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I want to thank the Chair, Representative Bass, as well as Ranking Member Smith and the members of this subcommittee for holding this important and timely hearing.

It is a special pleasure for me to testify before this Subcommittee, in part because of my and my organization’s personal connections with so many of your members: Representative Chris Smith, with whom I’ve collaborated on a number of refugee issues, including a special resettlement initiative for Vietnamese refugees when I was at the National Security Council in the mid-1990s; Representative Bass, with whom Refugees International (RI) has worked on issues such as the Democratic Republic of the Congo and Libya; and with your Midwestern members—Representatives Omar, Phillips, and Sensenbrenner—each of whom has been involved with the University of Minnesota’s Humphrey School of Public Affairs, where I served as dean for six wonderful years.

Refugees International is a non-governmental organization that advocates for lifesaving assistance and protection for displaced people in parts of the world impacted by conflict, persecution, and forced displacement. We conduct fact-finding missions to research and report on the circumstances of displaced populations in countries such as Somalia, Mexico, Colombia, Syria, and Bangladesh among many others. RI does not accept government or United Nations funding, which helps ensure that our advocacy is impartial and independent. Some of what we are sharing below is drawn from prior RI reporting, including our *Report Card* on the Trump administration’s performance on refugee and humanitarian protection.

1. The State of the Humanitarian World:

According to the United Nations High Commissioner for Refugees (UNHCR), there were at the end of 2017 nearly 70 million persons around the world forcibly displaced as a result of conflict, human rights abuses, and persecution. This is the highest total since recording of these figures began after the Second World War. The numbers include some 24.5 million people

deemed to be refugees—that is those outside their country of origin—and some 40 million internally displaced people—people displaced within their countries of origin. And UNHCR reported some 3.1 million asylum seekers, those outside their countries of origin who seek legal status in countries that have received them.

Beyond these numbers, we have witnessed some 25 million or so people displaced annually in recent years as the result of disasters borne by natural hazards and exacerbated by the impact of climate change.

UNHCR figures reveal that as of the end of 2017, nearly 70 percent of the world's 24.5 million refugees came from just five countries: Syria, South Sudan, Afghanistan, Myanmar, also known as Burma, and Somalia. Most have been in that status for many years or more, and contrary to popular perception, most do not live in camps but rather in urban, semi-urban, or rural areas. Eight countries at the end of 2017 hosted about 45% of all the world's refugees. Those countries included Turkey, Pakistan, Uganda, Lebanon, Iran, Germany, Bangladesh, and Sudan. And well over half the world's internally displaced people live in just seven countries: Syria, Colombia, the Democratic Republic of the Congo, Iraq, Sudan, South Sudan, and Nigeria.

If that is a brief description of the challenge, what about the structure and operations of the international system of humanitarian response?

2. International Humanitarian Aid – the Landscape:

According to the Global Humanitarian Assistance Report published by the well-regarded Development Initiatives organization, the vast majority of funding for international humanitarian response—about 75 percent—comes from governments, with the rest coming from private sources. And in 2017, governments and private sources spent over 27 billion dollars in support of humanitarian aid, numbers that do not include resources used by the governments, usually in the global south, hosting refugees.

For humanitarian crises and displacement crises that outstrip the capacity of an individual government but in which forced displacement occurs within the borders of the country in crisis, international involvement is loosely coordinated by the UN Office for the Coordination of Humanitarian Assistance (OCHA), with assistance provided by a broad range of actors organized by sectors and which include UN Funds and Programs like UNICEF, the World Food Program,

UNHCR; international NGOs; and national and local NGOs—all of which coordinate with local authorities.

For refugee crises—that is, those that cross borders—UNHCR generally plays a leading role, supported by many of the organizations I have just listed.

The United States is the largest donor to these international humanitarian assistance efforts, probably accounting for between a quarter and third of expenditures, but as a percentage of GDP, the United States is nowhere near the top—and U.S. humanitarian assistance amounts to less than 1% of the entire federal budget. U.S. support comes principally from two sources, the State Department’s Bureau of Population, Refugees, and Migration, and USAID’s Bureau for Democracy, Conflict, and Humanitarian Assistance.

3. Some Key Refugee and Migration Issues for U.S. Policy Makers

A. Support for Refugee Solutions – a Major Current Issue of Concern

Background: Ultimately, there are three durable solutions for refugees: repatriation to the country or origin when the conditions in the country of origin permit return; local integration, in which the government of the country to which the refugee has fled permits the refugee to reside there permanently with legal status; and, finally, third country resettlement, when a government agrees to permanently resettle a refugee who had been obtaining temporary refuge and protection elsewhere.

In recent years, as the number of refugees in protracted situations has grown, governments, international organizations, and advocates have made greater efforts to promote stability, as well as work and education opportunities for refugees, even when so-called durable solutions have not been available.

At a New York Summit on Refugees and Migrants held in 2016, governments affirmed these objectives and concluded that host governments in the global south hosting refugees needed much greater support from wealthy countries, including support not only for the refugees, but for the host communities in these host countries; and that governments like the United States needed to expand their refugee admissions programs to meet the third country resettlement needs identified for refugees by UNHCR—and to demonstrate to countries hosting millions of refugees that the United States and other rich countries were prepared to do their fair share.

These kinds of conclusions, which offer real hope to refugees, were endorsed in a recently adopted Global Compact on Refugees (GCR)—and they are reflected in relatively new programs of financial and other support for education and employment of refugees in refugee-hosting countries such as Jordan, Turkey, Uganda, Ethiopia and many others.

The Trump Administration and Refugee Solutions: Until early 2017 the United States had been in the forefront of many if not most of these efforts to support solutions, but policies have shifted in the last couple of years.

Rather than look for additional humanitarian resources that would support host governments, the Trump administration in early 2017 unveiled fiscal year 2018 budget proposals calling for unprecedented cuts of some 30 percent in humanitarian aid. Congress rejected these cuts, but the administration unveiled in February 2018 proposals for dramatic cuts in fiscal year 2019, which again have been resisted by the Congress.

In addition, the Trump administration was one of only two countries that voted against adoption of the GCR, the other being Hungary, with 181 governments voting in favor—and this sent an unfortunate signal to the rest of the world about U.S. support for this refugee solutions effort. Finally, the administration significantly changed U.S. policy and practice on third country refugee resettlement.

Under the 1980 Refugee Act, the president each year determines a U.S. refugee admissions ceiling—that is, the maximum number of refugees the United States will choose to bring to the United States for third country resettlement. In the final year of the Obama administration, the U.S. Refugee Admissions ceiling was raised from 85,000 to 110,000 for fiscal year 2017, in large measure to signal U.S. support for the kinds of global initiatives I have just mentioned.

But upon coming to office, President Trump reduced that 110,000 figure to just over 50,000 through executive action, and also ordered a temporary suspension in the admissions program. He subsequently reintroduced the Refugee Admissions program but with new security screening and other procedures that have substantially impacted not only overall numbers, but distribution of those numbers, resulting in a dramatic decrease in the percentage of individuals resettled from Muslim-majority countries. For fiscal year 2018, the President authorized a U.S. refugee ceiling of 45,000, though only about half that number ultimately arrived in the United

States. And for fiscal year 2019, the President authorized a U.S. refugee ceiling of 30,000. Not surprisingly, this has been accompanied by a worldwide decrease in refugee resettlement.

What Congress Can Do: First, Congress must continue to strongly resist efforts to cut U.S. humanitarian assistance. There is no question that your support saves lives every day. In addition, although Congress cannot force the United States to join the GCR or force the president to increase the refugee admissions ceiling, Members can and should strengthen oversight efforts. For instance, the president's demonization of the refugee program and suggestion that it has posed a security threat is not evidenced-based and should be carefully scrutinized, with the assistance of refugee and counter-terrorism experts from outside the government. And the dramatic decrease of resettlement of individuals from Muslim majority countries should also be the source of serious concern and careful oversight.

B. Addressing the Needs and the Rights of Internally Displaced People (IDPs)

Although international agencies provide food, shelter, and protection and other assistance to IDPs, the challenges facing these populations are often greater than those faced by refugees—because refugees, who live outside their countries of origin in host countries that are generally prepared to accept a role of international organizations, are the beneficiaries of a relatively well-developed international system of protection and assistance. The international system's protections for IDPs, in contrast, is less robust—in large measure because these displaced people are within their own countries, and governments of those countries tend to be jealous guardians of sovereignty, especially when it comes to their own citizens.

What Congress Can Do: Largely at the behest of the government of Norway, several governments have been discussing the creation of a UN-sponsored blue ribbon panel to consider additional measures to strengthen the system of assistance and protection for IDPs. This is a good idea, and members of Congress can express their support to both the administration and to the UN Secretary General.

C. Global Migration and Mixed Flows

As a practical matter, refugees are now broadly defined as individuals fleeing persecution, conflict, and human rights violations, but history and current conditions around the world demonstrate that there is a broader category of forced migrants that merit the concern of governments. For example, the movement of individuals to and through Libya represents a case of such mixed migration, in which both migrants and refugees have been subjected to

unspeakable abuses. In December 2018, governments of the world overwhelmingly approved a Global Compact on Migration (GCM), designed largely to address these kinds of issues. The *desiderata* that emerged from the GCM, if implemented, would go a long way toward addressing mixed migration challenges. The GCM envisions efforts to minimize drivers of migration in countries of origin, provision of accurate and timely information to would-be migrants, measures to ensure respect for migrants in transit, enhanced pathways for regular migration, use of migration detention as a last resort, and exploration of alternatives to migrant detention, among many other measures. Unfortunately, the Trump administration withdrew from negotiations around this Global Compact, but members of Congress should remain engaged.

What Congress Can Do: The migration office in the Bureau of Population, Refugees, and Migration (PRM) has traditionally operated with very limited funds in a bureau that is otherwise funded very generously by the Congress. Through a variety of legislative means, Members could communicate their strong desire for a substantial increase in funding for the migration component of PRM, to support initiatives envisioned in the GCM.

D. Avoiding the Politicization of Humanitarian Aid

In 1984, in justifying its decision to provide humanitarian aid to famine-affected Ethiopia, the Reagan administration declared that “a hungry child knows no politics.” This sentiment—although implemented imperfectly by U.S. administrations over the years—has nonetheless guided U.S. policymakers. Yet the Trump administration departed dramatically from this principle when the president and his administration said they were cutting off aid to the UN Relief and Works Agency for Palestine Refugees (UNRWA) due to the political positions espoused by the Palestinian political leadership. The withdrawal of support—in clear violation of international humanitarian principles to which the United States has long subscribed—has had tangible and negative humanitarian consequences for life-sustaining assistance to children, women, and men in Jordan, Lebanon, Syria, and the West Bank and Gaza.

What Congress Can Do: In light of UNRWA’s critically important role and the unfortunate rationale for ending assistance, the Congress can and should protect U.S. financial support for this organization.

E. Humanitarian Assistance and Protection for Women and Girls

Women and girls are particularly vulnerable to significant and substantial abuses in humanitarian settings, and the Trump administration has instituted policies that put at risk gains

for protection of women and girls. In particular, in January 2017, the administration reinstated and expanded what had been known as the Mexico City Policy, also known as the Global Gag Rule, and blocked U.S. health assistance to foreign NGOs that advocate for or provide information, referrals, or services related to legal abortion, even when such activities are financed by private or other non-U.S. government funds. While the State Department announced an exception to this prohibition involving humanitarian accounts, much non-emergency funding, which has been impacted by the prohibition, builds resilience for women and girls who may find themselves in humanitarian emergencies.

In a separate action, the United States has withheld funding from the UN Fund for Population Activities (UNFPA), the lead UN agency for ensuring that women and girls who have fled conflict obtain access to critical sexual and reproductive health services, as well as the services relating to prevention and response to gender-based violence. These measures are all the more concerning in light of recent and widespread crimes of violence against women and girls in places like Myanmar, South Sudan, and the Democratic Republic of the Congo, among many other areas.

What Congress Can Do: We understand that there is legislation that has been introduced on the Global Gag rule. Moreover, Congress can legislatively seek to protect funding for UNFPA, which has played a key role on these issues.

F. Practicing at Home What the United States Has Traditionally Preached Abroad

For many decades, the United States Government has pressed other governments around the world to promote generous policies of refugee protection, including respect for the most critical guarantee in the Convention Relating to the Status of Refugees and its Protocol: the guarantee that no refugee applicant should be returned to a place where their life or freedom would be threatened. U.S. capacity to credibly play this role is undermined when the United States fails to practice at home what the United States preaches abroad, and recent restrictive measures relating to the southern border and access to asylum raises such concerns. In particular, the Trump administration and U.S. officials have implemented measures that have dramatically limited the ability of individuals at U.S. borders to make claims for protection within the United States in accordance with U.S. law implementing U.S. obligations under the Refugee Convention and Protocol.

Such measures have included the blocking of access to ports of entry to asylum seekers by officials; the metering of asylum requests at ports of entry at the southern border, in which U.S. officials have indicated to asylum seekers that there is not enough processing capacity and have told them to return at another time; and the criminal prosecution of asylum seekers who entered the United States between ports of entry, which is in contradiction to American law that allows for the application of asylum regardless of manner of entry. This also conflicts with a provision of the Refugee Convention that indicates that people will not be prosecuted for illegal entry if they promptly present themselves to the authorities and show good cause for such entry.

But all this has been prologue, as the Trump administration has now rolled out a new policy effectively designed to prevent processing at ports of entry of Central Americans seeking asylum at the southern border. The administration has indicated that such persons, after registering their claims, will be returned to Mexico where they can wait to have those claims processed. Although the administration has stated it is acting pursuant to a law that permits return to a contiguous territory of an alien pending a removal proceeding, RI believes this action is in violation of basic due process rights and will also run afoul of the Refugee Convention and Protocol's prohibition against return of refugees to a place where their life or freedom will be threatened.

What Congress Can Do: While most of these actions will be subject to court challenge, Congress can enact legislation to ensure that the administration acts in accordance with U.S. obligations under the Refugee Convention and Protocol. Beyond asylum law, Congress could take a separate action that would both respond to challenges related to Central American migration and demonstrate a broadened commitment to refugee and humanitarian resettlement. In particular, Members could authorize a Central American refugee and humanitarian resettlement program, mandating admission of several hundred thousand Central Americans over several years, through an orderly process that could be administered by the State Department's Bureau of Population, Refugees, and Migration. As migration scholars Roberto Suro and Alex Aleinikoff argued in a recent *Washington Post* piece, the United States has had targeted legislative measures like this in the past, for Cubans, Soviet Jews and others, and such an arrangement could prove to be a highly effective and humane way to address humanitarian challenges at our southern border.

4. Conclusion – the Imperative of Political Leadership

The perceived consensus within the United States about tolerance and respect for refugees has always been a fragile one. Even worse, nativism and chauvinism are nothing new to our political culture. Whether it is our original sin of slavery, 19th century Know-Nothing appeals to anti-immigrant sentiment, early 20th century anti-semitic rants like those spewed by Charles Edward Coughlin, who had tens of millions of followers during the 1930s, or later 20th century trafficking in innuendo and guilt by association of Senator Joe McCarthy, there have always been loud voices of intolerance appealing to our fears rather than to our hopes and our aspirations.

This is why, at this particular moment in our history, it is your voices, the voices of leaders in Congress—Republicans and Democrats—that are so critical. I urge that you use those voices in public and in private, in Washington and beyond the Beltway, to best ensure a brighter, more affirming, and successful future for all Americans.