

REFUGEE PROTECTION ACT OF 2022

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

Title: To provide for the admission and protection of refugees, asylum seekers, and other vulnerable individuals, to provide for the processing of refugees and asylum seekers in the Western Hemisphere, and to modify certain special immigrant visa programs, and for other purposes.

Sec. 1. Short Title; Table of Contents (*Updated for 2022*)

This Act may be cited as the “Refugee Protection Act of 2022”.

Sec. 2. Findings; Sense of Congress (*Updated for 2022*)

Outlines the key congressional findings demonstrating the timeliness and importance of the Refugee Protection Act of 2022. This section finds that the global refugee crisis is dire and requires international and regional cooperation and action; that the U.S. should assert strong leadership in multilateral fora such as the United Nations by collaborating and cooperating with other countries, international and regional organizations, to develop a comprehensive and coordinated response to the global refugee crisis; and that the U.S. should exercise leadership in efforts to address the crisis, including through participation in Global Refugee Forum.

Sec. 3. Definitions

Defines certain key terms used in the Refugee Protection Act of 2022.

TITLE I—ADMISSION AND PROTECTION OF REFUGEES, ASYLUM SEEKERS, AND OTHER VULNERABLE INDIVIDUALS

Subtitle A—Refugees and Asylum Seekers

Sec. 1101. Modification of Definition of Refugee (*Updated for 2022*)

To be eligible for asylum under the Refugee Convention and domestic law, an applicant must show that he or she has experienced persecution or has a well-founded fear of future persecution on account of race, religion, nationality, political opinion, or membership in a particular social group. This section modifies current law to ensure that particularly vulnerable groups of asylum seekers have a full and fair opportunity to seek protection in the United States. These include modifications to:

Political opinion: The subsection is updated from 2019 bill text to clarify that the term “political opinion” includes any expression of support for or dissent, or imputed support or dissent, from the practice or policy of a government entity or non-state actor. This makes the definition consistent with the holding in *Hernandez-Chacon v. Barr*, 948 F. 3d 94 (2d Cir. 2020) (resistance to the norm of female subordination to male dominance is a political opinion) and other established precedent..

Particular Social Group: The subsection codifies the holding of the landmark Board of Immigration Appeals (BIA) decision in *Matter of Acosta*, 19 I. & N. Dec. 211 (BIA 1985) and brings the definition into line with UNHCR guidance and Congressional intent. *Acosta* held that a “particular social group” is one comprised of individuals who share a common characteristic they either cannot change, or should not be required to change because the characteristic is fundamental to their identity or conscience. The section is updated from 2019 bill text to ensure that courts apply the correct reasoning that a particular social group can be cognizable regardless of the number of members who belong to it.

Central reason or “nexus”: The REAL ID Act of 2005 raised the burden of proof on asylum seekers to demonstrate that they fear persecution on account of one of the five grounds in the Refugee Convention and in U.S. law (the “nexus” requirement). The REAL ID Act requires proof that harm on account of a protected ground is “at least one central reason” for the feared persecution. See INA § 208(b)(1)(B)(i). U.S. law has long recognized that persecutors may have mixed motives for harming their victims. The fact that the persecutor is motivated by two intertwined goals should not prevent the victims from obtaining protection. To address this, this subsection replaces the “at least one central reason” standard with the following: that persecution on account of a protected ground “is at least one reason” for the applicant’s persecution or fear of persecution. In the alternative, the applicant can also meet this requirement by showing that the harm would not have occurred “but for” the protected ground or that the effect of the harm is because of the protected ground.

Non-state actors: This section clarifies that an asylum seeker fleeing persecution by non-state actor may establish nexus to a protected ground, if the State is unable or unwilling to protect the asylum applicant from the non-state actor due to a protected asylum ground.

Sec. 1102. Multiple forms of relief available to refugees and asylum seekers.

This section allows individuals applying for refugee protection to simultaneously apply for other forms of admission to the United States, such as through a family-based petition. This modification to current law enables refugees to escape harm or persecution at the first opportunity a visa becomes available.

Sec. 1103. Elimination of Time Limits on Asylum Applications (*Updated for 2022*)

This section eliminates the one-year time limit for filing an asylum claim.

Remedying Arbitrary Decisions. This section allows such an asylum seeker to reopen her asylum claim if she is still in the United States, has not subsequently been awarded lawful permanent residence status, is not subject to a bar to asylum, and should not be denied asylum as a matter of discretion. The section is also updated from 2019 bill text to also direct DHS to notify any individual who was denied asylum solely because of the one year deadline, in their best language, that they have a right to file a motion to reopen their immigration case so that they may be granted asylum and with guidance about how to do so.

Remedying Unlawful Denials. This section also allows reopening asylum claims for those who were denied asylum solely based on guidance related to implementing the *Matter of A-B-* case and the Migration Protection Protocols, as well as certain Presidential Proclamations.

Sec. 1104. Safe Third Country Exception (*NEW for 2022*)

This section prevents future administrations from taking unilateral action to circumvent respect for the principle of non-refoulement and also ensures congressional oversight of any such executive action.

Sec. 1105. Consideration of Asylum Claims (*Updated for 2022*)

This section makes changes to current law with respect evidentiary requirements and credibility determinations to ensure that particularly vulnerable groups of asylum seekers have a full and fair opportunity to seek protection in the United States. These include:

Burden of proof: The REAL ID Act of 2005 added requirements to the INA requiring asylum seekers to provide corroborating evidence, if requested by an immigration judge, “unless the applicant does not have the evidence and cannot reasonably obtain the evidence.” This section now requires a trier of fact to provide notice and allow the asylum applicant a reasonable opportunity to file corroborating evidence, except where the applicant does not have the evidence and cannot

reasonably obtain the evidence. It also clarifies that evidence shall not be deemed reasonably obtainable if obtaining such evidence would endanger the life or safety of any person. This section also clarifies that either direct or circumstantial evidence is sufficient to establish the nexus requirement. Finally, the section is updated from 2019 bill text to now also make clear that expert testimony on human rights conditions in a country and about the physical and mental condition or history of an asylum applicant shall be accepted and accorded substantial weight by an adjudicator unless the adjudicator makes a finding on the record, and supported by specific reasons, that the witness is not qualified to provide an opinion regarding those conditions or the expert's testimony is rebutted by contrary evidence.

Credibility Determinations: This paragraph modifies the INA to make credibility assessments with appropriate cultural sensitivity, and consistently with current scientific literature on behavioral indicators of truth-telling, the nature of traumatic memories, and trauma survivors' ability to recall aspects of and surrounding a traumatic event. It also sets out procedural requirements to ensure appropriate due process in the context of credibility determinations.

Right to Testify: This paragraph is an update from 2019 bill text to provide that a removal case in which asylum, withholding or CAT protection has been requested may not be dismissed without giving the applicant an opportunity to testify orally.

Prohibiting a Third Country Transit Asylum Ban: This paragraph is an update from 2019 bill text to prohibit the use of an entry, arrival, or stay, other than firm resettlement, by an applicant in a third country either as a bar to eligibility for asylum, the basis of a negative fear determination, or to be used otherwise as a basis for a denial of asylum, to ensure such attempts would be explicitly prohibited.

USCIS Jurisdiction Over Asylum Applications: This paragraph provides that an asylum officer should have jurisdiction over all initial asylum applications, as well as any application for withholding of removal or protection under the Convention against Torture from an applicant with a previously denied asylum claim. This section also defines the level and type of training necessary to qualify as an asylum officer. The term "240 proceedings" was included in this section as an update to 2019 bill text to cover all removal proceedings where an asylum application may be filed.

Limitation on Imposition of Fees: This paragraph is an update from 2019 bill text to clarify that asylum seekers and refugees should generally not be charged fees for applications for asylum, asylum-application employment authorization applications, adjustment of status, biometrics, family reunification petitions, or refugee travel documents.

Confidentiality of asylum applications and proceedings: This paragraph is an update from 2019 bill text to prohibit disclosure of information in asylum applications or proceedings to anyone other than U.S. law enforcement or immigration officials.

Transparency of statistical information: These paragraphs are updates from 2019 bill text to require DHS and DOJ to maintain an anonymized but public combined database showing the intake and outcome of every asylum application – that is, the dates and outcomes of every interview or adjudication whether by an asylum officer or immigration judge. The database would show the anonymized identity and region or court of the adjudicator (and for USCIS, supervising asylum officer) as well as basic data about the applicant: age bracket, gender, nationality, representation, detained or not. This would facilitate studies of (a) disparities among regions, (b) disparities among adjudicators (controlled for nationalities) within the same region, [c] impact of having a representative, (d) impact of detention.

Clarifying Eligibility for Asylum: The reinstatement bar to asylum currently prevents individuals who meet the refugee definition from obtaining asylum status, leaving them with the lesser forms of protection, in permanent limbo and unable to reunite with immediate family members. This section is an update from the 2019 bill text to broaden an exception for minor children to apply to any applicant who would, except for the existence of a prior removal order, otherwise be granted asylum.

Sec. 1106. Transparency in refugee determinations

This section requires denials to refugee applications to be issued in writing. It also codifies and streamlines the current review process, and allows overseas refugee applicants to be represented by counsel, at no expense to the government.

Sec. 1107. Authority to Designate Certain Groups of Refugees From Countries of Particular Concern and Admission of Refugees in Emergency Situations *(Updated for 2022)*

This section specifies that the Secretary of Homeland Security may designate certain categories of refugees experiencing an emergency as of special humanitarian concern to the United States, and those refugees would be granted permanent residence upon arrival.

This section also makes permanent the Lautenberg program, first enacted in 1990 to facilitate resettlement of Jews from the former Soviet Union and later expanded to include persecuted religious minorities in other countries, such as Jews, Christians, Baha'is, Sabaeans-Mandaeans, and Zoroastrians from Iran. Currently, this program expires annually and must be reauthorized.

Sec. 1108. Employment authorization for asylum seekers and other individuals *(Updated for 2022)*

This section is updated from 2019 bill text to authorize the Secretary to issue employment authorization applicants for asylum, withholding of removal, or protection under the Convention Against Torture within 30 days of the filing of the asylum application, that the application for work authorization shall be adjudicated within 60 days of filing the application for work authorization, and that the work authorization shall be valid until the date of final order in the case, including administrative and judicial review.

Sec. 1109. Admission of Refugees and Asylees as Lawful Permanent Residents *(Updated for 2022)*

The section provides lawful permanent resident status to certain admitted refugees. Currently refugees must apply to adjust status one year after admission in the United States. Refugees and asylees would remain eligible for refugee resettlement and any other benefits they are otherwise eligible for.

Sec. 1110. Complementary Protection *(NEW for 2022)*

This section creates a complementary protection standard in US law so that a person may be granted asylum if they would face a serious threat to their life or physical integrity because of a reasonable possibility of violence or exceptional situations, such as environmental (including the impacts of climate change) or other crises or disasters. This change would bring the United States into accordance with international practice, as nearly every country with an individualized asylum system has a complementary protection regime as part of their adjudication process.

Sec. 1111. Internal Relocation *(NEW for 2022)*

This section clarifies the legal standard and burden for establishing the reasonableness of internal relocation in an asylum adjudication, reasserting long-held case precedent, and ensuring compliance with US treaty obligations and Congressional intent.

Sec. 1112. Firm Resettlement (*NEW for 2022*)

This section clarifies the burden of establishing whether an applicant for asylum has met the firm resettlement bar to asylum and the correct legal standard the government must meet in order to establish this bar has been met.

Subtitle B—Protections for Children and Families

Sec. 1201. Keeping Families Together

This section modifies the definition of a child to protect an orphan child's ability to reunify with their caretaker or guardian. This legislation would also expand the follow-to-join category to include parents or de facto guardians (as determined by the Secretary of Homeland Security). This legislation would ensure that, irrespective of the date on which such refugee was admitted to the United States, the spouse, child, parent, or de facto guardian would be able to enter the U.S. through the follow-to-join program. In addition, the RPA would exempt individuals entering the U.S. through the follow-to-join program from the annual refugee admissions ceiling established by the Presidential Determination.

Sec. 1202. Protections for minors seeking asylum (*Updated for 2022*)

This section ensures the following protections for unaccompanied minor children:

Protections Under the TVPRA: This paragraph is updated from 2019 bill text to extend protections under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) to exempt unaccompanied alien children from the safe third country and one-year filing deadline bars to asylum and also to clarify that the unaccompanied child designation under TVPRA, and associated legal protections, attach for the full duration of the child's immigration proceedings, preventing unnecessary re-determinations that create adjudicatory unpredictability and strip children of vital due process safeguards. It also amends the TVPRA to extend protections to children from contiguous countries.

Elimination of the SIJ Visa Cap: This paragraph is a new addition from 2019 bill text to eliminate the SIJ visa cap.

Humane Treatment in Border Custody: This paragraph is a new addition from 2019 bill text to ensure humane reception of children at the southern U.S. border through incorporation of HHS specialists with child welfare expertise and DHS child welfare professionals.

Sec. 1203. Fair Day in Court for Kids (*Updated for 2022*)

This section is updated from the 2019 bill text to contain key provisions from the [FAIR Proceedings Act of 2021, S. 901](#) to ensure counsel for unaccompanied children and other vulnerable noncitizens in immigration proceedings.

Subtitle C—Protections for Other Vulnerable Individuals Chapter 1 Stateless Protection

Sec. 1311. Protection of Stateless Persons in the United States (*Updated for 2022*)

Stateless persons are individuals who are not considered to be nationals by any state under the operation of its law. Without a nationality, they are not entitled to enter any country and thus cannot be deported. This section is an update from 2019 bill text to respond to the acute needs of the roughly 200,00 stateless people in the United States, which include extended and repeated immigration detention, inability to travel, and lack of access to obtain identification or legal status. This section establishes a process to identify stateless people, to provide access to legal status for stateless people, to address the detention of stateless people, to

provide access to identity documents, and also to close loopholes in U.S. nationality law that result in statelessness.

Sec. 1312. Prevention of Statelessness (*Updated for 2022*)

This section is an update from 2019 bill text to provide safeguards to prevent children who are born to U.S. citizens from being born into statelessness.

Chapter 2 Other Individuals

Sec. 1321. Protecting Victims of Terrorism from Being Defined as Terrorists (TRIG) (*Updated for 2022*)

Under current law, any asylum seeker or refugee who is individually culpable of engaging in terrorist conduct or directly supporting are barred from entry into the United States. Since changes in the law following September 11, 2001, many refugees and asylum seekers have been barred from the United States for having provided support to groups defined as “terrorist organizations” under immigration law alone (not under any criminal laws).

This section would address this problem by clarifying that an individual can be barred from entry based on their connections to these organizations only where there are also reasonable grounds to believe that they are a danger to the security of the United States. It is updated from 2019 bill text to also repeal the Tier III inadmissibility ground, which is an overbroad definition that has wrongfully labeled individuals as terrorists, causing them to be barred from relief and in some cases has caused family separations.

This section also amends the inadmissibility ground aimed at penalizing those who recruit or use child soldiers to prevent it from being used *against* former child soldiers themselves for acts taken when they were children.

Applicants for asylum and refugee status must meet all of the other traditional background and security checks.

Sec. 1322. Protection for Noncitizens Interdicted at Sea

This section requires the Secretary of Homeland Security to develop uniform policies to identify asylum seekers among those interdicted at sea and to treat those individuals fairly and in a non-discriminatory manner.

Sec. 1323. Enhanced Protection for Individuals Seeking U Visas, T Visas, and Protection under VAWA

The U nonimmigrant status (U visa) is available for victims of certain crimes who agree to cooperate with law enforcement or government officials in the investigation or prosecution of criminal activity. As such, it is a law enforcement tool that encourages witnesses who may otherwise be reluctant to step forward to help investigate and prosecute cases of domestic violence, sexual assault, human trafficking and other crimes.

Cap Relief: This section increases the cap for U visas from 10,000 to 20,000 per fiscal year.

Work Authorization: This section further seeks to ensure that work authorizations are provided to victims applying for either a U visa or a T visa (specific to victims of human trafficking) within six months of filing an application..

Protection From Removal: This section also provides language to prevent the removal of certain victims while their petitions or applications are still pending.

Subtitle D—Protections Relating to Removal, Detention, and Prosecution

Sec. 1401. Prevention of Erroneous In Absentia Orders of Removal

This section contains key provisions of the Providing Justice for Asylum Seekers Act of 2019 (H.R. 3748). Current law requires immigration judges to issue deportation orders for asylum seekers if they fail to appear in immigration court, regardless of the reason for their failure to appear. In such a situation, immigration judges are not instructed to investigate the reasons for an asylum seeker's failure to appear, including whether notice was sent to the asylum seeker's most updated address.

This section addresses this problem by providing immigration judges with greater discretion as to whether to enter an *in absentia* removal order or reschedule a hearing based on the circumstances of each case. This section also creates a more straightforward avenue for children and asylum seekers to reopen their cases after an immigration judge has issued an *in absentia* order that does not require legal representation.

This section also eliminates the current 180-day deadline to file a motion to reopen if the failure to appear was due to extraordinary circumstances.

Sec.1402. Scope and Standard for Review of Removal Orders

This section prevents the removal of a noncitizen during the 30-day period they have to file a petition for review to a Federal Circuit Court of Appeals after the individual has been ordered removed. This section also restores judicial review to a fair and reasonable standard consistent with principles of administrative law. The standard in this section is that the Court of Appeals shall sustain a final decision ordering the removal of a noncitizen unless that decision is contrary to law, an abuse of discretion, or not supported by substantial evidence. The decision must be based on the administrative record on which the order of removal is based.

Sec.1403. Presumption of Liberty for Asylum Seekers

This section contains key provisions of the Dignity for Detained Immigrants Act of 2019 (S. 1243). The provision creates a presumption of release from detention for asylum seekers and requires that if an asylum seeker must be detained, they must be held under the least restrictive conditions. The section also ensures all asylum seekers receive individualized custody determinations within 48 hours of detention. In addition, the section prevents the detention of asylum-seeking vulnerable populations unless the government can show it is unreasonable or not practicable to place the caregiver in community-based supervision.

Sec.1404. Procedures for Ensuring Accuracy and Verifiability of Sworn Statements Taken Pursuant to Expedited Removal Authority

This section ensures that asylum seekers are not harmed during the expedited removal process by errors in the production of sworn statements. It requires that the Secretary of Homeland Security establish a procedure to record the interviews of asylum seekers. The recording must include a written statement, in its entirety, being read back to the noncitizen in a language the asylum seeker understands, and include the asylum seeker affirming the accuracy of the statement or making any corrections. The Secretary may exempt facilities from the requirements of this section under certain circumstances.

Sec. 1405. Inspections by Immigration Officers (*NEW for 2022*)

This section prohibits US officials from engaging in push backs or metering against asylum seekers who arrive or are arriving at ports of entry, nor prevent people from crossing the border between ports of entry if they indicated an intent to apply for asylum or a fear of persecution while they were still on the Mexican side or the border.

Sec.1406. Study on Effect on Asylum Claims of Expedited Removal Provisions, Practices, and Procedures.

This section authorizes the Commission to conduct a new study to determine whether immigration officials are improperly encouraging aliens to withdraw or retract claims for asylum; failing to refer asylum seekers for credible fear interviews; failing to record an alien's expression of fear of persecution or torture; incorrectly removing such aliens to a country where the alien may be persecuted; detaining such asylum

seekers in inappropriate conditions; improperly separating a family unit after a family member has expressed a credible fear of persecution; or improperly referring an alien for processing under an enforcement or deterrence program.

Sec.1407. Alignment with Refugee Convention Obligations by Prohibiting Criminal Prosecution of Refugees

This section contains key provisions of the Keep Families Together Act (H.R. 541). This section brings domestic law in line with our obligations under the Refugee Convention not to penalize refugees for their manner of entry. It exempts asylum-seekers from prosecution under 8 U.S.C. 1325 and 1326 (improper entry and reentry) unless and until their asylum claim is adjudicated and denied.

Subtitle E—Refugee Resettlement

Sec. 1501. Sense of Congress on Coordination of Refugee Program Agencies *(NEW for 2022)*

This section urges the appointment of a senior-level White House Coordinator on Refugee Protection to coordinate, prioritize, and lead efforts to address refugee protection issues that involve multiple agencies, including the refugee admissions program, and to resolve interagency differences in a timely, efficient, and effective manner. This official should lead interagency coordination to advance policy change and ensure refugee protection objectives are integral to any administration's foreign policy agenda.

Chapter 1 Refugee Admissions

Sec.1511. Numerical goals for annual refugee admissions *(Updated for 2022)*

The section contains key provisions of the GRACE Act (S.1088/H.R.2146). It prevents any President from setting a refugee admissions goal ("Presidential Determination") at a level below 125,000 per year. This marks a minimum floor that the President would be required to meet and would permit the President to set a Presidential Determination above 125,000 to meet global need. In the event a president fails to set a refugee admissions goal, the Presidential Determination would be automatically set at 125,000.

In addition, this section would mandate that the President adopts regional allocations that are consistent with projected needs and codify an unallocated reserve. It would also clarify that the admissions goal and regional allocations may be increased based on emerging needs during and throughout the fiscal year. This section would also mandate quarterly reports to Congress with specific oversight requirements and include a rule of construction stating that nothing in the bill may be construed to inhibit the expeditious processing of refugee and asylum applications.

Sec.1512. Reform of Refugee Admissions Consultation Process *(Updated for 2022)*

This section would require congressional consultations regarding the Presidential Determination on annual refugee admissions to commence no later than May 1 of each year and continue periodically throughout the remainder of the year, as necessary. It also requires the administration to share, to the extent possible, the number of refugees the President expects to have ready to travel to the United States at the beginning of the fiscal year; the number of refugees and the stipulated populations the President expects to admit to the United States in each quarter of the fiscal year; and the number of refugees the President expects to have ready to travel to the United States at the end of the fiscal year. It also mandates that the Department of Homeland Security (DHS) ensure that an adequate number of refugees are processed during the fiscal year to fulfill the refugee admissions goal. The administration would need to establish specific metrics for the integration of refugees and submit an annual report to Congress on the integration of resettled refugees on the basis of such metrics.

Sec.1513. United States Emergency Refugee Resettlement Contingency Fund *(Updated for 2022)*

This section establishes a United States Emergency Refugee and Entrant Assistance (EREA) Contingency Fund to enable the Assistant Secretary of the Office of Refugee Resettlement to operate programs, efforts, and initiatives to respond to urgent, unanticipated, or underfunded refugee and entrant assistance activities.

Sec.1514. Complementary Pathways (*NEW for 2022*)

This section mandates the Comptroller General of the United States shall conduct a GAO study on, and make recommendations pertaining to, complementary pathways to protection in the United States, including scholastic resettlement pilot programs, labor pathways, or other parallel systems for admitting refugees and individuals fleeing violence and persecution. It is the sense of Congress that complementary pathways shall be additional and supplemental to the U.S. Refugee Admissions Program.

Chapter 2 Resettlement Program and Support

Sec.1521. Elevation of Office of Refugee Resettlement (*NEW for 2022*)

This section elevates the Office of Refugee Resettlement in the Department of Health and Human Services to have an Assistant Secretary of Health and Human Services for Refugee and Asylee Resettlement, to be appointed by the President, and to report directly to the Secretary.

Sec.1522. Refugee Resettlement; Radius Requirements

This section mandates that the Bureau of Population, Refugees, and Migration not require a refugee to be resettled within a prescribed radius of a refugee resettlement office.

Sec.1523. Study and Report on Contributions by Refugees to the United States

This section requires that the Comptroller General of the United States conduct a study every five years on refugees' contributions to the United States. This would include a longitudinal study of refugees' economic contributions during the first year, 5 years, 10 years, and 20 years following the arrival of a refugee and would examine refugee entrepreneurship, the number of jobs generated by refugee businesses, and the labor markets in which refugees fill critical gaps. There would also be an assessment of the rate of refugee self-sufficiency and a description of unmet needs and outcomes.

Sec.1524. Update of Reception and Placement Grants (*Updated for 2022*)

This section would require that the Secretary of State notify Congress of the amount of funds that the State Department will provide in reception and placement grants during the upcoming fiscal year. The Secretary of State would be required to ensure that the grant amount for each fiscal year is adjusted to provide adequately for the anticipated initial resettlement needs of refugees, as well as to provide 100% of the administrative per capita based on the approved Consolidated Placement Plans for each national resettlement agency to ensure adequate local and national capacity to serve the initial resettlement needs of arrivals. This provision supports longer term planning and the ability to staff adequately. This section also extends the duration of reception and placement services to at least one year.

Sec.1525. Subsidy Reception and Placement Grant to Support Unanticipated Economic and Public Health Needs (*NEW for 2022*)

This section requires the Secretary of State to develop and implement methods and programs to support a subsidizing line item to supplement the reception and placement grant to account for unanticipated needs of refugees, such as for economic and public health crises that necessitate additional support.

Sec.1526. Resettlement Data (*Updated for 2022*)

This section would expand the Department of Health and Human Services Annual Refugee Survey (ASR) with longitudinal information by integrating new data analysis, collection, and sharing activities of the Office of Refugee Resettlement (ORR). Longitudinal information would begin on the fifth year after arrival of a refugee and every 5 years thereafter until the end of the 20th year after arrival.

This section mandates ORR to coordinate with the Centers for Disease Control, national resettlement agencies, community-based organizations, and State refugee health programs to track national and state trends, use initial refugee health screening data recorded during domestic and international health screenings, and data on the rate of use of refugee medical assistance. ORR would examine the information sharing process, from country of arrival through refugee resettlement, to determine if access to additional mental health data could help determine placements and enable agencies to better prepare to meet refugee mental health needs.

Sec.1527. Refugee Assistance

This section clarifies that in calculating the formula for resettlement funds, the Department of Health and Human Services Office for Refugee Resettlement (ORR) must use the population projected to be resettled in a given state. This section also requires an annual report on secondary migration and its impact on states, and it mandates that secondary migrants remain eligible for resettlement services. This section further requires that funding go towards providing legal assistance to refugees and asylees.

Sec.1528. Stabilizing Resettlement Site Capacity for Volunteer Coordination, Housing Coordination, and AOR Processing (NEW for 2022)

This section mandates that, in consultation with the Assistant Secretary of the Office of Refugee Resettlement, the Assistant Secretary for the Bureau of Population, Refugees, and Migration must develop and implement methods for improving volunteer coordination, housing coordination, and Affidavit of Relationship (AOR) processing to ensure resettlement sites have the resources and capacity they need. The Assistant Secretary is authorized to make grants to implement this section.

Sec.1529. Community Partnerships, Civic Engagement, and Refugee Leadership Development (NEW for 2022)

This section mandates the Assistant Secretary for the Bureau of Population, Refugees, and Migration to fund a full-time employee (FTE), “Community Relations Officer,” with each state contracted for resettlement whose position will focus on building community partnerships, encouraging diverse attendance at community consultations, and organizing community consultations. The Assistant Secretary is authorized to make grants to, and enter into contracts with, state and local governments to implement this section. The “Community Relations Officer” will consider opportunities to encourage regular consultation among diverse stakeholders, such as by refugees, State Refugee Coordinators and health coordinators, resettlement agencies, and other service organizations and Ethnic Community Based Organizations. The “Community Relations Officer” will also be responsible for supporting civic engagement of refugees and refugee leadership development. The “Community Relations Officer” will further consider methods to expand outreach to asylees to ensure asylee access to services.

CHAPTER 3—ACCESS TO SERVICES AND BENEFITS

Sec.1531. Extension of eligibility period for Social Security benefits for certain refugees

This section extends social security benefits to elderly and disabled refugees who have not yet naturalized. Typically, certain eligible refugees may receive social security for seven years. That period was extended for two years in 2008 by a bipartisan bill supported by President Bush. This section extends the social security funding for one additional year.

Sec. 1532. In-State Tuition Rates for Refugees, Asylees, and Certain Special Immigrants (NEW for 2022)

This section reflects provisions contained in the “To Offer Refugees College Help (TORCH) Act” (116th Congress, H.R.3391) and mandates states to charge in-state tuition rates for institutions of higher education to refugees, asylees, and special immigrant visa holders if they are lawfully in the United States. This

requirement only applies to the first state where the individual lives after being admitted into the United States.

CHAPTER 4—TRAINING, ORIENTATION, AND INCLUSION

Sec.1541. Pre-Departure Training for Approved Refugee Applicants *(NEW for 2022)*

This section requires the Assistant Secretary for the Bureau of Population, Refugees, and Migration, in consultation with the Resettlement Support Centers (RSCs), to establish overseas refugee training programs, and to develop and implement methods, for improving cultural orientation, such as health topics, civic engagement, and engagement with schools and educational success, for refugees, and Iraqi and Afghan Special Immigrant Visa holders and their dependents, before departure. These programs should also offer English as a second language, work orientation training options, and other courses for achieving community integration in the United States. Refugees who arrive in the U.S. with basic English skills and knowledge of U.S. employment norms are better equipped to navigate their new communities and quickly achieve self-sufficiency. Special emphasis should be placed on behavioral health and wellness to prepare refugees with healthy coping techniques as newly resettled refugees will face the environmental stress of a new culture and all the expectations put on them during reception and placement. Programs should prepare refugees for the U.S. healthcare system including, mental health first aid training and the teaching of culturally appropriate stress coping and mental health wellness techniques. The Assistant Secretary is authorized to make grants to implement this section.

Sec.1542. Domestic Refugee Resettlement Programs on Digital and Financial Literacy; Housing And Transportation Access *(NEW for 2022)*

This section creates new domestic refugee resettlement programs on digital and financial literacy, housing and transportation access, and bereavement assistance. These programs should help new arrivals with life insurance, retirement, banking, and other forms of financial independence, as well as home ownership, public housing, know your rights, and public transportation. These programs will also support refugees' driving orientation, laws, defensive driving, and vehicle maintenance classes. This section further makes refugees, asylees, and certain special immigrants eligible for driver's licenses, including REAL IDs. The Assistant Secretary is authorized to make grants to, and enter into contracts with, state and local governments and resettlement agencies to implement this section.

Sec.1543. Study and Report on Digital Literacy, Equity, and Inclusion Among Refugees in the United States *(NEW for 2022)*

This section orders the GAO to conduct a study on the status of digital literacy among refugees resettled to the United States; defines the terms “digital literacy,” “digital equity,” and “digital inclusion”; and includes an assessment of whether and how digital literacy training, free internet service, and technical support should be incorporated as part of cultural orientation programs, both before as part of cultural orientation programs and after arrival in the United States, offered to refugees and whether and how related costs to support digital literacy, equity, and inclusion, should be factored into U.S. Refugee Admissions Program funding.

CHAPTER 5—DOMESTIC REFUGEE RESETTLEMENT REFORM AND MODERNIZATION ACT

Sec. 1551. Short Title

This chapter may be cited as the “Domestic Refugee Resettlement Reform and Modernization Act of 2015”.

Sec.1552. Definitions

Defines certain key terms used in this Chapter.

Sec.1553. Assessment of Refugee Domestic Resettlement Programs *(Updated for 2022)*

This section requires the Government Accountability Office to study the effectiveness of the Office of Refugee Resettlement's domestic refugee resettlement programs, how ORR defines self-sufficiency and integration and if these definitions adequately represent refugees' needs, technological solutions for consistently tracking secondary migration, including opportunities for interagency data sharing, ORR's budgetary resources and project the amount of additional resources needed to fully address the unmet needs of refugees with regard to self-sufficiency and integration, the role of community-based organizations in serving refugees in areas experiencing a high number of new refugee arrivals, how community-based organizations can be better utilized and supported in the resettlement process, recertification processes for high-skilled refugees, specifically considering how to decrease barriers for refugees and Special Immigrant Visa holders to use their skills, and recommended statutory changes to improve the U.S. resettlement program.

Sec.1554. Guidance Regarding Refugee Placement Decisions

This section requires the Secretary of State to provide guidance to national resettlement agencies and state refugee coordinators on consultations with local stakeholders pertaining to refugee resettlement. It further requires the Secretary of Health and Human Services, in collaboration with the Secretary of State, to collect best practices on stakeholder consultations.

CHAPTER 6—OVERSEAS PROCESSING AND PREPARATION

Sec.1561. Refugee Biometric Data and Reporting (*NEW for 2022*)

This section requires the Department of State, in consultation with the Department of Homeland Security, to permit U.S. government staff already in-country to travel to collect refugees' fingerprints and biometric data in absence of circuit rides. It also requires the Department of State, in consultation with the Department of Homeland Security, to develop and implement methods to enhance virtual citizenship and virtual adjudication of citizenship applications, including remote interviews and ceremonies to expedite the process. DHS is required to issue a report with details of how many interviews were conducted remotely or by video, what infrastructure was created to do so, and what DHS needs to expand the use of remote interviews. The report will outline challenges and best practices, as well as offer recommendations to invest in Internet infrastructure solutions.

Sec.1562. Prioritization of Family Reunification in Refugee Resettlement Process

This section mandates that the Secretary of State prioritize UNHCR referrals, groups of special humanitarian concern to the United States, and refugees seeking reunification with relatives living in the United States, regardless of the nationality of such refugees. The Secretary of State would consult with DHS to ensure that a refugee is not excluded from being interviewed for refugee status based on a close family relationship to a citizen or lawful permanent resident of the United States; a potential qualification of the individual for an immigrant visa; or a pending application by the individual for admission to the United States.

Sec.1563. Priority 3 Family Reunification Cases (*NEW for 2022*)

This section makes permanent access to the Priority 3 (P-3) family reunification program for all refugee nationalities and Special Immigrant Visa (SIV) holders. The P-3 referral pathway provides USRAP access to individuals of special humanitarian concern who have immediate family members in the United States who were admitted in certain humanitarian immigration statuses. The immediate family members in the United States can initiate an application for their relatives even if they subsequently gained LPR status or naturalized as U.S. citizens. Parents, spouses, and unmarried children under the age of 21 of the U.S.-based relative can benefit from P-3 referrals. This section further mandates that the Department of Homeland Security, in consultation with the Department of State, to produce a report that describes the steps taken by the administration to re-examine and expedite Priority 3 processing, includes the numbers of pending family

reunification applications that make up the backlog, and recommends resources the administration needs to make P-3 processing more efficient.

Sec. 1564. Creating a Roving Resettlement Support Center (*NEW for 2022*)

This section creates a roving Resettlement Support Center (RSC) to increase the responsiveness and agility of the U.S. Refugee Admissions Program to refugee crises when and where they arise, as well as provide professional staff available for secondments to the UNHCR for resettlement support. A roving RSC would have the ability to rapidly identify new populations in crisis, process cases in new locations, and build the operational capacity for single-site processing that can be quickly deployed. This innovation is necessary to improve the referral and pre-screening process and to increase overall operational agility and responsiveness of the resettlement program. Current infrastructure does not support operational agility, inhibiting the ability to fulfill the overall mission of the program. A roving RSC, akin to a Global Africa Regional Deployment Unit, could also provide professional staff available for secondments to the UNHCR for resettlement support in times of urgency.

Subtitle F—Authorization of Appropriations

Sec. 1601 Authorization of Appropriations

This section authorizes appropriations necessary to carry out this title.

TITLE II—REFUGEE AND ASYLUM SEEKER PROCESSING IN WESTERN HEMISPHERE

Sec. 2101 Expansion of Refugee and Asylum Seeker Processing

This section directs the State Department, in consultation with DHS, to work with international partners, including UNHCR, to support and strengthen the domestic capacity of countries in the Western Hemisphere to process and accept refugees for resettlement and adjudicate asylum claims. Identifies actions to be taken in furtherance of this objective, including providing support and technical assistance to governments for identifying, processing, and adjudicating refugee claims; establishing and expanding safe and secure refugee reception centers; partner with local and national non-governmental organizations working overseas to increase and diversify referral pathways into the US Refugee and Admissions Program; incorporates language from the GRACE Act to set numerical goals for yearly admissions; provides guidance on regional allocations for admissions and requires quarterly reports on admissions with specific parameters on the data provided; and developing capacity to conduct best interest determinations for unaccompanied children to ensure that such children are properly registered and that their claims are appropriately considered.

Sec. 2102 Strengthening Regional Humanitarian Responses

This section directs the State Department, in consultation with DHS, and in coordination with international partners, to support and coordinate with the government of each country hosting a significant population of refugees to establish and expand temporary shelter and shelter network capacity; deliver gender-, trauma-, and age-sensitive humanitarian assistance; establish and expand sexual, gender-based, and domestic violence prevention, recovery, and humanitarian programming; and support local integration initiatives to help refugees and asylum seekers rebuild their lives and contribute in a meaningful way to local economies.

Sec. 2103 Information Campaign on Dangers of Irregular Migration

This section directs the State Department, in consultation with DHS, to implement public campaigns in El Salvador, Guatemala, and Honduras that provide information on the dangers of travel across Mexico to the United States; U.S. immigration law and policy; and the availability of asylum and other humanitarian protections in countries in the Western Hemisphere.

Sec. 2104 Reporting Requirement

This section directs the State Department, in consultation with DHS, to submit to the appropriate congressional committees a report describing how Sections 201, 202, and 203 will be implemented.

Sec.2105 Identification, Screening, and Processing of Refugees and Other Individuals Eligible for Lawful Admission to the United States

This section directs the Secretary of State to enter into bilateral or multilateral agreements within 90 days of enactment to establish Designated Application Processing Centers (Application Centers) in Mexico, Costa Rica, El Salvador, Guatemala, Honduras, and other countries deemed appropriate. The Application Centers will accept and process requests for admission of refugees under section 206, petitions for immigrant visas under section 207, and individuals seeking family reunification parole under section 208. Directs Application Centers to receive and register individuals seeking to apply under Sections 206, 207, and 208, and provides that expedited processing of applications may be granted in emergency situations or for humanitarian reasons.

Sec.2106 Central American Refugee Program *(Updated for 2022)*

This section directs the State Department and DHS to admit a minimum of 100,000 refugees of special humanitarian concern from El Salvador, Guatemala, and Honduras if they have substantial ties to the United States in each of fiscal years 2023, 2024, 2025, 2026, and 2027. The spouses and minor children of such refugees shall also be admitted. The State Department, in consultation with DHS, may enter into bilateral agreements with other countries for the referral, processing, and resettlement of individuals who lack substantial ties to the United States. The section defines a refugee of special humanitarian concern to include those who have suffered or have a well-founded fear of suffering, inter alia, gender-based violence, violence committed by gangs or other organized criminal groups, severe forms of trafficking, threats from exceptional situations including, as an update from the 2019 bill text, environmental disasters and impacts of climate change, and other serious human rights abuses.

Sec. 2107 Central American Minors Program

This section directs the State Department and DHS to provide special immigrant visas to up to 10,000 eligible children in each of 5 consecutive fiscal years beginning 2023. If the numerical limitation is not reached during any given fiscal year, unused visa numbers shall carry over to the following year. Special immigrant visas under this section are excluded from numerical limitations related to other immigrant visa programs under the Immigration and Nationality Act. It establishes eligibility for children who are:

- nationals of El Salvador, Guatemala, or Honduras;
- unmarried and have a parent who is lawfully present in the United States; and
- otherwise generally eligible to receive immigrant visas under the immigration laws.

Sec.2108 Central American Family Reunification Parole Program

This section directs DHS to establish a procedure for granting parole to nationals of El Salvador, Guatemala, and Honduras who are beneficiaries of approved family-based immigrant visa petitions, where an immigrant visa is expected to be available within 5 years.

Sec.2109 Informational Campaign; Case Status Hotline

This section directs the State Department and DHS to implement an information campaign in English and Spanish to increase awareness of the provisions of this title in the United States and Central America. This section further directs the State Department and DHS to establish a confidential case status hotline within 90 days of enactment.

TITLE III—SPECIAL IMMIGRANT VISA PROGRAMS

Congress has long worked to ensure protection for Afghan and Iraqi partners who face danger because of their work alongside U.S. troops, diplomats, and humanitarian aid workers. This Title addresses numerous obstacles to protection.

Sec.3101 Special Immigrant Visa Program Reporting Requirement

This section creates a reporting requirement to require the State Department and other departments to report on lessons learned in the SIV process.

Sec.3102 Inclusion of Certain Special Immigrants in the Annual Refugee Survey

This section ensures that SIV applicants who opt to receive refugee benefits are included in the Annual Refugee Survey.

TITLE IV—NONDISCRIMINATION

This title includes the “National Origin-Based Antidiscrimination for Nonimmigrants Act” or the “NO BAN Act” (H.R.1333 / S.1891).

Sec.4101 Expansion Of Nondiscrimination Provision *(NEW for 2022)*

This section prohibits religious discrimination in various immigration-related decisions, such as whether to issue an immigrant or nonimmigrant visa, unless there is a statutory basis for such discrimination.

Sec.4102 Transfer and Limitations on Authority to Suspend or Restrict the Entry of a Class of Aliens *(NEW for 2022)*

This section imposes limitations on the President's authority to suspend or restrict immigrants and non-immigrants from entering the United States. Before imposing a restriction, the State Department and DHS shall consult with Congress. This section further requires the State Department and DHS to report to Congress about the restriction within 48 hours of the restriction's imposition. If such a report is not made, the restriction shall immediately terminate.

Sec.4103 Visa Applicants Report *(NEW for 2022)*

This section requires the Departments of State and Homeland Security, among other agencies, to describe the implementation of Presidential Proclamations 9645, 9822, and 9983 and Executive Order Nos. 13769, 13780, and 13815. This section further requires regular reports detailing times when the President exercises the authority under section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)) -- and if this report is not provided to Congress in the time specified, the suspension or restriction shall immediately terminate absent intervening congressional action.

TITLE V—GENERAL PROVISIONS

Sec.5101 Authorization of Appropriations

This section authorizes such sums as are necessary to carry out the Act.

Sec.5102 Determination of Budgetary Effects

This section contains standardized “PAYGO” language.