



**STATEMENT OF THE AMERICAN IMMIGRATION COUNCIL**

**SUBMITTED TO THE U.S. SENATE HOMELAND SECURITY AND GOVERNMENT  
AFFAIRS COMMITTEE**

**HEARING ON “THE IMPACT OF ISIS ON THE HOMELAND AND REFUGEE  
RESETTLEMENT”**

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Contact:

Beth Werlin, Director of Policy  
bwerlin@immcouncil.org  
Phone: 202/507-7522

1331 G Street, NW, Suite 200  
Washington, DC 20005  
Fax: 202/742-5619

The American Immigration Council is a non-profit organization which for over 25 years has been dedicated to increasing public understanding of immigration law and policy and the role of immigration in American society. We write to share our analysis and research regarding refugees coming to the United States and the many safeguards already in place.

As set forth in our publication, [“An Overview of U.S. Refugee Law and Policy”](#) (November 18, 2015) (Attachment A), the United States plays an important role in protecting thousands of the world’s most vulnerable people. The United States is one of 28 countries that resettles refugees. A refugee is a person who either has been persecuted or has a “well-founded fear” of persecution on the basis of race, religion, nationality, membership in a particular social group, or political opinion.<sup>1</sup> This definition derives from the United Nations 1951 Convention and 1967 Protocols relating to the Status of Refugees, which the United States became a party to in 1968.<sup>2</sup>

*Responding to the Syrian Refugee Crisis*

The violence and devastation in Syria has led to the largest number of refugees since World War II. As of September 2015, the United States had taken in 1,500, or less than 0.03 percent of the total in need.<sup>3</sup> This seems like a small number for such a large nation with a long history of welcoming those fleeing persecution. President Obama and Secretary of State Kerry have signaled that the United States will respond more robustly. The President has directed his Administration to accept 10,000 Syrian refugees in Fiscal Year 2016 and to increase the

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<sup>1</sup> 8 U.S.C. § 1101(a)(42)(A) (2015).

<sup>2</sup> Convention and Protocol Relating to the Status of Refugees, United Nations High Commissioner for Refugees, available at, <http://www.unhcr.org/3b66c2aa10.html>.

<sup>3</sup> Michael Gordon; Alison Smale; Rick Lyman, “U.S. Will Accept More Refugees As Crisis Grows,” New York Times, September 20, 2015, available at; <http://www.nytimes.com/2015/09/21/world/europe/us-to-increase-admission-of-refugees-to-100000-in-2017-kerry-says.html>.

number of overall refugees to 85,000 from the current level of 70,000.<sup>4</sup> Although the Council believes that more must be done,<sup>5</sup> it is important that the United States remains steadfast in its commitment to providing refuge to those most in need.

Following the attacks that took place in Paris just days ago, some have called for denying entry to Syrian refugees. This is the wrong approach. Syrian refugees are fleeing exactly the kind of terror that unfolded on the streets of Paris. The attacks in Paris sadly reflect the volatile times in which we live. Punishing refugees will not change this. The United States must respond to this crisis by carrying on our long history of welcoming those fleeing such dire situations. As former Secretary of State Madeleine Albright reflected, in response to proposals to halt the refugee program:

These proposals are motivated by fear, not by the facts, and they fly in the face of our country's proud tradition of admitting refugees from every corner of the globe and every faith background. We have always been a generous nation, and we have in place a rigorous process for refugee resettlement that balances our generosity with our need for security. It works, and it should not be stopped or paused.<sup>6</sup>

### *The United States Has a Rigorous Screening Process In Place*

The United States has established a rigorous screening process for refugees coming to our country. Before admission as a refugee, a person must pass through an extensive 13 step screening process that usually takes between 18 and 24 months.<sup>7</sup> This process includes having fingerprints and a photograph taken by the U.S. government, an in person interview with the Department of Homeland Security (DHS), two different interagency security background checks, a medical screening, and a final security check by Customs and Border Protection (CBP).<sup>8</sup> We currently have systems in place to ensure the safety and security of our nation, while also fulfilling our humanitarian obligations around the world.

### *Post Arrival Steps*

Although refugees are provided assistance in order to support their transition into the country, they are expected to have a job within six months of arrival. Refugee men who have recently arrived are employed at a higher rate than native born (67 percent to 60 percent respectively),

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<sup>4</sup> Proposed Refugee Admissions for Fiscal Year 2016, U.S. Department of State, available at <http://www.state.gov/j/prm/releases/docsforcongress/247770.htm>.

<sup>5</sup> The Immigration Council has [joined](#) a broad coalition of organizations to urge the President to increase the number of refugees that we resettle to 200,000 for FY 16, with 100,000 of them being Syrian. [As we explain](#), "After the end of the wars in Southeast Asia, the United States resettled 111,000 Vietnamese refugees in 1979 and then essentially doubled that number to 207,000 in 1980. The United States' rising to the occasion now would both encourage European nations to live up to their refugee protection obligations, and help to prevent further deterioration in the protection climate in the countries bordering on Syria that are currently hosting millions of Syrian refugee."

<sup>6</sup> Madeleine Albright, "Madeleine Albright: ISIS Wants Us to Think Refugees Are the Enemy," Time Magazine, November 17, 2015, available at, <http://time.com/4117333/madeleine-albright-refugees/>.

<sup>7</sup> U.S. Committee For Refugees and Immigrants, "Security Screening of Refugees Admitted to the United States: A Detailed, Rigorous Process," available at; <http://www.rcusa.org/uploads/pdfs/Refugee%20resettlement%20-%20step%20by%20step%20USCRI.pdf>.

<sup>8</sup> Id.

and refugee women are employed at the same rate as native women.<sup>9</sup> Many refugees go on to make substantial contributions to the U.S. economy and their communities. As the Migration Policy Institute noted, “Most refugee populations in the United States have integrated well, becoming productive residents and, often, citizens who enrich their communities and their new country. From Albert Einstein to Google co-founder Sergey Brin, refugees often give back much more than they take.”<sup>10</sup>

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<sup>9</sup> Randy Capps, Kathleen Newland, Susan Fratzke, Susanna Groves, Michael Fix, Margie McHugh, and Gregory Auclair, “The Integration Outcomes of U.S. Refugees: Successes and Challenges,” Migration Policy Institute, June 2015, available at, <http://www.migrationpolicy.org/research/integration-outcomes-us-refugees-successes-and-challenges>.

<sup>10</sup> Kathleen Newland, “The U.S. Record Shows Refugees Are Not A Threat,” Migration Policy Institute, October 2015, available at; <http://www.migrationpolicy.org/news/us-record-shows-refugees-are-not-threat>.

ATTACHMENT A



## An Overview of U.S. Refugee Law and Policy

The United States passed its first official refugee legislation to address the plight of displaced Europeans following World War II. Most refugees are displaced from their country of origin to a neighboring country, and then resettled to a third country through international organizations. The United States resettles more refugees than any other country, refugees who go on to contribute to our communities and our economy.

### What is a refugee?

A refugee, as defined by Section 101(a)(42) of the Immigration and Nationality Act (INA), is a person who is unable or unwilling to return to his or her home country because of a “well-founded fear of persecution” due to race, membership in a particular social group, political opinion, religion, or national origin. This definition is based on the [United Nations 1951 Convention and 1967 Protocols](#) relating to the Status of Refugees, which the United States became a party to in [1968](#). Following the Vietnam War and the country’s experience resettling Indochinese refugees, Congress passed the Refugee Act of 1980, which [incorporated](#) the Convention’s definition into U.S. law and provides the legal basis for today’s U.S. Refugee Admissions Program (USRAP).

A person who meets the definition of a refugee, but who applies for this status from *within the United States*—either when they are seeking admission at a port of entry or after they have already entered the country in a different status or without status—is an asylee. The United States processes asylees differently than those who enter the country in refugee status; that process is not addressed in this fact sheet.

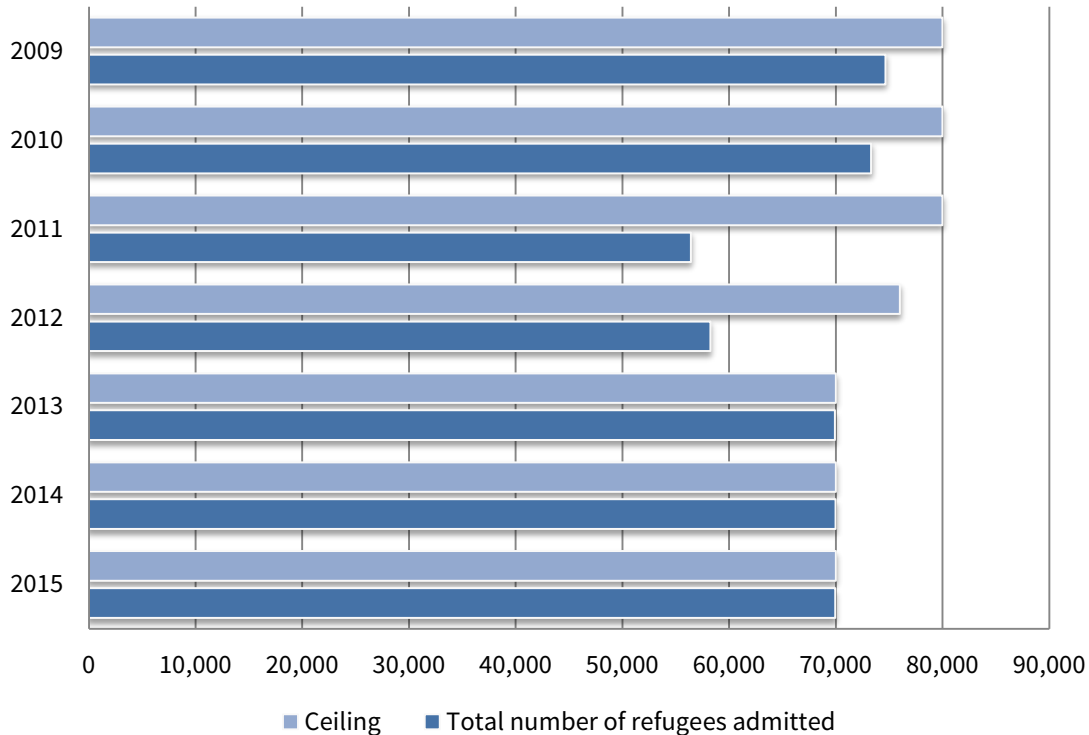
### How many refugees are there in the world?

- According to [UNHCR](#), at the end of the 2014 there were an estimated 14.4 million refugees (a 19 percent growth from the previous year). According to [2015 statistics](#), it is estimated that there are over 4.2 million Syrian refugees.
- The [top origin countries](#) for refugees in 2013 were Afghanistan (2.6 million), Syria (2.5 million) Somalia (1.1 million), Sudan (650,000), the Democratic Republic of the Congo (499,600), and Myanmar (480,000).

### How many refugees does the United States admit?

Each year the President, in consultation with Congress, determines the numerical ceiling for refugee admissions. For Fiscal Year (FY) 2016, the proposed [ceiling is 85,000](#).

## Refugee Ceilings and Admitted Refugees to the United States, FY 2009-2015



(Source: [Refugee Processing Center](#))

- Over one-third of all refugee arrivals ([35.1 percent](#), or 24,579) in FY 2015 came from the Near East/South Asia—a region that includes Iraq, Iran, Bhutan, and Afghanistan.
- Another third of all refugee arrivals (32.1 percent, or 22,472) in FY 2015 came from Africa.
- Over a quarter of all refugee arrivals (26.4 percent, or 18,469) in FY 2015 came from East Asia — a region that includes China, Vietnam, and Indonesia.

### How does the U.S. refugee resettlement process work?

The Refugee Admissions Program is jointly administered by the Bureau of Population, Refugees, and Migration (PRM) in the Department of State, the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services (HHS), and offices within the Department of Homeland Security (DHS). U.S. Citizenship and Immigration Services (USCIS) within DHS conducts refugee interviews and determines individual eligibility for refugee status in the United States.

There are [three principal categories](#) for classifying refugees under the U.S. refugee program:

- **Priority One.** Individuals with compelling persecution needs or those for whom no other durable solution exists. These individuals are referred to the United States by UNHCR, or they are identified by a U.S. embassy or a non-governmental organization (NGO).

- **Priority Two.** Groups of “special concern” to the United States, which are selected by the Department of State with input from USCIS, UNHCR, and designated NGOs. Currently, the groups include certain persons from the former Soviet Union, Cuba, Democratic Republic of Congo, Iraq, Iran, Burma, and Bhutan.
- **Priority Three.** The relatives of refugees (parents, spouses, and unmarried children under 21) who are already settled in the United States may be admitted as refugees. The U.S.-based relative must file an Affidavit of Relationship (AOR) and must be processed by DHS.

Before admission to the United States, each refugee must undergo an extensive interviewing, screening, and security clearance process conducted by Regional Refugee Coordinators and overseas Resettlement Support Centers (RSCs). To qualify, individuals generally must not already be firmly resettled in any other country. Not everyone who falls into the three preceding categories is admitted to the United States.

- The INA requires most prospective refugees to prove their individual case of “well-founded fear,” regardless of the person’s country, circumstance, or classification in a priority category.
- Refugees are subject to the grounds of exclusion listed in Section 212(a) of the INA, including health-related grounds, moral/criminal grounds, and security grounds. They may also be excluded for polygamy, misrepresentation of facts on visa applications, smuggling, and previous deportations. Waivers exist for certain grounds of exclusion.

After a refugee has been conditionally accepted for resettlement, the RSC sends a request for assurance of placement to the United States, and the Refugee Processing Center (RPC) works with [private voluntary agencies](#) (VOLAG) to determine where the refugee will live. Refugees resettled in the United States do not need to have a U.S. “sponsor.” If a refugee approved for admission does have a relative living in the United States, every effort will be made to place the refugee near his or her relative.

- If a person is accepted as a refugee for admission to the United States, it is conditioned upon the individual passing a medical examination and all security checks.
  - According to a [Human Rights First](#) report, the processing times of the U.S. refugee resettlement program “can be quite prolonged, leaving some refugees stranded in dangerous locations or in difficult circumstances.” According to the [Department of State](#) the entire process can take an average of 18-24 months to complete. These issues have improved in recent years; in a 2014 report, the [Obama Administration](#) cited “interagency coordination and processing procedures” as one of the reasons for increased admissions.

Once this assurance of placement has been secured and medical examinations and security checks have been completed, RSCs work together with the International Organization for Migration (IOM) to schedule and arrange refugee travel to the United States.

- Before departing, refugees sign a promissory note to repay the United States for their travel costs. This travel loan is an interest-free loan that refugees begin to pay back six months after arriving in the country.
- Upon receipt of the IOM travel notification, the VOLAG arranges for the reception of refugees at the airport and transportation to their housing at their final destination.

## What happens once refugees arrive?

- A VOLAG is responsible for assuring that most services are provided during the refugee's first 90 days in the United States. They arrange for food, housing, clothing, employment counseling, medical care, and other necessities.
- One year after admission, a refugee may apply for Lawful Permanent Resident ("LPR") status. If they adjusted to LPR status, they may petition for naturalization five years after their arrival in the United States.
- In [FY 2014](#), new refugee arrivals went to 46 states. Top recipient states were California (3,068), Michigan (2,753), Texas (2,462), Illinois (1,064), and Arizona (973).
- Refugees are [expected](#) to have a job within six months of arrival. Refugee men who have recently arrived are employed at a [higher rate](#) than native born (67 percent to 60 percent respectively), and refugee women are employed at the same rate as native women.