

Refugee Resettlement



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Introduction

Following World War I, humanitarian organizations called for the League of Nations to take the first steps toward establishing an official process for protecting refugees. Nations eventually began accepting individual refugees out of not only humanitarian but also geopolitical concerns. The United States officially accepted refugees for the first time following World War II, when it accepted a quarter of a million refugees from Europe. At the present time, the

portion of individuals displaced from their homes – nearly one out of every one hundred people in the world – has reached its peak since this data was first collected in 1951.

Scope of Memorandum

This issue memorandum will provide a summary of the history of refugee resettlement in the United States and a brief overview of the structure and administration of the refugee resettlement program in the United States. The memorandum will include the process for refugee resettlement for individuals.

History

After the initial resettlement of European refugees following World War II, the U.S. passed its first legislation on this topic under the 1948 Displaced Persons Act, which allowed for the resettlement of an additional 400,000 refugees. After initial attempts to create a global high commissioner for refugees, the United Nations approved the 1951 Refugee Convention which created the United Nations High Commissioner for Refugees (UNHCR), the current entity charged with developing and maintaining a framework for worldwide refugee protection. The United Nations 1951 Refugee Convention, in conjunction with its 1967 protocol defines the legal status of refugees and treatment standards for refugees. Presently, the UNHCR refers refugees for resettlement to particular countries for consideration of the individual refugees.

In 1952, Congress passed the Immigration and Nationality Act (INA), authorizing the admission of refugees to the U.S. and their resettlement in this country. The INA defines a refugee as a person who is outside his or her country and who is unable or unwilling to return because of persecution, or a well-founded fear of persecution, due to nationality, race, religion, political opinion, or membership in a particular social group. An individual who participates in the persecution of another is not eligible to be a refugee under U.S. law. The U.S. has occasionally authorized individuals under special circumstances still located in their own country

facing or fearing persecution. The INA separately grants asylum to individuals physically present in the U.S., including at land borders or ports of entry, who meet the guidelines to be considered a refugee. Refugees have one year to apply to adjust to lawful permanent resident status in order to stay in the U.S.

Congress amended the INA through the passage of the Refugee Act of 1980. This act lays out the framework for a uniform procedure for refugee admissions and provides the authorization to provide federal assistance for refugee resettlement and for promoting refugee self-sufficiency. This act shifted more cost and responsibility to state refugee resettlement administration. Since 1980, refugees have become more wide spread throughout the world and are increasingly less concentrated in a particular area.

Eligibility and Process

Individuals who meet the definition of a refugee may be referred for consideration by the U.S. from the UNHCR, or refugees may apply on their own. There are three U.S. processing priorities for humanitarian concern. The first group, Priority 1 cases, include victims of torture or violence or facing compelling security risks that are identified by the UNHCR, U.S. Embassy, or specially trained non-governmental organizations. Priority 2 cases are groups of special concern identified by the U.S. refugee program. Priority 3 consists of family reunification cases, which

include unmarried children age twenty-one or younger, spouses, and parents of individuals lawfully admitted to the U.S. as asylees, refugees, U.S. citizens, or other lawful permanent residents. The U.S. government determines which of these individuals will begin the standard biographic and biometric security checks, including intelligence community screenings. Fingerprints are taken and a determination is made in regards to the following: if the applicant is a refugee, if the individual is firmly resettled in a third country, and if the applicant is admissible to the United States. Grounds for admissibility include but not limited to health, security, or lack of proper documentation. Approved individuals undergo a medical screening and are then transferred to a Resettlement Support Center for cultural orientation. The International Organization for Migration arranges and provides loans for travel to the U.S. The U.S. Customs and Border Protection conducts additional background checks prior to admission at the port of entry.

Federal Administration

Every year, Congress and the President jointly set a ceiling on the number of refugees to be accepted for the year. The actual number of refugees resettled in the U.S. each year is usually below the ceiling number. In 2016, the U.S. allowed approximately 85,000 refugees to enter the country. Generally, children make up thirty-five to forty percent of refugees in the United States.

The United States Citizenship and Immigration Service (USCIS) and State Department work together to manage overseas processing of refugees. After USCIS clears and accepts a refugee, the State Department coordinates the placement of individual refugees in particular cities through its Bureau for Population, Refugees, and Migration (PRM). The State Department has agreements with nine voluntary refugee resettlement agencies in the U.S. PRM works with the voluntary agencies to make refugee placements, taking into account the following: location of relatives already in the U.S. and the location of necessary resources, including ethnic communities, affordable housing, employment opportunities, educational opportunities, and health care services. The Refugee Act of 1980 requires coordination among the federal government, states, and localities to coordinate placement, ensuring that

individuals are not placed in areas already highly impacted due to the number of refugees. Following placement and arrival in the U.S., the voluntary agency receives funding directly from the State Department for the refugee's initial ninety days of resettlement. Next, federal administration shifts to the U.S. Department of Health and Human Services Office of Refugee Resettlement (ORR) to provide longer term assistance. ORR provides funds in quarterly grants to the state administrators, including the main grant categories of cash and medical assistance and social services, along with discretionary grant programs (e.g., child care, agricultural development, human trafficking survivors).

State Administration

Thirty-two states administer refugee resettlement through state government offices. Five states utilize a public-private partnership to administer funds, allowing additional flexibility in offering increased amounts of cash assistance to refugees. Wyoming is the only state that does not currently participate in the refugee resettlement program. South Dakota is one of twelve states that participate in the alternative Wilson-Fish Program, where the federal government contracts with nonprofit organizations to administer the funds. In South Dakota, the Department of Social Services handles only refugee cash medical assistance distributed via Medicaid while Lutheran Social Services of South Dakota (LSS) administers the rest of the federal funding, as well as utilizing private funding. While states give up control of administering funds under Wilson-Fish, they also shift administrative and cost burdens to the private sector.

In federal fiscal year (FFY) 2013-14, South Dakota received \$515,000 in mandatory cash and medical assistance and \$618,832 through the refugee social services formula. During the same time period, Minnehaha County received \$149,823 in targeted assistance, and LSS received \$1,355,461 in Wilson-Fish funds, which include refugee cash assistance, funds for case management, and overall management and coordination of the state-wide refugee program. The number of refugees resettling in South Dakota has been declining. In 2012, 646 refugees were resettled in South Dakota but by 2015 there were only 381. In the fall of 2016, LSS set



its target number at 420 individuals for the upcoming year. In 2016, South Dakota did not accept any Syrian refugees. Current refugee populations in South Dakota included individuals displaced from Bhutan, Burma, Democratic Republic of the Congo, Ethiopia, Iraq, Somalia, Sudan, and other locations. Secondary refugees, also known as secondary migrants, are individuals resettled as a refugee in one state who move to another state. Refugees are treated as other lawful foreign nationals within the U.S. and may relocate and travel in the country. In FFY2016, Lutheran Social Services of South Dakota served 163 secondary migrants. To receive services, a secondary migrant must have been in the U.S. less than five years and must request services within that timeframe.

Federal funds currently assist individual refugees for up to eight months with cash assistance for basic necessities, on the condition that an eligible, employable adult participates in an employment program, cooperates with a case manager, attends at least six hours of English language classes, and thirty-six hours of community orientation. The primary goals for refugee resettlement are self-sufficiency and cultural adjustment. LSS offers services and programs including community orientation and education, case management, English language training, and interpreter services.

Refugees are legally qualified for employment upon arrival in the U.S. LSS offers employment services to help individuals find initial employment or upgrade to a higher level of employment. LSS continues to provide case management and employment services for up to five years. In 2015, 273 refugees were employed in Sioux Falls, and another 56 were employed in Huron. For individuals desiring to pursue permanent residency or U.S. citizenship, LSS provides immigration attorney services. Refugees are primarily resettled in Sioux Falls. LSS ended a direct resettlement program in Huron in the fall of 2016. An average individual refugee resettled in Sioux Falls would receive \$473 per month during the initial resettlement assistance period.

Conclusion

The number of displaced individuals, unable or unwilling to return to their homes, continues to rise across the world. The United States plays a role in the process of resettling refugees and continues to participate for humanitarian, geopolitical, economic, and a myriad of other reasons. The process to be selected to resettle in the U.S. is time consuming and includes a security clearance process. States must carefully consider their role in the process of accepting and resettling refugees in light of these circumstances.

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This issue memorandum was written by Emily Kerr, Legislative Attorney on 08/24/2017 for the Legislative Research Council. It is designed to provide background information on the subject and is not a policy statement made by the Legislative Research Council.

