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The Importance of Fair Vetting Procedures for Iranian Refugees

Iranians seeking refuge in America endure excessive vetting procedures which have become even more challenging in recent years, particularly under the Trump Administration.[1] Fair vetting practices are critical in light of the current political climate in Iran.[2] Under U.S. law, a refugee is someone who is located outside of the United States and has a well-founded fear of persecution based on race, religion, nationality, political opinion, or membership in a particular social group.[3] Iranians have grappled with political turmoil and oppression for over four decades which has significantly affected their ability to emigrate to the United States.[4] Recent events have caused more Iranians to seek refuge in the United States, with numerous Iranians suffering injuries, abuse, and death during nationwide protests over the hijab laws in Iran.[5] As the political climate in Iran remains turbulent, the United States must find a balance between national security considerations and humanitarian principles to ensure that those fleeing persecution find a safe haven within its borders.

The International Refugee Assistance Project has found discriminatory vetting procedures of refugees, particularly Iranians.[6] The challenges Iranian refugees face include delays, arbitrary denials, and difficulties in reuniting with family members in the United States.[7] The Trump Administration made consequential changes to refugee admissions, including significantly reducing the maximum number of refugees allowed into the United States.[8] These changes included “new security vetting procedures . . . that greatly lengthened waiting times and left many refugees in dangerous situations.”[9] The Biden Administration has since taken steps to reverse some of these policies, including rescinding the ban on individuals from Muslim countries, including Iran, from entering the United States.[10]

However, there is room for further improvement. The current processing numbers for Iranian refugees under the Biden Administration, while a step in the right direction, still lag far behind historical numbers that preceded the Muslim Ban and the COVID-19 pandemic.[11] In 2022, only 255 Iranian refugee admissions were processed, compared to nearly 2,578 Iranians processed in 2013 during the Obama Administration.[12] As the human rights and economic crises in Iran persist, the Biden Administration must intensify its efforts to streamline the processing of Iranian refugees; the importance of fair vetting procedures for Iranian refugees cannot be overstated. Reforms should include: evaluating whether each security check significantly contributes to the mission of ensuring national security, giving refugees prompt and comprehensive opportunities to address potential adverse information and provide reasonable explanations to prevent misunderstandings that may lead to unjust denials of their applications, and adhering to objective and impartial standards in issuing any discretionary

denials.[13] Also necessary are personnel “who are trained to understand the context of the [U.S. Refugee Assistance Program]”[14] and understand the weight of their decisions which can have life-or-death implications for refugees.[15] Transparency in the refugee application process is also crucial to maintain the integrity of the refugee program.[16] By re-evaluating and reforming vetting procedures for efficiency, meaningfulness, and fairness, the Biden Administration can uphold America's humanitarian leadership and provide hope and refuge to Iranians in desperate need.

While changes have been made to the Trump Administration’s heightened vetting procedures of refugees, there is still work to be done to ensure fairness and efficiency in the process for Iranians. A successful refugee processing program will balance national security interests with humanitarian principles. As Iran's political climate remains volatile, it is more important than ever to provide refuge to those in need.

[1] *Visa and Refugee Processing for Iranians Following Nationwide Protests*, NATIONAL IRANIAN AMERICAN COUNCIL (June 26, 2023), https://www.niacouncil.org/press_room/visa-and-refugee-processing-for-iranians-following-protests/.

[2] *Id.* (noting the need for increased processing of Iranian refugee visas “[g]iven the scale of the human rights and economic crises afflicting Iranian society today”).

[3] 8 U.S.C. § 1101(42).

[4] *Visa and Refugee Processing for Iranians Following Nationwide Protests*, *supra* note 1; see generally PUBLIC AFFAIRS ALLIANCE OF IRANIAN AMERICANS, IRANIAN AMERICANS IMMIGRATION AND ASSIMILATION (Apr. 2014).

[5] *Iran: Brute Force Used in Crackdown on Dissent*, HUMAN RIGHTS WATCH (Jan. 12, 2023), <https://www.hrw.org/news/2023/01/12/iran-brute-force-used-crackdown-dissent>.

[6] DEBUNKING “EXTREME VETTING”: RECOMMENDATIONS TO BUILD BACK THE U.S. REFUGEE ADMISSIONS PROGRAM, INTERNATIONAL REFUGEE ASSISTANCE PROJECT 4, 10 (June 2021), <https://refugeerights.org/wp-content/uploads/2021/06/Vetting-Report-2020-v6-REVISED-JUNE-2021-1.pdf>.

[7] *Id.* at 10.

[8] *An Overview of U.S. Refugee Law and Policy*, AMERICAN IMMIGRATION COUNCIL (Sept. 20, 2021), <https://www.americanimmigrationcouncil.org/research/overview-us-refugee-law-and-policy>.

[9] *Id.*

[10] THE WHITE HOUSE, PROCLAMATION ON ENDING DISCRIMINATORY BANS ON ENTRY TO THE UNITED STATES (Jan. 20, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-ending-discriminatory-bans-on-entry-to-the-united-states/>.

[11] *Visa and Refugee Processing for Iranians Following Nationwide Protests*, *supra* note 1.

[12] *Id.*

[13] See DEBUNKING “EXTREME VETTING,” *supra* note 6, 32-33 (June 2021).

[14] *Id.* at 33.

[15] *Id.*

[16] *Id.* at 34-35.