

Introduction

European models on the reception and processing of migrants and people seeking asylum offer several lessons for the US context. It is crucial to identify not only what has succeeded and failed in the European context, but also what does and does not apply in the US and regional Americas context, which is very distinct from that of Europe. [Recent reporting](#) has focused on reception center models, which in Europe fall along a spectrum from limited to full-range processing, with migrants staying in one location for a brief initial period for intake up to the entire time it takes to process their asylum application.

- Four months after the White House confirmed its interest in European reception centers as a model, the Department of Homeland Security (DHS) announced the planned piloting of a reception center-type processing center at the US-Mexico border in its April 26, 2022 DHS Plan for Southern Border Security and Preparedness. The Enhanced Central Processing Center (ECPC) co-locates Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), and nongovernmental organizations (NGOs) to facilitate the triaging, initial processing, and onward transfer or release of migrants. This pilot announcement followed the release of [DHS's FY2023 budget request](#) seeking funding for 300 additional Border Patrol Processing Coordinators to "receive and in-process non-citizens at USBP [US Border Patrol] facilities."¹

This backgrounder includes sections on the following:

1. European reception center models and their impacts on asylum seekers' well-being and ability to have their claims for protection promptly and fairly processed.
2. A brief overview of the framework for processing people seeking asylum and their claims for protection governing European Union (EU) states.
3. Processing timeframes for asylum claims, both as envisioned by the EU's legal framework and as seen in practice in member states.
4. The spectrum of reception and processing center models found across the EU; and an analysis of what aspects of these models the US should consider adopting and which should be rejected due to policy failure or inapplicability to the US regional context.

Overview: European Union Asylum Processing Framework

EU states are governed by the [Common European Asylum System \(CEAS\)](#), which establishes minimum legal standards as well as extensive guidance and technical support for the processing and adjudication of applications of people seeking asylum² across EU states. The CEAS framework rests on five legal instruments and the [European Union Agency for Asylum](#).

- Two EU regulations: (1) the [Dublin Regulation](#); and (2) the EURODAC database system. EU regulations are [binding on member states](#) and directly applicable without the need for implementation into national law.

1 Border Patrol Processing Coordinators are categorized as a weapon-carrying position without license or minimum education requirements. Notable for its absence is any mention of the state-licensed child welfare professionals Congress has directed CBP to hire to provide child welfare expertise and screening services at ports of entry and Border Patrol stations. See [FY22 House Report 117-87](#) at pages 29-30 (incorporated by reference in the FY22 appropriations joint explanatory report).

2 The EU, like the US, distinguishes between refugees who go through a refugee recognition and resettlement process from abroad and people seeking asylum who request refugee protection once in the country or at its border.

- Three EU directives set out common standards for asylum [procedures](#), [eligibility](#), and [reception conditions](#). Unlike EU regulations, [EU directives are not directly applicable](#) and must be implemented into national law to take full effect, although states remain responsible for achieving the result sought by the directive even in the absence of national implementation.³
- The [European Union Agency for Asylum \(EUAA\)](#) is the EU agency mandated to support member states in applying the EU laws governing asylum and international protection—a.k.a. the CEAS. While the EUAA does not replace national asylum authorities, its ultimate goal is to [harmonize asylum practices across all EU states](#) in accordance with EU law, which includes not only the CEAS but also international obligations under the 1951 United Nations Refugee Convention and other relevant human rights instruments.

Compliance and consistent implementation of the CEAS remain ongoing issues across EU member states, where [compliance deficits](#) include inadequate reception provision, barriers to lodging asylum applications, lack of special procedural guarantees for vulnerable populations, and unfounded discrepancies in asylum grant rates. Although EU law provides for [state liability in the event of a breach](#), in the asylum arena, the EU has resorted to “support” in the form of [technical assistance instead of enforcement](#) of consequences in the face of noncompliance. A recent and notable exception is the [EU's pursuit of financial penalties against Hungary](#) for its failure to comply with the CEAS through an order from the Court of Justice of the European Union.

The Current Dublin Regulation and Proposed New Pact on Migration and Asylum

In force in its current form since 2013, the [Dublin system](#) establishes which EU state is responsible for adjudicating an individual's asylum application according to criteria based on family ties, previous asylum application, visa or residence, and manner and place of entry into the EU. The Dublin regulation imposes a threshold admissibility analysis on asylum applications made in the EU, as member states consider whether responsibility lies with another EU state before reaching the substance of the asylum claim. In practice, the first entry criterion has resulted in disproportionate burdens on EU border states like Greece and led to sustained calls for reform. Pleas for reform reached an inflection point in September 2020, when the European Commission (the executive authority of the EU) proposed a [New Pact on Migration and Asylum](#), which sets out a comprehensive package of proposed reforms to the EU asylum system aimed at improving responsibility sharing and solidarity among member states and focused on [preventing the entry and effectuating the return](#) of people seeking asylum. [Described as a three-floor building](#), the ground floor of the proposed reforms focuses on facilitating the return of rejected people seeking asylum to their countries of origin through “partnerships” with those countries, often including EU economic or other assistance. The second floor focuses on the “management” of EU external borders, largely by expanding the role and size of Frontex, the European Border and Coast Guard Agency, while also imposing [mandatory screening and accelerated border procedures](#) for irregularly arriving people seeking asylum. Finally, the third floor would replace the Dublin Regulation with a new solidarity and responsibility-sharing framework. Notably, most of these [proposed reforms remain as yet unadopted](#) by the EU, where their passage requires majority approval in the European Parliament and unanimous approval in the [European Council](#). [Negotiations between these co-legislators are ongoing](#).

³ Although an EU member state, Denmark has declined to accept the three CEAS directives, while Ireland, another EU member, has not accepted the latest amendments to the CEAS directives.

Processing of people seeking asylum

While weakened by their lack of direct applicability and widely inconsistent compliance by different countries, the EU directives governing minimum procedural protections and reception conditions for people seeking asylum generally go further than the limited protections found in the US asylum system. These European directives seek to [accommodate people seeking asylum with special needs](#) and ensure a [“dignified standard of living”](#) consonant with the EU charter of fundamental rights, while in the US, even the most vulnerable adults seeking asylum, including those who are pregnant, living with disabilities, or LGBTQIA+, are at high risk of criminal prosecution for irregular entry, immigration detention, and homelessness and food insecurity due to the lack of binding legal protections against these harms. Moreover, the EU’s [Qualification Directive on asylum eligibility](#) recognizes not only refugee status but also [subsidiary protection](#) for certain vulnerable people who may not meet the refugee definition. Subsidiary protection covers people who would suffer serious harm, including torture or a serious threat to one’s person or life due to armed conflict if returned to their country, regardless of their nationality, race, religion, political opinion, or social group – covering, for example, a Syrian at risk of serious harm due to ongoing armed conflict rather than their individual political opinion. While subsidiary protection shares some similarities with humanitarian asylum under US law, it goes further by granting protection regardless of whether the asylum seeker can show past persecution on account of a protected ground (nationality, race, religion, political opinion, or social group), something that is a requirement for humanitarian asylum in the US.

Detention of people seeking asylum

Whether, how long, and under what conditions people seeking asylum may be [detained](#) is governed by the [Dublin Regulation](#) and the [asylum procedures](#) and [reception conditions](#) directives, as well as the [Return Directive](#). These instruments not only enshrine safeguards for vulnerable individuals, but also restrict the blanket application of detention to people seeking asylum commonly seen in the US. The need for detention should be assessed on an individual basis, and only after alternatives to detention are considered.⁴ The limitations on length of detention for those going through asylum procedures consist of subjective guidelines like “as short a period as possible” rather than specific time periods, while member states cannot detain individuals subject to removal for longer than 18 months. Despite these standards, [ongoing abhorrent detention conditions in Greece](#) offer a stark example of the human consequences of deficient implementation of and compliance with the CEAS. Notably, the [new reception center for refugees](#) opened on the Greek island of Samos (one of [five new Closed Controlled Access Centers \(CCACs\)](#)) in September 2021 has faced [sustained criticism for detention-like](#) and [substandard living conditions](#). In addition, the [European Ombudsman recently opened an inquiry](#) into whether the EU-funded CCACs in Greece adequately protect human rights.

Externalization of barriers to people seeking asylum

Despite maintaining an asylum system at least in aspiration more protective than that of the US, the EU has sought to externalize its international responsibilities to accept and process people seeking asylum. Several bilateral agreements—[endorsed by the EU financially and otherwise](#)—exist between member states and periphery (third) countries like Italy and Libya or Spain and Morocco. In force for five years, the Italy-Libya agreement has seen [Italian and EU funds and technical assistance](#) for the Libyan Coast Guard and other state authorities used to intercept thousands of people seeking asylum and send them to abusive detention centers. [Civil society actors fear similar results](#) from the newly finalized Spain-Morocco agreement, which was reached only after [Spain agreed to support Morocco’s claims](#) to Western Sahara following Morocco’s

⁴ Art. 26 of the Asylum Procedures Directive and Art. 8 of the Reception Conditions Directive; see also Art. 15(1) of the Return Directive.

release of significant numbers of people seeking asylum and other migrants into Spanish territory. Moreover, a significant externalization occurred at the EU-wide level through the [Union's 2016 deal with Turkey](#). Under this deal, EU member state Greece can return people who entered irregularly without seeking asylum to Turkey, while Turkey agreed to take additional measures to prevent migrants transiting their territory from reaching Greece. In practice, Greek authorities often manipulate this [arrangement](#) by [pushing people back](#) into Turkey or the Aegean Sea [before they can request asylum](#).

Asylum processing timeframes: The inequity and limited efficiency of triage

Although the 2013 [Asylum Procedures Directive](#) sets out an initial time limit of six months for processing asylum applications at the administrative stage, the significant increase of people [seeking protection in Europe in 2015-2016](#) catalyzed a push throughout the EU to improve both the speed and agility of asylum processing, risking serious due process and rights consequences. This shift is encapsulated in the [New Pact on Migration and Asylum](#) proposal for reform, which the European Commission claims sets out "improved and faster procedures throughout the asylum and migration system," although civil society groups have noted that these proposed improvements rely on [prioritizing the return of people seeking asylum or keeping them from initiating](#) asylum applications in the first place at the expense of key due process safeguards.

The period between the 2015–2016 jump in people seeking asylum and the 2020 proposal of the New Pact on Migration and Asylum saw the proliferation of efforts across European states to increase the speed and flexibility of asylum processing. While many of these efforts took the form of the various reception center models described in the previous section, other endeavors have focused on triaging asylum applications. While the continent lacks a standardized triage system, many European countries have opted for tracked systems. Generally, such triaging categorizes the claim and then tracks it based on the profiles of individuals into accelerated, regular, or specialized procedures. Triage draws on the 2013 [Asylum Procedures Directive](#)'s authorization to accelerate the six-month administrative adjudication time frame for applications assessed as likely to be unfounded. However, as triaging often relies on procedural acceleration, [not only civil society](#) but even the [EUAA](#) (in its former iteration as the European Asylum Support Office) has flagged the incidence of lower-quality decision making and unfounded rejections and refoulement – the forcible return of people seeking asylum to a country where they are likely to be persecuted – in some cases.

Triage categories include cases presumed to have high or low likelihood of success, those subject to Dublin procedures, and those assessed as complex. In more than 20 EU states, including [Belgium](#), Greece, and the Netherlands, cases may be categorized by an applicant's country of origin, where some countries of origin (e.g., Senegal) are categorically and problematically considered "safe," which results in the application being treated with a presumption of a low likelihood of a protection grant, while other countries of origin (e.g., Syria) can automatically trigger a presumption of a well-founded fear of persecution based on a general consensus that country conditions qualify for refugee protection. Such country-based fast-tracking has come [under criticism](#) from [civil society](#) due to its [tendency to cut safeguards](#) meant to ensure the fair and individualized consideration of each application for protection. Despite these concerns, the New Pact's [proposed Asylum Procedures Regulation](#) would force people seeking asylum from countries with an average EU-wide first-instance protection rate of less than 20 percent into accelerated border procedures without accounting for the [due process concerns](#) over categorical fast-tracking of a case by country origin, the significant disparities in recognition rates across EU states, or the reality that a substantial number of asylum applications are ultimately granted on appeal.

Some states like [Greece](#) employ [a safe third country concept](#). Relying on this concept, Greece has [unilaterally designated Turkey as a safe third country](#) for several countries whose nationals make up a significant proportion of people seeking asylum, enabling Greek authorities to deem their asylum applications inadmissible and deny them the procedural and substantive rights due to them as people seeking asylum in the EU under the [CEAS](#). This has been [severely criticized by civil society](#) as another way to externalize asylum processing by preventing people from dangerous countries from seeking protection in Europe, similar to [multiple calls from US civil society including WRC](#), for the US to cease disastrous [formal](#) and [informal](#) externalization practices, including [Title 42](#) and [Remain in Mexico](#).

Despite these efforts, the [Migration Policy Institute \(MPI\) points out](#) that as of 2020, none of the European state asylum systems had reduced processing times to less than a year for a significant portion of applications. Even the [latest EUAA statistics from May 2022](#) show that of the 506,300 asylum applications pending at the first instance stage, fully half had been pending for more than six months. Moreover, the significant rate of success on appeal of negative first-instance decisions—[34 percent of final appeal decisions in 2021 granted protection](#)—demonstrates the perils of overreliance on accelerated proceedings, especially those like the proposed accelerated border procedures that would deprive people seeking asylum of meaningful access to judicial review.

On the other hand, [civil society actors have noted](#) that when authorities have the option of placing people seeking asylum into accelerated procedures, especially when they are applied in reception or processing centers, authorities tend to place more cases on accelerated tracks, depriving more people of an adequately thorough review of their claims. Moreover, in some cases, [fast-track processing has concentrated resources on accelerated cases](#), resulting in increased delays in the processing of more complex cases not on the accelerated timeline.⁵ Whether more people seeking asylum are subject to accelerated procedures or increased delays, the threat to fairness and legitimacy remains.

Reception centers: A spectrum of approaches

Individual European states and the EU as a bloc have turned to the reception center model to increase organization and efficiency in processing people seeking asylum by co-locating processing, services, and sometimes housing. Rather than a unitary one-stop shop model, the reception center concept has taken [differing and evolving shapes across European states](#). These centers fall broadly into three categories—(1) first arrival centers; (2) asylum processing centers; and (3) specialty centers—and are generally distinct from formal detention centers run by some European states.

1. First arrival centers

[France, Germany, and Belgium](#) are among the countries that have employed this model. Generally, these facilities centralize the asylum and migration authorities carrying out the initial processing (but in an individual's destination country, rather than their first encounter in the EU) of people seeking asylum, including registering people seeking asylum upon arrival, initiating the asylum application process, and providing or making referrals to reception services such as housing, food, and clothing, or access to health care or education. In some cases, like in [Germany](#) or the [Netherlands](#), first arrival centers have included accommodation for people seeking asylum subject to fast-track processing of their asylum applications. Challenges have included capacity, whether the lack thereof as in [France, Italy, or Belgium](#) or [overcrowding or delays in adjudications](#) undermine the intended functioning of the centers, as in the [Netherlands](#), as well as inconsistent and ineffective implementation as in [Italy](#). While in [Belgium](#) and the [Netherlands](#) the

⁵ "Streamlining" efforts in both the US [immigration courts](#) and the [Asylum Office](#) have created similar bottlenecks.

envisioned length of stay is three days, these timeframes do not account for capacity issues that lead authorities to deny access to people seeking to initiate their asylum application.

2. Asylum processing centers

Several countries have established reception centers intended to house people seeking asylum for the length of processing of their asylum claims. This may be the only center in which an asylum seeker stays or may be where an asylum seeker is transferred after a stay in a first arrival or initial reception center. Germany created [AnKER centers](#), which bundle all functions and responsibilities from arrival and asylum application to decision and eventual integration or return preparations. In [Switzerland](#)⁶ federal asylum centers similarly centralize asylum processing functions, sometimes including legal and social services support. [German](#) and especially [Swiss](#) centers are semi-closed regimes that limit the hours and distance people seeking asylum can be away from the center. Generally, in Germany people seeking asylum may come and go but must report to the center's security personnel, remain within the town and district of the reception center, rely on public transport, which is often limited in remote locations, and cannot be absent for too long (in some places no more than 48 hours) without jeopardizing their application and reception conditions. Moreover, access to [employment](#) and the [regular educational system](#) is severely limited for people seeking asylum in initial reception centers like the AnKER centers. The Swiss regime is even more restrictive, generally only allowing people to leave between 9 a.m. and 5 p.m. on weekdays or for the weekend, with several of the federal reception centers in very remote locations with very limited public transport access. People seeking asylum in Swiss federal reception centers [cannot attend schools outside](#) the centers, [nor can they get permission to work](#) except in very limited circumstances. In response to increasingly lengthy processing timeframes and despite criticism by [civil society](#) and [a government audit](#), Germany has progressively increased the [maximum obligatory stay in an AnKER center](#),⁷ most recently to 24 months.

Reception Centers on Greek Islands

Although they possess features of both first arrival and asylum processing centers, the reception facilities on the Greek Eastern Aegean islands of Lesbos, Chios, Samos, Leros, and Kos present a particular case. Despite sustained criticisms from [civil society](#) and [human rights bodies](#), the reception centers on the Eastern Aegean islands are [funded and supported](#) by the [European Commission and other EU states](#). This continued backing is notable given not only [Greece's historical inability](#) to conform to its CEAS obligations and ensure the rights of people seeking asylum, but also the numerous concerns raised by the islands' newest reception center iteration, the [Closed Controlled Access Centers \(CCACs\)](#), also known as Multi-Purpose Reception and Identification Centers (MPRICs). As described above, although these centers are [not meant as detention](#) (although exceptions exist), the [barbed wire, video surveillance, and tightly controlled egress](#) create [detention-like conditions](#). These conditions combine with the [geographical restriction of people seeking asylum to the island](#) in question to effectively mandate their stay in the CCAC throughout their asylum proceedings. Moreover, under the EU-Turkey agreement people seeking asylum on the Eastern Aegean islands are subjected to [Fast Track Border Procedures](#) and since June 2021 many of those applications are deemed inadmissible pursuant to [Greece's unilateral designation of Turkey as a safe third country](#) for nationals from the [five most common sending countries](#). This leaves thousands of people seeking asylum deprived of due process and trapped in carceral conditions indefinitely, as [Turkey has refused to accept returns](#) since the onset of the COVID-19 pandemic.

⁶ Although Switzerland is not an EU member, it participates in some aspects of the EU asylum system through its 2008 [adoption of the Dublin association agreement](#).

⁷ In late 2021 the new German coalition government signaled its intention to not pursue the concept of the AnKER centers further,

3. Specialty centers

Many of the countries using reception center models have developed specialized versions to accommodate specific circumstances. One common variant has been centers for people seeking asylum subject to transfer under the Dublin Regulation or denial of their asylum applications, like in [Switzerland](#) and [Sweden](#). In Switzerland, the average length of stay for people seeking asylum subject to Dublin procedures was [59 to 73 days](#) in 2021. While another version accommodates people seeking asylum with special vulnerabilities such as families in [France](#) or unaccompanied minors in the [Netherlands](#) and [Austria](#), these specialized centers suffer from a lack of capacity to serve all of the vulnerable children and families seeking asylum in these countries. Finally, a variation found in [Austria](#) and the [Netherlands](#) locates centers near airports to process people seeking asylum subject to the [optional border procedures](#) permitted by the Asylum Procedures Directive, although these facilities are often closed centers that [operate as de facto detention](#).

Lessons from European models: Reception center efficacy depends on fairness

As indicated by [reporting in the Washington Post](#), the European reception center model aspires to efficient asylum processing results achieved through humane and fair means. Yet as this backgrounder has demonstrated, the various reception center models piloted by European states have achieved only limited efficiency at the expense of consistent fairness in even the most successful cases. Moreover, the applicability of these limited successes is further reduced in the context of the extremely distinct regional dynamics of the Western Hemisphere. This conclusion highlights the most promising and problematic characteristics of reception center models while offering recommendations for US policymakers.

European reception centers: The best of

- Reception centers in several European nations including Switzerland and [Portugal](#) have brought together not only authorities from various aspects of the asylum process but also critical legal and social supports to facilitate due process and well-being. For example, the [on-site availability of legal assistance](#) in Swiss asylum centers led to an [appeal rate reduction](#), although civil society groups indicated that this collocation causes some people seeking asylum to question the independence of their representatives. **US policymakers must ensure that any reception or processing centers not only provide orientation and access to the spectrum of services necessary to ensure dignity and due process for people seeking asylum but also protect the independence and integrity of the service providers.**
- In [Belgium](#) and elsewhere, government authorities have coordinated with civil society to monitor and improve reception and processing. In Ghent, Belgium, the Refugee Task Force not only [supported more than 300 shelter spaces](#) but also recruited integration professionals and planned labor market integration improvements. Civil society involvement has proved critical not only for efficacy but also for [bolstering social buy-in](#) for state adherence to international protection obligations. Moreover, the European Commission has not only dedicated significant funding for reception improvements through its [Asylum, Migration, and Integration Fund \(AMIF\)](#), but also [promoted human rights institutional](#) and civil society engagement, including through eligibility for [funding and evaluation of funded](#)

although in practice the existing centers remain open. [European Council on Refugees and Exiles, Germany: Incoming Coalition Agreement Signals Significant Change in Asylum and Integration Policy, Dec. 3, 2021.](#)

programming. US policymakers must guarantee the continuous and responsive engagement of civil society as they develop reception/processing centers for people seeking asylum, including through the support of appropriate investment in US civil society.

European reception centers: The worst of

- Although reception and processing centers are generally not meant to constitute immigration detention, in practice remote location, obligatory stay with strictly regulated egress, and lengthy processing times can add up to *de facto* detention, whether in [Greek CCACs](#), [German AnKER centers](#), [Swiss centers in remote cantons](#), or border or airport centers focused on quick deportations in [Austria](#) or the [Netherlands](#). In a US context lacking the same restraints on immigration detention,⁸ there is a strong potential for any new reception or processing center models to default into actual or constructive detention. **US policymakers must ensure that any development, piloting, or implementation of reception centers—like the [Enhanced Central Processing Centers](#)—(1) minimize restrictions on movement, including those posed by remote locations; (2) exclude key adjudications such as the merits of the asylum application; and (3) ensure that stays are extremely limited.**
- Triaging mechanisms that rely on initial presumptions of low viability to channel people seeking asylum into accelerated processing and return procedures, especially where people seeking asylum [lack access to independent legal advice](#), increase the likelihood that vulnerable populations or people with complex cases (including those from “safe” countries of origin) will be returned to danger erroneously. Because of the due process risks that inherently accompany any triaging efforts, WRC urges caution and extensive consultation with civil society before implementing any such measures. **US policymakers must ensure that any triaging (1) incorporates safeguards throughout the process to protect people seeking asylum from return to danger; (2) ensures transfer from accelerated to regular procedures for complex cases and continued meaningful avenues for appeal at any stage and track of the process; and (3) does not rely on designation of “safe” countries of origin. As WRC called for in our [comment on the Interim Final Rule on Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers](#), such safeguards must include adequate timeframes and appropriate support for case preparation, meaningful access to legal representation, and extremely strict limitations on detention.**
- The ongoing struggles of many EU states (e.g., [Italy](#), [France](#), [Netherlands](#)) to adequately and timely scale up or scale down capacity and services in their reception centers indicate that in many cases the reception center may not be a sustainable model. **In developing, piloting, or implementing any reception center-type model, US policymakers must ensure that sustainability is a central consideration, up to and including careful analysis and selection of more sustainable alternatives that protect the human rights of and guarantee dignity and due process for people seeking asylum.**

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⁸ The principal restraints on the use of immigration detention are limited to protections for children in the [Trafficking Victims Protection Reauthorization Act of 2008 \(TVPRA\)](#) and the [Flores Settlement Agreement](#).

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Women's Refugee Commission

The Women's Refugee Commission (WRC) improves the lives and protects the rights of women, children, and youth who have been displaced by conflict and crisis. We research their needs, identify solutions, and advocate for programs and policies to strengthen their resilience and drive change in humanitarian practice. Since our founding in 1989, we have been a leading expert on the needs of refugee women, children, and youth and the policies that can protect and empower them. womensrefugeecommission.org.

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