



# The Role of States in the Refugee Resettlement Process

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## BACKGROUND

The Obama Administration's recent decision to increase the number of refugees admitted by the United States, including at least an additional 10,000 refugees from Syria, has left many state and local leaders questioning what they can do to address the impact of refugee resettlement in their communities.

While only the federal government may decide who can enter the United States as a refugee, generally, federal law requires cooperation between federal, state, and local governments when it comes to the *resettlement* of refugees admitted to the United States. Federal law states that the Director of the Office of Refugee Resettlement (which falls under the U.S. Department of Health and Human Services), “**shall consult**” with state and local governments and voluntary non-profit agencies “concerning the sponsorship process and the intended distribution of refugees among the states and localities **BEFORE their placement...**” (See 8 U.S.C. § 1522(a)(2)(A))(emphasis added). Such consultation is to occur regularly, which is defined as no less than quarterly. (*Id.*) Accordingly, state and local governments *should be* consulted with and provided an opportunity to provide input before refugees ever set foot in a community.

Moreover, the Director of the Office of Refugee Resettlement must develop and implement, again, in consultation with state and local governments and voluntary non-profit agencies, “policies and strategies for the placement and resettlement of refugees...” (*Id.* § 1522(a)(2)(B)) Federal law goes on to set forth what these “policies and strategies” must consider. In addition to ensuring that refugees are not placed in an area that is already “highly impacted” by refugees, they must take into account:

- the preexisting proportion of refugees and comparable entrants in the area;
- the availability of the area's employment opportunities, affordable housing, and other educational and health care resources;
- the likelihood that refugees will become self-sufficient and free from dependence on public assistance in an area; and
- the area's likelihood of secondary refugee migration. (*Id.* § 1522(a)(2)(C))

Consistent with these policies and strategies, **the federal government shall take into account the recommendations of the state to the maximum extent possible.** (*Id.* § 1522(a)(2)(D))

As such, the federal, state, and local consultation process is the cornerstone of the refugee resettlement process. To be sure, representatives from state and local governments are the best suited to discern the potential impact of refugee placement. **Influxes of refugees may easily overwhelm an already overburdened community's social services and health care agencies, diminish the availability of affordable housing and job opportunities, and strain the capacity of local school districts to meet the needs of existing or anticipated student populations.** The Office of Refugee Resettlement's 2013 Annual Survey of Refugees shows that of the refugees who entered the United States within the last five years, nearly three-quarters receive SNAP benefits, more than half receive Medicaid or Refugee Medical Assistance, and close to a quarter receive housing assistance.

In addition to the impact on resources, state and local governments also have good reason to be concerned about the potential national security implications of resettling refugees from known areas of violence and terrorism. Of particular concern is President Obama's refusal to reconsider his pledge to admit at least 10,000 Syrians as refugees in fiscal year 2016, despite warnings from intelligence officials that **there are gaps in our ability to screen** those seeking admission from that country. In February 2015, Michael Steinbach, Assistant Director of the FBI's Counterterrorism Division testified before the House Homeland Security Committee, stating, "The concern in Syria is that we don't have systems in place on the ground to collect information to vet.... You're talking about a country that is a failed state, that does not have any infrastructure, so to speak. So all of the dataset, the police, the intel services that normally you would go to seek information doesn't exist." FBI Director James Comey went on to verify this revelation in later statements before the Homeland Security Committee in October 2015, admitting that, "You can only query what you have collected."

In addition to posing a potential national security threat, the President's plan to admit 10,000 Syrian refugees could also hit Americans' pocketbooks. Robert Rector, Senior Research Fellow at the Heritage Foundation, estimates that President Obama's proposal will **cost U.S. taxpayers \$130 million per year**. If extended over the next 50 years, he projects it would cost U.S. taxpayers \$6.5 billion over the course of the migrants' lifetime.

## **WHAT CAN STATES DO TO INFLUENCE REFUGEE RESETTLEMENT?**

- **Determine if refugee resettlement will have an adverse impact on existing residents of a community.** States can accomplish this by gathering data on: 1) the capacity of a community's social service and health care agencies to meet the needs of current residents; 2) whether there is sufficient affordable or low-cost housing available for low-income residents; 3) the capacity of local school districts to meet the needs of existing or anticipated student populations; and 4) whether local economies can absorb new workers without sacrificing job availability for current residents. Additionally, states can encourage or otherwise institute policies to require local officials to document what services are provided to already-settled refugees in the community. Any potential adverse impacts should be included as part of the consultation process.
- **Increase communication with local officials.** Local governments are often best suited to understand how an increase in refugee population would impact their community. State officials should therefore ensure a regular stream of communication with local representatives by meeting at least quarterly with local government officials to determine whether refugee resettlement is best for their community, and to coordinate a state refugee plan.

- **Establish protocol for local government officials to seek a moratorium on new refugee resettlement activities in their communities.** Once it has been determined that a host community lacks sufficient capacity to accept additional refugees without adversely impacting current residents, local government officials should be permitted to apply to temporarily suspend the additional resettlement of refugees.
- **Increase oversight of nonprofit organizations that have been delegated authority to manage refugee resettlement.** States may execute letters of agreement, consistent with federal law, to require mutual agreement and coordination with volunteer or nonprofit organizations in the initial placement of refugees, as well as require regular reporting to state legislatures and local governments on refugee resettlement activities. Localities should also be permitted and encouraged to participate in the oversight of non-governmental entities charged with overseeing refugee settlement. Penalties should be imposed if communication fails to occur.
- **Restore authority to manage refugee resettlement in the state legislatures.** States may revoke authority from nonprofit organizations that have been delegated the task of managing refugee resettlement if these organizations fail to comply with state mandated guidelines or otherwise fail to share information. State and local governments should reassert control and influence over the resettlement process.
- **Require state refugee coordinator to report at least quarterly to the state legislature on the measures taken to ensure that the state's refugee plan is in line with the best interest of current residents.** State refugee coordinators work closely with the federal government to develop resettlement strategies. Accountability should be ensured by requiring regular reporting of activities to the state legislature, as well as to impacted communities and local governments.
- **Withhold state-administered public benefits from newly resettled refugees if resettlement occurs without notice or coordination with state and local officials.** Federal law requires prior consultation and cooperation with state and local governments in developing resettlement policies and strategies. Restricting state-administered public benefits from populations resettled without notice to state and local officials will encourage accountability with the federal government and reduce the likelihood of the federal government constructing resettlement strategies behind closed doors.
- **Refuse cooperation with the Office of Refugee Resettlement.** In cases that represent an overwhelming threat or strain to a community, a state may decide to refuse cooperation all together with federal government until federal officials develop strategies that are in line with state and local interests.