

Resettling “Special Populations”: Striking the Right Balance between Urgency and Equity

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“Special Populations”

- Throughout the twentieth and twenty-first centuries, the United States has prioritized certain populations for resettlement as a humanitarian response to certain events, usually military conflicts.
- Historical examples:
 - Cubans (prior to formal resettlement program)
 - Vietnamese (prior to formal resettlement program)
 - Citizens of the (former) Soviet Union
 - Iraqis
 - Kosovans

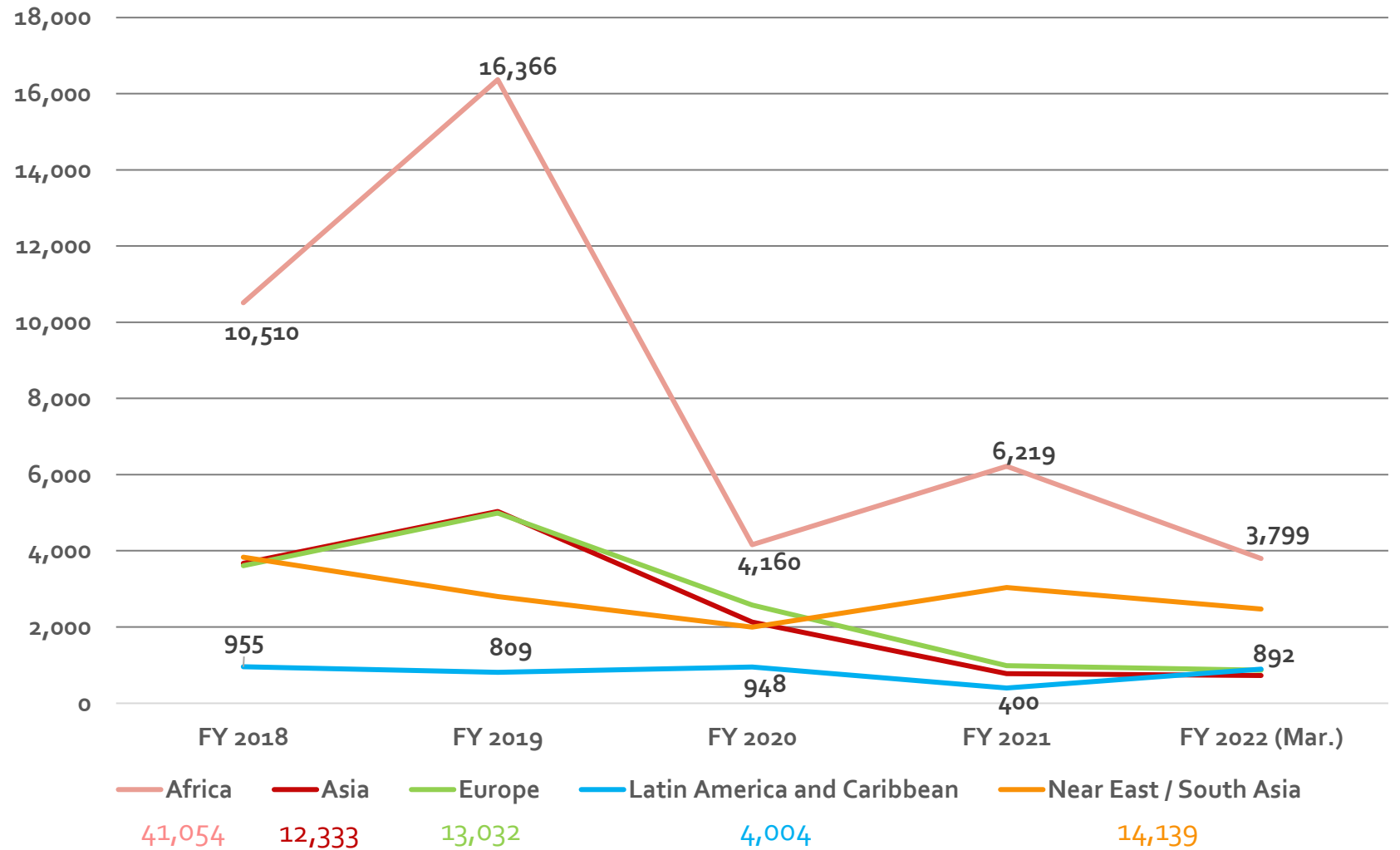
Current Example: Afghans

- Following almost two decades of U.S. military intervention in Afghanistan, Kabul came under Taliban control in August 2021, around which time the U.S. military organized an evacuation of more than 120,000 people, including **over 70,000 Afghan nationals**.
- The vast majority of those Afghans were admitted to the United States using humanitarian parole (two-year duration) over a period of less than six months.
- Humanitarian parole: a mechanism in U.S. immigration law that grants individuals authorization to enter the United States for a temporary period of time, bypassing normal entry requirements, such as a visa.

Current Example: Ukrainians

- In February 2022, Russia commenced a full-scale military invasion of Ukraine.
- On March 24, the Biden Administration announced that it will work to welcome **up to 100,000 displaced Ukrainians** to the United States.
- On April 21, the Biden Administration announced the creation of “Uniting for Ukraine,” a streamlined process for displaced Ukrainians seeking to enter the United States. The program relies heavily on humanitarian parole (two-year duration) and requires each Ukrainian beneficiary to have a U.S.-based fiscal sponsor.

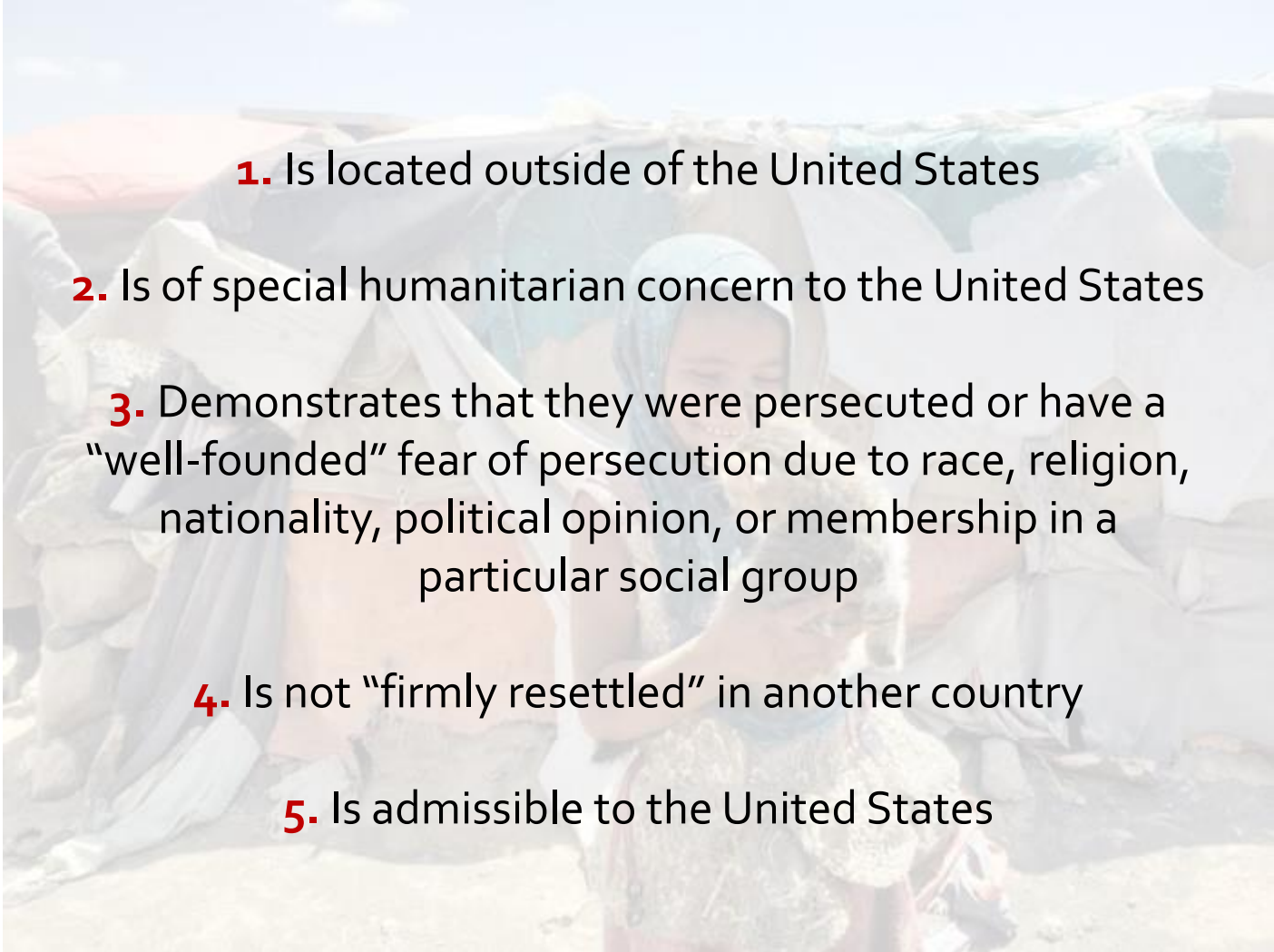
Recent Resettlement Numbers by Region



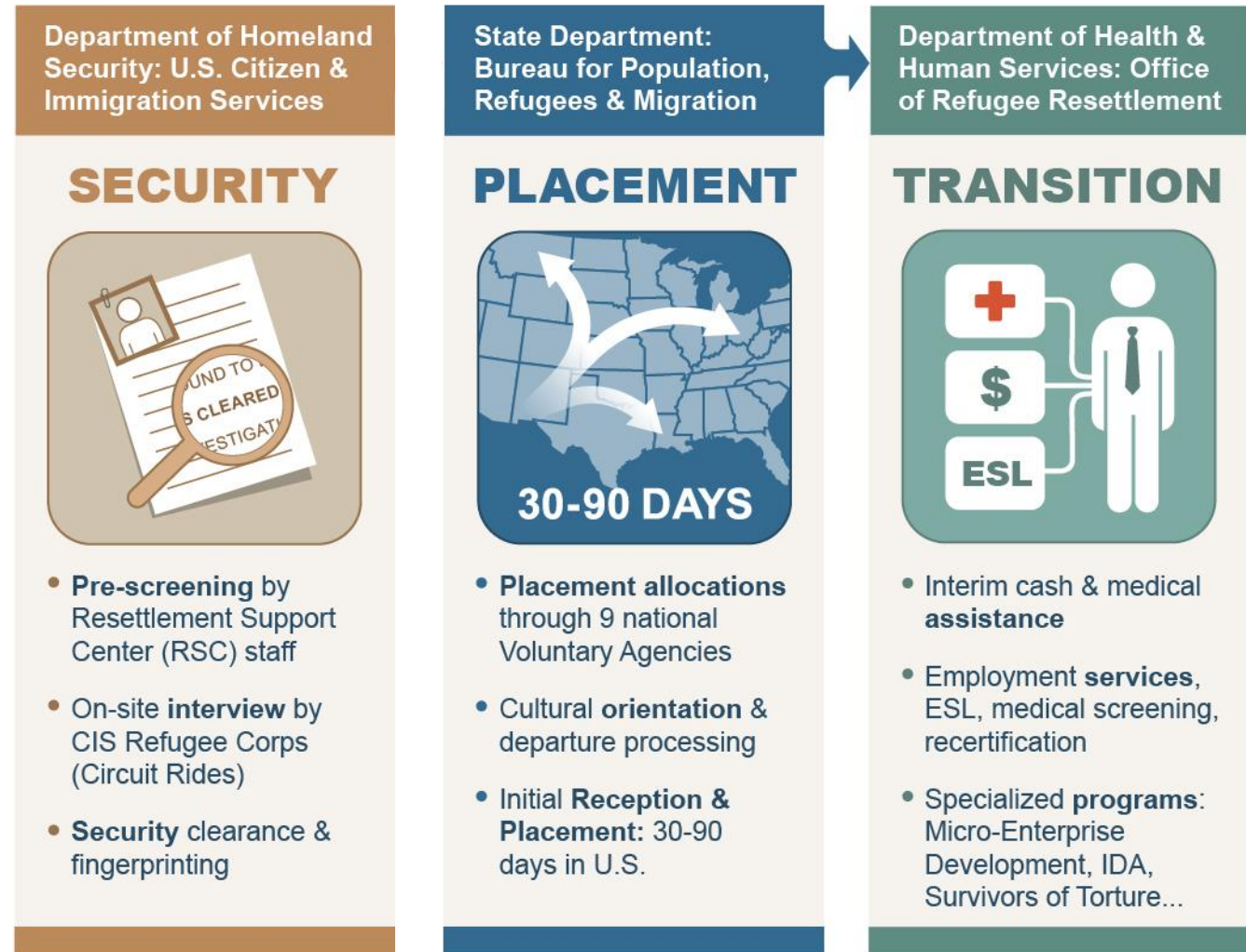
History of U.S. & International Legal Frameworks

- **1948** – U.S. Congress passed the Displaced Persons Act
- **1951** – United Nations adopted the 1951 Refugee Convention
- **1967** – United Nations amends 1951 Refugee Convention with Protocol Relating to the Status of Refugees
- **1980** – U.S. Congress passed the Refugee Act of 1980, creating the U.S. Refugee Admissions Program (USRAP) as we know it today:
 - Incorporated the definition of “refugee” from the 1967 Protocol into U.S. law
 - Regularized refugee admissions
 - Created the Office of Refugee Resettlement (ORR)
 - Built on existing public-private partnerships and historic role of NGOs

Who is eligible for refugee status under U.S. law?

- 
1. Is located outside of the United States
 2. Is of special humanitarian concern to the United States
 3. Demonstrates that they were persecuted or have a “well-founded” fear of persecution due to race, religion, nationality, political opinion, or membership in a particular social group
 4. Is not “firmly resettled” in another country
 5. Is admissible to the United States

What is the usual USRAP process?



Medical screening

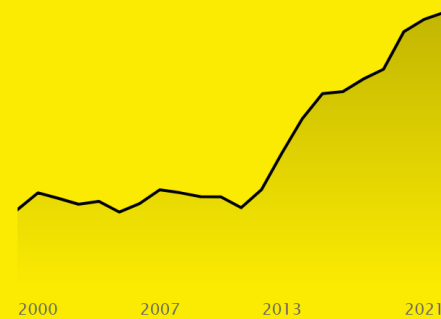
Challenges to Refugee Protection Today

- “Refugee” definition limitations
- Political will
- Protracted refugee crises due to ongoing conflicts
- Flexibility in crisis

Global Context

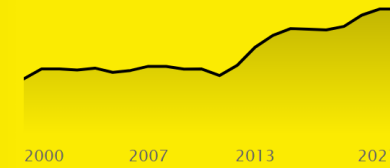
84 MILLION Forcibly displaced people worldwide

While a full picture is yet to be established, UNHCR estimates that global forced displacement has surpassed 84 million at mid-2021.



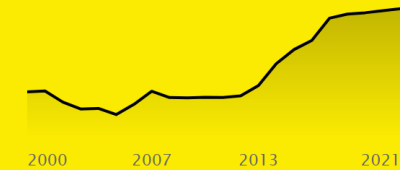
48.0 MILLION

are internally displaced people
(Source: IDMC, as of end-2020)



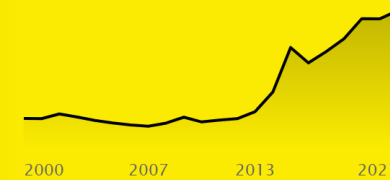
26.6 MILLION

are refugees (as of mid-2021)



4.4 MILLION

are asylum-seekers (as of mid-2021)



Last update: 10 November 2021

- Displacement at historic highs
- 0.13% of refugees were resettled in 2020
- 85% of refugees are hosted in developing countries

<https://www.unhcr.org/refugee-statistics/>

USRAP in Context

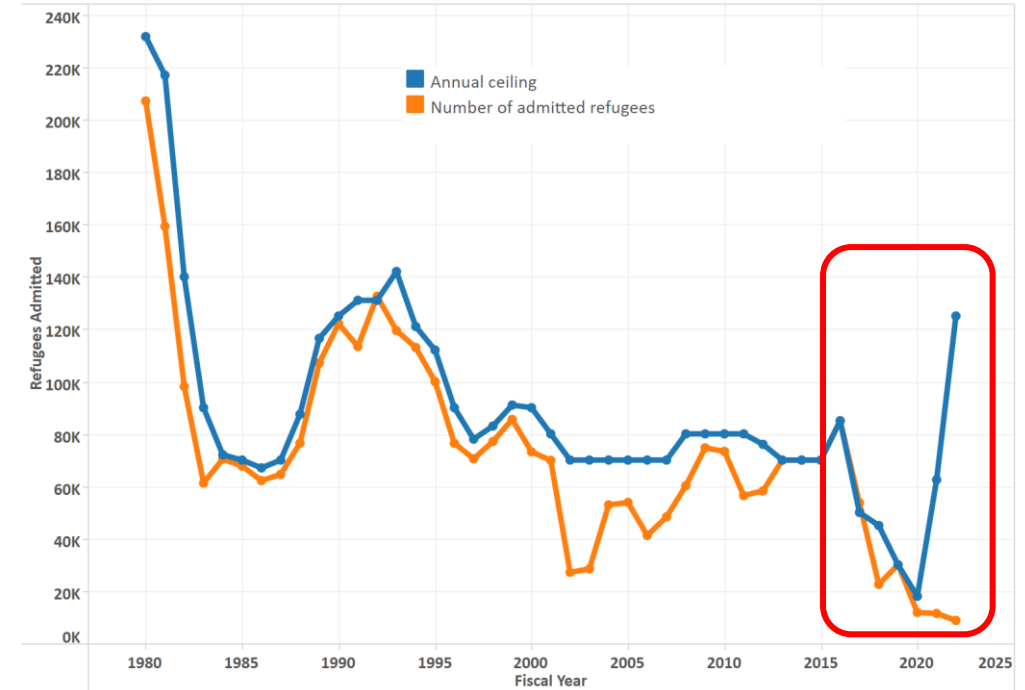
In Recent Years:

- Policies +
- COVID constraints =
- Processing delays

Rebuilding:

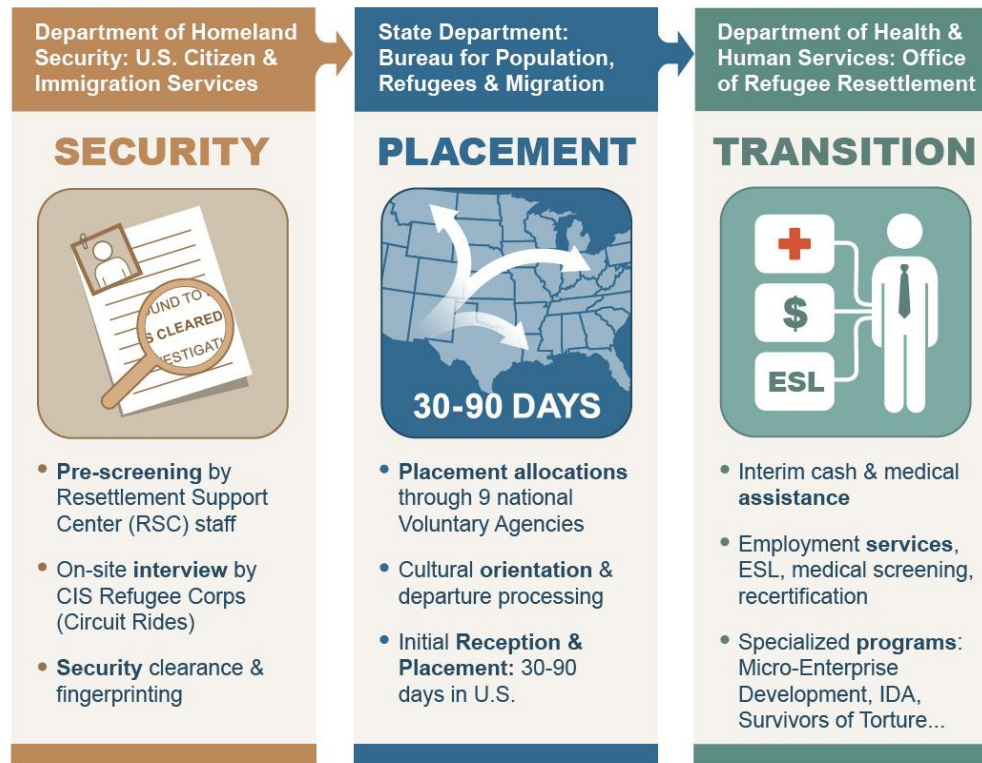
- Higher PDs
- Resources
- Efficiencies

U.S. Refugee Admissions & Refugee Resettlement Ceilings, FY 1980-2022* (thru March 2022)



Migration Policy Institute (MPI) Data Hub
<http://migrationpolicy.org/programs/data-hub>

Overseas Processing for theUSRAP



At RSC Turkey/ME, ICMC provides:

- Case processing
- Logistics for USCIS circuit rides
- Medical screenings
- Cultural orientation

7 RSCs globally:

- Africa
- Austria
- East Asia
- Eurasia
- Middle East and North Africa
- South Asia
- Turkey and the Middle East

Expedited Models

- Afghanistan:
 - Humanitarian Parole
 - **Expedited Processing Model for Afghans:**
 - 30 days for processing on U.S. Air Base in Qatar as refugees or SIV holders
 - Vision to apply learning to benefit processing in other parts of the world
- Ukraine – Humanitarian Parole

Reflections on Urgency & Equity

From the Populations We Serve:

- Concern around possibility that populations of special interest could be processed more quickly than others who have been in the pipeline longer
- Vulnerability of refugee populations in limbo

Humanitarian Parole: Benefits and Shortcoming

Humanitarian Parole

Benefits:

- Is a fast and efficient way to offer protection from harm

Shortcomings:

- Generally ineligible for public benefits (exception made for Afghans under OAW)
- Does not confer work privileges, must apply for work authorization after arrival
- Is temporary and does not offer permanent immigration status
- Adds to the massive asylum backlog for those seeking permanent status
- No mechanism for family reunion

USRAP: Benefits and Shortcomings

U.S. Refugee Admissions Program

Benefits:

- Provides a pathway to US citizenship
- Eligible to work immediately on arrival
- Eligible for public benefits
- Eligible for initial refugee resettlement services
- Can apply for family reunification

Shortcomings:

- Enormous processing backlogs
- Can take 2 - 6+ years from initial referral to US resettlement
- Not designed for large-scale, emergency response

Afghan Resettlement

Afghan Humanitarian Parole

Almost 70,000 Afghans resettled under humanitarian parole since September 2021, with the vast majority resettling between October 2021 and February 2022.

Challenges:

- Overwhelmed domestic resettlement infrastructure unable to meet immediate resettlement need, causing delays in departures from US military base "safe havens"
- Level of individualized case management compromised due to large influx
- Documentation challenges
- Housing
- Family separation and no mechanism for reunification
- No pathway to US citizenship; legal services issues

Addressing Inequity Produced by Urgency

- Afghan Adjustment Act
 - Legislation creating a streamlined process for Afghan parolees to apply for permanent residence and, if they desired, to later pursue naturalization
 - Provide a means for Afghans to fully integrate within American communities—essentially, to put them on the same legal footing they would have been, had they had the opportunity to enter the country as SIV holders or formal refugees through USRAP
- Ukrainian Resettlement
 - Legislative authorization granting Ukrainian parolees access to public benefits and services, as well as adjustment of status

Questions?

This webinar and additional resources, including information related to our new Afghan neighbors and those displaced by the war in Ukraine, are available at:

www.justiceforimmigrants.org



**Migration and
Refugee Services**
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