

The Leahy-Levin-Akaka-Durbin Refugee Protection Act of 2011

The Refugee Act of 1980 was a landmark piece of legislation that sought to fulfill the United States' obligations under the 1951 Refugee Convention. Unfortunately, in the intervening years, U.S. law has fallen short of those obligations. Last year, on the thirtieth anniversary of the Refugee Act of 1980, Senator Leahy, introduced the Refugee Protection Act of 2010 (S.3113, 111th Congress), a comprehensive package of improvements to our law. On June 15, 2011, Senator Leahy, along with Senators Levin, Akaka, and Durbin, introduced a new version of the bill. The Refugee Protection Act of 2011 will ensure that refugees and asylum seekers with *bona fide* claims are protected by the United States, restoring the United States as a beacon of hope for those who suffer from persecution.

Increased Protections for Asylum Seekers:

- Eliminates the requirement that asylum applicants file a claim within one-year of arrival.
- Protects particularly vulnerable asylum seekers by ensuring they can pursue a claim even where their persecution was not socially visible.
- Ensures fair process by requiring an immigration judge to give notice and an opportunity to respond when the judge requires corroborating evidence of the asylum claim.
- Gives an applicant the opportunity to explain and clarify inconsistencies in a claim.
- Enables minors who seek asylum to have an initial interview with an asylum officer in a non-adversarial setting.
- Allows the Attorney General to appoint counsel where fair resolution or effective adjudication of the proceedings would be served by appointment of counsel.

Reforms to the Expedited Removal Process:

- Requires the referral of asylum seekers to an asylum officer for a credible fear interview, and, if credible fear is found, for an asylum interview.
- Authorizes the United States Commission on International Religious Freedom to conduct a new study on the effects of expedited removal authority on asylum seekers.

Parole of Asylum Seekers:

- Codifies the current DHS policy that asylum seekers be considered for release (“parole”) and requires DHS to issue regulations establishing criteria for parole.
- Establishes a nation-wide, secure “alternatives to detention” program.
- Requires the immigration detention system to ensure asylum seekers and others have access to counsel, religious practice, and visits from family.

Terrorism Bar to Admissibility:

- Ensures that innocent asylum seekers and refugees are not unfairly denied protection as a result of the material support and terrorism bars in the law, while ensuring that those with actual ties to terrorist activity will continue to be denied entry to the United States.

Protection for Refugees and Asylees:

- Allows certain children and family members of refugees to be considered as derivative applicants for refugee status. All such applicants must pass standard security checks.
- Authorizes the President to designate certain groups for expedited adjudication as refugees.
- Prevents newly resettled refugees from slipping into poverty by adjusting the per capita refugee resettlement grant level annually for inflation and the cost of living.

For more information, please contact Chairman Leahy's Judiciary Committee staff: Tara Magner (4-6036) or Matt Virkstis (4-7492).