

**Written Statement for the Record**

**Submitted by  
The International Refugee Assistance Project**

**To  
The Senate Judiciary Committee**

**For the Hearing “Oversight of the Administration’s FY 2016 Refugee Resettlement Program: Fiscal and Security Implications”**

**October 1, 2015**

**I. INTRODUCTION**

The International Refugee Assistance Project (IRAP) organizes law students and lawyers to represent refugees and displaced persons who are fleeing persecution. Mobilizing direct legal aid and systemic policy advocacy, IRAP serves the world’s most persecuted individuals and empowers the next generation of human rights leaders.

IRAP is the first organization to provide comprehensive legal representation to refugees throughout the registration, protection, and resettlement processes. IRAP has successfully helped resettle more than 3,000 refugees in life-or-death situations, including Iraqis and Afghans at risk for their work with the U.S. military, children with medical emergencies, women who are survivors of domestic and sexual violence, religious and ethnic minorities, LGBTI individuals, and survivors of torture. IRAP is currently working on more than 500 cases. We have offices in Jordan and Lebanon, where our field staff conducts outreach to the most vulnerable refugee applicants. Our three offices help find cases that will be admissible to the U.S. Refugee Admissions Program, working closely with the UN High Commissioner for Refugees’ (UNHCR) offices in this endeavor. We also have a legal hotline that has provided guidance to over 10,000 individuals seeking relief from persecution.

IRAP has chapters at 26 law schools in the United States and Canada. Chapters are student-initiated and directed, with guidance, training, and expertise from staff in IRAP’s New York office. Law students work in teams under the supervision of *pro bono* attorneys from over 60 private firms and in-house counsel at multinational corporations who are also guided and trained by IRAP staff. IRAP legal teams prepare refugee and visa applications, submit appeals, and advocate and empower our clients to successfully navigate the resettlement process. Together our *pro bono* network comprises over 1,000 legal representatives.

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Because IRAP handles so many individual cases, our staff, law students, and lawyers have unique insight into refugee and visa processing. We utilize the knowledge gained from our individual cases to advocate for specific legal reforms to systems of refugee and Special Immigrant Visa processing in the United States.

The Administration has made some initial showings of support to the international community in the wake of the Syrian refugee crisis: on September 10th, it committed to resettle a minimum of 10,000 additional Syrian refugees in FY16 and increase the total annual “ceiling” to 85,000 in FY 16 and 100,000 in FY 17. Many experts have responded that this target is insufficient in comparison to the scope of the crisis—the worst the world has seen since World War II. It is true that the Presidential Determination for refugee admissions remains critical to the U.S. resettlement efforts.

However, significant changes to the *underlying system* of refugee resettlement—to make it more expedient, accurate, and robust—are also needed to help protect and resettle Syrian refugees. Short of this, any promises of admissions numbers are empty. Currently the United States is denying or delaying Syrian refugees referred by the United Nations for resettlement at a higher rate than *any other nationality*, and admitting Syrian refugees at a rate about four times lower than other nationalities. Based on IRAP’s work in providing legal assistance to thousands of refugees throughout the Middle East—many displaced in the current crisis—we have identified the following problems and proposed policy solutions.

## II. REFUGEE PIPELINE PROBLEMS AND PROPOSED POLICY SOLUTIONS

- 1. Problem: The Syrian refugee crisis has stretched UNHCR beyond capacity, leaving UNHCR unable to identify and assist many of the most vulnerable refugees.** With more than 4 million Syrian refugees in countries of first asylum, and their call for funding less than half met, UNHCR needs help identifying especially vulnerable refugees who are in need of aid and protection. Domestic laws in Lebanon and Turkey bar UNHCR from registering new refugees as of May 2015, removing a vital opportunity for UNHCR to identify cases with serious needs. Throughout the Middle East, UNHCR lacks capacity to do home visits or affirmative outreach to particularly vulnerable refugees. Many refugees with urgent needs such LGBTI individuals or survivors of sexual and gender-based violence (“SGBV”) will not identify themselves to UNHCR as such without relationship-building and outreach. People with chronic or serious medical conditions will physically not be able to leave their homes to approach UNHCR offices. NGOs located on the ground in countries of first asylum are in a unique position to identify refugees in need of services like emergency medical care, protection services, financial assistance, or referrals for resettlement.

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a. **Solution:** Encourage UNHCR field offices to accept bundles of case referrals from on-the-ground NGOs. Designated community-based NGOs should receive capacity building and training to appropriately identify refugees to UNHCR who are most in need of assistance.

2. **Problem: UNHCR staff is currently unable to process the necessary number of refugee referrals to fill global resettlement quotas for Syrian refugees.** Prior to the increased pledges from the United States and the United Kingdom, UNHCR planned to make 126,677 refugee referrals in the next fiscal year, but according to its own estimate, its own staff is able to process only 56% of those resettlement referrals. NGOs are being asked to participate in a deployment scheme, contributing staff and resources to UNHCR's global resettlement efforts.<sup>1</sup>

a. **Solution:** UNHCR has already proposed a deployment scheme in recognition of how short it will fall from needed resettlement referrals. **The United States should ensure that the scheme, set to be implemented beginning in January 2016, comes to full fruition and results in high-quality staff and work product for efficient resettlement adjudications, and not simply a lower-cost model of operating.**

b. **Solution: Permit NGOs to refer refugees in need of resettlement directly to the U.S. Department of State (DOS) and other resettlement destination countries.** NGOs are well-positioned to screen their referrals for specific criteria in light of complicated U.S. legal requirements for admission to the United States. DOS should provide necessary training to designated NGOs to allow them to refer cases directly to the U.S. Refugee Admissions Program. In addition to increasing referrals, this will decrease overall time for processing a single case.

c. **Solution: Create a new Priority Two (P-2 or "direct access") program allowing Syrian nationals with approved immigrant visa petitions to enter the U.S. Refugee Admissions Program ("USRAP").** There are currently 7,244 Syrian immigrant visa cases, representing 20,730 individual beneficiaries, waiting for visa numbers to become available. These individuals already have demonstrated a family or employment-based connection to the United States and a desire to resettle to the United States. For many of them, a program enabling them to access the U.S. refugee admissions process directly, instead of first going through UNHCR, would speed their admission to the United States.

d. **Solution: Modify the Priority Three (P-3) family reunification program to require that only the derivative have a refugee claim.** The P-3 family reunification program allows spouses, unmarried children under the age of 21, and parents of persons lawfully admitted to the United States as refugees or asylees to enter the U.S. Refugee Admissions Program. Prior to FY

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<sup>1</sup> UNHCR Global Resettlement Needs 2015, 9, <http://www.unhcr.org/543408c4fda.html>.



2004, P-3 was open to refugees with immediate relatives in the United States who entered in a variety of statuses. After FY 2004, P-3 was limited to refugees who were immediate relatives of individuals who entered as refugees or asylees. Currently, Syrian refugees who are parents of U.S. legal permanent residents cannot enter the United States until their children become U.S. citizens. Restoring the previous policy would allow parents of Syrians living in the United States to reunite with their loved ones on an expedited basis.

**3. Problem: Background checks for USRAP take far too long.** In the best-case scenario, background checks alone take 18 months to 2 years to clear, according to DOS. Many cases take longer. This is clearly insufficient to provide meaningful assistance to refugees living in emergency situations, or to our Middle Eastern and European allies, who face influxes of thousands of people by the day. The result of this backlog is that the United States has admitted only 1 out of every 16 Syrian refugees referred by UNHCR for resettlement.

**a. Solution: Improve the background check backlog at the Department of Homeland Security (DHS).** Additional staff will be needed to clear DHS backlogs and accelerate individual background check times. This will require both adding additional and better-prepared security check personnel *and* utilizing existing tools and precedent. Hiring and onboarding security check personnel takes a long time (checkers require a high level of security clearance and major training). As such DOS and DHS need to be forward-looking and **start the hiring process now**. The new hires should have strong experience, including background working in the Middle East, enabling them to make accurate and efficient decisions in individual cases.

**b. Solution: Ensure that available Terrorism Related Inadmissibility Grounds (“TRIG”) waivers are expeditiously implemented.** The DHS U.S. Citizenship and Immigration Services section (“USCIS”) has implemented numerous waivers for TRIG inadmissibility grounds for cases in which individuals whose cases are caught up in TRIG laws, even though they clearly do not pose any threat to the United States—that is, they have not provided meaningful support to terrorist organizations. Individuals facing TRIG issues often face lengthy delays in adjudication of their cases. DOS can encourage its USCIS partners to apply these waivers expeditiously.

**c. Solution: Provide increased oversight of, and resources to, USCIS to ensure that Controlled Application Review and Resolution Program (“CARRP”) holds, which can result in indefinite delays for individual resettlement applicants, be resolved as quickly as possible.**

**4. Problem: DHS Interviews do not occur at sufficient levels or in the most important countries.** Before entering the background check process, refugees must undergo

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overseas interviews, conducted by DHS USCIS officials who go on “circuit rides” throughout the world. However, there are often months or even years between circuit rides, and sometimes they are completely suspended due to security concerns. This means that the refugees in the most dangerous areas are often stalled in refugee processing.

For example, DHS suspended circuit rides to Iraq for about a year. These were just resumed, but there is a backlog of approximately 57,000 cases in Iraq alone. Many of the Syrian refugees are in Iraqi Kurdistan, but there has been no progress on conducting DHS interviews out of Erbil, which would present significantly fewer security problems. DHS has also suspended circuit rides to Lebanon for over a year (and just suspended one scheduled for fall 2015). This is in a country with a population of 4 million that hosts about 1 million Syrian refugees. If UNHCR refers a case to the United States in a country with no circuit rides, that case simply will not be processed.

**a. Solution: Increase the number of DHS circuit rides or implement a videoconferencing scheme for circuit rides.** A policy permitting for videoconference refugee interviews was announced by DHS to be ready to deploy in October 2014, but so far it has not been officially issued or implemented. This policy would enable DHS to conduct interviews even in those countries where security concerns may inhibit circuit rides. There is no reason to delay this life and cost saving policy change. We estimate that 2/3 of the cases referred by UNHCR are never even interviewed by DHS. **It is critical that DHS interviews begin again in Lebanon and Erbil.**

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