

CONSTRUCTING CLEAN CASES: A SOCIAL ORGANIZATIONAL PERSPECTIVE ON REFUGEE SELECTION

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Abstract

Resettlement is a highly valuable and yet scarce humanitarian resource provided to one percent of refugees each year. But how are refugees selected? Surprisingly, we do not have an adequate answer to this question. Sociological scholarship, however, suggests that refugees will be selected on the basis of two criteria: humanitarian values or national interests. Drawing on expert interviews, analysis of government debates, and descriptive statistics covering refugees resettled between 2002 and 2017, this paper examines these hypotheses through a study of the US program. Ultimately, I find that resettlement is characterized by distributional imbalances that cannot be explained by the underlying “needs” of the global refugee population or likely measures of US interests. To develop an alternative account, this paper draws attention to meso-level organizational factors and the socially-generative effects of measures and evaluations.

Specifically, I show that a push to resettle refugees based on individual needs following the end of the Cold War conflicted with the social organization of resettling refugees in practice. The result was declining admissions and concerns about the long-term viability of the US system. Stakeholders therefore became increasingly focused on numbers and quotas, leading practitioners to build a reformed system of selection based on the administrative construction of “clean cases.” These are cases that can be identified and processed abroad in efficient and predictable ways to meet annual admission demands under complex constraints. While this system has allowed for the resettlement of over a million refugees over the past twenty years, it also undermines ideals of distributional equality and “rescue” that underpin official discourses of resettlement and its value as an instrument of refugee protection. Critically, however, these departures from humanitarian ideals stem from the transnational social system of constructing clean cases rather than the pre-existent interests of the state or inherent characteristics of refugees.

Introduction

“Resettlement is not a solution for all the world’s refugees but it is a life saving measure to ensure the protection of those most at risk and whose lives often depend on it.”

- *Grainne O’Hara, UNHCR’s Director of International Protection.*

“We tell ourselves that we’re saving peoples’ lives. But we’re not. [Resettlement’s] a numbers game. It’s about budgets and keeping numbers up. It’s just too selective by design.”

- *Senior Resettlement Practitioner, interviewed May 2019*

Refugee resettlement is a highly valuable humanitarian resource that offers the only viable, safe, and legal route out of exile for many of today’s refugees (Fee and Arar 2019; UNHCR 2018; UNHCR 2020). Despite its value, however, less than one percent of the global refugee population are resettled in any given year, such that “only a small fraction of those at risk [find] a safe and lasting solution to their plight” (UNHCR 2020:10). Resettlement is thus scarce, raising the critical question of how this resource is distributed (c.f. Calabresi and Bobbitt 1978; Krause 2014; Redfield 2008).

The opening quote from Grainne O’Hara, Director of the UNHCR’s International Protection Division, represents the official explanation for how scarce resettlement spaces are distributed. According to O’Hara, whose division identifies global priorities, resettlement is not a general solution for refugees, but rather a “life saving measure [for] those most at risk and whose lives often depend on it.” Resettlement therefore goes only to those most “in need.” The view of resettlement provided by O’Hara predominates in official discourse, regularly appearing in state and NGO documents and frequently offered up by desk officers and practitioners. The US State Department, for example, submits a document to Congress each year in which it repeatedly states that resettlement is for those refugees “most in need” (e.g., US State Department 2018). Similarly,

organizations like Amnesty International or the International Red Cross frequently emphasize that resettlement is a protection tool for those “most at risk of harm.”¹

Surprisingly, however, researchers have not adequately interrogated official discourse around resettlement. This neglect stands in contrast to the sizable literature examining how countries regulate the provision of asylum at or within its borders (Feldman 2011; Jensen 2018; Menjívar 2006; Mountz 2010; Squire 2009). This body of work challenges claims of liberal humanitarianism in asylum policy and instead shows that states restrict access to asylum and punish asylum seekers through routine acts of state violence (Abrego 2011; Feldman 2011; FitzGerald 2019; Menjívar 2006; Mountz 2010; Zolberg 2005). When these scholars do address resettlement, they do so in order to critique state constructions of the good/deserving refugee versus bogus/undeserving asylum seeker (Gibney 2004; Menjívar 2000; Zetter 2007), therefore leaving official claims around refugee selection for resettlement unexamined. On the other hand, accounts that focus more directly on resettlement foreground annual quotas and admission numbers, whether to infer or compare the “openness” or liberalism of different countries (Hollifield, Martin, and Orrenius 2014; Joppke 1998); or to examine the decline of resettlement spaces following the end of the Cold War (Chimni 2004). Both approaches fail to address how scarce resettlement spaces are actually distributed across the global refugee population.

This paper addresses this gap in our understanding through a case study of the United States’ contemporary refugee admissions program. Since the passage of the 1980 Refugee Act, which formalized a federal resettlement system, the United States has admitted roughly seventy percent of all refugees resettled globally. Coupled with its funding of the UNHCR, the large

¹ <https://www.amnesty.org/en/latest/campaigns/2016/03/why-does-refugee-resettlement-change-lives/>

numbers resettled by the US means that it has played a key role in establishing priorities and shaping the composition of global resettlement streams (Martin and Ferris 2017). I draw on three sources of data to study this program. First, I use previously unreleased administrative data reflecting all refugees resettled to the US between 2002 and 2017. During this period, the United States admitted roughly sixty-eight percent of all refugees resettled globally, equaling close to a million refugees. A second source of data comes from twenty-one expert interviews with practitioners and stakeholders involved in resettlement (*see Appendix A for a list*). A third source comes from analyzes of annual Congressional hearings on the Executive Branch's proposed refugee admissions from 1988 until the present.

Using these sources of data, the first part of this paper assesses two likely explanations for how scarce resettlement spaces are distributed. The first stems from official discourse and examines whether resettlement is, in fact, a humanitarian rescue program for those most in need. As we will see, the sizable majority of refugees resettled to the United States between 2002 and 2017 come from the most vulnerable refugee populations around the globe. In fact, the share of spaces going to this population increases over the study period. Closer attention, however, reveals that certain refugee groups are overrepresented in resettlement channels while others equally in need are underrepresented. Such concentrations cannot be understood through reference to refugee vulnerability alone. I therefore draw on accounts in the sociology of immigration to examine a second hypothesis, which suggests that distributional imbalances stem from the constraining effect of US national interests and immigration politics. Assessing this expectation, however, shows that likely measures of US interests cannot adequately explain distributional imbalances in selection, suggesting the need for an alternative account.

Drawing inspiration from social organizational perspectives of humanitarian action (Healy 2000, 2004; Krause 2014; Schofer and Fourcade-Gourinchas 2001) and accounts of the social-generative effects of measures and evaluations (Berman and Hirschman 2018; Espeland and Sauder 2007), the second section therefore offers an alternative explanation that foregrounds the mediating transnational social system that shapes how refugees are identified, referred, and processed in practice. As we will see, this system works by administratively constructing “clean cases.” These are cases that can be predictably and efficiently identified and processed to meet annual US admissions demands under complex institutional and operational constraints. Constructing clean cases involves iterative multilateral negotiations among key state and non-state processing stakeholders, and the buildup of infrastructure around particular populations to ensure sustained and predictable referrals and departures. As I will show, while millions of refugees have been resettled through this system over the twenty-first century, the process of constructing clean cases means that resettlement departs from humanitarian ideals of “distributional equality” and “rescue.”

A final section concretizes the above argument through a comparison of Congolese refugees in Uganda and Sudanese refugees in Chad. While a strong case can be made for the latter’s greater need for resettlement, the former group has received significantly more resettlement spaces. Drawing on interviews with resettlement officials and practitioners in the region, I show that this imbalance is produced through the social organizational features of refugee resettlement. Specifically, I show that the greater access to resettlement for Congolese refugees living in Africa’s Great Lakes region stems from the ability of stakeholders to ensure stable and predictable admissions from the population and therefore meet the US state’s high annual demands for refugees.

Understanding Refugee Resettlement

The contemporary history of resettlement stems from the multinational efforts to empty the Displaced Persons camps that dotted the landscape of post-WWII Europe (Gatrell 2011; Loescher and Scanlan 1986). The UN's Refugee Agency (UNHCR) was created at this time to manage the camps and process resettlement. Refugee resettlement subsequently became one of the UNHCR's three "durable solutions" to refugee displacement, considered for those unable to return home and/or unable to find effective refuge in the country that they claimed asylum (UNHCR 2011).

Resettlement involves identifying a refugee abroad and then inviting them to travel to a "safe-third country" (i.e., neither their country-of-origin nor the country in which they originally claimed asylum) who offers to provide legal permanent residency and a pathway to citizenship. Because it involves handpicking refugees and processing them abroad, resettlement is substantively different from asylum-seeking, which involves an individual making a claim for protection at or within the borders of the state. Asylum-seeking is subject to punitive restrictions and controls (FitzGerald 2019; Mountz 2010), making resettlement one of the few ways in which refugees can safely access protection.

Resettlement is coordinated out of the UNHCR's Geneva-based Resettlement Division, which sits atop a global network of regional, country, and field offices (see Garnier 2014). Staff and trained officials at these sub-offices are instructed to identify resettlement needs through the Agency's Resettlement Handbook (UNHCR 2011). This Handbook outlines a range of "identification tools and systems" to conduct needs assessments (UNHCR 2011:215–16), including a seven-category definition of vulnerability covering protection needs stemming from, among other factors, complex health needs, persecution in countries-of-asylum, or imminent security concerns. The Handbook also informs practitioners to identify "a refugee's *objective need*

for resettlement [irrespective of] the desire of any specific actors, such as the host State, resettlement States, other partners, or UNHCR staff themselves” (UNHCR 2011:216). Through its global bureaucracy of needs assessments, the UNHCR publishes an annual “Global Resettlement Needs” document to guide resettlement planning with states and NGO stakeholders during annual meetings held in Geneva (e.g. UNHCR 2020).

Despite being one of the UNHCR’s durable solutions, however, there is no “right” to resettlement in international law (Sandvik 2010). Instead, resettlement is reliant on the number of places that states provide each year as well as the legal and political framework states establish to admit refugees. Resettlement therefore sits at the intersection of global humanitarianism and state immigration policies, making it a peculiar form of humanitarian action. Indeed, resettlement is frequently caught in the crosshairs of those calling for greater national prerogative over selection and those calling for greater humanitarianism. In the midst of the Syrian refugee crisis, for example, detractors in Europe and North America lambasted the resettlement of Syrian Muslims as indicating the usurping of national sovereignty by the UNHCR; while pro-refugee advocates contended that the slow response of resettlement countries reflected an entrenched anti-Muslim bias and called for the UNHCR to have greater authority to refer cases. Matters are further complicated by the limited spaces offered each year. Despite the UNHCR identifying millions of refugees as in need of resettlement (UNHCR 2020), states have provided an average of 92,000 places each year since 2000. This scarcity therefore requires triaging, which necessarily involves discriminatory logics of selection (Calabresi and Bobbitt 1978; Redfield 2008).

Public debates about whether state interests or humanitarian values guide resettlement reflect scholarly debates about the UNHCR and refugee system at large (see Loescher 2001). One group of scholars contend that the UNHCR’s symbolic authority over refugee issues, concentration

of specialized knowledge and expertise, and control over sizable bureaucracies and data systems has granted it relative autonomy to pursue its value-oriented mission (Garnier 2014; Loescher 2001; Sandvik 2010). This perspective sits broadly within a neo-institutionalist paradigm that casts international organizations as vehicles of universalistic values with the capacity to shape the policies of nation states (Meyer et al. 1997). The power of international organizations such as the UNHCR is further extended by networks of human rights and refugee advocates who draw on liberal-humanitarian values and norms to compel states to protect the rights of noncitizens and pursue humanitarian objectives (Keck and Sikkink 1999; Soysal 1994).

On the other hand, however, critical accounts generally reject the notion that international organizations pursue value-oriented missions or are autonomous from hegemonic state interests (Chorev and Babb 2009; Goldman 2008). This critique has been particularly forceful in the realm of migration, where international organizations such as the UNHCR are seen as substantially constrained by the power of nation states and norms of popular sovereignty (Barnett 2001), with others arguing that these agencies more directly enforce and extend state agendas to control and contain migrants (Ashutosh and Mountz 2011; Barnett 2001; Pallister-Wilkins 2015).

For its part, scholarship on resettlement has not provided much clarity on the question of selection. Instead, the sizable majority of resettlement scholarship focuses on the reception and placement side of the equation, whether through analyzes of reception policy (Benson 2016; Darrow 2015) or refugee experiences (Besteman 2016; Kibria 1995; Portes and Rumbaut 2014). On the other hand, accounts that do focus more directly on the admittance rather than reception of refugees tend to foreground the number of spaces provided rather than questions of distribution. Reflecting the general tenor of public debate, immigration politics scholars focus on annual quotas and ceilings to assess the relative openness or liberalism of different countries (Hollifield et al.

2014; Joppke 1998), or look to the decline in resettlement numbers following the end of the Cold War as indicating a paradigm shift in refugee humanitarianism toward containment and exclusion (Chimni 2004). Departing from a focus on numbers, others examine shifts in institutional logics following the rise of human rights discourses in the 1990s (Garnier 2014; Sandvik 2010); or how resettlement connects to world-making projects of state formation, nation-building, and imperialism (Espiritu 2014; Lippert 1998). The focus on numbers and logics, however, provide little insight into how highly valued and yet scarce resettlement spaces are actually distributed in the contemporary period.

To overcome this gap in our understanding, this paper provides a mixed-methods case study of the US resettlement program. At least since the passage of the 1980 Refugee Act, the US has admitted the sizable majority of all refugees resettled globally and has been the largest funder of the UNHCR. As a result, the US has played a critical role in establishing global resettlement priorities, therefore shaping the composition of global resettlement streams (Martin and Ferris 2017). While admissions have been small over the past several years due to the nativist presidency of Donald Trump and pandemic related travel restrictions, Joe Biden's commitment to resettle 125,000 a year suggests a return of the United States as a world leader in resettlement.

Drawing on a unique dataset, expert interviews, and analysis of congressional hearings, the first empirical section of this paper examines the two primary expectations concerning the distribution of resettlement spaces inferred above: i.e., that refugees are selected on the basis of humanitarian values; or that refugees are selected on the basis of national interests. As we will see, neither humanitarian values nor national interests adequately explain refugee selection. While the United States has generally resettled refugees from among the most vulnerable populations in the world, analysis reveals that certain populations receive large resettlement numbers while others

with equally pressing claims for resettlement receive comparatively fewer spaces. Likely measures of US national interests cannot adequately explain this distributional imbalance.

Moving beyond values and interests, I contend that the selection of refugees is shaped by the mediating social structure and practices through which refugees are identified, selected, and processed. I trace the formation of this system through a set of tensions following the end of the Cold War. In short, emerging demands for individualized needs and risk assessments conflicted with the existing system of selecting refugees constructed during the Cold War era, which saw large-scale, largely indiscriminate refugee processing from a small number of geopolitically-significant, geographically-concentrated populations. As a result, admissions began to decline during the 1990s and early-2000s, threatening to undermine the national resettlement system. Practitioners and policy-makers therefore became increasingly focused on meeting annual quotas, such that questions of numbers and quotas became key ways through which the work of resettlement was assessed and approached.

Working within this context, and under significant pressure to meet annual admission demands with limited funds, the US State Department worked with its main stakeholders (especially the Department of Homeland Security, US Citizenship and Immigration Services, and the UNHCR) to construct a new system of identifying and processing refugees. This system essentially works by administratively constructing “clean cases.” These are cases that can be efficiently and predictably identified and processed in a way that meets US admissions demands with limited funding and under complex operational and institutional constraints. Constructing clean cases involves a twostep process. First, senior desk officers across the US and UNHCR attain agreements among US government agencies, host states, UNHCR country and regional offices, and refugee leadership structures to ensure stable and predictable access to and predictable

departures from particular populations. This process involves an iterative process of nested and multilateral negotiations. Second, the US works with the UNHCR and other processing agencies to build up infrastructure (expertise, bureaucratic technologies, and physical infrastructure) around specific populations to ensure smooth identification, referral, and processing.

The reformed system of selecting refugees has allowed the United States to resettle over a million refugees over the twenty-first century, therefore providing a “solution” to many who may otherwise still be in exile. At the same time, the process of constructing clean cases undermines the humanitarian ideals of “distributional equality” and “rescue” that underpin official discourse around resettlement as an instrument of refugee protection. There are three reasons for this. First, refugee groups that pose elevated political and operational barriers to selection receive less resettlement spaces. Practitioners refer to such groups as “hard to reach cases.” Second, the infrastructure central to constructing clean cases generates a path-dependency in admissions and selection, concentrating spaces in certain populations and countries. Finally, attaining assurances and building infrastructure takes time. As a result, the process of constructing clean cases means that many refugees in “need” wait in exile for years before they are even considered for resettlement. Critically, however, these departures from humanitarian ideals stem from meso-level organizational factors and social dynamics, rather than the pre-existent “interests” of the US state or intrinsic characteristics of refugees (whether their social and economic profile or inherent vulnerability).

In making the above argument, this paper draws on social organizational theories of humanitarian action (Healy 2000, 2004; Krause 2014; Schofer and Fourcade-Gourinchas 2001), which foreground the social systems that enable, constrain, and mediate such action in practice. Healy (2000), for example, departs from conventional accounts rooted in individual motivations

to explain cross-national differences in the rate of blood donations as a result of national regimes of blood *collection*. Similarly, Krause (2014) points to the symbolic structure of the global humanitarian field to explain how and why relief agencies select particular projects over others. She finds that relief agencies construct “good projects” that allow them to differentiate themselves from others and therefore accrue symbolic capital and funding. The search for “good projects” takes on a logic of its own, guiding action in ways independent from stated humanitarian ideals and expert assessments of need (Krause 2014:16). Interestingly, Krause draws attention to a critical implication of the search for “good projects,” as “[s]ome recipients are easier to help than others, and those who are hardest to help often receive no help at all” (Krause 2014:37). The construction of “clean cases” works in a similar way, shaping the allocation of scarce resettlement spaces and increasing the barriers of certain refugee populations who are harder to resettle.²

While social organizational theory helpfully points us to dynamics endogenous to the social system that constrains and enables refugee selection in practice, this body of work provides less guidance as to why practitioners came to see and resolve field-level problems through the specific category of clean cases. To help explain this, I therefore complement social organizational theory with Espeland and Saunder’s (2007) groundbreaking work on “reactivity,” describes the process by which resource-holders and decisions-makers respond to forms of measurement, commensuration, and evaluation in ways that generate new social activities and can even transform whole organizational fields (see also Berman and Hirschman 2018). The theory of reactivity helps me understand the shift toward constructing clean cases. As we’ll see, the growing demand to meet annual ceilings and quotas during the late 1990s and early 2000s generated significant pressure on

² Although not extensively discussed in this paper, practitioners regularly use the language of “hard to reach cases” to explain why certain groups are underrepresented in resettlement.

senior officials in the US State Department and UNHCR, as well as practitioners in the field, to identify and process cases rapidly. In turn, practitioners responded by creating a system of identifying and constructing clean cases.

In what follows, I first outline the three sources of data used in this study and discuss my method of analysis. I then move on to operationalize and assess the humanitarian values and national interest's accounts, showing that each is ultimately unable to explain dynamics of refugee selection over the study period. The following section then outlines my alternative account. A concluding section then draws out the broader implications of this argument for our understanding of refugee resettlement and humanitarian action in general, before identifying a number of avenues for future research.

Data & Methods

The legal and administrative framework for resettling refugees to the United States stems from the 1980 Refugee Act, which formalized a previously *ad hoc* resettlement program and created the Bureau of Population, Refugees, and Migration (PRM) within the Department of State (see Benson 2016). The Act also ratified international refugee standards, meaning that all UNHCR-classified refugees are eligible for resettlement. Each year, the Executive branch works with the UNHCR and other key partners to establish an annual admissions quota broken down into five administrative regions – Africa, East Asia, Europe and Central Asia, Latin America and the Caribbean, and the Near East and South Asia – and an “unallocated” quota for submissions across the global refugee population. The UNHCR, US Embassies, and other NGO partners are mandated to refer cases based on these quotas, and then a US Citizenship and Immigration (USCIS) official is required to interview each resettlement candidate and assess their claim to protection and eligibility under domestic law – including health, criminal history, and security concerns.

The vast majority of refugees resettled to the United States over the study period came through the system outlined above. It should be noted, however, that a relatively small number of annual admissions are accounted for by special amendment bills passed in Congress. These bills provide the authority to relax eligibility requirements under the 1980 Refugee Act and also to process applicants from within their countries-of-origin. Three main bills have impacted refugee flows over the study period: the 1987 McCain Amendment, 1990 Lautenberg Amendment, and 2004 Specter Amendment. These bills provide special eligibility status to, in order, Vietnamese who had been in reeducation camps after the war; persecuted Jews and Christians in the Soviet Union or Southeast Asia; and religious minorities in Iran. These programs are largely administered on an application basis. Until the election of Donald Trump, for example, religious minorities from Iran could travel to Vienna and apply for resettlement at the US embassy there.

But how and why are specific refugees selected for resettlement over others? Studying this question in an empirically-grounded way is a challenging task as the UNHCR is notoriously secretive about the resettlement process and does not provide detailed information on the underlying rationale guiding particular decisions (Garnier 2014; Sandvik and Jacobsen 2016; Thomson 2012). Moreover, the Agency does not provide comprehensive data on its assessment of resettlement needs, instead publishing an annual Global Resettlement Needs document (e.g. UNHCR 2020b) that highlights particular priorities that the Agency has a plan to or wants to resettle. Further still, the necessity of protecting refugees' identity means that there is no individual-level data either on refugees or those selected for resettlement. Secrecy, opacity, and data aggregation is also reflected in US administrative data. To overcome measurement challenges and gain a comprehensive, empirically-grounded understanding of resettlement, I draw on three sources of data.

First, I have created a database reflecting all refugees resettled to the United States between 2002 and 2017. This period spans the first year of admissions following 9/11 up to the last year of Barack Obama’s refugee quota (FY16-17). 2017 was the last available year of data at the time of collection for this project. Given the unavailability of individual-level data, the foundation of this database is UNHCR population statistics which reflect the country-of-origin and country-of-asylum of all refugees administered by the UNHCR. In what follows, I refer to these administrative units as “groups.”³ For example, one “group” is Syrian refugees living in Turkey, while another “group” is Somali refugees living in Kenya. Drawing on administrative data from the US State Department, I then added the number of refugees resettled from each group to the United States – this data was secured by special request to the State Department and has not previously been analyzed by researchers. For example, one observation indicates that 1,928 of the 3,424,237 Syrian refugees living in Turkey were resettled to the United States in 2017 compared to 3,578 of the 281,692 Somali refugees living in Kenya. In total, the dataset reflects 923,051 cases of resettlement spread across 94,853 observations and 7,267 unique groups.

The benefit of disaggregating resettlement by the country in which a refugee is selected and processed is that it allows the unit of analysis to shift from a national refugee population spread across multiple countries, to a component of the population residing in a specific host country. This is the unit of administration used by officials and, in the absence of individual-level data, it provides a more fine-grained insight into resettlement dynamics. For example, 9,377 refugees from the Democratic Republic of Congo were resettled to the United States in 2017. At this time, the UNHCR registered Congolese refugees in 111 different countries of asylum, but the US only

³ The language of “groups” should not be mistaken to infer any inherent “groupness” to the populations concerned. Indeed, the majority of “groups” discussed here are internally heterogeneous across a range of demographic and ethnic markers.

resettled Congolese from twenty-two, with over seventy percent selected from just three countries: Uganda, Tanzania, and Rwanda. To more fully understand the resettlement of Congolese refugees, we therefore need to assess the particular factors that distinguish Congolese refugees in Uganda, Tanzania, and Rwanda from other populations. My data allows me to do this.

Once constructed, I gathered additional data to measure the role of humanitarian values and national interests in shaping the distribution of resettlement spaces. Ideally, all variables would be assessed in a single framework, therefore providing insight into how different factors impact the likelihood of a given group's resettlement. The patchiness of refugee data mitigates against this, however. For example, an important measure of national interests is the social and economic profile of different refugee groups. Indeed, immigration scholarship strongly predicts that such factors will impact refugee selection. The UNHCR does not, however, release comprehensive demographic data on its refugee population, meaning that I rely here on US administrative data that covers *only those refugees selected for resettlement*. Given such issues, I instead use descriptive statistics to go through each hypothesis in a stepwise fashion, examining whether particular measures adequately explain inclusion or exclusion from US resettlement streams. I operationalize humanitarian values and national interests in the next section and present measures.

The second source of data comes from twenty-one expert interviews. Interviewees were selected based on their role in developing and/or implementing US resettlement policy, and included senior staff across the US State Department, US Citizenship and Immigration Services, the Department of Homeland Security, UNHCR, and US-headquartered NGOs. I also interviewed several practitioners with extensive experience "in the field" about their experiences identifying, processing, and referring resettlement cases for the US government. These practitioners were

currently based in sub-Saharan Africa, although they had experience across multiple operational contexts.

A significant portion of interviewees were “desk officers,” who managed a specific region of operation for the US government or UNHCR. Desk officers were primarily based in Washington D.C., Geneva, or US Embassies in specific countries. As Krause argues in her study of humanitarian agencies, desk officers play a critical “mediating role between strategic planning [...] and the day-to-day management of operations in the field” (Krause 2014:178). A number of the interviewees had held positions across these institutional spaces and were therefore able to provide a broad picture of the resettlement sector. Seven interviewees had left the resettlement sector and were either retired or working in academia. Interviewees were identified due to their prominent position in the resettlement sector and/or through referral. All but six interviewees spoke on “background,” meaning that they did not want to be identified. To honor this request and protect anonymity, I do not directly refer to these interviews in the text. For the readers benefit, *Appendix A* lists the institutional location of each interviewee.

A final source of data comes from Congressional hearings of the Executive Branch’s annual admissions. According to the 1980 Refugee Act, the Administration is required to submit and explain its assessment of resettlement needs to Congress. This “Proposed Resettlement Admissions” document outlines an operating budget and the year’s quota broken down into five administrative regions – Africa, East Asia, Europe and Central Asia, Latin America and the Caribbean, and the Near East and South Asia. According to the law, Congress is mandated to approve the Executive’s proposal, and representatives from the Administration as well as other stakeholders are called on to explain and justify proposed admission during hearings. These

hearings therefore provide a rare insight into the underlying rationales guiding the selection of refugees for resettlement. They also provided guidance in identifying key interviewees.

In what follows, I first examine the role of humanitarian values and national interests in shaping the distribution of scarce resettlement spaces. As we'll see, neither adequately explain dynamics of selection. A subsequent section then outlines an alternative framework to understand refugee selection that empathizes social organizational factors.

Assessing Humanitarian Values

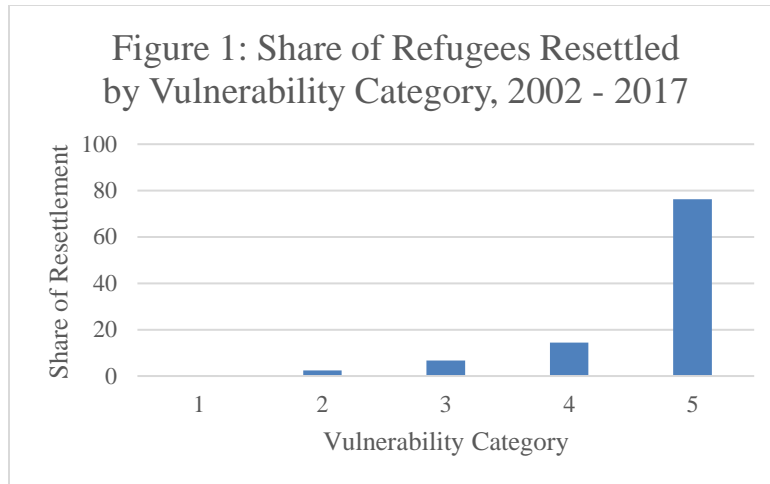
The UNHCR defines resettlement as a solution of “last resort” for those unable to return home or find effective refuge in their country of asylum. In other words, resettlement is used to “rescue” refugees suffering under acute human rights deprivations and individual vulnerabilities (UNHCR 2011). We would therefore expect that the UNHCR’s authority over refugee humanitarianism would lead the composition of resettlement channels to roughly reflect the distribution of needs in the underlying population. To assess this expectation, we need a measure of resettlement needs. Unfortunately, the UNHCR does not provide comprehensive data on its needs assessments.⁴ Instead, I have created a “vulnerability index score” for each refugee group in my dataset. The vulnerability index measures pertinent conditions in each group’s country-of-origin and country-of-asylum, such as the size of the refugee population, how long it has been in exile, whether the country of asylum has ratified international refugee laws, the political and social conditions in each country, and the prevalence and severity of conflict. Beyond a refugees’ ability to return or locally integrate, the conditions of a given country are also associated with other individual needs. For example, a country that has experienced persistent and damaging conflict

⁴ The author was unable to get access to this data despite repeated efforts.

may have depleted state infrastructures that make it difficult for refugees with urgent health needs to get treatment. Similarly, refugees who live in countries that have not ratified international refugee law may face heightened restrictions accessing livelihoods and services.

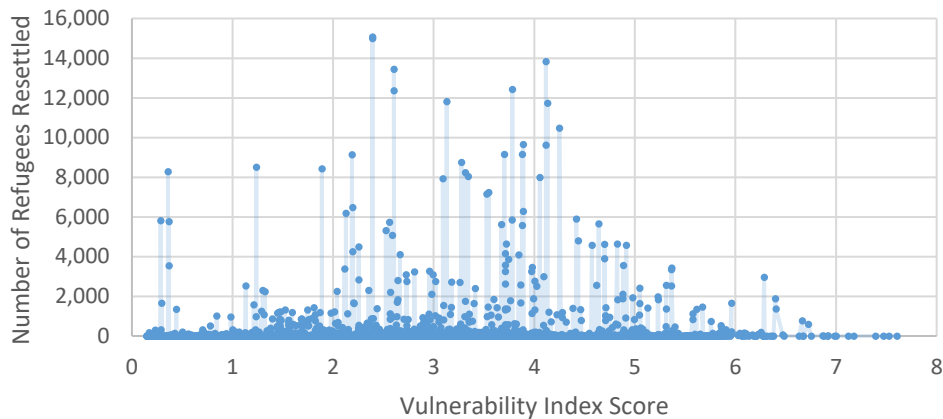
Based on the above, six variables were used to construct the vulnerability index (VI). A description of these variables and their sources are outlined in *Appendix B*. I used Principal Component Analysis to create the VI score (Vyas and Kumaranayake 2006), and then split refugee groups into one of five categories ranging from least (1) to most (5) vulnerable. Each category containing roughly 15,000 observations.

Figure 1 examines the share of annual resettlement spaces that went to refugees from each vulnerability category between 2002 and 2017. As we can see, the sizable majority (ninety-one percent) of refugees resettled over the study period come from categories four and five, with category five accounting for seventy-four percent. These trends reveal that most refugees resettled to the United States come from the most vulnerable refugee populations. Indeed, vulnerability and resettlement are highly correlated across the series ($r(69,554) = .89, p < .001$). The small numbers coming through categories two and three are mostly accounted for by special Congressional amendments that provide access to religious minorities from Ukraine (processed in Ukraine) and Iran (processed in Austria). Although not shown here, the share of places going to the most vulnerable refugee populations increases over the study period, with refugees from Category 5 accounting for fifty percent of resettlement spaces in 2002 and seventy-seven percent in 2017. This finding seems to affirm the expectation that UNHCR selective authority and the role of humanitarian values play an increasingly important role in shaping refugee selection over the twenty-first century (Garnier 2014; Sandvik 2010).



A closer look, however, complicates this expectation. Figure 2 shows the distribution of resettlement spaces for all observations in vulnerability categories four and five based on their underlying VI score. This reflects 29,361 observations and ninety-one percent of all refugees resettled over the study period. On the one hand, the relationship between vulnerability and resettlement remains positive and significant, albeit with a reduced Pearson’s correlation coefficient ($r(27,359) = .094, p < .001$). On the other hand, however, the graph reveals that a small number of observations account for large numbers of resettlement spaces. Examining these observations, we in fact see that refugees from just five countries-of-origin spread across fourteen countries-of-asylum constitute over seventy percent of those resettled to the United States from categories four and five. In order of size, from largest to smallest, these are Myanmarse refugees in Thailand and Malaysia (164,117); Iraqi refugees in Jordon, Syria, Lebanon, and Turkey (94,293); Bhutanese refugees from Nepal (93,915); Somali refugees in Kenya, Ethiopia, and Uganda (86,455); and Congolese refugees in Tanzania, Uganda, Rwanda, and Burundi (38,441). This level of concentration is surprising given official discourses around distributional equality and selection on the basis of individual needs.

Figure 2: Number of Refugees Resettled from Vulnerability Categories Four & Five



The graph also shows that resettlement spaces are clustered in the middle of the series, troubling official claims that resettlement goes to “the neediest.” Indeed, truncating the data to look only at those refugees with very high levels of vulnerability ($VI > 3$), we see that the relationship between vulnerability and resettlement loses significance ($r(3,426) = .034, p = .062$). This segment of the data accounts for almost half (445,658) of all resettlement spaces distributed globally from 2002 to 2017. The effect of these distributional inequalities in refugee selection is that groups with pressing protection needs such as Sudanese refugees in South Sudan (0 resettled) or Chad (882), Somali refugees in Yemen (7), Myanmarese refugees in Bangladesh (25), Angolan refugees in the Democratic Republic of the Congo (12), Afghan refugees in Iran (0) or Pakistan (6,150 for a population of over 1.5 million), Sri Lankan refugees in India (0), Palestinians living in Egypt (7), or Colombians in Venezuela (0) receive almost no resettlement spaces at all. Reference to the humanitarian values of the UNHCR cannot adequately explain these distributional imbalances.

The gap between humanitarian ideals of “distributional equality” and selection was in fact frequently raised by practitioners during expert interviews. The program director of an NGO contracted to identify and refer cases for submission put it like this [interview 11],

The main goal of resettlement is distributional equality: essentially, do all refugees in need have access to resettlement? I’m not saying they receive it. I’m saying do they have access to it [...]. [W]e just can’t say that we achieve this goal. So, for example, ten percent of [refugees in] Mali get resettled each year, but only one percent [in] Chad. I don’t think there’s any way you could say that people in Mali need resettlement more than in Chad.

A senior UNHCR official based in North America [interview 3] repeated this sentiment. Using similar language to the NGO director quoted above, he defined a “humanitarian system [as] one where everyone who needs resettlement has access to it – not necessarily *gets* it, but has *access* to it.” He went on to lament that “Unfortunately, we just can’t say this is the case at the moment, and so a lot more advocacy is needed to get us there.”

Assessing National Interests

Above, we’ve seen that reference to humanitarian values cannot adequately account for imbalances in the distribution of resettlement. In this section, I examine the expectation that US national interests shape the distribution of scarce resettlement places. Scholars contend that at the heart of immigration politics and policy is a distinction between desirable and undesirable immigrants. While refugees, along with family migrants, are generally considered “undesirable” (Hollifield et al. 2014; Joppke 1998) and therefore subject to restrictions and exclusions (FitzGerald 2019), immigration scholarship points to three primary ways in which the logic of desirability/undesirability might impact the distribution of resettlement spaces: US foreign and domestic policy interests; the social and economic profile of refugees; and racialized discourses of security and threat.

While partial support can be found for each hypothesis, a comprehensive assessment suggests that they are inadequate to explain dynamics of refugee selection over the study period. As this section shows, the majority of refugees resettled to the United States come from populations with little clear foreign or domestic policy relevance and have social and economic profiles that would otherwise make them “undesirable” and even “threatening” within the contemporary logics of US immigration politics.

Foreign and Domestic Policy

Historically, a broader agenda to repel “unwanted/undesirable” migrants, such as refugees, has been counterbalanced by US foreign policy interests (FitzGerald and Cook-Martin 2014; Tichenor 2002). Indeed, for much of the twentieth-century, the US used resettlement as a foreign policy tool to shore up stability for allies (mostly in Western Europe), encourage “emigration and freedom” from Communist states (e.g., the Soviet Union or China), support anti-Communist allies (e.g., in Cuba or Nicaragua), or redress displacement caused by US military interventions (e.g., Hungarians or Vietnamese). The title of Loescher’s classic 1986 book, *Calculated Kindness*, succinctly articulates this dynamic (see also Gibney 2004). In contrast, resettlement was rarely considered for refugees in the Global South who lacked geopolitical significance (such as most refugees in Africa) or who were persecuted by allied governments (e.g., El Salvadorians or Nicaraguans) (Chimni 2004; Menjívar 2006). While the Cold War has ended, the United States continues to wage wars and engage in antagonistic international relations often animated by oppositional discourses of “freedom” verses “totalitarianism.” We may therefore expect that foreign policy interests shape refugee selection.

On the one hand, the prominence of Iraqi refugees in resettlement channels between 2008 and 2017 suggests that geopolitical considerations remain important (Micinski 2018). Iraqis were

resettled in response to the mass displacements caused by the US-led invasion and to honor (and encourage) commitments to Iraqi nationals who worked with US government agencies. As with the Cold War-era program for Southeast Asian refugees, veterans associations and Foreign Service officials played an important role in securing Congressional support for the resettlement of Iraqis [interview 6] – a support that led Donald Trump to remove Iraq from the list of majority-Muslim countries whose citizens were banned from entering the US. The US has also resettled a substantial number of Iranians over the study period, equaling around 30,000 arrivals since 2002. This group represents religious minorities (primarily Christians and Bahá'í), who are provided preferential access through the 2004 Specter Amendment discussed earlier.

On the other hand, however, the sizable majority of refugees resettled over the study period have little clear geopolitical significance to the US. For example, almost fifty percent of all refugees resettled to the US between 2002 and 2017 come from one of Bhutan, the Democratic Republic of Congo, Myanmar, Sudan, or Somalia. These programs are complimented by a range of smaller ones especially in Africa, which saw refugees from Burundi, the Central African Republic, Eritrea, and Sierra Leone resettled to the United States. None of these groups represent *clear and specific* foreign policy interests that differentiate them from other possible candidates. Taking the Bhutanese case as an example, the US took 94,000 refugees from camps in Nepal despite no foreign policy stake. As one official involved in the program put it, the country who benefited most from this resettlement was the Bhutanese government, who had expelled a sizable portion of their population and was under pressure to allow returns [Interviewee 1].

Another way of looking at this is through comparison of asylum rates, which scholars have shown are shaped by geopolitical considerations (Gibney 2004; Menjívar 2006). For example, while the US provided asylum to those leaving the Soviet Union and Cuba during the 1970s and

1980s, Salvadorian and Guatemalan asylees displaced by US-backed regimes were denied refugee status – and have subsequently lived in the US on a range of insecure legal statuses (Menjívar 2000, 2006).

We would therefore expect resettlement numbers to roughly mirror asylum numbers. The data does not bear this out, however. For example, the US has taken an active role over the past several decades to encourage and reward Chinese defection with refugee status,⁵ and Chinese nationals therefore constitute over thirty percent of all positive asylum claims.⁶ Yet, despite large numbers of asylum-seekers from China, the US has resettled an average of thirty-five UNHCR-recognized Chinese refugees per year since 2002. Egyptians follow Chinese in levels of asylum claims, and yet only seven Egyptian refugees have been resettled per year. In contrast, the US has resettled tens of thousands of refugees from the Democratic Republic of Congo, Bhutan, and Myanmar over this period. Not only are these refugees absent from the US asylum system, they are largely absent from the European system too, reflecting their relatively settled position in countries-of-asylum.

While refugee selection is inconsistently explained by US foreign policy interests in a refugees' country of *origin*, selection may be determined by relationships with host countries. Hosting large refugee populations can be disruptive for states, straining their economies and sparking political instability (Ek and Karadawi 1991; Rüeegger 2019). We may, therefore, expect the US to resettle refugees as an expression of solidarity with allies or to stabilize the economies of trading partners. Such an expectation is in line with world-systems theory, and the managerial

⁵ <https://www.baltimoresun.com/news/bs-xpm-1993-07-01-1993182046-story.html>

⁶ <https://www.axios.com/china-political-asylum-immigration-one-child-policy-c45cee7f-8f52-43e6-b0d5-b69d82842ef0.html>

function that hegemonic states play in expanding and stabilizing capitalist markets (Chase-Dunn 1999). Historically, the US used resettlement in this way to support political and economic stability in Europe, from the origin of resettlement after the end of World War II (Gatrell 2011), to the large-scale program for Bosnians from Germany in the 1990s (Gibney 2004).

One way of exploring the importance of US/country-of-asylum relations is by examining the correlation between resettlement numbers and bi-lateral trade data. Levels of bi-lateral trade reflect US interests in economic stability and political alliances with host states. Bi-lateral trade, however, is negatively associated with resettlement ($r(72,058) = -.024, p < .001$), undermining the expectation that US/country-of-asylum relations drive selection decisions. Indeed, two times as many refugees (489,902) were resettled from low-volume trading partners compared to medium (225,597) and high (208,552); and ninety percent of refugees from high-volume trading partners were resettled from just two countries: Malaysia and Thailand. This means very low levels of resettlement from high-volume trading partners hosting large refugee populations such as China, India, Germany, and Saudi Arabia. On the other hand, resettlement from low-volume trading partners has been higher and more diverse. For example, the largest admissions program over the past several years has been for refugees from the Democratic Republic of Congo, processed in Burundi, Rwanda, Uganda, and Tanzania – all low-volume trading partners.

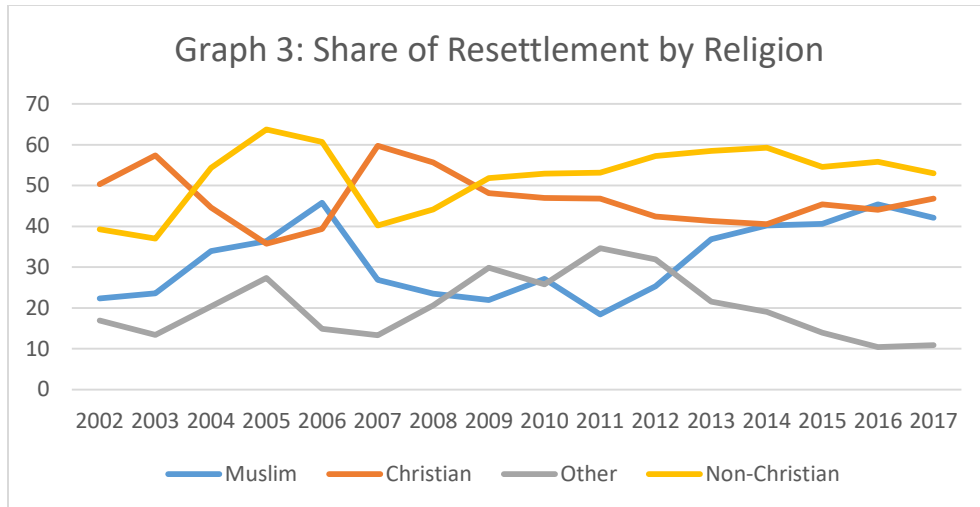
Social and Economic Profile of Refugees

There is now a large body of scholarship arguing that liberal democracies, such as the United States, select immigrants based on their racial, religious, and economic characteristics (Bashi 2004; Chimni 2004; Ong 2006; Simon-Kumar 2014; Walsh 2008). We may expect this tendency to also shape the desirability/undesirability of refugees, therefore impacting selection. Indeed, scholarship focused on refugee resettlement in the twentieth-century provides numerous

instances of just this. For example, very few African refugees were resettled to the United States during this time despite Africa having the largest refugee population by region (Chimni 2004). Similarly, core tenets of the international refugee system, especially the principle of *non-refoulement*, stem from the exclusion and forced return of Jews fleeing anti-Semitism in Europe (Wyman 1985). The resettlement of European refugees from Displaced Person's camps was tied to rebuilding postwar economies, and schemes therefore favored young, able-bodied refugees, with programs targeting those with particular skills (such as coal mining, farming, or medicine). As a consequence of these programs, 253,000 DPs were stranded in European camps in 1955, the great majority of whom were middle aged or older, had paralysis, missing limbs, or tuberculosis (Gatrell 2011:10–46; Wyman 1998:202).

We may therefore expect social and economic selectivity to impact the contemporary resettlement system. Unfortunately, it is not possible to compare those selected against those not as the UNHCR does not provide relevant information on its entire population. Instead, I examine the social and economic characteristics of those admitted, drawing on administrative data from the World Refugee Admissions Processing System.

Assessing this data for refugees admitted between 2002 and 2017 suggests that the social and economic characteristics of refugees are a poor predictor for access to resettlement. Although region is a rough proxy for racial ascription, a first point to note is that the majority of refugees resettled to the United States during the study period come from African and Asia. In fact, Africa represented the largest source region for refugees resettled to the United States over fiscal years 2003 to 2007 and in 2016 and 2017. Moving from racial ascription to religion, *Graph 3* reflects the share of resettlement spaces by religion. As can be seen, non-Christians have constituted the majority of refugees in all but four years – two of which were immediately after 9/11.



Of particular note, the graph indicates several years in which Muslim refugees equaled or exceeded Christians. This dynamic is surprising given the anti-Muslim discourse animating immigration politics following 9/11 (Selod 2015). Despite this, Somali Bantu refugees, a Muslim ethnic minority population, were the largest group resettled to the United States between FY2004 and FY2006. Coupled with the program for Meskhetian Turks, an ethnic-minority group dispersed across the former Soviet Union, Muslims predominated resettlement channels in 2005 and 2006. Beginning in Obama’s second term, we see a rough parity between Muslims and Christians lasting until his last refugee quota in FY2017. The Muslim refugee population during this period was predominated by Iraqis, Somalis, and, in FY2016 and 2017, Syrians.

Finally, reference to the economic profile of refugees also seems inadequate to explain dynamics of refugee selection. The majority of refugees resettled to the United States over the past two decades arrive at working age and with low levels of native-language literacy – indicating low levels of formal education. For example, of the 104,000 Somalis resettled to the United States since 2002, less than 25% were literate in their own language. Similarly, 38% of the 94,000 Bhutanese resettled over this period are native-language literate. Levels of education were actually

boosted for this population *after* the head of a voluntary agency convinced the US to fund high school education for the population given the intention to resettle them [*interview 8*]. Although these measures say nothing of those refugees not selected, they suggest that a refugees' capacity to become economically "self-sufficient" is not a strong predictor of selection.

The United States is in fact touted by resettlement practitioners for its lack of "integration criteria" and its openness to refugees regardless of their integration prospects. As a former field officer processing Congolese cases [*interview 5*] told me,

We always liked the [United] States the best [because] you knew that they'd accept anyone. Compare this to the Canadians or Europeans! They'd come in and say, do you have any Congolese doctors? Anyone with skills?

This view is echoed by US officials, who compare the US program favorably to the Canadian and European programs. For example, a government desk officer [*Interview 7*] remarked that "we don't cherry-pick like the Europeans do." They went on, "Even if [refugees] struggle during the cultural orientation program, we don't screen anyone out. It's important that we lead by example to keep integration criteria to a minimum."

Security and Threat

Beyond logics of desirability, scholars also expect that immigrant selection will be shaped by constructions of threat (Lahav and Courtemanche 2012; Squire 2009). In the US context, such constructions are tied up with anti-terrorism policy and discourse. After 9/11, immigrant processing was incorporated into the Department of Homeland Security (DHS) and made a national security issue. One of the most consequential changes in this period was the definition of "material support for terrorist-related activities" as a cause of inadmissibility under the Patriot and Real ID Acts of 2003 and 2006. As has been well-documented, DHS instructed immigration

officials to apply the material support test stringently, leading to overly-broad applications (Nazeer 2006). We would expect the securitization of immigration to shape how refugees are selected for resettlement.

On the one hand, such concerns clearly exclude certain groups from consideration. For example, there is a sizable number of Afghan refugees in Iran who have been in exile for many years and have no realistic prospect of return. The Afghan Mujahedeen is active in the refugee population, however, and as one commentator put it, “they’re simply not going to be resettled” [Interview 1]. While security concerns might *exclude* certain groups, reference to anti-terrorism politics and policies provide less guidance as to why certain groups *are* selected. In fact, the State Department has issued exemptions and amendments on material support requirements to facilitate the admission of groups identified for resettlement. For example, a sizable proportion of Chin refugees from Myanmar were deemed to have provided “material support” to the Chin National Liberation Army. Likewise, over sixty percent of Colombians in Ecuador had material support issues compromising their eligibility. The Secretary of State relaxed material support tests for both in order to facilitate their resettlement [Interview 8].

It could be argued that cases such as Chin-Myanmari and Colombians reflect the specific interaction of terrorist threat with Islam in US immigration discourse (Selod 2015). In other words, we’d expect anti-terrorism concerns to be particularly consequential for Muslim refugees. The empirical record, however, shows a number of initiatives aimed at resettling Muslim refugees from areas with high levels of internationally-recognized terrorist activity. The 77,000 Muslim Iraqis resettled between 2008 and 2015 offer a clear example. Over this period, Iraq occupied the number one position on the Global Terrorism Database (GTD) list in each year except 2012. Similarly, 103,000 Muslim Somalis have been admitted since 9/11. Somalia has consistently ranked either

fifth or sixth on the GTD, and the UN works under the highest security level in Kenya due to the activity of *Al-Shabaab* and other militia in-and-around the camps. Rather than barring Somalis, however, the State Department established an alternative site to conduct resettlement interviews that ensured the safety of processing staff [*Interview 8*] (Van Lehman 1999). Similar steps have been taken to increase the resettlement of Sudanese refugees in Chad and Rohingya refugees in Bangladesh [*Interviews 8, 9 & 16*].

The foregoing discussion shows that neither humanitarian values nor national interests can adequately explain dynamics of refugee resettlement over the past two decades. While the United States generally resettles refugees from amongst the most vulnerable populations in the world, selection is surprisingly concentrated around a relatively small number of groups. This means that certain refugee populations receive large resettlement numbers while others with equally pressing claims for resettlement receive comparatively few. Reference to the interests of the United States cannot explain this concentration. As we've seen, the majority of refugees resettled over the study period serve little clear and specific foreign or domestic policy objective and have social and economic profiles otherwise "undesirable" and even "threatening" within the contemporary terms of immigration politics. Drawing on social organizational theory (Healy 2004; Krause 2014) and accounts of the socially generative effects of evaluations and measures (Berman and Hirschman 2018; Espeland and Sauder 2007), the next section therefore offers an alternative explanation that foregrounds meso-level organizational dynamics.

Specifically, I show that a push to resettle refugees based on individual needs following the end of the Cold War conflicted with the social organization of resettling refugees in practice.

The result was declining admissions and attached concerns about the long-term viability of the US resettlement system. Practitioners therefore became increasingly focused on meeting annual quotas, such that *numbers, quotas, and ceilings* emerged as a predominant way in which stakeholders thought about and assessed the resettlement system. Working within this context, and under pressure to meet annual targets, practitioners built a reformed resettlement system that operates through the administrative construction of “clean cases.” These are cases that can be identified, referred, and processed abroad in efficient and predictable ways to meet US admission demands under complex institutional and operational constraints.

As we’ll see in more detail below, constructing clean cases involves a twostep process of attaining support for particular programs among key processing stakeholders, and then building infrastructure around these populations to ensure efficient and predictable referrals and departures. The administrative construction of clean cases has allowed the United States to resettle over a million refugees since the turn of the twenty-first century. At the same time, this system of selection undermines the humanitarian ideals of distributional equality and “rescue” that underpin official discourses of resettlement and its value as an instrument of refugee protection. I develop the above argument in the next section, first tracing the formation of the contemporary system of refugee selection through a set of tensions following the end of the Cold War, and then outlining the process and implications of constructing clean cases in more detail. A final section then uses this framework to explain the imbalance in resettlement spaces between Congolese refugees living in Uganda and Sudanese refugees living in Chad.

Beyond Values and Interests: Constructing Clean Cases

For much of its twentieth-century history, the refugee resettlement program was essentially an arm of Cold War foreign policy, with large, relatively open programs concentrated on a small

number of geopolitically important groups (Gibney 2004; Loescher and Scanlan 1986). With the end of the Cold War, however, refugees lost their geopolitical value and the programs that sustained the resettlement system were coming to a close, resulting in declining admissions (Chimni 2004; Gibney 2004). For example, 25-35,000 Vietnamese refugees were resettled each year from 1981 to 1993. By 1997, this number had dropped to 7,000, and it continued to decline thereafter to around 3,000 by 2002. A debate therefore ensued about the future of the resettlement program.

At the center of debate was the national resettlement system. This system had been built over the preceding decades by the federal government in conjunction with predominantly faith-based voluntary organizations (“VolAgs”). It allowed tens of thousands of refugees to be resettled each year in towns and cities across the country. Moreover, this system allowed resettlement to be done with relatively minimal federal input, as refugees could be relocated to areas with available work and cheap housing, and VolAgs had forged local support structures that supplemented federal funds (Benson 2016; Darrow 2015). The national infrastructure, however, is structurally tied to admissions such that declining numbers following the end of the Cold War threatened its sustainability.

A broad set of actors wanted to maintain the national resettlement system. State Department officials, for example, wanted to maintain this system in order to respond to emerging foreign policy priorities. Businesses exerted pressure through the Department of Labor, as refugees had become central to key industries, especially in food processing and packaging (*Interview 7*). For their part, the VolAgs contracted to do resettlement work wanted, in the words of a former director, “to keep the business going,” and drew on advocates in Congress across the political spectrum (*ibid*). Collectively, then, there was a broad consensus among key stakeholders to find

new resettlement priorities in order to keep the national system intact. Reflecting this sentiment, the Director of the Office of Refugee Resettlement, Lavinia Limon, remarked to Congress in 1998 that,

[It'll be an issue] if the numbers continue to go down [...] right now we have a program where we can resettle people anywhere in the United States. Recently that became not possible. But [...] that is really the goal I think, to be able to keep that national program.

Practitioners estimated that annual admissions of around 70-90,000 would be sufficient to keep this system in place. But with the declining geopolitical significance of refugees, how should this annual ceiling be met? Or, in other words, who should be selected for resettlement?

During this period, refugee and human rights advocates campaigned the Clinton Administration to reorient refugee selection to “global needs.” Advocates argued that refugees should be selected based on humanitarian notions of individual vulnerability and human rights deprivations. As part of their campaign, advocates toured congressional representatives around camps in Africa and Asia, and these representatives put significant pressure on the Administration to shift toward more humanitarian metrics of selection (see Boas 2007). Members of the Black Congressional Caucus were among those to visit the camps, and subsequently leveraged their increased leverage during the early years of the Clinton Administration to advocate for greater levels of resettlement for refugees from Africa [*interviews 1, 6, 9 & 13*]. These calls grew in strength following the starkly different responses of the Clinton Administration to European refugees displaced following the breakup of Yugoslavia and African refugees displaced after the Rwandan Civil War. A senior State Department official [*Interview 2*], now retired, recalls a particularly tense conversation during a UN meeting with African state officials:

We'd been hearing it for a while: why does Africa have the lowest resettlement numbers and yet the highest refugee population? Our view, which was the UNHCR's view, was that resettlement

was not the best option on the continent due to strong regional asylum provisions. But the whole Yugoslavia situation was really a tipping point. We were essentially accused of racism, of excluding Africans. That really wasn't the case at all. But, this narrative took hold and had a big effect on our thinking at the time.

Paradoxically, the support for maintaining a 70/90,000 resettlement quota and transitioning toward humanitarian metrics of selection also stemmed from the growing contention around asylum-seeking during the 1980s and 1990s (Menjívar 2000:77–114). During Congressional hearings, Republican representatives frequently drew a comparison between “bogus” asylum-seekers driven by economic rationales and “real” refugees suffering under human rights deprivations. Representatives argued that tough border controls on “bogus” asylum seekers was central for expanding access to “real” refugees, with the structure of refugee resettlement offering the clearest and most effective way of ensuring that US refugee policy benefited those who really needed protection.

In response to these diverse pressures, the Clinton Administration enacted a series of reforms in 1995 to rebuild the “admissions pipeline” based on principles of distributional equality and human rights logics of individual need, insecurity, and vulnerability. At the center of the reform process was the UNHCR, who were called on to play an increasingly active role in identifying needs and referring cases for resettlement [*interview 14*]. The State Department's Refugee Bureau (PRM) also worked with the UNHCR to identify new groups from across the globe with particularly compelling protection needs.

It quickly became clear, however, that this new system was not working. Admissions continued to be predominated by declining Cold War-era programs, temporarily offset by the large number of refugees resettled from the Former Yugoslavia. Moreover, the UNHCR referred very few cases for resettlement to the US despite its increased selective authority and role in filling US

admissions. Between 1995 and 2000, for example, the Agency referred less than 1,000 of the four million registered refugees each year from Africa undermining the goal of increasing distributional equality in resettlement. And finally, despite identifying a number of new priorities across the globe, referrals through these priorities lagged. To take an example, PRM identified a population of Liberian refugees in Ghana as in urgent need of resettlement, but actual arrivals were far lower than expected and the program was prematurely closed. Congressional hearings focused extensively on the causes and consequences of these unmet quotas.

Issues with the newly reformed post-Cold War system came to a head in 2000 when the Administration missed its annual quota by twenty-thousand places, resulting in myriad problems for the national resettlement system. The situation worsened following the events of 9/11, which saw admissions drop to 27,120 and 28,376 in '02 and '03 respectively. While the Bush Administration funded the voluntary agencies on the basis of the 70,000 ceiling to stave off office closures, a new system of identifying and selecting refugees was urgently needed. To rebuild the admissions pipeline, the Bush Administration issued a consolidation and review period to discover problems in the current system and a way forward. Two primary issues were identified, each of which point to complexities in the social organization of identifying, referring, and resettling refugees across the globe in practice.

UNHCR Reluctance and Operational Complexity

The first issue was that regional and national UNHCR offices and staff (i.e., below the executive office in Geneva) were reluctant to perform the increased role in resettlement that the US envisioned. The limited supply of resettlement places meant that UNHCR officers faced a triaging issue with little guidance as to who to refer. In response, field officers simply refused to

submit cases. A US official sent to the UNHCR by PRM to investigate the cause of low referrals recalls that [*interview 14*],

From '95, the [new referral system] hinged on [UN]HCR, but their staff were out there and they didn't want to submit cases. They were in these camps surrounded by thousands of people in dire need of all sorts of support and we were asking them to submit 100, 200 cases. They simply didn't want to do this cherry picking and so they didn't refer anyone.

In other words, field staff faced a triaging issue with little guidance as to who to refer due to the universalistic, humanitarian ideals guiding selection – a particular form of what Calabresi and Bobbit (1978) famously termed “tragic choices.”

Coupled with issues of triaging, the UNHCR had an institutional culture that was at best ambivalent about resettlement (Fredriksson and Mougne 1994). For most of the twentieth-century, the UN's Refugee Agency was marginalized from the process of identifying resettlement needs and establishing priorities. Staff compared their resettlement work to that of a “travel agent,” simply processing cases selected by states with little regard for assessments of need (*ibid*). In some parts of the world, most notably Africa, UNHCR officials had no experience with selective third-country resettlement at all and didn't consider it as part of their protection plans [*interviews 4 & 6*]. Instead, the Agency had built a system of refugee management alongside regional states and the African Union that was relatively independent of donors.⁷

There was also an institutional memory of the UNHCR's role in the Southeast Asian refugee crisis, where relatively open-ended programs in Thailand, Malaysia, and Hong Kong generated large-scale irregular migration in the region, contributing to some 400,000 deaths in the South China Sea (Espiritu 2014). The Agency's role in these programs provoked intense criticism

⁷ The UNHCR was the first UN agency in Algeria (1957), Tunisia (1957), Morocco (1958), Angola (1961), Guinea-Bissau (1962), and Mozambique (1964).

among staff (Fredriksson and Mougne 1994), and created the idea that resettlement programs have a “pull effect” encouraging intra-regional migration, and therefore exacerbating humanitarian crises. UNHCR Country Directors were cautious about stimulating such effects [*interviews 4, 6, & 8*]. Similarly, Country and Regional Directors favored large-scale repatriation (Loescher 2001) and saw resettlement as undermining a refugee’s right to return. Finally, the Agency’s reliance on the good favor of host states for their operations led to a reluctance to initiate resettlement, which implies a condemnation of host countries’ asylum policies (Barnett 2001 for a broader discussion). The level of resistance toward resettlement was such that a number of Country Directors *actively* impeded resettlement operations in their region [*interviews 4, 8, & 9*].

Compounding and interacting with UNHCR reluctance, the global resettlement infrastructure inherited from the Cold War era was ill-equipped to identify, select, and, crucially, process refugees from around the globe on the basis of individual protection needs. The existing infrastructure was instead built around the large-scale resettlement of a small number of geographically-concentrated groups (especially in Eastern Europe and Southeast Asia). For example, the 1980 Refugee Act requires that each individual resettlement candidate is interviewed and processed by a US Citizenship and Immigration Services (USCIS) officer. Since the Act, USCIS has used US-based asylum officers to conduct interviews rather than specifically-trained staff [*interview 14*]. Officers volunteered to conduct “circuit rides” for several weeks at a time before returning to their regular, US-based position. To process the volume of individual cases required to meet annual US quotas, officers would have to conduct hundreds of interviews a day. The geographic concentration of cases and open eligibility criteria during the Cold War period made this relatively straightforward as USCIS officers would travel to one or two processing locations and conduct standardized interviews. During the Southeast Asian programs, resettlement

took on an almost industrial character, with refugees transported to a number of US military bases and processed *en masse* (see Espiritu 2014; Mortland 2017).

A system of selection based on individual needs and distributional equality, however, required USCIS officers to process cases across large geographic expanses and to adjudicate complex refugee claims stemming from contexts they had little familiarity with. Moreover, the Refugee Processing Centers (RPCs) critical to the performance of resettlement were also highly concentrated. RPCs play a key role in pre-screening selected cases, preparing refugee case files, and organizing medical tests. They also coordinate USCIS circuit rides, which require transporting and housing refugees, organizing accommodation for officials, and preparing adequate facilities for interviews. In 1995, there was only one RPC in the whole of Africa (Kenya) despite a continent-wide quota. Likewise, there was only one single USCIS officer (also based in Kenya). This compared to RPCs in each of Thailand, Malaysia, Hong Kong, and Singapore due to the legacy of programs for Vietnamese, Cambodians, and Laotians. Similarly, given special regulations for Cuban admissions, there wasn't a single RPC in the whole of the Latin America and Caribbean region. Complications were compounded by low levels of automation, reliance on pen and paper, and demands to work in places without electricity or computers [*interview 14*]. A senior official associated with the RPC in Nairobi recalls trunks of paperwork being transported by Jeeps and planes between offices.⁸

The political and institutional responses to 9/11 only exacerbated these existing challenges. Whereas USCIS officers previously focused on rooting out fraud (generally concerning family composition), the institutional repositioning of immigration within the Department of Homeland

⁸ During my interviews with resettlement practitioners in Uganda, I was frequently struck by case files and paperwork stacked haphazardly on the floor, atop filing cabinets, in empty offices, or on chairs.

Security after 9/11 emphasized a security logic [*interview 9*]. Assessing security risks requires access to country-of-origin criminal and security databases, a challenging and at times impossible requirement given the contexts that refugees are fleeing from. Similarly, security requirements on USCIS interview sites became stringent, requiring sentry towers, policed perimeters with remote sensors, and bullet and blast proof walls and glass [*interviews 8 & 9*]. In parts of the Middle East, the State Department's Security Division would only allow interviews to occur out of already cramped embassies, meaning that officials could only conduct a few interviews each day. This process was in sharp contrast to the preferred one that saw thousands interviewed in short, multi-location circuit rides. Moreover, this emphasis on security made interviewing refugees across large operational contexts extremely challenging.

Having diagnosed falling admissions and unmet quotas as a result of UNHCR reluctance and infrastructure unfit for individual needs and risk assessments, PRM worked with its stakeholders to rebuild the admissions pipeline. The reformed system of selecting refugees essentially works by administratively constructing "clean cases." These are cases that can be identified, referred, and processed in an efficient and predictable way to meet US admission demands under complex institutional and operational constraints. Importantly, what makes a case "clean" has less to do with the individual characteristics of a given refugee (whether their social and economic profile or inherent vulnerability) and more to do with social organizational features of resettling refugees in practice. Specifically, there are two critical dimensions of constructing clean cases.

First and foremost, constructing clean cases requires attaining assurances among key processing stakeholders to ensure predictable and stable referrals. Processing stakeholders include host and origin country governments, UNHCR regional and country offices, US government

agencies such as US Citizenship and Immigration Services and the Department of Homeland Security, NGOs, and refugee leadership structures. Attaining consent from these different actors is central to ensure predictable and stable referrals. For example, PRM needs to ensure that the State Department Security Division will provide appropriate clearances. Diplomats need to ensure that host countries will provide exit visas and provide access to processing staff and USCIS interviewers. An individual familiar with this process described it to me as the “wink and nod system” [*interview 1*], which involves senior officials floating specific groups to processing stakeholders to ascertain whether there’s any likely problems before initiating a next round of negotiation and planning.

This process of attaining consensus through nested, iterative, and multilateral negotiation has come to be termed “strategic resettlement” (UNHCR 2011:54–57), which infers that any one resettlement program has some “secondary benefit” beyond the individual refugee resettled. An example of strategic resettlement would be resettling a specific ethnic subgroup of a population to convince a country of origin to repatriate other members of the group. For example, the UNHCR prioritized the resettlement of Burundian refugees who married locals during their exile in Tanzania. The Burundi government refused to accept the return of these refugees because of concerns of divided ethnic allegiances [*interview 13*]. Resettling these cases opened up a largely successful repatriation program. Strategic resettlement may also open up possibilities for increased rights for those refugees that remain. For example, the UNHCR prioritized the resettlement of Myanmar Christian refugees in exchange for Malaysia offering work permits and freedom of movement rights to Muslim Myanmar refugees – especially Rohingya [*interview 1*].

The second critical step in constructing clean cases is preparing particular populations for identification, referral, and departure. For example, once a population is selected for resettlement,

the UNCHR conducts mass re-verifications to ensure that case files and biometric data are up to date and in line with US processing demands. Moreover, clean cases are produced through investments in processing infrastructure (bureaucratic technologies, facilities, and expertise). For example, PRM coordinates with the Department of Homeland Security to use standardized processing criteria and/or abridged referral forms that significantly reduce processing times and information requirements. Similarly, the State Department invests in physical infrastructure to facilitate interviews, medical screenings, and transportation in ways that meet stringent security requirements.

Undermining Distributional Equality and Rescue

The reformed system of selection has been successful on its own terms. Most notably, refugee admissions stabilized after reforms, such that by 2008 the US was regularly meeting its 70-80,000 annual ceiling. Moreover, by 2008 the UNHCR – previously reluctant to conduct resettlement work – was referring more cases than the US and other resettlement countries had spaces for, therefore creating backlogs that could fill quotas for subsequent years. Although not addressed directly in this paper, this system allowed the US to build out global resettlement capacity, as new countries could simply participate in these large programs at limited expense, instead focusing resources and attention on incorporating refugees post-resettlement.⁹ As a result, global resettlement capacity increased throughout this period from around 92,000 spaces offered by thirteen states in 2001, to almost 200,000 spaces offered by thirty states in 2017. At the same time, however, the reformed system undermines core humanitarian ideals of distributional equality and rescue that animate official discourse around resettlement as a humanitarian protection

⁹ As one UNHCR official said to me, “Canada spends on integrating refugees what the United States spends abroad. But if the US wasn’t doing this, I think you’d see a very different program in Canada.”

mechanism. There are three reasons for this, each stemming directly from the process of constructing clean cases.

First, certain refugee groups pose enhanced political and operational barriers to selection, meaning that it is harder to attain assurances from processing stakeholders for their orderly and predictable selection and processing. These groups therefore receive less resettlement spaces. This fact is strongly implied by the “wink and nod” system mentioned above, as well as the statements of a number of practitioners who informed me that PRM and the UNHCR are reluctant to push cases that pose complex political or operational challenges given the constant pressure to find cases and meet referral demands [*interviews 4 & 8*]. For example, ongoing political tensions between Bangladesh and resettlement countries have undermined the capacity to resettle Rohingya refugees, such that only twenty-five refugees were resettled between 2002 and 2017. Similarly, logistical issues such as poor quality roads, geographically dispersed refugee populations, or elevated security concerns undermine the capacity to attain agreements from government agencies to complete sufficient circuit rides or clear USCIS officers for interviews. Practitioners refer to such groups as “hard to reach cases.” This notion came up frequently during fieldwork and interviews to explain distributional imbalances in resettlement between groups that otherwise have similar levels of needs. We’ll see an example of this in the next section when we compare the imbalance in resettlement between Congolese refugees living in Uganda and Sudanese refugees living in Chad.

Importantly operational challenges do not simply disqualify groups, as the US state has proven willing over the past few decades to invest in infrastructure to resettle certain priority populations. For example, when Kenya threatened to push Somali refugees out of the country, the United States promised increased resettlement for this population. It quickly found that it could

not operate in the camps, however, due to security concerns and access issues. In response, the US built a large processing facility in Kakuma Refugee Camp and bussed refugees from Dadaab to Kakuma for processing. As a senior official in the State Department at the time put it to me,

It was more expensive, but this is how we could meet the needs. So these are the sorts of considerations: how much resources do USCIS have to do this work? What's the security situation and infrastructure? How many people can actually go and how long can they stay? There's all of these considerations.

This quote powerfully and succinctly brings together questions of “need” with questions of “numbers,” revealing how these two logics operate in tandem to shape refugees’ access to resettlement.

Second, the infrastructure central to constructing clean cases generates a path-dependency in refugee selection, which concentrates spaces in certain populations and countries of asylum. This path dependency stems from the capacity of infrastructure to maintain the admissions pipeline, rationalizations that justify expensive investments, administrative inertia, and the ways in which infrastructure shapes how states and other humanitarian actors and agencies “see” populations. The fact that Myanmarese refugees have been the largest source country for resettlement to the US over the past two decades is a case in point. Myanmarese refugees began to arrive in Thailand and Malaysia at roughly the same time that the US program for Vietnamese, Laotians, and Cambodians living in these countries was coming to a close. Key US stakeholders guiding admissions decisions were therefore active in the camps and became closely (and emotionally) involved in these newly arriving refugees. US officials had also already established relationships with Thai and Malaysian government officials, and had already built Refugee Processing Centers and other key infrastructures.

Third and finally, the iterative and multilateral process of attaining assurances for resettlement coupled with the buildup of infrastructures and expertise takes time. As a result, the process of constructing clean cases means that many refugees in “need” wait in exile for years before they are even considered for resettlement. Senior officials often lamented this fact during interviews. Discussing the ideal of resettlement as a “humanitarian rescue program” for those refugees most in need, one official [*interview 14*] conceded that resettlement is “really not a rescue program. Sadly, it’s just not. It’s not an open arms program.” They went on to say that “It’s very selective exactly because of the logistics. It takes years to establish agreements and set up the required infrastructure, and then it can take over two years to actually get resettled to the United States.” As a result, they said, “you’re looking at seven or eight years in exile minimum before your case is even considered. So no, it’s just not a rescue program.” Reflecting on how the initial objectives of the reform period had changed over the years, an official [*interview 9*] closely involved in resettlement since the mid-1980 made a similar comment:

Back in [the 1990s], our focus was really on diversity, on making sure resettlement was available to as many in need as possible. That’s just not the case anymore. It’s a numbers game now. It’s about budgets, it’s about keeping numbers up [...] We tell ourselves that we’re saving peoples’ lives. But we’re not. It just takes too long, requires too much planning, and it’s too selective by design. It’s really not saving [refugees].

The description of resettlement as a “numbers game” came up several times during my fieldwork to explain – and lament – the departure from humanitarian ideals of distributional equality and rescue.

Interestingly, while acknowledging that the process of selecting refugees departs from humanitarian ideals of distributional equality and rescue, a number of practitioners rationalized this system through attention to the temporal rhythms of processing and issues of volume. For example, an individual who’s worked across the US government and UNHCR for over three

decades lamented the distributional imbalances in resettlement and the fact that the system of selection meant that resettlement rarely served to “rescue” those in urgent need. They went on to say, however, that,

[W]hat I truly believe, in my heart of hearts, is that we’re transforming the lives of a lot of people every year. [...]. So, I think about it as a kind of trade off: we may not be identifying the neediest, but when we hit that annual target set out by Congress each year, we’re maximizing the effect of this program. We’re making sure that as many refugees as possible are resettled.

Numerous interviewees articulated this sort of *post-facto* rationalization, reflecting an emergent set of professional norms animating the work of resettlement and guiding activities in the field. Such narratives reflect those outlined by Espeland and Sauder in their account of how law school administrators reframed their position in ranking tables around their own professional objectives and norms.

Clean Cases and Distributional Imbalances: An Example

This final section provides a comparative example that illustrates how the process of constructing “clean cases” produces distributional imbalances. While Congolese refugees living in Uganda have received 11,210 places since 2004 (equivalent to 0.8% of the Congolese refugee population in Uganda) only 63 Sudanese refugees have been resettled from Chad (0.02%). These two refugee groups come under the same regional quota and are managed by the same US desk officer. What, then, explains the uneven distribution of resettlement spaces across these two groups?

According to the humanitarian account, this difference reflects an underlying difference in resettlement needs. This claim does not hold up. While both groups are in the most vulnerable category of refugees (Category Five), Sudanese refugees living in Chad have a higher index score (averaging at 5.2 compared to 5). In fact, the latter, displaced from the Darfur region of Sudan, are

among the most marginalized refugees in Africa, essentially warehoused in camps located in remote, semi-arid areas of the country. Life in these camps is almost entirely sustained by international aid, which has been diminishing over the past ten years resulting in food rationing. Moreover, this group live under constant security threat and have very limited prospects of returning to Sudan. Congolese living in Uganda, on the other hand, generally live among Ugandans in “settlements,” are given arable land to farm, are able to “self-settle” in urban areas, and have access to public institutions such as schools, courts, and hospitals. Indeed, the UN High Commissioner for Refugees, Filippo Grandi, recently described Uganda’s refugee policy as “among the most progressive in the world.”¹⁰

The imbalance in resettlement spaces between Congolese and Sudanese refugees was raised during a conversation with the US desk officer who oversees both contexts [*interview 12*]. The official first outlined the heightened vulnerabilities that trigger resettlement, focusing particularly on camp-based refugee hosting in which refugees are “living segregated from the local population [and] not able to work or to move around freely.” To draw out the point, the official went on to compare the more open system in Uganda to the situation in Chad,

...refugees inevitably get more settled and look more and more like true Ugandans, in that they have land, they have businesses, they’ve gone to school, they’ve integrated and they have a multi-generational kind of life here. You can compare this to the situation in Chad where you have refugees living in segregated camps, completely dependent on aid, and facing endemic funding shortfalls.

Pushed on why, then, Congolese receive higher rates of resettlement compared to the Sudanese refugees living in segregated camps in Chad, the official went on to say that,

You really haven’t seen many [Congolese] being able to make that leap to be truly independent operators [...]. There’s really not many refugees or family members of refugees that have truly

¹⁰ <https://www.unhcr.org/en-us/news/latest/2018/1/5a716d994/grandi-praises-ugandas-model-treatment-refugees-urges-regional-leaders.html>

excelled in Uganda, I mean, they haven't joined the middle classes. You look at Kampala where you can really see a growing middle class, you don't see Congolese among that.

Ascent to the middle classes is a strong measure of local integration, applicable to few refugees around the world. Given the scarcity and exceptional value of resettlement spaces, the relative overrepresentation of Congolese refugees in Uganda compared to Sudanese in Chad suggests that alternative factors beyond humanitarian need shape the distribution of resettlement places.

To understand why Congolese have received more resettlement spaces than Sudanese, we need to turn to the social system of selecting refugees in practice. As we've seen, this system concentrates resettlement spaces around a relatively small number of refugee groups that can support stable and predictable admissions over multiple years. Given these institutional constraints, the Congolese emerged as an ideal group for resettlement. This point was put clearly by a senior official who has worked across the US government and UN system. Asked why the Congolese have received such large resettlement numbers over other groups with similar protection needs, the official [*interview 9*] remarked simply that it was about "Numbers, politics, and meeting the ceiling. It's that simple." They went on to say [*emphasis added*],

Obama's final ceiling was 110,000. To process so many cases in a year is tough, so you need lots of *clean cases* and tons of operational capacity [...]. [We use a measurement] called 'movement time.' This is the time between [US]CIS interview and departure. Congolese are going through in 4 to 6 months! That's unheard of. That's medical, security screening, wait period, everything. You don't see that with Iraqis or Somalis. Forget about Syrians, it's almost impossible. They're just as needy, no one's doubting it. But, as I say, it's a numbers game at the end of the day and the Congolese program gets us those numbers.

A practitioner "in the field" charged with referring Congolese refugees for resettlement to the United States reflected a similar view (*emphasis added*):

We have really high annual referral targets, and so we're often working hard to hit these targets, sometimes six or seven days a week just trying to get files in order [...]. To meet my targets I'm looking for *clean cases* where I can just do some checks and then submit. From my experience, I

can say that the Congolese program has been one of the best for this, and it shows a real progression from where we were five, ten years ago.

A significant reason for the fast movement time and availability of clean cases among the Congolese refugee population is that PRM has built infrastructure to ensure high-volume referrals. For example, PRM has funded the construction of large processing facilities in Uganda and Tanzania that have medical centers, rooms for departing refugees, secure interview sites, and even attached accommodation for USCIS interviewers. Commenting on these facilities, a US government representative [*interview 12*] said,

We just finished one in Tanzania. It's the state-of-the-art way to do this. You can do concurrent pre-screening, USCIS interviews, IOM medical interviews, cultural orientations, all in one place [...]. The idea is that we can build reception centers that are more than a hut, and we will use it for more than ten years. So [that center] will pay for itself by the end of next year. That's where we should be putting more money. So we've [also done this in Uganda.] We've built a big medical center for IOM where they can do it all at once, including we have a five day waiting period where we can check if anything comes up before they leave, and so we can house refugees at that center, do out final checks, do all the medical stuff there, do the final vaccinations there, all in one place. [This is something] I'll do when I go to travel. I think, will we be doing a lot of more resettlement in this country in the foreseeable future? Is it worth building something here? Sometimes it is, sometimes it isn't.

The final few sentences of the above quote reveal a key implication of the contemporary system selecting refugees: the infrastructural investments required to produce clean cases will simply not be triggered unless assurances can be attained that once in place, resettlement will sustain numbers across multiple years. Such assurances require iterative and nested negotiations with a wide range of government and non-governmental agencies.

We can now return more directly to the puzzle of why Congolese receive more resettlement spaces than Sudanese. Put simply, the operational and political context in Uganda allowed the US State Department to build out infrastructure and attain assurances for stable admissions. In other words, the Congolese were more easily constructed as “clean cases.” Indeed, the US has open and generally good diplomatic channels with Uganda, decreasing concerns over potential interruptions

to processing. Furthermore, US staff can operate in Uganda with minimal restrictions due to the security context (especially in the west and southwest where Congolese refugees are), and processing partners can easily travel to refugee settlements and organize transit for refugees to processing facilities. Finally, the Department of Homeland Security and USCIS allowed abridged referral forms for Congolese, reducing the need for complex individual case management and data-gathering. Abridged forms in turn reduced the need for extensive training and specialized staff.

In contrast, Sudanese refugees in Chad pose significantly greater operational and political challenges. Despite calls for increased resettlement by the UNHCR Country Office in Chad, the Security Section in the State Department refused to issue clearances for USCIS officers to conduct interviews near the camps due to security concerns. Furthermore, on-the-ground agencies face difficulties operating in the region and moving potential candidates in-and-out of camps for interviews or screenings. Indeed, international operations in Chad operate under UN peacekeeping forces and national military escorts. Such contexts significantly increases the demands on infrastructure.

The critical point here is that the imbalance between Congolese refugees and Sudanese stems from social organizational factors rather than, directly, national interests or the intrinsic characteristics of either population (either their social or economic profile or “vulnerability”). In fact, the State Department invested significant sums to build secure processing infrastructure in Chad to increase Sudanese resettlement [*interviews 9 & 12*]. This led to a small number of referrals in 2016. However, an agreement between Chad and Sudan led to an abrupt halt in referrals and a suspension of processing. Reflecting on this situation, a senior official suggested that the US was unlikely to pursue Sudanese resettlement from Chad in the future:

It's just been too complex and expensive. Darfairs are what we'd call 'hard to reach' refugees, and we've had to invest a lot of time and resources into this program with very little results. Especially given our relationship, or I guess I should say lack of relationship with Sudan, I don't really see this program being viable moving forward.

The ongoing discussion shows that irrespective of underlying needs or US national interests, the selection, identification, and processing of refugees in practice places certain constraints and limitations on refugee selection, resulting in distributional imbalances. In particular, refugees' access to resettlement is mediated by infrastructures that are themselves unevenly distributed across the refugee population. To understand why certain refugees are resettled and others are not, we therefore need to examine the social organizational features of resettling refugees in practice.

Conclusion

Soon after taking office in January 2021, Joe Biden reiterated his campaign commitment to increase resettlement to 125,000 a year over the course of his presidency. Contextualized by statements such as "American's back," Biden couched his support for large resettlement numbers within his broader emphasis on American exceptionalism and the United States' moral position within and responsibility to the world. A month later, on February 4th, he signed Executive Order 14013, titled "Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration," which laid out a series of administrative actions to rebuild the "badly broken" resettlement system inherited from Trump. Around the same time, Biden sent a proposal to Congress to increase the FY2020-21 quota from 15,000 to 62,500 citing the need to "help meet the unprecedented global need" for resettlement. Biden's actions met a chorus of praise from supporters of resettlement. A New York Times editorial, for example, applauded Biden for removing Trump-era barriers blocking the resettlement of "the world's neediest people." Similarly, UNHCR head Filippo Grandi praised Biden, citing the need for urgent

action to address the large number of refugees living in “life-threatening circumstances” and the “1.4 million refugees in situations of extreme vulnerability.”

The findings of this paper complicate official and popular discourse around refugee resettlement. Going beyond numbers or accounts of the overarching logics of resettlement, this paper has shown that access to resettlement is concentrated around a small number of refugee groups, that most refugees are in exile for years before they are resettled, and that certain refugee populations have restricted access to resettlement irrespective of their underlying need. In other words, the system of selecting refugees to the United States undermines humanitarian ideals of “distributional equality” and “rescue.” Crucially, however, departures from humanitarian ideals do not stem straightforwardly from the constraining interests of the United States or the inherent profile of refugees. Rather, they stem from a system of selecting refugees that constructs “clean cases.” The focus on clean cases emerged to resolve tensions within the transnational field of resettlement that undermined the US’s capacity to meet demands for stable and predictable admissions. In other words, the focus on clean cases emerged to resolve field-level problems and tensions, rather than as expressions of the straightforward interests of the US state or other powerful actors.

In making the above argument, this paper calls for greater scrutiny of the underlying logics of practice that guide the distribution of scarce resettlement spaces. Thus far, scholars have largely taken official discourses around refugee selection for granted, instead critiquing binaries of the “good refugee” and “bad/bogus asylum seeker.” As we’ve seen, however, discriminatory logics sit at the core of decisions about who to resettle and therefore deserve future attention. Similarly, future work might further probe the category of “hard to reach cases.” This category of practice is central to official understanding of distributional inequalities, but it remains to be examined what

specific factors shape such categorizations or how longer histories of resource allocation and investment impact refugees' access to scarce resources. On a related point, the arguments in this paper call for greater attention to the process and outcomes of constructing clean cases, and particularly how this process produces and/or maps on to refugees' subjective understandings of groupness in exile or after resettlement (c.f. Besteman 2012, 2016).

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