

Policy & Legislative Recommendations to Increase Protections for Refugees and Other Forcibly Displaced Persons

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The United States has traditionally been the global leader in refugee protection across both Republican and Democratic administrations. Yet, as global need reached an all-time high of 80 million people displaced in 2020, the United States set its all-time low refugee admissions goal of 15,000. U.S. refugee resettlement operates in a public-private partnership known as the U.S. Refugee Admissions Program (USRAP). USRAP brings the State Department, the Department of Health and Human Services, and the Department of Homeland Security together with nine non-profit organizations that work in refugee resettlement. These non-profits are known as “voluntary agencies,” and they are responsible for resettling refugees in the United States. The voluntary agencies maintain a network of hundreds of affiliated local agencies around the country, which provide services to newly arrived refugees and help refugees achieve self-sufficiency in their new homes as quickly as possible. Our recommendations for addressing the challenges of the global refugee situation follow.

Recommendation #1:

Place refugee warehousing at the top of the U.S. human rights agenda

Background

Refugee warehousing refers to the practice of housing individuals for years in refugee camps or settlements, restricting their mobility and limiting

their human rights. According to UNHCR, the estimated average duration of protracted refugee situations is between 18 and 26 years. Currently, 5.8 million refugees have been living in camps for over 20 years. Warehousing contradicts refugees’ basic human rights outlined in the 1951 Refugee Convention, including the rights to employment (Articles 17-19) and movement (Article 26), and further exacerbates protracted situations by denying refugees the ability to integrate into broader communities and become self-sufficient. UNHCR’s 2014 Policy on Alternatives to Camps aims to make camps a last resort in dealing with refugee crises, and to ensure that any use of camps is strictly temporary and only for life-saving protection purposes.

Recommendations

USCRI recommends placing refugee warehousing at the top of the U.S. human rights agenda. Aid organizations, international agencies, and policymakers need to develop dedicated approaches that will prioritize the human rights laid out in the Refugee Convention, rights that are often hampered by warehousing policies. First, USCRI recommends that the United States use its foreign policy agenda to endorse UNHCR’s Policy on Alternatives to Camps and ensure that U.S. foreign aid agendas align with the objectives of the policy. Second, the government should also focus on improving refugee self-reliance through policies that promote freedom of movement and choice, including the rights to education and

employment. Third, the Administration should push for refugees to be provided with national identity documents from host countries, and finally, donor countries and UNHCR should reimburse host countries for expenses related to dismantling warehousing systems.

Recommendation #2:

Restore U.S. funding to UNRWA in the Middle East

Background

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) provides vital life-saving services, health care, and education to stateless refugees in the Middle East. For more than 70 years, the United States was a significant donor to the UNRWA and a supporter of its mission to support stability in the Middle East and provide for its most vulnerable populations. The United States gave UNRWA \$364 million in 2016, but U.S. funding was cut to \$157 million in 2017, \$60 million in 2018, and finally all funding was cancelled in 2019 and 2020. As a result, UNRWA has had to cut back on its services, leaving a void. Lack of aid directly contributes to instability in the region, undercutting efforts to establish enduring stability and peace.

Recommendations

By re-funding UNRWA, the United States will both further its commitment to refugees and re-write itself into the peacemaking process in the Middle East. The United States should restore its global leadership and return its UNRWA funding to 2016 levels of \$364 million.

Recommendation #3:

Create a Framework for Protection of Those Displaced by Climate Events

Background

Environmental catastrophes created by climate change are becoming more frequent and more intense. While some climate events cause only temporary displacement, others such as rising sea levels and rising temperatures will be permanent and irreversible. Current U.S. refugee law does not account for those displaced by climate-related disasters. The most substantial protection for persons displaced in this way is Temporary Protected Status (TPS), but even that is not sufficient to encompass all those displaced or to provide adequate relief. First, TPS is only designated to certain countries, and is not automatically granted to nationals of a country when a natural disaster strikes. Second, TPS is meant to be a “temporary” status and does not account for the permanently displaced. Lastly, TPS is almost exclusively granted in reaction to sudden-onset events, and would not necessarily account for slow-building climate catastrophes such as rising sea levels.

Recommendations

USCRI recommends that the United States officially define and recognize climate-related disaster as a legitimate driver of migration. To do so, the United States should establish a task force to study the causes and occurrences of climate-related displacement, as well as its effects. The task force should define climate displacement and create an immigration status for persons who meet the definition. All persons who meet the definition should qualify for the status, and granting of the status should not be discretionary. This status must create a pathway for its beneficiaries to adjust to lawful permanent resident status, and subsequently to obtain citizenship, after a reasonable period of time.

Recommendation #4:

Join the Global Compact on Safe, Orderly and Regular Migration, and the Global Compact on Refugees

Background

In September of 2016, UN member states came together to unanimously adopt the New York Declaration for Refugees and Migrants. This Declaration signified the international community's commitment to improve responses to both migrant flows and refugee crises. Out of this Declaration, two Global Compacts were formed, one on refugees and one on migrants generally. The Global Compact on Safe, Orderly and Regular Migration (GCM) was adopted in December of 2018, and even though the United States had adopted the New York Declaration two years previous, it voted against adoption of the GCM. The previous administration withdrew the United States from negotiations on the Global Compact on Refugees (GCR) in December of 2017. Thus, the United States is not part of either Compact.

The GCR strives to ease pressures on refugee host countries, enhance refugee self-reliance, expand access to third-country solutions, and support conditions in countries of origin for safe and dignified returns. The United States has historically been a global leader in assisting refugees, but the country has largely backed away from its obligations in the last four years. With the current administration's renewed focus on refugees, the United States has the chance to recommit to refugee assistance on a global scale and to become a leader once again.

Recommendations

The United States must commit to joining both the GCR and the GCM. Doing so will demonstrate to the international community the country's continued commitment as a world leader on issues of refugees and forced migration.