

ASSEMBLY THIRD READING  
AJR 15 (McCarty)  
As Amended June 1, 2021  
Majority vote

## SUMMARY

Recognizes June 20, 2021, as World Refugee Day. Urges the President and Congress of the United States to strengthen the international leadership role of the United States in addressing and preventing conflicts and aiding the displaced. Further urges Congress to make a bipartisan commitment to promote the safety, health, and well-being of refugees and displaced persons.

### Major Provisions

- 1) Finds that people displaced by conflict, instability, and persecution, including refugees and asylum-seekers, as well as internally displaced people who seek safety in other parts of their home countries, face innumerable challenges—in addition to the trauma of being forced from their homes—including language and cultural barriers, difficulty securing work and housing, and limited access to health care and other social services.
- 2) Finds that refugees who are women and girls are often at a greater risk of sexual violence and exploitation, forced or early marriage, human trafficking, and other forms of gender-based violence.
- 3) Finds that children account for nearly one-half of the refugee population in the world, and that millions of these children are unable to access basic services, including education.
- 4) Finds that at the end of 2019, there were nearly 80,000,000 displaced people worldwide, including roughly 45,700,000 internally displaced people, 26,000,000 refugees, and 4,200,000 people seeking asylum, and that these were the highest levels ever recorded.
- 5) Finds that since 1975, the United States has welcomed more than 3,000,000 refugees, who are resettled in communities across the country.
- 6) Finds that since the enactment of the United States Refugee Act of 1980, California has greatly benefited from being a national leader in welcoming refugees from all faiths and regions of the world.
- 7) Finds that California maintains a proud history of diversity and inclusion by resettling refugees from countries around the world, including Afghanistan, Algeria, Anguilla, Armenia, Austria, Azerbaijan, Bangladesh, Belarus, Bhutan, Bosnia & Herzegovina, Burundi, Cambodia, Cameroon, Central African Republic, Chad, China, Columbia, Congo, Cote D'Ivoire, Croatia, Cuba, Czech Republic, Democratic Republic of Congo, Denmark, Egypt, Eritrea, Estonia, Ethiopia, Gambia, Georgia, Haiti, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kazakhstan, Kenya, Korea, Kyrgyzstan, Laos, Latvia, Lebanon, Liberia, Lithuania, Malaysia, Mauritania, Moldova, Morocco, Myanmar, Nepal, Nigeria, North Korea, Pakistan, Palestine, Panama, Paraguay, Philippines, Poland, Romania, Russia, Rwanda, Serbia, Sierra Leone, Somalia, South Africa, former Soviet Union, Sri Lanka, Sudan, Syria, Tajikistan, Tanzania, Thailand, Togo, Tunisia, Turkmenistan, Uganda, Ukraine, Uzbekistan, Vietnam, Yemen, and Zimbabwe.

- 8) Finds that well-established refugee communities in California have significantly strengthened the worldwide economic positioning of California and contributed to advancing the state as the fifth-largest economy on Earth.
- 9) Finds that the Legislature reaffirms the strong bipartisan commitment of the United States and California to protect and assist millions of refugees and other forcibly uprooted persons worldwide.
- 10) Finds that the United States provides critical resources and support to the United Nations High Commissioner for Refugees (UNHCR) and other international and nongovernmental organizations working with refugees around the world.
- 11) Finds that the Legislature commends those who have risked their lives working individually and for the countless nongovernmental organizations and international agencies such as UNHCR that have provided lifesaving assistance and helped protect those displaced by conflict around the world.
- 12) Finds that the United Nations designates Sunday, June 20, 2021, as World Refugee Day, a global day to honor the courage, strength, and determination of women, men, and children who are forced to flee their homes under the threats of conflict, violence, and persecution.
- 13) Recognizes June 20, 2021 as World Refugee Day.
- 14) Urges the President and Congress of the United States to strengthen the international leadership role of the United States in order to find political solutions to existing conflicts, prevent new conflicts from beginning, and aid those who have been displaced, including the most vulnerable populations who endure sexual violence, human trafficking, forced conscription, genocide, and exploitation.
- 15) Urges Congress to make a bipartisan commitment to promote the safety, health, and well-being of the millions of refugees and displaced persons who flee war, persecution, and torture in search of peace, hope, and freedom.

## COMMENTS

On December 14, 1950, the United Nations General Assembly passed General Assembly Resolution 428 (v) to establish the United Nations High Commissioner for Refugees (UNHCR) in the aftermath of the refugee crisis caused by World War II. The resolution, which set forth the UNHCR's mission and policies, provides:

The United Nations High Commissioner for Refugees...[s]hall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and of seeking permanent solutions for the problem of refugees by assisting Governments and, subject to the approval of the Governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities.

In July 1951, the United Nations approved the Convention Relating to the Status of Refugees (Convention). As of April 2015, 147 countries were parties to the Convention. While the United States of America is not a party to the Convention, it has ratified the 1967 Protocol Relating to

the Status of Refugees (Protocol), which expands the Convention's definition of "refugee" and incorporates many of the Convention's obligations.

The Convention and Protocol set forth a number of rights and protections that member nations must afford refugees within their borders. Of these, two are considered of paramount importance. The first is known as "non-refoulement": no person should be repatriated to a nation where they have a well-founded fear of persecution due to their race, religion, nationality, membership in a particular social group, or their political opinion. The second is a requirement that member nations provide processes to assimilate and naturalize refugees. (Convention, Articles 32-34.)

To recognize the 50th anniversary of the Convention's approval, the United Nations declared June 20, 2001 as "World Refugee Day"; the event has been commemorated every year since. The United Nations High Commissioner for Refugees (UNHCR) and groups around the world host World Refugee Day events to both honor and recognize the global plight of refugees and internally displaced persons. Each World Refugee Day has a theme; this year's is "Together we heal, learn and shine." (UNHCR, *World Refugee Day*, available at <https://www.unhcr.org/world-refugee-day.html>.)

*How is the term "refugee" defined under international law?* The Convention was largely intended to address the vast refugee population caused by World War II; accordingly, the Convention's definition of "refugee" was restricted to persons who became refugees "[a]s a result of the events occurring before 1 January 1951." (Convention, Article I (A)(2).) The Protocol, in turn, addresses the ongoing plight of refugees throughout the world; while its definition incorporates the Convention's definition, it omits the pre-1951 restriction. Under the Protocol, the term "refugee" is defined as:

[A]ny person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it. (Protocol, Article 1 (2).)

*California's support for refugees.* As noted by the author, and as set forth in this resolution's findings and declaration, California is home to a large population of refugees from many countries. According to the California Department of Public Health:

Approximately 50,000-80,000 refugees resettle in the United States each year with California historically receiving the largest number of new refugee arrivals. Newly arriving refugees in California are the most ethnically diverse groups in the nation originating from more than 85 different countries and speaking more than 80 different languages at any given year. (Cal. Dept. of Public Health, Office of Refugee Health, available at <https://www.cdph.ca.gov/Programs/CID/ORH/Pages/Program%20Overview.aspx>)

The Legislature has made significant efforts in recent years to assist California's refugee populations. For example, AB 99 (Budget, Chapter 15, Statutes of 2017) appropriated ten million dollars to CDSS over three years to provide additional services for school-age refugees. CDSS then used these funds to bolster the Newcomer Education and Well-Being (CalNEW) project, which provides funding to school districts with a significant number of eligible students in order to improve these students' well-being, English-language proficiency, and academic performance.

(CDSS, California Newcomer Education and Well-Being, *available at* <https://www.cdss.ca.gov/inforesources/refugees/programs-and-info/youth-initiatives/calnewgoog>.)

*The impact of COVID-19 on refugees.* Among the myriad ways in which the COVID-19 pandemic has disrupted life across the planet is its effect on refugee populations and asylum seekers. In April 2020, UNHCR warned: "The coronavirus pandemic has deepened the plight of people fleeing war, conflict and persecution. As countries battle to protect their populations and economies, fundamental norms of refugee and human rights law are at risk." At that time, 57 countries had closed their borders to contain the spread of the virus, making no exception for those seeking asylum. (UNHCR, *Beware long-term damage to human rights and refugee rights from the coronavirus pandemic* (Apr. 22, 2020), *available at* <https://www.unhcr.org/en-us/news/press/2020/4/5ea035ba4/beware-long-term-damage-human-rights-refugee-rights-coronavirus-pandemic.html>.)

In February 2021, UNHCR noted:

Over 80 per cent of the world's refugees and nearly all the world's internally displaced people are hosted in low- and middle-income countries, such as Jordan, Colombia, Iraq, Lebanon and Bangladesh. All of which are under severe economic strain. COVID-19 containment measures have disproportionately impacted refugees and forcibly displaced people. These populations face lost livelihoods, spiraling poverty, destitution, insufficient aid and development. They frequently face specific challenges and vulnerabilities that must be taken into consideration in COVID-19 readiness and response operations. Keeping the most vulnerable safe means keeping everyone safe. (UNHCR, *Coronavirus outbreak* (Feb. 2021), *available at* <https://www.unhcr.org/en-us/coronavirus-covid-19.html>.)

While not explicitly stated in the text of the resolution, it is hoped that the President and Congress realize the importance of providing COVID-19-related assistance to refugees, who are in every way among the world's most vulnerable people.

#### **According to the Author**

California maintains a proud history of diversity and inclusion by resettling refugees from around the world. The well-established refugee communities in California have significantly strengthened the worldwide economic positioning of the state and contributed to advancing California as the fifth largest economy in the world.

World Refugee Day is a global day to honor the courage, strength, and determination of women, men, and children who are forced to flee their homes under the threats of conflict, violence, and persecution.

#### **Arguments in Support**

No support on file.

#### **Arguments in Opposition**

No opposition on file.

#### **FISCAL COMMENTS**

None

**VOTES**

**ASM JUDICIARY: 11-0-0**

**YES:** Stone, Chau, Chiu, Davies, Smith, Lorena Gonzalez, Holden, Kalra, Kiley, Maienschein, Reyes

**UPDATED**

VERSION: June 1, 2021

CONSULTANT: Jith Meganathan / JUD. / (916) 319-2334

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