



**Statement for the Record  
Of David Bier of the Cato Institute  
Submitted to  
House Committee on the Judiciary  
Markup of  
“Refugee Program Integrity Restoration Act of 2017 – H.R. 2826”  
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The Refugee Program Integrity Restoration Act of 2017 (H.R. 2826) would restrict the liberty of Americans to welcome people fleeing violence and persecution around the world. It would enact a hard and inflexible limit in law on America’s generosity toward refugees. This arbitrary restriction has no basis in American tradition, individual Americans’ desire or ability to assimilate refugees, or the state of the world today. Indeed, it turns a cold shoulder toward the most severe refugee crisis in many decades.

The legislation adopts a flawed approach to refugee resettlement based on a fundamentally flawed premise: that refugees pose a significant threat to the lives of Americans. The facts cannot sustain the belief that widespread fraud has allowed the admission of large numbers of refugee terrorists. Only two refugees admitted since 9/11 have plotted or attempted attacks in the United States. Neither killed anyone. Looking over the last four decades, refugees have been far less likely to kill Americans in acts of terrorism in the United States than other immigrants or U.S.-born citizens, and none have since 1976.

Above all else, successful refugee integration requires a hospitable policy environment toward refugees. Yet this legislation would move America in the opposite direction: it politicizes refugee acceptance and imposes new constraints on integration for those few refugees that it would continue to admit. Rather than policies intended to promote rapid adoption of America’s way of life, this legislation would keep refugees in a state of long-term legal limbo without permanent status in the United States and allow certain localities to ban their resettlement in their jurisdictions. It notably lacks any provision for welcoming communities to accept refugees beyond its arbitrary cap.

These policies would have negative economic and fiscal effects on the United States. Refugees contribute significantly to the economy through employment, entrepreneurship, and consumption. While their upfront fiscal costs are higher than for other immigrants, studies have shown that they do eventually become net fiscal contributors. Rather than taking measures to reduce refugee dependence on welfare—such as relying on private sponsorship—or creating

policies to encourage faster movement into the labor market—such as validating professional credentials prior to arrival—H.R. 2826 will actually make integration more difficult and costly.

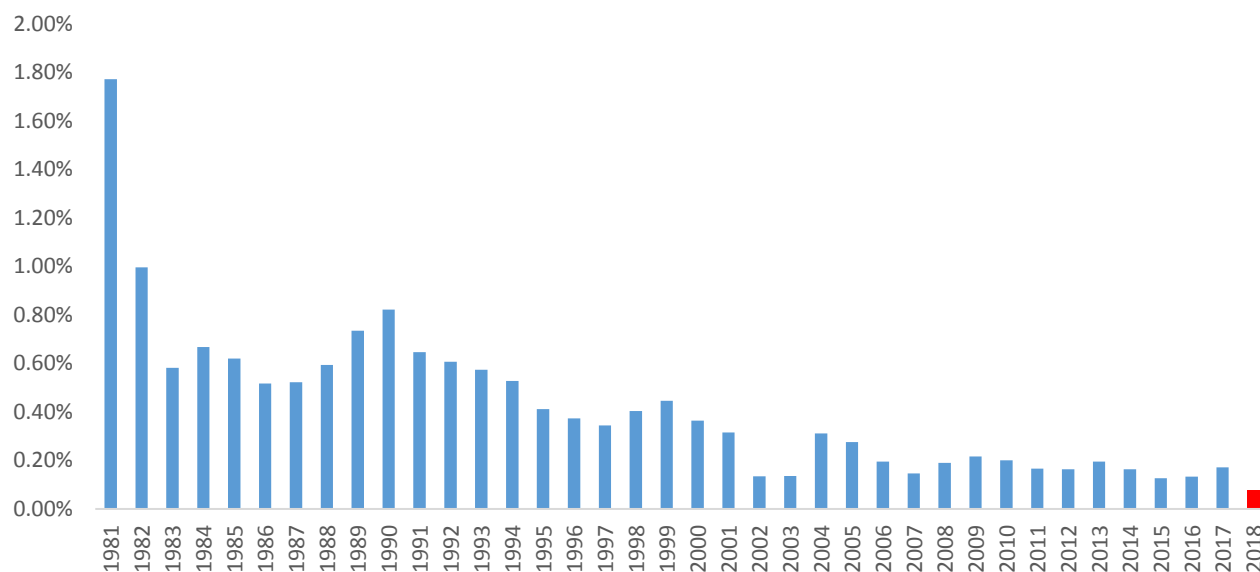
### **H.R. 2826's Numerical Limit on Refugees Is Not Grounded in America's Capacity or the World's Humanitarian Need**

Sec. 2(a) of H.R. 2826 would limit individual Americans' freedom to welcome refugees into the United States by imposing a new annual statutory limit of 50,000 refugees. Assuming that the federal government should directly determine the extent of Americans' generosity toward refugees, it should consider two primary factors: the humanitarian need for resettlement around the world and the capacity of the United States to accept refugees.

Since its conception, the primary purpose of the U.S. Refugee Admissions Program (USRAP) has been—as the Refugee Act of 1980 put it—“to provide a permanent and systematic procedure for the admission to this country of refugees of special humanitarian concern.”<sup>1</sup> Thus, the need for resettlement should factor highly into the government's calculation of the refugee limit. Yet this legislation dramatically escalates a trend of the U.S. government toward accepting a smaller and smaller proportion of people displaced by violence and persecution around the world.

As Figure 1 below highlights, America has chosen to accept a rapidly decreasing share of displaced persons under the United Nations High Commissioner for Refugee's mandate since the early 1990s.<sup>2</sup> H.R. 2826 would worsen this trend, essentially rejecting the highest share of displaced persons worldwide in the history of the modern U.S. refugee program. H.R. 2826's cap for 2018 would constitute a share of internationally displaced persons nearly one-sixth of the historical average from 1981 to 2017 and a mere 4 percent of the historic high in 1981.

**Figure: Share of U.N. High Commissioner for Refugee's Population of Concern Resettled in the United States, FY 1981 to 2018**



*Sources: United Nations High Commissioner for Refugees; U.S. Department of State*

In absolute terms, this refugee crisis is the largest since World War II.<sup>3</sup> The raw numbers fail to capture fully the horrors that underlie them. The United Nations, the U.S. Department of State, and Congress has found that the Islamic State is carrying out a “genocide” against Christians, Shia Muslims, and other religious groups in the region.<sup>4</sup> More than seven thousand refugees have drowned in the Mediterranean alone in 2015 and 2016.<sup>5</sup> In total, more than 10,000 displaced people around the world died in flight in 2016, the most on record.<sup>6</sup> Doctors Without Borders has found “catastrophic malnutrition” in refugee camps.<sup>7</sup>

H.R. 2826 would also be abnormal relative to the capacity of the United States, representing a major departure from its historic refugee intake. It would allow a per-capita admission rate almost half the average from 1980 to 2017, and 250 percent below the average rate under the Reagan and H.W. Bush administration from 1981 to 1993.<sup>8</sup> Refugee inflows already add only a tiny amount to U.S. population growth. Had all 110,000 refugees come in 2017, it would have amounted to only a 0.03 percent increase in the U.S. population. Even in absolute numbers, 50,000 is 40 percent below the historic average of 80,000 from 1980 to 2017. Given that America is more populous and wealthier than ever, it is clear that H.R. 2826’s cap is not based on America’s capacity to accept refugees.

In most other immigration programs, the government determines the capacity and desire of Americans to accept immigrants directly. The Department of State, for example, does not attempt to calculate how many foreign spouses to admit indirectly. Instead, it admits those spouses who Americans have chosen to sponsor and petitioned for their admission. If the Committee is concerned that the administration inaccurately estimates the capacity and demands of the public, it should allow U.S. residents and U.S. humanitarian organizations to petition for refugees and sponsor them directly.

Canada has successfully operated a private refugee sponsorship program since 1978, resettling more than 220,000 refugees with private sponsors during that time.<sup>9</sup> One government report found that privately sponsored refugees had better economic outcomes than government sponsored refugees.<sup>10</sup> In 2016, sponsors, including churches, nonprofits, and groups of five Canadian citizens, have helped resettle 18,000 Syrian refugees with private money—more than the entire United States government during the same period.<sup>11</sup> In recent years, other countries have also adopted this model.<sup>12</sup>

### **H.R. 2826’s Cap Is Inflexible to Changing Circumstances**

H.R. 2826’s cap is thoroughly divorced from current realities, but even if the bill had based its cap on the current needs and capacity of the United States, its approach would still be wrongheaded. This legislation will have effects on refugee resettlement long after 2018 and its rigid refugee limit has no provision to adjust to changing circumstances or unforeseen emergencies that arise over time. Good governance requires that Congress create systems that are responsive to changes in the world so that its laws do not become anachronistic.

In 1980, Congress had the foresight to understand that it could not predict the future. Under the Refugee Act of 1980, the president establishes a refugee target at the start of each fiscal year after consulting with nonprofits, localities, and Congress.<sup>13</sup> This arrangement allows the

administration to adjust flows based on a thorough accounting of the needs of the world and capacities of the country. Congress always has the opportunity to review, reject, or revise the target before it becomes effective.

The Refugee Act also reflects the reality that no one can predict even a few months into the future. Thus, it allowed the president to raise the refugee limit in the middle of the year in response to certain refugee emergencies. This authority cannot be exercised without first consulting and notifying Congress, and the president must establish that the emergency was unforeseeable and that he cannot admit the refugees under the existing target.<sup>14</sup> H.R. 2826 authors themselves should understand the impossibility of predicting the correct future refugee limits, given that they proposed a 60,000 refugee cap less than a year ago in a bill by the same name.<sup>15</sup> Nonetheless, Sec. 2(b) would strike this important flexibility for the president.

Indeed, the bill's only "procedure" for an adjustment in the refugee limit is its repeal by a future Congress. History amply demonstrates that Congress has had little ability or desire to revise its immigration laws despite vast *domestic* crises that these laws have created. The idea that it will pass new refugee legislation every single year—and possibly multiple times a year—in response to *international* crises simply cannot be believed. If the Committee does accept this view, then it should explicitly build that assumption into the legislation, stating that Congress must take action to establish a new cap or concede its duty to the Executive.

### **Refugees Are Not a Serious Terrorist Threat**

H.R. 2826's other provisions highlight that the reduction in the refugee limit is based on the premise that refugees pose a significant terrorism risk to the lives of Americans in the United States.\* Yet this premise is false. Refugees not only have posed an infinitesimally small risk of terrorism in absolute terms—they have posed a much lower risk of terrorism to Americans than all other legal immigrants and foreign travelers as well as U.S. citizens themselves.

The Cato Institute's 2016 report on immigration and terrorism provides the only estimate of terrorism risk by category of admission to the United States.<sup>16</sup> From 1975 to 2015, the chance of an American being murdered by a refugee terrorist in the United States was 1 in 3.64 *billion* per year. This risk is 135 times less than the risk of death from all U.S.-born terrorists, 1,000 times less than all other foreign terrorists, and 255,000 times less than the risk of death from a regular homicide in the United States (see the Table below). By no measure can the data support the conclusion that refugees are a major threat to the lives of Americans.

Nor is there any reason to believe that this risk will change significantly in the future. Refugee terrorists committed all three of their murders in the 1970s, and more than half of the 21 refugees who have even plotted or attempted an attack of any kind—include non-deadly ones—did so before 1990. Refugees have not involved themselves in any kind of plots or attacks of any scale that would have altered these estimates in any important way. At the same time, the U.S.

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\* Sec. 14 requires that the federal government to "ensure" that any refugee "does not pose a threat" based solely on a background check. Sec. 16 requires reports on refugees convicted of "terrorism-related" offenses. Sec. 8 requires 5-year inspections in federal custody of any refugee who fails to adjust status. Sec. 6 allows recurrent background checks and monitoring of refugees after admission.

immigration system has substantially upgraded its vetting procedures since 9/11, making the likelihood of a major terrorist infiltration even more remote today than earlier.

**Table: Annual Chance of Being Killed in an Attack on U.S. Soil by Original Visa of Terrorist, 1975-2015**

Category	Deaths	Annual Chance of Being Killed
Tourist	2,834	1 in 3.9 million
U.S.-Born	408	1 in 26.7 million
Student Visa	159	1 in 68.9 million
Fiancé Visa	14	1 in 779.7 million
Permanent Resident	8	1 in 1.4 billion
Asylee	4	1 in 2.7 billion
Refugee	3	1 in 3.6 billion

*Sources: Alex Nowrasteh, "Terrorism and Immigration: A Risk Analysis," Cato Institute: Policy Analysis No. 798, September 13, 2016.*

The bill also emphasizes the risk of terrorists committing fraud to access the refugee program. Again, this risk is incredibly small. Only two refugees admitted since 9/11—Uzbek national Fazliddin Kurbanov and Somali national Abdul Artan—have plotted or carried out a terrorist attack in the United States. Neither killed anyone. While it is possible that they committed fraud to obtain refugee status, the government never presented any evidence that they did.\* It is impossible to view these numbers and consider refugee fraud a major threat to Americans.

## **H.R. 2826 Would Obstruct Refugee Integration**

Given the fact that almost no refugees enter the United States as terrorists, the United States should focus heavily on successful post-entry assimilation and integration. Yet H.R. 2826 moves in the other direction, making it more difficult for refugees to integrate and assimilate into American life. Most importantly, Sec. 7 delays the ability of refugees to adjust from refugee status to permanent residency by two years and Sec. 8 makes it effectively impossible for the vast majority of refugees ever to obtain permanent residency in the United States.

Sec. 8 appears to create a system intended to discourage refugees from thinking of America as their new home. It would impose a new requirement that refugees prove that they still meet the legal definition of a refugee after three years of residence in the United States. By itself, this is already an unreasonable request because they have already firmly established themselves in the United States after three years. Moreover, being in the United States and removed from the conflict, refugees would have more difficulty to obtain evidence to support their claim. Sec. 3 would rescind their status if they returned home, so they could not even briefly return to obtain supporting evidence or find witnesses.

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\* Even if we expand our view to refugees convicted of supporting terrorist groups abroad, we find just four other refugees admitted since 9/11 who entered as adults or older teenagers and who committed their offense within their first seven years in the United States, indicating that they may have been terrorism sympathizers at the time of their entry.

Yet the bill would make this already difficult task next to impossible by requiring them to meet their burden with “clear and convincing” evidence, a standard of proof typically required only when someone’s civil liberty is at stake.<sup>17</sup> This would require refugees to meet the second highest standard of proof in the law—second only to “beyond a reasonable doubt”—in order to adjust to permanent residency.<sup>18</sup> It is even higher than the “more likely than not” standard used in most civil lawsuits.

Not only would very few refugees be able to provide “clear and convincing” evidence of their *fear*—which is an internal state—but the ones who enter under this bill would be even less likely to meet it. That is because the bill maintains the current lower standard of proof—“reasonable possibility”—to enter initially the United States as a refugee.<sup>19</sup> Refugees would enter having proven their claim under a lower threshold, and once in the United States, they would have a much higher burden to adjust to permanent residency. This strange process virtually guarantees the inability of most refugees to adjust to permanent status.\*

The United States has long benefited from its open labor market that rapidly incorporates refugees and other immigrants. A major difference between the U.S. refugee system and the German asylum system, for example, is that the U.S. refugees quickly receive permanent residency that allows them to compete on an equal footing. U.S. refugees are more than twice as likely to have employment during their second year in the United States as German asylees.<sup>20</sup> U.S. refugees in refugee status do have work authorization, but dozens of states limit professional licenses to permanent residents or citizens.<sup>21</sup> Thus, H.R. 2826 would inhibit their ability to access the labor market, which is the most powerful tool for assimilation.

Various studies have demonstrated a relationship between the expected period of residency in a country and the willingness of immigrants to invest in skills relevant to that country.<sup>22</sup> Yet this legislation would make it clear that Americans do not accept that the United States is the refugees’ permanent home. Rather than investing in language and technical skills to succeed in the United States, H.R. 2826 would incentivize refugees to subsist on welfare while they await their return.

### **H.R. 2826 Would Negatively Affect the U.S. Economy**

H.R. 2826 reduces the refugee limit from 110,000 to 50,000. Limitations on the entry of refugees are essentially a type of labor market regulation. Refugees, like all other immigrants, contribute to the economy through entrepreneurship, employment, and consumption—all of which benefit U.S. residents. Studies on refugees in the United States and other countries have found that refugees can create wage gains for native workers through their consumption or through skill complementarities.<sup>23</sup> They can also lower prices overall by decreasing the cost of production and creating a new pool of consumers without brand loyalties for which businesses must compete.<sup>24</sup>

The Cato Institute has used a conservative estimate of immigrants’ positive economic contributions to project that U.S.-born citizens benefit to the tune of at least \$476 in wages per

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\* If they fail to reprove their claim, they may live in the United States for five years after which Sec. 8(b) requires the Department of Homeland Security to take “custody” of them and inspect them again. The text is unclear, but it appears possible that, if they fail to prove their eligibility again, they may actually be placed in removal proceedings.

refugee.<sup>25</sup> Over the next decade, that would equal at least a \$326 million in economic costs directly to U.S.-born citizens specifically, assuming that the cap had continued to average 110,000 or greater during that time. To make economic sense, refugee terrorism would have to become a much more common phenomenon. Accepting both the most extreme cost estimates of deaths from terrorism and that the cap reduction would eliminate *all* deaths from terrorism by refugees, the number of deaths from refugee terrorists would still have to be 26 times greater in the future than it was in the past for the security benefits of the cap reduction to outweigh its costs.

One recent study found that despite their high upfront costs, refugees “pay \$21,000 more in taxes than they receive in benefits over their first 20 years in the U.S.”<sup>26</sup> While the legislation is correct to request further analysis of refugees’ use of welfare, the appropriate response to fiscal costs is to find ways to reduce costs by promoting economic integration and finding ways to cost-share with the private sector. Canada’s successful private refugee sponsorship system allows private parties, churches, and nonprofits to sponsor refugees with private money, removing some of the fiscal burden from the government.<sup>27</sup>

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<sup>1</sup> 8 U.S. Code § 1521, note. <https://www.law.cornell.edu/uscode/text/8/1521>

<sup>2</sup> United Nations High Commissioner for Refugees, “The Global Appeal and Supplementary Appeals,” <http://www.unhcr.org/en-us/the-global-appeal-and-supplementary-appeals.html>.

United States Department of State, “Admissions and Arrivals,” Refugee Processing Center, <http://www.wrapsnet.org/admissions-and-arrivals/>.

<sup>3</sup> Euan McKirdy, “UNHCR report: More displaced now than after WWII,” CNN, June 20, 2016, <http://www.cnn.com/2016/06/20/world/unhcr-displaced-peoples-report/index.html>.

<sup>4</sup> Nahal Toosi, “House unanimously condemns ISIL for genocide,” Politico, March 14, 2016, <http://www.politico.com/story/2016/03/congress-genocide-220736>.

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<sup>5</sup> UNHCR Staff, “Mediterranean death toll soars, 2016 is deadliest year yet,” October 25, 2016, <http://www.unhcr.org/afr/news/latest/2016/10/580f3e684/mediterranean-death-toll-soars-2016-deadliest-year.html>.

<sup>6</sup> Mark Townsend and Tracy McVeigh, “Migrant death toll expected to exceed 10,000 in 2016,” The Guardian, <https://www.theguardian.com/world/2016/sep/17/migrant-death-toll-2016-syria-united-nations>.

<sup>7</sup> “Catastrophic malnutrition in refugee camps,” Doctors Without Borders, <http://www.msf.ca/en/article/catastrophic-malnutrition-refugee-camps>.

<sup>8</sup> United States Department of State, “Admissions and Arrivals,” Refugee Processing Center, <http://www.wrapsnet.org/admissions-and-arrivals/>.

<sup>9</sup> Rachel Browne, “‘What’s Enough?’: Pressure Builds to Bring More Syrian Refugees to Canada,” Vice News, September 8, 2015, <https://news.vice.com/article/whats-enough-pressure-builds-to-bring-more-syrian-refugees-to-canada>.

<sup>10</sup> Citizenship and Immigration Canada, “Summative Evaluation of the Private Sponsorship of Refugees Program,” April 2007, <http://www.cic.gc.ca/english/resources/evaluation/psrp/psrp-summary.asp>.

<sup>11</sup> Zi-Ann Lum, “Canada Limits New Private Sponsorships Of Syrian Refugees,” Huffington Post, January 12, 2017, [http://www.huffingtonpost.ca/2017/01/12/canada-private-sponsorship-syrian-refugees\\_n\\_14136364.html](http://www.huffingtonpost.ca/2017/01/12/canada-private-sponsorship-syrian-refugees_n_14136364.html).

<sup>12</sup> Judith Kumin, “Welcoming Engagement: How Private Sponsorship Can Strengthen Refugee Resettlement in the European Union,” Migration Policy Institute, December 2015, <http://www.migrationpolicy.org/research/welcoming-engagement-how-private-sponsorship-can-strengthen-refugee-resettlement-european>.

<sup>13</sup> 8 U.S. Code § 1157(a)

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<sup>14</sup> 8 U.S. Code § 1157(b)

<sup>15</sup> H.R. 4731

<sup>16</sup> Alex Nowrasteh, "Terrorism and Immigration: A Risk Analysis," Cato Institute: Policy Analysis No. 798, September 13, 2016, <https://www.cato.org/publications/policy-analysis/terrorism-immigration-risk-analysis>.

<sup>17</sup> <http://www.nolo.com/legal-encyclopedia/legal-standards-proof.html>

<sup>18</sup> U.S. Court of Appeals for the Ninth Circuit, "Burden of Proof," <http://www3.ce9.uscourts.gov/jury-instructions/node/48>

<sup>19</sup> U.S. Citizenship and Immigration Services, "Radio Directorate - Office Training: Well-Founded Fear Training Module," July 18, 2012,

<https://www.uscis.gov/sites/default/files/USCIS/About%20Us/Directorates%20and%20Program%20Offices/RAIO/Well%20Founded%20Fear%20LP%20%28RAIO%29.pdf>.

<sup>20</sup> David Bier, "Why Refugees Find Jobs Faster in the U.S. Than Germany," Cato at Liberty, October 6, 2016, <https://www.cato.org/blog/why-refugees-find-jobs-faster-us-germany>.

<sup>21</sup> Jenessa Calvo-Friedman, "The Uncertain Terrain of State Occupational Licensing Laws for Noncitizens: A Preemption Analysis," *Georgetown University Law Journal*: Vol. 102:1597, 2014, <https://georgetownlawjournal.org/articles/78/uncertain-terrain-of-state/pdf>.

<sup>22</sup> Miao Chi; Scott Drewianka. "How much is a green card worth? Evidence from Mexican men who marry women born in the U.S." *Labour Economics* Volume 31, December 2014, Pages 103–116. <http://www.sciencedirect.com/science/article/pii/S0927537114001328>.

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<sup>24</sup> Mark Bils. "Pricing in a Customer Market." *Q.J.E.* 104, 1989.

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<sup>25</sup> Alex Nowrasteh, "Huge Net Costs from Trump's New Executive Order Cutting Refugees," Cato Institute, March 6, 2017, <https://www.cato.org/blog/huge-net-costs-trumps-new-executive-order-cutting-refugees>.

<sup>26</sup> William N. Evans, Daniel Fitzgerald, "The Economic and Social Outcomes of Refugees in the United States: Evidence from the ACS," NBER Working Paper No. 23498, June 2017, [http://www.nber.org/papers/w23498?utm\\_campaign=ntw&utm\\_medium=email&utm\\_source=ntw](http://www.nber.org/papers/w23498?utm_campaign=ntw&utm_medium=email&utm_source=ntw).

<sup>27</sup> Government of Canada, "Guide to the Private Sponsorship of Refugees Program," <http://www.cic.gc.ca/english/resources/publications/ref-sponsor/>.