

STUDY OF REFUGEE RESETTLEMENT - BACKGROUND MEMORANDUM

House Bill No. 1427 (2017) ([Appendix A](#)) provides for a Legislative Management study of the refugee resettlement process in the state. The scope of the study was revised by the Legislative Management to provide for a review of the impact of refugee resettlement on workforce, government services (particularly law enforcement), human services, education, and health care. The study must include recommendations to improve or modify the resettlement process.

BACKGROUND Federal Refugee Act of 1980

The federal Refugee Act of 1980 (Pub. L. 96-212), which became effective April 1, 1980, was an amendment to the earlier Immigration and Nationality Act and the Migration and Refugee Assistance Act. The Refugee Act of 1980 was enacted to provide a permanent and systematic procedure for the admission to the United States of refugees of special humanitarian concern to the United States and to provide comprehensive and uniform provisions for the effective resettlement and absorption of those refugees who are admitted.

The Act defines a refugee as "any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."

The main objectives of the Act were to:

- Create a new definition of refugee based on the definition created at the United Nations Convention and Protocol on the Status of Refugees;
- Establish the Office of United States Coordinator for Refugee Affairs and the Office of Refugee Resettlement (ORR); and
- Establish explicit procedures on how to deal with refugees in the United States by creating a uniform and effective resettlement and absorption policy.

The Refugee Act of 1980 requires the President, in consultation with the United States Congress, to determine the maximum number of refugees to be admitted to the country each year. The federal Bureau of Population, Refugees, and Migration screens refugees to determine whether they are eligible for resettlement in the United States. Once the Bureau of Population, Refugees, and Migration accepts a refugee for resettlement, it works with ORR, which is a division of the United States Department of Health and Human Services, and national volunteer agencies to place the refugee in an American community. The Office of Refugee Resettlement places refugees according to plans it develops with input from national volunteer agencies and state and local government representatives. The plans aim to avoid resettlement in areas that are already highly impacted by the presence of refugees to the extent practicable. Additionally, when ORR decides to place a refugee in a state, ORR must consider the recommendations of the state regarding the appropriate community for placement. The ultimate decision regarding placement; however, is with the federal government.

State Refugee Resettlement Plan

The Refugee Act of 1980 requires each state to submit a refugee resettlement plan to ORR and obtain ORR's approval of the plan before the state can receive refugee resettlement assistance funds. When a state wishes to amend its plan, the Governor of the state must approve the amended plan and submit it to ORR for final approval. To receive approval, a plan must include all the elements required under federal law, and the state must agree to comply with all federal laws, regulations, and official issuances of the Director of ORR. Since the enactment of the Refugee Act of 1980, the North Dakota Department of Human Services, in consultation with Lutheran Social Services of North Dakota, has prepared and submitted the state's refugee resettlement plan to ORR. In preparing the state plan, the department also receives information and recommendations from the local refugee advisory committees located in Fargo, Grand Forks, and Bismarck. A copy of North Dakota's 2016 federal fiscal year state plan is attached as [Appendix B](#).

Refugee Resettlement Program

North Dakota Century Code Section 50-06-01.4 assigns responsibility for refugee services to the Department of Human Services. Until 2010 the department employed a full-time refugee coordinator and administered the Refugee Resettlement program. The department acted as a fiscal passthrough agent for federal refugee services funding and played a larger role overall in the state's involvement in refugee resettlement. In July 2010, as the result of a memorandum of understanding between the department and Lutheran Social Services, the department transitioned most refugee-related services to Lutheran Social Services. The decision to transition refugee resettlement services was an executive branch decision by Governor John Hoeven. The transition shifted the responsibility for securing federal grant funding, providing services, and fulfilling required reporting requirements to Lutheran Social Services, the only federally recognized and approved refugee resettlement organization in the state.

As part of the transition, ORR required the Department of Human Services to retain responsibility for the Unaccompanied Refugee Minor program, which provides foster care for federally designated refugee children, and the Refugee Medical Assistance program, which provides up to 8 months of medical assistance coverage for legally admitted refugees. These two programs are funded through federal funds.

Funding for Refugee Resettlement Program

Federal resettlement assistance to refugees is provided primarily through the state's Refugee Resettlement program, which is administered by Lutheran Social Services. The Refugee Resettlement program is 100 percent federally funded. The following schedule provides information regarding legislative appropriations for the Refugee Resettlement program from the 2009-11 biennium through the 2017-19 biennium.

	2009-11 Biennium	2011-13 Biennium	2013-15 Biennium	2015-17 Biennium	2017-19 Biennium
Department of Human Services	\$4,095,632	\$2,731,279	\$2,848,472	\$4,206,208	\$2,756,113

The Department of Human Services Children and Family Services Division receives and reviews all refugee grant applications that are focused on the resettlement services and process. The department awards grants each year to the extent federal funding is available and within the published guidelines.

Number of Refugees Resettled

The following schedule provides a summary of the total refugees that have been resettled into North Dakota for federal fiscal years 2003 through 2016.

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Number of annual refugee resettlements	111	223	225	182	202	403	438	470	354	555	449	590	506	558

PREVIOUS STUDY

The 1995-96 Budget Committee on Human Services studied refugee resettlements in the state and the net fiscal effects of refugees and other limited English proficient or language minority students on school districts and the providers of social services. The committee received information regarding estimated costs to resettle refugees, the sources of funds for resettlement costs, support services for refugees, negative impacts of resettlement, and the costs to school districts for serving students with limited language proficiency.

The committee recommended a bill, which was approved by the Legislative Assembly, to provide school districts with additional payments for each student in the school district that had limited English proficiency.

A copy of the final committee report is attached as [Appendix C](#).

PROPOSED STUDY PLAN

The following is a proposed study plan for consideration by the committee:

1. Receive information regarding the current refugee resettlement process, including the responsibilities of the Department of Human Services.
2. Receive information from representatives of Lutheran Social Services regarding the resettlement process.
3. Receive information from other state agencies regarding services provided by the agencies as part of the resettlement process.

4. Receive information regarding the impact of refugee resettlement from representatives of stakeholder groups, including providers of government services, educational services, law enforcement agencies, human services providers, and health care providers.
5. Receive information from representatives of business and industry regarding the impact of refugees on the workforce.
6. Receive testimony from other interested persons regarding refugee resettlements, related costs, and impacts to communities and the state.
7. Develop recommendations, including options to improve or modify the resettlement process, and any bill drafts necessary to implement the recommendations.
8. Prepare a final report for submission to the Legislative Management.

ATTACH:3