

IRAP

International Refugee Assistance Project



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Recommendations for the President to Restore and Improve Protection for Refugees and Displaced People

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The following recommendations from the International Refugee Assistance Project (IRAP) are intended for the Presidential administration that takes or remains in office in January 2021. These recommendations would continue and expand U.S. leadership in humanitarian protection, improve transparency and the rule of law, and promote communities' ability to welcome refugees.

These recommendations were developed based on IRAP's work providing direct legal assistance to refugees and other displaced people seeking pathways to safety through our offices in Jordan, Lebanon, and the United States. IRAP utilizes lessons learned in individual casework to advocate for systemic changes that benefit broader refugee populations.

This document draws from those lessons learned and outlines priorities for action in areas in which IRAP provides legal assistance or advocacy. It does not address other essential programs such as Deferred Action for Childhood Arrivals, Temporary Protected Status, or Deferred Enforced Departure, which also provide legal status to people seeking humanitarian protection.

I. Restoring the Bipartisan Legacy of U.S. Leadership in Humanitarian Protection

A. Non-Discrimination and Repeal of the Muslim Ban

IRAP urges the President to implement immigration policy without discriminating on the basis of race, religion, or other protected characteristics. The Muslim ban currently separates thousands of American citizens from their spouses and children; deters and bars people with valuable skills from work or study in the United States; and gives discrimination the power of law. IRAP calls on the Administration to **rescind the Muslim ban immediately**.

In recognition of the harm done by the Muslim ban to American standing in the world, the President should issue an executive order that does three things. First, the executive order should **rescind Presidential Proclamation 9645** (PP9645) (the entry ban), and overturn the detrimental changes that were made to the refugee system as a result of Executive Order 13780 and implementing agency orders and policy memoranda related to Executive Order 13815.

Second, the executive order should provide **appropriate remedies** to individuals who were impacted by these discriminatory policies. Namely, individuals whose visa applications were rejected under PP9645 should be given the opportunity to reapply for the same visa category at no expense and should be notified of this remedy. Applicants for

admission as a refugee who have received discretionary denials for refugee resettlement since January 27, 2017 should be permitted to request reconsideration of their applications. Third, the executive order should **acknowledge the discriminatory intent and impact of the Muslim Ban and condemn discrimination** on the basis of religion, national origin, or other protected characteristics.

B. Refugee Resettlement

The President should take swift action to restore American leadership in refugee resettlement. As an embodiment of America's most fundamental ideals, refugee resettlement has long enjoyed bipartisan support and played a crucial role in humanitarian policy, foreign relations, local economies, and national security.

Many refugees with exceptional protection needs—such as women at risk, LGBTI individuals, and people with medical emergencies—live in fear and without access to jobs, education, or healthcare. Refugee resettlement, for many refugees, offers the only chance to permanently escape life-threatening conditions.

Refugee resettlement is key to fostering strong relationships with refugee-hosting countries that have been important U.S. allies and are key to regional stability and U.S. operations in the Middle East. The United States can best advocate for refugees and bolster these relationships by expanding its own refugee resettlement and refugee protection efforts. As the United States has sharply limited its own support for refugee protection, it also sets an example to other countries that it is acceptable for them to do the same.

Refugees bring skills, talent, and innovation with them to the United States. Nationwide, refugees are contributors to local economies and revitalize areas affected by population decline. Refugees open small businesses and become homeowners at higher rates than the native-born U.S. population, and end up paying far more in taxes than they receive in benefits.

Refugee resettlement also promotes national security. U.S. Ambassadors, former Secretary of Defense James Mattis, and many military leaders have noted the importance of protecting those who face danger for service to the U.S. mission, particularly in Iraq. By providing a pathway to safety for wartime partners, the United States can demonstrate that it stands with those who stand with U.S. diplomats, aid workers, and troops.

Given these benefits, the President should ensure that the United States regularly welcomes a robust number of refugees through the refugee resettlement program. The Administration should stand stalwart in support of refugee resettlement. IRAP strongly supports restoring the U.S. Refugee Admissions Program, which has been [systematically](#)

[dismantled](#) since January 2017.

The Refugee Act of 1980 gives the President the responsibility to make a Presidential Determination for the number of refugees to be admitted in a given fiscal year after appropriate consultation with Congress. The President should commit to **admit at least 95,000 refugees** in a fiscal year. The President should also **support passage of the [Guaranteed Refugee Admission Ceiling Enhancement Act](#)** (GRACE Act), which would require the Determination to be at least 95,000 each year. Additionally, the President should **commit to complying with statutory requirements to consult with Congress** prior to determining the number of refugees to be admitted.

Admitting 95,000 refugees in one year will require the Administration to work diligently across government agencies to rebuild the U.S. Refugee Admissions Program. This will require coordination with Congress to **ensure that the necessary level of appropriations** are provided to rebuild dismantled systems and to re-staff agencies and contractors that have seen reduced staffing or large numbers of departures of qualified staff, such as Resettlement Support Centers (NGOs and intergovernmental organizations that contract to support the State Department's processing of refugees), USCIS Refugee Officers, security vetting agencies, and local resettlement agencies.

As part of the restoration of the U.S. Refugee Admissions Program, the Administration should **restore the Central American Minors (CAM) program**, which allowed children of individuals in the United States in lawful status to access refugee resettlement and parole. Children who have arrived in the United States as CAM parole beneficiaries should be permitted to extend their parole.

The President **must reduce backlogs in immigration processes and engage the interagency process to reduce security-related delays**. Across all applications for immigration status, USCIS is facing "[crisis-level delays](#)." In the refugee resettlement process, this means that applicants are left in limbo and in danger, and in many cases separated from family members. More than [100,000 Iraqis](#) are seeking resettlement because of their affiliation to the U.S. government, for example, with only dozens admitted in fiscal year 2018. At the current rate, most Iraqi wartime partners currently awaiting resettlement would never be resettled.

The Administration should also **remove security restrictions that were implemented to delay and arbitrarily deny refugee applications rather than to improve national security**. This includes security restrictions from the [agency memoranda of October 23, 2017](#) and [January 31, 2018](#). These policies imposed additional restrictions in the refugee resettlement program for nationals of 11 countries and for close relatives joining refugees resettled in the United States. As a result, refugee resettlement from those countries has

[plummeted](#)—despite urgent humanitarian crises for refugees from those countries—and [nuclear families are separated](#).

C. Afghan Special Immigrant Visa (SIV) Program

The Special Immigrant Visa (SIV) program has, for years, provided a lifeline for Iraqi and Afghan interpreters, contractors, and other partners whose lives are threatened because of their work with U.S. troops and diplomats. Currently, Afghans who provided faithful and valuable service to the United States for at least two years in designated capacities and who experienced serious threats as a consequence of that employment can apply for a visa to the United States. Every applicant must be admissible to the United States and undergo extensive background checks and security screenings by numerous agencies.

The Administration should **prioritize legislation ensuring sufficient visas to protect U.S. allies and continue to include 4,000 Afghan SIVs in the President's budget each year**. This program has robust bipartisan support, and the Trump Administration has included a request for 4,000 Afghan SIVs in each of its budgets.

As is true of refugee resettlement and other immigration applications, Afghan SIVs have seen [growing backlogs](#) and alarmingly low levels of admissions. In 2013, Congress enacted legislation that requires the State Department to process SIV applications within nine months. Years later, the State Department and its vetting partners have not achieved that congressional mandate. The Administration should ensure that Afghan wartime partners can receive protection by **engaging the interagency process to implement efficiencies and providing appropriate staffing levels**.

The Administration should also **implement [policy solutions](#) to ensure that current and future wartime partners receive appropriate protections** that might prevent them from needing to seek safety elsewhere—while expanding the SIV program to other nationalities as a backstop where those measures fall short.

D. Asylum

The President must also take swift action to restore protections for individuals seeking asylum. Asylum in the United States, including the ability of individuals without lawful status to seek asylum, is codified in federal law. Recent changes to asylum have included forcing individuals at risk to wait for immigration proceedings in Mexico, 'metering' the number of asylum-seekers who can enter the United States, forcibly separating families, detaining individuals fleeing from violence and persecution, and adversely changing the screening process for asylum eligibility. IRAP urges the Administration to **adopt [firm policies](#) and [support legislation](#) that would allow asylum claims, keep families together, and avoid detention of asylum-seekers**.

E. Statelessness

A small number of stateless people—that is, individuals who are not recognized as nationals by any state under the operation of its law—live in the United States. These individuals are vulnerable to indefinite detention, as they often cannot obtain or renew travel documents and cannot be deported to any country. IRAP supports efforts to **establish a [statelessness determination procedure](#)** in the United States, which would provide stateless people with a pathway to lawful permanent residence.

II. Transparency and the Rule of Law

In each of these programs, the Administration should **commit to transparent implementation of law and due process**. For example, the President should commit to complying with statutory requirements to consult with Congress in setting the annual Presidential Determination for refugee admissions.

The Administration should ensure that immigration policy decisions are made in a fair and transparent way. Since 2017, [courts have found](#) that numerous [policy decisions](#) to close immigration programs were arbitrary and capricious. Rule-making should be based on clear evidence supported in the administrative record, and agencies should comply with and welcome congressional oversight.

Rule of law and transparency concerns apply equally in individual immigration applications. Individuals in removal proceedings in the United States can only obtain access to their files through Freedom of Information Act (FOIA) requests, which can take months to be processed, leaving individuals to pursue immigration relief without access to their own files. The Administration should **facilitate access to individuals' immigration files and reduce FOIA backlogs**.

Likewise, applicants for refugee resettlement do not have access to the evidence used against them, are not given detailed reasons for rejection, and do not have the benefit of legal representation. The Administration should **apply regulations providing procedural protections to refugee resettlement processes**. Transparent processes and procedural protections not only benefit the individual applicant, but also improve efficiency and public confidence in government processes.

III. Empowering Local Communities to Welcome Refugees

The Federal Government has primary responsibility for admitting refugees and displaced people; however, it is local communities that welcome new neighbors. The President and Administration can encourage and support local communities in their efforts.

A. Private Sponsorship, Community Sponsorship, or Directing Private Resources to Assisting Refugees

Local communities played a key role in welcoming refugees throughout the 1980s in the United States, and [private sponsorship of refugees](#) is a key cornerstone of refugee protection in many countries. The Administration should **establish a system for private sponsorship of refugees** that would allow additional refugees to be resettled above the annual limit set in the Presidential Determination. This would allow local faith congregations, civic organizations, and higher education institutions to demonstrate their desire to welcome refugees by providing integration services as private actors.

In addition to a formal sponsorship program, the Administration should use its public platform to call on businesses, faith groups, and higher education institutions to partner with resettlement agencies to contribute resources **additional to the services that are provided in the first months after a refugee arrives in the United States**. Private institutions could offer financial or in-kind donations to extend services or provide resources such as vocational training that would allow refugees to access living-wage occupations.

B. Providing Pathways to a Living Wage and Filling Acute Labor Shortages

The Administration can also support efforts to connect refugees, asylees, SIV recipients, and other individuals receiving humanitarian protection with living-wage jobs. Many communities face acute shortages of skilled workers, particularly in the healthcare sector. Refugees and other displaced people are well-situated to fill many of these positions. However, some refugees have missed educational experiences because they were displaced. Other refugees are highly educated, but their educational credentials and professional certifications are not recognized in the United States.

The Administration can support efforts to ensure that refugees, asylees, and recipients of other humanitarian immigration statuses receive [access to in-state tuition](#). The Administration can also **urge states to ease restrictions on professional licensing** that prevent qualified immigrants from filling acute labor shortages.

About IRAP

The International Refugee Assistance Project (IRAP) organizes law students and lawyers to develop and enforce a set of legal and human rights for refugees and displaced persons. Mobilizing direct legal aid, litigation, and systemic advocacy, IRAP serves the world's most persecuted individuals and empowers the next generation of human rights leaders.

For more information, contact IRAP at policy@refugeerights.org.