



An Overview of U.S. Refugee Law and Policy

The United States has long been a global leader in the resettlement of refugees—and the need for such leadership remains enormous. The number of refugees around the world who are fleeing violence or persecution in their home countries in search of safety abroad has grown dramatically over the past decade.

Until recently, the United States offered refuge each year to more people than all other nations combined. But the Trump administration has drastically reduced the maximum number of refugees that can enter the United States. Moreover, the United States government has imposed new security vetting procedures on refugees before they can be admitted into the country, which has greatly lengthened waiting times and left many refugees in dangerous situations for prolonged periods. In 2017, for the first time in modern history, the United States settled fewer refugees than the rest of the world.¹

Forcible Displacement Is on the Rise Globally

People who are [compelled by force](#) to leave their homes face two options. They can flee to another locale within their home country, in which case they are known as Internally Displaced Persons (IDPs). Or they can flee to another country, becoming “refugees” when they cross an international border. Those who travel directly to the country in which they seek “safe haven” are referred to as “asylum seekers,” while those who flee to another country and wait there for an opportunity for resettlement in a third country are called “refugees for resettlement.”²

The number of forcibly displaced people around the world has skyrocketed since 2007, growing from 42.7 million that year to 68.5 million as of 2017. Much of this increase has been fueled by ongoing armed conflicts in Syria, Myanmar, and the Democratic Republic of the Congo (DRC). However, people are also being displaced in large numbers by conflicts in Burundi, the Central African Republic, Iraq, South Sudan, Sudan, Ukraine, and Yemen.³

Refugee Flows Are Increasing Worldwide

Given the rising numbers of forcibly displaced people in general, it is not surprising that the numbers of refugees specifically are increasing. According to the United Nations High Commissioner for Refugees (UNHCR), there were 19.6 million [refugees worldwide](#) in 2017,⁴ up from 9.9 million in 2012.⁵ In 2017, children under the age of 18 represented just over half (52 percent) of the [refugee population](#).⁶ The top-five [origin countries for refugees](#) in 2017 were Syria (6.3 million), Afghanistan (2.6 million), South Sudan (2.4 million), Myanmar (1.2 million), and Somalia (986,400).⁷

The Definition of a “Refugee”

Under U.S. law, a “refugee” is a person who is unable or unwilling to return to his or her home country because of a “well-founded fear of persecution” due to race, membership in a particular social group, political opinion, religion, or national origin.⁸ This definition is based on the [United Nations 1951 Convention and 1967 Protocols](#) relating to the Status of Refugees,⁹ which the United States became a party to in 1968.¹⁰ Following the Vietnam War and the U.S. experience resettling Indochinese refugees, [Congress passed the Refugee Act](#) of 1980, which incorporated the Convention’s definition into U.S. law and provides the legal basis for today’s U.S. Refugee Admissions Program (USRAP).¹¹

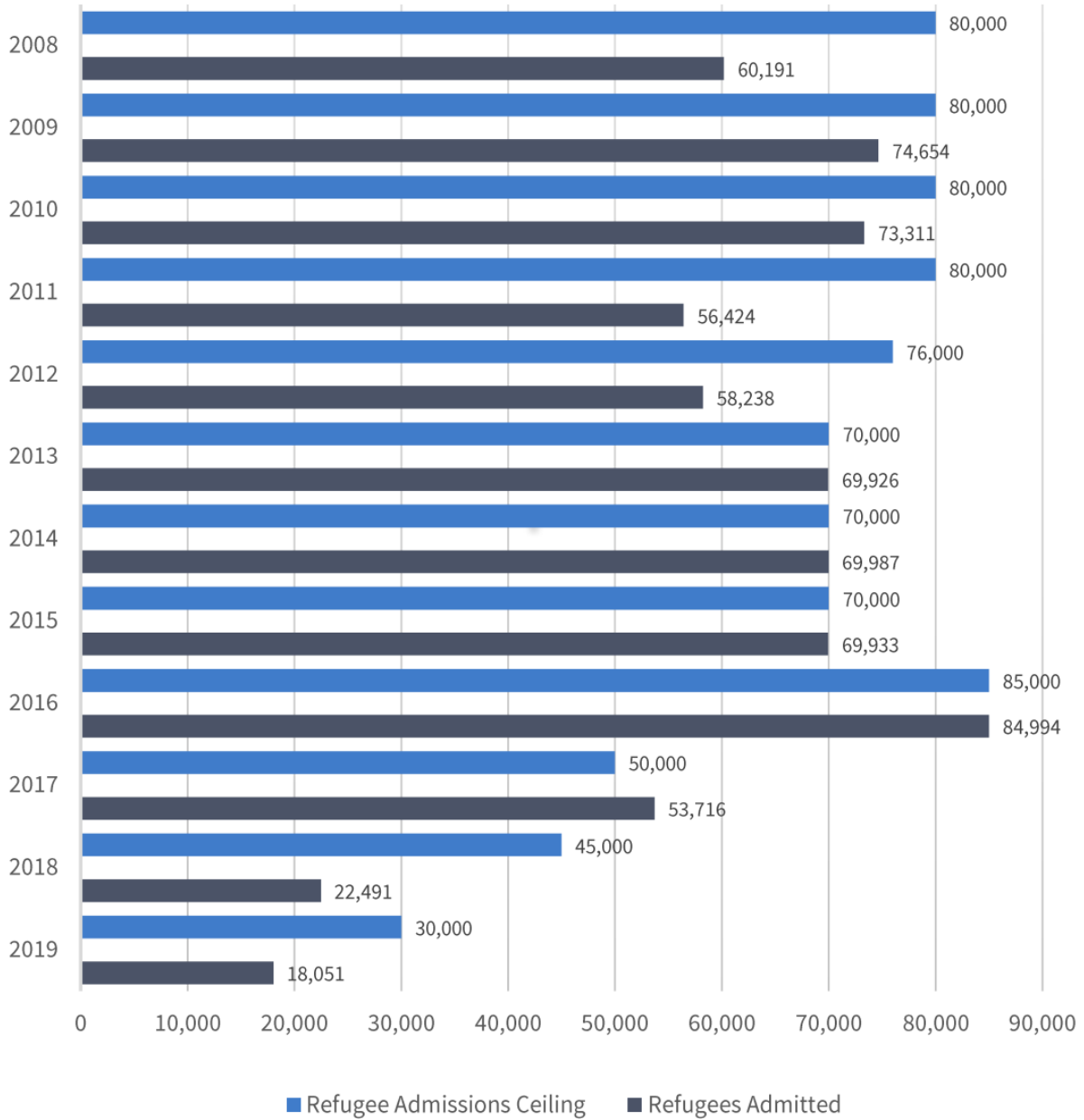
How U.S. Refugee Admissions Numbers Are Determined

The President, in consultation with Congress, determines the numerical [ceiling for refugee admissions](#) each year. The State Department and Department of Homeland Security (DHS) are the primary agencies that assess the viability of different refugee populations for admission, as well as the capacity of U.S. government officials to process them. For Fiscal Year (FY) 2019, the [ceiling](#) was set at an all-time low of 30,000, down from the previous all-time low of 45,000 set in FY 2018¹² — although the number of refugees admitted in 2018 was only half of that number (22,415)¹³

The largest share of refugees who came to the United States during FY 2018 were from Africa, followed by the Near East/South Asia, East Asia, Europe, and Latin America/Caribbean.¹⁴ Specifically,

- 46.5 percent (or 10,459) of all refugee arrivals came from [Africa](#)—compared to 31,624 in FY 2016 (the last year of the Obama administration).¹⁵
- 16.9 percent (or 3,797) of all refugee arrivals came from Near East/South Asia, a region that includes Iraq, Iran, India, Syria, and Egypt—compared to 35,555 in FY 2016.¹⁶ 16.3 percent (or 3,668) of all refugee arrivals came from East Asia—a region that includes China, Vietnam, and Indonesia—compared to 12,518 in FY 2016.¹⁷
- 16.1 percent (or 3,612) of all refugee arrivals came from Europe—compared to 3,957 in FY 2016.¹⁸
- 4.2 percent (or 955) of all refugee arrivals came from Latin America/Caribbean—compared to 1,340 in FY 2016.¹⁹

Figure 1: Refugee Admission Ceiling and Refugees Admitted, FY 2008-2019*



Source: U.S. Department of State, Refugee Processing Center, May 31, 2019.

* Fiscal Year 2019 as of May 31, 2019.

† FY 2017 ceiling set at 110,000 by Obama administration; subsequently reduced to 50,000.

The Basics of the U.S. Refugee Resettlement Process

Refugees who pass their security screening, and who fall within the numerical limits of a given year's refugee admissions ceiling, become eligible for resettlement within the United States. Individual eligibility for refugee status is determined through interviews conducted by officers in U.S. Citizenship and Immigration Services (USCIS), which is part of DHS. Newly admitted refugees are resettled by, and gain access to important services through, the Refugee Admissions Program (RAP). RAP is jointly administered by the Bureau of Population, Refugees, and Migration (PRM) in the Department of State and the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services (HHS).²⁰

There are [three principal categories](#) through which individuals can seek access to the U.S. refugee program:²¹

- **Priority One.** Individuals with compelling persecution needs or those for whom no other durable solution exists. These individuals are referred to the United States by UNHCR, or they are identified by a U.S. embassy or a non-governmental organization (NGO).
- **Priority Two.** Groups of “special concern” to the United States, which are selected by the Department of State with input from USCIS, UNHCR, and designated NGOs. Currently, the groups include certain persons from the former Soviet Union, Burma, and Iraq.
- **Priority Three.** The relatives (parents, spouses, or unmarried children under 21) of refugees who are already settled in the United States. The U.S.-based relative must file an Affidavit of Relationship (AOR) and must be processed by DHS.

These categories only impact who can apply for refugee status, but do not guarantee that an applicant will be admitted to the United States. Before admission to the United States, each refugee must undergo a rigorous interviewing process to ensure that the individual meets the “refugee” definition. United States law requires prospective refugees to prove their individual case of “well-founded fear,” regardless of the person’s country, circumstance, or classification in a priority category. In addition, individuals generally must not already have “firmly resettled”²² in any other country.²³

The Regional Refugee Coordinators and overseas Resettlement Support Centers (RSCs) conduct extensive screening and a security clearance process. Applications for refugee resettlement can be denied on health-related grounds, criminal grounds, and security grounds. They may also be denied for polygamy, misrepresentation of facts on visa applications, smuggling, and previous deportations. In January 2018, DHS also put in place “additional security enhancements and recommendations to strengthen the integrity of the U.S. Refugee Admissions Program,” which include additional screening of individuals from “high risk” countries, administering the program in a more “risk-based” manner, and a periodic review of countries deemed to be “high risk.”²⁴ However, waivers can be granted in some cases.²⁵

After a refugee has been conditionally accepted for resettlement, the RSC sends a request for assurance of placement to the United States, and the Refugee Processing Center (RPC) works with [private voluntary agencies](#) (VOLAGs)²⁶ to determine where the refugee will live. Refugees resettled in the United States do not need to have a “sponsor.” If a refugee approved for admission does have a relative living in the United States, efforts are made to place the refugee near his or her relative.

Once an assurance of placement has been secured and medical examinations and security checks have been completed, RSCs work together with the International Organization for Migration (IOM) to schedule and arrange refugee travel to the United States. Before departing, refugees sign a promissory note to repay the United States for their travel costs. This travel loan is an interest-free loan that refugees begin to pay back six months after arriving in the country. Upon receipt of the IOM travel notification, the VOLAG arranges for the [reception of refugees](#) at the airport and transportation to their housing at their final destination.²⁷

In FY 2018, the largest number of new [refugee arrivals settled](#) in Texas (1,697), followed by Washington (1,552), Ohio (1,405), California (1,368), New York (1,281), and Arizona (1,000).²⁸ A VOLAG is responsible for assuring that most services are provided during the refugee’s first 90 days in the United States. They arrange for food, housing, clothing, employment counseling, medical care, and other necessities. One year after admission, refugees may apply for Lawful Permanent Resident (LPR) status. If they adjust to LPR status, they may petition for naturalization five years after their arrival in the United States.²⁹

Delays in the Refugee Resettlement Process

The process of refugee resettlement in the United States can be very time consuming. According to a Human Rights First report, the [processing times](#) of the U.S. refugee resettlement program “can be quite prolonged, leaving some refugees stranded in dangerous locations or in difficult circumstances.”³⁰ The [Department of State reported in 2016 that](#) the entire process takes an average of 18-24 months to complete.³¹ However, security screening became even more complicated in 2017 when [DHS](#)—under the Trump administration—began “implementing program enhancements to raise the bar for vetting and [screening procedures](#).” This included “increased data collection to more thoroughly investigate applicants, better information sharing between agencies to identify threat actors, and new training procedures to strengthen screener ability to detect fraud and deception.”³²

Refugee Admissions into the United States Have Declined Dramatically Under the Trump Administration

The prospects for refugees hoping to resettle in the United States changed abruptly in 2017. In January of that year, President Trump signed an [executive order](#) that suspended the entire U.S. refugee admissions program for 120 days. In addition, the Trump administration suspended indefinitely the entry of Syrian refugees into the country and lowered the FY 2017 refugee admissions ceiling from 110,000 (set under the Obama administration) to 50,000. The admissions ceiling was lowered to 45,000 in 2018 (with fewer than 50 percent admitted) and again to 30,000 in 2019.³³

This pause in refugee resettlement was meant to give DHS and the State Department time to conduct a security review of the application and adjudication procedures for refugee admissions.³⁴ The refugee program did resume—with the exception of nationals from 11 countries (Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, South Sudan, Sudan, Syria, and Yemen) who were subject to an additional 90-day travel ban.³⁵ The ban and its subsequent iterations continued and were repeatedly challenged in court until June 2018, when the Supreme Court ruled in favor of the third iteration of the ban.³⁶

By the end of Calendar Year (CY) 2017, the U.S. government had resettled about 33,000 refugees, while other nations collectively resettled a total of 69,000. When the population size of the nations in which refugees are resettled is taken into account, Canada was the resettlement leader in CY 2017 at 725 refugees resettled per one million residents, followed by Australia (618), and Norway (528). In comparison, the United States resettled 102 refugees per one million U.S. residents.³⁷

Endnotes

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