

Support the Refugee Protection Act of 2010 (S. 3113)

+ Why is the Refugee Protection Act of 2010 important?

- The United States has a proud history of providing refuge to victims of persecution. This tradition is a core component of this country's commitment to freedom and respect for human dignity. The Refugee Protection Act of 2010 (S. 3113) strengthens this commitment by repairing many of the most severe problems in the U.S. refugee and asylum systems.
- Refugees are people who are forced from their homes for political, religious, ethnic, racial and other persecution. In recent years refugees have come from Burma, China, Colombia, Liberia, Iran, Iraq, Rwanda, Russia, Sierra Leone, Sudan, and other places where people have been persecuted for who they are or what they believe. Many were arrested, jailed, beaten, raped, tortured, threatened with death, or otherwise persecuted because of their political or religious beliefs, or their race, ethnicity, or other fundamental aspects of their identity.

+ Why is the Refugee Protection Act of 2010 necessary?

- When Congress passed the bipartisan Refugee Act of 1980, the United States established the legal framework for providing refugees access to protection in the United States through the asylum and refugee resettlement systems. Over the years, new laws, policies and legal interpretations have undermined the institution of asylum in the United States and led the United States to deny asylum or other protection to victims of persecution. The U.S. resettlement system has also faced challenges, particularly as it has struggled to adapt to the needs of today's refugees.
- The United States is a leader in the protection of refugees and viewed by many other countries as a model. When the United States falters on its commitment, refugees worldwide suffer. The Refugee Protection Act of 2010 fixes many of the areas in which U.S. laws and policies are not living up to the standards the United States has set for itself and, by extension, the bar it sets for the rest of the world.

+ What are the major obstacles for refugees seeking asylum in the United States?

- A filing deadline and other barriers that have barred genuine refugees with well-founded fears of persecution from asylum;
- The rapid escalation of immigration detention and the failure to provide crucial safeguards, such as immigration court custody review, to prevent unnecessary and prolonged detention;
- Expansive definitions in the immigration laws that mislabel refugees who do not pose a danger and have not committed acts of wrongdoing as "terrorists";

- Lack of clarity on the definition of “particular social group” or the requirements for establishing “nexus,” leading vulnerable groups, especially women fleeing gender-based persecution, from having their cases adjudicated fairly and consistently; and
- Flawed maritime interdiction policies that lack effective, fair, transparent and non-discriminatory standards to ensure the United States is not intercepting refugees at sea and returning them to places where they face persecution.

What does the Refugee Protection Act accomplish?

The Refugee Protection Act of 2010 resolves many of the most severe problems in the U.S. refugee and asylum systems. Among its many significant provisions, the Refugee Protection Act:

- **Eliminates** the one year asylum filing deadline that bars refugees with well-founded fears of persecution from asylum;
- **Prevents** the unnecessary and prolonged detention of asylum seekers by establishing criteria governing detention and release decisions and providing asylum seekers with the chance to have their custody reviewed in a hearing before an immigration court;
- **Protects** refugees from inappropriate exclusion by revising overly broad immigration definitions that are mislabeling refugees as supporters of “terrorist organizations,” including by eliminating the “Tier III” undesignated terrorist organization definition, which has led to numerous unintended consequences but is not needed as an enforcement tool against its intended targets;
- **Preserves** a refugee’s ability to appeal his/her asylum case by preventing him/her from being deported during the 30-day period s/he has to file a petition for review to a Federal Circuit Court of Appeals;
- **Clarifies** the meaning of the “particular social group” category and “nexus” requirement of the refugee definition by providing that the definition of a “particular social group” is guided by the “fundamental and immutable characteristics” standard without additional requirements, and that “nexus” can be established by either direct or circumstantial evidence; and
- **Ensures** protection in maritime interdiction by directing the Department of Homeland Security to promulgate transparent, non-discriminatory, and written standards to ensure protection in the course of interdiction and rescue operations, such as requiring translators and implementing effective safeguards to ensure that those with protection concerns are referred for protection interviews and refugees are not sent back to persecution.