TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 36 - MIGRATION AND REFUGEE ASSISTANCE

§ 2601. Refugees and migration

(a) United States membership in International Organization for Migration; contributions to Organization

(1) The President is authorized to continue membership for the United States in the International Organization for Migration in accordance with the constitution of such organization approved in Venice, Italy, on October 19, 1953, as amended in Geneva, Switzerland, on November 24, 1998, upon entry into force of such amendments.

(2) For the purpose of assisting in the movement of refugees and migrants, there are authorized to be appropriated to the President such amounts as may be necessary from time to time for payment by the United States of its contributions to the International Organization for Migration and all necessary salaries and expenses incidental to United States participation in such organization.

(b) Appropriations for assistance to refugees

There are authorized to be appropriated such amounts as may be necessary from time to time—

(1) for contributions to the activities of the United Nations High Commissioner for Refugees for assistance to refugees under his mandate or persons on behalf of whom he is exercising his good offices, and for contributions to the International Organization for Migration, the International Committee of the Red Cross, and to other relevant international organizations; and

(2) for assistance to or on behalf of refugees who are outside the United States designated by the President (by class, group, or designation of their respective countries of origin or areas of residence) when the President determines that such assistance will contribute to the foreign policy interests of the United States.

(c) United States Emergency Refugee and Migration Assistance Fund; appropriations

(1) Whenever the President determines it to be important to the national interest he is authorized to furnish on such terms and conditions as he may determine assistance under this chapter for the purpose of meeting unexpected urgent refugee and migration needs.

(2) There is established a United States Emergency Refugee and Migration Assistance Fund to carry out the purposes of this section. There is authorized to be appropriated to the President from time to time such amounts as may be necessary for the fund to carry out the purposes of this section, except that no amount of funds may be appropriated which, when added to amounts previously appropriated but not yet obligated, would cause such amounts to exceed $100,000,000. Amounts appropriated hereunder shall remain available until expended.

(3) Whenever the President requests appropriations pursuant to this authorization he shall justify such requests to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives, as well as to the Committees on Appropriations.

(d) Information to Congressional committees

The President shall keep the appropriate committees of Congress currently informed of the use of funds and the exercise of functions authorized in this chapter.

(e) Continued availability of certain funds

Unexpended balances of funds made available under authority of the Mutual Security Act of 1954, as amended, and of the Foreign Assistance Act of 1961, as amended, [22 U.S.C. 2151 et seq.], and allocated or transferred for the purposes of sections 405(a), 405(c), 405(d) and 451(c) of the Mutual Security Act of 1954, as amended [22 U.S.C. 1925 (a), (c), (d), 1951 (c)], are authorized to be continued available for the purposes of this section and may be consolidated with appropriations authorized by this section.

(f) Restrictions on foreign assistance not applicable to migration and refugee assistance
The President may furnish assistance and make contributions under this chapter notwithstanding any provision of law which restricts assistance to foreign countries.

Footnotes

1 See References in Text note below.


References in Text

This chapter, referred to in subsecs. (c)(1), (d), and (f), was in the original “this Act”, meaning Pub. L. 87–510, June 28, 1962, 76 Stat. 121, as amended, known as the Migration and Refugee Assistance Act of 1962, which enacted this chapter, amended section 1404 of Title 8, Aliens and Nationality, repealed sections 1925 (a), (c), (d), and 1951 (c) of this title, enacted a provision set out as a note under this section, and amended a provision set out as a note under section 1182 of Title 8. For complete classification of this Act to the Code, see Short Title note set out below and Tables.


Sections 405(a), 405(c), 405(d), and 451(c) of the Mutual Security Act of 1954, as amended, referred to in subsec. (e), were sections of act Aug. 26, 1954, ch. 937, 68 Stat. 832, and were repealed by section 6 of Pub. L. 87–510.

Amendments

2002—Subsec. (a). Pub. L. 107–228 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The President is authorized to continue membership for the United States in the International Organization for Migration in accordance with its constitution approved in Venice, Italy, on October 19, 1953, as amended in Geneva, Switzerland, on May 20, 1987. For the purpose of assisting in the movement of refugees and migrants and to enhance the economic progress of the developing countries by providing for a coordinated supply of selected manpower, there are authorized to be appropriated such amounts as may be necessary from time to time for the payment by the United States of its contributions to the Organization and all necessary salaries and expenses incident to United States participation in the Organization.”

1994—Subsec. (a). Pub. L. 103–236, § 430(a)(1)–(3), substituted “the International Organization for Migration” for “the Intergovernmental Committee for European Migration”, inserted “, as amended in Geneva, Switzerland, on May 20, 1987” before period at end of first sentence, and substituted “the Organization” for “the Committee” in two places.

Subsec. (b)(1). Pub. L. 103–236, § 430(a)(1), substituted “the International Organization for Migration” for “the Intergovernmental Committee for European Migration”.

Subsec. (c)(2). Pub. L. 103–236, § 430(a)(4), substituted “$100,000,000” for “$50,000,000”.


1980—Subsec. (b). Pub. L. 96–212, § 312(b)(1), in par. (1) inserted provisions respecting contributions to the Intergovernmental Committee for European Migration, etc., in par. (2) inserted provisions requiring refugees to be outside of the United States, and struck out requirement that the assistance contribute to the defense or security of the
United States, and struck out pars. (3) to (6), which related to assistance when determined by the President to be in the interest of the United States, assistance to State and local agencies, assistance for transportation and resettlement, and assistance for employment and professional refresher training projects, respectively.

Subsec. (c)(2). Pub. L. 96–212, § 312(b)(2), inserted provisions increasing amount from $25,000,000 to $50,000,000.

1975—Subsec. (c). Pub. L. 94–141 designated existing provision as par. (1), substituted provisions authorizing the President to furnish assistance on such terms and conditions as he determines, for provisions authorizing President to transfer not more than $10,000,000 in any fiscal year of the funds made available under the Foreign Assistance Act of 1961 for the purposes of this chapter, and added pars. (2) and (3).

1964—Subsec. (e). Pub. L. 88–634 struck out last sentence “Funds appropriated for the purposes of this section shall remain available until expended.”

Effective Date of 1980 Amendment

Amendment by Pub. L. 96–212 effective with respect to fiscal years beginning on and after Oct. 1, 1979, see section 313 of Pub. L. 96–212, set out as an Effective Date note under section 1522 of Title 8, Immigration and Nationality.

Short Title

Section 1 of Pub. L. 87–510 provided: “That this Act [enacting this chapter, amending sections 1925 and 1951 of this title and section 1104 of Title 8, Aliens and Nationality, enacting provisions set out as a note under this section, and amending provisions set out as a note under section 1182 of Title 8] may be cited as the ‘Migration and Refugee Assistance Act of 1962’.”

United States Policy Regarding Involuntary Return of Refugees


“(a) In General.—None of the funds made available by this Act [see Short Title of 1999 Amendment note set out under section 2651 of this title] or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601 (c)) shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate Resolution of Ratification.

“(b) Migration and Refugee Assistance.—None of the funds made available by this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601 (c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees [Committee on Foreign Affairs of the House of Representatives and Committee on Foreign Relations of the Senate], except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

“(c) Involuntary Return Defined.—As used in this section, the term ‘to effect the involuntary return’ means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person’s will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.”

Similar provisions were contained in the following prior act:


United States Policy Concerning Overseas Assistance to Refugees and Displaced Persons

Section 501 of Pub. L. 103–236 provided that:

“(a) Standards for Refugee Women and Children.—The United States Government, in providing for overseas assistance and protection of refugees and displaced persons, shall seek to address the protection and provision of basic needs of refugee women and children who represent 80 percent of the world’s refugee population. As called for in the 1991 United Nations High Commissioner for Refugees (UNHCR) ‘Guidelines on the Protection of Refugee Women’, whether directly, or through international organizations and nongovernmental voluntary organizations, the Secretary of State shall seek to ensure—

“(1) specific attention on the part of the United Nations and relief organizations to recruit and employ female protection officers;

“(2) implementation of gender awareness training for field staff including, but not limited to, security personnel;
“(3) the protection of refugee women and children from violence and other abuses on the part of governments or insurgent groups;
“(4) full involvement of women refugees in the planning and implementation of (A) the delivery of services and assistance, and (B) the repatriation process;
“(5) incorporation of maternal and child health needs into refugee health services and education, specifically to include education on and access to services in reproductive health and birth spacing;
“(6) the availability of counseling and other services, grievance processes, and protective services to victims of violence and abuse, including but not limited to rape and domestic violence;
“(7) the provision of educational programs, particularly literacy and numeracy, vocational and income-generation skills training, and other training efforts promoting self-sufficiency for refugee women, with special emphasis on women heads of household;
“(8) education for all refugee children, ensuring equal access for girls, and special services and family tracing for unaccompanied refugee minors;
“(9) the collection of data that clearly enumerate age and gender so that appropriate health, education, and assistance programs can be planned;
“(10) the recruitment, hiring, and training of more women program professionals in the international humanitarian field; and
“(11) gender-awareness training for program staff of the United Nations High Commissioner for Refugees (UNHCR) and nongovernmental voluntary organizations on implementation of the 1991 UNHCR ‘Guidelines on the Protection of Refugee Women’.

(b) Procedures.—The Secretary of State should adopt specific procedures to ensure that all recipients of United States Government refugee and migration assistance funds implement the standards outlined in subsection (a).

(c) Requirements for Refugee and Migration Assistance.—The Secretary of State, in providing migration and refugee assistance, should support the protection efforts set forth under this section by raising at the highest levels of government the issue of abuses against refugee women and children by governments or insurgent groups that engage in, permit, or condone—
“(1) a pattern of gross violations of internationally recognized human rights, such as torture or cruel, inhumane, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial to life, liberty, and the security of person;
“(2) the blockage of humanitarian relief assistance;
“(3) gender-specific persecution such as systematic individual or mass rape, forced pregnancy, forced abortion, enforced prostitution, any form of indecent assault or act of violence against refugee women, girls, and children; or
“(4) continuing violations of the integrity of the person against refugee women and children on the part of armed insurgents, local security forces, or camp guards.

(d) Investigation of Reports.—Upon receipt of credible reports of abuses under subsection (c), the Secretary of State should immediately investigate such reports through emergency fact-finding missions or other means of investigating such reports and help identify appropriate remedial measures.

(e) Multilateral Implementation of the 1991 UNHCR ‘Guidelines on the Protection of Refugee Women’.—The Secretary of State should work to ensure that multilateral organizations fully incorporate the needs of refugee women and children into all elements of refugee assistance programs and work to encourage other governments that provide refugee assistance to adopt refugee assistance policies designed to encourage full implementation of the 1991 UNHCR’s ‘Guidelines on the Protection of Refugee Women’.”

United States Membership in Intergovernmental Committee for European Migration

Pub. L. 100–204, title VII, § 745, Dec. 22, 1987, 101 Stat. 1396, authorized President to continue United States membership in Intergovernmental Committee for European Migration and, upon entry into force of amendments to constitution of such body approved May 20, 1987, to continue membership under the name International Organization for Migration in accordance with such constitution and amendments, and authorized appropriation of necessary amounts for payment of United States contributions to such body and salaries and expenses incidental to United States participation in such body, prior to repeal by Pub. L. 103–236, title IV, § 430(b), Apr. 30, 1994, 108 Stat. 459.
Indochina Migration and Refugee Assistance


Availability of Funds for Continuation of Activities

Section 7 of Pub. L. 87–510 provided that: “Until the enactment of legislation appropriating funds for activities under this Act [see Short Title note above], such activities may be conducted with funds made available under section 451(a) of the Foreign Assistance Act of 1961, as amended [section 2261 (a) of this title].”

Executive Order No. 12244


Executive Order No. 12327


Delegation of Authority

Determination of President of the United States, No. 02–25, July 9, 2002, 67 F.R. 47437, provided:

Memorandum for the Secretary of State

By virtue of the authority vested in me by the Constitution and laws of the United States, including section 301 of title 3 of the United States Code, I hereby delegate the functions and authorities conferred upon the President by sections 2(d) and 2(f) of the Migration and Refugee Assistance Act (MRAA) of 1962, as amended, 22 U.S.C. § 2601, insofar as they relate to actions taken under the authority of section 2(b)(2) of the MRAA, to the Secretary of State, who should insure timely performance of any duties and obligations of the delegated authority and who is authorized to redelegate these functions and authorities consistent with applicable law. The Secretary of State, or his or her delegate, is directed to provide notice to the President of any use of the functions and authorities delegated by this determination.

This delegation of authority supplements Presidential Determination No. 99–6, Delegation of Authority Under Section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, as amended (November 30, 1998) [set out below].

Any reference in this memorandum to section 2 of the MRAA, as amended, shall be deemed to include references to any hereafter-enacted provision of law that is the same or substantially the same as such provision.

You are authorized and directed to publish this Determination in the Federal Register.

George W. Bush.


Memorandum for the Secretary of State

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate the functions and authorities conferred upon the President by section 2(b)(2) of the Migration and Refugee Assistance Act (MRAA) of 1962, as amended, 22 U.S.C. 2601 (b)(2), to the Secretary of State, who is authorized to redelegate these functions and authorities consistent with applicable law. The Secretary of State, or his or her delegate, is directed to provide notice to the President of any use of the functions and authorities delegated by this determination.

Any reference in this memorandum to section 2(b)(2) of the MRAA, as amended, shall be deemed to include references to any hereafter-enacted provision of law that is the same or substantially the same as such provision.

You are authorized and directed to publish this memorandum in the Federal Register.

William J. Clinton.