s, to a more diverse and dispersed caseload, a more dynamic processing capacity has been necessary. Though the State Department has been creating more outreach capacity through the funding of NGO deployments through UNHCR and expansion of OPEs, more can and should be done. A few suggestions for expanding and enhancing the capacity to identify and process refugees follow.

The establishment of formal partnerships with NGOs for the deployment of "mobile rapid response teams" is a way in which to expand the international capacity to identify and process refugees for resettlement. The Refugee Council USA has developed a number of concepts, one referred to as a "Joint Mobile Processing Team" and the other a "Rapid Response Team." The following functions could be envisioned for such non-governmental teams of experts:

- ongoing monitoring of refugee situations around the world, with a view toward identifying those refugees whose only viable option lies in third country resettlement;
- assisting UNHCR, especially in emergent and newly-created refugee situations, to register refugees and, for those in need of resettlement, develop biographical profiles and prepare documentation for resettlement consideration by the U.S. government;
- establishing or augmenting, on a temporary basis, an overseas processing operation; and
- assisting with training and technical assistance to UNHCR and other processing entities.

It needs to be more clearly recognized within UNHCR that resettlement is a viable durable solution and tool of protection. One way in which this can be achieved is to hire a senior staff person who reports directly to the High Commissioner, Mr. Ruud Lubbers, who since being appointed as head of UNHCR has called for increased resettlement by a number of countries, including the United States, in order to assist beleaguered countries of first asylum in providing protection to refugees.

UNHCR personnel with responsibility for identifying and processing prospective resettlement applicants require additional and ongoing training on the mechanics of national resettlement programs and sensitization on resettlement as a viable protection tool. This training and sensitization is particularly needed when UNHCR personnel responsible for carrying out resettlement activities, including Protection Officers, also have other pressing responsibilities in large camp settings.

The U.S. government should augment, as necessary, facilities and staffing of OPEs and INS so that adjudications result in at least a three-month pipeline of travel ready (not just approved) refugees at all times. The INS should consider the creation of a Refugee Adjudication Corps, similar to the Asylum Officer Corps, which would consist of specially-trained officers who would only adjudicate refugee resettlement claims.

The U.S. government and UNHCR should create more dynamic infrastructures for identifying and processing refugees that can be more proactive and responsive to urgent developments around the world. In this regard, the U.S. government should be working to increase the number of countries who offer resettlement to refugees who do not have meaningful protection in their first countries of asylum. Certain European countries with substantial financial resources have no resettlement programs, but expect much poorer countries to keep refugees indefinitely in camps. They also compound the difficulties associated with lack of access to refugee protection by erecting barriers to asylum-seekers. The U.S. government and UNHCR should press certain European countries to develop resettlement programs or expand existing resettlement programs and should work with other countries who have expressed an interest in developing their capacities to resettle refugees.

### *6. The Consultation Process*

As you know, cabinet-level representatives are required to consult with Members of the House and Senate Judiciary Committees each year before a Presidential determination is made on refugee admissions for the coming fiscal year. Due to exceptional circumstances, consultations were not possible prior to September 30, 2001 and before the fiscal year 2002 Presidential determination was issued. In years past, the consultation process has occurred after hearings on the federal budget have been held, and in some cases, after spending levels have been determined. Most im-

portant, in recent years, the Secretary of State has not participated in the consultation process.

We would like to see these trends reversed. We ask that the Secretary of State participate in future consultations, and that this process commence earlier in the year, so that refugee admission levels and funding decisions can be better coordinated.

#### IV. REFUGEES READY FOR INTERVIEWS AND ADMISSION INTO THE U.S. FOR FISCAL YEAR 2002

As Assistant Director for Processing Operations at MRS, I would like to point out that while the aftermath of September 11<sup>th</sup> brought the flow of refugees to the U.S. to a near standstill, there has been a serious ongoing problem with meeting the refugee admission ceiling over the last few years. Refugee Council USA has raised this concern with the Department of State consistently for several years. Refugee Council USA has made recommendations on processing new groups of refugees and increasing or expanding the infrastructure to process refugees overseas. Each admission number missed in a fiscal year is a refugee forced to continue in a hopeless situation overseas.

One of the Refugee Council's greatest concerns is the relatively low number of new cases which enter the system every month. Prior to September 11<sup>th</sup>, I analyzed data available from non-governmental organizations that are Overseas Processing Entities (OPEs) and data available from the Department of State and found that while the program could technically admit 70,000 refugees in the fiscal year, there would need to be an effort to push cases through in the last few months of the year, with little or no available cases for the next fiscal year. The crisis of September 11<sup>th</sup> has compounded what was already a difficult situation regarding refugees admissions.

The U.S. program now provides virtually no access to an interview except through a referral from the Office of the United Nations High Commissioner for Refugees (UNHCR). Indeed in Africa, even the groups of refugees which have been designated Priority 2 "Groups of Concern," or refugees who can apply to the U.S. resettlement program without a UNHCR or U.S. embassy referral, amount to lists of persons provided by UNHCR.

The refugee resettlement agencies have also had concerns regarding other categories of refugees eligible for resettlement in the United States, including refugee claims based on a family relationship. Over the past few years the number of nationalities eligible for refugee consideration based on a family relationship to an individual in the United States has dropped from 21 to only 6 nationalities. The Department of State has indicated that it is reluctant to consider broadening this category of refugee eligibility to other nationalities due to concerns regarding misrepresentation of family relationships. There is no doubt that there are indications of misrepresentation of relationships in this program, but there are steps being instituted to address this issue. Unfortunately, some of the new measures have placed a burden on the resources of INS which previously were concentrated on the actual refugee interview. Additionally, there have been administrative deadlines implemented and criteria used which have at times appeared unreasonable or inflexible.

There are additional steps which could be taken to address the integrity of this refugee category, including the registration of refugees by UNHCR upon their arrival in first countries of asylum. This registration would be conducted outside the context of a request for resettlement in a third country. The registration process would involve the opening of a file that would include photographs of the members of the family and a list of each member's location.

The lack of adequate individual access to the refugee program has contributed tremendously to the misrepresentation issue. Individuals who have no other means to gain access to the program have been driven to asking persons who are under consideration to add family members to their cases.

Processing a refugee overseas is a complicated process involving registration, pre-screening, security name check, INS interview, medical screening, assurance of sponsorship by a resettlement agency and securing travel arrangements. From start to finish, the process can often extend over many years. The period of time from INS interview to arrival in the United States is estimated to be between 4-6 months. That said, in certain situations the U.S. program has been known to process large numbers of refugees in a very short period of time. One need look no further than the crisis in Kosovo in 1999 to illustrate this. When INS officers were not able to interview refugees in their first asylum locations, refugees have been moved to where INS could go. Guam, Fort Dix and Romania are recent examples.

I have stated that with a concentrated effort the arrival of 70,000 refugees into the country this fiscal year appears possible. At any given time there are thousands of refugees at various stages in the process of being interviewed or admitted—this is commonly referred to as the admissions “pipeline.”

Assertions that there are not ready caseloads of refugees to resettle are baseless. Analysis of the most recent data from the overseas posts and the Department of State indicates that as of the end of November 2001, a pool of approved refugees from all regions of the world awaiting resettlement totaled 21,435 persons.

Reports indicate that 54,825 persons were awaiting INS interviews. An approval rate of 75 percent for INS adjudications of refugee resettlement claims is a conservative rate. If we applied this conservative approval to these individuals, that would result in 41,119 persons added to the pipeline. In addition, the reports indicate that cases were opened for 7,472 new persons in one month. Assuming another 6 months of persons being added to the interview pool, this would allow for another 45,216 persons to be interviewed. A 75 percent approval rate would add another 33,912 persons to the pipeline. In May 2001, the voluntary agencies received requests for sponsorship assurances for 8,416 refugees approved by INS. If INS were to interview at this rate for the next 7 months, 58,912 persons could be added to the pipeline and could arrive by the end of the fiscal year.

However, there are new “bottle necks” in the refugee flow not present prior to September 11<sup>th</sup>. These currently are:

- A. Limited arrivals at ports of entry due to fingerprinting requirements;
- B. Delays in processing refugees whose eligibility is based on their relationship with family members in the U.S. due to new requirements, including that INS review each file;
- C. Delays related to the time required to obtain Security Advisory Opinions (name checks conducted by the FBI) on certain nationalities; and
- D. Security concerns for INS personnel conducting refugee interviews overseas.

All of these measures are meant to protect national security and the security of U.S. personnel overseas and cannot be dismissed. However, there are ways to streamline procedures without compromising security.

With regard to delays associated with arrivals at ports of entry, the problem appears to be centered around the newly reinstated requirement that all refugees be fingerprinted prior to arrival in the United States. The long-term solution to this problem is to ensure that this procedure is part of the interview process overseas, as it had been in the past. In the short-term, it is necessary to ensure that INS be provided with the staffing resources and physical facilities to fingerprint arriving refugees at rates of 200 or more per flight. Historically, the use of chartered flights with several hundred refugees arriving at one time has been needed to facilitate large numbers of arrivals in a short period of time.

With regard to INS reviews of family-based refugee claims, the INS must have sufficient staff to complete this review process within 6 months in order to prepare the cases for interview or clear cases for departure from the first countries of asylum. Additionally, steps must be taken to ensure that all other possible steps are taken concurrent with the INS review to ensure that the case can be processed to completion as quickly as possible. This would include conducting security name checks, sending approved refugees to medical exams and ensuring they are kept up to date, and transmitting biographical information needed to produce sponsorship assurances. To the best of my knowledge, at this time, these processing steps are not taking place until the review of approved cases is complete.

With regard to Security Advisory Opinions, the FBI must have the capacity to complete the higher numbers of name checks required (which is considerably more than in the past) expeditiously. Additionally, the fact that the completion of these name checks is a priority to the Department of State needs to be communicated. Once again, all other steps should be completed while waiting for the results of the name checks.

With regard to secure facilities overseas for INS to conduct interviews, the responsibility for finding such secure facilities should be lodged with the Department of State. Currently, Regional Security Officers at U.S. embassies overseas are visiting interview locations and providing opinions on security. The Department of State should communicate to the embassies that locating a secure interview facility is a priority and is the responsibility of the embassy—not the non-governmental Overseas Processing Entity (OPE).

After the current crisis in refugee admissions is addressed for this fiscal year, it is crucial that the Department of State turn its attention to the chronic problems of the refugee admissions flow. As stated in the above recommendations and conclu-

sion, the Department of State should strive to achieve a travel ready pool of refugees equivalent to one quarter of the refugee ceiling at all times. Infrastructure needed to process this number of refugees overseas (including staff and facilities) must be increased. Refugee flows from all regions must be monitored throughout the year, and regions should be expected to meet quarterly arrival expectations. This type of scrutiny of the admissions flow was present in the past, and returning to this practice will enable the United States to meet refugees admissions ceilings each year and maintain an even flow of refugees arriving in the country throughout the year.

#### V. CONCLUSION

In conclusion, Mr. Chairman, we ask that your Subcommittee work with this Administration to maintain a commitment to refugees protection that addresses the long-term, chronic and systemic problems that have resulted in refugees not accessing the protection they need and deserve in this country. In summary, we recommend the following: 1. The Department of State must take immediate steps to identify and admit 70,000 refugees by the end of fiscal year 2002; 2. The INS must make every effort to conduct as many adjudications as are needed to identify and admit 70,000 refugees by the end of fiscal year 2002; 3. The Department of State and the INS must ensure that the United States is offering admission to especially vulnerable populations of refugees; 4. The Department of State must utilize non-governmental organizations with direct ties to domestic constituencies for overseas refugees processing;

5. The Department of State must engage in long-term planning and capacity-building with regard to refugees protection, including immediately planning to admit 90,000 refugees in fiscal year 2003 and increasing this admissions number in the years immediately following fiscal year 2003; and

6. The Department of State (through the Secretary of State) must meaningfully conduct consultations on the refugee program with the Senate and House Judiciary Committees as early as possible in each fiscal year.

Mr. Chairman, it has been my experience and the experience of countless others that refugee protection is not a burden to this country. Rather, it is an opportunity to fulfill one of the highest purposes for which this nation has been blessed—to respond to the hope of the persecuted. We know that you and your colleagues are sensitive to these important issues and will give them due attention. Thank you for your consideration of our views.

Chairman KENNEDY. Thank you.  
Mr. Frelick?

#### **STATEMENT OF BILL FRELICK, DIRECTOR OF POLICY, U.S. COMMITTEE FOR REFUGEES, WASHINGTON, D.C.**

Mr. FRELICK. Thank you, Mr. Chairman, and Senator Brownback. And particularly for your opening remarks, Senator Brownback, talking about getting this program back on track, I think is exactly the purpose of this hearing and hopefully my remarks will contribute to that.

What I am going to do is focus really in two areas. One is to look at the processing priorities themselves. The priorities have set who gets interviewed by the INS and how we identify groups of concern. I will make some suggestions for how they could be more responsive to conditions of refugees in the world today. Then I am going to go into some of the specific groups that I think are identifiable groups with common characteristics that would more expeditiously be able to move through the system.

I will hasten to add that very few of the groups that I would mention would be ones that would be unfamiliar to the State Department. We have been in discussions with them for years on some of these groups; Somali Bantu in Kenya, for example, or the Bakor Armenians in Moscow. I would have to say that the response

has often by bureaucratic, passive, and at times downright uncaring and cynical.

We are very grateful that Gene Dewey has taken over as assistant secretary. We look forward to working with him. We appreciate the remarks of Commissioner Ziglar as well and hope that the leadership that both of them have exhibited here today will translate through the bureaucracy and it will be more proactive and more engaged in looking for refugees and trying to rescue them.

I would like to start with making recommendations on processing priorities, and essentially to really call for an overhaul of the refugee processing priority system. This will be particularly familiar I think to you, Senator Kennedy, because a lot of this goes back to the 1980s and to the old system that we had before. What happened is P-1, which is supposed to be for the most urgent and the most compelling cases, became bloated. More and more groups were added to it and it became dysfunctional essentially. So groups that we have talked about today, such as women at risk, have been overlooked entirely, even though technically they are included within the P-1 category.

What I would suggest is that P-1 actually be made leaner and meaner, and that it really relates specifically to urgent cases, urgent protection cases in first asylum countries. For example, cases like Sierra Leoneans and Liberians in Guinea who have been subjected to harassment, rapes, beatings. They cannot go back to Sierra Leone. They cannot go back to Liberia. Yet they are in extreme danger where they are.

UNHCR has a plan to refer as P-1 3,000 cases a year for the next five years. They have not been able to do that because of a lack of resources. So there again we are looking at bottlenecks and how to free them up. Trying to provide greater resources to UNHCR I think is critical to enable that to happen.

But there are other ways that we can help to free up P-1. Lenny Glickman, for example, has mentioned the increased role that NGOs can play. The current processing priorities refer to both UNHCR referrals as well as U.S. embassy identified cases. NGOs can go out. We can be in the field. We are working there already to be able to identify cases that ought to be moved and that can be moved.

Also I think a very simple and straightforward solution to the problem of INS security of their officers in the field is to let us go. We are there anyway. We can do videoconferencing. They can remain in the safety of their offices. They can conduct interviews the same way that immigration judges do here in the United States in the domestic forum. They conduct refugee status determinations through videoconferencing. We could do the same thing overseas.

I am suggesting a new P-2 category, and the new P-2 category that I would suggest is part of an overall restructuring of processing priorities is refugees who are persecuted on the basis of their association with the U.S. Government or U.S. NGOs. That actually, going back to the 1980s, was a P-2 category and a P-4 category at that time. I think with the war on terrorism now there is a greater likelihood that people will be persecuted for their association with the United States and we ought to be prepared to rescue those people.

We have had the experience as recently as 1996 of having to evacuate thousands of Iraqis from northern Iraq who were persecuted and a direct threat because of their association with the United States. And we are still finding Iraqis that are presenting themselves with claims of U.S. ties.

I would also suggest a new P-3 category that would be specifically for women at risk. There is an inherent bias in the U.S. refugee program based in the structure of U.S. law. INS officers are told to focus on the question of persecution in the country of origin. That is their major focus. However, when you are talking about the need for resettlement, very often what you have are people who are in danger in the country of asylum. Many women find themselves precisely in danger in just that way. So I am just calling for a rebalancing in looking at that question.

Afghan women in Pakistan have mentioned, Sudanese lost girls in Kenya, Chechen women in Moscow who I have seen in dreadful circumstances, who could be moved because the U.S. presidential determination allows for in-country processing from Moscow.

I would also include a P-4 category for survivors of torture and violence and disabled refugees. For example, going back to the Sierra Leoneans, people who have had their arms amputated. Who not only cannot lead a life of dignity in the countries where they are living, but who have an imputed political opinion attributed to them by virtue of not having their limbs.

Then I would go for P-5 that would be comprised essentially of the current P-2 groups, and of course I would expand that. In my written testimony which is submitted to the record I have identified 18 possible new P-2 groups that ought to be considered.

I will mention just a couple here in the interest of time. Long term Africans in Moscow. They are harassed. They are discriminated against. There are about 2,000 of them that have been identified. Roma from Kosovo who have been scapegoated by Serbs, by Albanians, by everyone. In the breakup of Yugoslavia there is no place for the Roma, for the gypsy populations. They are treated miserably. Some of the worst conditions I have ever seen firsthand have been for those Roma refugees. They are registered. They are in camps. They are in Macedonia. I visited with them there. They are in Bosnia. We could move those groups.

Then I would have a P-6 category which would be the immediate family reunification group that is currently a P-3. I would also urge you not to limit that category to particular nationalities. It is a universal principle of family reunification. It is a mysterious process and a capricious one by which we choose the six nationalities that currently are chosen for that program. If there are questionable claims then you can resolve those claims through DNA testing. I gave a suggested mechanism for doing that in my written testimony.

Finally, I would have a P-7 category for long stayers; people in need of a durable solution. We have in closed camps people that have been living there for 10 years or more; 100,000 Bhutanese refugees in Nepal, 123,000 Burmese ethnic minorities living in Thailand, 5,000 Iraqis still in the Rafa camp in Saudi Arabia. There are many groups, that through the initiative of the United States, we could forge comprehensive solutions that would involve repatriation

of those who could safely return, local integration of those who could integrate in the country in which they have asylum, and leveraging offers of resettlement from other countries as well, and bring to closure some of these seemingly intractable situations.

Senators Kennedy and Brownback, what we do not want to see happening is putting refugee numbers to waste. They can be used. They can save lives. They save not only the lives of the individual refugees that we rescue, but they can be used to keep doors of first asylum open for millions of additional refugees, to prevent other refugees from being forcibly returned, and to leverage durable solutions from partner agencies as part of international responsibility sharing.

Thank you very, very much for inviting me. I appreciate the opportunity.

[The prepared statement of Mr. Frelick follows.]

STATEMENT OF BILL FRELICK, DIRECTOR, U.S. COMMITTEE FOR REFUGEES

Thank you, Mr. Chairman, for giving me the opportunity to comment on the role of the U.S. refugee program in providing protection, assistance, and durable solutions for refugees worldwide.

Although the particular focus of this hearing is on the refugee admissions program, refugee resettlement should not be regarded in isolation. The United States cannot hope to resolve the plight of more than 14 million refugees and 20 million internally displaced people through resettlement alone. Resettlement is an option for only a tiny fraction of the world's refugees. Resettlement should be regarded therefore as an important tool, to be used as part of comprehensive solutions and in conjunction with our overseas assistance programs, not only to provide safety and restore hope to the immediate beneficiaries of our country's generosity, but also to accomplish the broader goal of enhancing protection for millions of additional refugees for whom admission to this country will not be a possibility.

Because it is a limited tool, resettlement must be smart. Ideally, it should be used to create additional leverage with other countries-so that countries of first asylum will keep their doors open and provide at least temporary asylum in the immediate vicinity of conflict, and so that other more distant countries will be encouraged to share with us the responsibility for resolving the plight of refugees.

The United States leads best when it leads by example. Its leadership in the refugee field is unsurpassed. But that leadership at the moment, at least in one critically important program, is on the line. As you know, the U.S. refugee admissions program was suspended in the immediate aftermath of the September 11 terrorist attacks, and remained closed for two months, during which a security review was conducted. Since restarting officially on November 21, only a trickle of refugees have arrived, and processing has started in only a handful of processing posts. Now that the security review has been completed, the purpose of this hearing is to suggest how the program should get back on track.

At this moment, in the face of a significant anticipated shortfall in refugee admissions, the refugee resettlement debate sounds numbers driven. It is true that human misery is quantified, as I have just done by citing more than 34 million uprooted people who cannot safely return to their homes. But we are also concerned with the quality of resettlement. Knowing how few refugees directly benefit from resettlement, we want to be sure both that the most deserving are admitted and that resettlement, when possible, accomplishes larger goals than the rescue of certain individuals. But we also must not lose sight of individual rescue, knowing that each refugee we save is not a number, but a person with a unique history and an uncertain future.

As members of this subcommittee examine both how admissions numbers goals might be achieved this year and next, and also how the resettlement program might best achieve its objectives of selecting refugees of greatest humanitarian concern to this country and of using resettlement as part of larger comprehensive solutions, I hope to contribute to your assessment by identifying particularly vulnerable groups who, at present, are underserved or not served at all by this program. I will also make recommendations for revising the State Department's priority-setting mechanisms for identifying refugees of concern, as well as suggestions for overcoming other problems with the program.



As I identify groups that are especially at risk and in need of resettlement, I will also try to show how resettling them might help to improve the situations for larger numbers of refugees (or local populations) in the places where they currently reside.

I hasten to add that the State Department's Bureau of Population, Refugees, and Migration (PRM) is well aware of most of the groups I will be talking about today. Nongovernmental organizations (NGOs), the UN High Commissioner for Refugees (UNHCR), and others have repeatedly and often provided PRM with information about vulnerable groups in need of resettlement, but PRM has rarely shown the political will to act on that information. PRM's response to suggestions for new refugee groups in need of resettlement has all-too-often been passive and bureaucratic, if not downright cynical and uncaring. We are genuinely pleased, therefore, to welcome Assistant Secretary Gene Dewey as the new director of PRM, a man with a long history and a deep understanding of refugee protection, and very much hope he will make PRM more proactive and engaged in searching for and rescuing refugees in need of resettlement.

I would also like to take the opportunity of this hearing to suggest ways in which the resettlement program might be improved, and how it might be made more responsive to the world's most vulnerable people. Let me start with those recommendations, and then conclude with a listing of groups that need the protection that U.S. resettlement can provide.

#### PART ONE: RECOMMENDATIONS

1) *Overhaul the State Department's processing priorities for refugee admissions.*<sup>1</sup> All persons admitted under the U.S. refugee admissions program must meet the refugee definition in U.S. law. The processing priorities are intended, therefore, to establish an order of preference based on U.S. levels of humanitarian concern among refugees, all of whom have a well-founded fear of persecution in their countries of origin. Functionally, the priority categories set the order for interviews by Immigration and Naturalization Service (INS) officers. As currently written and used, however, the processing priorities fail to establish fair and useful priorities. They should be changed, as follows:

a. *Limit Priority One (P-1) to the most urgent protection cases in countries of first asylum.* P-1 should be limited to include 1) refugees facing compelling security concerns in countries of first asylum, 2) refugees in need of legal protection because of danger of refoulement, 3) refugees in danger of armed in attack in their immediate location, and 4) refugees in urgent need of medical attention not available in the first asylum country.

Much of the language in the current P-1 designation should be deleted. P-1 has become a bloated catchall that does not serve the difficult but necessary purpose of setting priorities among vulnerable groups of refugees. Consequently, many of the groups included in P-1 are actually under-served because they are lost in the crowd. As currently written, the P-1 category also dilutes the urgency of this priority category by including cases that don't involve immediate protection needs, such as disabled persons and long-stayers in need of durable solutions. Of course, members of any of the groups I suggest deleting from P-1 would still be eligible for P-1 consideration if they fit any of the four criteria listed above.

b. *Expand considerably current Priority Two (P-2): refugee groups of special concern to the United States.* Specific suggestions will follow later in this testimony. P-2 is a useful expedient to processing that relieves the burden on UNHCR for making individual refugee status determinations and referrals, and expedites admission of groups of similarly situated refugees who share common characteristics supporting strong persecution claims.

With more than 14 million refugees in the world today, it is nothing short of scandalous that PRM only recognizes four P-2 category groups, all four of which have been on the list of nationality categories of special concern for well over a decade, and only one of which was chosen at PRM's initiative (the other three were mandated by Congress or pursuant to international agreements). Currently, P-2 is limited to in-country processing of certain category groups in Cuba and in-country processing in the former Soviet Union and Vietnam for the Lautenberg caseloads. The only group currently designated for P-2 which does not have Cold War origins (although it is an equally old designated P-2 group) and whose members meet the technical international refugee definition of being outside their home country is the category of members of religious minorities from Iran (although since PRM discontinued P-2 for Iranian applicants in Germany, and in Austria makes P-2 processing available only to Iranian religious minority members who enter the country through

<sup>1</sup> Appended to this testimony is a chart describing in detail the current processing priorities.

a special Austrian "D" visa, it has, in effect, turned Iranian P-2, in large part, into an in-country processing program as well). A meaningless "placeholder" P-2 exists for Africa, but no actual refugee groups there are currently eligible for P-2 processing. (*Current P-2 should be re-designated as Priority Five-P-5.*)

c. *Open to all nationalities the current Priority Three (P-3) for immediate family reunification.* Currently only members of six nationality groups are eligible to petition for their immediate refugee relatives to join them. The process by which PRM chooses these six nationalities, and excludes all the rest, is mysterious to say the least, and seems arbitrary and unfair. Family reunification is a bedrock principle. It ought to apply universally to separated refugees, regardless of nationality. (*Current P-3 should be re-designated as Priority Six-P6.*)

d. *Eliminate Priority Four and Five for more distant relatives (if current P-3 is made available to refugees regardless of nationality).* In order to limit the universe of applicants, widening the scope of family relations logically dictates limiting the pool by particular nationalities. By adopting the previous recommendation (i.e.), priority is appropriately accorded based on the closeness of the relationship and no other factor. Since no actual refugee groups are included in P-4 or P-5 anyway, and since PRM officials have given no indication that they plan to use these priorities again, maintaining them as empty processing priorities sends false signals and clutters an already dysfunctional priority setting system.

e. *Create a new Priority Two (P-2) for refugees whose persecution or fear of persecution is based on actual or imputed association with the U.S. government or U.S. nongovernmental entities.* During the 1980s, the U.S. refugee resettlement program demonstrated a particular concern for refugees persecuted for their association with the United States. In fact, the original P-2 category was exclusively for former "U.S. government employees" and P-4 was for persons with "other ties to the United States," including "refugees employed by U.S. foundations, U.S. voluntary agencies, or U.S. business firms for at least one year prior to the claim for refugee status" and refugees "trained or educated in the United States or abroad under U.S. government auspices." As the United States embarks on an open-ended and multi-faceted War on Terrorism, persecution based on association with the United States becomes much more likely, and we should exercise particular responsibility to protect those who are put at risk through their association with our country and its values.

f. *Create a new Priority Three (P-3) for refugee women-at-risk.* Women-at-risk are currently listed in the overcrowded P-1, where they appear to be overlooked. Obviously, my suggested narrowing of P-1 is not intended in any manner to exclude women who establish eligibility for P-1 processing if they have urgent and compelling need to be resettled. In removing them from P-1, however, they should not be relegated to a lower priority than the current P-2 (groups of special concern) or P-3 (immediate family) priorities. A separate priority category for refugee "women-at-risk" would be defined to include refugee women-headed households (including families in which an adult male is unable to support and assume the role of the head of the family). Such women are at particular risk in places of first asylum where a woman's protection is dependent on male relatives. Widowed women are particularly vulnerable, both in terms of their physical safety, but also because of the added hardship of having to support children and elderly relatives without the material support of a male partner. Such women are susceptible to exploitation and abuse. It is often difficult for them to provide for the material needs of their families without putting themselves at additional risk.

The U.S. refugee program has a built-in bias against identifying refugee women-at-risk. Under law, INS officers are required to conduct refugee status determination interviews (based on the standard of a well-founded fear of persecution in the country of origin) to ensure that applicants qualify for refugee admission, but are not directed by law to accord any particular weight to conditions in countries of asylum. In many places, but most particularly in Africa (where refugee status is established under the broader OAU Convention definition), refugee women often have difficulty establishing individual refugee claims based on a narrowly interpreted persecution standard. Often, they are part of larger groups fleeing generalized violence in their country of origin. The main reason they are at risk is often because of their high level of vulnerability in the country of first asylum, but the INS officers' attention is directed away from examining those threats because of their concentration on finding specific and explicit grounding of the underlying refugee claim in political, religious, or ethnic persecution of the individual refugee woman in the country of origin. Creating a specific P-3 for women-at-risk would help INS officers to appreciate better the compelling need for resettlement in such cases by focusing greater attention on-and according greater weight to-threats and danger toward refugee women in countries of first asylum, even though such women would still need to satisfy the INS officers that they meet the U.S. statutory refugee definition based

on fear of being persecuted in their countries of origin. They would also need to be UNHCR-referred or embassy-identified (qualified by Recommendation 4, below).

g. *Create a new Priority Four (P-4) for physically or mentally disabled refugees and refugee survivors of torture or violence.* This group, also mentioned under the current catchall P-1, should be designated as a separate priority category, especially since the assessment of disability falls outside the unique competence of the UNHCR, which is charged with making P-1 referrals. U.S. embassies and diplomatic posts could find additional partners better trained to identify and refer refugees in need of resettlement based on special needs arising from torture trauma or physical and mental disabilities. These might include NGOs, often UNHCR implementing partners, who provide community services for refugee populations with special needs. Finding other partners for embassy-identified cases would not preclude UNHCR referrals of P-4 cases.

As with women-at-risk, physically and mentally disabled refugees and refugee survivors of torture or violence are currently included in P-1. They should not, therefore, be placed in a lower priority than the current P-2 (groups of special concern) or P-3 (immediate family) priorities.

Disabled and traumatized refugees usually suffer disproportionately in refugee camps because such facilities are rarely able to make special accommodations to meet their needs. The consequences are often severe hardship, utter dependency, and discriminatory treatment. For such refugees, the only chance for a life of human dignity is resettlement to a country that is able to provide the basic infrastructure to enable a normal existence. As in the case of women-at-risk, mentioned above, creating a specific admissions category for disabled refugees might help to reorient INS officers as they conduct their interviews so that they might recalibrate their assessment of vulnerability to accord more weight to threats to refugees in countries of first asylum, often the more relevant factor in assessing the need for resettlement than the strength of the underlying refugee claim in the country of origin per se. As in the case of women-at-risk, disabled refugees would still need to establish threshold eligibility as refugees under U.S. law.

h. *Create a new Priority Seven (P-7) for long-stayer refugees.* Millions of refugees worldwide have been relegated to a limbo existence, warehoused in camps or settlements with no prospects for voluntary repatriation or local integration. Children born and raised in the closed confines of camps often never see normal life outside the fences. These populations often become dependent and despondent, with all the negative social consequences that entails.

The last clause of P-1, which refers to persons in need of durable solutions, should be deleted, so that P-1 is reserved for truly urgent cases. P-7 should take as its starting point the language at the end of the current P-1 designation: persons for whom other durable solutions are not feasible and whose status in the place of asylum does not present a satisfactory long-term solution. A new P-7 would bear some similarity to the old P-6 from the 1980a ("refugees whose admission is in the national interest").

Such refugees could be processed for resettlement towards the end of a fiscal year if the U.S. government anticipates a refugee admissions shortfall in the higher priorities. Instead of having federally funded resettlement slots go unused, these places would be used for long-stayers with no other durable solutions.

I would recommend the following criteria be used to determine P-7 groups of special humanitarian concern to the United States: Long-stayers, as defined above, who:

- a. do not have fully guaranteed legal status or stable physical security in the place of asylum;
- b. do not have full freedom of movement; and
- c. are denied officially the right to work, or prevented unofficially from meaningful employment, on account of being refugees.

Priority could then be accorded based on ties to the United States, including the more distant family ties currently included in Priority Four (P-4) and Priority Five (P-5).

An offer to help relieve a long-term refugee population through resettlement needs to be approached carefully. It should be accompanied with transparency through public information campaigns with the refugees themselves so that they understand the selection process and the purpose of the resettlement. If done improperly, such initiatives risk backfiring-creating unrealistic expectations among large refugee populations, causing anger and resentment among refugees not chosen for resettlement, and precipitating new movement into camps by persons seeking resettlement opportunities for which they are not eligible.

In identifying potential P-7 populations, the State Department should choose situations where a U.S. resettlement initiative might help to improve international responsibility sharing and bring closure to the situations of specific long-stayer populations with no other durable solutions in sight. The U.S. government should use resettlement in such contexts to encourage comprehensive solutions. This includes expanding the involvement of other resettlement countries in providing durable solutions. It also includes using resettlement in conjunction with overseas assistance funding to persuade countries of first asylum to provide local integration for residual caseloads and countries of origin to accept the voluntary repatriation of those willing to return.

Long-stayer refugees often fit a common profile, sharing the same ethnic/political background, fleeing the same persecution at the same time. Choosing fairly among the long-stayers is difficult. As mentioned, if they have particular vulnerabilities or other ties to the United States, they would be eligible for higher priority than others without such ties. However, where finding such distinctions becomes problematic, I would recommend a transparent mechanism of random selection, such as a lottery, as the fairest method for making such choices for large camp populations whose members essentially share a common profile. Such lotteries would go into effect only after all higher processing priorities had been exhausted. There is a current precedent for such lotteries in the Cuban admissions program.

This recommendation is made in the context of a multi-year history of significant shortfalls in the targeted annual refugee admissions, and, of course, by the particular predicament we are in this year. I would certainly prefer that all 70,000 places be filled by cases of compelling vulnerability, but we need to recognize the realities we face, among which is an acknowledgement that such processing is labor intensive and often slow and that many obstacles stand in the way. I believe that this recommendation provides a proper and humane way to meet our commitments and to enhance refugee protection worldwide.

2) *Contract with nongovernmental organizations (Joint Voluntary Agencies/Overseas Processing Entities) to set up videoconferencing so that the INS can conduct interviews from the safety of their offices.* If one of the major impediments to resuming normal refugee processing is, in fact, the unwillingness, for security reasons, to send INS officers into the field to conduct interviews, then videoconferencing would be a relatively simple and straightforward way to reach the refugees without compromising the safety of INS officers. Immigration judges currently use such technology in domestic removal proceedings, during which they often conduct refugee status determination interviews similar to those performed by INS officers overseas.

3) *Use DNA testing to resolve questionable family reunification claims.* If one of the main obstacles to resuming normal refugee processing is, in fact, the concern that overseas applicants and their associates in the United States are submitting fraudulent claims of family relationship, the problem can be handled in a straightforward manner. This procedure should apply equally to all P-3 cases (or P-6 under the new proposed priorities).

- a. JVA's/OPE's as a first step should compare the family information on the Affidavit of Relationship (AOR) with the bio-data from the anchor relative's original A-file.
- b. If the two match, the relationship should be presumed genuine.
- c. If the two do not match, the petitioning family should be allowed to
  - i. Withdraw the AOR,
  - ii. Submit to DNA testing to establish the family relationship, or
  - iii. Be advised on how to petition for a non-blood-related dependent (who lived in the same household prior to displacement; who fled at the same time for the same reasons, etc.).
- d. The anchor relatives should bear the cost of their own DNA testing in the United States, but the U.S. government should bear the cost of DNA testing of the overseas refugee relatives (as it assumes the costs of pre-arrival medical testing). The United Kingdom government, which uses DNA testing as part of its family-based refugee admissions procedure, pays for the testing.

4) *PRM should provide U.S. diplomatic posts abroad with clear guidelines (and encouragement) to forge predominantly informal partnerships with NGOs serving refugee populations to identify specific cases in need of resettlement that could be processed as P-1 embassy-identified cases.* One factor that appears to slow refugee admissions is UNHCR's so-called "gatekeeper" role. In practice, most P-1 cases require a specific UNHCR referral. UNHCR, however, often lacks the resources to devote to resettlement, and UNHCR staff in field offices sometimes feel that their own priorities become distorted by demands from resettlement countries. Another avenue exists, however, for identifying P-1 cases, but it is underutilized-U.S. embassy-iden-

tified cases. NGOs are often closest to the ground, and best situated to identify compelling cases in need of resettlement. U.S. embassies should be alerted to this possibility and encouraged to make use of it.

The U.S. government should also address the problem by providing more resources to UNHCR, by, for example, funding more protection officers to conduct refugee status determination interviews and to complete the extensive paper work associated with resettlement, such as filling out the Resettlement Registration Forms. Without adequate staff capacity, UNHCR cannot be expected to fulfill the need for making P-1 referrals. Quite simply, that requires donors-particularly resettlement countries-to provide additional funding for UNHCR.

Under the new processing priorities suggested above, the new P-2, P-3, and P-4 would still need to be individually referred by UNHCR or identified by a U.S. embassy.

#### PART TWO: GROUPS OF SPECIAL HUMANITARIAN CONCERN:

Each member of the following groups would still need to establish threshold eligibility by establishing that he or she is a refugee under U.S. law. However, seeking out groups with common characteristics is often a helpful and expeditious way to establish the refugee identity of similarly situated persecuted persons. This is also a way of identifying, among the millions of refugees, populations that ought to be of special humanitarian concern to the United States.

In this section of my testimony, I will identify three different types of groups. First, I will identify two non-nationality-specific "thematic" groups that do not fit comfortably into the nationality-specific sub-groups in the current P-2 category, but who nevertheless share some common characteristics that U.S. refugee officials should be aware of when considering possible groups of P-1 concern or new selections of P-2 groups in particular locations who share these generic characteristics. Secondly, I will identify new groups that ought to be considered for the current P-2 (new P-5) processing, groups of special concern to the United States. Finally, I draw attention to highly vulnerable P-1 groups, and suggest that PRM should request UNHCR to refer members of these groups to the United States for highest priority U.S. admission.

##### A. *Non-nationality specific groups:*

Although I would not include the following two groups either as separate processing priorities or as current P-2 groups per se, I would recommend that PRM keep them in mind when assessing current P-1 cases that include these elements and, where they constitute a distinct nationality subgroup to identify for current P-2 (or proposed P-5) processing.

##### 1) *Urban refugees/irregular movers*

In many parts of the world, UNHCR offices take an extremely restrictive interpretation of "irregular movers" that at times appear to contradict their own policy guidelines. Although the relevant UNHCR Executive Committee Conclusion (58) defines "irregular movers" as refugees who have found protection in another country, UNHCR offices often deny resettlement opportunities to refugees who have moved irregularly from first-asylum countries that do not, in fact, offer secure protection.

In applying this overly restrictive concept, some UNHCR offices appear to have lost track of their protection mandate in an effort 1) to combat the unauthorized migration of refugees and 2) to conserve their scarce resources for refugee care and maintenance by discouraging urban refugees and seeking to maintain refugees in camp settings, which is cheaper for the international community, but usually far less satisfactory for the dignity of the refugee.

PRM could use resettlement to fill an important protection gap left by UNHCR. Such cases, would, of necessity, need to be identified by U.S. embassies (NGOs could help) rather than UNHCR. The problem is particularly acute for:

- a) African, Middle Eastern, and Asian refugees in Mexico City.
- b) Middle Eastern and African refugees in Cairo.
- c) Afghans and Burmese in New Delhi.
- d) "Far abroad" refugees in Moscow.
- e) Iranian refugees who entered Turkey via Northern Iraq.

##### 1) *Ethnically mixed families who have fled areas of ethnic conflict*

Ethnic conflict is one of the leading causes of forced displacement. Usually in such circumstances, persons who were members of ethnic minorities in one place are forced out and find asylum in a place where they belong to the ethnic majority, where ethnic solidarity provides for at least temporary asylum, if not local integration. However, as has been shown in the Balkans and the Great Lakes region of Africa, ethnically mixed families are often placed in an untenable situation that

leaves them no durable solutions within their polarized communities of origin as well as in countries of asylum.

#### B. Potential New Priority Two (P-2) Groups

Again, members of each of the groups suggested below would need to establish threshold eligibility as refugees. Designating them as P-2 groups, under the current processing priorities, is a means of expediting the process by identifying groups with a common profile as the basis for their refugee claim and for their need for resettlement as a tool of protection and/or durable solution. Under the new processing priorities, proposed above, these would be re-designated as P-5 groups.

I left many extremely vulnerable refugee groups off my list for inclusion in the current P-2 (new P-5). In some cases, I did not personally know enough about groups to feel competent to suggest them (for example, others have suggested Rohingyas from Burma in Bangladesh, Meshketian Turks in Krasnodor, Liberian Mandingo former civil servants in Lofa County, and Uighurs from western China in central Asian republics of the former Soviet Union). The following groups are not presented in any internal priority order, but rather by region.

#### REFUGEES FROM AFRICA

1) *Somali Bantu refugees in Kenya*: This is one of the better-known potential P-2 groups in Africa, and has been discussed as a possible P-2 group for several years. PRM has indicated that it is seriously considering designating the Somali Bantu as a P-2 group this year, but has not finalized that decision. During a visit to the Dadaab camp in Kenya in December, I was pleased to see that UNHCR was engaged in additional screenings of this group to ensure that it would meet U.S. standards, if and when the United States decided to act on this caseload.

The Somali Bantu, descendants of slaves taken to Somalia from Mozambique and Tanzania, have never been accepted within the Somali clan structure. A visibly distinct group, they have suffered discrimination and persecution as the lowest rung on the Somali social scale. With the onset of civil war, the Bantus of Somalia were subject to horrific violence, including massacres, rapes, looting and burning of homes, and in the early 1990s, nearly all Bantus fled to Kenya. They are only marginally safer in the Dadaab camp, a place notorious for its insecurity. Once again, they are at the bottom of the social pecking order, and subject to daily indignities and danger. The group has about 11,000 members. They are easily identified and distinct from other refugees in the camp. Their names are already on a list, created in an unsuccessful bid to resettle them to Mozambique and Tanzania.

2) *Sudanese "Lost Girls" in the Kakuma camp, Kenya*: There are up to 2,000 unaccompanied girls and young women, survivors of an ordeal similar to the better-known "Lost Boys" who were previously resettled to the United States. UNHCR is currently assessing this caseload. This group is highly vulnerable, and subject to exploitation.

3) *Residual caseload of Sudanese "Lost Boys"*: There are up to 4,000 of these unaccompanied boys still in the Kakuma camp who were not included in the previously identified group.

4) *Sudanese "Lost Boys" in Ethiopia*: The now-famous odyssey of the Lost Boys first took them from Sudan into Ethiopia. A small number were stranded in Ethiopia when most of the group was forced across the Gilo River back into Sudan (from where they fled into Kenya). Their number is estimated at several hundred. UNHCR is now trying to register unaccompanied minors among this group (others have reached adulthood).

5) *Sudanese "protection" cases in the Dadaab camp*: A small group of Sudanese refugees in the overwhelmingly Somali refugee camp of Dadaab were moved there by UNHCR for their own safety because they had run afoul of Sudanese political factions within the Kakuma camp. I met with some of these refugees during a recent trip to Dadaab. They now not only fear persecution in Sudan itself, as well as in Kakuma, but also are fearful, isolated, and miserable in the Dadaab camp, where they feel, once again, like a persecuted religious and ethnic minority. This is also potentially a P-1 group, but the U.S. is not currently accepting P-1 referrals from UNHCR-Kenya, except in extreme emergency cases.

6) *Long-term African refugees in Moscow*: They stand out (because of their race) and are subject to regular abuse and exploitation. Between 2,000 and 3,000 are in need of resettlement. Many are long-stayers who arrived in the Soviet Union as students in the 1980s, and became refugees sur place. They have UNHCR mandate status, but lack any status allowing them to remain legally in Russia. They are not permitted to work and are not eligible for education. They are harassed both by police and other officials as well as by thugs. UNHCR is only able to provide cash assistance to about 5-10 percent of its Moscow caseload, and says it is very expensive.



Costs include medical and legal expenses. A UNHCR protection officer in Moscow described the group to me as "totally psychologically exhausted." I discussed resettlement with the relevant Russian government official in the successor bureau to the Federal Migration Service. Although he was negative about resettlement of former Soviet citizens and of Afghans (fearing a magnet effect), he was quite positive about the possibility of the U.S. resettling African refugees from Moscow. He said, "We would welcome this proposal. We could organize a meeting to set up a working group to consider this proposal in detail. We can work this out in an efficient manner. We can define the categories, for example, people originating in Zaire, Congo. We can define categories based on their origin and on experience we have gathered."

#### NEAR EAST/SOUTH ASIAN REFUGEES

1) *Afghan refugee widows or female heads of household*: Despite assurances by the interim Afghan government, many refugee women in Pakistan express fear of the new authorities, remembering their treatment at the hands of the Northern Alliance commanders in power prior to the Taliban. Whatever formal changes in government occur, Afghan society will be slow to change, and single Afghan women with dependent children and elders will remain especially vulnerable. Numbers are unknown, but the International Rescue Committee has a pilot program in Pakistan to assist the U.S. embassy in Islamabad to identify women-at-risk for possible resettlement. (See Recommendation 1.f., above calling for a new P-3 category for women-at-risk as a generic category within which these women would fit.)

2) *Iraqi refugees whose persecution or fear of persecution is based on actual or imputed association with the U.S. government or U.S. nongovernmental entities*: More than 6,000 persons associated with the United States were evacuated in 1996 and brought to the United States. A small number of persons, who were not included in the original evacuation and who claim ties with U.S. humanitarian organizations, still present themselves to UNHCR in Ankara. U.S. NGOs are prepared to assist UN and U.S. officials in establishing whether their records support such claims. (This is a specific example of a group that would be included in Recommendation 1.e.'s new generic P-2 category for people persecuted for their association with the United States.)

3) *Iraqi Chaldean Christians in Mexico*: Several hundred are believed to have arrived in Mexico in recent years. After September 11, Mexico arrested and detained a group of Iraqi Chaldeans who had asylum claims pending in the United States. (This is a specific case that illustrates the problem of "irregular movers" discussed in A.1. above.)

4) *Iranian "irregular mover" refugees in Ankara who arrived via Northern Iraq*: There are hundreds in Ankara, and about 5,000 Iranian refugees in Northern Iraq who might be drawn to Ankara if they thought resettlement out of Ankara was a possibility. This has been an extremely vulnerable caseload of mostly Iranian Kurds. Over the years, hundreds have been assassinated by agents of the Iranian regime, according to sources within this community that can't be independently verified. UNHCR-Ankara recognizes them as refugees, but refuses to refer them for resettlement for fear that it might cause a magnet effect. Magnet effect or not, they are not safe in Northern Iraq and no one there can guarantee their safety. Their so-called "irregular movement" is completely justified as an attempt to seek asylum from persecution both from their home country as well as from their "country" of first asylum. The U.S. government would have to identify this caseload without UNHCR cooperation and would need to negotiate an exit arrangement with the Turkish authorities. The diplomats won't start working on this, however, to see if it is possible, unless directed to do so from Washington. (This is another specific case that illustrates the problem of "irregular movers" discussed in A.1. above.)

5) *Afghan and Iraqi refugees interdicted by Australia and on Nauru Island and Papua New Guinea*: In the fall of 2001, Australia adopted a dramatic new policy toward the unauthorized arrival of asylum seekers by boat at its offshore territories. A major component of this policy is the so-called "Pacific Solution," under which Australia transfers asylum seekers arriving at its territories (such as Christmas Island, Ashmore Reef, and the Cocos Islands) to other Pacific nations that have agreed to house them temporarily for purposes of refugee screening.

Thus far, the countries of Nauru and Papua New Guinea have agreed to house the asylum seekers, who are mostly from Afghanistan and Iraq, with smaller numbers from elsewhere in the Middle East and South Asia. At the end of 2001, some 1,000 asylum seekers intercepted by Australia were in Nauru and more than 200 in Papua New Guinea. Hundreds of others were on Australian territories awaiting



possible transfer to Nauru or Papua New Guinea, and boats carrying asylum seekers were continuing to arrive near the Australian territories.

UNHCR is conducting refugee screening for some of the asylum seekers on Nauru, while Australian immigration authorities are screening the rest on Nauru and all of those on Papua New Guinea. UNHCR has indicated that a significant number are expected to be approved as refugees. Australia has said that it will resettle its "fair share" of those approved, but that it expects other countries to do the same. Although UNHCR feels that Australia should play the lead resettlement role, Australia has insisted on more equitable "burden sharing" for this group. Australia's immigration minister has indicated that many of the approved refugees could be left languishing in the remote facilities on Nauru or Papua New Guinea for a year or longer. In addition, Australia has indicated that most Afghans should soon be able to return home.

New Zealand admitted and screened some 130 of the asylum seekers initially taken to Nauru, and it has since approved almost all of those as refugees. Thus far, the only other country that has agreed to admit any of this population is Ireland, which has indicated that it will resettle 50 approved refugees.

Human Rights Watch has described conditions at the processing center on Nauru as "hellish," and both Nauru and Papua New Guinea have indicated their desire for the refugees to depart as soon as possible. The United States could help resolve the situation of these refugees caught up in Australia's harsh stance toward asylum seekers by offering to resettle members of this caseload who do not have ties to Australia.

(This is another specific case that illustrates the problem of "irregular movers" discussed in A.1. above.)

6) *Iraqi Refugees at the Rafha Camp in Saudi Arabia*: About 5,000 Iraqi refugees still live in the Rafha refugee camp in northern Saudi Arabia. These refugees are the remainder of a group of some 33,000, mostly Shi'a, Iraqis, whom coalition forces evacuated to Saudi Arabia after Saddam Hussein crushed their uprising in the immediate weeks following the 1991 Gulf War cease-fire. Unable to return home safely and not permitted to locally integrate in Saudi Arabia, and living for more than 10 years in desolate and prison-like conditions, they are a long-stayer population of the type discussed generically above, in Recommendation 1.h., which calls for a new P-7 category for long-stayers.

Because they responded to a call from the elder president Bush urging "the Iraqi military and the Iraqi people to take matters into their own hands to force Saddam Hussein the dictator to step aside," the U.S. government bears a particular responsibility on this group's behalf.

While living conditions in Rafha are difficult for everyone, they are particularly poor for women and children. Saudi authorities allow Iraqi refugee women to move about the camp only when fully veiled and in the presence of a male escort. This has a particularly isolating effect on most Iraqi women in the camp, whose modes of dress and social interaction tended to be far more liberal in Iraq. Also deeply troubling is the fact that one-fourth of the camp population are children under the age of nine who have known nothing but life in the camp. A full 40 percent of the camp population are refugee children under the age of 18. For these children, Rafha is a dead end.

Rafha stands as an example of how resettlement can be used to leverage international burden sharing. The United States resettled more than 12,100 Iraqis from Rafha between 1991 and 1997. Other countries combined accepted another 12,600-Iran, Sweden, Australia, and Canada taking the largest numbers. Most resettlement activity ceased after 1997, however, and the job was left unfinished.

When the United States closed its resettlement program in Rafha in 1997, it appeared that most of the remaining refugees did not wish, or were ineligible, to resettle to the United States. Most hoped instead to repatriate or resettle to other Muslim countries. However, the passage of four more difficult years in the camp without any movement on durable solutions understandably has led many refugees to change their minds. According to a UNHCR survey, about two-thirds of the refugees in Rafha now are actively seeking resettlement, while the remaining third wish to remain in Saudi Arabia pending repatriation. Those refugees who did not seek resettlement in the mid-1990s because they were holding out hope that they would be able to repatriate safely to their homeland should not now be penalized, more than four years later (and more than ten years after their original displacement), for deciding that repatriation is not a viable option and that they must get on with their lives.

## EUROPEAN REFUGEES

1) *Roma, Muslim Slav, Gorani, Ashkali, and "Egyptian" Kosovars outside Kosovo*: These non-Albanian, non-Serb Kosovars have fled severe persecution in Kosovo and are decidedly unwelcome in all the surrounding areas, including Macedonia, Serbia, and Montenegro. There are two camps in Macedonia that predominantly accommodate Roma, Ashkali, and "Egyptian" refugees from Kosovo (various "gypsy" sub-groups), Suto Orizori (known as "Shutka") and Katlonovo. I visited both camps in June 2001, at which time Shutka held 1,264 and Katlonovo, 518. A third camp, Roolusha, accommodated 221 mostly ethnic Albanians from southern Serbia.

I had the opportunity to interview some of these refugees in groups and privately as individuals during my visit. They expressed considerable anxiety about the ethnic tensions then escalating in Macedonia between ethnic Albanians and Macedonian Slavs. These tensions extend outside the camps to the gypsy population of Macedonia itself. In separate interviews in different locations, gypsy refugees from Kosovo used the term "deja vu" to describe their sense of impending doom. "We are afraid we will experience again here what we experienced in Kosovo," one of the elders in Shutka said to me. Another added, "For peaceful people like us, there is nothing. We have suffered for two years. Our children don't go to school; we are without human rights. We are known, but not counted as human beings. Is there a place on earth for us? We ask only for a normal, decent life. I don't see any solution here. I have a dark image about what will happen in the future. This is not just a Macedonia question, it is a whole Balkans question."

The refugees are easily identified. Macedonia registers Roma, Ashkali, Egyptian, Serb, and mixed marriage refugees from Kosovo (but generally not ethnic Albanians). Those accommodated in camps are issued blue cards. At the time of my visit, there were almost 2,000 blue cardholders. Based on my observations of conditions inside and outside the camps, I would say that persons in both the Shutka and Katlonovo camps ought to be considered for U.S. refugee resettlement based both on protection needs in their country of asylum as well as the lack of durable solutions in the region. I would add that the more vulnerable population appears to be the one residing in Katlonovo. The Katlonovo camp is isolated, which heightens the sense of anxiety in the camp. Katlonovo residents told me of current protection problems. "The soldiers at the gate tell us we have Muslim names, that we are terrorists," said a war-injured refugee woman. "But when we go out, and Albanians hear us speaking Serbian, we have problems with them too, so we avoid talking in public." Tensions are particularly heightened with Albanians, not only because ethnic Albanians continue to persecute Roma in Kosovo and because Kosovar and Macedonian Albanians continue to accuse those who fled to Macedonia as being collaborators with the Serbs, but also because most Roma do not speak Albanian, but only Serbian (more Ashkalis and Egyptians speak Albanian).

Resettlement should also be considered for roughly 2,000 gypsies from Kosovo in collective centers in Bosnia.

It makes sense to categorize the various Kosovar "gypsy" groups as a P-2 group because they have shared group characteristics that establish their well-founded fear of persecution in Kosovo and vulnerability in their countries of first asylum, and they have already been identified and registered, obviating the need for—and expense of—a separate UNHCR refugee status adjudication and referral.

I would also like to see the creation of a resettlement processing "pipeline" for identifying gypsy groups displaced from Kosovo into Serbia. They could be preliminarily identified by JVA/OPEs and transported by the International Organization for Migration via Belgrade to be interviewed in Timisoara, Romania or via Podgorica, Montenegro to be interviewed in Split, Croatia. The living conditions for gypsies displaced from Kosovo into Serbia are among the worst I have ever seen.

2) *Ethnic Armenians from Azerbaijan living in Moscow*: There were less than 2,000 of this group in Moscow at the time of my last visit in December 2000. They were evacuated from Baku following the anti-Armenian pogroms in January 1990, which killed at least 46 Armenians at the outset. Although most ethnic Armenians in Azerbaijan fled to Armenia (about 200,000), then-Soviet forces evacuated a relatively small number to Moscow. This group had no connection with Armenia, other than nominal ethnicity, and, perhaps, were moved to Moscow for protection reasons, since Armenia at that time was also hotly nationalistic (both Armenia and Azerbaijan declared independence in August 1990).

Citizenship and documentation is problematic for this group. They were citizens of the former USSR, and were Soviet citizens at the time of their evacuation. Having never lived in Armenia, their post-Soviet citizenship would normally be Azeri, but that is out of the question. After the break-up of the Soviet Union and the establishment of the law on forced migrants and the law on refugees, most of the

Baku Armenians were given refugee status rather than forced migrant status (despite what would appear to be eligibility to qualify as forced migrants). According to the new citizenship law, all former Soviet citizens who arrived in the Russian Federation before February 1992 had the right (in theory) until December 31, 2000 to avail themselves of a simple naturalization procedure by which a Russian citizenship sticker would be pasted in their passport. Those arriving after February 1992 had a more complicated process, including a five-year residence requirement in Russia (2 ½ years for former Soviet citizens).

The main documentation problem for the Baku Armenians is that most were only issued temporary propiskas by the Moscow authorities, who have refused, in many cases to renew their temporary residence propiskas, which are also a prerequisite for permanent residence documents, which they also lack. In many cases, their refugee status was also not renewed. Some have valid citizenship (passports), but lack propiskas, which are needed (despite having been ruled as unconstitutional by the courts) for renting apartments and for many jobs. It is widely believed that the Moscow city government issued secret orders forbidding the issuance of propiskas to Baku Armenians. Many are still living in temporary accommodation centers, ten years after arriving in the capital. These are essentially run-down hotels. Recently, the Moscow authorities have been trying to move them out of the city center into the outskirts of Moscow. The Baku Armenians are discriminated against in Moscow, particularly as regards employment and housing. The group is easily identified based on the array of documents that have been issued, but not renewed, on their behalf.

Although some of the Baku Armenians may, in fact, be Russian citizens, this would not preclude their admission to the United States as refugees, because the Presidential Determination, signed on November 21, designates that "persons in Cuba, Vietnam, and the former Soviet Union, who, if they otherwise qualify for admission as refugees, may be considered refugees under the INA even though they are still within their own country of nationality or habitual residence."

3) *Chechens in Moscow*: This would be a limited caseload of highly vulnerable internally displaced Chechens living in Moscow (as mentioned above, the annual presidential determination on refugee admissions specifically permits in-country processing for persons still within the former Soviet Union). Essentially, these would be P-1 cases, except that they are internally displaced, and, therefore, UNHCR would not be able to refer them. I would suggest that the U.S. embassy in Moscow work with IOM and an NGO partner to identify particularly vulnerable cases for whom resettlement would be warranted.

Many of these are also women-at-risk, female-headed households. During my visit to Moscow, I also met with Chechen women with children in need of medical attention who could not (or would not) be treated by clinics or hospitals in Moscow based on the Chechen origin of the displaced people. The displaced Chechens told me of being frequently threatened and abused by landlords and employers, harassed by the police, denied social services, and left feeling that they have no legal remedies for redressing the wrongs they are experiencing.

#### REFUGEES FROM EAST ASIA:

1) *Bhutanese Refugees in Nepal*: More than 100,000 of these refugees have lived in refugee camps for more than ten years, with no durable solution in sight. The Buddhist-dominated Bhutanese government refuses to accept the return of most of the Hindu Bhutanese refugees, claiming that they are not citizens of Bhutan. The government of Nepal refuses to let the refugees integrate locally and insists they live in camps. They are not permitted to work or farm outside the camps. (This is a specific example of a long-stayer population, discussed in Recommendation 1.h.)

2) *Vietnamese Montagnards in Cambodia*: About 1,000 ethnic minorities from the central highlands of Vietnam—collectively known as Montagnards—are in two UNHCR-administered camps in the remote Cambodian provinces of Monduliri and Ratanakiri. They fled to Cambodia beginning in March 2001, following a Vietnamese government crackdown on ethnic unrest. The Montagnards, who are mostly Christian, reported governmental burnings of house-churches, other human rights abuses, and land rights violations. These arrivals were the latest of a few thousand Montagnards who have fled Vietnam since the fall of Saigon—most of whom were resettled in the United States. In April 2001, the United States resettled as refugees 38 Montagnards who had been arrested by the Cambodian government, taken to the Cambodian capital of Phnom Penh, and granted refugee status by UNHCR. For the nearly 1,000 Montagnards in the two UNHCR-run camps (and potentially others who have fled to Cambodia but are not yet known to UNHCR), U.S. resettlement should also be an option.

3) *Burmese in Thailand*: Some 123,000 refugees from Burma—mostly ethnic Karen and Karenni—live in camps in Thailand, just over the Burmese border. Many have been there for nearly 12 years, since the latest military junta to rule Burma, which seized power in 1988, refused to honor the results of the 1990 elections that would have put the National League for Democracy (NLD) in power. Burma has one of the world's most egregious human rights records, with abuses aimed not only at NLD supporters and other pro-democracy activists but also at the ethnic minorities who make up as much as half of the country's population, and who have for years sought greater autonomy within Burma. The refugees in Thailand have fled a litany of violations that include murder, rape, torture, and systematic forced labor and forced relocation. For the past few years, Thailand has grown increasingly weary of hosting this refugee population. In addition to adopting extremely narrow criteria for the admission of new refugees into Thailand and into the camps, Thai authorities have forcibly returned some refugees to Burma and have engaged their Burmese counterparts in plans for a large-scale "repatriation." Unfortunately, the political and human rights situation in Burma shows no sign of improvement, leaving the refugees in continued limbo. It is time to consider resettlement for this "long-stayer" refugee population (see Recommendation 1.h.). In addition to the ethnic minorities, the United States should consider for resettlement some 300-400 Burmese democracy activists forced by the Thai government to move from an urban location to the border camps at the end of 2001.

#### B. NATIONALITY GROUPS AMONG WHOM THERE ARE P-1 CASES OF SPECIAL CONCERN

There are other very compelling P-1 cases involving danger in the country of asylum as well as well-founded fear of persecution in the countries of origin of groups that do not have clear enough common characteristics to define as a P-2 (or new P-5) group. Although they are broadly identifiable as a group, their circumstances indicate that it would be preferable to require them to be referred by UNHCR before being considered for the U.S. program. PRM should encourage UNHCR to refer as P-1 cases refugees from among them:

1) *Liberian and Sierra Leonean refugees in Guinea*: Following inciting remarks by the Guinean head of state in September 2000, Guinean military and police officials, as well as nonstate actors, subjected Sierra Leonean and Liberian refugees to human rights abuses, including arbitrary arrest, harassment, sexual abuse, extortion, eviction, and disappearances. UNHCR has been able to relocate some refugees to safer locations within Guinea and facilitated the return of others to their home countries, but many who remain are in urgent need of resettlement. They include many women-at-risk (the suggested new P-3) and survivors of torture and violence (the suggested new P-4). In Conakry alone, there are about 1,000 in need of resettlement. For security (and other) reasons, however, UNHCR prefers that these not be designated as a P-2 group, but be identified individually. UNHCR has a plan to resettle about 3,000 P-1 cases out of Guinea per year for the next five years, but has not had sufficient resources to move forward expeditiously with the plan. The United States and other resettlement countries should—as a matter of urgency—provide the human and financial resources to enable UNHCR to identify refugees in need of resettlement and to facilitate their processing.

2) *Sudanese and Iraqi Refugees in Lebanon*: At the end of 2001, there were about 2,800 recognized refugees and 3,000 asylum seekers registered with UNHCR in Lebanon, who continued to face serious threats to their safety, making resettlement more important than ever as a tool of protection. In early January 2002, the Lebanese authorities deported 186 Iraqis to northern Iraq, including asylum seekers and UNHCR-recognized refugees. As a result of increased insecurity for many in Lebanon whose presence the government had previously tolerated, the number of asylum seekers applying for refugee status has increased substantially.

Lebanon is not a signatory to the UN Refugee Convention. UNHCR-recognized refugees therefore have neither legal status in Lebanon nor any prospect of obtaining it. Therefore, local integration is not an option, a fact underscored by recent crackdowns on refugees and other foreigners without legal status. Reports during 2000 and 2001 suggest that Lebanon is detaining hundreds of asylum seekers—mostly Iraqi and Sudanese—many of whom allegedly have been mistreated and denied access to UNHCR to pursue their refugee claims. There have been credible allegations that Lebanese authorities mistreated, and in some cases tortured, detainees. Lebanese authorities reportedly have *refouled* hundreds of recognized refugees and asylum seekers during the course of the past two years.

**U.S. REFUGEE ADMISSIONS PROGRAM  
ELIGIBILITY FOR REFUGEE PROCESSING PRIORITIES — FY 2002**

<b>P-1*</b>		<b>P-2<sup>(1)</sup></b>	<b>P-3</b>	<b>P-4</b>	<b>P-5</b>
<b>All Nationalities Eligible</b>	Angolans		x		
	Burundians		x		
	Congolese (Brazzaville)		x		
	Congolese (DROC)		x		
	Cubans	x			
	Former Soviet Union <sup>(2)</sup>	x			
	Iranians	x			
	Sierra Leoneans		x		
	Somali	x			
	Sudanese		x		
	Vietnamese <sup>(3)</sup>	x			

\*Members of any nationality group—not only those listed in this table—may be processed for admission to the United States under Priority One (P-1) if referred by the UN High Commissioner for Refugees or, under specific limited circumstances, U.S. Embassies. However, prior consultation with the Department of State and INS headquarters is required for certain nationalities determined before the beginning of each fiscal year.

<sup>1</sup> See explanation of those eligible as groups of special concern under Priority Two (P-2). (Next page.) P-2 processing is not available for Burmese in FY 2002. In addition, P-2 processing for Bosnians has been phased out. The registration deadline for P-2 processing for Bosnians was April 1, 2001, except for Bosnians residing in Germany, who must have registered by February 1, 2001.

<sup>2</sup> While all persons who were nationals of the Soviet Union as of September 2, 1991 are eligible to be considered for refugee processing by establishing a well-founded fear of persecution, Jews, Evangelical Christians, and Ukrainian Catholic and Orthodox religious activists may establish refugee status for U.S. admission by asserting a fear of persecution and asserting a credible basis of concern about the possibility of such persecution.

<sup>3</sup> Vietnamese who were members of certain category groups identified by the INS in 1983 may establish refugee status for U.S. admission by asserting a fear of persecution and asserting a credible basis of concern about the possibility of such persecution.

Source: U.S. Department of State, Bureau of Population, Refugees, and Migration. Compiled by the U.S. Committee for Refugees.

### DESCRIPTION OF U.S. REFUGEE PROCESSING PRIORITIES — FY 2002

#### **PRIORITY ONE:**

The following UNHCR-referred or U.S. embassy-identified cases: persons facing compelling security concerns in countries of first asylum; persons in need of legal protection because of the danger of *refoulement*; those in danger due to threats of armed attack in areas where they are located; persons who have experienced persecution because of their political, religious, or human rights activities; women-at-risk; victims of torture or violence; physically or mentally disabled persons; persons in urgent need of medical attention not available in the first-asylum country; and persons for whom other durable solutions are not feasible and whose status in the place of asylum does not present a satisfactory long-term solution. P-1 referrals must still establish a credible fear of persecution, or history of persecution in the country from which they fled.

#### **PRIORITY TWO:**

**Africa:** Persons belonging to U.S. State Department-identified refugee groups (within specific nationalities) in consultation with NGOs, UNHCR, the INS, and other area experts. Groups are selected based on their individual circumstances. In FY 2002, a P-2 designation is being developed for certain nationals of Somalia, such as the Somali Bantu.

**Cuba:** In-country, emphasis given to former political prisoners, members of persecuted religious minorities, human rights activists, forced-labor conscripts, persons deprived of their professional credentials or subjected to other disproportionately harsh or discriminatory treatment resulting from their perceived or actual political or religious beliefs or activities, and dissidents.

**Iran:** Members of Iranian religious minorities.

**Former Soviet Union:** In-country, Jews, Evangelical Christians, and certain members of the Ukrainian Catholic or Orthodox Churches. Preference among these groups is accorded to those with close family in the United States.

**Vietnam:** In-country residual cases resulting from established programs: former reeducation camp detainees who spent more than three years in detention camps subsequent to April 1975 because of pre-1975 association with the U.S. government or the former South Vietnamese government; certain former U.S. government employees and other specified individuals or groups of concern; and persons who returned from first-asylum camps on or after October 1, 1995 who qualify for consideration under the Resettlement Opportunities for Vietnamese Returnees (ROVR) criteria. In FY 2002, on a case-by-case basis, other individuals who have experienced recent persecution because of post-1975 political, religious, or human rights activities are eligible for in-country P-1 processing if referred by the U.S. Embassy, members of Congress, or certain nongovernmental organizations and human rights groups. In addition, residual Orderly Departure Program (ODP) cases registered and previously determined eligible for consideration may be processed.

#### **PRIORITY THREE:**

Spouses, unmarried children of any age, and parents of persons lawfully admitted to the United States as permanent resident aliens, refugees, asylees, conditional residents, and certain parolees; unmarried children at least 21 years of age of U.S. citizens; and parents of U.S. citizens under 21 years of age. (Spouses and unmarried children under 21 years of age of U.S. citizens and the parents of U.S. citizens who have attained the age of 21 are required by regulation to be admitted as immigrants rather than as refugees.)

#### **PRIORITY FOUR:**

Grandparents, grandchildren, married sons and daughters, and siblings of U.S. citizens and persons lawfully admitted to the United States as permanent resident aliens, refugees, asylees, conditional residents, and certain parolees. (Not available for any nationality in FY 2002.)

#### **PRIORITY FIVE:**

Uncles, aunts, nieces, nephews, and first cousins of U.S. citizens and persons lawfully admitted to the United States as permanent resident aliens, refugees, asylees, conditional residents, and certain parolees. (Not available for any nationality in FY 2002.)

Source: U.S. Department of State, Bureau of Population, Refugees, and Migration. Compiled by the U.S. Committee for Refugees.

Chairman KENNEDY. I want to thank all of you for excellent presentations and giving us a lot of very good material to try and work with. So I am grateful for all of your services to this cause to you as a group or individually and not believe that we could get to our number this year without a lot of difficulty, given the kinds of recommendations that you have made. So many of these recommendations I think just make such a compelling case for, perhaps as arguments on the other side, but they do not leap out at me or jump out at us at the outset.

Let me ask, I guess Ms. Brown and the others about how much fraud is in all of this area. We all obviously want to deal with that kind of issue, but it is sort of raised as we just cannot do anything more because of fraud. What is it that we ought to be worried about, and is it manageable, and can we get to the bottom of where it is and move ahead in some of these areas? What can you tell us, or any of the others of you?

Ms. BROWN. I think certainly there has been misrepresentation, and this is not restricted to the refugee program. There is misrepresentation in normal immigrant claims. However, what we need to focus on is, why is the misrepresentation happening, which I feel is predominantly that there is no access for the individual to get a refugee interview. You often have misrepresentations which are perhaps minor. By minor I would say, the individual in question is not in fact the son of the family, but the nephew of the family and the mother and father of that nephew are dead. The family will then claim that this is their son.

There is an indication that there are misrepresentations. To have actual statistics on this you would have to ask the INS, which are currently conducting the review. But we feel measures have been taken to address this, and measures which were in place many years ago are being reinstated.

Chairman KENNEDY. So we can deal with this?

Ms. BROWN. Yes, we can.

Chairman KENNEDY. This is a problem, it is an issue but it can be dealt with without having it as a significant block.

Let me ask Mr. Frelick, what happens when you make these recommendations in terms of the changes in Title II? How long have you been making them?

Mr. FRELICK. I have been working in this field for nearly 20 years. We have had discussions certainly with the State Department and it depends obviously—the bureau is a small bureau and you are dealing with civil servants, and oftentimes you are down to one or two people, especially in the last months, the most recent months where we really have not had the new leadership in place yet.

But frequently when there have been emergencies—I think back to Kosovo and other times where everyone internationally seemed to be gearing up and really pulling together, the State Department just seemed to be on another planet in terms of concern. Again, the Bureau of Population, Refugees, and Migration in particular, and within that, the admissions part of it.

So again, I agree very much with Lenny Glickman. There are some wonderful people there. We find people to be responsive. But when you look over the years and you look at the P-2 groups, they



are essentially holdovers from the Cold War. In my written testimony I go into some detail about who is in P-2 now and who is not there. We basically have a placeholder for Africans that is not being used at all, and we have groups that were mandated by Congress for in-country processing, the Lautenberg groups from the former Soviet Union, Vietnam. We have Iran, which has become a Lautenberg-like group as well.

So it has not been responsive, not been proactive. We really need to hopefully see that the new leadership will follow through and help to move some of the groups that are easily identifiable, do have common characteristics, and could be moved through the system because they do have common characteristics of persecution.

Mr. GLICKMAN. If I may add to that, last spring—this is from the top, the front office of the bureau really started a process that was terrific. It engaged the NGO community in a review of the P-2 category, asking us to identify new populations. We had several meetings with them, we presented papers to them, and from the front office of PRM it really seemed like we were making progress towards an eventual revision of the P-2 categories and identifying new populations. Then it sort of ground to a halt this end of the summer, this past fall, and nothing has happened.

I think one of the most startling examples of that is the Somali Bantu. It was clearly identified as a group who were in need of resettlement, in need of the protection of the United States. Everybody was on the same page including PRM and UNHCR that this was a group that needed our services, and not a single Somali Bantu has arrived in the United States. It is outrageous.

So I think that with the new leadership at PRM we may have a chance at addressing this, but we have got to maintain the pressure on the front office.

Chairman KENNEDY. One possibility, this is for you Mr. Glickman, for increasing the number of applicants, eligible refugees for the State Department to work with the private sector joint voluntary and other non-governmental organizations to identify and process the cases. I understand that in the case the partnerships have been very successful. Are the private sector refugee agencies capable of assuming a greater role in identification and screening?

Mr. GLICKMAN. The simple and short answer in the interest of time is yes.

Chairman KENNEDY. One other point that has been raised is the more difficult, today's refugees experience more difficulty than past groups of refugees?

Mr. GLICKMAN. In terms of their resettlement here or processing overseas?

Chairman KENNEDY. Here.

Mr. GLICKMAN. No. I have to say that the system that has been built up over the years of refugee resettlement is pretty extraordinary in terms of the public-private partnerships that have been forged at the local level, the thousands of volunteers that we have involved in the program, the caseworkers that have been engaged in this type of thing.

I do not think any refugee group has a more difficult time than others. Now we could argue perhaps maybe—not to single out a particularly group, but the Hmong, for example, had a difficult

time making an adjustment here, for obvious reason. Perhaps a more educated population, a more Western oriented population may have an easier time.

I do not think it is a matter of groups arriving this year versus groups arriving 20 years ago. It is really a matter of good planning among all of the units of Government involved and a good process that is inclusive and transparent. I think any refugee group would be well-served being resettled here in the United States.

Chairman KENNEDY. We had a situation in my home State settling 100 Tibetans. We took in about 1,000 just a few years ago and Massachusetts had 100 of them. I went one evening over to a church service where they brought them all—all of them came on in together. It had been the most remarkable settlement effort that was done by the agencies. It had just been—there may have been some complications or difficulties, but you sure did not detect it either from any of the groups, from the people themselves, from those that had been moved and affected.

And what they were doing with their lives in the State. It was just a remarkable, remarkable success. There are challenges, Lord only knows, in different programs, but I will tell you that this was—and this Tibetan culture and tradition, language and all the rest, arriving in an American State and how that process worked was just really one of the most extraordinary works of success that I have seen in the whole refugee settlement. I think it can be done and people are willing to help and assist.

Thank you very much.

Senator Brownback?

Senator BROWNBACK. Thank you, Mr. Chairman.

Do we need to go more of the Lautenberg approach than to changes, and put in statute certain groups to drive this process to move it on forward?

Mr. FRELICK. I would hope not, because in part what that tends to do is to calcify a situation, and we have got a changing refugee world out there. On the other hand, I am not sure how you mandate and direct the State Department to act.

Senator BROWNBACK. I look at a calcified approach as going the wrong way.

Mr. FRELICK. Right.

Senator BROWNBACK. It has been for a long time under both types of administration.

Mr. FRELICK. Yes. Frankly, it is a tough choice. We certainly—I would like to see Gene Dewey given a chance. I would like to see Commissioner Ziglar who has come in here, both of them have expressed goodwill to try to work with us, to try to get the system back on track. My preference certainly would be to see that that happens, and to keep the heat on to make sure that it does happen. Certainly your willingness to introduce legislation as need be would be one of the things that would keep the heat on.

Senator BROWNBACK. Mr. Glickman, do you have any thoughts on that?

Mr. GLICKMAN. The only thought I have is that the Refugee Act itself is one of the most extraordinary pieces of legislation I think this Congress has ever enacted into law. It is extremely flexible. It allows for all sorts of things. Even though it was enacted in 1980,

even today it is as relevant as it was in 1980. It is really a matter of the people who are charged with implementing it doing their jobs.

Rather than enact new legislation, which obviously is dangerous to do, particularly in our field, it would just be appropriate, as you are doing right now, to oversee the implementation of the Refugee Act and see how it is going. I do not want to make a direct linkage, although it is pretty coincidental that all of a sudden we are hearing all sorts of good words. Maybe not the deeds yet, but we are getting there. But all sorts of good words come out of the new Administration leadership coincidentally that today here we are in front of your Subcommittee talking about refugee admissions. So I think that is the way to go.

Senator BROWNBAC. It may well be, but I look up here and we are looking at 70,000 this year and that is less than half of what was approved in 1992, 10 years ago, and we are happy about it. That may not be the right way to put it, but we are delighted that maybe we are going to make 70,000. It seems like we just keep defining the target down further and further, and I think as each of you testified and it has certainly been my experience as I have traveled, there is no shortage of refugees or of vulnerable populations around the world. It is not substantially different than 1992. It may be in different locations and different places, but there are huge populations that are in terrible plight and we are happy about 70,000, that we may hit that target.

Mr. GLICKMAN. No, we are not.

[Laughter.]

Mr. GLICKMAN. We will live with it. It is better than the alternative and the direction that they were going.

Senator BROWNBAC. That is not properly put, but we have been trending down under both type of administration. I guess I look at it as this to me is definitionally what compassionate conservatism is about: you take care of the most vulnerable of the populations that are there. The people least able to take care of themselves you help.

Ms. Brown, are we doing sufficient in our refugee programs for particularly vulnerable female populations, widows, orphans, little children, are we doing sufficiently? And if not, what particular suggestions might you have that we could do better?

Ms. BROWN. Sir, I do not believe we are addressing this sufficiently. I feel that leaving the onus again on the UNHCR to refer women and children—forgive me for saying this, but I might as well tell a refugee that he must approach the President of the United States. It is almost that impossible to get to a UNHCR representative in certain situations.

If we had the ability of NGOs on the ground to refer women who they felt were in need, if we were to broaden our definitions so that—for instance, I have individual family members here in the United States who contact my office frequently and talk about their sister who is stranded in a refugee camp. I have no means to get that individual person access to a refugee interview at this time.

Senator BROWNBAC. Any thoughts on that, Mr. Glickman or Mr. Frelick?

Mr. FRELICK. Yes. As I said earlier, I think there is an inherent bias in the system, and that is that the focus of the INS interview is on the situation in the country of origin that caused a person to be a refugee. Oftentimes women do not have as prominent a position politically or what have you. They may not have the strong kind of refugee claim that showed high profile political activity in their country of origin.

However, in the asylum country where they are sitting in a refugee camp, particularly if they are a widow or if they are a single woman household they could be extremely vulnerable. Every time they go out to gather wood they could be subject to rape, they can be exploited. The focus has not shifted to take that into account.

We are looking in the refugee program at the need for asylum essentially: are you a refugee? But we are not looking at the need for resettlement. So we have to say, what is it about this person that makes her particularly vulnerable and in need of being resettled to the United States among the 14 million refugees that are out there in the world today?

That I think is something that, by creating a priority category specifically for women at risk, will redirect the INS to somewhat weigh differently the way that they approach their adjudications overseas to be more responsive to refugee women who again, as I said, oftentimes come as part of large movements of people. If the focus of the interview is put into that undifferentiated broad-based persecution, the INS officer is going to say, she is no more compelling. This male political leader is ever so much more deserving of our protection. But he may not be in danger in that refugee camp; she is.

Mr. GLICKMAN. The only thing I would add is it is my hope that the INS will go back to the standard that the law says that one must just demonstrate a well-founded fear of persecution. That is what the law says. They simply have to state a credible, well-founded fear. I think particularly this group and in other groups of potential refugees it is almost a lead pipe cinch that these folks have well-founded fears of persecution.

Senator BROWBACK. That has been my personal experience as I have traveled and seen some of these populations. They are in a precarious situation. Their daily struggles with life are having them in a very precarious situation. One of you have said that you might just as well go see the President or another. I think, Mr. Glickman, you pointed out that this is the patience and the length of time you have to wait in this system.

Sometimes when people are just in such precarious situations they cannot stand it that long before something horrible happens to them. Yet our system seems to just lean almost Darwinian towards the strong making it on through the system, that can survive through something, and we are not reaching out to those that are in the most vulnerable situations.

I look forward to working with you. I think we have really got to get these numbers in a much better situation. I think we have to update a calcified system that is currently in place, and we can do it.

One thing I might throw out to you as an idea, because I have had raised to me, there is a budgetary matter that is part of this,

because you may allow this many resettlements but you are also going to have to pay for a certain period of time—about working with non-profit organizations, NGOs, about helping out even further with that. Not only in the screening process, which I think is a very good recommendation.

We use NGO groups to help us distribute food aid. This is another way that we could work carefully with these groups in a very positive fashion. But also in helping of the resettlement in the United States. Many of you do that work now in a very aggressive fashion. I think we are going to need to continue to work with you, and maybe even in a more aggressive fashion, on some of that settlement effort as well.

Mr. Chairman, I think this has been a vital hearing. Every time you can help one person at least we have helped somebody, and they deeply appreciate it. Thanks for holding it.

Chairman KENNEDY. Thank you very much. Senator Brownback and I intend to follow up on these recommendations. They have been very good and very helpful to us, and we will call on you to keep after us on it. We thank you very much. The Committee stands in recess.

[Whereupon, at 4:37 p.m., the Subcommittee was adjourned.]

[Submissions for the record follow.]

#### SUBMISSIONS FOR THE RECORD

##### **Statement of Hon. Maria Cantwell, a U.S. Senator from the State of Washington**

I would like to thank Chairman Kennedy for calling this hearing of the Immigration Subcommittee today to review the current state of the United States Refugee Program, and to examine the enormous slowdown in refugee processing that has occurred in the wake of the September 11 attacks.

As a result of the events of September 11<sup>th</sup>, and accompanying concerns about security, there was an obvious slowing in the processing of refugees. This included a temporary suspension of refugee admissions that affected tens of thousands of refugees already approved for resettlement, and a two-month delay in finalizing the authorization to admit an additional 70,000 refugees over the coming year. Additionally, the terrorist attacks placed particular burdens on INS and the State Department that caused temporary delays in the processing of many different types of immigration applications.

However, the refugee situation has now become extremely serious. Despite extensive security reviews fewer than 3,000 refugees have been admitted into the United States since September 2001. This problem is not solely attributable to the events of September 11, but rather reflects an alarming erosion of the refugee program over the past decade. The number of refugees permitted to enter has declined almost fifty percent from 142,000 in 1992 to only 70,000 in 2002. In addition, the number of refugees actually admitted has consistently fallen well below the numbers that are allowed to enter. Over the past two years the numbers of refugees admitted have fallen fifteen to twenty percent short of the numbers authorized. Estimates suggest that at the current rate, even if drastic improvements are made immediately, the number of refugees actually admitted this year is unlikely to be more than 45,000 of the 70,000 allowed admissions.

The reduction in admissions since September has impacted more than the 14 million refugees worldwide. Local communities in the United States and the refugee program itself have suffered a disastrous blow from the reduction in refugee admissions.

In my state, this crisis in refugee admissions is having very serious impacts on established organizations that work to resettle refugees who are admitted. Since September, the Seattle Office of the International Rescue Committee has resettled only nine refugees, compared to 185 refugees during the same time period last year, while the Refugee Public Health Center, that performs health screening for King County, has had only 17 arrivals since the beginning of 2002 compared with 160 during the same period last year. This has forced over eleven layoffs of experienced

public health officials and translators. These unanticipated effects mean that not only are refugees continuing to wait for the elusive date of their admittance, but at the same time, these excellent organizations are losing qualified and experienced staff that will be difficult to replace. Meanwhile, additional workers are being displaced in my state, which is already suffering disproportionate economic consequences from the economic slowdown and the effects of September 11. These losses severely undermine the ability of refugee programs to facilitate increased admissions in the future. Additionally, local communities suffer the absence of innumerable contributions refugees provide upon resettlement.

Despite real security concerns, I find it particularly disturbing that refugee admissions came to a screeching halt, while tourists, temporary workers, and students from abroad encountered much less severe barriers in their travels. Not one of the suspected terrorists involved in the September 11<sup>th</sup> tragedy gained entry to this country through the refugee program. In fact, enduring years in a refugee camp on the off-chance of being selected for admission to the United States through the considerably scaled-back refugee program presents a true test of the desire of refugees to enter the United States and to make a new life for themselves as Americans.

In November, several colleagues and I participated in a forum on the future of women in Afghanistan. We spoke of education and job opportunities, and the resources necessary to support the families of Afghanistan—nearly all of which the Taliban regime denied Afghan women for years. It disheartens me to think that through a slow-down in the refugee admissions process we are victimizing these very people who seek our help.

Fortunately, the recent delays can be reversed. If the State Department and the INS are willing to make a concerted effort to improve refugee admissions, the numbers approved for admission this year can still be achieved. We must process the backlog of refugees, particularly those who have already been approved for resettlement, and the interview process must resume to confirm eligibility of refugees who have not yet been approved. I support the use of technology to facilitate the interview process through videoconferencing and similar mechanisms until agents are able to return to the field, and am hopeful that the INS and the State Department will take from this hearing the message that they must work together to get admissions back on track.

September 11<sup>th</sup> has changed our lives forever. But this tragedy is no excuse not to come to the aid of the refugees who need and deserve our assistance. Commissioner Ziglar has demonstrated a willingness to implement plans for improvement, and I look forward to similar demonstrations of commitment from the Department of State.

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### **Statement of Hon. Dianne Feinstein, a U.S. Senator from the State of California**

Mr. Chairman, thank you for holding this important hearing today on the United States refugee admissions program.

#### **A NATION FOUNDED BY REFUGEES**

Our nation was founded, in part, by brave souls who set out to a new land to escape persecution in their home country. Ever since, our nation has generously extended a welcome hand to those facing torture, genocide, forced prostitution, systematic rape, and government-sponsored killings in their homelands. We are, indeed, a beacon of light to many who seek refuge from these atrocities.

#### **SCOPE OF THE WORLD'S REFUGEE CRISIS**

The statistics of who makes up the world's population of refugees is stunning.

- The U.S. Committee for Refugees has estimated that there are more than 14 million refugees throughout the world today.
- They estimate, further, that there are another 20 million people who are internally displaced within their countries of origin.
- Two-thirds of the refugees are women and children.

#### **RESETTLEMENT IS ONLY ONE TOOL TO SOLVING REFUGEE CRISES**

Clearly, with such a large and growing population of refugees and internally displaced people, the United States cannot possibly admit all of them. And so while

this hearing will focus on our admissions program, we must also be mindful of more durable solutions to the situations that produce refugees in the first place.

I know that these issues are the province of other committees of the Senate, such as the Committee on Foreign Relations and the Committee on Armed Services. I encourage this Committee to work closely with those committees to see if we can't find more durable solutions to today's and future refugee crises.

Most, if not all refugees want to return to their homes in peace when it is safe for them to do so. The ultimate answer to the world's refugee crises, therefore, must be to settle the disputes that cause the refugee situations to occur.

The NATO military action in the Balkans in the 1990s is an example of an enormous refugee situation that was eased with the settlement of the crisis that propelled refugees to flee their homes in search of protection.

I am hopeful that our action in Afghanistan, as well, will make it possible for most, if not all, of that country's 2.5 million refugees to return safely to their homes and rebuild their country's government, society, and economy.

#### RESETTLING REFUGEES HELPS EASE FOREIGN POLICY CRISES

Clearly, Mr. Chairman, the most durable and preferable solution to refugee crises is settling the disputes and permitting refugees to be safely repatriated. But at the same time, there are many refugees who have fled to a country of first asylum who will never be able to return to their homes. For them, resettlement in a third country is the only alternative to languishing in refugee camps for years, if not decades.

I believe the United States must set the example and lead the way in admitting and resettling these refugees. It must do this for a number of reasons. First, for humanitarian reasons. But also, for foreign policy reasons.

The humanitarian reasons are obvious why we should admit and resettle some of the world's refugees who cannot be repatriated to their homelands. They need not be set out here in detail.

Let me give two brief examples of the practical foreign policy reasons why we must maintain the capacity to admit and resettle refugees in the United States.

In 1992, the United States urged Iraqi Kurds to revolt against Saddam Hussein in Iraq to assist us in our efforts to liberate Kuwait. When the United States decided not to pursue Saddam's Republican Guard into Iraq and decided against toppling his regime, these Iraqi Kurds, who had revolted against Saddam at our urging, were left unprotected and fled to neighboring Turkey.

The United States, fearing both a massacre of the Kurds and fearing that our credibility in future crises was at stake, urged Turkey to permit the Kurds to stay there temporarily and used resettlement of a relative small number of Kurds as both an incentive to the government of Turkey and a way of rescuing some, who would never be able to safely return to Iraq.

Not only did we do the right thing for humanitarian reasons in that particular situation by resettling a small number of Iraqi Kurds in the United States, but it no doubt had an effect in Afghanistan, convincing some in the Northern Alliance that we would not abandon them if they failed to topple the Taliban regime there.

Another example of the foreign policy reasons why we should maintain the capacity to admit and resettlement refugees is the situation in the Balkans that I referred to earlier in my statement. In that situation, hundreds of thousands of refugees fleeing systematic rape, forced prostitution, genocide, and torture fled to neighboring Albania, which threatened to refuse to admit them for temporary safe-haven.

NATO was undertaking military action in the region to restore peace, but could not have done so unless the refugees amassing on the borders had a place of refuge. The United States convinced the host countries to permit the refugees temporary refuge in camps, in part, by agreeing to resettle a small number of refugees in the United States.

The United States commitment led the way for other countries, too, to admit some of the refugees for resettlement in their countries.

#### THE CURRENT UNITED STATES REFUGEE ADMISSIONS PROGRAM

In the wake of the September 11, 2001, terrorist attacks on the United States, the Department of State and Department of Justice have undertaken a review of our refugee admissions program to ensure the security of U.S. government personnel involved in interviewing and processing refugee applicants, as well as to ensure that those whom we admit as refugees do not pose a danger to our national security or to public safety.

While this review has caused unavoidable disruptions to the program, I think it is prudent to take extra precautions, and agree that a review was necessary.



I realize that none of those accused of participating in the September 11 terrorist attacks entered the United States as refugees. Indeed, refugees already are among the most closely scrutinized of aliens seeking to enter the United States. Nonetheless, I support efforts to further ensure the integrity and security of the program.

From the earliest days of our republic, and continuing to the present, refugees have made enormous contributions to our society.

We must continue to hold our door open to a measure of the world's refugees, both for humanitarian reasons as well as to advance our nation's foreign policy interests. At the same time, we must ensure the safety and security of the program.

I look forward to the testimony from today's distinguished panels of witnesses who, hopefully, will be able to advise us on how we can accomplish both of those important goals.

Thank you Mr. Chairman.

#### **Statement of Hon. Orrin G. Hatch, a U.S. Senator from the State of Utah**

Thank you Mr. Chairman for holding this important hearing on the plight of refugees and the refugee program.

I believe no country has as much interest or compassion as the United States when it comes to protecting innocents from persecution abroad. Under our immigration laws, those who demonstrate a well-founded fear of persecution in their country of nationality on account of race, religion, nationality, membership in a particular social group, or political opinion are rightly provided refuge. Each year, as a consequence of the refugee program, thousands of lives are saved and bettered through relocation into the United States where immigrants take refuge under the blanket of liberty and freedom that our Constitution provides. In short, generations are changed for the better, one life at a time. I am proud of that legacy and commend the President for his recent authorization of the admission of up to 70,000 refugees for fiscal year 2002. I also commend Commissioner Ziglar for his efforts to transform the INS into the agency it must be to protect those worthy of the same.

While I recognize the duty we have to protect innocents abroad, I am also keenly interested in protecting the general public within the United States and those dedicated Americans who risk their personal safety in some very dangerous parts of the world to facilitate the admission of refugees. In this regard, I believe the public is interested in (1) an explanation of the enhanced security checks added to the refugee program in light of the events of September 11, and (2) steps that are being taken to protect the INS and State Department personnel who are responsible for overseeing refugee processing overseas.

Thank you again, Mr. Chairman, for holding this hearing. I know that you and the distinguished Ranking Member, my good friend from Kansas, Senator Brownback, have an intense interest in the refugee program and I commend your collective leadership on the issue.

#### **Statement of Hon. Patrick J. Leahy, a U.S. Senator from the State of Vermont**

More than ever after the tragic events of September 11, we must maintain our commitment to refugees. Our refugee policies show our nation at its best, and we need to preserve them. I would like to thank Senator Kennedy for holding this hearing and emphasizing that point, and Senator Brownback for making this Committee's dedication to refugees truly bipartisan.

I was pleased when the President announced last fall that the United States would accept 70,000 refugees in FY 2002, because it confirmed that our nation would not allow the terrorist attacks to interfere with our commitments to provide a home for people fleeing persecution and chaos throughout the world. I understood when refugee interviews slowed to a near halt after September 11 due to the removal of U.S. government personnel from various troubled regions of the world, and I agreed with the need to develop additional security mechanisms before admitting refugees, to ensure that no terrorist could abuse the admissions process. But I have been concerned by some of the conflicting signals being sent by different parts of the Administration, and I hope this hearing will assure the Committee that the President's directive to admit 70,000 refugees will be realized.

Not long after the President announced his directive, others in the executive branch suggested that it was impossible to meet. The State Department made plans to admit only 50,000 refugees, and the Immigration and Naturalization Service did not have its normal complement of officers dedicated to conducting screening interviews. I joined with Senators Kennedy and Brownback in writing last month to INS Commissioner Ziglar and Secretary of State Powell to urge them to take the steps necessary. More recently, there have been encouraging signs from both the INS and the State Department. I was heartened by Commissioner Ziglar's address to the National Immigration Forum earlier this month, in which he said he would be detailing "a significant number of INS personnel to conduct refugee interviews worldwide with a goal of meeting 70,000 admissions this year." That is the right goal, and I thank Commissioner Ziglar for expressing it so publicly and for joining us today to discuss it. Similarly, the State Department has recently suggested that it too is committed to the task.

Our refugee program shows our nation's commitment to the dispossessed and persecuted, and our continued dedication to it after the September 11 attacks shows that we will not sacrifice our ideals. Especially in these uncertain times, other nations may follow our lead if we scale back our commitments. I know there are now many logistical hurdles to overcome in implementing the program, but I am confident that our experts at the State Department and INS can get the job done.

We must remember that there are thousands of desperate people in refugee camps around the world—including refugees from Afghanistan—waiting for the promise of a new life in America. There are also thousands of Americans, many in my State of Vermont, who stand ready to help these refugees adjust to life in the United States. This is a system that has worked in the past and will work in the future—preserving it is worth extraordinary effort, and I hope to hear today that the Administration intends to mount such an effort in the coming months.

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**Statement of Rev. Richard Ryscavage, on behalf of InterAction (American Council for Voluntary International Action)**

Thank you, Senator Kennedy and Senator Brownback, for this opportunity to submit testimony on the U.S. refugee program.

I am Chair of InterAction's Committee on Migration and Refugee Affairs (known as CMRA). InterAction is the largest membership alliance of U.S.-based international development and humanitarian nongovernmental organizations (NGOs) striving to overcome poverty and suffering by advancing social justice, inclusion, and basic dignity for all. InterAction's 160+ nonprofit member organizations, both faith-based and secular, are operating in more than 100 countries, serving tens of millions on a range of concerns throughout the world.

I present this testimony on behalf of InterAction and the scores of its member agencies working on migration and refugee protection, assistance and resettlement. We seek a renewed commitment from the Executive Branch and Congress to this country's refugee program.

Migration and refugee assistance continues to be a pressing need around the world. This is most assuredly true and now widely understood by Americans to be the case in Pakistan and Afghanistan as we all follow the ongoing war on terrorism. But even before the tragic events of September 11th, crises on nearly every continent were leading and continue to lead to the migration of people, forced from their homes and livelihoods by famine, disease, national disaster and/or armed conflict. Today there are 12 million refugees worldwide and 25 million internally displaced persons, uprooted and homeless within the borders of their own countries. While many refugees are in need of resettlement, ALL are in need of assistance.

Most U.S. funding for refugees is for overseas assistance that provides life-sustaining support to these expanding numbers of refugees. Robust levels of support from the United States make it more likely that nations will accept refugees fleeing into their territory, provide assistance to refugees, or offer resettlement in a third country when that is the only alternative.

The refugee resettlement program has fallen on hard times in recent years. The need for resettlement has grown as refugee situations in the Balkans, Africa and the Middle East have exceeded falling levels of refugees from Indochina and the states of the former Soviet Union. The continuing spread of war and civil strife, especially in Africa, make it clear that these needs will continue to grow. Even now there are many refugee individuals and discrete populations who are in desperate need of resettlement but who remain unassisted. And yet, the authorized admissions

levels have fallen from 120,000 in 1993 when President George H.W. Bush left office, to 70,000 in FY 2002. However, we were heartened by assurances by the Bush Administration that this year was to be a consolidation year and that FY 2003 admissions could be expected to rise to even higher levels.

In the face of recent indications that the Bush Administration planned to reduce authorized admission levels this year even further to 50,000, we have been very heartened by the strong commitment of INS Commissioner Ziglar, Assistant Secretary Dewey and by you, Mr. Chairman, and the members of this Subcommittee to support the admission numbers of 70,000 for FY 2002. However, make no mistake, we do not suggest that it is going to be easy to admit 70,000 this year. Business as usual would leave us far short. Without a commitment, there was no hope. With this commitment, we have a tough job ahead of us but one in which the voluntary agencies will do everything in their power to meet.

While the INS dedicates more staff to field offices overseas, and particularly in Africa, where processing had been slowed following the September 11 attacks, we are hopeful that the Department of State will also do what is needed to increase refugee processing staff at embassies and consulates in countries where the Department may not have been planning to make an investment of personnel and resources. In order to protect the refugee resettlement and assistance program and meet the current authorized admission ceiling of 70,000 refugees, processing overseas must become more aggressive and efficient, and in several instances, particularly in Africa, reopened for business. In the end, an Administration-wide commitment will be needed to meet these refugee numbers by the end of this fiscal year.

We have noted that funds allocated for refugee resettlement are inadequate to fund the 70,000 refugees now planned for FY 2003, much less fund our hoped-for increases in U.S. admissions. The leadership at the Bureau of Population, Refugees and Migration (BPRM) has indicated that it would find the funds to resettle refugees in FY 2003. Some have suggested that this would have to come out of funds planned for overseas assistance in FY 2003. We believe that this is wrong thinking. While only a fraction of the world's refugees can be resettled in the United States in any given year, the Bush Administration must find the funds to support the operations to meet refugee admissions without taking funds away from vital assistance programs. Making this a zero sum exercise would be unjust.

We come before you to appeal that sufficient funds be found to support both our refugee assistance and resettlement programs. These programs are not mutually exclusive. Refugee assistance projects in the field are closely interconnected with refugee resettlement at home. Cutting U.S. support for NGO and UNHCR's refugee assistance work will ultimately result in even feeble capacity to identify refugees for resettlement, and to offer them the protection assistance they need. All sides of the refugee world will suffer. InterAction's members strongly support full funding for International Organizations, including the UN High Commissioner for Refugees that are critical actors in the international protection and resettlement regimes for refugees.

While the numbers of refugees admitted by the United States are critical, they reflect only a small fraction of the refugees around the world who are not resettled here, but who depend on our assistance. Unfortunately, refugee assistance provided by the international community, including the United States, continually falls far short of the need. Urgently needed programs go unfunded because, in many refugee situations, the international community's resources are not sufficient to provide more than the most basic food, shelter and health programs. Continued crises mean that there will be increased need and mounting assistance costs. Any suggestion of a reduction in the U.S. share and commitment for refugee assistance ignores these realities. Continued support for a robust refugee assistance and protection program is, indeed, in our national interest and most certainly in keeping with what has always made this country great.

We all have a stake in reaching these resettlement and assistance goals and must each do our respective part, in partnership, to commit all necessary resources and personnel- U.S. government and NGOs alike.

As NGOs, we will do our part to help the United States government meet its resettlement and assistance objectives. The NGO community can help in myriad ways by working with INS and State Department staff in identifying refugee groups. Through the direct secondment of trained and experienced staff to posts at our embassies, NGOs can also help, as they have in the past, with prescreening and in setting up cases for review by INS and State Department staff. To help support this collaboration, we urge the continued appropriation of funding for the Joint Voluntary Programs at the Department of State.

As you consider the future of the refugee resettlement, protection and assistance programs, you can be confident that we stand before you at the ready and in search

of partnership with you to meet our obligations as a country to provide assistance and protection to the millions of refugees across the globe today.

In closing, on behalf of InterAction, I thank you for this opportunity to submit this testimony and am grateful to you for convening this hearing.

INTERACTION MEMBER LIST (AS OF 1/06/02)

Academy for Educational Development	Episcopal Relief & Development
ACCION International	Ethiopian Community Development
ACDI/VOCA	Council
Action Against Hunger/USA	FINCA International
Adventist Development and Relief	Floresta
Agency International (ADRA)	Food For The Hungry, Inc.
The Advocacy Institute	Freedom From Hunger
African Medical Research Foundation	Friends of Liberia
Africare	Gifts In Kind International
Aga Khan Foundation USA	Global Health Council
Aid to Artisans	Global Links
Air Serv International	HALO, USA
Amazon Conservation Team	Health Volunteers Overseas
American Friends Service Committee	Heart to Heart International
American Jewish Joint Distribution	Hebrew Immigrant Aid Society (HIAS)
Committee	Heifer Project International
American Jewish World Service	Helen Keller Worldwide
American Near East Refugee Aid	Holt International Children's Services
American ORT	The Hunger Project
American Red Cross/Int'l	Institute of Cultural Affairs
American Refugee Committee	Interchurch Medical Assistance
AmenCares	International Aid, Inc.
America's Development Foundation	International Catholic Migration
(ADF)	Commission (ICMC)
Amigos de las Americas	International Center for Research on
Ananda Marga Universal Relief Team	Women (ICRW)
Baptist World Alliance	International Executive Service Corps
B'nai B'rith International	International Eye Foundation
Bread for the World	International Institute of Rural
Bread for the World Institute	Reconstruction
Brother's Brother Foundation	International Medical Corps
Campaign for Tobacco-Free Kids	International Medical Services for
CARE	Health (INMED)
Catholic Medical Mission Board	International Orthodox Christian
Catholic Relief Services	Charities (IOCC)
Center for International Health and	International Reading Association
Cooperation (CIHC)	International Relief PE Development
Center of Concern	International Relief Teams
Center for Development and Population	International Rescue Committee
Activities (CEDPA)	International Voluntary Service, Inc.
Child Health Foundation	International Women's Health Coalition
Childreach/Plan International	International Youth Foundation
Children International	Islamic American Relief Agency USA
Christian Children's Fund (CCF)	Jesuit Refugee Services/USA
Christian Reformed World Relief	Katalysis Partnership, Inc.
Committee (CRWRC)	Latter-Day Saint Charities
Church World Service	Laubach Literacy International
Citizens Democracy Corps	Lutheran World Relief
Citizens Network for Foreign Affairs	MAP International
Concern America	Margaret Sanger Center International
CONCERN Worldwide U.S., Inc.	Medical Care Development
Congressional Hunger Center	Mercy Corps International
Counterpart International	Mercy USA for Aid and Development
Cross-Cultural Solutions	Minnesota International Health
Direct Relief International	Volunteers
Doctors of the World	Mobility International USA
Doctors Without Borders (MSF)	National Council of Negro Women
The End Hunger Network	National Peace Corps Association
Enersol Associates	Near East Foundation
ENTERPRISE Development Int'l	Northwest Medical Teams

OIC International	SHARE Foundation
Operation USA	Sierra Club
Opportunity International	Solar Cookers International
Oxfam America	Southeast Asia Resource Action Center
Pact	(SEARAC)
Partners for Development	Stop Hunger Now
Partners in Health	The Synergos Institute
Partners of the Americas	Trickle Up Program
Pathfinder International	United Israel Appeal
Pearl S. Buck International Inc.	United Jewish Communities
Physicians for Human Rights	United Methodist Committee on Relief
Physicians For Peace	United Way International
Planning Assistance	USA For UNHCR
Points of Light Foundation	U.S. Fund for UNICEF
Population Action International	Volunteers in Technical Assistance
Population Communication	(VITA)
Presbyterian Disaster Assistance and	Winrock International
Hunger Program	Women's EDGE
Project Concern International	World Concern
Project HOPE	World Hope International
Quest for Peace/Quixote Center	World Education
Refugees International	World Learning
Relief International	World Relief
RESULTS, Inc.	World Resources Institute (WRI)
Salvation Army World Service Office	World Vision
Save the Children	YMCA of the USA
Service and Development Agency of the	Zero Population Growth
African Methodist Episcopal Church	

