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REDEFINING REFUGEE RESETTLEMENT: REPAIRING THE CRACKS IN THE PATHWAY TO THE AMERICAN DREAM

*Chasyty L. Escobar**

Once the world leader in refugee resettlement, the United States has slowly but steadily obliterated its refugee resettlement program. Millions of people around the globe have been forced to seek refuge from violence and persecution in their native countries. The international consequences of the refugee crisis threaten economic stability and security.

This Note will outline the history and development of refugee resettlement in the United States from Ellis Island to the present, including an overview of the various government agencies and organizations involved in refugee resettlement. Through an in-depth analysis of the political, structural, and financial issues the country faces amid the global refugee crisis, the need to expand ethnic-based community investment and enhance funding to conquer the crisis will become clear. This Note argues that the expansion of ethnic-based community-led programs will complement the current refugee resettlement infrastructure. This Note further argues that a Congressionally funded contingency account should be designated to the Reception and Placement Program and the Office of Refugee Resettlement to stabilize refugee integration. These solutions focused on greater integration and funding will help to advance resettlement in the United States and foster safety, independence, and community for refugees around the world.

INTRODUCTION

A call in the middle of the night awakens a pastor. A young man has just crossed the United States border with his pregnant wife and young child. The family is desperate for a place to stay after their journey across the Rio Grande into the Texas town of Del Rio. Without hesitation, the

* J.D., Western New England University School of Law (2023); B.A. Boston University, 2019. The Note-writing experience has been one of the most rewarding challenges I have faced. Thank you to all the family members that have always encouraged me, especially my parents, sister, fiancé and my two greatest blessings, Eden & Amira. I want to give a special thank you to Professor Pat Newcombe for her feedback and support during the Note-writing process. Finally, I want to thank the staff of the Western New England Law Review for all their hard work in perfecting this piece.

pastor buys the family plane tickets and moves them into a house. Within a couple of months, the pastor's church is supporting nine Haitians, with their rent, food, and supplies being paid for by the Church's congregation.¹ The cost of resettling in the United States is insurmountable for most and the COVID-19 pandemic has only made the journey more difficult.²

This insurmountable cost has led to many community service groups filling in the gaps. Community service groups regularly support homeless shelters to collect money, food, toiletries, and clothes for families.³ So when the pastor reached out to his congregation for extra support for these migrant families, the values and goals of private refugee sponsorship were exemplified through their compassion.⁴ As the stories of many migrants demonstrate, the United States has served as a beacon for refugee resettlement based on a culture of stability and success as political turbulence, violence, and natural and economic disasters plague citizens across the world.⁵

The Refugee Act defines "refugee" as a person who is unable or unwilling to return to their country of nationality "because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."⁶ Historically, the United States has led the world in refugee resettlement admissions, but the slow pace of reviving the resettlement system has made it difficult for President Biden to fulfill his pledge to maximize the number of refugees admitted into the United States.⁷

At the beginning of each fiscal year, the President, in consultation with Congress, sets a limit on the number of refugees to be admitted.⁸

1. This is not just a hypothetical, but the true story of Josue Alexis, a Haitian migrant, who brought his family to the United States in 2021 and Rooldy Alexandre, the pastor who helped him. Miriam Jordan, *Thousands of Haitians Are Being Allowed into The U.S. But What Comes Next?*, N.Y. TIMES (Sept. 30, 2021), <https://www.nytimes.com/2021/09/30/us/haitian-migrants.html> [http://perma.cc/CAQ7-H6JM].

2. Jessica Ritchie, *COVID-19 Brief: Impact on Conflict & Refugees*, U.S. GLOBAL LEADERSHIP COALITION (Aug. 30, 2021), <https://www.usglc.org/coronavirus/conflict-and-refugees/> [http://perma.cc/5KT3-KA77].

3. Jordan, *supra* note 1.

4. *Id.*

5. Duyen Nguyen, *Alexander Adames Explores the 'Costs of the American Dream'*, PENN TODAY (Nov. 12, 2021), <https://penntoday.upenn.edu/news/alexander-adames-explores-costs-american-dream> [https://perma.cc/E66E-HTNW].

6. 8 U.S.C. § 1101.

7. *Fact Sheet: U.S. Refugee Resettlement*, NATIONAL IMMIGRATION FORUM (Nov. 5, 2020), <https://immigrationforum.org/article/fact-sheet-u-s-refugee-resettlement/> [http://perma.cc/58LJ-DF7E]. The federal officials who assess refugee claims and the agencies that help with resettlement shrank significantly during the Trump administration due to severe funding cuts. Nicole Narea, *Why Biden Is Struggling to Revive the US Refugee Program*, VOX (Nov. 17, 2021, 10:50 AM), <https://www.vox.com/policy-and-politics/22777209/immigration-refugee-cap-biden-afghan-resettlement> [https://perma.cc/LRL3-U52L].

8. *Id.*

Accepted refugees are placed into communities based on their family ties, language, housing availability, educational and job opportunities, and the cost of living.⁹ Some states have become increasingly vocal about wanting to have more input in the resettlement process due to concerns regarding limited federal funding, haphazard allocation of local resources, and national-security threats.¹⁰

The American immigration system has become increasingly restrictive when compared to the country's history and the systems of other developed countries.¹¹ These restrictions are primarily a result of the skewed goals of the Immigration and Nationality Act ("INA") and disparate executive orders resulting from changes in the political ideology of the executive branch.¹² The agencies and organizations involved nationally and globally in resettlement programs face an imbalance of responsibility sharing and resource allocation, which has led to a fragmented, rather than cohesive, system.¹³ This fragmentation coupled with the refugee crisis has led to varied, complex needs that must be addressed now.

The integration of ethnic-based community-led sponsorship, along with stable funding among crucial resettlement agencies, will help alleviate the refugee crisis in a timely and efficient manner.¹⁴ The communal willingness to aid others during a time of crisis acknowledges the unquantifiable ways in which refugees contribute to cultural and ethnic diversity.¹⁵

This Note will argue for the expansion of ethnic-based, community-led resettlement to bolster private refugee sponsorship without undermining the current infrastructure of the resettlement approach. This Note will further argue that the funding structure of the Reception and Placement Program ("R&P") and the Office of Refugee Resettlement ("ORR") must

9. *Id.*

10. *Id.*

11. See Tom Jawetz, *Restoring the Rule of Law Through a Fair, Humane, and Workable Immigration System*, CAP (Jul. 22, 2019), <https://www.americanprogress.org/article/restoring-rule-law-fair-humane-workable-immigration-system/> [<http://perma.cc/3Q7V-J2DS>].

12. See Michele Waslin, *The Use of Executive Orders and Proclamations to Create Immigration Policy: Trump in Historical Perspective*, 8 J. ON MIGRATION & HUM. SEC. 54–67 (2020).

13. See *Burden and Responsibility Sharing*, GLOBAL REFUGEE FORUM, <https://global-compactrefugees.org/sites/default/files/2020-05/GRF%20Fact%20Sheet%20-%20Burden%20and%20Responsibility-Sharing.pdf> [<https://perma.cc/QMK6-BZVX>].

14. *A Roadmap to Rebuilding the U.S. Refugee Admissions Program*, PENN BIDEN CENTER (Oct. 2020), at 47–51, <https://global.upenn.edu/sites/default/files/penn-biden-center/Final%20Report%20-%20A%20Roadmap%20to%20Rebuilding%20USRAP.pdf> [<https://perma.cc/9TE8-CU9W>].

15. Kristin N. Derenge, Note, *A Critical Analysis of Federal and State Attacks on the United States Refugee Admissions Program*, 65 S.D. L. REV. 145, 169 (2020).

be modified to allow for congressionally funded contingency accounts.¹⁶

Part I details the history of refugee resettlement in the United States, then discusses the agencies and organizations involved in granting a refugee placement into the country under the Refugee Act of 1980. It also highlights previous attempts at implementing a successful private sponsorship program under former President Reagan and identifies concerns that need to be addressed in remodeling of the resettlement structure.

Part II dives into the issues the United States faces under its current refugee resettlement approach, highlighting how politics detracts from resettlement goals and leads to unilateral control on refugee admissions. It then explores the success of the Canadian refugee resettlement program with a focus on methods that the United States can adapt to address the evolving needs of refugees. Finally, it addresses the aggravation of structural issues within the resettlement program during the COVID-19 pandemic.

Part III presents solutions to strengthen the current resettlement approach and argues that ethnic-based community-led resettlement and a modification of the funding structure of the ORR is necessary to advance the foundational goals of resettlement. Part IV addresses counterarguments to expanding the current refugee resettlement program.

The growing number of refugees in crisis must inspire reform. Many challenges confront the refugee resettlement program. An exploration of future opportunities to strengthen the effectiveness and efficiency of the current approach will assist in providing meaningful relief to refugees in need.

I. THE HISTORY OF REFUGEE RESETTLEMENT IN THE UNITED STATES

For hundreds of years, people from all around the globe have made the courageous decision to leave their homes and immigrate to the United States,¹⁷ lured in by the promise of a land of economic opportunity and

16. John Freedman, *Contingency Accounting Rules*, CHRON., <https://smallbusiness.chron.com/contingency-accounting-rules-66571.html> [http://perma.cc/QQR8-BSKE]. Contingency accounts provide funding for events that may or may not take place in the future. *Id.* The legislative and executive branch would have to work together to estimate the potential outcome of future events in the present. *Id.*

17. See *Immigration to the United States, 1851-1900*, LIBRARY OF CONGRESS, <https://www.loc.gov/classroom-materials/united-states-history-primary-source-timeline/rise-of-industrial-america-1876-1900/immigration-to-united-states-1851-1900/> [http://perma.cc/U654-UMVV]. Nearly twelve million immigrants arrived in the United States between 1870 and 1900. *Id.* During the 1870s and 1880s, the majority of immigrants arrived from Germany, Ireland, and England. *Id.* A large group of Chinese immigrants arrived between the start of the California Gold Rush in 1849 and the passage of the Chinese Exclusion Act in 1882. *Id.*

the “American Dream.”¹⁸ But the influx of immigrants and consistent periods of economic hardship within the United States have led to competition, animus, and racial hatred, tarnishing the immigration system.¹⁹ Immigrants have been stereotyped and discriminated against consistently, but have helped to transform American society, culture, and its economy.²⁰

This part of the Note will provide an overview of immigration regulation prior to and after the enactment of the Refugee Act of 1980. The Note will then examine the private sponsorship initiative created by former President Reagan and the challenges it presents as resettlement moves forward.

A. *An Overview of Immigration Regulation Prior to The Refugee Act of 1980*

Prior to 1890, individual states regulated immigration into the United States through Castle Garden, an immigration station located in Manhattan, New York.²¹ Over the next few years, a massive influx of eight million immigrants, mostly from Northern Europe, prompted the federal government to construct a new immigration station on Ellis Island.²² This monumental migration period inspired nativists to demand restrictions on immigration that included literacy tests and quota laws.²³ The restrictions ultimately led to a rapid decline in immigration beginning in the 1920s.²⁴ After World War I, the Ellis Island inspection process was replaced by paperwork and medical inspections completed at the consulate.²⁵

B. *The Refugee Act of 1980*

The present admission of refugees into the United States is

18. *Id.* The “American Dream” is a set of beliefs that drive people to work toward creating a life for themselves and is centered around the belief that all individuals have the right to seek prosperity and happiness, regardless of where they were born. *American Dream*, CFI (last updated April 29, 2022), <https://corporatefinanceinstitute.com/resources/knowledge/other/american-dream/> [https://perma.cc/2BB3-8F29].

19. *Id.*

20. See Sebastian Lutterbach & Andreas Beelmann, *How Refugees’ Stereotypes Toward Host Society Members Predict Acculturation Orientations: The Role of Perceived Discrimination*, *FRONTIERS* (Feb. 5, 2021), <https://www.frontiersin.org/articles/10.3389/fpsyg.2021.612427/full> [http://perma.cc/T7ED-6N34].

21. *Overview + History: Ellis Island*, THE STATUE OF LIBERTY—ELLIS ISLAND FOUND., INC., <https://www.statueofliberty.org/ellis-island/overview-history/> [http://perma.cc/A6RL-EUEN].

22. *Id.*

23. *Id.* Other notable restrictions included the Chinese Exclusion Act, the Alien Contract Labor Law, and the National Origins Act that all aimed to limit who could enter the country, based upon the ethnic groups already living in the country. *Id.*

24. *Id.*

25. *Id.*

established and governed by the Refugee Act of 1980.²⁶ The United Nations High Commissioner for Refugees (“UNHCR”) is the international agency that screens refugee applicants to determine whether someone qualifies as a refugee in need of resettlement.²⁷ UNHCR screening involves evaluating whether the individual has a well-founded fear of persecution based on protected classifications.²⁸ This evaluation considers the applicant’s country of origin, the individual experiences of the applicant, the reasonable possibility of harm to the applicant, where the risk of harm emanates from, and whether State authorities are willing or able to provide protection.²⁹ In some cases, refugees are referred by an embassy or a nongovernmental organization.³⁰ The applicants are then referred to host countries such as the United States.³¹ The length of the entire application process from the initial UNHCR referral to arrival in the United States varies depending on the applicant’s location and can last anywhere between eighteen to twenty four months.³²

After the initial screening, the nine Resettlement Support Centers (“RSCs”) located around the world collect the applicant’s biographical information.³³ After the Department of State (“DOS”) grants preliminary approval to begin the resettlement process, the application is reviewed by officers from United States Citizenship and Immigration Services (“USCIS”) in the Department of Homeland Security (“DHS”).³⁴ USCIS also conducts in-person interviews with each applicant.³⁵ These interviews determine whether the applicant meets the refugee definition, whether the applicant can be admitted into the United States under U.S. law, and whether discretion should be exercised favorably to approve the

26. Refugee Act of 1980, 8 U.S.C. §§ 1157–1159 (1980).

27. See *UNHCR Resettlement Handbook*, UNHCR, at 11 (2011), <https://www.unhcr.org/46f7c0ee2.pdf> [<http://perma.cc/K4RQ-48LE>]. The UNHCR works to provide international protection to refugees and assists governments in finding durable solutions for them. *Id.*

28. See *What Is a Refugee?*, UNHCR, <https://www.unrefugees.org/refugee-facts/what-is-a-refugee/> [<http://perma.cc/6RP8-7WEW>].

29. *Procedural Standards for Refugee Status Determination Under UNHCR’s Mandate*, UNHCR (Aug. 2020), at 167, <https://www.unhcr.org/4317223c9.pdf> [<http://perma.cc/25CX-VSTQ>].

30. *Fact Sheet: U.S. Refugee Resettlement*, *supra* note 7.

31. *Id.*

32. *Id.*

33. *United Nations High Commissioner for Refugees (UNHCR) Information Data Share*, DHS (Aug. 13, 2019), <https://www.dhs.gov/sites/default/files/publications/privacy-pia-uscis081-unhcr-august2019.pdf> [<http://perma.cc/6B64-EKHS>].

34. Silva Mathema & Sofia Carratala, *Rebuilding the U.S. Refugee Program for the 21st Century*, CAP (Oct. 26, 2020), <https://www.americanprogress.org/article/rebuilding-u-s-refugee-program-21st-century/> [<http://perma.cc/7NLP-TPYT>].

35. *Refugee Security Screening Fact Sheet*, U.S. CITIZENSHIP & IMMIGR. SERV. 1, 3 (June 3, 2020), https://www.uscis.gov/sites/default/files/document/fact-sheets/Refugee_Screening_and_Vetting_Fact_Sheet.pdf [<http://perma.cc/4JKR-76HR>].

application.³⁶

If approved, the applicants then undergo a health screening.³⁷ The health assessment addresses any health concerns, screens for infectious disease, ensures immunizations are up to date, and provides routine health care.³⁸ Most refugees also undergo a cultural orientation prior to their arrival.³⁹ This orientation is a chance for refugees to familiarize themselves with the new language, weather conditions, foods, and currency.⁴⁰ The orientation is also the time when resettled refugees undertake practical tasks such as opening a bank account.⁴¹

Once the final screening is completed, the refugees are picked up at the airport by a representative of one of the nine RSCs.⁴² The RSCs transport the refugees to their new homes and provide basic furnishings, appliances, clothing, and food.⁴³ The agencies then assist the refugees with a Social Security card application, school registration for children, health appointments, and general social services.⁴⁴

Refugee resettlement is funded through the DOS and the Department of Health and Human Services.⁴⁵ The DOS's Reception and Placement program ("R&P") provides refugees with a loan to cover travel costs, which the refugees are required to start repaying post-arrival.⁴⁶ The R&P program then supplies resettlement agencies with a one-time sum per refugee to finance their first one to three months in the United States.⁴⁷ After the finances are depleted, the ORR works with states and other nongovernmental organizations to provide refugees with limited cash and medical assistance, along with short-term social services.⁴⁸

Currently, the private sector plays a role in resettlement through voluntary agencies ("VolAgs") that link refugees to private partners for help

36. *Id.* at 3–4.

37. Mathema & Carratala, *supra* note 34.

38. Patricia F. Walker et al., *Medical Care of Adult Immigrants and Refugees*, UPTODATE (Jul. 26, 2021), <https://www.uptodate.com/contents/medical-care-of-adult-immigrants-and-refugees> [<http://perma.cc/285U-WC7N>].

39. See *Orientation Programs and Processes*, UNHCR THE UN REFUGEE AGENCY, <https://www.unhcr.org/handbooks/ih/placement-reception-orientation/orientation-programs-and-processes> [<https://perma.cc/S7XQ-4SX8>].

40. *Id.*

41. *Id.*

42. Vanessa Romo, *Waves of Afghan Refugees Are Arriving in the U.S. Here's Some Help They Can Expect*, NPR (Aug. 28, 2021, 10:00 AM), <https://www.npr.org/2021/08/28/1031854899/afghan-refugee-aid-resettlement> [<http://perma.cc/A9TM-KFH6>].

43. *Id.*

44. *Id.*

45. *Fact Sheet: U.S. Refugee Resettlement*, *supra* note 7.

46. *Id.*

47. Romo, *supra* note 42.

48. *Fact Sheet: U.S. Refugee Resettlement*, *supra* note 7.

with housing, transportation, and English literacy.⁴⁹ These private partners sign memoranda of understanding (“MOU”) to legitimize their financial promise to help with the resettlement of refugees.⁵⁰ Violations of the MOU occur so infrequently that there are no specific penalties for private partners that fail to uphold their promise.⁵¹ Unfortunately, many refugees lack a private partner other than a case manager at the VolAgs, which demonstrates the desperate need for private and more specialized guidance to allow for a smoother transition to life in America and permanent citizenship.⁵²

C. *Successful Private Refugee Resettlement Under the Reagan Administration*

During the early twentieth century, Americans routinely sponsored and funded the resettlement of displaced family members.⁵³ Refugees without family members in the United States were sponsored by religious and ethnic groups.⁵⁴ After World War I, almost all refugee resettlement in the United States was funded with private money.⁵⁵ In 1986, President Reagan announced the creation of the Private Sector Initiative (“PSI”).⁵⁶ Hundreds of thousands of Cuban refugees had arrived in Miami, Florida, and Reagan sought better policies to head off future crises.⁵⁷ The PSI allowed private organizations of all types to enter into MOUs with the DOS to resettle refugees.⁵⁸ Sponsoring organizations helped refugees prepare their applications and for interviews with refugee officials.⁵⁹ Sponsors were also required to provide food, housing, medical insurance, cash assistance to refugees, and the travel costs for admission into the United States.⁶⁰ Resettlement basics had to be provided for all privately funded refugees for two years after admission into the country or until the refugee

49. David Bier & Matthew La Corte, *Private Refugee Resettlement in U.S. History*, NISKANEN CENTER 1, 7 (Apr. 26, 2016), https://www.niskanencenter.org/wp-content/uploads/old_uploads/2016/04/PrivateRefugeeHistory.pdf [<https://perma.cc/SNE5-HJ8D>].

50. *Id.*

51. *Id.*

52. *Id.*

53. SHAUNA LABMAN & GEOFFREY CAMERON, *STRANGERS TO NEIGHBOURS: REFUGEE SPONSORSHIP IN CONTEXT*, at 251 (McGill-Queen’s Press 2020).

54. *Id.* These groups include Jewish refugee resettlement agencies, Islamic groups, conservative and liberal Protestant churches, and Catholic organizations, providing food, clothes, legal assistance, and housing. *Id.*

55. Bier & La Corte, *supra* note 49.

56. Dave Bier, *Ronald Reagan’s Plan for Syrian Refugees*, NISKANEN CENTER (Nov. 13, 2015), <https://www.niskanencenter.org/ronald-reagans-plan-for-syrian-refugees/> [<https://perma.cc/2MH9-NUDN>].

57. *Id.*

58. Bier & La Corte, *supra* note 49.

59. *Id.* at 2.

60. *Id.* at 10.

gained permanent residency status, whichever came first.⁶¹

Resettlement costs varied widely, ranging from \$2,500 to \$15,000.⁶² If a sponsor failed to meet their financial obligations, the refugee was still entitled to federal benefits.⁶³ One of the goals of the PSI was to prevent welfare dependency,⁶⁴ but private sponsors participated in the program voluntarily.

1. Challenges Under The PSI

Although the PSI program was generally successful, the Clinton administration did not renew the program in 1996 due to the increasing costs of providing consistent medical coverage to refugees.⁶⁵ Sponsors also voiced financial frustration due to being required to provide financial support, even after refugees rejected job offers.⁶⁶ The process to enroll as a PSI organization was also burdensome, which deterred many groups from becoming sponsors.⁶⁷ The Freedom of Information Act also revealed some PSI officials considered the program to be unfair due to a preference for certain established immigrant populations, such as the Cuban population.⁶⁸

While these disadvantages have merit, the country should focus on growth, rather than the burden of problem solving.⁶⁹ The spirit of America is rooted in a nation of immigrants, and welcoming refugees has long been essential to its history and future.⁷⁰ Immigration in the United States has always created tension between nationalists and progressives, driving changes in policy from one administration to the next.⁷¹ Throughout this country's history, the government's response has varied widely and the problems this country faced hundreds of years ago still exist today.

61. *Id.*

62. *Id.*

63. See Tanya Broder et al., *Overview of Immigrant Eligibility for Federal Program*, NATIONAL IMMIGRATION LAW CENTER (Oct. 2021), <https://www.nilc.org/issues/economic-support/overview-immeligfedprograms/> [<http://perma.cc/F5FS-NJTR>].

64. Bier & La Corte, *supra* note 49.

65. *Id.* at 13.

66. *Id.*

67. *Id.*

68. *Id.*

69. David Miliband, *Rebuilding the U.S. Refugee Resettlement Program Is an Opportunity for Biden to Seize*, TIME (May 13, 2021, 12:15 PM), <https://time.com/6047936/america-refugees-resettlement-program/> [<https://perma.cc/PD76-8ZBL>].

70. *Id.*

71. See Julia G. Young, *Making America 1920 Again? Nativism and US Immigration, Past and Present*, 5 J. ON MIGRATION & HUM. SEC. 217 (2017).

II. THE CURRENT U.S. REFUGEE RESETTLEMENT PROGRAM: BARRIERS AND PATHS TO REFORM

Immigration reform has felt adversarial throughout much of its history, but generally, the United States has aimed to achieve bipartisan consensus on refugee resettlement.⁷² The Trump Administration, however, chose to reduce resettlement and turn away thousands of asylum seekers with wide, sweeping executive orders.⁷³ The potential to transition from one administration that works to strengthen resettlement to another administration that dismantles its structure hinders the overall stability of refugee resettlement. The fragility of the resettlement program also signals the need for new legislation.

Subpart A will discuss the harmful effects of politics on the stability of refugee resettlement and immigration policymaking in its entirety. This subpart will focus on the Trump administration and analyze the executive branch's scope of power through *Trump v. Hawaii*.⁷⁴ Then it will discuss the Biden administration's attempts to mitigate damages to resettlement infrastructure, including from Trump's more stringent vetting procedures and reduced admissions cap. Subpart B will problematize the unilateral executive control of refugee admissions. In an effort to provide international guidance for the United States, Subpart C will address the benefits and shortcomings of Canada's resettlement approach. Subpart D will discuss the COVID-19 pandemic as it relates to the goals of rebuilding the current resettlement approach.

A. *Political Ideology Detracts from Resettlement Goals*

Politics and policy preferences shape overall attitudes toward immigrants and affect the ability of migrants to receive humanitarian relief.⁷⁵ The general attitude of the president towards refugees heavily influences the refugee admissions cap and the status of applicants waiting for approval.⁷⁶ Generally, conservative political parties tend to oppose the expansion of immigration rights while liberal political parties tend to be stronger proponents of protecting these rights.⁷⁷ The state of the refugee crisis has strained countries all around the globe,⁷⁸ and the 2021 Afghan

72. Matt Grossman & Rebecca Hamlin, *How Trump Politicized Refugees*, NISKANEN CENTER (Oct. 23, 2019), <https://www.niskanencenter.org/how-trump-politicized-refugees/> [<http://perma.cc/DTT9-4NXL>].

73. *Id.*

74. 138 S.Ct. 292 (2018).

75. See Banks Miller et al., *The Preferences of Political Elites and Humanitarian Immigration to the United States*, 6 RSF: RUSSELL SAGE FOUND. J. SOC. SCIS. 150 (Nov. 2020), <https://www.rsjournal.org/content/rsfjss/6/3/150.full.pdf> [<https://perma.cc/AX3G-Y7Z6>].

76. *Id.* at 151.

77. *Id.* at 154.

78. *Europe and the Refugee Crisis: A Challenge to Our Civilization*, UNITED NATIONS, <https://www.un.org/en/academic-impact/europe-and-refugee-crisis-challenge-our-civilization>

crisis demonstrates how one administration can do years-long damage to the resettlement structure.⁷⁹

1. It was the worst of times: Refugee Policy Under Trump

The Trump administration worked to expand the use of detention centers, limited access to asylum, enhanced enforcement along the United States-Mexico border, and aimed to construct a border wall.⁸⁰ In January 2017, President Trump's executive order "Protecting the Nation From Foreign Terrorist Entry Into the United States" declared that entry of immigrants from seven primarily Muslim countries would be "detrimental to the interests of the United States."⁸¹ The order also suspended the United States Refugee Admissions Program ("USRAP") for 120 days on the assertion that the USRAP threatened national security, though the administration presented no evidence.⁸² The order arbitrarily claimed that the entry of more refugees would harm national interests.⁸³

The order was enjoined based on a constitutional due process violation and President Trump issued a second executive order with the intent to override the injunction.⁸⁴ The order succeeded and reinstated the ban on travelers from the same countries, suspended the USRAP temporarily, and reinstated a 50,000 cap on refugee admissions.⁸⁵ The second executive order provided national security justifications based on the belief that more terrorist-related offenses would occur due to the presence of violent

[<https://perma.cc/98UD-MXYR>]. The current refugee crisis with its largest influx of refugees since World War II, displays the arbitrariness of Europe's internal and external borders. Anne W. Kamau, *An Economic Perspective on the Refugee Crisis in Africa's Horn*, BROOKINGS (Sept. 12, 2011), <https://www.brookings.edu/opinions/an-economic-perspective-on-the-refugee-crisis-in-african-horn/> [<https://perma.cc/S652-A52M>]. Africa has felt the pressures of the refugee crises for over a decade resulting in two crises: famine and displaced refugees. *Id.*

79. Matthew La Corte, *Sponsor Circles: How a Program Designed as an Emergency Response Can Transform the U.S. Resettlement System*, NISKANEN CENTER (Nov. 16, 2021), <https://www.niskanencenter.org/sponsor-circles-how-a-program-designed-as-an-emergency-response-can-transform-the-u-s-resettlement-system/> [<http://perma.cc/J8Z4-JFFU>] [hereinafter *Sponsor Circles*]. See Michael D. Shear, *A Former Pence Aide Says Trump and Miller Tried to Stymie Afghan Refugee Efforts*, NY TIMES (Aug. 21, 2021), <https://www.nytimes.com/2021/08/21/world/asia/pence-troye-trump-miller-afghan-refugees.html> [<http://perma.cc/LJ6H-FJGS>] (detailing how the Trump administration undermined the immigration system that brings Afghan allies into the country by granting Special Immigrant Visas indicating they had supported the American War Effort).

80. *President Trump's Executive Orders on Immigration and Refugees*, CTR. FOR MIGRATION STUD. OF N.Y. (Jan. 29, 2017), <https://cmsny.org/trumps-executive-orders-immigration-refugees/> [<http://perma.cc/X53M-MNWB>].

81. Exec. Order No. 13769, 82 Fed. Reg. 8977 (Jan. 27, 2017).

82. *Id.*

83. *Id.*

84. Exec. Order No. 13780, 82 Fed. Reg. 13209 (Mar. 26, 2017).

85. *Id.*

extremist groups.⁸⁶ When the second order expired, President Trump released a third executive order and claimed the refugee admissions program could be safely reinstated, along with a historically low refugee admissions cap of 45,000 based on national security concerns.⁸⁷

The controversial executive orders issued by President Trump prompted the Supreme Court case of *Trump v. Hawaii*.⁸⁸ The decision in *Trump v. Hawaii* opened up a dangerous legal avenue for future Presidents to restrict refugee admissions further.⁸⁹ The Court applied a novel standard of rational basis review that may allow for discriminatory policies aimed at immigrants to be upheld as long as the government presents a facially plausible rationale for its actions.⁹⁰

The issue arises in the breadth of authority Congress has delegated to the executive branch within the INA.⁹¹ Concrete restraints should be placed on the president, rather than broad grants of power.⁹² Great deference to executive judgment has historically played a huge role in cases implicating the immigration power.⁹³ But as Justice Sotomayor points out, the “Constitution demands, and our country deserves, a Judiciary willing to hold the coordinate branches to account when they defy our most sacred legal commitments.”⁹⁴ The “same dangerous logic” used to originally uphold *Korematsu*,⁹⁵ infamously justifying the internment of Japanese Americans, is accepted in *Trump v. Hawaii*.⁹⁶ In both cases, dangerous stereotypes about particular groups are used to uphold the

86. *Id.*

87. Exec. Order No. 13815, 82 Fed. Reg. 50055 (Oct. 27, 2017).

88. 138 S. Ct. 2392 (2018) (holding the President has broad discretion to restrict immigration based on a national security justification).

89. Derenge, *supra* note 15.

90. Cristina M. Rodriguez, *Trump v. Hawaii and the Future of Presidential Power over Immigration*, AM. CONSTITUTION SOC’Y SUP. CT. L. REV. (2017–2018) <https://www.acslaw.org/analysis/acs-supreme-court-review/trump-v-hawaii-and-the-future-of-presidential-power-over-immigration/> [<https://perma.cc/T95T-WNCR>].

91. *Id.* The scope of authority Congress has delegated to the President in the immigration law realm may lead to future presidents enacting similarly broad entry bans that target certain groups without fear of legal challenge. *Id.*

92. *Id.*

93. See Adam B. Cox, *Deference, Delegation, and Immigration Law*, 74 U. CHI. L. REV. 1671 (2007).

94. *Trump v. Hawaii*, 138 S. Ct. 2392, 2448 (2018) (Sotomayor, J., dissenting).

95. 323 U.S. 214 (1944) (holding the evacuation order aimed at Japanese Americans was valid based on the strategic imperative of keeping the United States secure from invasion).

96. *Id.*; *Hawaii*, 138 S. Ct. at 2423 (2018) (Sotomayor, J., dissenting). The Supreme Court has generally deferred to the President on issues involving foreign affairs and national security. *Zivotofsky v. Clinton*, 566 U.S. 189, 211 (2012) (explaining the broad authority the President has in the field of foreign affairs). *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304, 319 (1936) (explaining that “[t]he President is the sole organ of the nation in its external relations, and its sole representative with foreign nations”).

government's actions.⁹⁷ In *Korematsu*, Justice Murphy recognized the need for definite limits to the government's discretion in regard to national security.⁹⁸ Although *Trump v. Hawaii* overturns *Korematsu*, its logic has significant repercussions on existing doctrines that allow the government to legally enshrine hate and discrimination against immigrants based on unfounded national security justifications.⁹⁹ A lack of clear limits on executive power can lead to abuse of authority.

2. Still Not Very Good Times: Refugee Policy Under Biden

The Biden Administration has focused heavily on reversing its predecessor's policies through executive orders.¹⁰⁰ Most of the focus has been on raising the refugee admissions cap, addressing causes of irregular migration from Central America, and understanding the effects of climate change on migration.¹⁰¹ The administration has made several attempts to revive the resettlement program, but as a whole the United States is struggling to take in more refugees.¹⁰² Vice President Harris has been tasked with addressing the causes of migration, rather than the symptoms of it at the border.¹⁰³ But she claims the United States is "in a perpetual system of only dealing with the symptoms,"¹⁰⁴ working to assist countries in crisis and moving on from the lasting damage done by the Trump administration.¹⁰⁵

3. The Effects of Changing Policy on Refugee Resettlement

The infrastructure of the refugee program is under the unilateral control of the executive branch. Under Trump, the number of federal officials who worked at resettlement agencies shrank due to severe funding and

97. *Hawaii*, 138 S. Ct. at 2447.

98. *Korematsu*, 323 U.S. at 234 (Murphy, J., dissenting). Justice Murphy notes that "[i]ndividuals must not be left impoverished of their constitutional rights on a plea of military necessity that has neither substance nor support." *Id.* Although *Trump v. Hawaii* explicitly overturned *Korematsu*, Justice Jackson noted that "although the executive order was not likely to be long lasting, the Court's willingness to tolerate it would endure." *Id.* at 245–46; *Hawaii*, 138 S. Ct. at 2423.

99. Rodriguez, *supra* note 90. See discussion *infra* Part IV.B.

100. See Narea, *supra* note 7.

101. *President Biden's Executive Actions on Immigration*, CTR. FOR MIGRATION STUD. (Feb. 2, 2021) <https://cmsny.org/biden-immigration-executive-actions/> [<http://perma.cc/Q5CK-BDXH>].

102. Narea, *supra* note 7.

103. Priscilla Alvarez & Natasha Bertrand, *Vice President Harris' Team Tries to Distance Her from Fraught Situation at the Border*, CNN (last updated June 1, 2021, 10:13 AM), <https://www.cnn.com/2021/06/01/politics/harris-immigration/index.html> [<http://perma.cc/RMP6-P9X2>].

104. *Id.*

105. Narea, *supra* note 7.

staffing constraints, imposed by the executive branch.¹⁰⁶ There is much rebuilding to be done both on a domestic and international level.¹⁰⁷ There is also no guarantee that the next administration will prioritize refugee resettlement with the same level of dedication and effort that the Biden administration has shown.¹⁰⁸ It is frankly ridiculous to believe that policies enacted unilaterally by the president will outlast their administration.¹⁰⁹ Presidential action should not be used to test different ideas with the hope to convince the American public that these ideas can become good policy.¹¹⁰ Legislative action is needed and without Congress taking responsibility, allowing presidents to govern unilaterally will create greater vulnerability for refugees and the United States.¹¹¹

The political ideology of the average American voter must be considered as it relates to resettlement goals. Political events that are highly publicized, such as elections and debates, help to shape an individual's policy preferences.¹¹² The political ideology of the average American tends to shape policy. But, a vicious loop emerges, where xenophobic leaders stir up anti-immigration sentiment, and use public outcry against refugee resettlement to rationalize and legitimate policies that hinder resettlement. Heightened political attention toward immigrants can leave permanent marks on the public's attitudes towards controversial issues.¹¹³ Generally, media coverage highlights all news in a negative light and this has led to a widespread anti-immigrant agenda.¹¹⁴ In order to progress and restructure resettlement, the influential power of politics must be addressed.

B. *Unilateral Control on Refugee Admissions*

The structure of the refugee program grants expansive authority to the executive branch, which can lead to instability for refugee resettlement organizations. Refugee resettlement is driven by partisan politics, in large part because it is governed by the executive branch. This is evident in the

106. *Id.*

107. *Id.*

108. *Id.*

109. Michael Thunberg, *The Rise of Executive Authority: A Vulnerable Path*, VOICES FROM THE HILL (Feb. 22, 2021), <https://www.norwich.edu/news/voices-from-the-hill/peace-and-war/3003-the-rise-of-executive-authority-a-vulnerable-path> [http://perma.cc/GK8J-HY8E].

110. *Id.*

111. *Id.*

112. Marisa Abrajano & Lydia Lundgren, *How Watershed Immigration Policies Affect American Public Opinion Over a Lifetime*, 49 INT'L. MIGRATION REV 70, 93, (2015) https://pages.ucsd.edu/~mabrajano/Abrajano_IMR.pdf [http://perma.cc/33AT-PLPH].

113. *Id.*

114. *Id.*

transition from President Trump to President Biden.¹¹⁵ In order to gain stability and possess a clear outlook on what the future holds for refugee resettlement, there must be a more permanent commitment from the federal government to expand and plan resettlement approaches without inhibition.¹¹⁶

This commitment has been displayed through the continued work of Senator Edward Markey and Representatives Zoe Lofgren and Joe Neguse to reintroduce legislation which reestablishes the country's commitment to refugee resettlement.¹¹⁷ Each fiscal year, the President has the authority to determine the refugee admissions cap after consultation with Congress.¹¹⁸ The INA defines the "appropriate consultation" process as "discussions by designated Cabinet-level representatives of the President with members of the Committees on the Judiciary of the Senate and of the House of Representatives."¹¹⁹ Prior to these discussions, the President *must* provide information to Congress regarding the current regional allocation of refugees, conditions within the countries of origin, plans for refugee resettlement, and the economic, socioeconomic, and demographic impact of resettlement efforts on foreign policy interests.¹²⁰

The statute is silent as to whether or not the executive has final, unilateral power to reduce the number of refugees.¹²¹ In order to avoid the political manipulation of resettlement figures, refugee camps should not be decided on partisan lines. Leaders on both sides of the political spectrum have come to recognize that a "robust refugee program" advances the interests of the United States.¹²² Former President Trump chose to take on a more aggressive executive strategy and unilaterally shape immigration policy.¹²³ That kind of presidential supremacy puts a strain on

115. See discussion *infra* Part II.A.

116. Narea, *supra* note 7.

117. See *Senator Markey, and Reps. Lofgren and Neguse Introduce Legislation to Welcome Refugees to the U.S.*, ED MARKEY U.S. SENATOR FOR MASS. (Apr. 9, 2019), <https://www.markey.senate.gov/news/press-releases/senator-markey-and-reps-lofgren-and-neguse-introduce-legislation-to-welcome-refugees-to-the-us> [http://perma.cc/P4X7-NHZP] (detailing legislation that would prevent a President from capping refugee admissions below 95,000 per year and ensuring more Congressional oversight).

118. Refugee Act of 1980, 8 U.S.C. § 1157 (a)(2).

119. Refugee Act of 1980, 8 U.S.C. § 1157 (e) (1980).

120. Harvard Immigration and Refugee Clinical Program, *supra* note 14.

121. Refugee Act of 1980, 8 U.S.C. § 1157–1159 (1980).

122. See *Senator Markey, and Reps. Lofgren and Neguse Introduce Legislation to Welcome Refugees to the U.S.*, ED MARKEY U.S. SENATOR FOR MASS. (Apr. 9, 2019), <https://www.markey.senate.gov/news/press-releases/senator-markey-and-reps-lofgren-and-neguse-introduce-legislation-to-welcome-refugees-to-the-us> [http://perma.cc/P4X7-NHZP].

123. Michael Thunberg, *The Rise of Executive Authority: A Vulnerable Path*, VOICES FROM THE HILL (Feb. 22, 2021), <https://www.norwich.edu/news/voices-from-the-hill/peace-and-war/3003-the-rise-of-executive-authority-a-vulnerable-path> [http://perma.cc/GK8J-HY8E].

legislative governance—the desire to compromise, a hallmark of democracy, diminishes;¹²⁴ it becomes increasingly difficult to pass legislation, leading to more executive action;¹²⁵ and finally, this reliance on executive governance strains domestic and international relations.¹²⁶ The volatility and divisiveness associated with executive governance make it difficult to make creditable commitments that last beyond a single administration.¹²⁷ Allies and adversaries will become less willing to negotiate with the United States, knowing any progress made can be easily undone when a new administration takes office.¹²⁸ In order to guide this country into lasting resettlement success, leaders from all branches and political parties must work together and learn from the successes of other resettlement approaches.

C. *Successful Refugee Resettlement*

Several countries have resettlement methods focused on private sponsorship that operate alongside publicly funded resettlement services.¹²⁹ Canada has exemplified its commitment to resettlement through its work with refugees.¹³⁰ The United States can learn from Canada and tap into the capacity of private American citizens and communities to help resettle refugees.¹³¹ The lessons to be learned from Canada may also help to bridge the divide over immigration within the country.¹³²

1. What Canada Does Better

Canada has surpassed the United States as the global leader in refugee resettlement numbers.¹³³ Canada resettled 28,000 refugees in 2018,

124. *Id.* Instead of shared governance between the legislative and executive branches, the reliance on executive governance leads to the minority political party waiting in the shadows until it can resume control of the White House. *Id.*

125. *Id.*

126. *Id.*

127. *Id.*

128. *Id.*

129. L.J. Wolfgang Keppley, *International Refugee Sponsorship Programs: The Current State of Play*, NISKANEN CTR. (Oct. 13, 2020), <https://www.niskanenctr.org/international-refugee-sponsorship-programs-the-current-state-of-play/> [<http://perma.cc/X5LF-MNGR>].

130. See Ian Van Haren, *Canada's Private Sponsorship Model Represents a Complementary Pathway for Refugee Resettlement*, MIGRATION POL'Y INST. (July 9, 2021), <https://www.migrationpolicy.org/article/canada-private-sponsorship-model-refugee-resettlement> [<http://perma.cc/JBK2-LLX2>].

131. Robert Falconer, *Why Joe Biden Should Emulate Canada and Go Big on Private Refugee Resettlement*, THE CONVERSATION (Oct. 11, 2021, 9:14 AM), <https://theconversation.com/why-joe-biden-should-emulate-canada-and-go-big-on-private-refugee-resettlement-168992> [<http://perma.cc/63KC-HRXD>].

132. *Id.*

133. Shauna Labman & Geoffrey Cameron, *What Joe Biden Can Learn from Canada's Private Refugee Sponsorship Program*, THE CONVERSATION (May 16, 2021, 8:17 AM),

compared to the United States' resettlement of 23,000, down from the previous years.¹³⁴ The country has three refugee resettlement streams in total, with two programs being privately sponsored—the PSR and BVOR.¹³⁵ Under the privately sponsored refugee program (“PSR”), sponsors provide all costs and services associated with resettlement to refugees, including health care.¹³⁶ Sponsors in this program can choose which refugees they want to support.¹³⁷

Under the blended visa office-referred program (“BVOR”) private sponsors are responsible for all the same costs, except for health care.¹³⁸ Instead of choosing (from applications?), they are matched with refugees proposed for resettlement by the UNHCR.¹³⁹ Refugees who resettle in Canada through either program are granted permanent residency upon admission, work authorization, and a path to citizenship.¹⁴⁰

2. Critiques

Canada's resettlement program still has its flaws. The lack of effective communication between sponsors, agencies, and government representatives has led to long wait times between the application process and the actual arrival of the sponsored refugees.¹⁴¹ Some sponsors have waited as long as six years to welcome their refugee families.¹⁴² These long wait times stem from the logistical challenges refugees face in supplying application information while living in conflict zones or refugee camps with scarce resources.¹⁴³ When applications are reviewed by visa officers, a single error can lead to the entire application being returned without a full review.¹⁴⁴ An application may be returned several times, which leads to slower decision-making by visa officers.¹⁴⁵

To address these concerns, the NGO-Government Committee on the

<https://theconversation.com/what-joe-biden-can-learn-from-canadas-private-refugee-sponsorship-program-158341> [<http://perma.cc/AAJ2-JFFK>] [hereinafter THE CONVERSATION].

134. Jynnah Radford & Phillip Connor, *Canada Now Leads the World in Refugee Resettlement, Surpassing the U.S.*, PEW RSCH. CTR. (June 19, 2019), <https://www.pewresearch.org/fact-tank/2019/06/19/canada-now-leads-the-world-in-refugee-resettlement-surpassing-the-u-s/> [<http://perma.cc/UPY4-A2Z2>].

135. See Haren, *supra* note 130.

136. Keppley, *supra* note 129.

137. See Haren, *supra* note 130.

138. Keppley, *supra* note 129.

139. See Haren, *supra* note 130.

140. Keppley, *supra* note 129.

141. Bolu Coker, *A Half Welcome: Delays, Limits, and Inequities in Canadian Refugee Sponsorship*, CITIZENS FOR PUBLIC JUSTICE (Apr. 2017), at 7, <https://cpj.ca/wp-content/uploads/A-Half-Welcome.pdf> [<https://perma.cc/W43T-WEFK>].

142. *Id.*

143. *Id.*

144. *Id.*

145. *Id.*

Private Sponsorship of Refugees was formed to facilitate a dialogue between sponsors and the government.¹⁴⁶ The collaboration was unable to address the speed of processing applications.¹⁴⁷ But the country is capable of shorter wait times as demonstrated by the swift resettlement of thousands of Syrians in 2016, when the military was brought in to help.¹⁴⁸ Inconsistent communication from visa offices affects the speed of decision making.¹⁴⁹ One solution proposed is to require visa offices to inform Sponsor Agreement Holders on the progress of each case to speed up the flow of communication.¹⁵⁰ This solution would address application backlog and ineffective communication, areas in which the United States also struggles.¹⁵¹

A further hurdle in refugee resettlement programs globally came in the form of the unprecedented COVID-19 pandemic. Those waiting to enter the United States remain on standby, while recently resettled refugees face greater difficulty in accessing services and assistance.¹⁵² There has been genuine concern that the COVID-19 pandemic has increased anti-refugee sentiment, further hindering the rebuilding of the resettlement approach.¹⁵³

D. *The COVID-19 Pandemic*

The COVID-19 pandemic led to a significant decrease in refugee resettlement in Fiscal Year 2020.¹⁵⁴ Approximately 7,000 of the 18,000 spaces available for refugee resettlement went unused.¹⁵⁵ International travel restrictions led to the suspension of refugee arrivals from mid-March to the end of July.¹⁵⁶ The USCIS had to close its offices and make procedural and administrative changes, which increased case backlog.¹⁵⁷ Border closures and lockdown measures led to a dramatic decrease in

146. See Jennifer Hyndman et al., *Sustaining the Private Sponsorship of Resettled Refugees in Canada*, FRONTIERS (May 11, 2021), <https://www.frontiersin.org/articles/10.3389/fhumd.2021.625358/full> [<http://perma.cc/P2WH-TSM9>].

147. Coker, *supra* note 141.

148. *Id.*

149. *Id.*

150. *Id.*

151. *Id.* at 9.

152. *How Does COVID-19 Impact Refugee Resettlement?*, GCIR (Apr. 21, 2020), <https://www.gcir.org/news/how-does-covid-19-impact-refugee-resettlement> [<http://perma.cc/F6MJ-S98X>].

153. *Id.*

154. *Report to Congress on Proposed Refugee Admissions for Fiscal Year 2021*, U.S. DEPARTMENT OF STATE, <https://www.state.gov/reports/report-to-congress-on-proposed-refugee-admissions-for-fy-2021/> [<http://perma.cc/AQU6-65DN>].

155. *Id.*

156. *Id.*

157. *Id.*

mobility for refugees.¹⁵⁸ In places like West Africa, the economic effects of COVID have led to increased departures and the revival of dormant migration routes.¹⁵⁹ COVID has overwhelmingly left more people in need of humanitarian aid, but host countries like the United States face their own crises and pour trillions of dollars into domestic relief, rather than provide aid for refugees.¹⁶⁰

Despite the government rolling back the quarantine period and border restrictions, proof of vaccination has created another hurdle for migrants.¹⁶¹ There are concerns about equity regarding who has access to the vaccine and who administers it, leading to yet another barrier to mobility for migrants.¹⁶²

III. RECOMMENDATIONS

An unequivocal refugee crisis has plagued the world and in order for refugees to gain the safety and peace they are so desperately looking for; the United States must work to improve its current resettlement program. The direct involvement of Americans in resettlement efforts allows for greater mobilization of citizens to become refugee advocates.¹⁶³ A personal commitment to resettlement will help bolster the number of refugees resettled and ease the burden on public agencies struggling to meet the demands of the crisis.¹⁶⁴ While ethnic-based community sponsorship does exist in some parts of the United States, its expansion will project resettlement into a new trajectory.¹⁶⁵ But private organizations cannot do it all on their own; public funding through the R&P program must be increased to adequately address the needs of refugees and the organizations that serve them.

A. *Expansion of Ethnic-Based Community-Led Resettlement*

158. Eric Reidy, *One Year On: How the Pandemic Has Affected Refugees, Asylum Seekers, and Migration*, THE NEW HUMANITARIAN (Mar. 10, 2021), <https://www.thenewhumanitarian.org/analysis/2021/3/10/one-year-how-pandemic-has-affected-refugees-asylum-migration> [<https://perma.cc/DF26-3QDL>].

159. *Id.*

160. *Id.*

161. See *Top 10 Migration Issues of 2021*, MIGRATION POLICY INSTITUTE, <https://www.migrationpolicy.org/programs/migration-information-source/top-10-migration-issues-2021> [<http://perma.cc/HTC9-U93X>].

162. *Id.*

163. PENN BIDEN CENTER, *supra* note 14.

164. *Id.*

165. *Id.* Guildford County in North Carolina has welcomed approximately 700 refugees each year from several African countries, through community centers that enhance refugee integration through conversations about racial dynamics, and the history of oppression and enslavement of African Americans in the South. See Janie Raghunandan, *Resettlement and Race: A Complicated Intersection*, UNCG CNNC (Mar. 1, 2021), <https://cnnc.uncg.edu/resettlement-and-race-a-complicated-intersection/> [<https://perma.cc/EML6-C6LS>].

There has been a widespread push for greater privatization of refugee resettlement put forth by the Niskanen Center, the DOS (in conjunction with Refugee Council USA), and the Urban Justice Center's International Refugee Assistant Project.¹⁶⁶ But state coordinators, resettlement agencies, and federal partners have expressed concerns over creating a new private resettlement program.¹⁶⁷ Their concerns arise from the potential that a new, private program would undermine the existing refugee resettlement structure and unnecessarily duplicate efforts.¹⁶⁸ One state refugee coordinator noted "public-private partnership already exists . . . [W]hy aren't we already tapping into that to put the private resource [in]to the current system?"¹⁶⁹ All state refugee coordinators agreed that private sponsorship should supplement and not substitute government action.¹⁷⁰

1. A Good Example: Sponsor Circles

President Biden began to deliver on his promise to implement a private sponsorship program for refugees in 2021.¹⁷¹ The Sponsor Circle Program is a community-led resettlement initiative that allows private citizens to take on the responsibility of welcoming Afghan refugees to their communities.¹⁷² By applying to serve as a Sponsor Circle, citizens commit to welcoming and supporting an Afghan into their family for at least ninety days.¹⁷³ Sponsor circles of five or more adults can commit to supporting families they already know or families they match with.¹⁷⁴ Support involves fundraising for each individual welcomed, securing housing, basic necessities, connections to relevant services, and employment opportunities, among other support services.¹⁷⁵

Sponsor Circle is not private sponsorship in the traditional sense.¹⁷⁶ The program was created to fix a specific problem—moving thousands of Afghans out from military bases since resettlement agencies lacked the capacity to do so alone.¹⁷⁷ Afghans served through this program are

166. Harvard Immigration and Refugee Clinical Program, *supra* note 120.

167. *Id.* at 155, 220.

168. *Id.*

169. *Id.*

170. *Id.*

171. See Caroline Simon, *US Will Allow Private Sponsors to Help Afghan Refugee Resettlement*, ROLL CALL (Oct. 25, 2021, 2:50 PM), <https://rollcall.com/2021/10/25/us-will-allow-private-sponsors-to-help-afghan-refugee-resettlement/> [<https://perma.cc/U8LV-EPUG>].

172. *The Sponsor Circle Program*, SPONSOR CIRCLES, <https://www.sponsorcircles.org/about> [<https://perma.cc/6BGK-SP6M>].

173. *Id.*

174. *Id.*

175. *Id.*

176. *Sponsor Circles*, *supra* note 79.

empowered to decide whether they want to leave the military bases for a sponsorship circle slot or wait for a resettlement agency opening.¹⁷⁸ This program bolsters the domestic resettlement infrastructure after years of the Trump administration's efforts to undermine the resettlement program.¹⁷⁹ While the extent of the program's benefits remains to be seen, the program will help to reduce refugee out-migration,¹⁸⁰ the act of leaving one place to settle into another, within the same country.¹⁸¹ An expansion of this type of program across multiple refugee populations can allow for greater monitoring and evaluating to generate best resettlement practices.¹⁸²

Sponsor Circles exemplifies the ability of the American public to engage in refugee resettlement in a way that will bring comfort and stability to refugees. When refugees walk into a room, more often than not they are greeted by people who look nothing like them and who fail to understand their language and culture.¹⁸³ The ideal community sponsorship model should supplement the centralized work of resettlement agencies with assurance that each community sponsorship contains former refugees and immigrants in leadership positions.¹⁸⁴ Their experiences and insights would be beneficial to integration services and programming approaches.¹⁸⁵ Ethnic-based community sponsorship increases opportunities for refugees to connect with people who share the same experiences and can fulfill the roles of stakeholders.¹⁸⁶

2. Challenges

Community sponsorship programs increase and safeguard resettlement but present challenges based on racial dynamics.¹⁸⁷ The majority of refugees coming to the United States are people of color, yet eight out of nine resettlement agencies are white-led.¹⁸⁸ The leadership at these

177. *Id.*

178. *Id.*

179. *Id.*

180. Adva Saldinger, *US Tries 'Sponsor Circles' to Speed Afghan Refugee Resettlement*, DEVEX (Jan. 10, 2022), <https://www.devex.com/news/us-tries-sponsor-circles-to-speed-afghan-refugee-resettlement-102378> [<https://perma.cc/4RCE-DDRT>].

181. *Out-migrate*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/out-migrate> [<https://perma.cc/R2HT-BVPP>].

182. Saldinger, *supra* note 180.

183. Jennifer Chowdhury, *How Community Sponsorship Can Expand and Diversify the Refugee Resettlement Process*, PRISM (June 22, 2021), <https://prismreports.org/2021/06/22/how-community-sponsorship-can-expand-and-diversify-the-refugee-resettlement-process/> [<http://perma.cc/D5GH-JRJU>].

184. *Id.*

185. *Id.*

186. *Id.*

187. *Id.* Training resources for sponsors that delve into cultural biases and managing racial micro behaviors can help to mitigate power imbalances based on race. *Id.*

188. *Id.*

resettlement organizations needs to be proactive and develop policies to engage people of color in community outreach and community sponsorship.¹⁸⁹ Education is perhaps the most powerful tool to inform community sponsors about cultural biases and racial microaggressions.¹⁹⁰

3. Need for ECBOs

Ethnic Community-Based Organizations (“ECBOs”) can manage their unique role through the ethnic identities that make up the composition of their management, staff members, and clients they serve.¹⁹¹

ECBOs operate on the principle of mutual aid to facilitate the social adjustment and cultural transition of refugees and to provide a range of services from tutoring and mentoring to career counseling.¹⁹² Services delivered through a “linguistically and culturally appropriate manner” are most effective for helping refugees to achieve self-sufficiency.¹⁹³ Federal, state, and county governments benefit tremendously from working with ECBOs.¹⁹⁴ Existing community services through the ORR fail to account for the foundational services of the ECBOs.¹⁹⁵ These organizations provide opportunities for refugees to preserve their language, culture, and enhance the diversity of the United States.¹⁹⁶

The expansion of ethnic-based community-led resettlement will help to increase community awareness,¹⁹⁷ civic engagement,¹⁹⁸ and educate the public.¹⁹⁹ An increase in personal contact with refugees can bolster pro-

189. *Id.*

190. *Id.*

191. Kathleen Newland et al., *Bridging Divides: The Role of Ethnic Community-Based Organizations in Refugee Integration*, MIGRATION POLICY INSTITUTE (2007), https://www.migrationpolicy.org/sites/default/files/publications/Bridging_Divides.pdf [<http://perma.cc/7X95-PZ98>].

192. *Fact Sheet: Ethnic Community-Based Organizations*, CDSS (Oct. 2016), https://www.cdss.ca.gov/refugeeprogram/res/pdf/Factsheets/ECBO_Fact_Sheet.pdf [<http://perma.cc/J9NL-NG68>].

193. *Id.*

194. *Id.*

195. *Id.*

196. *Id.*

197. G. Odessa Gonzalez Benson, *How Refugee Community Groups Support Resettlement*, FORCED MIGRATION REVIEW (Feb. 2017), <https://www.fmreview.org/resettlement/gonzalezbenon> [<http://perma.cc/CDB2-FENW>] (recognizing the validity of community-led strategies rebuts the ‘taking from’ the community anti-migration sentiment).

198. THE CONVERSATION, *supra* note 133.

199. Deborah Amos, ‘New Era In Resettlement’: U.S. Refugee Advocates Count On More Community-Based Help, NPR (May 6, 2021, 1:38 PM), <https://www.npr.org/2021/05/06/993153650/new-era-in-resettlement-u-s-refugee-advocates-count-on-more-community-based-help> [<https://perma.cc/2SS8-RAP9>] (promoting community-based resettlement educates Americans about refugees and strengthens public support).

immigrant sentiment among the general public.²⁰⁰ While the private sector will provide tremendous benefits to the current resettlement approach, the public sector is in dire need of financial help to ensure the entire infrastructure of resettlement can grow.

B. *The Funding Structure of the Reception and Placement Program and the Office of Refugee Resettlement Must Be Modified*

1. Structural Issues

The funds that the R&P and ORR program receive are crucial to provide initial reception and placement, and transitional programs for refugees.²⁰¹ These funds have not kept up with increases in the cost of living and the changing demographics of the refugee population.²⁰² Resettlement agencies receive a one-time per capita fund for each refugee they resettle to cover expenses for up to the first three months of resettlement.²⁰³ Local resettlement partners use half of the money to cover the basic needs of refugees, and the other half to maintain infrastructure and staff.²⁰⁴ While the per capita grant was significantly increased in 2010, rising from \$900 to \$1,800, it has only modestly increased over the past decade and does not account for inflation.²⁰⁵

Refugees are eligible for between one and three months of funding from the R&P program.²⁰⁶ This limited timeframe for funding does not allow refugees to gain economic independence and meet integration milestones such as learning English.²⁰⁷ After three months, refugees are eligible for ORR services for up to five years.²⁰⁸ These services focus on helping refugees find and maintain employment, preferably within one year.²⁰⁹ The ORR can partner with states to disburse additional funds for integration related programs, but the lack of extended federal funding places pressure on states and local agencies, adding to anti-immigrant sentiment.²¹⁰ The focus on short-term, rapid employment makes it difficult to provide services that truly advance refugees' ability to obtain professional

200. THE CONVERSATION, *supra* note 133.

201. *Reception and Placement*, U.S. DEP'T OF STATE, <https://www.state.gov/refugee-admissions/reception-and-placement/> [<http://perma.cc/Q74S-DLT4>].

202. Mathema & Carratala, *supra* note 34.

203. U.S. DEP'T OF STATE, *supra* note 201.

204. Mathema & Carratala, *supra* note 34.

205. *Id.*

206. U.S. DEPARTMENT OF STATE, *supra* note 201.

207. Mathema & Carratala, *supra* note 34.

208. *Refugee Support Services*, THE ADMIN. FOR CHILD. & FAMILIES, <https://www.acf.hhs.gov/orr/programs/refugees/refugee-support-services> [<http://perma.cc/UK2P-9T4Q>].

209. *Id.*

210. *Id.*

careers in the United States.²¹¹

One of the biggest disadvantages of the current funding structure is that it works against local resettlement partners and refugees.²¹² The DOS provides national management funding to the nine refugee resettlement agencies separately to fund oversight based on planned arrivals and capacity, not actual arrivals.²¹³ This funding structure leaves local partners who have already contributed financial support to the resettlement agencies with a financial burden if refugee arrivals fall short of the refugee ceiling and placement plans.²¹⁴

The ORR serves refugees along with “Cuban and Haitian entrants, asylees, unaccompanied children, survivors of torture, special immigrant visa holders, and trafficking victims.”²¹⁵ Yet the ORR’s budget has remained stagnant and not increased in relation to the expanded population it serves, the increased cost of living, or inflation.²¹⁶ In order to compensate for the lack of funding, the ORR has been forced to redirect funds from refugee resettlement.²¹⁷

2. Solutions

Congress should fund a contingency account to stabilize both the R&P and the ORR’s budgets. Program funding should allow for flexibility and prolonged support to adequately promote integration. Budget constraints, paired with the funding and defunding of resettlement efforts, result in constant job creation and job loss within an organization that provides crucial services to refugees.²¹⁸ An effective collaboration between resettlement agencies and community stakeholders will be imperative to allow for budget proposals to the DOS.²¹⁹

Congress should consult with the President regarding the budget and merge their deadlines to ensure accurate budget predictions that will grant states better data to plan for refugee arrivals each year.²²⁰ Community sponsors can also get involved and pool financial contributions into a

211. Kay E. Brown et al., *Refugee Resettlement—Greater Consultation with Community Stakeholders Could Strengthen Program*, U.S. GOV’T ACCOUNTABILITY OFF. (July 2012), <https://www.gao.gov/assets/gao-12-729.pdf> [<https://perma.cc/EVR3-6TV6>].

212. Mathema & Carratala, *supra* note 34.

213. Brown, *supra* note 211, at 11.

214. *Id.*

215. Harvard Immigration and Refugee Clinical Program, *supra* note 120.

216. *Id.* at 215.

217. Brown, *supra* note 211.

218. Harvard Immigration and Refugee Clinical Program, *supra* note 215.

219. In order to incentivize agencies and the community to participate in private resettlement programs, the government could consider participation in a charitable cause, allowing for individuals and corporations to claim tax deductions. *Id.* at 234.

220. *Id.*

contingency fund to support local humanitarian efforts.²²¹ Contingency funding has the potential to allow for a timelier and coordinated resettlement approach.²²²

As evidenced by political, economic, and social turmoil plaguing countries all over the globe, unexpected emergencies arise often. Current challenges stem from the current resettlement system being so centralized with little community involvement and too much reliance on the executive branch. The United States must be proactive and willing to restructure resettlement from the ground up to accomplish its goals efficiently.

IV. COUNTERARGUMENTS

Politics and the media have created a misguided perception that refugees increase economic instability and amplify risks to national security.²²³ Subparts A and B will address these counterarguments to dispel false narratives associated with refugee resettlement.

A. *Refugees Help to Facilitate Community Integration Rather than Create Economic Instability*

Fluctuations in economic stability and resource allocation within the country have led to widespread anti-immigrant sentiment.²²⁴ Critics of refugee resettlement approaches believe that there are a fixed number of jobs in the economy and immigrants take job opportunities from natural-born citizens.²²⁵ But “undocumented workers [and legally documented refugees] often work the unpleasant, back-breaking jobs that native-born workers are not willing to do.”²²⁶ Fixing the resettlement approach does not mean fewer jobs; it is about providing education, skills development, and safety nets for all workers.²²⁷

Communities across the country believe that refugees are a drain on state and local resources such as schools, healthcare systems, social

221. See *Country-Based Pooled Funds*, OCHA, <https://www.unocha.org/our-work/humanitarian-financing/country-based-pooled-funds-cbpf> [<https://perma.cc/AC6L-RCJL>].

222. *Id.*

223. *Id.*

224. See Joonghyun Kwak & Michael Wallace, *The Impact of the Great Recession on Perceived Immigrant Threat: A Cross-National Study of 22 Countries*, MDPI (July 16, 2018), <https://www.mdpi.com/2075-4698/8/3/52/htm> [<http://perma.cc/4LZQ-MJ5A>].

225. Sari Pekkala Kerr & William Kerr, *Immigrants Play a Disproportionate Role in American Entrepreneurship*, HARVARD BUSINESS REVIEW (Oct. 3, 2016), <https://hbr.org/2016/10/immigrants-play-a-disproportionate-role-in-american-entrepreneurship> [<http://perma.cc/JC49-UDM4>].

226. Brennan Hoban, *Do Immigrants “Steal” Jobs From American Workers?*, BROOKINGS (Aug. 24, 2017), <https://www.brookings.edu/blog/brookings-now/2017/08/24/do-immigrants-steal-jobs-from-american-workers/> [<https://perma.cc/4LDW-JVP6>].

227. *Id.*

services, and state assistance programs.²²⁸ The limited English proficiency of refugees increases the need for interpreters and special language training.²²⁹ There are also concerns that young refugees with limited English comprehension could negatively affect a school district's performance.²³⁰

Refugee resettlement does more than help refugees; it is also advantageous for the United States.²³¹ Refugee families have contributed to revitalizing cities across the country.²³² In St. Louis, Missouri, residents credit Bosnian refugees with "turning around a South City neighborhood once ridden with crime."²³³ In Louisville, Kentucky, factory owners would not be in business if not for refugees who consistently seek work.²³⁴ Community leaders in California and Maine have long said, rather than draining communities, the "labor force participation of refugees and their spirit of entrepreneurship [help] to sustain them."²³⁵ Minnesota is currently represented by Somalian refugee, Representative Ilhan Omar.²³⁶ Major employers like SkyChef and Amazon regularly recruit refugee workers who are "determined to do a good job, and to become a valuable part of our society and community."²³⁷

While welcoming refugees requires a significant initial investment, typically consisting of public funds, refugees create more jobs, raise productivity and wages, stimulate international trade and investment, and boost innovation.²³⁸ When refugees spend their wages, they boost demand for the goods and services they consume.²³⁹ Refugees engage in entrepreneurship at higher rates than natives and are more likely to take risks and

228. Annie Lowrey, *Are Immigrants a Drain on Government Resources?*, THE ATLANTIC (Sept. 29, 2018), <https://www.theatlantic.com/ideas/archive/2018/09/are-immigrants-drain-government-resources/571582/> [<https://perma.cc/2KAF-BLBJ>].

229. Brown, *supra* note 211, page cite.

230. *Id.* at 19.

231. Mathema & Carratala, *supra* note 34.

232. *Id.*

233. *From Struggle to Resilience: The Economic Impact of Refugees in America*, NEW AMERICAN ECONOMY (June 2017), at 1, http://www.newamericaneconomy.org/wp-content/uploads/2017/06/NAE_Refugees_V5.pdf [<http://perma.cc/XT77-WMQM>].

234. *Id.*

235. *Id.* at 3.

236. *About*, ILHAN OMAR, <https://omar.house.gov/about> [<https://perma.cc/W75R-L8XJ>].

237. NEW AMERICAN ECONOMY, *supra* note 233.

238. Philippe Legrain, *Refugees Work: A Humanitarian Investment that Yields Economic Dividends*, TENT, at 26, http://www.opennetwork.net/wp-content/uploads/2016/05/Tent-Open-Refugees-Work_V13.pdf [<https://perma.cc/YMN8-NS59>].

239. *Id.*

create new businesses, which in turn creates new jobs for everyone.²⁴⁰ While migrants are 15 percent of the United States population, they represent 25 percent of entrepreneurs.²⁴¹ Refugees are also more likely to create new ventures, creating new jobs for everyone.²⁴²

Although the effects of the COVID-19 pandemic led to an increase in the unemployment rate for foreign-born persons in the United States, foreign-born men participate in the labor force at a higher rate, 76.6 percent, compared to native-born men at 65.9 percent.²⁴³

Refugees' economic contributions outweigh the initial costs of resettlement. One study found that over a period of nine years, refugees contributed over \$220 million to the local economy.²⁴⁴ Refugees were found to have worked more hours, earned more income, and developed their English language skills faster than other groups of immigrants.²⁴⁵ Due to refugees earning higher incomes, their tax contributions are higher as well. One study found that over a period of twenty years, refugees paid more in taxes than the cost of the aid and public services they received.²⁴⁶

B. *Refugees Do Not Jeopardize National Security*

Refugees who flee persecution and violence experience daily threats to their security but are often characterized as posing a threat to host

240. Dany Bahar, *Why Accepting Refugees Is a Win-Win-Win Formula*, BROOKINGS (June 19, 2018), <https://www.brookings.edu/blog/up-front/2018/06/19/refugees-are-a-win-win-win-formula-for-economic-development/> [<https://perma.cc/277R-2EJB>].

241. *Id.*

242. *Id.*

243. *Foreign-Born Workers: Labor Force Characteristics—2020*, BUREAU OF LABOR STATISTICS (May 18, 2021, 10:00 AM), <https://www.bls.gov/news.release/pdf/forbrn.pdf> [<http://perma.cc/C3TF-C5AN>].

244. Anita R. Kellogg, *Why Do Some U.S. Mayors Want More Refugees?*, THE WASHINGTON POST (June 28, 2021, 7:00 AM), <https://www.washingtonpost.com/politics/2021/06/28/why-do-us-mayors-want-more-refugees/> [<https://perma.cc/7VBQ-XV9P>]. For further discussion on the economic impact of refugees, see Elisabeth Gerber et al., *Economic Impact of Refugees in Southeast Michigan*, GLOBAL DETROIT (Oct. 2017), https://www.immigrationresearch.org/system/files/Refugees_Southeast_Michigan.pdf [<https://perma.cc/LKT4-3997>].

245. *Id.* While refugees are forced to flee their homes because of war, violence or persecution, an immigrant is defined as someone who makes a conscious decision to leave their home and move to a foreign country with the intention to settle there. *Migrants, Asylum Seekers, Refugees and Immigrants: What's the Difference?*, INTERNATIONAL RESCUE COMMITTEE (last updated July 13, 2022), <https://www.rescue.org/article/migrants-asylum-seekers-refugees-and-immigrants-whats-difference> [<https://perma.cc/3ZV4-ZLN2>].

246. Gerber *supra*, note 244. For further discussion on refugee tax contributions, see William N. Evans & Daniel Fitzgerald, *The Economic and Social Outcomes of Refugees in the United States: Evidence from the ACS*, NBER (June 2017), <https://www.nber.org/papers/w23498> [<http://perma.cc/XH3W-99X2>].

countries and their citizens.²⁴⁷ While both Republicans and Democrats have voiced concerns that the presence of immigrants raises crime rates, census data consistently reveals that immigrants, especially refugees, are less likely to commit crimes than native citizens.²⁴⁸ Since 1980, not a single refugee has committed a terrorist attack.²⁴⁹ A study by the New American Economy found that nine out of ten communities that welcomed an influx of refugees, between 2006 and 2015, saw a decrease in crime rates.²⁵⁰ The communities became considerably safer in regard to violence and property crimes, and in Southfield, Michigan, violent crime dropped by 77.1 percent.²⁵¹ Nonetheless, in his campaign announcement, Trump stated, “[w]hen Mexico sends its people, they’re not sending their best. . . . They’re sending people that have lots of problems, and they’re bringing those problems with us. They’re bringing drugs. They’re bringing crime. They’re rapists. And some, I assume, are good people.”²⁵² Before the 2018 midterm election, Trump characterized individuals crossing the border as violent criminals terrorizing law enforcement, on their way to wreak havoc.²⁵³ The United States has had a long history of xenophobia, most notably demonstrated through the Chinese Exclusion Act.²⁵⁴ The fear that immigrants will erode the identity of the United States has led to animosity and finds its roots in the nation’s history, despite evidence that immigrants of all types contribute to the well-being of the country.²⁵⁵

Refugee resettlement advances the United States’ national security interests as it helps to recruit intelligence assets abroad, increases global

247. Gil Loescher, *Blaming the Victim: Refugees and Global Security*, 58 BULL. OF THE ATOMIC SCIENTISTS, 46, 48 (2002).

248. Phineas Rueckert, *Do Refugees Cause More Crime? The Facts Say Probably Not*, GLOBAL CITIZEN (Feb. 21, 2017), <https://www.globalcitizen.org/fr/content/these-are-the-facts-on-refugees-and-crime/> [<http://perma.cc/4JDH-JGZX>].

249. *Id.*

250. *Id.*

251. *Is There a Link Between Refugees and U.S. Crime Rates?*, NEW AMERICAN ECONOMY (Feb. 7, 2017), <https://research.newamericaneconomy.org/report/is-there-a-link-between-refugees-and-u-s-crime-rates/> [<http://perma.cc/EP4P-DEBR>]. The one city that saw an increase in crime, West Springfield, Massachusetts, was also impacted by an opioid epidemic.

252. Eugene Scott, *Trump’s Most Insulting—and Violent—Language Is Often Reserved for Immigrants*, THE WASHINGTON POST (Oct. 2, 2019), <https://www.washingtonpost.com/politics/2019/10/02/trumps-most-insulting-violent-language-is-often-reserved-immigrants/> [<https://perma.cc/J2L4-AJJG>].

253. *Id.*

254. For an in-depth discussion of xenophobia, see Erika Lee, *America First, Immigrants Last: American Xenophobia Then and Now*, 19 THE JOURNAL OF THE GILDED AGE AND PROGRESSIVE ERA 3 (2020); Erika Lee, *AMERICA FOR AMERICANS: A HISTORY OF XENOPHOBIA IN THE UNITED STATES* (Basic Books 2019).

255. Alex Mikulich, *Xenophobia and Racism—The Presence of the Past*, JESUIT SOCIAL RESEARCH INSTITUTE (2009), <https://jsri.loyno.edu/sites/loyno.edu/jsri/files/USXenophobiaandRacism-Summer2009jsq.pdf> [<https://perma.cc/EKV7-P2DZ>].

influence, undermines anti-Western propaganda, and helps to promote stability in foreign countries.²⁵⁶ The promise of safety in the United States attracts many to assist in American operations abroad as a means of defeating a common enemy.²⁵⁷ Cooperation and intelligence from refugees escaping ISIS, for example, helps the United States to defeat their shared enemy.²⁵⁸ Restricting resettlement affects the ability of the military to extinguish threats to the country and its citizens.²⁵⁹

Though so often the boogeyman of the right-wing, refugee resettlement in fact supports conservative policies in national defense and security. Through its history, the United States has supported and welcomed those who reject ideologies antithetical to its own values in the fight against extremism.²⁶⁰ When the country provides protection to those fleeing communism, persecution, and tyranny, it affirms its commitment to promote liberty for all.²⁶¹ A genuine willingness to integrate refugees helps to maintain alliances, defuse tensions, and cultivates stable relationships with other nations, which should be the national policy goals of any patriot, regardless of political affiliations.²⁶²

CONCLUSION

Refugee resettlement is the most secure form of protection a country can offer a refugee as it offers permanent residency, security, and a path to citizenship.²⁶³ This Note has argued that ethnic-based community-led resettlement is a local solution to a global crisis that harnesses the power of communities to assist and advocate for refugees.²⁶⁴ Successful integration and independence is heightened with the support of communities.²⁶⁵ The mutual benefits for refugees and communities provides satisfaction for all involved.²⁶⁶ In order to maximize the work of resettlement agencies and local communities, financial resources should be secured by a

256. Matthew La Corte, *National Security Experts Outline the Strategic Case for Refugee Resettlement*, NISKANEN CENTER (May 1, 2018), <https://www.niskanencenter.org/national-security-experts-outline-the-strategic-case-for-refugee-resettlement/> [https://perma.cc/2WFQ-W5C4] [hereinafter *National Security Experts*].

257. *Id.*

258. *Id.*

259. *Id.*

260. *Id.*

261. See *The Future of Refugee Welcome in the United States*, INTERNATIONAL RESCUE COMMITTEE (Sept. 2017), <https://www.rescue.org/sites/default/files/document/1872/policybriefthefutureofrefugeewelcome.pdf> [http://perma.cc/EN2E-MLX5].

262. *National Security Experts*, *supra* note 256.

263. Newland et al., *supra* note 191.

264. *Community Sponsorship Model*, HEARTS & HOMES FOR REFUGEES, <https://www.heartsandhomesforrefugees.org/community-sponsorship> [https://perma.cc/9NZU-BB7G].

265. *Id.*

266. *Id.*

Congressionally funded contingency account. The United States has set tremendous goals for itself as it looks to the future of refugee resettlement, and it must prioritize the needs of refugees first and foremost to succeed.