



# **IMPORTANT INFORMATION ON SYRIAN REFUGEES**

## ***Overview:***

The Refugee Resettlement Program is administered through the U.S. Department of Health and Human Services (HHS) Administration for Children and Families' Division of Children's Services' (DCS) Office of Refugee Resettlement (ORR).

HHS-ORR provides benefits and services to assist the resettlement and local integration of specific eligible populations including refugees.

A refugee is any person who is outside his or her country of nationality or habitual residence and is unable or unwilling to return or to seek protection of that country due to a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group or political opinion.

Refugees are eligible to receive ORR benefits and services for at least the first eight months in the U.S. beginning on the first day they arrive in the U.S. These benefits include short-term cash and medical assistance to new arrivals, as well as case management services. English as a Foreign Language classes, and job readiness and employment services.

## ***Federal Agencies Involved***

In addition to the benefits and assistance services that ORR provides, several other Federal Agencies are involved in the Refugee Resettlement program.

To begin the resettlement process, the first step for most refugees is to register with the United Nations High Commissioner for Refugees (UNHCR) in the country to which the refugee has fled. UNHCR has the mandate to provide international protection to refugees. UNHCR determines if an individual qualifies as a refugee and, if so, works toward the best possible durable solution for each refugee: safe return to the home country, local integration, or third-country resettlement.

According to UNHCR's latest statistics, there are approximately 15.4 million refugees in the world. The vast majority of these refugees will receive support in the country to which they fled until they can voluntarily and safely return to their home country. A small number of refugees will be allowed to become citizens in the country to which they fled, and an even smaller number, primarily those who are deemed to be at the highest risk, will be resettled in a third country.

While UNHCR reports that less than 1 percent of all refugees are eventually resettled in third countries, the United States resettles over half of these refugees, which is more than all other resettlement countries combined. UNHCR and the U.S. Department of State (DOS), through its foreign embassies, refer refugee cases for resettlement consideration.

The Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) officers conduct on-site individual interviews abroad, perform clearance checks and make final determinations for admission into the U.S. The State Department's Bureau for Population, Refugees and Migration (PRM) coordinates admissions and allocations to specific cities and resettlement agencies, in conjunction with nine national voluntary agencies called Resettlement Support Centers (RSC) that oversee a network of approximately 250 affiliates in 49 states plus the District of Columbia through the Reception and Placement Program.

When refugees arrive at their destination, these local affiliates greet the refugees at the airport, help them with housing and access to other resources. Pennsylvania currently has 14 voluntary agency affiliate organizations.

Occasionally, when the refugee resettlement is not successful and the person must be removed from the U.S., the Department of Homeland Security's Immigration and Customs Enforcement (ICE) apprehends and detains the individual.

Furthermore, the U.S. Department of Justice's (DOJ) Executive Office of Immigration Review (EOIR) conducts the immigration proceedings that determine whether the refugee is allowed to remain in the U.S. or is deported to his or her home country. If a refugee is returned to his or her home country, ICE is responsible for returning the refugee to his/her home country.

### ***The Process Involved in Refugee Resettlement***

When UNHCR, or, occasionally, a U.S. Embassy or a specially trained nongovernmental organization, refers a refugee applicant to the United States for resettlement, the case is first received and processed by a Resettlement Support Center (RSC).

The U.S. Department of State's Bureau of Population, Refugees and Migration (PRM) funds and manages nine RSCs around the world, operated by international and nongovernmental organizations and one U.S. interests section. Under PRM's guidance, the RSCs prepare eligible refugee applications for U.S. resettlement consideration.

Some refugees can start the application process with the RSC without a referral from UNHCR or other entity. This includes close relatives of asylees and refugees already in the United States and refugees who belong to specific groups set forth in statute or identified by the Department of State as being eligible for direct access to the program.

The RSCs collect biographic and other information from the applicants to prepare for the adjudication interview and for security screening. Enhanced security screening is a joint responsibility of the Department of State and the Department of Homeland Security and includes the participation of multiple U.S. Government security agencies.

Officers from the Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) review all the information that the RSC has collected and also conduct an in-person interview with each refugee applicant before deciding whether to approve him or her for resettlement in the United States.

All USCIS-approved refugees undergo a health screening to identify medical needs and to ensure that those with a contagious disease, such as tuberculosis, do not enter the United States.

Finally, the RSC requests a "sponsorship assurance" from a U.S.-based resettlement agency that is experienced in providing assistance to newly arrived refugees. Most refugees undergo a brief U.S. cultural orientation course prior to departure for the United States.

Those refugees who are approved by USCIS enter the U.S. in valid immigration status and receive assistance upon arrival in the United States through the Department of State's Reception and Placement Program, which is a cooperative public-private program made up of a number of participants. Although Congress mandated the program, it is local communities that have ensured the success of the resettlement program by welcoming and helping refugees from around the world.

### ***Cost Concerns***

Voluntary Agency Affiliates, of which Pennsylvania currently has 14, provide the full range of resettlement services, including referrals for short-term Cash and Medical Assistance, job development and English as a Foreign Language services, and other programs.

According to an ORR Fact Sheet, in Federal Fiscal Year 2013-2014, Pennsylvania received \$14,995,093 in mandatory and formula grants for ORR-Funded Programs. Additionally, Erie and Lancaster Counties and Philadelphia received a total of \$732,368 in mandatory and formula grants for ORR-funded programs. Pennsylvania also received \$1,013,560 in discretionary grants to states for ORR-funded programs for this same year.

These numbers are likely to increase for Federal Fiscal Years 2014-2015 and 2015-2015, due to the influx of Unaccompanied Alien Children in 2014 and Syrian Refugees in 2015 and beyond.

### ***Federal Preemption***

Federal law takes precedence over state law.

This principle is stated in Article VI paragraph 2 of the Constitution, commonly referred to as the Supremacy Clause, which provides that the “Constitution, and the Laws of the United States which shall be made in Pursuance thereof shall be the supreme Law of the Land. . . any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”

The critical question is when a federal law preempts a state law.

It is not the case that there is preemption simply because a federal law and a state law relate to the same subject. The clearest case is when Congress specifically says that it intends to preempt all state laws in a field; this is called express preemption.

The Constitution in Article I § 8, paragraph 4 gives Congress the power “[to establish an uniform Rule of Naturalization.”

The U.S. Constitution gives Congress and the federal government exclusive power over immigration, naturalization, and deportation, and Congress has fully occupied the field of immigration regulation through enactment and implementation of the Immigration and Nationality Act (INA).

The Refugee Act of 1980 created The Federal Refugee Resettlement Program to provide for the effective resettlement of refugees and to assist them to achieve economic self-sufficiency as quickly as possible after arrival in the United States Title IV Chapter 2 of the Immigration and Nationality Act (INA) contains the provisions of the Refugee Act.

Immigration policy is a federal issue in part because of the Constitution's provision delegating power over naturalization to Congress and in part because immigration issues are an important part of foreign policy, which is the exclusive prerogative of the president and Congress.

### ***What can Pennsylvania State Government Do?***

- Immigration is a Federal issue, and states have a limited ability to enact legislation attempting to regulate immigration matters or matters involving immigrants.
- Legislation that specifically targets the Syrian Refugee population may violate the Equal Protection Clause of the U.S. Constitution.
- Legislation that restricts the housing options available for refugees may violate Federal and State Fair Housing Laws.
- Legislation that denies students a free public education on account of their immigration status may violate the Equal Protection Clause of the U.S. Constitution.
- Because immigration is a Federal issue, I encourage constituents to reach out to their U.S. Senators and Representatives to discuss any questions or concerns they may have regarding the transfer of Syrian Refugees to Pennsylvania, as well as any other immigration issues that may arise.