

Written Testimony of

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For nearly 85 years, Lutheran Immigration and Refugee Service (LIRS) has helped protect those fleeing persecution, welcoming more than 750,000 refugees and other immigrants into the United States. We have a history of meeting the moment in the face of international crisis; the organization was founded during the Second World War to assist in the resettlement of Lutherans persecuted by the Nazi regime. That mission quickly grew over time. We welcomed Cuban refugees after the rise of Castro, Vietnamese following the fall of Saigon, refugees fleeing conflict and ethnic cleansing in the 1990s, and many others facing crisis.¹ Today, this work of welcome supports children, families and individuals coming from all over the world in ways that meet our economic, humanitarian, national security, and religious freedom obligations.

We have continued to grow to meet the needs of displaced people worldwide, but we face an unprecedented crisis worldwide, with 108.4 million people displaced worldwide at the end of 2022.² As a global humanitarian leader, the United States has a responsibility to welcome those affected by violence and persecution—but it's not only the right thing to do, it's the smart thing to do. Welcoming refugees and immigrants makes our country stronger, but Congress must act to effect meaningful updates to America's refugee system.

Unaccompanied Children, TVPRA, and Critical Protections

Children are an essential population that the U.S. and Congress must act to protect.³ LIRS has served unaccompanied children from all over the world for over 40 years. We believe all children, regardless of their immigration status, deserve protection. Since 2004, LIRS has worked alongside the government with a national network of community-based partners to provide appropriate services for unaccompanied children. Our services help to identify the unique vulnerabilities of unaccompanied children to exploitation and to protect their best interests. While progress to safeguard unaccompanied children has been made through legislation, recent headlines on the exploitation of child labor in the U.S. starkly remind us that we must continually improve family reunification practices so that incidents of trafficking or other harm are more readily prevented, identified, or mitigated.⁴

Congress has taken decisive, effective action before, as exemplified by the Trafficking Victims Protection Reauthorization Act (TVPRA), passed unanimously in 2008, to ensure the safety of children apprehended at the border.⁵ The TVPRA underscores the importance of protecting the rights and well-being of unaccompanied children who are victims of trafficking, exploitation, and abuse. It established new guidelines for the treatment and care of children in federal government custody, the services they must receive, and the procedure for their repatriation. Critically, the TVPRA required federal officials to follow child welfare standards for the first time and to prioritize the “best interests of the child,” a standard in line with international agreements and conventions. Through the bill's enactment, Congress sought to better identify trafficking survivors, disrupt cross-border trafficking, provide services to children while in the custody of ORR, indicate those children in need of protection, provide safety screening of potential

¹ “History.” LIRS, Lutheran Immigration and Refugee Service, 25 Sept. 2023, www.lirs.org/who-we-are/history/.

² “Global Trends Report 2022.” UNHCR, 2022, www.unhcr.org/global-trends-report-2022.

³ “Children and Family Services.” LIRS, Lutheran Immigration and Refugee Service, 2 Oct. 2023, www.lirs.org/what-we-do/children-and-family-services/.

⁴ Dreier, Hannah. “As Migrant Children Were Put to Work, U.S. Ignored Warnings.” *The New York Times*, 17 Apr. 2023, www.nytimes.com/2023/04/17/us/politics/migrant-child-labor-biden.html.

⁵ “Trafficking Victims Protection Reauthorization Act Safeguards Children.” National Immigration Forum, 17 Oct. 2018.

sponsors, and safely reunify children with family as they pursue their legal relief claim in immigration court. These protections have saved children’s lives and must stay in place. Any attempts to roll them back would subject children to increased risk of trafficking, exploitation, and abuse.

LIRS provides a robust range of direct services, mandated under the TVPRA of 2008 and the Homeland Security Act of 2002⁶, through networks of community-based agencies with expertise in professional child and family services and in serving immigrant communities. These services include:

- **Transitional Foster Care (TFC) and Shelter** services that provide short term care for youth who are awaiting family unification.
- **Long Term Foster Care (LTFC)** services for children without any family or a viable sponsor in the U.S.
- **Specialized placements** for particularly vulnerable minors, including pregnant and parenting teens and those who require additional support.
- **Home Study (HS)** services, which include an in-person visit to the potential home and meeting with the sponsor and other adult caregivers. Home studies are viewed by child welfare experts as a key tool to assess the suitability of potential sponsors and home placements.
- **Post Release Services (PRS)**, which are provided to children after they leave ORR custody to connect them to community services and ensure compliance with immigration proceedings. PRS is provided in accordance with best practice standards of providing flexible, individualized case management services in the community by child welfare professionals.
- **Safe Release Services (SRS)** that assist sponsors in completing key documents such as family reunification paperwork and complying with background check and fingerprint requirements.
- LIRS is also one of two organizations that partners with the Department of State to administer the **Unaccompanied Refugee Minor (URM) Program**, which serves children with refugee status, who are resettled from abroad, and former unaccompanied migrant children who have obtained legal status in the United States.

Our Home Study (HS) and Post Release Services (PRS) are two key means by which trained experts in child protection can ensure that children are in safe households and that the best interest of the child is being served, well after the child has been released from ORR custody.

These protections are critical, but they are not sufficient—and Congress must do more to protect unaccompanied children. To mitigate the potential risks of exploitation and trafficking of unaccompanied children that we have seen play out in recent headlines, sufficient background checks and sponsor vetting must occur, and post release services must be available for all children immediately following their release from ORR custody. The U.S. government’s recent commitment to ensure PRS services for all unaccompanied children is laudable, but only if Congress continues to adequately appropriate funding to these programs will this goal be achievable.

While the TVPRA did establish important child protection and due process protections, it did not provide all the protections that child welfare experts believed to be critical. Unaccompanied children still lack the guarantee of legal representation or advocates who work on behalf of their best interests. The passage of

⁶ “Homeland Security Act of 2002.” U.S. Department of Homeland Security, 1 Sept. 2022, www.dhs.gov/homeland-security-act-2002.

legislation like Senator Mazie Hirono’s Fair Day in Court For Kids Act⁷ that ensures children do not navigate the immigration court system alone – or Representative Dan Goldman’s Children’s Court Act, which ensures child-appropriate court systems – would be meaningful steps to ensure children are guaranteed protection and legal representation that acknowledges their unique vulnerability.

Temporary Protection Pathways for Afghans and Ukrainians

Another key area for Congressional protection is in the provision of pathways to safety for those affected by war and conflict exigencies. Resettlement agencies serve many unique populations, including those who may meet the legal definition of a refugee, but because of the circumstances in which they fled their countries, have entered into the U.S. under humanitarian parole. This is the case for thousands of Afghans and Ukrainians who arrived through the U.S. military evacuation or through the Unite for Ukraine program, respectively. Prior to these programs, Ukrainian refugees were traditionally resettled through the U.S. Lautenberg refugee program and many Afghans arrived through the Special Immigrant Visa (SIV) program.

Since Congress created the Special Immigrant Visa (SIV) program for Afghan interpreters in 2009, LIRS has been a part of serving, welcoming, and offering resettlement services to nearly 9,000 Afghan SIV holders from 2009 to 2021. Under the last administration, however, the admission of Afghan SIV holders and traditional refugees from all around the globe slowed to a trickle and 100 resettlement offices around the country shuttered.⁸ When President Biden confirmed in April 2021 America’s intent to withdraw from Afghanistan, LIRS and military veteran partners raised the alarm about Afghan allies at-risk as the Taliban took more and more territory inside of Afghanistan.⁹ Unfortunately, we would all learn that the work of rebuilding the U.S. Refugee Admissions Program, through which SIVs were processed, would take far longer than the time we had before the Taliban would forcibly take control of Afghanistan. In the harrowing two weeks of the Kabul airlift, nearly every legislative office on the Hill sought help to get Afghan allies and family members of constituents in their states and districts out of Afghanistan to safety.

It was humanitarian parole that would offer a lifeline to Afghan allies fleeing Kabul—just as Cubans had relied on humanitarian parole after the rise of Castro, the Vietnamese and Cambodians had after the fall of Saigon, and Iraqi allies had following multiple military evacuations.¹⁰ Most recently, Ukrainians, forced to flee their home country under devastating circumstances, utilized humanitarian parole as the only timely pathway to safety in the U.S.¹¹

⁷ “House Democrats Introduce Fair Day in Court for Kids Act.” Congresswoman Zoe Lofgren, 26 Feb. 2016, lofgren.house.gov/media/press-releases/house-democrats-introduce-fair-day-court-kids-act.

⁸ Watson, Julie. “Broken by Trump, US Refugee Program Aims to Return Stronger.” *AP News*, 30 Apr. 2021, apnews.com/article/joe-biden-politics-immigration-coronavirus-pandemic-0a649290b8a6628900598d4324c3d72b#:~:text=More%20than%20100%20U.S.%20resettlement,almost%20no%20refugees%20are%20arriving.

⁹ “Continue to Support Afghan Neighbors.” LIRS, Lutheran Immigration and Refugee Service, 3 Oct. 2023, www.lirs.org/get-involved/advocate-with-us/continue-to-support-afghan-neighbors/.

¹⁰ Rodriguez, Joshua. “Explainer: What We Can Learn from Prior Adjustment Acts and What They Mean for Afghan Resettlement.” National Immigration Forum, 10 Nov. 2021, immigrationforum.org/article/explainer-what-we-can-learn-from-prior-adjustment-acts-and-what-they-mean-for-afghan-resettlement/.

¹¹ “Uniting for Ukraine.” USCIS, U.S. Department of Homeland Security, 20 Sept. 2023, www.uscis.gov/ukraine.

For Afghans and Ukrainians already in the United States when violence erupted in their country, the Biden administration provided Temporary Protected Status (TPS)¹² to provide short-term relief and work authorization. The Biden administration has utilized its TPS authorities to protect a historic number of people, providing them with temporary stability and the ability to legally work in the United States. Its most recent decisions to redesignate TPS for Venezuela, Afghanistan, and Cameroon will affect approximately 500,000 additional nationals already in the United States.¹³ For these protections to be meaningful, USCIS must be provided with resources to address backlogs in TPS and work permit processing. Further, any meaningful immigration reform must address the need for legislative solutions to provide TPS holders with a path to apply for lawful permanent residency should they want to do so.

TPS and humanitarian parole's protections are limited, are time-bound, offer no pathway to U.S. permanent lawful residence, and do not automatically provide eligibility for refugee-like services and benefits. Amid Congress' most recent continuing resolution debate, Congress failed to reauthorize benefits for Afghan or Ukrainian humanitarian parolees that arrive after September 30, 2023. It must act to correct this oversight.

We also believe it is imperative to finally pass the Afghan Adjustment Act, a bill with overwhelming bipartisan support -- with 44 evenly bipartisan co-sponsors in the House and fourteen evenly bipartisan co-sponsors in the Senate. Polling shows the Afghan Adjustment Act is supported by three-in-four Americans and has little opposition to its passage.¹⁴ The bill is endorsed by LIRS, the American Legion, VFW, U.S. Chamber of Commerce, USCCB, thousands of faith leaders, and nearly every group represented speaking today. If Congress does not pass an adjustment act for Afghans, it will be the first Congress to fail to do so for a U.S. wartime evacuee population – a shameful precedent for allies in America's longest war.

For many allies left behind these and other pathways remain incredibly narrow – none more so than the Priority 2 Designation for Afghans, commonly referred to as the Afghan P-2 program. Launched in early August 2021, the program was meant to provide a pathway for direct referrals to the USRAP for Afghans who¹⁵:

- did not meet the minimum time-in-service for a SIV but who work or worked as employees of contractors, locally-employed staff, interpreters/translators for the U.S. Government, United States Forces Afghanistan (USFOR-A), International Security Assistance Force (ISAF), or Resolute Support;
- worked for a U.S. government-funded program or project in Afghanistan supported through a U.S. government grant or cooperative agreement;
- are or were employed in Afghanistan by a U.S.-based media organization or non-governmental organization.

¹² 87 FR 30976; 87 FR 23211.

¹³ Ngo, Emily. "Biden administration expands legal status and work permits to thousands of Venezuelan migrants." *Politico*, Sept. 20, 2023, www.politico.com/news/2023/09/20/biden-expands-tps-migrants-00117278

¹⁴ Gordon, Dan. "New Survey: Americans Strongly Support Certainty for Afghan Allies." *National Immigration Forum*, 14 Aug. 2023, immigrationforum.org/article/new-survey-americans-strongly-support-certainty-for-afghan-allies/.

¹⁵ "Factsheet: U.S. Refugee Admissions Program Priority 2 Designation for Afghan Nationals." Office of the Spokesperson, Department of State. 2 Aug. 2021, <https://www.state.gov/u-s-refugee-admissions-program-priority-2-designation-for-afghan-nationals/>

However, pitifully few Afghans who are eligible – whether because they worked as subcontractors, they reported for U.S. news agencies, or because they worked alongside US-funded projects – have moved through this program in two years.¹⁶ In the administration’s recent report to Congress on the USRAP’s Priority 1 and Priority 2 programs, the administration broke with previous years’ reporting models and combined the data for P-1 and P-2 admissions to the USRAP. LIRS is among many advocates that hope more Afghans are able to avail themselves of a functioning P-2 program and that the administration’s reporting to Congress on the USRAP includes data on the P-2 program that is disaggregated and stands independently to report on the movement of vulnerable populations through the P-2 program.

Climate Displaced Persons & Protection Pathways

While we acknowledge the challenges to the P-2 Afghan processing are likely linked to the wider challenges the Biden administration faces in rebuilding the entire U.S. Refugee Admissions Program after the previous administration’s dismantling of the USRAP, America must invest in building new and expanded protection pathways for displaced persons, including those displaced by slow- and sudden-onset climate disasters.

Since our founding, LIRS has assisted forcibly uprooted people from around the globe. Increasingly, however, we are seeing an unprotected group seeking refuge: persons who are displaced, in whole or in part, due to climate disasters.¹⁷ It cannot be ignored: climate disaster is estimated to become one of the largest drivers of displacement in the 21st century. Much of the initial displacement will take place internally and temporarily. However, as global carbon emissions continue to escalate the impacts of climate change and increase the occurrence and intensity of slow-onset and irreversible climate disasters, tens of millions of people will face international displacement that is increasingly protracted and permanent.¹⁸ Nevertheless, mechanisms exist that could ameliorate these issues and ultimately, provide assistance and protection for populations in climate-vulnerable regions. We need to reimagine and make substantial changes to our immigration system to protect these populations vulnerable to climate displacement. One solution is to interpret “other serious harm” in U.S. asylum law to cover climate-displaced persons. Another is to create a new pathway of protection; Senator Markey of Massachusetts and Congress Member Nydia Velázquez’s Climate Displaced Persons Act is the only legislation in Congress to date that seeks to create a new refugee-like protection to climate displaced persons.¹⁹

However, there are policy solutions – short of passing the Climate Displaced Persons Act – that have bipartisan support among the public and can assist those fleeing across national borders, unable to find

¹⁶ Ward, Alexander. “‘Looks like’ House Approps will allocate \$740B for Defense.” National Security Daily, *Politico*, 4 Jan. 2022, <https://www.politico.com/newsletters/national-security-daily/2022/01/04/looks-like-house-approps-will-allocate-740b-for-defense-495591>.

¹⁷ “Broken by Trump, US Refugee Program Aims to Return Stronger.” AP News, 30 Apr. 2021, <https://apnews.com/article/joe-biden-politics-immigration-coronavirus-pandemic-0a649290b8a6628900598d4324c3d72b#:~:text=More%20than%20100%20U.S.%20resettlement,almost%20no%20refugees%20are%20arriving>.

¹⁷ “Climate Disaster & Protection Pathways for Migration July 2021.” LIRS, Lutheran Immigration and Refugee Service. 3 Aug. 2021, <https://www.lirs.org/climate-displacement-report>. Accessed 16 Oct. 2023.

¹⁸ “Disasters and Climate Change.” IDMC, Internal Displacement Monitoring Centre, www.internal-displacement.org/disasters-and-climate-change. Accessed 16 Oct. 2023.

¹⁹ “Senator Markey Introduces First of Its Kind Legislation to Address Climate ‘Refugee’ Crisis.” U.S. Senator Ed Markey of Massachusetts, 27 Sept. 2019, www.markey.senate.gov/news/press-releases/senator-markey-introduces-first-of-its-kind-legislation-to-address-climate-refugee-crisis.

durable safety internally in their home countries.²⁰ Support for modernizing the U.S. family and work visa program to meet the needs of today shares popular support among the American public. Businesses around the country – including those represented by the U.S. Chamber of Commerce -- have repeatedly called on Congress to update America’s visa programs. We hope bills that seek to modernize the American family and work visa system, like Representative Zoe Lofgren’s Eagle Act²¹, see more traction in this or a future Congress. Expanded authority to offer a pathway to lawful permanent residence to Dreamers and long-term TPS holders would do well to put people on stable legal footing who have, in many circumstances, already been in the U.S. for decades, have established careers, lives, and families in the U.S. America is already seeing more people on the move and seeking refuge in the U.S. than ever before – just as the rest of the world is seeing historic levels of displacement.²² While more should be done to determine when and where climate disasters play a role in individual’s displacement and journey to the U.S., Congress should pursue popular policies today to ensure stronger footing and integration in our communities and workplaces for those who are already here.

Filling the Gaps to Ensure Everyone Thrives

While imperfect, refugee resettlement in the US has historically benefited from a robust infrastructure that is both national in scale and local in approach. On the other hand, asylum seekers – who have similar experiences of hardship, violence, and persecution as resettled refugees – face a multitude of systemic challenges and a dearth of services. Amid America’s historic low unemployment rate – unprecedented in the last 50 years²³ – America would do well to welcome and integrate asylum-seekers arriving at our southern border more effectively than we do today. A more orderly, regular, and humane process is available--if Congress would only act.

U.S. resettlement organizations, like LIRS, have deep experience serving refugee and immigrant communities. Resettlement agencies have welcomed displaced persons for years and have proudly made inclusion and self-sufficiency the flagship of the U.S. refugee program. Refugee agencies have the infrastructure and community network to ensure refugee services could be scalable for a national, protection-centered model of community-based services for asylum seekers. Such a program could ensure an immigration system that is orderly, reliable, and focused on humane and compassionate reception with holistic, client-centered services for families and individuals seeking asylum and protection. Evidence already shows that compliance with immigration reporting and court appearance responsibilities flows naturally from empowering individuals both to better understand and participate in their legal process, while also assisting them in meeting their basic needs.²⁴

²⁰ McAdam, Jane. “Climate Change, Forced Migration, and International Law.” OHCHR, Oxford University, 6 Feb. 2012, www.ohchr.org/sites/default/files/documents/issues/climatechange/cfi-hrc-53-session/submissions/2022-11-28/Jame-McAdam-4.pdf.

²¹ “Lofgren, Curtis Introduce Bipartisan Legislation to Eliminate Arbitrary per-Country Limits on Employment-Based Visas.” Congresswoman Zoe Lofgren, 21 June 2023, lofgren.house.gov/media/press-releases/lofgren-curtis-introduce-bipartisan-legislation-eliminate-arbitrary-country.

²² Okai, Asako. “Conflict Driving Historic Levels of Forced Displacement in Sudan, Ukraine and Beyond.” UNDP, United Nations Development Programme, 20 June 2023, www.undp.org/arab-states/blog/conflict-driving-historic-levels-forced-displacement-sudan-ukraine-and-beyond.

²³ “News: Unemployment Is at Its Lowest Level in 54 Years.” U.S. Department of Commerce, 3 Feb. 2023, www.commerce.gov/news/blog/2023/02/news-unemployment-its-lowest-level-54-years.

²⁴ “The Real Alternatives to Detention.” National Immigrant Justice Center, 17 June 2023, immigrantjustice.org/sites/default/files/content-type/research-item/documents/2018-06/The%20Real%20Alternatives%20to%20Detention%20FINAL%2006.17.pdf.

Policy experts are aware from Alternatives to Detention (ATD) pilot programs that providing asylum seekers with case management or legal services leads to compliance rates of 96 to 100 percent.²⁵ While LIRS advocates for a humane case management approach to serve asylum seekers, the U.S. Government Accountability Office (GAO) have already identified and reviewed the efficacy of alternatives to immigration detention. ATD programs had an average daily cost of \$10.55, significantly less than the average daily cost of detention, \$158. The ATD programs were almost a tenth of the cost of detention programs.²⁶ Despite this, the Biden administration FY22 appropriations requests included \$1.8 billion for the operation of immigration detention centers and \$440 million provided for ATD programming.

Based on our experience, we know it is possible to build a more humane approach that also meets the government’s objectives of ensuring individuals in removal proceedings present themselves at all court hearings and immigration check-ins. With operations and affiliates in 202 communities in 46 states²⁷, U.S. resettlement agencies have the infrastructure and expertise to ensure a holistic, protection-forward and participant rights-centered framework to effectively serve asylum seekers. LIRS, with private support, has begun to try to close the gap in services between refugees and asylum seekers by opening Welcome Centers throughout the country – in places like Baltimore, Denver, Las Cruces, Phoenix, Tampa, Portland, and San Antonio – that serve as integrated service centers for all immigrants.²⁸

Amid headlines from New York and Chicago, where cities struggle to pivot resources to migrants for an orderly compassionate welcome, LIRS and other organizations already have centuries of collective expertise welcoming newcomers. If LIRS Welcome Centers and caseworkers were available for asylum seekers in the 202 communities that resettlement agencies already serve – buttressed by church congregations, mosque goers, and local synagogues – America’s headlines of newly arrived asylum seekers would be vastly different. Solutions could look like increasing support for states and localities to create a welcoming reception for refugees and migrants in their communities and creating formal channels of communication with state and local policymakers to ensure proper coordination of services.

Finally, the sustainability of these services involves ensuring that individuals are able to get on their feet quickly through access to work permits. These work permits help mitigate exploitation from unscrupulous employers and also enable folks to send remittances home - an important element to the broader strategy to help address the root causes of migration. In the absence of a thoughtful, developed infrastructure to provide casework and assistance to asylum seekers, we have seen the result: a political circus played out across gubernatorial campaigns, states, municipalities, privately chartered jets, river buoys, and buses – often, treating vulnerable migrants as pawns and punch lines in political press releases, or worse. America can do better. It already has the capacity to do better and to receive refugees and immigrants in a manner that honors our economic, humanitarian, national security, and religious freedom principles – played out in welcoming communities across the U.S. It is left to Congress to find the political will to honor these commitments.

²⁵ Ibid.

²⁶ “Immigration: Progress and Challenges in the Management of Immigration Courts and Alternatives to Detention Program,” U.S. Government Accountability Office. 18 Sept. 2018. <https://www.gao.gov/products/gao-18-701t>

²⁷ “Reception and Placement.” U.S. Department of State, 12 Oct. 2023, www.state.gov/refugee-admissions/reception-and-placement/.

²⁸ “Welcome Centers.” LIRS, Lutheran Immigration and Refugee Service, 2 Oct. 2023, www.lirs.org/what-we-do/asylum-services/welcome-centers/.