



Insider Perspectives: National Security and Immigration

Robust Refugee Programs Aid National Security

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Note:

This brief is part of a series of papers exploring the intersection between national security and immigration issues. The papers are aimed at helping to facilitate constructive conversations that will lead to bipartisan efforts to modernize our immigration system. We begin with the premise that our nation's immigration system can, and should, treat immigrants with dignity and compassion while serving our national security interests. The author is a senior advisor to the National Immigration Forum on national security matters and a former DHS Assistant Secretary for Counterterrorism and Threat Prevention during the Trump administration.



Introduction

Restoring and strengthening the U.S. Refugee Admissions Program (USRAP) is critical for our national security. The United States has a storied history as a global leader and beacon of hope in providing refuge to individuals fleeing persecution. Our moral and humanitarian leadership in welcoming refugees sets an example and encourages other countries to do so as well. It is time to reaffirm the long-standing principle that admitting refugees to the United States is in our national interest. Admitting refugees has not only a foreign policy benefit but an economic one as well.¹ Together these benefits strengthen our national security.

Despite recent rhetoric, refugees are the most thoroughly vetted individuals who come to the U.S. and are more scrutinized than those who receive immigrant visas, tourist visas or work visas. Statistics show that refugees commit crimes in far fewer numbers than people born in the United States.²

Further, the growing challenge of forcibly displaced persons is increasingly becoming a national security issue. Participating in the solutions to address the needs of forcibly displaced persons benefits our nation's security.

A Growing Challenge Unmet

In 2019, 79.5 million individuals were forcibly displaced — a term the United Nations (U.N.) defines as being displaced as a result of persecution, conflict, violence, or human rights violations. Of those, 45.7 million were people internally displaced in their country of origin, 4.2 million were asylum-seekers, and 26 million were registered refugees. Of the refugees, only 107,800 were resettled worldwide in 2019.⁴

It is the highest level of displacement on record. These high levels of displacement, if unaddressed, can lead to increased national security risks.

The United States' posture toward immigrants, asylees, and refugees during the Trump administration has damaged our nation's security. Much of this damage is from xenophobic rhetoric, reducing the refugee ceiling to historic lows, and immigration restrictions cloaked in arguments of security but clearly designed to prevent people from predominantly Muslim countries and poor countries from coming to the U.S. I believe that the damage extends further.

¹ Rosanna Kim and Ariana Berengaut, "Restoring U.S. Global Leadership on Refugee Protection," National Conference on Citizenship & Penn Biden Center for Diplomacy and Global Engagement, October 2020,

<https://global.upenn.edu/sites/default/files/penn-biden-center/Restoring%20U.S.%20Global%20Leadership%20on%20Refugee%20Protection.pdf>; Jeff Mason, "Immigrants as Economic Contributors: Refugees Are a Fiscal Success Story for America," National Immigration Forum, June 14, 2018, <https://immigrationforum.org/article/immigrants-as-economic-contributors-refugees-are-a-fiscal-success-story-for-america>.

² "Is There a Link Between Refugees and U.S. Crime Rates?," New American Economy (New American Economy Research Fund, February 7, 2017),

<https://research.newamericaneconomy.org/report/is-there-a-link-between-refugees-and-u-s-crime-rates/>.

³ "Global Trends: Forced Displacement in 2019" (United Nations High Commissioner for Refugees, June 18, 2020): 2, <https://www.unhcr.org/5ee200e37.pdf>.

⁴ "Global Trends," 2.

The U.N.'s annual report *Global Trends: Forced Displacement in 2019* shows that for the past decade, approximately 75% of forcibly displaced persons have fled to neighboring countries. This results in 85% of forcibly displaced persons being hosted in developing regions,⁵ and as defined by the U.N., 27% are hosted by Least Developed Countries.⁶ This latter point is a startling finding for the counterterrorism mission: these Least Developed Countries — “Bangladesh, Chad, the Democratic Republic of the Congo, Ethiopia, Rwanda, South Sudan, Sudan, the United Republic of Tanzania, Uganda and Yemen — were home to 13% of the world’s population. Accounting for just 1.2% of the global gross domestic product, they had the fewest resources available to meet the needs of people seeking refuge.”⁷

These are parts of the developing world where the pressure of caring for large displaced populations overwhelms infrastructure and resources, bringing a risk of destabilizing the host country. Further, the current global approach to refugees leaves a large number of vulnerable people enduring years of circumstances that could increase their susceptibility to the recruitment tactics of traffickers, criminals and terrorists. Finally, these Least Developed Countries not only have economic and infrastructure challenges, but many of them are engaged in conflicts themselves, and several of them have active terrorist movements within their borders. For all of these challenges, I fear that those left to languish in the queue for long periods of time could become vulnerable to bad actors exploiting their resentment and hopelessness — creating potential radicalization paths for the next generation of extremism and terrorist recruits.⁸

In 2016, when looking at the increased displacement brought on by the crisis in Syria, Joseph Cassidy, a Global Fellow at the Wilson Center, argued, “We have a long term national security interest in making sure Syrian refugees (and others) are not trapped in squalid, hopeless conditions, where the embers of resentment can be fanned by extremists into fiery, anti-American hatred. Sometimes not addressing refugee issues can be dangerous too.”⁹

⁵ “Global Trends,” 22.

⁶ See: “UNSD – Methodology,” UN Stats, United Nations, accessed November 13, 2020, <https://unstats.un.org/unsd/methodology/m49> for a list of countries included under ‘Developed Regions’ and ‘Least Developed Countries’.

⁷ “Global Trends,” 22.

⁸ Though outside the scope of this paper, it is worth noting scholars have varying theories of radicalization and root causes of terrorism. Most agree it is not a linear path and individuals can respond to the same set of circumstances differently. One psychological model of radicalization suggests that “an individual’s mindset and worldview establish a psychological climate within which various vulnerabilities and propensities shape ideas and behaviors in ways that can increase the person’s risk or likelihood of involvement in violent extremism.” (Randy Borum, “The Etiology of Radicalization,” in *The Handbook of the Criminology of Terrorism*, ed. Gary LaFree and Joshua Freilich (West Sussex: Wiley Blackwell, 2017), 17-32.) Borum describes vulnerabilities as the need for meaning, identity, need for belonging, and injustice/humiliation. David Webber and Arie Kruglanski suggest that radicalization “lies at the intersection of three psychological forces labeled as the “3 Ns”: (1) the needs or motivation of the individual, (2) the ideological narratives of the culture in which the individual is embedded, and (3) the dynamic interplay of group pressure and social influence that occurs within the individual’s social network.” In particular, they note that it is a “fundamental human need to matter — to be someone, to be respected in the eyes of others, to earn a sense of self-worth” and when a loss of significance occurs or the threat of significance loss it can trigger a “quest for significance.” They cite multiple scholars describing various triggers such as an instance of emotional vulnerability, disenfranchisement, personal victimization or political grievance, an attack, or experience of humiliation. (David Webber and Arie W. Kruglanski, “Psychological Factors in Radicalization: A “3N” Approach,” in *The Handbook of the Criminology of Terrorism*, ed. Gary LaFree and Joshua Freilich (West Sussex: Wiley Blackwell, 2017), 33-46.) Being displaced for long periods of time without resolution, could create vulnerabilities in one’s basic psychological need for significance. These vulnerability factors could contribute, but are not the only aspects that contribute, a radicalization process.

⁹ Joseph Cassidy, “8 Misguided Arguments on Refugees and Terrorism,” Wilson Center, October 17, 2016, <https://www.wilsoncenter.org/article/8-misguided-arguments-refugees-and-terrorism>.

The current global system for addressing forcibly displaced persons is insufficient. During the Trump administration, we lost four years where the U.S. could have been addressing this extremely complex problem that will pose national security risks to the U.S. in the future. While the pandemic has reduced some migration, this is temporary. All projections are that the number of forcibly displaced people will continue to climb.

Recommendations

By all accounts, the incoming Biden administration intends to begin repairing the damage the Trump administration has caused.¹⁰ I support their intent to increase the refugee ceiling and address root causes that lead to displacement and offer these recommendations in further support of the initial plans Biden’s transition team has made available:

1. Strengthen the U.S. Refugee Admissions Program.
2. Re-engage with our allies to address the growing numbers of forcibly displaced persons.
3. Lay a foundation for future national security benefits.

1. Strengthen the U.S. Refugee Admissions Program

The Biden team has indicated that they intend to revise the admissions target to 125,000 and “raise it over time.”¹¹ This is a noble vision and will contribute to restoring U.S. standing in the world. The current infrastructure that supports the admissions process will need a significant infusion of resources to go from a target of 15,000, set by President Trump in October, to 125,000 within a single year.

The National Conference on Citizenship and the Penn Biden Center for Diplomacy and Global Engagement released a report in late October outlining [*A Roadmap to Rebuilding the U.S. Refugee Admissions Program \(Roadmap\)*](#).¹² The report notes:

Even prior to the Trump administration, USRAP was not able to rapidly admit significant numbers of refugees due to processes that were highly susceptible to bottlenecks and in need of modernization. This includes overseas processing procedures facing significant backlogs, [and] an unnecessarily inefficient system of security vetting that has been built up over the past decades.... A new administration should prioritize reforms to drive improvements in USRAP’s core operations that will grow refugee admissions in the near-term and create a foundation for sustaining increased admissions in the future.

¹⁰ “The Biden Plan for Securing Our Values as a Nation of Immigrants,” Joe Biden for President: Official Campaign Website, August 5, 2020, <https://joebiden.com/immigration/>.

¹¹ “The Biden Plan.”

¹² “A Roadmap to Rebuilding the U.S. Refugee Admissions Program,” National Conference on Citizenship & the Penn Biden Center for Diplomacy and Global Engagement, October 2020, <https://www.ncoc.org/wp-content/uploads/2020/10/Final-Report-A-Roadmap-to-Rebuilding-USRAP.pdf>.

The Biden administration should consider the numerous recommendations for programmatic and process improvements included in the *Roadmap*.

What follows are additional recommendations to address critical national security concerns. Some of these recommendations highlight the *Roadmap's* recommendations to the extent there is a national security nexus. Implementing these recommendations will strengthen the USRAP and ensure that increased numbers of properly vetted refugees are resettled in the U.S.

Immediately increase the refugee ceiling for fiscal year (FY) 2021 to a level that is operationally feasible given current security vetting constraints and move to a multi-year planning approach that aligns budget and resources for the USRAP with the targeted ceiling.

The *Roadmap* finds that if investments are made to the core infrastructure of USRAP, then it may be possible to resettle “at least 50,000 refugees by the end of FY21,”¹³ and determined that scaling to 125,000 by FY22 is “challenging, but attainable.”¹⁴ The report also acknowledges that the “new administration should rightly set a higher target as a signal of political priority and commitment.”¹⁵

It is important for incoming Biden administration officials to learn the lessons of the 2015-2016 attempt to rapidly increase the number of resettled refugees. Lacking staff and burdened with inefficient processes and outdated technology, the program was strained beyond capacity and potential vulnerabilities were introduced. Since that time, the U.S. government's security vetting processes have continued to mature and improve (see below), but sustained attention to vetting enhancements will be needed for the USRAP to securely process 125,000 or more refugees.



¹³ “Roadmap,” 3.

¹⁴ “Roadmap,” 3.

¹⁵ “Roadmap,” 3.

Attempting to achieve the higher target requires **immediate** investments in the personnel, technology, and process improvements needed for the USRAP. Critically, the current fee-funded approach for USCIS and USRAP will not allow for the proposed rapid scaling. This is made all the more challenging by pandemic-related immigration restrictions which have all but ceased the flow of fees. The incoming administration will need to immediately work with Congress to appropriate funds to scale the program. The *Roadmap* provides extensive recommendations on personnel, technology, and process improvements needed for the USRAP - though they are not explicitly related to national security, if they are not addressed, it will create *security vulnerabilities* in the pressure to admit more refugees.

In setting the new ceiling for FY21, the Biden Administration should clearly explain to partners that there are operational constraints within the USRAP which will pose a challenge in achieving the aspirational number. They should also signal their immediate investments in the infrastructure needed to scale the program. And in doing so, the Biden Administration should consider moving to a multi-year planning approach, instead of the current annual ceiling approach, which would allow the USRAP and its partners to strategically plan and build capacity.

Strengthen the National Vetting Center (NVC); Prioritize and Expedite Operationalizing the Refugee Vetting Process.

The National Vetting Center (NVC),¹⁶ established in 2018 through National Security Presidential Memorandum 9 (NSPM-9), furthers the 9/11 Commission's recommendations to enhance interagency collaboration to ensure that agencies responsible for adjudicating immigration benefits, such as the State Department and United States Citizenship and Immigration Services (USCIS), have appropriate access to potentially derogatory information held by national security partners.¹⁷ This access assists adjudicators in determining whether an applicant is ineligible for a benefit or admission to the U.S. When fully implemented, the NVC will automate many of the lengthy manual security checks required for refugee processing, which will allow background checks of refugees to be more thorough and quicker.

- In order for the Biden administration to achieve its goal of resettling 125,000 refugees, the National Vetting Governance Board will need to review its implementation plan and potentially re-sequence the order of Vetting Request Sets to ensure refugees can be assessed by the NVC by FY22.
- NVC operations are dependent on the dedication and contributions of partner agencies and their associated budgets. The Biden administration should send a strong signal to both Adjudicating Agencies and Vetting Support Agencies that the National Vetting Center is a priority for the new administration and to align their personnel, budgets and technology investments accordingly.

¹⁶ NVC provides a common technology platform and process to allow for a coordinated and comprehensive review of relevant information. It streamlines the transfer of unclassified applicant and traveler information to classified environments, where it is compared against highly restricted information held by national security partners.

¹⁷ "National Vetting Center," U.S. Customs and Border Protection, accessed November 2, 2020, <https://www.cbp17.gov/border-security/ports-entry/national-vetting-center>.

- The Biden administration also should ensure that NVC and partner agencies are sufficiently funded to expedite incorporation of the refugee population into the NVC. Specifically, ensure USCIS and the Vetting Support Agencies are funded to hire additional personnel and contract support, in order to make the operational improvements that are necessary for incorporating additional Vetting Request Sets (e.g. Asylees, Refugees, Immigrant Visas, etc.) and screening against other datasets (e.g. Transnational Organized Crime, Cyber Threat Actors, biometrics), often called depth/breadth expansion.
- The National Security Council should leverage the National Vetting Governance Board to track security-check status and prioritize addressing backlogs across agencies.¹⁸
- The National Vetting Governance Board and, if needed, the National Security Council should expedite the review of the role of the Security Advisory Opinion (SAO) Process and determine what processes can be sunset due to unnecessary redundancy and what procedural adjustments should be made to address current threat trends.
- The National Vetting Governance Board and the National Security Council should review the response protocols of Vetting Support Agencies to ensure that a fulsome account of derogatory information is provided to the adjudicator in a timely manner. This has been an ongoing conversation for years that remains somewhat improved, but not fully resolved. All parties should remember the findings of the 9/11 Commission report and find a path forward that allows for appropriate sharing of intelligence that respects the legal authorities of the adjudicators.

Have an Honest Discussion about Risk Tolerance and Determine the Path Forward for the Priority 2 (P-2) Population.

There is a significant backlog of Iraqis awaiting approval as Priority 2 (P-2) refugees.¹⁹ The *Roadmap* report recommends:

Resume processing of Iraqi cases from the P-2 Iraqi Direct Access Program (DAP). Following the closure of the Iraqi SIV program in September 2014, Iraqis who supported U.S. military activities in Iraq have only been able to access USRAP by applying through DAP. Over 100,000 Iraqis are currently stuck in the USRAP pipeline and are waiting at different stages of the process – some for more than 10 years. Security considerations in Iraq have limited the ability of USCIS to conduct interviews, with recent embassy shutdowns having stopped interviews completely. However, even accounting for historically low [Presidential Determinations] under the Trump administration, processing of this population has been unreasonably poor. A new administration should direct attention on processing this backlog by utilizing virtual interviews and other remote processing tools.

¹⁸ “A Roadmap to Rebuilding,” 28.

¹⁹ Lara Jakes, “Under Trump, Iraqis Who Helped U.S. in War Are Stalled in Refugee System,” *The New York Times*, November 2, 2019, <https://www.nytimes.com/2019/11/02/world/middleeast/trump-refugees-iraq.html>.

The danger to these Iraqis may be deepening. Recent reporting from the Washington Post indicates that Iranian-backed militias have gained access to names, addresses, and other personally identifying information for Iraqi translators who support the US Military,²⁰ and the acting Secretary of Defense announced a further drawdown of troops from Iraq.²¹

Those who put their lives at risk to help Americans deserve to have answers instead of continuing to live in limbo. This matter should be resolved quickly and with an eye toward the precedent it will set. The military relies heavily on partnering with local communities when it engages in conflicts. The long delays have likely already had a chilling effect; a decision that does not allow for a sufficient portion of people in this backlog to resettle in the United States will have long-term impact on our security.

The National Security Council should hold a robust dialogue about the level of risk the U.S. is willing to tolerate with regard to the P-2 population and keeping our promises. The current approach of zero risk tolerance treats potentially tenuous derogatory information as definitively derogatory. It is the responsibility of all involved in the USRAP process, including those in the vetting enterprise and adjudicators, to balance national security with the need to keep our commitment to those who have put themselves in harm's way. Upon resolution of this risk assessment, the National Vetting Governance Board should review and occasionally audit the implementation of that guidance to ensure that all partners are adhering in a consistent manner.



²⁰ Louisa Loveluck, Missy Ryan, and Mustafa Salim, “They Served alongside U.S. Soldiers. Now They Fear That Iran’s Allies in Iraq Will Strike Back.,” *The Washington Post*, November 12, 2020, https://www.washingtonpost.com/world/middle-east/iraq-militias-contractors-translators/2020/11/12/2f2296e0-07d4-11eb-8719-odf159d14794_story.html.

²¹ Dan Lamothe and Missy Ryan, “As Trump’s Term Nears Close, Administration Announces Troop Level Cuts in Afghanistan and Iraq,” *The Washington Post*, November 17, 2020, https://www.washingtonpost.com/national-security/trump-troop-cut-afghanistan-iraq/2020/11/17/ed6f3f80-28fa-11eb-b847-66c66ace1afb_story.html.

2. Re-engage with Our Allies to Address the Growing Numbers of Forcibly Displaced Persons.

For four years, the U.S. has largely refused to participate in international discussions on how to address the problem of increased numbers of forcibly displaced persons. The U.S. withdrew from the Global Compact on Migration in December 2017 and the Global Compact on Refugees in November 2018 on the grounds that the compacts would infringe on U.S. sovereignty.

While it is a legitimate need of a state to ensure its sovereignty, stepping away from these compacts increases the national security challenges of the future. This paper does not make recommendations on specific solutions, but urges the Biden administration to return to the table and develop solutions to address this growing challenge. As explained in the introduction, I and others are very concerned that the large numbers of forcibly displaced persons hosted in countries with limited infrastructure and means to care for them will create tomorrow's national security challenges. The Biden administration should consider how to prioritize help for the Least Developed Countries that serve as the first country of asylum. They should also work with the United Nations High Commissioner for Refugees (UNHCR) and other partners to develop a strategy to address the growing challenges within the Western Hemisphere, updating our resettlement strategy, and then turn to other regions that are considered developing and overwhelmed for the reasons cited above.

3. Lay a Foundation for Future National Security Benefits

Reduce risk of future extremism by expediting processing. As the USRAP works to build operational capability to process higher levels of refugee admissions, it also should work to expedite the processing time within USCIS, as well as the UNHCR or NGO referral process. The extensive delays waiting for adjudication, sometimes decades long, leave families in limbo for far too long. The sooner cases can be adjudicated — even if applications are denied — the more quickly displaced people have the opportunity to move on with their lives.

Improvements in efficiency are possible given ongoing modernization efforts at USCIS and enhancements in the security vetting process. The Roadmap provides a number of practical recommendations on how to further improve efficiencies in the USRAP.

Make investments in front-end procedures for future Special Immigrant Visa and P-2 populations. As noted above, the U.S. relies heavily on partnerships to protect our country. We should assume that in the future, the U.S. will need to ask for help from local community members in overseas conflicts. To ensure the U.S. does not repeat the experience of the Iraqi P-2 population, which lacked documentation to support the role they played in supporting the U.S., the U.S. Department of Defense (DOD) should work with USCIS and the NVC to identify the information that should be collected up front on individuals who provide support to DOD and ensure such information is made available for vetting purposes in the future. To the extent that it is operationally feasible, DOD could leverage the NVC to vet individuals before they are employed by the military. Such procedures should take into account the operational limitations of collecting information while in-theater.

Conclusion

As the Assistant Secretary for Counterterrorism and Threat Prevention, I was responsible for overseeing the vetting “enhancements” required by the President’s Executive Orders 13780 and 13815.²² I had the privilege of visiting the UNHCR’s reception centers on the Greek Islands and in Egypt and the U.S. Refugee Processing Center in Egypt to examine the processes and technology used at various stages of vetting. I had two primary takeaways: 1) The vetting incurred by a prospective U.S.-bound refugee is more significant than any other immigrant or non-immigrant visitor to the United States,²³ and 2) We have to move faster — the sometimes decade-long wait for a displaced person to be resettled is not only inhumane but could increase their susceptibility to being radicalized.

The United States cannot alone solve the complexity of resettling refugees in a timely manner, nor is it the U.S.’s responsibility to shoulder the full burden. But ignoring the problem is only making it more difficult to solve. I applaud the incoming Biden administration’s intent to increase the refugee ceiling and engage in the critical and complex work of addressing the root causes of forced displacement. And I encourage them to strengthen the U.S. Refugee Admissions Program to achieve that goal in a way that ensures our continued security.



²² “Executive Order 13780 of March 6, 2017, Protecting the Nation From Foreign Terrorist Entry,” *Code of Federal Regulations*, title 3 (2017): Section 1(h). <https://www.govinfo.gov/content/pkg/FR-2017-03-09/pdf/2017-04837.pdf>; “Executive Order 13815 of October 24, 2017, Resuming the United States Refugee Admissions Program With Enhanced Vetting Capabilities,” *Code of Federal Regulations*, title 3 (2017), <https://www.govinfo.gov/content/pkg/FR-2017-10-27/pdf/2017-23630.pdf>.

²³ “Refugee Processing and Security Screening,” (U.S. Citizenship and Immigration Services, Department of Homeland Security, last modified June 3, 2020), <https://www.uscis.gov/humanitarian/refugees-and-asylum/refugees/refugee-processing-and-security-screening>; See also Idean Salehyan, *The Strategic Case for Refugee Resettlement*, The Niskanen Center, September 2018, https://www.niskanencenter.org/wp-content/uploads/old_uploads/2018/09/NC-Refugee-Paper-SalehyanElec_FINAL.pdf, 3: “These cuts were predicated on the notion that refugees could potentially pose a security risk to the U.S. However, these fears are misplaced, as vetting procedures for refugees are quite robust.”

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