The Refugee Protection Act of 2011

The United States has long been a world leader in protecting victims of persecution and torture around the world. Every year, thousands of people who want nothing more than to live in peace are forced to flee their countries in order to save their lives. Those who are fortunate enough to reach the US can apply for asylum and the opportunity to enjoy the basic human rights to health, safety, and dignity.

Recently, however, the US has shifted its energy from ensuring asylum for the victims of the most serious forms of persecution and torture to detaining asylum seekers and creating arbitrary procedural hurdles that have prevented tens of thousands of refugees from obtaining asylum. The Refugee Protection Act of 2011 (RPA) is a vital piece of legislation that would remedy these problems while protecting refugees, reducing costs, and helping to restore the moral standing of the United States as a guardian of human rights around the world.

The Refugee Protection Act of 2011 (S.1202/H.R.2185) would comprehensively remedy the most serious flaws in the asylum process and ensure that the US retains its commitment to protecting victims of persecution and torture. Among other important provisions, the legislation would:

- **Eliminate the one-year filing deadline:**
  The RPA would eliminate the one-year filing deadline for asylum applications. The deadline, which requires asylum applicants to file their applications within one year of arriving in the US, has been shown to be an arbitrary procedural hurdle that has prevented tens of thousands of legitimate refugees from gaining asylum while doing nothing to deter or prevent fraud. It funnels thousands of applicants into the overburdened Immigration Court system, dramatically increasing the cost of the asylum process and clogging the courts with applications that could have been decided at a lower level. The RPA would also allow refugees whose applications were denied because of the one-year bar to reapply for asylum within two years of the Act’s passage.

- **Decrease detention of asylum seekers:**
  The RPA has a number of provisions aimed at limiting the detention of asylum seekers. The US spends approximately $5.5 million each day to detain tens of thousands of immigrants, including thousands of asylum seekers who have never been convicted of crimes. The RPA would significantly reduce the use of detention for asylum seekers while still ensuring that they complete the asylum process.

- **The Act would eliminate mandatory detention of refugees who arrive at the border and ask for asylum, and would allow for the expansion of less-restrictive alternatives to detention that ensure attendance at Immigration Court and protect the public from criminals. While the average cost to detain an immigrant is approximately $166 per day, alternatives to detention range in cost from 30 cents to $14 a day.**

- **The RPA would also reduce the burden on the Immigration Courts by allowing Asylum Officers to grant asylum to refugees who ask for asylum upon arriving at the US border. Under the current law, Asylum Officers must conduct interviews of every arriving asylum seeker to determine whether they might qualify for asylum, but are then obligated to refer every case to the Immigration Court.**

- **Asylum seekers who have contacts in the US willing to support them, and who don’t pose a flight risk or danger to national security, are allowed to apply to ICE to be “paroled,” or released from detention, while they apply for asylum. While the use of parole has increased over the last two years, too many detained asylum seekers are denied parole for arbitrary or unexplained reasons. The RPA would mandate parole for all arriving asylum seekers who have a credible fear of persecution in their home countries, and who do not pose a flight risk or danger to national security. More widespread use of the parole procedure has the potential to significantly reduce the costs associated with the immigration detention system.**

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2. Id.
• **Protect child soldiers and victims of terrorist organizations:**
  Too often, people who are victims of terrorism or other human rights abuses are unjustly barred from obtaining asylum because they are considered to have provided material support to terrorists. The RPA contains provisions designed to ensure that child soldiers and people who are forced to aid terrorist organizations are given the chance to apply for asylum, provided that they do not pose a danger to national security.

• **Increase detainee access to legal services:**
  The RPA would ensure that asylum applicants have access to legal information and services to help them navigate the complex asylum adjudication system. By expanding the Legal Orientation Program (LOP), allowing greater access by non-governmental organizations to immigration detention facilities, and mandating that any new facilities are built within a reasonable proximity to legal service providers in major population centers, the RPA will help legitimate refugees seek asylum and decrease the burden on the Immigration Courts.

• **Restrict solitary confinement to extraordinary circumstances:**
  Solitary confinement is a severe form of punishment that must be restricted to the most violent offenders in prisons and jails, and its use must serve a therapeutic purpose. Widespread use of solitary confinement in immigration detention, a civil system designed to ensure that immigrants attend their hearings and comply with the orders of the Immigration Court, is rarely, if ever, warranted. Detention facilities often use solitary confinement to punish minor disciplinary infractions, isolate LGBT immigrants, or warehouse the mentally ill. The RPA would restrict the use of solitary confinement in immigration detention to situations in which it is absolutely necessary in order to protect the safety of other people.

To learn more about the RPA or help advocate for this important legislation, contact Mike Corradini in PHR’s Washington, DC office, at mcorradini@phrusa.org or 202-728-5335 x302.