

Issue Brief for Congress

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Refugee Assistance in the Foreign Aid Bill: Problems and Prospects

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LEGISLATION

Refugee Assistance in the Foreign Aid Bill: Problems and Prospects

SUMMARY

The United States is the largest national contributor to international humanitarian assistance programs for refugees. Traditionally, we contribute to refugee appeals both because of our wish to alleviate the suffering of innocent victims and out of concern that refugee flows can lead to instability in countries or regions important to U.S. foreign policy interests. The United States is also the largest resettlement country, resettling refugees who cannot return to their homes and qualify to be resettled in the United States. The money for humanitarian assistance and some of the costs of resettlement in the United States is authorized in the Migration and Refugee Account (MRA) of the Department of State Authorization bill and appropriated in the Foreign Assistance Appropriations bill. (The overwhelming bulk of assistance for refugees who resettle in the United States is authorized and appropriated in the Labor, HHS, legislation.) This issue brief discusses the size of the U.S. international refugee assistance budget and its allocation between humanitarian assistance and admissions.

With the end of the Cold War, the U.S. refugee policy began to evolve from its nearly exclusive anti-communist focus to a new focus that is still emerging. At the same time, nations no longer constrained by superpower politics began to implode with internal domes-

tic disputes. These new conditions have led to a change in the nature of refugee emergencies and changes in the types of programs which the United States and the international community provide for refugees and other people forced to flee their homes, as well as a tremendous increase in the number of people needing assistance. All these changes have led to continuing debate between the Administration and the Congress and within the Congress.

Because the MRA is part of the foreign aid appropriation, and because humanitarian emergencies are growing in number, complexity, and size, the MRA faces enormous budget pressures, both from traditional foreign assistance programs and from new emerging national priorities. While refugee assistance enjoys considerable support, Congress and the Administration face the difficult task of funding humanitarian needs within a constrained budget. For the last several years, the appropriation for the MRA account has remained at about \$700 million.

P.L. 107-115, signed into law on January 10, 2002, appropriated \$705 million for the MRA and \$15 million for the Emergency Refugee and Migration assistance (ERMA) for FY2002. The President requested \$705 million for MRA and \$15 million for ERMA for FY2003.

MOST RECENT DEVELOPMENTS

On July 24, 2002, The Senate Committee on Appropriations reported (S.Rept. 107-219) S. 2779, Foreign Operations appropriations legislation for FY2003, including \$782 million for the Migration and Refugee Assistance (MRA) account. \$60 million is to be available for refugees from the former Soviet Union and Eastern Europe resettling in Israel and not more than \$16.565 million is to be for administrative expenses. The Committee recommended \$32 million for the Emergency Refugee and Migrations Assistance (ERMA). The President requested \$705 million for MRA and \$15 million ERMA.

BACKGROUND AND ANALYSIS

Two major factors influence U.S. decisions to aid refugees: (1) an American bipartisan tradition of humanitarian concern for suffering people, and (2) a concern that refugee flows can lead to instability in countries important to U.S. foreign policy. This assistance takes the form of aid to refugees in their countries of asylum and admission to the United States for some refugees of special concern.

Funding for Refugee Assistance

The refugee and migration account is authorized in the legislation governing the Department of State and appropriated in the Foreign Assistance Appropriation legislation. (In addition, under the provisions of the Refugee Act of 1980, the House and Senate Judiciary Committees provide oversight of refugee admissions and assistance through a required annual consultation with the Administration.) The migration and refugee account includes five major components:

Refugee Admissions. This includes the costs of screening and processing refugees for admission to the United States, medical examinations, language training, cultural orientation, care and maintenance until they arrive, and transportation loans for travel to the United States. It also includes reception and placement grants to cover initial resettlement in the United States. The bulk of the domestic costs of refugee resettlement in the United States is appropriated in the Health and Human Services agency authorization and appropriation legislation. For information on refugee admissions costs and appropriations, see CRS Report RL31269, *Refugee Admissions and Resettlement Policy*.

Overseas Refugee Assistance. Aid to refugees consists almost entirely of contributions to international organizations and to private voluntary organizations working under the direction of such organizations in caring for refugees outside the United States. A small amount, approximately 3%, is provided directly to private voluntary organizations or to governments of first asylum countries. The primary international agencies include the U.N. High Commissioner for Refugees (UNHCR), and the U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). In the FY2003 request, the Administration separated out (within Overseas Assistance) funding for migration. These

funds are expected to support efforts to promote orderly migration and provide protection to vulnerable migrants, including victims of trafficking. Funds are expected to go mainly to the International Organizations for Migration (IOM). The United States also contributes to the International Committee of the Red Cross (ICRC), a private international humanitarian agency that acts as an intermediary in situations of armed conflict.

Refugees to Israel. The United States provides funding through a grant to the United Israel Appeal to help finance the resettlement of Jewish refugees in Israel.

International Organizations. The United States also contributes to the regular non-emergency budgets of the IOM and the ICRC. Unlike other international organizations, the regular budgets of these refugee agencies are paid out of the Migration and Refugee Assistance account rather than out of the International Organization and Programs account.

Administration. This category includes the costs of personnel and operating expenses for the State Department Bureau of Refugee Programs.

Table 1 shows amounts appropriated and how it was allocated for the last few years.

Table 1. Migration and Refugee Assistance
(thousands of \$)

	FY1999	FY2000	FY2001	FY2002 Estimate	FY2003 Request
Refugee Admissions	\$142,360 ^a	\$92,900	\$92,854	\$92,000	\$105,000
Overseas Refugee Assistance					
East Asia	18,456	15,485	21,223	15,800	15,500
Africa	144,235	154,847	190,900	195,600	195,600
Near East	97,963	108,250	106,959	103,400	103,400
South Asia ^c	27,475	29,879	35,840	45,500	45,500
W. Hemisphere	14,713	16,486	13,626	15,000	14,700
Europe	310,083 ^a	57,692	104,153	88,000	77,000
Multiregional Activities	67,215	73,286	58,569	57,700	56,600
Migration ^c	--	--	--	16,000	15,700
Subtotal	680,140	455,925	531,270	537,000	524,000
Other Activities					
Refugees to Israel	70,000	60,000	59,868	60,000	60,000
Administration	13,470	13,800	15,010	16,565	16,565
Total	\$905,970	\$622,625^b	\$699,002^d	\$705,565	705,565

- ^a P.L. 106-31, the FY1999 Emergency Supplemental Appropriations Act, appropriated \$266 million for this account to be available until September 30, 2000. Of this amount, \$225.5 million was allocated to assistance in the regions, \$40 million to resettlement in the United States, and \$0.5 million to administrative expenses. In FY1999, \$97.9 million was obligated and \$166.6 million was carried forward to FY2000. The Supplemental Appropriation is discussed in CRS Report RL30083 by Larry Nowels.
- ^b Of the \$622.6 million appropriated in FY2000, \$21.0 million was not made available until September 30, 2000. This amount is included in the FY2000 column of the chart above.
- ^c In FY2001, funds for Migration activities (\$14.5 million) were included within the individual Overseas Assistance regions. Beginning in FY2002, they were combined into a new Overseas Assistance category.
- ^d Of the \$698.46 million appropriated in FY2001, \$6.9 million was carried forward into FY2002 as follows: Overseas Assistance East Asia (\$771,000), Overseas Assistance Europe (\$256,000), Overseas Assistance South Asia (\$2.7 million), Multiregional Activities (\$390,000), and Refugee Admissions (\$2.8 million). These funds are included in the FY2001 column of the chart above.
- ^e In addition to the \$45.4 million appropriated for south Asia in FY2002, \$100 million was available from the Emergency Response Fund (P.L. 107-38).

In addition to the amounts in the table, P.L. 107-38 (FY2001 Emergency Supplemental Appropriations) included \$100 million for Afghan refugees and P.L. 107-206 (FY2002 Emergency Supplemental Appropriations) included \$40 million for migration and refugee assistance.

The amounts above also do not constitute all the U.S. funds dedicated to responding to humanitarian emergencies. In addition, the USAID Food For Peace Program (Title II) and Bureau for Humanitarian Response/Office of Foreign Disaster Assistance provide funds for humanitarian emergencies. In FY2002, Congress appropriated \$850 million and \$235.5 million, respectively, for these programs. The Department of Defense also provides emergency humanitarian assistance. In FY2002, the DOD humanitarian assistance account received a \$49.7 million appropriation.

The President requested \$705 million for the Migration and Refugee Assistance account for FY2003. The Senate Committee on Appropriations recommended (S.Rept. 107-219, on S. 2779) \$782 million for MRA and \$32 million for ERMA

Special Funding for Refugee Emergencies

Because refugee emergencies occur at frequent but unpredictable intervals, the United States established the Emergency Refugee and Migration Assistance account (ERMA) in 1962. This account is a no year account which may be drawn upon at the President's discretion without fiscal year limitations. It is replenished through additional appropriations as necessary. The President must report the drawdown of this fund to Congress. Table 2 shows appropriations for, and drawdowns in, ERMA in response to refugee emergencies in recent years. The appropriation for FY2002 was \$15 million and the FY2003 request is also \$15 million.

Table 2. ERMA Appropriations and Drawdown
(millions of \$)

Fiscal Year	1994	1995	1996	1997	1998	1999	2000	2001	2002
Approp.	79.3	50.0	50.0	50.0	50.0	195.0*	12.5	15.0	15.0
Drawdown	81.0	35.0	22.0	53.0	57.0	85.0	40.0	82.0	25.0

* P.L. 106-31 appropriated an additional \$165 million for ERMA for FY1999 in response to the Kosovo emergency. This is in addition to the \$30 million appropriated in the regular appropriation.

Budget Pressures on the Migration and Refugee Assistance Account

After the end of the Cold War, refugee expenditures grew substantially. The Refugee and Migration budget grew from \$449.7 million in FY1990 to nearly \$671 million in FY1996, then leveled out at \$650 million for several years after that. At the same time, special appropriations for refugee emergencies and expenditures for humanitarian programs in other accounts grew. Refugee activities in the Balkans have forced the account to grow substantially since 1999. Both Congress and the President have attempted to keep refugee expenditures in the foreign aid budget static because of budget pressures to reduce the entire International Affairs budget function (function 150), of which refugee assistance is a part, and other new or growing emphases in the foreign aid program. Refugee needs in general are difficult to predict and the amount needed for refugee emergencies often cannot be predicted.

Changing Humanitarian Needs

While budget pressures have squeezed the size of the migration and refugee account, the worldwide refugee situation has put donor nations under increasing pressure to provide more funds. The number of refugees in camps around the world increased steadily after the end of the Cold War, straining the regular budgets of the agencies that assist them. But the numbers displaced by warfare, or other manmade disasters within their own countries grew even more. These internally displaced persons (IDPs), such as those in Sierra Leon, Bosnia, Chechnya, or Afghanistan, currently outnumber traditional refugees. There is no good estimate of the number of refugees and IDPs worldwide. According to the 2000 Statistical Overview released in July 2001 by the U.N. High Commissioner for Refugees (UNHCR), the number of people of concern to the UNHCR declined from a record 27 million in 1995 to 21.8 million by December 2000. This included 12.0 million refugees (persons who have fled from their country), 0.8 million returnees (people returning to their country), 6.0 million persons internally displaced within their country and 0.9 million asylum seekers. UNHCR estimates that an additional 20- 25 million are displaced from their homes, with the majority receiving little or no international assistance for political or other reasons. The number of

refugees and displaced persons in Africa numbered 20,000 in 1989. Today there are more than 6.0 million refugees, IDPs and returnees in Africa. Much of the increase in numbers of refugees and displaced is blamed on the rise in ethnic conflict unleashed after years of suppression during the Cold War.

In addition to those fleeing their homes, UNHCR helps many refugee populations to return to their homes. As of the end of 2000, 0.8 million refugees and 0.4 million IDPs have returned home and are being assisted by UNHCR. These repatriations have often required follow-on rehabilitation of agricultural land and infrastructure to ensure that the refugees can survive in homelands devastated by war. Although in the long run repatriation is the best and least expensive solution, in the short run it is often more expensive than maintaining refugees in camps. Additional complications make the expense even higher. For example, between November 1996 and January 1997, warfare around and in the camps where Rwandan refugees were sheltered in Zaire, attempts to drive them from the camps by various factions, periods of prohibited contact with the aid agencies, and the need to return many of them quickly to Rwanda all contributed to a required UNHCR need for \$114 million for repatriation and reintegration of refugees to Rwanda alone for 1997. This amount did not include the many millions more that are spent by other agencies such as U.N. Development Program, UNICEF, and the World Health Organization for activities needed to rehabilitate both the nations and the people who have been victims of war. In many recent cases, UNHCR has been urged to repatriate refugees in a short period of time so that they can participate in elections in their homeland. At the same time, refugees remaining in exile must be offered care and support to ensure that they are not coerced into returning to a situation where their lives will be endangered.

Changing circumstances in refugee producing countries have also changed the international response. Increasingly, refugee problems are part of longstanding political disagreements within countries rather than between nations. Resolving them may require the unified action of many governments, if not the entire U.N. Security Council, touching on the limits of a sovereign government to repress or harm its own citizens. Such unanimity is difficult and often takes years to achieve. In the interim, humanitarian suffering and destruction continues in the affected countries. While the issues fester, humanitarian assistance is often the only course which can be agreed upon. But it cannot prevent civilian casualties, and often must be delivered with the assistance of military forces. These and other factors have driven up the cost and reduced the effectiveness of humanitarian assistance.

The total budget of the U.N. High Commissioner for Refugees (UNHCR) tripled in the early 1990s as a result of increased humanitarian situations of increased complexity. The 2002 budget is \$828.8 million. Raising money in a timely fashion has become increasingly difficult for the international agencies, both for humanitarian assistance programs and for repatriation programs. On May 10, 2000, UNHCR announced a cash availability crisis, noting that the cash on hand to help refugees was the lowest it has been in ten years. At that time, only \$346 million of the \$956 million needed for Calendar 2000 obligations had been donated. As of September 1, 2000, only \$629 million had been contributed. By December 1, UNHCR had been forced to borrow \$40 million of the \$50 million in the working capital fund (emergency fund) due to late contributions. Since many countries earmark their funds for specific programs, the shortages are not spread evenly to all the humanitarian emergencies or even to all programs in a country. Other disaster agencies have similar

patterns of inequality. The U.N. High Commissioner for Refugees has expressed concern that the continuing failure of donors to meet the funding needs of the humanitarian aid programs means that UNHCR has not been able to meet the very real needs of refugees, returnees, and IDPs. The high level of contributions of rich nations to the Kosovo crisis and lack of contributions to African crises gives the impression of a double standard by U.N. members. Nearly 95% of the total contributions to the UNHCR budget come from 14 industrialized countries and the European Commission. The U.S. contribution to UNHCR during calendar 2000 was \$239 million as of December 22, according to UNHCR, or about 30% of all contributions.

The Changing Nature of Refugee Situations

In the last few years, and particularly since the end of the Cold War and the dissolution of the Soviet Union, refugee situations have become more complicated and more dangerous for international aid workers. When the refugee organizations were established in the 1950s and 1960s, their mandates were fairly specific and defined refugees as persons who fled their country in response to persecution on the basis of race, religion, ethnic or social group, or political opinion. While refugee situations did not always conform to these definitions, they usually could be accommodated within the mandates of the humanitarian relief agencies. Refugee emergencies were also hidden from public view. There was little news coverage of the hardships faced by refugees in their exile. Refugee assistance was also provided in a relatively safe setting because humanitarian assistance was provided with the agreement of the government involved. Within the last decade and a half, and particularly with the end of the Cold War, new kinds of humanitarian situations have become increasingly common and in fact make up the bulk of international disaster situations. In addition, the long, universally agreed doctrine that nations should not meddle in the internal affairs of other countries, unless invited to do so, began to be questioned. This placed humanitarian assistance workers into increasingly dangerous situations and has led to an increased military role for the United Nations. All of this has increased the cost of providing humanitarian assistance, only part of which is provided by the refugee agencies discussed in this issue brief. These new situations include:

1. Refugees fleeing to areas that are also at war. Rwanda/Burundi/Democratic Republic of Congo are examples of this. Refugee and humanitarian aid workers attempting to help these victims of war have themselves become victims of conflict.

2. People driven from their homes by warfare but not crossing an international border and thus not becoming "convention" refugees. For decades these IDPs have suffered from lack of international attention even though their compatriots who fled to another country received humanitarian aid as refugees. Examples of this situation today include Afghanistan, the Balkans, Chechnya, Sudan, and Sierra Leone. One response to the growing numbers of people in this type of situation has been a broadening of the UNHCR mandate or area of responsibility. In October 1992, UNHCR donor nations approved an expansion of the UNHCR role to include assistance to the millions of people displaced within their own countries by war and/or famine resulting from war. This change made UNHCR responsible for nearly twice as many needy people almost overnight, although in fact the agency had been assisting many of them previously with informal donor support. In other cases, such as the current situation in Colombia and Afghanistan, people are prevented from fleeing warfare

because surrounding countries close their borders and UNHCR and other humanitarian agencies must assist them in extremely difficult and dangerous situations. Former U.S. Ambassador to the United Nations Holbrook made the plight of IDPs a special concern of his. Both the U.N. Secretary General and the U.N. High Commissioner for Refugees have also called for increased attention to IDPs.

3. Persons in need due to a combination of a refugee emergency and a natural disaster, which may be exacerbated by warfare. The drought in Ethiopia/Eritrea while warfare continued and the current drought in conflict areas of Afghanistan are examples of this. Another example are farmers who cannot farm because of warfare or minefields, leading to food shortages. The needs of these people have been served by the international agencies that respond to natural disasters and by the refugee relief agencies, as well as by the humanitarian agencies, such as the International Committee of the Red Cross, which respond to civil conflict situations. In response to the desperate needs of these people, problems of program overlap among the international agencies and the lack of clear mandate by any one agency to help, the United Nations Secretary General created the U.N. Department of Humanitarian Affairs in December 1991. Although it was somewhat successful in coordinating the international response to all disasters, either manmade or natural, U.N. Secretary-General Annan abolished it under his 1997 reorganization plan and established instead a U.N. Emergency Relief Coordinator (Office for the Coordination of Humanitarian Affairs or OCHA) within his own office, thereby raising the level of attention paid to humanitarian assistance.

4. Humanitarian emergencies occurring in countries without a government. In Somalia and Liberia, for example, it was difficult for the relief agencies to get assistance to victims of civil war because there was no government. Issues such as visas, shipping clearance, use of roads and airport facilities, water, and power could not be addressed centrally. Nor could the issues of protection of aid workers or aid supplies. In addition, the political factions at war insisted on separate negotiations in all facets of providing assistance. In both countries, the international community attempted to restore order through the introduction of foreign military forces, a U.N. force in Somalia, and a regional African force in Liberia.

5. Civil wars in which civilians and the humanitarian agencies who try to help them are specifically attacked in order to change the outcome of the war. Humanitarian aid personnel have been the targets of various factions in many other countries and have become an area of increasing concern to the United Nations. Between January 1, 1992, and September 18, 2000, 198 civilian U.N. employees were killed. In the last ten years, 51 World Food Program employees alone have been killed. Since the beginning of the 90's, 18 UNHCR staff have been killed in deliberate, premeditated and armed attacks and dozens more have been wounded. If UNHCR contractors from non governmental agencies are included, the numbers are much higher. The recent U.N. response has been to provide U.N. peacekeeping forces to assist in providing humanitarian aid and protecting aid workers. Deputy U.N. Secretary-General Louise Frechette called on governments to address these deaths in the following ways: conduct vigorous investigations and punish the guilty, ratify the two international conventions which address protection of international personnel, provide additional funding to international agencies specifically for improved security, and use whatever government influence is available to bring irregular forces under better control and discipline. In a recent report, U.N. Secretary General Kofi Annan calls for the expenditure of \$30 million per year to protect civilian staff in conflict situations. In his report, he states that there are only 9

professionals responsible for managing a security system for 70,000 staff and dependents at 150 duty stations. He recommends the appointment of a full time security coordinator and changes in the current method of funding security officers.

6. Repatriation of refugees to a homeland that has been devastated by war and dotted with land mines. International donors have recognized the need to provide rehabilitation to these countries as well as the usual short-term repatriation assistance, but the rehabilitation funding has not always been made available. This assistance may include help in the election of a new government, mine-clearing, establishment of banking and commercial facilities, and other non-traditional humanitarian assistance programs. Kosovo and East Timor are the most recent examples. Cambodia, Mozambique, Angola, Afghanistan, and El Salvador can be included as well. This rehabilitation often includes the involvement of foreign military personnel and civil servants, as well as humanitarian assistance personnel and often continues for years. UNHCR has also been required to return refugees involuntarily to countries where they may still face danger because the asylum country forces them back across the border.

7. Growing attempts to replace humanitarian agencies with military humanitarian assistance as in Kosovo. Former UNHCR Ogata expressed concern over attempts to bypass humanitarian agencies in high visibility crises with military or other newly created governmental entities. She noted that military involvement has sometimes undermined coordination among civilian humanitarian agencies and may make refugees parties to the conflict in the eyes of combatants. U.N. Secretary General Annan has also cautioned against mixing military and humanitarian actions. He stress that no government should fear that accepting humanitarian aid will lead to military intervention. Military forces in humanitarian assistance emergencies raise other thorny issues, such as how much force they should use, and whom or what they should protect: refugees, humanitarian aid workers, or pallets of aid supplies?

The Debate in Congress

The debate over the refugee budget in the 106th Congress included both the funding issues facing all the programs in the foreign aid account and the policy differences that are arising both between the Administration and the Congress and within the Republican majority over U.S. refugee policy. What direction the Bush Administration will take is still unclear, but differences within the Republican majority in Congress continue.

Refugee Admissions

The number of refugee admitted to the United States for resettlement is set every year in consultation between the Administration and Congress. This is a requirement of the Refugee Act of 1979. The initial costs of resettling refugees in the United States will comprise about 20% of the proposed FY2001 Migration and Refugee Account. The number of refugees admitted dropped during the Clinton Administration from 113,000 admitted in FY1994 to 70,000 in FY1997. The Clinton Administration expected to continue these reductions based on reduced admissions from the former Soviet Union and Southeast Asia (which once accounted for about 80% of U.S. admissions, but were reduced to about 50%

in FY1997 and less than 15% in FY2000). Refugees located in camps throughout Southeast Asia that the United States pledged to accept under the Comprehensive Plan of Action (CPA, a 1989 international agreement to address the refugee crisis in Southeast Asia), have mostly been admitted. Most of the Amerasians and former political prisoners have been admitted to the United States. The number of Soviet Jews and Evangelicals admitted also continues to fall. Some members of Congress do not support this reduction in refugee admissions. The number was raised to 83,000 for FY1998 largely at the urging of Congress. Because of the Kosovo emergency, the actual number admitted in FY1998 was 85,000. (The FY1999 ceiling was raised in mid year to 91,000 to include Kosovars who were added on an emergency basis and the FY2000 admission level of 90,000 continues to reflect that resettlement need.) For 2001, the Administration requested the admission of 80,000 refugees and is proposing 70,000 for FY2002. In addition, the number of African refugees admitted has grown from 7,000 in FY1998 to a proposed 22,000 in FY2002.

During the 104th Congress, Members of Congress who did not agree with U.S. policy on Southeast Asians negotiated an agreement with the Administration to rescreen some of the Vietnamese who have been determined not to be refugees and returned to Vietnam. This rescreening program, the Resettlement Opportunity for Vietnamese Returnees (ROVR), began on April 1, 1996. In the 105th Congress, the conference report on the Foreign Relations Authorization Bill (H.R. 1757) contained language which prohibited the use of U.S. funds to assist the involuntary return of persons to a country where they fear persecution. Committee report language stated that the House International Relations Committee expected the Department of State to continue to rescreen those Vietnamese eligible for resettlement in the United States. The language became part of the Omnibus Appropriations law (P.L. 105-277). P.L. 106-113 continued this restriction and establishes guidelines and procedures for the continuing admission of Vietnamese to the United States. The Administration calls for the admission of a total of 6,000 from East Asia in FY2001.

P.L. 106-554 continued the so-called Lautenberg amendment until October 1, 2000. This provision gives special consideration for admission to the United States as refugees to Jews and some Christian groups from the former Soviet Union and some religious groups from Vietnam. The current extension of this 10-year-old provision is in the Senate Health and Human Services appropriation bill. The FY2001 admission number for refugees from the former Soviet Union is 17,000.

P.L. 104-208, the Omnibus Appropriation Act of 1997, broadened the definition of a refugee under U.S. law to include persons who have been forced to abort a pregnancy, undergo involuntary sterilization, or who have been persecuted for refusal to undergo such a procedure. This provision was directed toward the birth control policy of the Chinese government. The numbers to be admitted under this provision are limited to 1,000 in any fiscal year. P.L. 106-113 requires that the Secretary of State and the Attorney General establish a task force to set eligibility criteria for women seeking refugee status based on gender related persecution.

P.L. 106-386, a law addressing problems of trafficking women into the United States, amends the Immigration and Nationality Act to allow the Attorney General to grant up to 5,000 non-immigrant visas per year to certain victims of severe forms of trafficking who are in the United States and who would face retribution or other harm if removed from the United States. It also provides up to 10,000 visas for victims of domestic violence, material

witnesses, and for other humanitarian purposes. The Act allows adjustment to lawful permanent resident status for those who have remained of good moral character and who have assisted in trafficking investigations or prosecutions. The Department of Health and Human Services (HHS) has begun certifications to assist victims of trafficking in persons to become eligible to apply for federal and certain state benefits to the same extent as refugees.

P.L. 107-115 includes at least \$30 million drawn from various accounts to fight trafficking and assist victims.

(For information on refugee admissions policy, see CRS Report RL31269, *Refugee Admissions and Resettlement Policy*. For information on admission issues considered during the 106th Congress, see CRS Report RS20836, *Immigration Legislation in the 106th Congress*. For information on trafficking, see CRS Report RL30545, *Trafficking in Women and Children: The U.S. and International Response*.)

Finding Funds for Emergency Assistance

The cost of responding to refugee and humanitarian emergencies has risen. Pressure on the Foreign Affairs function, the 150 account, caused by rising emergency costs, have led to concerns about the bilateral development assistance programs. In the last few years, many of the private voluntary agencies working in the development field, as well as U.N. and U.S. development specialists have expressed concern that the rising costs of emergency assistance are reducing the amount of money available for development assistance.

Several attempts have been made to address the growing need for refugee assistance and the anticipated growth in refugee repatriation needs without further draining the development aid accounts. In response to the need to help Kurdish refugees displaced after the Persian Gulf War, Congress transferred interest on money from the Persian Gulf Regional Defense Fund and Defense Cooperation Account, two funds established to channel contributions from other countries to Iraqi war expenses. A supplemental appropriations covered the costs of responding to the Rwanda emergencies by the Department of Defense (\$170 million), Department of State (\$30 million), and USAID Office of Foreign Disaster Assistance (\$20 million). Supplemental legislation enacted in the Spring of 1999 (P.L. 106-31) reimbursed the agencies and provided new funding for aid both in Central America and the Caribbean for natural disaster response and to pay for humanitarian assistance to Kosovo. The Administration requested a FY2000 supplemental to meet the continuing needs in Kosovo. For information and discussion of the FY1999 Supplemental, see CRS Report RL30083, by Larry Nowels.

Although UNHCR receives donations from a large number of governments, inter-governmental organizations, private voluntary agencies and individuals, nearly 95% of the funds contributed come from 15 donors – fourteen governments and the European Commission Humanitarian Office (ECHO). According to UNHCR, between 1994 and 1998, the United States provided 26% of the contributions, followed by ECHO and Japan. The 1999 U.S. contribution totaled about 30%. During 1999, following widespread publicity about events in Kosovo and E. Timor, UNHCR estimates that it received nearly \$30 million in private contributions, compared to \$11.5 million in 1998. While UNHCR continues to encourage contributions from additional governments, the small number of donors, in addition to earmarking contributions for particular refugee situations or programs, has led

to problems funding refugee emergencies. To address these concerns, UNHCR began requesting funds for a new Operational Reserve fund equal to 10% of the program budget. It should be used to cover unanticipated emergencies, planning repatriation programs, unanticipated cost increases, or modification of current programs. However, due to shortfalls in contributions during 2000, \$40 million of the \$50 million was used for regular program needs during 2000.

Improving the Efficiency of International Refugee Programs

Meeting the growing need for humanitarian assistance to refugees in other countries within a constrained budget can also be helped by improving the effectiveness and efficiency of international refugee organizations. The last two administrations emphasized increased efficiency in the U.N. refugee agencies. Consolidation of humanitarian assistance programs has been one of the Department of State's suggestions for U.N. reform. In the United Nations, Secretary-General Annan included the consolidation and reorganization of U.N. humanitarian agencies, abolition of the Department of Humanitarian Affairs, and other budget saving steps in his July 1997 reform proposal and the General Assembly accepted the change. Under the new organization of U.N. humanitarian assistance, the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) issues consolidated appeals for the major humanitarian emergencies. These appeals simplify donations and eliminate overlap and competition among the agencies included such as UNHCR, UNICEF, World Food Program, and World Health Organization. Nonetheless, UNHCR Ogata noted in the preface to the agency's most recent report on the state of the world's refugees that no matter how well managed and coordinated humanitarian agencies may become, they cannot end civil wars, require nations to respect human rights, or bring a halt to deliberate displacement of civilians. That requires the political will of the international community. UNHCR has also approached the information technology industry to add its talents and tools to help refugees. During the Kosovo crisis, UNHCR received assistance from Microsoft, Compaq, Hewlett-Packard, Canon, Kingston Technology, Security World Ltd, and ScreenCheck B.V. in the development of a computerized refugee registration and documentation kit. Currently, the team is adapting this kit to other refugee situations.

Addressing the Causes of Refugee Flight

The overall cause of refugee flight is violation of the human rights of certain people, persecution based on race, religion, nationality, membership in a particular social group or political opinion. In most cases, however, many believe the underlying cause of refugee flight is more basic: poverty, underdevelopment, overpopulation, and environmental degradation. There is widespread agreement that refugee flows are best addressed by being prevented. The President created the new position of Under Secretary for Global Affairs to allow the Department of State to focus more attention on the underlying causes of refugee flight. The Administration also reorganized the Bureau of Refugee Programs to include population and migration, in order to consolidate all departmental responsibility for these related matters. The Office of Transition Initiative was also created as a part of a reorganized USAID humanitarian response entity. It provides assistance to countries recovering from disasters in moving toward self government and sustained development.

LEGISLATION

P.L. 107-115 (H.R. 2506)

Foreign Operations Appropriations, FY2002. Appropriates \$705 million for the Migration and Refugee Account and \$15 million for the Emergency Refugee and Migration Account. Of the \$705 million, \$60 million is earmarked for refugees from the Soviet Union and Eastern Europe resettling in Israel. The conference committee (H.Rept. 107-345) endorsed Senate report language directing the Secretary of State to submit a report by April 1, 2002, describing efforts to improve the safety of relief workers. Original bill was reported by the House Appropriations Committee (H.Rept. 107-142) on July 17. Passed House (381-46) amended on July 24. Reported by the Senate Appropriations Committee (S.Rept. 107-58) on September 4. Passed Senate (96-2) on October 24. Conference report (H.Rept. 107-345) agreed to by House on December 19 by vote of 357 to 66 and by the Senate on December 20 by unanimous consent. Signed into law on January 10, 2002.

H.R. 1646 (Hyde)

Foreign Relations Authorizations Act, FY2002 and FY2003. Authorizes \$817 million in each of FY2002 and FY2003 for Migration and Refugee Assistance account. Of this amount \$60 million in each fiscal year is earmarked for refugees resettling in Israel; \$2 million in each fiscal year for Tibetan refugees; and \$2 million for displaced Burmese. Reported (amended) by the House International Relations Committee (H.Rept. 107-57) on May 4, 2001. Passed House on May 16 by vote of 352 to 73. As passed, the measure authorized \$817 million for each of FY2002 and FY2003 for the Migration and Refugee Assistance account (MRA). The House Committee on International Relations had recommended this amount to compensate for the effects of inflation since the account had not received sufficient annual increases since FY1995. The Committee noted that refugee protection is especially jeopardized in Africa where UNHCR's protection capacity is particularly weak and understaffed. The Committee also expressed concern about East Timor refugees in militia controlled camps in Indonesian West Timor and about the rapidly deteriorating humanitarian conditions in Afghanistan.

S. 1401 (Biden)

Foreign Relations Authorizations, FY2002-FY2003. As reported by the Senate Foreign Relations Committee (S.Rept. 107-60) includes \$715 million for FY2002 and \$750.75 million for FY2003 for the MRA.

S. 2779 (Leahy)

Foreign Operations Appropriations, FY2003. Reported by Senate Appropriations Committee (S.Rept. 107-219) on July 24, 2002.