

The Refugee Protection Act of 2016

The number of people fleeing war, persecution, and conflict across the globe is at a historic high. More than 60 million people have been forcibly displaced across the world, giving rise to the worst refugee crisis in recent history. The ongoing conflict in Syria, now in its sixth year, has led to internal displacement of 6.6 million people. Currently, there are more than 4.8 million registered Syrian refugees, and more than half of them children. In our own hemisphere, increasing violence in Central America is forcing mothers and children from El Salvador, Honduras, and Guatemala to flee and seek protection. From 2008 to 2014, the United Nations High Commissioner for Refugees (UNHCR) documented a 1,185% increase in asylum applications from these countries -- filed not in the United States, but in Belize, Costa Rica, Mexico, Nicaragua, and Panama. In 2015, child murder rates in El Salvador and Guatemala were the highest in the world. Honduras and El Salvador rank first and third for rates of female homicide globally. As a humanitarian leader, the United States must do more in response to these circumstances. The Refugee Act of 1980 was a landmark piece of legislation that was a significant step towards fulfilling U.S. obligations under the 1951 Refugee Convention. But there are continued areas in our law that must be strengthened. The Refugee Protection Act of 2016 will ensure that refugees and asylum seekers with *bona fide* claims are protected by the United States, restoring our reputation as a beacon of hope for those suffering from displacement and persecution.

Increased Protections for Asylum Seekers and Other Vulnerable Immigrants:

- Eliminates the arbitrary requirement that asylum applicants file a claim within one-year of arrival.
- Protects particularly vulnerable asylum seekers, such as victims of gender-based violence or LGBT individuals, by ensuring they can pursue a claim even where their persecution is not “socially visible.”
- Ensures fair process by requiring an immigration judge to give notice and an opportunity to respond when the judge requires corroborating evidence of the asylum claim.
- Gives an asylum applicant the opportunity to explain and clarify inconsistencies in a claim.
- Enables minors who seek asylum to have an initial interview with an asylum officer in a non-adversarial setting.
- Allows the Attorney General to appoint counsel where fair resolution or effective adjudication of the proceedings would be served by appointment of counsel.
- Requires the Attorney General to appoint counsel for children and particularly vulnerable individuals to help ensure fair and efficient proceedings.

Reforms to the Expedited Removal Process:

- Requires the referral of asylum seekers to an asylum officer for a credible fear interview, and, if credible fear is found, for an asylum interview.
- Authorizes the United States Commission on International Religious Freedom to conduct a new study on the effects of expedited removal authority on asylum seekers.

Parole of Asylum Seekers:

- Codifies the current DHS policy that asylum seekers be considered for release (“parole”) and requires DHS to issue regulations establishing criteria for parole.
- Establishes a nation-wide, secure “alternatives to detention” program.
- Requires the immigration detention system to ensure asylum seekers and others have access to counsel, religious practice, and visits from family.

Terrorism Bar to Admissibility:

- Ensures that innocent asylum seekers and refugees are not unfairly denied protection as a result of the material support and terrorism bars in the law, while ensuring that those with actual ties to terrorist activity will continue to be denied entry to the United States.

Protections for Refugees and Asylees:

- Allows certain children and family members of refugees to be considered as derivative applicants for refugee status. All such applicants must pass standard security checks.
- Authorizes the President to designate certain groups for expedited adjudication as refugees.
- Prevents newly resettled refugees from slipping into poverty by adjusting the per capita refugee resettlement grant level annually for inflation and the cost of living.