

A New Era of Refugee Resettlement

By Don Barnett

Since 9/11, annual refugee resettlement numbers have been sharply lower than in previous decades, reflecting both a shift away from traditional Cold War sources and new security and anti-fraud measures. But changes are underway that are likely to increase even beyond earlier levels the number of refugees from abroad resettled in the United States. These changes include: 1) granting blanket refugee status to numerous small groups of people to replace the diminishing flows from Southeast Asia and the former USSR; 2) delegating to refugee resettlement contractors and the UN more authority to decide who will move to the United States; and 3) expanding the definition of “refugee” to cover people never before considered refugees.

Fiscal Year 2006 ended on a disappointing note for advocates of the U.S. refugee resettlement program. Fewer than 42,000 refugees were resettled in the United States via the program this year — close to the average post-9/11 annual rate, but less than half the average admission rate for the life of the federal program.

Still, the United States remains the leader in the global refugee resettlement effort, taking about two-thirds of the refugees who were resettled to the industrialized world by the U.N. High Commissioner for Refugees (UNHCR). For the past three decades the United States has resettled more refugees from around the world than all other developed nations combined.

The “Presidential Determination” for the 2007 refugee quota released on October 11, 2006, calls for 70,000 refugee arrivals in FY 2007. In recent years the Republican-controlled House reduced the administration’s budget request for refugee resettlement, approving funds sufficient to cover roughly 50,000 admissions. The President has stated that his eventual goal is a program that resettles 90,000 refugees in the United States each year, more than twice the total number of refugees resettled by all other developed countries combined in any year since the federal program began in 1980.

Despite recent setbacks there is good reason to believe the President’s number is a realistic goal and may soon be easily surpassed.

As of 2005, the number of officially recognized refugees in the world stands at 8.4 million, a 26-year low. However, the UN now speaks in terms of “People of Concern,” which includes those “internally displaced” within their own country. Including these brings the number of UN clients potentially in need of resettlement to 20.8 million.

The end of the Cold War reduced the flow of refugees into the United States. The majority of Cold War refugees admitted to the United States were refugees only because the United States declared them such, not by any common-sense definition of the term “refugee” nor by any UN standard. There is broad agreement along the entire spectrum of immigration opinion that most of the two main groups who arrived as refugees in the 1980s and 1990s — Southeast Asians and Soviets — were not really refugees.

Ironically, the United States wants to make Ukraine a NATO partner while maintaining a refugee policy which implies that it is a country so repressive that some Ukrainian citizens are fleeing a “well-founded fear” of persecution “on account of race, religion, nationality, membership in a particular social group, or political opinion.” The refugee program for Soviets was originally made up mostly of Jewish refugees; but the majority of “refugees” now coming from the former Soviet Union are evangelical Christians, joined by Ukrainian Catholics, Ukrainian Orthodox, and Jews as well.

Though the number of new ex-Soviet and Southeast Asian “refugees” is much smaller than in the 1980s and 1990s, the continuation of the flow illustrates an enduring principle in refugee resettlement: Programs



never stop. In fact, refugee flows to the United States never stop with the originally designated group and cause an increase in all other forms of legal and illegal immigration as well.

The federal refugee program had just begun to change its focus from Cold War sources to the resettlement of people who were more likely to be “real” refugees when the 9/11 attacks happened. Suddenly, the refugee program’s shift to the Middle East and Africa, with an increase in Muslim refugees, was a problem. Newly mandated screening procedures were costly and took time to implement. Refugee admissions to the United States for 2002 dropped to 27,000, the lowest number in 25 years.

Boosting Refugee Numbers

Many in government, and especially the federal contractors responsible for refugee resettlement, are angry about the lower refugee numbers and have made various proposals for increasing refugee admission numbers. These proposals boil down to three changes:

- Identifying numerous, but smaller, refugee groups to replace the major flows from the Soviet Bloc and Southeast Asia.
- Giving refugee resettlement contractors and the UN more say in selecting refugees bound for the United States.
- Broadening the definition of a refugee.

In the last five years the United States has resettled, or begun to resettle, several smaller refugee groups — Somali Bantu in Kenya, Burundians in Tanzania, Baku Armenians in Russia, Iranian religious minorities, Meskhetian Turks in Russia, certain Hmong refugees in Thailand, and certain Vietnamese in the Philippines. Groups likely to arrive shortly in the United States include Somali women-at-risk in Egypt, ethnic Luba who fled the Democratic Republic of the Congo to Zambia, Eritreans in Saudi Arabia, and even Tibetans in Nepal’s Mustang district, whose claim on the U.S. refugee program relates to WW II and early 1950s involvement with the United States.

Resettlement of Iraqi refugees, more or less on hold since 9/11, resumed midway through 2005. Approximately two million have fled Iraq, mostly to neighboring Jordan, Syria, and Lebanon in an outflow that started under Saddam Hussein. Many left during the first Gulf War and they are still leaving today. While

the Middle East, and Iraq in particular, has the potential to produce large refugee flows into the United States, the official State Department position on Iraq, from its 2006 Report to Congress, seems to hold for the entire region: “Given the continuing political reforms in Iraq, it is hoped that the majority of Iraqi refugees located throughout the Middle East and Europe will soon be able to return home....”

Clearly it would be an embarrassing admission of failure to accept large numbers of refugees from Iraq. It is equally clear that there is an unspoken concern in some governing circles about a repeat of the refugee flows from Indochina after the Vietnam War, regardless of the cause. The U.S. refugee program in 2006 admitted fewer than 300 Iraqis and called for three times as many refugees from the former USSR than from the Middle East. (Total legal immigration from Iraq, however, has averaged about 4,000 per year from 2001 to 2005.)

Once a group is selected for resettlement, most obstacles that might otherwise affect immigrants are cleared away.

Economic integration is not an issue as it is for other immigrants since refugees are eligible for all forms of welfare on the same basis as U.S. citizens. Until the 1980s, the program was limited by the responsibilities and absorptive capacity of the organizations that “sponsor” refugees. But, as the program evolved into a federal responsibility, the charities turned into federal contractors and public money drove out private money.

Most medical bars to immigration are waived for refugees. The U.S. public health service has committed to “curing” cases of TB among refugees selected for the program before carriers are admitted to the United States. HIV/AIDS is no longer a bar to the admission of refugees under a regulation promulgated in the last days of the Clinton administration.

This summer the United States began the resettlement of 9,300 refugees in Thailand from Burma’s Karen ethnic group. Initially, DHS found “thousands” to be inadmissible under provisions of the Patriot Act and Real ID Act relating to “material support” for “terrorist organizations.” It turns out that many of the Karen tribesmen have provided “material support” to an organization, the Karen National Army, which is on the State Department’s list of terrorist organizations. Supporters of the resettlement effort point out that, among the refugees, “material support” is more often than not provided unwittingly or under coercion.

Just before resettlement was to begin in June, Secretary of State Rice waived the Patriot Act terrorist provisions for the entire resettlement group, ignoring the concerns of some at the Justice Department.

No doubt, Patriot Act definitions of a “terrorist organization” (two guys and a gun with intent to use it for other than “mere personal monetary gain”!) and “material support” are overly broad. But, according to Assistant Attorney General Rachel Brand, the United States uses the “material support” clause to deport aliens or bar entry when other means cannot be found. At the very least, the Patriot Act waivers for refugees will complicate or end the use of a legal tool used in the pursuit of terrorists, not to mention the implications for equal protection before the law.

Some 40 groups in the future might require the blanket waiver, according to a State Department official, though “blanket waiver” is not part of the official vocabulary when describing these cases. The “material support”/“terrorist organizations” impasse is a real stumbling block for the program and perhaps the main contributing factor to this year’s lower refugee admission numbers. Legislation (the 109th Congress’s Pitts-Pence bill (H.R. 5918) and the Coleman-Leahy amendment in the Senate) and administrative changes are under consideration to ameliorate the impact on refugees from the anti-terror laws.

This summer the State Department officially reopened the Vietnamese resettlement program one more time for those who may have missed out on the longest-running refugee program in U.S. history. (When the United States began the Southeast Asian resettlement program in the 1970s, it was expected to run for a few months. Contractors hired only temporary staff, many of whom are still employed in the program today.) For years, Vietnamese who arrived earlier in the United States as refugees have been returning to take part in Vietnam’s economic boom.

U.S. government officials have been promoting the resettlement program “on the ground” in Vietnam, but the promotion campaign was hardly necessary. Knowledge of the latest “last chance” opportunity was already widespread in that country, effectively communicated via social and family networks with contacts in the U.S. refugee community and among refugee contractors in the United States. The new program is set to run until 2008 and is expected to bring in 5,000-6,000 refugees, but has already received about 33,000 applications for a total of 65,000 individuals.

It remains to be seen whether the re-opened Vietnamese program will be able to maintain its screening criteria and reject the vast majority of applicants.

That is the challenge of the new “small groups” model.

According to a recent State Department study (“The United States Refugee Admissions Program:

Reforms for a New Era of Refugee Resettlement,” online at <http://www.state.gov/g/prm/refadm/rls/rpts/36958.htm>) the U.S. government must “develop a sense of mission about adding *one or two new [refugee] groups to the [U.S. refugee] pipeline development process each month* and think of itself as the component in the decision making system that gives the benefit of the doubt to resettlement”. (italics added)

In other words, the State Department must think of itself as the principal backer of the U.S. refugee resettlement contractors and must more actively promote the option of resettlement to the United States rather than treat resettlement as a last resort after other approaches have failed.

‘Small Groups’ Grow Bigger

According to the “small groups” model laid out in the report, groups receiving most-favored refugee status would be tightly defined, resulting in an ideal group size of 5,000 to 15,000 people. So, for example, to prevent dozens of new flying wedges for ever-growing groups, U.S. refugee status would be conferred on members of tribal group A from country B, resident in a U.N. refugee camp in country X for N or more years.

The recent resettlement of Somali Bantu from camps in Kenya is the model for the new program — a model that has not been tested, let alone proven. Though currently limited to no more than 15,000 individuals, the so-called Somali Bantu have *direct* clan relationships with at least 100,000 others in Somalia. Every refugee flow that the U.S. government has initiated suggests that it is realistic to expect that most of these 100,000 people will eventually make it to the United States one way or another. Another one million Bantus live in Somalia, many of whom can be expected to try to emigrate thanks to expanded ethnic networks, their enhanced chances of success in the United States, and what for some is a newfound ethnic identity conferred upon them by international bureaucrats.

Whenever a group is designated as favored for resettlement to the United States, the group attracts large numbers of new members. According to study author David Martin, former General Counsel of the Immigration and Naturalization Service, those who are not in any danger in their home country arrange to adopt the selected group’s characteristics, even moving to a refugee camp if that increases chances of resettlement to the United States. Addressing this phenomenon, the “New Era” report finds:

Traditional categories for resettlement referrals, especially the category for 'women at risk,' can become self-fulfilling. When it becomes known that resettlement is possible on this ground, families may separate to enable the woman to win a referral for herself and the children and perhaps be able to bring the husband later.

Further, some women successfully heading households in a refugee settlement may begin to portray their situations in a sharply different light, or even expose themselves to greater dangers, so as to try to come within the category. ...

The temptations in this field have also sometimes resulted in damaging corruption or manipulation on the part of certain UNHCR officials or others in a responsible role, who find they can extract large bribes or other personal favors for moving certain cases to the head of the resettlement line.

Concerns about the explosive potential of the revamped refugee resettlement program have led to almost comical proposals for controlling growth of the preferred groups, such as conferring refugee status on a group in secret.

Officials visiting refugee camps to consider groups for resettlement to the United States are advised in the study: "In order to avoid generating unrealistic expectations among refugees in the area, decisions to name a candidate group should not be publicized, and the inquiry team should strive to work behind the scenes and without advance publicity of the purpose of its visit."

The desire for secrecy is based on sound impulses and an understanding of how refugee resettlement really works.

But conferring "status" without the intended future beneficiaries' knowledge is impossible, since responsibility for selecting groups to admit as refugees has increasingly passed from the U.S. government to the UN and to the refugee resettlement contractors themselves.

Letting Others Pick Our Refugees

Planning for the 2006 fiscal year called for about one-third of refugee admissions to be referrals from the UN. According to the study, "The U.S. government should do all it can to support the further development and early deployment of UNHCR's group referral mechanism. It should give such referrals quick and favorable consideration for inclusion in the U.S. Refugee Program, and it should encourage other nations to join in the resettlement effort."

The resettlement contractors (the State Department audits the books of some 400 organizations

with federal refugee-resettlement contracts) are largely U.S.-based exclusive ethnic clubs made up of recent immigrants and refugees with extensive ties in sending countries.

Kelly Ryan, Deputy Assistant Secretary of the State Department, a Bush appointee charged with building up the numbers of refugees brought into the United States, likes to say the "best ideas come from the advocacy community" when it comes to assigning the highly coveted "refugee" designation. It's doubtful the advocacy groups are keeping their suggestions a secret.

As one refugee worker observed, regarding the Somali Bantu resettlement: "Going to America is the holy grail of refugee life. People will cajole, bribe, threaten, and kill for the opportunity." (From the February 2002 issue of *Refugee Reports*, which is published by the U.S. Committee for Refugees and Immigrants, a federal refugee-resettlement contractor.) Expectations of a generous reception in the West contributed to the refugee flows of the 1980s and 1990s and exert a strong "pull" factor in the decision to seek asylum in the West today. Discussing the attractions of the West, the "New Era" study notes:

This magnet effect or pull factor forms an increasingly pervasive worry for host countries and sometimes for the Office of the UN High Commissioner for Refugees (UNHCR) in thinking about resettlement initiatives. Those parties also worry that providing a resettlement option [i.e. to the West] will interfere with pursuit of other durable solutions — local integration or voluntary repatriation. ...

The temptation to fraud is great in refugee programs, because resettlement often represents such a highly valued solution for persons in desperate situations. In today's conditions, the fraud problem has probably worsened, owing to modern communications and the growth of organized crime or other enterprises trying to make money from facilitating a person's inclusion in a resettlement program.

The United States now has State Department personnel or federal contractors in 40 different locations considering 60 different nationalities for the refugee program. In recent years, the main refugee sending-regions have been Africa (Somalia, Liberia, Sudan, Ethiopia), at nearly half of overall arrivals, followed by the former USSR and East Asia (Laos, Vietnam, Burma).

The "New Era" study, one of Ms. Ryan's initiatives, makes no apologies for the self-interest that drives the refugee contractors and their affiliates, and states that the contractors should not be expected to "shy away from supporting refugee groups to which they

have ties. Our democratic system makes such advocacy legitimate, even on the part of persons or entities affiliated with organizations that have contractual ties with a government program.”

Anticipating the obvious conflict-of-interest questions that arise when the contractors who set and implement government policy are the prime beneficiaries of those very policies, the study notes: “Given that the new era may require a dozen or more decisions each year on new resettlement initiatives, more occasions may arise for critics to charge improper influence. Some recent legislative proposals meant to give NGO’s wider authority to help set admissions priorities through refugee response teams perhaps composed exclusively of NGO personnel, are freighted with long-term peril of this sort. Such proposals might succeed in getting admissions numbers up but at the likely cost of feeding a backlash against what critics will see as interest-group distortion.” Indeed.

‘Refugee’: Stretching the Definition

The large amnesty/foreign-labor bill passed by the Senate in May 2006 (S. 2611) included Sen. Sam Brownback’s “Widows and Orphans Act,” allowing federal refugee contractors to refer “widows” and “orphans” from around the globe into the U.S. refugee program bypassing most U.S. government controls.

Under the bill, “widows” does not mean actual widows, but any female who has a “credible fear of harm related to her sex; and a lack of adequate protection from such harm.” “Orphans” are not orphans, but anyone under “18 years of age... for whom no parent or legal guardian is able to provide adequate care; who faces a credible fear of harm related to his or her age.... and for whom it has been determined to be in his or her best interest to be admitted to the United States.”

Importantly, it requires only a “credible fear” of persecution, a significantly lower standard than the “well-founded fear” required by the law today.

Key to expanding the refugee program is stretching the malleable definition of a refugee. According to the “New Era” study, the U.S. program should not be “limited to rescue from grave life-threatening dangers, but will work actively to rescue displaced individuals and groups who face a wider range of harms, including the wastage of human potential that can result from protracted stay in a refugee camp. These latter needs are real and compelling, and there are large populations meeting these wider criteria.”

The study urges making more use of group designations of refugee status “without requiring lengthy

interviews applying the convention [1951 Convention Relating to the Status of Refugees] definition.”

National interest and foreign policy still linger in refugee resettlement, but with a diminished role. Contractors pitch refugee resettlement as a weapon in the “war on terror” and some in the administration have seized upon the program as a way to repair our image in the Third World — the open hand of hospitality for those who are with us along with the sword for our enemies.

Indeed, our entangled foreign relations present endless opportunities to use refugee groups as currency in international transactions. The United States, for example, could promise to resettle a restive minority in exchange for a concession to America’s interests from the country trying to expel the minority. But the resettlement program could complicate rather than simplify inter-ethnic conflict in announcing its readiness to receive “undesirable” minorities. For an oppressive majority, “ethnic cleansing” is made easier and is a more tempting goal when the United States is willing to lend a hand in the process.

The history of the program has amply shown that any hint of a chance at resettlement to the United States causes potential beneficiaries, advised by their “advocacy community” and federal contractors in the United States, to refuse to consider other options, such as going home or resettling in a nearby country.

Giving the refugee contractors and related NGOs a free hand to select refugee groups or even to raise expectations among potential future resettlement groups essentially relinquishes power and control over the program that properly should be exercised by the U.S. government and the U.S. Congress.

A liberalized refugee resettlement program which commits to many new resettlement groups each year will become increasingly reliant on opportunistic international deal brokers with their own narrow agendas. It is also likely to set off multiple self-propagating flows, some of which have the potential to reach the size of the Cold War flows from Southeast Asia and the former USSR.

Many in the global migration rights network are U.S. federal contractors whose income is directly tied to more refugees and asylum seekers and for whom the main solution for suffering for any reason anywhere in the world is extraordinary U.S. immigration privileges.

With the changes underway in the U.S. resettlement program, this group stands to gain even more influence over policy decisions and implementation of its favored solution to the world’s ills.

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