

# US Immigration Policy & Reform:

What does the evidence tell us?

Institute for the Study of International Migration

GEORGETOWN  
UNIVERSITY

## Refugee, Asylum and Other Humanitarian Policies: Challenges for Reform

Report on an experts' roundtable

Georgetown University, Washington D.C.



### ABOUT THE PROJECT

The Institute for the Study of International Migration, with the support of the MacArthur Foundation, is organizing a series of public presentations, as well as expert roundtables that address the multiple challenges of immigration reform. The aim of the project is to inform debate on immigration reform, with a focus on addressing the challenges of implementation

## SUMMARY

The Institute for the Study of International Migration in the School of Foreign Service hosted a roundtable in October 2014 on Refugee, Asylum and Other Humanitarian Policies: Challenges for Reform. The roundtable participants came from academia, government and nongovernmental organizations following Chatham House rules. The meeting was organized around three issues: U.S. asylum policies, U.S. refugee resettlement policies, and alternative policies to promote protection of those facing life threatening situations. Although the recent surge in Central American migration provided a backdrop for the discussions, the meeting focused on a broader set of generic problems and solutions.

With regard to asylum, participants agreed that the US asylum system must become more efficient, while improving its ability to protect *bonafide* asylum seekers. Participants recommended that resources should be increased for both the asylum corps and immigration courts in order to reduce the current case backlog. Allowing cases to move more quickly through asylum proceedings would both cut down on incentive for fraud and be beneficial to *bonafide* refugees who would receive asylum more quickly. To ensure that the best interest of the child are at the heart of asylum proceedings involving children, participants recommended that DHS should develop a children's corps, with a role similar to asylum officers, to conduct non-adversarial interviews with unaccompanied children to screen for asylum relief. There should also be better and more available representation for children in immigration courts as well as more information and training for legal representatives working with children.

Participants urged reforms to make the U.S. refugee resettlement program more agile in responding to the needs of refugees in immediate need of protection and providing durable solutions to those with no alternatives. Although progress has been made in speeding up the security check process, participants felt more needs to be done to increase the efficiency of the program. They argued that the current guidelines designed to exclude individuals who could pose a security risk are overly-strict and also exclude many individuals who pose no risk but do have resettlement needs. To build greater support for refugee resettlement, participants recommended increased advocacy efforts with state and federal government representatives to provide education on the value of refugee programs. Public events, such as breakfast meetings, can provide an opportunity for refugees to raise awareness and tell their stories. Ensuring a more stable source of funding—and guarding against transfer of funds from resettlement to equally meritorious uses, such as the Unaccompanied Minors program—would increase state and local support as well as help facilitate integration.

Participants agreed that alternatives to asylum and resettlement should be used to cover those who do not meet the refugee definition, but are still in need of protection from life-threatening situations that force flight from a home country. Temporary Protected Status and Humanitarian Parole are such devices. TPS should be adjusted to allow transition to lawful permanent residence status if the conditions that necessitated TPS continue beyond a specified period. Participants suggested that seven years may be an appropriate benchmark. TPS should allow for family reunification when family members are also in danger. Funding should be allocated to assist TPS recipients to return home if conditions permit.

## INTRODUCTION

The Institute for the Study of International Migration in the School of Foreign Service hosted a roundtable in October 2014 on Refugee, Asylum and Other Humanitarian Policies: Challenges for Reform. The roundtable participants came from academia, government and nongovernmental organizations following Chatham House rules. The meeting was organized around three issues: U.S. asylum policies, U.S. refugee resettlement policies, and alternative policies to promote protection of those facing life threatening situations. Although the recent surge in Central American migration provided a backdrop for the discussions, the meeting focused on a broader set of generic problems and solutions.

## US ASYLUM POLICIES

Under US law, individuals who fear persecution in their home countries may apply for asylum in the United States. Individuals who receive asylum are allowed to apply for permanent residency after one year, and American citizenship after five years.

There are two avenues to seek asylum from inside the United States. After arrival in the United States, asylum seekers may, of their own volition, make an affirmative application to the Department of Homeland Security. Their application will then be processed in non-adversarial proceedings by asylum officers. The asylum officer may grant asylum or refer the applications to an immigration judge for further adjudication. However, applicants who have been apprehended by DHS prior to filing an asylum claim must present an application for asylum in immigration court, an adversarial process in which a DHS attorney may argue against the individual's asylum claim. There are two routes into defensive asylum proceedings. Individuals apprehended in the interior of the United States go directly before an immigration judge, but individuals apprehended at the border (as described below) are first screened for credible fear. Those successfully screened move on to a full defensive asylum hearing.

### *Expedited Removal and Credible Fear Screenings*

Since 1996, individuals apprehended at US ports of entry without proper paperwork to enter the United States are subject to expedited removal, where they are deported without presenting their case before an immigration court judge. Under the Illegal Immigration Reform and Immigrant Responsibility Act, expedited removal is required at ports of entry but its use otherwise is discretionary.<sup>1</sup> In 2004, DHS expanded the use of expedited removal to people apprehended within 14 days of arrival without legal documents and within 100 miles of a land border.<sup>2</sup>

Individuals processed under expedited removal who express fear of return to their home countries are entitled to a "credible fear" screening by an asylum officer to determine if they

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<sup>1</sup> The law specifies that the Attorney General has the discretion to apply expedited removal to a person "who has not been admitted or paroled into the United States, and who has not affirmatively shown, to the satisfaction of an immigration officer, that the alien has been physically present in the United States continuously for the 2-year period immediately prior to the date of the determination of inadmissibility under this subparagraph."

<sup>2</sup> Designating Aliens for Expedited Removal, 69 Fed. Reg. 48,877 (2004).

have a “significant possibility” of eligibility for asylum.<sup>3</sup> Individuals who meet this bar are then referred to immigration court where they may file an application for asylum. Participants noted several concerns with the expedited removal process and its ability to adequately screen for asylum applicants. Notably, one year after DHS expanded the use of expedited removal to within 100 miles of the border, the United States Commission on International Religious Freedom issued a report criticizing the program’s implementation.<sup>4</sup> The report was particularly concerned by inconsistencies in screening, finding that “the outcome of an asylum claim appears to depend not only on the strength of the claim, but also on which officials consider the claim, and whether or not the alien has an attorney.”<sup>5</sup>

Credible fear determinations have been the subject of renewed scrutiny because the number of cases has increased rapidly since 2012. There is concern that confusion over when an individual is granted a credible fear screening may be allowing some individuals with asylum claims to pass through the expedited removal process without ever being identified as eligible for screening. More broadly, participants were concerned that Border Patrol officers and inspectors have not been adequately trained on the credible fear process. This is difficult to evaluate because a lack of transparency prohibits outside assessment of whether cases are being referred appropriately for credible fear screenings.

Since 2010 there has been a drop in the percentage of credible fear screenings that are referred on to immigration court. In February 2014, the US Citizenship and Immigration Service released new guidelines for credible fear screenings, including a change in the definition of “significant possibility” to mean that individuals in credible fear screenings must “demonstrate a substantial and realistic possibility of succeeding” in their application for asylum.<sup>6</sup> The new guidance, it is feared, will lead to even further erosion of access to the immigration court. Participants felt this was particularly evident for individuals held in the Artesia family detention facility in New Mexico. There was some discussion of the use of video and audio, rather than in-person, screenings in detention facilities. While some felt this was disruptive to individuals’ ability to make an asylum claim, others noted that it had little effect on the rate of referral to immigration court.

### *Immigration Court*

Immigration courts are part of the Department of Justice’s Executive Office for Immigration Review (EOIR). There are 53 immigration courts located in 23 states, each with a regional jurisdiction. Immigration courts hear both affirmative cases and defensive cases. The latter group includes cases referred from credible fear screenings within the expedited removal process.

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<sup>3</sup> “Credible fear” is defined in section 235(b)(1)(B)(v) of the Immigration and Nationality Act, 8 U.S.C. 1225(b)(1)(B)(5) (2004).

<sup>4</sup> “Report on Asylum Seekers in Expedited Removal” *U.S. Commission on International Religious Freedom*, February 2005.

<sup>5</sup> *Ibid*, 4.

<sup>6</sup> John Lafferty, Chief Asylum Division to Asylum Office Directors/Deputy Directors Supervisory Asylum Officers Quality Assurance Training Asylum Officers. “Release of Updated Asylum Division Officer Training Course (ADOTC) Lesson Plan, *Credible Fear of Persecution and Torture Determinations*” U.S. Citizenship and Immigration Services, Department of Homeland Security, February 28, 2014.

Immigration court hearings are adversarial processes. The government is represented by DHS trial attorneys who cross-examine asylum seekers and may make arguments against their asylum application. Respondents are not given a government-appointed attorney, but may hire their own legal representation, either paid for by themselves or through a pro-bono program. Studies show that respondents with legal counsel are significantly more likely to have their asylum claim granted than those without.

Immigration courts today are facing significant case overloads, and an individual referred to immigration court may have to wait up to three years before trial. These lengthy delays pose problems for *bonafide* applicants who must wait long periods before being granted asylum. It also encourages those with less meritorious claims to continue to pursue their cases because they are permitted to remain in the country and may receive work authorization during the interim. Although the delays are less significant for those in detention awaiting their hearings, they are still long enough to cause periods of separation between parents and children.

This is not the first time immigration courts have been subject to backlog. In the early 1990s, the number of pending cases reached 450,000. However, by 2008 this number had been reduced to between 8 and 9,000 pending cases, with 30,000 cases heard annually.

The current backlog is a result of two factors: sequestration and broad resource constraints have cut the number of asylum officers and immigration judges, while an uptick in unauthorized migration from Central America has increased the number of asylum cases. EOIR has addressed this backlog by prioritizing the availability of judges and staff to work on recent cases. In the meantime, an increased number of asylum officers are conducting credible fear interviews, leading to delays in adjudication of full asylum claims.

The increased case number has also strained the non-profit community that supports the immigration courts. Pro-bono organizations are worried about their ability to meet the legal representation needs of an increased number of Central American asylum seekers unable to afford representation. Pro-bono organizations are stretched thin because they do not simply serve in the courtroom, but also advise their clients on both the legal process and overcoming barriers to their ability to comply with court requirements. The inability to serve this population adequately harms the applicants' ability to obtain asylum and the government's ability to remove those with no claims to refugee status. Pro-bono attorneys note that clients with legal representation are much more likely to attend the hearing deciding their final status.

Despite the growth in the caseload, immigration courts have seen improvements in the quality and amount of representation respondents receive. In 2004, 40% of respondents in immigration court received representation, but today 60% are represented. Representation rates for respondents held in DHS detention facilities are still low, but also improving. In 1999 only 10% of respondents in detention received representation, compared to between 20 and 25% today.

### *Unaccompanied Children*

Many of the recent migrants from Central America have been unaccompanied minors, termed Unaccompanied Alien Children (UAC). This recent UAC cohort has created new challenges for

the asylum process and the US court system more generally. UACs are subject to all of the problems referenced above but delays, lack of representation, and confusion regarding standards for asylum have more profound consequences given their age and potential vulnerability. The case law regarding persecution from non-state actors, including gangs and cartels, is still evolving, making these cases very difficult to adjudicate.

Because of the case backlog and concern that flight from gang-related persecution will not be accepted as a ground for asylum, many UAC who might qualify for asylum are not submitting these claims to immigration court. Between 2009 and 2014, only 1 to 4% of UAC apprehended at the border submitted asylum applications. Instead, many of these children use an alternative process and seek Special Immigrant Juvenile (SIJ) status. SIJ status allows children to gain permanent residence and eventually US citizenship if they are unable to return home or are unable to be united with their parents. A state court must declare that the child is a dependent of the court or place the child with a state agency, a private agency, or a private person, having found that the child has been abandoned, abused or neglected.

The large number of UAC from Central America seeking protection through SIJ status has strained family law courts. Participants noted that family law courts in Texas have been especially overloaded. Despite its popularity, the SIJ program is not necessarily the best path for the recent UAC to pursue. Many of these UAC were sent by their families to the United States. While it is unsafe for these children to return to their home countries, many would eventually like to be reunited with their parents. However, to make themselves eligible for SIJ, they have declared themselves abandoned by their parents. Therefore, on becoming US citizens, they cannot seek permanent residency for their parents. Many participants felt it was unfair to force families to make a decision like this between protection for their children and the ability to be reunified as a family.

### *Recommendations*

Meeting participants suggested two sets of recommendations to address current challenges facing the US asylum system. The first set deals primarily with efforts to ensure that the best interest of the child are at the heart of asylum proceedings involving children. Participants recommended:

- DHS should develop a children's corps, with a role similar to asylum officers, to conduct non-adversarial interviews with unaccompanied children to screen for asylum relief. This would both be beneficial to children, by allowing them to be screened for asylum needs without having to go through a stressful process in immigration court, and it would also remove some burden from crowded immigration court dockets.
- There should be better and more available representation for children in immigration courts. Children without legal representation are much less likely to receive relief, and may not understand the court system or outcomes. Increased legal representation can help to ensure children's needs are adequately represented, and help proceedings to move more efficiently.
- There should be more information and training for legal representatives working with children. Working with children is more complicated than working with adult clients,

and so legal representatives should have better access to the information and training necessary for them to work with and represent children appropriately.

The second set of recommendations addressed the need to make the overall US asylum process more expeditious. Participants recommended:

- Have asylum officers hear full cases after approving credible fear. Although this would not preclude referral to immigration court, it would lift some burden from the courts and enable a more equitable and efficient processing of asylum cases.
- Staffing should be increased for both the asylum corps and immigration courts in order to reduce the current case backlog. Allowing cases to move more quickly through asylum proceedings would both cut down on incentive for fraud and be beneficial to families eager to know their status.
- Policymakers should reexamine the 1995 immigration reforms to identify ways to reduce backlogs.

Overall, meeting participants agreed that the US asylum system must become more efficient, while improving its ability to protect *bonafide* asylum seekers.

## US REFUGEE RESETTLEMENT

As participants noted, the United States has a proud history of welcoming refugees from around the world. Of the one percent of refugees who are resettled annually, half will be resettled in the United States.<sup>7</sup> Since 1975, the United States has resettled three million refugees, and currently is able to admit up to 70,000 refugees each year. Refugees can apply for permanent residency one year after arrival in the United States, and American citizenship after five years.

### *Admission of refugees for resettlement*

Unlike other immigration categories, there is no set ceiling on refugee admissions. Rather, the President, in consultation with Congress, sets an overall admission number and allocation among regions each year. Within these allocations, there are three priorities for admission:

- Priority 1 – Individual cases referred to the program by virtue of their circumstances and apparent need for resettlement;
- Priority 2 – Groups of cases designated as having access to the program by virtue of their circumstances and apparent need for resettlement;
- Priority 3 – Individual cases from designated nationalities granted access for purposes of reunification with anchor family members already in the United States.

Many of those in Priority 1 are referred by the United Nations High Commissioner for Refugees (UNHCR). Others are referred by US embassies and consulates and nongovernmental agencies that have been trained to identify those in need of resettlement. Priority 2 includes specially prioritized groups, such as Iraqis who worked with the US government, ethnic minorities and others from Burma in camps in Thailand and in Malaysia, Bhutanese refugees in Nepal, and

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<sup>7</sup> Nezer, Melani. "Resettlement at Risk: Meeting Emergency Challenges to Refugee Resettlement in Local Communities." *Prepared for the J.M. Kaplan Fund*, February 2013, 4.

Iranian religious minorities. Priority 3 admissions are available for spouses, unmarried children under the age of 21 and parents of persons already in the United States from a variety of countries throughout the world (for FY 2105 listing, see Proposed Refugee Admissions for Fiscal Year 2015: Report to the Congress at <http://www.state.gov/documents/organization/232029.pdf>). P-3 applicants must still establish that they are themselves refugees. A separate process, allowing derivative status (that is, based on the sponsor's status as a refugee or asylee, is available for following-to-join spouses and minor children of those who had been admitted within the previous two years.

After a refugee has been determined to meet one of the priorities for resettlement in the US, he or she will be referred on to one of eight Resettlement Support Centers which are operated by international NGOs, but funded and supervised by the U.S. Department of State's Bureau of Population, Refugees, and Migration (PRM). The refugee support center will prepare files for PRM to consider for case processing, while a refugee officer from DHS's US Citizenship and Immigration Services will screen individual refugees to determine that they meet the refugee definition and are not otherwise inadmissible.

The time between a refugee's identification as a priority and resettlement in the United States is long, on average between 18 and 24 months. Much of the delay is related to the numerous security checks that are used to determine that an applicant has no terrorist connections. New procedures were implemented in 2010, leading to significant backlogs in 2011 and 2012. Improvements in coordination and processing occurred in 2013, however, enabling the government to meet the ceiling on admission established in FY 2013 and 2014. Some meeting participants were concerned nevertheless that the US's slow screening process impedes rescue efforts for refugees who are in immediate danger. Refugees who fear persecution, but remain in their home countries to apply for orderly departure to the United States, are particularly at risk as are refugees with serious medical conditions.

Despite these concerns, there are serious constraints on creating a more expeditious process. There are fears that public support for resettlement would be eroded if it appeared that the government was not doing its best to screen out those with ties to terrorism. However, UNHCR is aware of the slow processing time in the United States, and balances its referrals accordingly. For example, for populations that the US cannot resettle for security reasons, or for populations that must be resettled quickly, UNHCR may make referrals to another country with a smaller, but faster, processing system. UNHCR may then be more likely to refer larger populations without emergency resettlement needs to the United States. In addition, UNHCR established Emergency Transit Facilities (ETFs) in Timisoara, Humenne, and Manila, which allow the agency to bring refugees to safety before they reach their final country of resettlement. The ETFs are used for refugees in need of emergency evacuation from countries of asylum as well as those, such as Iraqis in Syria, who are inaccessible to adjudicators from resettlement countries.

### *Reception, Placement, and Integration of Resettled Refugees*

Refugees who are resettled within the United States receive support and services from federal and state government, as well as non-profit organizations. PRM holds cooperative agreements with nine domestic Voluntary Agencies ('Volags'), and gives funding to these agencies to

provide case management and orientation services for 90 to 180 days after a refugee arrives in the United States. Services are also coordinated through Health and Human Services' Office of Refugee Resettlement (ORR) and state-level refugee coordination offices.

Domestic non-profits face several issues that challenge their ability to serve refugee populations. Many agencies would like to be provided more information about the populations they will serve prior to their arrival in the United States. Placement organizations note that they submit annual requests for proposals to determine services in June, but the number of refugees being resettled is not determined until September. This makes planning for refugee reception challenging.

Domestic agencies would also like to receive more information about individual cases. The recent population of Iraqi refugees, for example, needed mental health services, but individual health histories were not provided until the refugees arrived in the United States. However, participants noted that advanced information may not be available. In the case of the Iraqi refugee population, scarce access to health services abroad meant that the population could not be screened for specific mental health needs until arrival in the United States.

Funding is also a challenge. Refugees are eligible for refugee cash and medical assistance for eight-months after arrival if they are not categorically eligible for Temporary Assistance for Needy Families (TANF). Some participants believe that eight months is inadequate given the many barriers that refugees may face in gaining economic self-sufficiency. In some cases, those who do qualify for TANF cease to participate in refugee-specific services that may be more targeted to their needs than those available to other TANF recipients. In many states TANF funding levels are too low to be useful. When possible, refugees are placed in matching grant programs instead but these are not always available.<sup>8</sup>

In the past year, funding was a significant challenge for ORR because the agency had to reprogram money from refugee resettlement to programs serving the recent UAC population from Central America. While participants acknowledged that aid was needed by the UACs, they felt the transfer of funds was a dangerous precedent, signaling that the refugee program is vulnerable to harmful funding cuts. This reprogramming placed a burden on state service providers as well, who felt they were forced to choose between populations to serve.

Participants felt that state and federal policymakers' familiarity with refugee programming is a key factor in maintaining adequate funding. They noted that meet and greet opportunities, such as breakfast events with local government officials, are valuable ways to communicate the importance of refugee assistance programs and the many benefits refugees bring to their communities.

Participants highlighted the many successes refugees achieve after resettlement in the United States. In Georgia and Texas, 75% of refugees placed in matching grant programs ultimately become self-sufficient, while in states like Alabama, local industry has benefitted from job-

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<sup>8</sup> The Voluntary Agencies Matching Grant Program was established by Congress in 1979 to supplement Voluntary Agencies' funding for refugee cash allowances, employment services, and case management. The program aims to supplement services to allow ORR-eligible populations become economically self-sufficient. Populations eligible for matching grants include refugees, asylees, and other groups served by ORR.

creation programs specifically targeting refugees. Participants agreed that these programs were a strong symbol of the many benefits refugees bring to the United States.

### *Recommendations*

Participants developed three sets of recommendations to address current challenges in US refugee identification, reception, and resettlement. The first set of recommendations focuses on the potential to rescue people in immediate need of resettlement and to provide durable solutions to those with no alternatives. Participants recommended:

- Efforts should be made to speed the security check process for refugee resettlement. The current lengthy process requires individuals in need of resettlement to stay in dangerous situations while awaiting processing. Efforts to streamline the security check process could alleviate this challenge somewhat.
- Adjust the refugee resettlement security check process to allow greater flexibility in determining inadmissibility provisions. Participants argued that the current guidelines designed to exclude individuals who could pose a security risk are overly-strict and also exclude many individuals who pose no risk but do have resettlement needs.

The second set of recommendations participants identified addressed the need to build support for the refugee program within the United States. Participants recommended:

- Increase advocacy efforts with state and federal government representatives to provide education on the value of refugee programs. Participants noted that frequently politicians are not aware of the benefits refugees bring to their districts. Public events, such as breakfast meetings, can provide an opportunity for refugees to raise awareness and tell their stories.
- There should also be directed advocacy efforts to provide the general public with information about the refugee program. Refugees bring benefits to local industry, and are eager to engage in their communities, but the general public may not be aware of the presence or impact refugees have. Organized advocacy efforts can bring refugees and the general population together to build support for the refugee program.

The third set of recommendations addressed the need to ensure adequate and responsive funding for the refugee program:

- Participants agreed that the refugee program should be funded so that the aim of the program – rapid self-sufficiency- can be achieved. Adequate funding should allow for program continuity in ‘surge’ periods when refugee admittances increase.
- The refugee program funding should also be protected against funding transfers. Different programs within ORR, such as refugee resettlement and UAC admittance, should be firewalled so that funding cannot be taken from one program in order to pay for another. Doing this, as was done with the UAC case, makes funding for each of ORR’s programs more vulnerable to cuts.

## **ALTERNATIVE PROTECTION MODULES**

There was agreement among many participants that the refugee and asylum systems are inadequate to meet the many forms of forced migration affecting the United States. Discussion focused on two alternatives already in U.S. law: temporary protection and humanitarian parole.

### *Temporary Protected Status*

Temporary Protected Status (TPS) provides immigration relief to individuals who are prevented from returning to their home country safely by a temporary condition in that country, such as a civil war or a natural disaster. TPS does not grant permanent residence, but it does allow individuals to seek employment authorization and remain in the United States without fear of deportation.

TPS was conceived as a way to address the situation of people who do not meet asylum criteria, even though some potential asylum seekers might choose to apply for TPS instead. It applies to a broader set of life-threatening situations than asylum, however, being triggered by cases of conflict and natural disasters. It applies only to those already in the United States; unlike asylum, it does not address new flight from the circumstances that trigger its designation unless the date by which residents of TPS designated countries is advanced after the initial grant. It is purely discretionary and there is no judicial review of the decision to designate a country for TPS or approve individual applications. There is also no provision for adjustment to permanent residence status, as there is with asylum and refugee resettlement.

While TPS is designed to protect against short-term situations, questions arise when it is used to address longer-term challenges. On the one hand, there are reasons to provide a route to permanent settlement if TPS is needed for many years. As some participants observed, is it humane to require individuals to return to their country of origin after they have spent many years living in the United States because conditions were not ripe for return? On the other hand, does the inability to return people negatively influence the willingness of the government to trigger TPS, knowing it is likely to lead to a long-term population? And, is leaving people in a legal limbo—not deportable but not able to bring their families to join them—a humane practice? This latter issue has emerged in analyses of the recent surge in UAC from Central America. Some of these children appear to have been seeking to join family members who were granted TPS many years ago.

There are also concerns over the services available to individuals with TPS. Although many of these individuals may have similar needs to refugees, they are not eligible for the same services. Importantly, however, TPS provides work authorization, which does allow its recipients to seek regular jobs that provide benefits and a decent wage.

Participants also discussed different ways to frame the debate around whether TPS should be used more widely. Some noted the value in highlighting potential economic benefits TPS individuals bring to the United States. Overall, it was concluded that discussion of TPS should always highlight the humanitarian need that drives the program.

### *Humanitarian Parole*

Humanitarian parole can be granted by US Customs and Immigration Services to bring an individual into the United States who is otherwise inadmissible. Meeting participants noted that humanitarian parole is not necessarily more expeditious than resettlement. Individuals admitted under humanitarian parole are submitted to a full battery of security checks by DHS. It could potentially be used, however, to admit individuals who do not meet the definition of a refugee, but are still in need of protection. They felt this might be particularly advantageous to resettling those fleeing generalized violence in Central America who do not qualify for refugee status but are nevertheless at serious risk.

### *Recommendations*

Participants made two sets of recommendations concerning alternative forms of protection. The first set addresses the need to use alternative forms of protection to broaden humanitarian relief:

- Alternatives to asylum and resettlement should be used to cover those who do not meet the refugee definition, but are still in need of protection from life-threatening situations that force flight from a home country.

The second set of recommendations addressed changes to improve the Temporary Protected Status program:

- TPS permits should be adjusted to allow transition to lawful permanent residence status if the conditions that necessitated TPS continue beyond a specified period. Participants suggested that seven years may be an appropriate benchmark.
- TPS should allow for family reunification when family members are also in danger.
- Funding should be allocated to assist TPS recipients to return home if conditions permit. By easing the barriers of entry for TPS individuals to return home when they are able, the temptation to remain illegally in the United States will decrease.

### **CONCLUSION**

In light of the important role played by the United States in protecting forced migrants, reform of the U.S. refugee, asylum and alternative protection systems should receive high priority. Although legislation is needed to address some problems of the problems raised in the workshop, participants outlined numerous administrative and financing options that would enhance the country's capacity to respond to the needs of people fleeing life-threatening situations at home and in transit. A similar situation existed in the mid-1990s when the last major set of asylum reforms were put in place. A public-private partnership that engaged a broad spectrum of stakeholders produced policies that worked well for a couple of decades. A similar partnership is needed today to solve the problems affecting our current protection policies.

**APPENDIX:**  
**ROUNDTABLE AGENDA AND LIST OF EXPERTS**



*Institute for the Study of International Migration Georgetown University*

## **REFUGEE, ASYLUM AND OTHER HUMANITARIAN POLICIES: CHALLENGES FOR REFORM**

October 29 2014  
9:00am – 5:00pm  
Georgetown University  
Mortara Center  
Washington DC, 20057

### **PROVISIONAL MEETING AGENDA**

**8:30 Continental Breakfast**

**9:00 Welcome and Introductions**

**9:15 Protection of Refugees and Others facing Life Threatening Situation:  
Overview**

This session will provide an overview of the key issues arising in legislative and administrative actions to protect refugees asylum seekers and others facing life threatening situations if returned to their home countries.

10:15 Break

**10:30 US Asylum Policies**

This session focuses on US asylum policies as they are implemented at each stage from credible fear determinations through all forms of appeal. It will assess strengths and weaknesses in current approaches as well as alternative policy frameworks that could be adopted legislatively or administratively.

12:00 Lunch

**1:00 US Refugee Resettlement**

This session focuses on the US program for resettlement of refugees from overseas. It also examines each stage of the process from determination of who will be admitted through processing abroad to reception and placement and longer-term services in the United States. It will assess strengths and weaknesses in current approaches as well as alternative policy frameworks that could be adopted legislatively or administratively.

2:30 Break

**2:45 Alternative Protection Modules (e.g. TPS humanitarian admissions)**

This session examines the adequacy of US refugee and asylum policies to protect those who do not meet the definition of a refugee but nevertheless face life-threatening conditions if they are returned home. It will assess already available options such as Temporary Protected Status as well as consider approaches used in other countries for admitting persons of concern.

**4:15 Conclusions**

**5:00 Adjourn**

## LIST OF PARTICIPATING EXPERTS

1. Shaina Aber U.S. Jesuit Conference
2. Eleanor Acer Human Rights First
3. Marina Andina U.S. Department of State, PRM
4. Kevin Appleby United States Conference of Catholic Bishops
5. Barbara J. Day U.S. Department of State, PRM
6. Elizabeth Ferris Brookings Institution
7. Sarah Graveline Georgetown University, ISIM
8. Elzbieta Gozdziaak Georgetown University, ISIM
9. Erol Kekic Church World Service
  
10. Ian M. Kysel Georgetown University Law Center, Human Rights Institute
11. Joe Langlois Department of Homeland Security, USCIS
12. Tara Magner John D. and Catherine T. MacArthur Foundation
13. Susan Martin Georgetown University, ISIM
  
14. John Monahan Georgetown University, Office of the President /  
McCourt School of Public Policy
15. Ann Morse National Conference of State Legislators
16. Ron Munia Office of Refugee Resettlement
17. Royce Murray National Immigrant Justice Center
18. Melanie Nezer Hebrew Immigrant Aid Society
  
19. Faith Nibbs Southern Methodist University, Dedman College,  
Department of Anthropology
20. Brittney Nystrom Lutheran Immigration and Refugee Service
  
21. Katharina Obser Women's Refugee Commission
22. Juan P. Osuna Department of Justice, Executive Office for  
Immigration Review
23. Karen Parde Department of Health and Human Services, Nebraska
24. Michele Pistone Villanova University, School of Law
25. Shelly Pitterman United Nations High Commissioner for Refugees
26. Jaya Ramji-Nogales Temple University, Beasley School of Law
27. Marc Rosenblum Migration Policy Institute
  
28. Galya Ruffer Northwestern University, Center for Forced Migration  
Studies
29. Barbara Strack

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|------------------------------|--|
| 30. Dianna Shandy            | Department of Homeland Security, Chief, Refugee<br>Affairs Division, USCIS   |
| 31. Kerri Sherlock<br>Talbot | Macalester College, Department of Anthropology<br>Women’s Refugee Commission |
| 32. Abbie Taylor             | Georgetown University, ISIM  |
| 33. Leslie Velez             | United Nations High Commissioner for Refugees                                |
| 34. Ruth Wasem               | Kluge Fellow / Congressional Research Service                                |
| 35. Sanjula Weerasinghe      | Georgetown University, ISIM  |
| 36. Lee D. Williams          | U.S. Committee for Refugees and Immigrants                                   |
| 37. Wendy Young              | KIND—Kids In Need of Defense   |