

REFUGEE LAW AND COMPARATIVE ASPECTS OF SOCIAL JUSTICE
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EXCERPTS FROM IMMIGRATION AND NATIONALITY ACT

Sec. 101(a)(42)	Definition of "refugee" ¹
Sec. 207	Refugee status
Sec. 208	Asylum
Sec. 241(b)(3)	Restriction on removal (withholding of removal)

Sec. 101(a)(42), 8 U.S.C. § 1101(a)(42) The term "refugee" means:

(A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or

(B) in such circumstances as the President after appropriate consultation (as defined in section 207(e) of this Act) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

The term "refugee" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion.

Sec. 207(c), 8 U.S.C. § 1157(c) Adjustment of status of refugees; spouse and children

(1) Subject to the numerical limitations established pursuant to subsections (a) and (b), the Attorney General may, in the Attorney General's discretion and pursuant to such regulations as the Attorney General may prescribe, admit any refugee who is not firmly resettled in any foreign country, is determined to be of special humanitarian concern to the United States, and is admissible (except as otherwise provided under paragraph (3)) as an immigrant under this Act.

(2) (A) A spouse or child (as defined in section 101(b)(1)(A), (B), (C), (D), or (E)) of any refugee who qualifies for admission under paragraph (1) shall, if not otherwise entitled to admission under paragraph (1) and if not a person described in the second sentence of section 101(a)(42), be entitled to the same admission status as such refugee if accompanying, or following to join, such refugee and if the spouse or child is admissible (except as otherwise provided under paragraph (3)) as an immigrant under this Act. Upon the spouse's or child's

admission to the United States, such admission shall be charged against the numerical limitation established in accordance with the appropriate subsection under which the refugee's admission is charged.

(B) An unmarried alien who seeks to accompany, or follow to join, a parent granted admission as a refugee under this subsection, and who was under 21 years of age on the date on which such parent applied for refugee status under this section, shall continue to be classified as a child for purposes of this paragraph, if the alien attained 21 years of age after such application was filed but while it was pending.

(3) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to any alien seeking admission to the United States under this subsection, and the Attorney General may waive any other provision of such section (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3)) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Attorney General shall be in writing and shall be granted only on an individual basis following an investigation. The Attorney General shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

Sec. 208, 8 U.S.C. § 1158, Asylum.

(a) Authority to Apply for Asylum

(1) In general. - Any alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien's status, may apply for asylum in accordance with this section or, where applicable, section 235(b).

(2) Exceptions.

(A) Safe third country. - Paragraph (1) shall not apply to an alien if the Attorney General determines that the alien may be removed, pursuant to a bilateral or multilateral agreement, to a country (other than the country of the alien's nationality or, in the case of an alien having no nationality, the country of the alien's last habitual residence) in which the alien's life or freedom would not be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion, and where the alien would have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection, unless the Attorney General finds that it is in the public interest for the alien to receive asylum in the United States.

(B) Time limit. - Subject to subparagraph (D), paragraph (1) shall not apply to an alien unless the alien demonstrates by clear and convincing evidence that the application has been filed within 1 year after the date of alien's arrival in the United States.

(C) Previous asylum applications. - Subject to subparagraph (D), paragraph (1) shall not apply to an alien if the alien has previously applied for asylum and had such application denied.

(D) Changed conditions. - An application for asylum of an alien may be considered, notwithstanding subparagraphs (B) and (C), if the alien demonstrates to the satisfaction of the Attorney General either the existence of changed circumstances which materially affect the applicant's eligibility for asylum or extraordinary circumstances relating to the delay in filing the application within the period specified in subparagraph (B).

(3) Limitation on judicial review.^{3/4}No court shall have jurisdiction to review any determination of the Attorney General under paragraph (2).

(b) Conditions for Granting Asylum. -

(1) In general. - (A) ELIGIBILITY- The Secretary of Homeland Security or the Attorney General may grant asylum to an alien who has applied for asylum in accordance with the requirements and procedures established by the Secretary of Homeland Security or the Attorney General under this section if the Secretary of Homeland Security or the Attorney General determines that such alien is a refugee within the meaning of section 101(a)(42)(A).

(B) BURDEN OF PROOF-

(i) IN GENERAL- The burden of proof is on the applicant to establish that the applicant is a refugee, within the meaning of section 101(a)(42)(A). To establish that [burden], the applicant must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be at least one central reason for persecuting the applicant.

(ii) SUSTAINING BURDEN- The testimony of the applicant may be sufficient to sustain the applicant's burden without corroboration, but only if the applicant satisfies the trier of fact that the applicant's testimony is credible, is persuasive, and refers to specific facts sufficient to demonstrate that the applicant is a refugee. In determining whether the applicant has met the applicant's burden, the trier of fact may weigh the credible testimony along with other evidence of record. Where the trier of fact determines that the applicant should provide evidence that corroborates otherwise credible testimony, such evidence must be provided unless the applicant does not have the evidence and cannot reasonably obtain the evidence.

....

(2) Exceptions. -

(A) In general. - Paragraph (1) shall not apply to an alien if the Attorney General determines that -

(i) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(ii) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

(iii) there are serious reasons for believing that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States;

(iv) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

(v) the alien is described in subclause (I), (II), (III), (IV), or (VI) 2/ of section 212(a)(3)(B)(i) or section 237(a)(4)(B) (relating to terrorist activity), unless, in the case only of an alien described in subclause (IV) of section 212(a)(3)(B)(i), the Attorney General determines, in the Attorney General's discretion, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States; or

(vi) the alien was firmly resettled in another country prior to arriving in the United States.

(B) Special rules.-

(i) Conviction of aggravated felony. - For purposes of clause (ii) of subparagraph (A), an alien who has been convicted of an aggravated felony shall be considered to have been convicted of a particularly serious crime.

(ii) Offenses. - The Attorney General may designate by regulation offenses that will be considered to be a crime described in clause (ii) or (iii) of subparagraph (A).

(C) Additional limitations. - The Attorney General may by regulation establish additional limitations and conditions, consistent with this section, under which an alien shall be ineligible for asylum under paragraph (1).

(D) No judicial review. - There shall be no judicial review of a determination of the Attorney General under subparagraph (A)(v).

....

(c) Asylum Status. -

(1) In general.- In the case of an alien granted asylum..., the Attorney General -

(A) shall not remove or return the alien to the alien's country of nationality or, in the case of a person having no nationality, the country of the alien's last habitual residence;

(B) shall authorize the alien to engage in employment in the United States and provide the alien with appropriate endorsement of that authorization; and

(C) may allow the alien to travel abroad with the prior consent of the Attorney General.

(2) Termination of asylum. - Asylum granted under subsection (b) does not convey a right to remain permanently in the United States, and may be terminated if the Attorney General determines that -

(A) the alien no longer meets the conditions described in subsection (b)(1) owing to a fundamental change in circumstances;

(B) the alien meets a condition described in subsection (b)(2);

(C) the alien may be removed, pursuant to a bilateral or multilateral agreement, to a country (other than the country of the alien's nationality or, in the case of an alien having no nationality, the country of the alien's last habitual residence) in which the alien's life or freedom would not be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion, and where the alien is eligible to receive asylum or equivalent temporary protection;

(D) the alien has voluntarily availed himself or herself of the protection of the alien's country of nationality or, in the case of an alien having no nationality, the alien's country of last habitual residence, by returning to such country with permanent resident status or the reasonable possibility of obtaining such status with the same rights and obligations pertaining to other permanent residents of that country; or

(E) the alien has acquired a new nationality and enjoys the protection of the country of his new nationality.

Sec. 241(b)(3)(b)(3), 8 U.S.C. § 1253(b)(3) Restriction on removal to a country where alien's life or freedom would be threatened.-

(A) In general.-Notwithstanding paragraphs (1) and (2), the Attorney General may not remove an alien to a country if the Attorney General decides that the alien's life or freedom would be threatened in that country because of the alien's race, religion, nationality, membership in a particular social group, or political opinion.

(B) Exception.-Subparagraph (A) does not apply to an alien deportable under section 237(a)(4)(D) or if the Attorney General decides that-

(i) the alien ordered, incited, assisted, or otherwise participated in the persecution of an individual because of the individual's race, religion, nationality, membership in a particular social group, or political opinion;

(ii) the alien, having been convicted by a final judgment of a particularly serious crime, is a danger to the community of the United States;

(iii) there are serious reasons to believe that the alien committed a serious nonpolitical crime outside the United States before the alien arrived in the United States; or

(iv) there are reasonable grounds to believe that the alien is a danger to the security of the United States.

...

For purposes of clause (ii), an alien who has been convicted of an aggravated felony (or felonies) for which the alien has been sentenced to an aggregate term of imprisonment of at least 5 years shall be considered to have committed a particularly serious crime. The previous sentence shall not preclude the Attorney General from determining that, notwithstanding the length of sentence imposed, an alien has been convicted of a particularly serious crime. For purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States.

Immigration and U.S. refugee law;
immigration and the Department of
Homeland Security
Refugee Law 2016

Persons in the United States from a
DHS officer's perspective

- U.S. citizens, born or naturalized
- Lawful permanent residents (green cards)
- Non-immigrants – temporary visitors (e.g., students, diplomats, tourists, temporary workers)
- Persons in some protection category – e.g., refugees, asylees, deferred action, Temporary Protected Status)
- Persons applying for that protected status.
- Undocumented persons – entered without inspection OR overstayed non-immigrant authorized stay.

Essential provisions of U.S.
immigration law relating to refugees

- INA § 101(a)(42) Definition of refugee
- INA § 207 Admission of refugees
- INA § 208 Asylum procedure
- INA § 209 Adjustment of status from refugee or asylee to LPR.
- INA § 241(b)(3) restriction on removal, a/k/a withholding of removal.

Department of Homeland Security

- On November 25, 2002, President Bush signed the Homeland Security Act of 2002, which, among other things:
- Created a cabinet level department of Homeland Security (DHS)
- Disbanded the old Immigration and Naturalization Service, part of Department of Justice, and replaced it with three agencies: Customs and Border Protection, Citizenship and Immigration Services, and Immigration and Customs Enforcement.

U.S. agencies administering
immigration law after March 1, 2002

- | | |
|---|-------------------------------------|
| • <u>Department of Homeland Security</u> | • <u>Department of Justice</u> |
| – CIS | – EOIR |
| – ICE | • BIA |
| – CBP | • Immigration Courts |
| • <u>Office of Refugee Resettlement</u> | • <u>Department of State</u> |
| – Unaccompanied minors | – Visa issuance, delegated from DHS |
| – Benefits for refugees, asylees, trafficking victims | • <u>Department of Labor</u> |
| | – Alien labor certifications |

Citizenship and Immigration Services

- All Immigration services and adjudication functions previously performed by INS, including adjudication of immigrant visa petitions, naturalization petitions, asylum and refugee applications, applications for extension or change of non-immigrant status.

Immigration and Customs Enforcement (ICE)

- Investigation of immigration violations and immigration-related crimes
- Imitate and represent government in removal proceedings
- Carry out removal orders*

Customs and Border Protection

- Inspection and admission of persons at U.S. borders
- Customs
- Focus on movement of goods and people.

**PROPOSED REFUGEE ADMISSIONS
FOR
FISCAL YEAR 2017**

REPORT TO THE CONGRESS

SUBMITTED ON BEHALF OF
THE PRESIDENT OF THE UNITED STATES
TO THE
COMMITTEES ON THE JUDICIARY
UNITED STATES SENATE
AND
UNITED STATES HOUSE OF REPRESENTATIVES

IN FULFILLMENT OF THE REQUIREMENTS OF
SECTIONS 207(d)(1) and (e)
OF THE
IMMIGRATION AND NATIONALITY ACT

**UNITED STATES DEPARTMENT OF STATE
UNITED STATES DEPARTMENT OF HOMELAND SECURITY
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES**



I. OVERVIEW OF U.S. REFUGEE POLICY

At the end of 2015, the estimated refugee population worldwide stood at 21.3 million, with 16.1 million under the mandate of the United Nations High Commissioner for Refugees (UNHCR). This represents an increase of 1.7 million refugees under UNHCR mandate in one year. The United States actively supports efforts to provide protection, assistance, and durable solutions to these refugees, as these measures fulfill our humanitarian interests and further our foreign policy and national security interests. Under the authority of the Migration and Refugee Assistance Act of 1962, as amended, the United States contributes to the programs of UNHCR, the International Committee of the Red Cross (ICRC), the International Organization for Migration (IOM), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and other international and non-governmental organizations that provide protection and assistance to refugees, internally displaced persons (IDPs), victims of conflict, stateless persons, and other vulnerable migrants. These contributions are used to address the legal and physical protection needs of refugees and to furnish basic assistance such as water, sanitation, food, health care, shelter, education, and other services. The United States monitors these programs to ensure the most effective use of resources, maximizing humanitarian impact for the beneficiaries.

The United States and UNHCR recognize that most refugees desire safe, voluntary return to their homeland. In 2015, some 201,400 refugees voluntarily repatriated to their country of origin – a nearly 60% increase over 2014, but unfortunately, still low. Refugee repatriation operations brought refugees home to Afghanistan, Sudan, Somalia, and Central African Republic, among others. These operations were carried out to protect returning refugees as well as to help them contribute to the stabilization, reconstruction, and development of their home countries.

Where opportunities for refugees' safe and voluntary return remain elusive, the United States and its partners pursue self-sufficiency and temporary, indefinite, or permanent local integration in countries of asylum. The Department of State encourages host governments to protect refugees and to allow them to integrate into local communities. The State Department further promotes local integration by funding programs to enhance refugee self-reliance and support community-based social services. Groups that have availed themselves of opportunities for local integration in recent years include Afghans in India, Angolans in Zambia, Burundians in Tanzania, Liberians and Sierra Leoneans in seven countries across West Africa, and Colombians in Ecuador, Costa Rica, Panama and Venezuela. Mali agreed to provide birth certificates to some 8,000 Mauritanian refugee children, paving the way for them to eventually apply for Malian citizenship.

UNHCR estimates that there are at least 10 million people worldwide who are not recognized as nationals of any state and are therefore stateless. Without citizenship in any country, many stateless persons are unable to move freely, to access basic services such as health care and schools, to work legally, to own property, or to access police protection and systems of justice. The United States supports UNHCR's mandate to prevent and reduce statelessness, including its Global Campaign to End Statelessness by 2024. The United States is encouraging States to address gaps in citizenship laws that result in statelessness, to eliminate provisions that discriminate against women, to facilitate naturalization for stateless persons, and to ensure universal birth registration. U.S. contributions to UNHCR's core budget support efforts to prevent and address statelessness in Burma, the Dominican Republic, Cote d'Ivoire, Nepal, Sudan, Syria, and elsewhere. In addition, the Department of State seeks to use the U.S. Refugee Admissions Program (USRAP) to demonstrate leadership and encourage other countries to do more to help stateless people and refugees in protracted situations. This approach is reflected in, for example, the current resettlement of protracted Rohingya refugees from Burma who were born outside Burma, mostly in Malaysia and Thailand.

The United States, like UNHCR, recognizes that resettlement in third countries is a vital tool for providing certain refugees protection and/or a durable solution. For some refugees, resettlement is the best, and perhaps the only, alternative. In particular, stateless refugees who arrive in the United States for resettlement not only find a durable solution to their displacement, but are also placed on a path that will afford the opportunity to naturalize and resolve their stateless status.

For more than a decade, the U.S. government has provided financial support to expand and improve UNHCR's resettlement capacity, principally by funding staff and construction of facilities. As a result, UNHCR has substantially increased referrals to the United States and other resettlement countries, submitting more than 134,000 individuals for resettlement in 2015 – an increase of nearly 30% over 2014. We plan to continue to work with UNHCR and consult with host governments on group referrals. We will continue to assess resettlement needs and allow qualified NGOs to refer refugee applicants to the program.

The United States has also supported UNHCR's efforts to expand the number of countries active in resettlement. In 2015, UNHCR referred refugees to 27 countries for resettlement consideration. Over 90 percent of refugees referred for resettlement were referred to the United States, Australia, and Canada. Smaller numbers of referrals were made to Austria, Belgium, Brazil, Czech Republic,

Denmark, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Japan, Monaco, Netherlands, New Zealand, Norway, Portugal, Republic of Korea, Spain, Sweden, Switzerland, Uruguay, and the United Kingdom.

While the overall number of refugees referred by UNHCR and the percentages resettled by various countries fluctuate from year to year, the United States aims to ensure that at least 50 percent of all refugees referred by UNHCR worldwide are considered for resettlement in the United States, depending on the availability of funds. Some 64 percent of UNHCR-referred refugees who were resettled in 2015, were resettled in the United States (see Table VIII).

The foreign policy and humanitarian interests of the United States are often advanced by addressing refugee issues in asylum and resettlement countries. In some cases, the United States has been able to use its leadership position in resettlement to promote and secure other durable solutions for refugees, or advance other human rights or foreign policy objectives. The United States is by far the largest single donor to UNHCR, providing over \$1.33 billion in FY 2015. During the past few years, U.S. resettlement efforts in Africa, the Middle East, and East Asia have helped energize efforts by UNHCR and other countries to ensure that first asylum is maintained for larger refugee populations and that local integration or third country resettlement are options offered to those in need. In certain locations, the prompt resettlement of politically sensitive cases has helped defuse regional tensions.

During its history, the USRAP has responded to changing circumstances. The end of the Cold War dramatically altered the context in which the USRAP operated. The program shifted its focus away from large groups concentrated in a few locations (primarily refugees from Vietnam, the former Soviet Union, and the former Yugoslavia) and began to admit refugees representing over 50 nationalities per year. Today, officials from the Department of Homeland Security's U.S. Citizenship and Immigration Services (DHS/USCIS) often conduct refugee applicant interviews in remote locations and focus on the individuals and populations who most need third country resettlement opportunities.

While maintaining the United States' leadership role in humanitarian protection, an integral part of this mission is to ensure that refugee resettlement opportunities go only to those who are eligible for such protection and who do not present a risk to the safety and security of our country. Accordingly, the USRAP is committed to deterring and detecting fraud among those seeking to resettle in the United States and continues to employ rigorous security measures to protect against threats to our national security.

Refugees resettled in the United States enrich our nation. The USRAP is premised on the idea that refugees should become economically self-sufficient as quickly as possible. The Department of State works domestically with agencies participating in the Reception and Placement (R&P) program to ensure that refugees receive services in the first 30 to 90 days after arrival in accordance with established standards. During and after the initial resettlement period, the Office of Refugee Resettlement at the Department of Health and Human Services (HHS/ORR) provides technical assistance and funding to states, the District of Columbia, and nonprofit organizations to help refugees become self-sufficient and integrated into U.S. society. ORR programs use formula and discretionary grants to provide cash and medical assistance, employment and training programs, and other services to newly arriving and recently arrived refugees. Refugees arriving in the United States are expected to be future U.S. citizens. Refugees are immediately authorized to work upon resettlement in the United States, and after one year in this country are required to apply for lawful permanent resident status. Five years after admission, a refugee who has been granted lawful permanent resident status is eligible to apply for citizenship.

REFUGEE ADMISSIONS PROGRAM FOR FY 2017

PROPOSED CEILINGS

TABLE I

REFUGEE ADMISSIONS IN FY 2015 AND FY 2016 PROPOSED REFUGEE ADMISSIONS BY REGION FOR FY 2017²

REGION	FY 2015 ACTUAL ARRIVALS	FY 2016 CEILING	FY 2016 PROJECTED ARRIVALS	PROPOSED FY2017 CEILING
Africa	22,472	25,000	27,500	35,000
East Asia	18,469	13,000	14,000	12,000
Europe and Central Asia	2,363	4,000	4,000	4,000
Latin America/Caribbean	2,050	3,000	1,500	5,000
Near East/South Asia	24,579	34,000	38,000	40,000
Regional Subtotal	69,933	79,000	85,000	96,000
Unallocated Reserve		6,000		14,000
Total	69,933	85,000	85,000	110,000

Generally, to be considered a refugee, a person must be outside his or her country of nationality or, if stateless, outside his or her country of last habitual residence. Additionally, under the Immigration and Nationality Act (INA) § 101(a)(42)(B), the President may specify circumstances under which individuals who are within their countries of nationality or last habitual residence may be considered a refugee for purposes of admission to the United States. The FY 2017 refugee admissions proposal recommends continuing such in-country processing for specified persons in Iraq, Cuba, Eurasia and the Baltics, Honduras, El Salvador and Guatemala. Persons for whom resettlement is requested by a U.S. ambassador in any location in the world may also be considered, with the understanding that those within their countries of nationality or last habitual residence will only be referred to the USRAP following Department of State consultation with USCIS at the Department of Homeland Security (DHS). Likewise, the U.S. will consider

² These proposed figures assume enactment by Congress of the President's Budget levels related to the U.S. Refugee Admissions Program elements.

accepting a limited number of referrals from qualified NGOs of highly vulnerable individuals within their countries of nationality or last habitual residence following Department of State consultation with USCIS.

Unallocated Reserve

This proposal includes 14,000 unallocated admissions numbers to be used if needed for additional refugee admissions from any region. The unallocated numbers would only be used following notification to Congress.

ADMISSIONS PROCEDURES

Eligibility Criteria

The Department of State's Bureau of Population, Refugees, and Migration (PRM) is responsible for coordinating and managing the USRAP. A critical part of this responsibility is determining which individuals or groups from among the millions of refugees worldwide will have access to U.S. resettlement consideration. PRM coordinates within the Department of State, as well as with DHS/USCIS and other agencies, in carrying out this responsibility.

Section 207(a)(3) of the INA states that the USRAP shall allocate admissions among refugees "of special humanitarian concern to the United States in accordance with a determination made by the President after appropriate consultation." Which individuals are "of special humanitarian concern" to the United States for the purpose of refugee resettlement consideration is determined through the USRAP priority system. There are currently three priorities or categories of cases:

- Priority 1 – Individual cases referred to the program by virtue of their circumstances and apparent need for resettlement;
- Priority 2 – Groups of cases designated as having access to the program by virtue of their circumstances and apparent need for resettlement; and
- Priority 3 – Individual cases from designated nationalities granted access for purposes of reunification with family members already in the United States.

(Note: Refugees resettled in the United States may also seek the admission of spouses and unmarried children under 21 who are still abroad by filing a "Following to Join" petition, which obviates the need for a separate refugee claim adjudication. This option is described in more detail in the discussion of Following to Join cases below.)

Access to the USRAP under one of the above-listed processing priorities does not necessarily mean an applicant meets the statutory definition of a "refugee" or is admissible to the United States under the INA. Applicants who are eligible for access to the USRAP within the established priorities are presented to DHS/USCIS officers for interview. The ultimate determination as to whether an applicant can be admitted as a refugee is made by DHS/USCIS in accordance with criteria set forth in the INA and various security protocols.

Although the access categories to the USRAP are referred to as "processing priorities," it is important to note that entering the program under a certain priority does not establish precedence in the order in which cases will be processed. Once cases are established as eligible for access under one of the three processing priorities, they all undergo the same processing steps.

PRIORITY 1 – INDIVIDUAL REFERRALS

Priority 1 (P-1) allows consideration of refugee claims from persons of any nationality,³ usually with compelling protection needs, for whom resettlement appears to be the appropriate durable solution. Priority 1 cases are identified and referred to the program by UNHCR, a U.S. Embassy, or a designated NGO. UNHCR, which has the international mandate worldwide to provide protection to refugees worldwide, has historically referred the vast majority of cases to the United States under this priority. Some NGOs providing humanitarian assistance in locations where there are large concentrations of refugees have also undergone training by PRM and DHS/USCIS and have been designated as eligible to provide Priority 1 referrals.

Process for Priority 1 Individual Referral Applications

Priority 1 (P-1) referrals from UNHCR and NGOs are submitted to the appropriate Regional Refugee Coordinator, who forwards the referrals to the appropriate Resettlement Support Center (RSC) for case processing and scheduling of the DHS/USCIS interview. PRM's Office of Admissions reviews embassy referrals for completeness and may consult with DHS/USCIS in considering these referrals.

A U.S. ambassador may make a Priority 1 referral for persons still in their country of origin if the ambassador determines that such cases are in need of exceptional treatment and the Departments of State (PRM) and Homeland Security

³ Referrals of North Koreans and Palestinians require State Department and DHS/USCIS concurrence before they may be granted access to the USRAP.

(DHS/USCIS) concur. When a Priority 1 referral cannot be made, in some limited cases, a Department of State request to DHS/USCIS for parole may be an appropriate option.

PRIORITY 2 – GROUP REFERRALS

Priority 2 (P-2) includes specific groups (within certain nationalities, clans, or ethnic groups; sometimes in specified locations) identified by the Department of State in consultation with DHS/USCIS, NGOs, UNHCR, and other experts whose members are in need of resettlement. Some Priority 2 groups are processed in their country of origin. The process of identifying the group and its characteristics includes consideration of whether the group is of special humanitarian concern to the United States and whether individual members of the group will likely be able to qualify for admission as refugees under U.S. law. Groups may be designated as Priority 2 during the course of the year as circumstances dictate, and the need for resettlement arises. PRM plays the coordinating role for all group referrals to the USRAP.

There are two distinct models of Priority 2 access to the program: open access and predefined group access, often upon the recommendation of UNHCR. Under both models, Priority 2 designations are made based on shared characteristics that define the group. In general, these characteristics are the reason members of the group have been persecuted in the past or face persecution in the future.

The open-access model for Priority 2 group referrals allows individuals to seek access to the program on the basis of meeting designated criteria. To establish an open-access Priority 2 group, PRM, in consultation with DHS/USCIS, and (as appropriate) with UNHCR and others, defines the specific criteria for access. Once the designation is in place, applicants may approach the program at any of the processing locations specified as available for the group to begin the application process. Applicants must demonstrate that they meet the specified criteria to establish eligibility for access to the USRAP.

The open-access model has functioned well in the in-country programs, including the long-standing programs in Eurasia and the Baltics, and in Cuba. It was also used successfully for Vietnamese for nearly thirty years (1980-2009), and Bosnian refugees during the 1990s. It is now in use for Iranians belonging religious minorities, Iraqis with links to the United States, and individuals from El Salvador, Guatemala, and Honduras with lawfully present parents in the United States.

The RSCs responsible for handling open-access Priority 2 applications, working under the direction of PRM, make a preliminary determination as to whether individual applicants qualify for access and should be presented to DHS/USCIS for interview. Applicants who clearly do not meet the access requirements are “screened out” prior to the DHS/USCIS interview.

In contrast to an open-access group, a predefined group designation is normally based on a UNHCR recommendation that lays out eligibility criteria that should apply to individuals in a specific location. Once PRM, in consultation with DHS/USCIS, has established the access eligibility criteria for the group, the referring entity (usually UNHCR) provides the biographical data of eligible refugee applicants for processing. This type of group referral is advantageous in situations in which the intensive labor required to generate individual UNHCR referrals would be impracticable, potentially harmful to applicants due to delays, or counterproductive. Often, predefined groups are composed of persons with similar persecution claims. The predefined group referral process saves the labor intensive individual referral step and can conserve scarce UNHCR resources. In recent years, predefined groups have included certain Burmese in Thailand, certain Bhutanese in Nepal, and certain Congolese in Tanzania and Rwanda. Predefined group referrals with clear, well-defined eligibility criteria and several methods for cross-checking group membership can serve as a fraud deterrent as well, preventing non-group members from gaining access to the USRAP by falsely claiming group membership. Once an individual gains access to processing via a P-2 designation, all other processing steps are the same as for those referred by P-1, including individual pre-screening and USCIS interviews, and all security and medical checks.

FY 2017 Priority 2 Designations

In-country processing programs

The following ongoing programs that process individuals still in their country of origin under Priority 2 group designations will continue in FY 2017, all of which are “open-access” type P-2s:

Eurasia and the Baltics

This Priority 2 designation applies to Jews, Evangelical Christians, and Ukrainian Catholic and Orthodox religious adherents identified in the Lautenberg Amendment, Public Law No. 101-167, § 599D, 103 Stat. 1261 (1989) (codified at 8 U.S.C. § 1157) as amended (“Lautenberg Amendment”), with close family in the

United States. With annual renewal of the Lautenberg Amendment, these individuals are considered under a reduced evidentiary standard for establishing a well-founded fear of persecution.

Cuba

Included in this Priority 2 program are human rights activists, members of persecuted religious minorities, former political prisoners, forced-labor conscripts, and persons deprived of their professional credentials or subjected to other disproportionately harsh or discriminatory treatment resulting from their perceived or actual political or religious beliefs.

Iraqis Associated with the United States

Under various Priority 2 designations, including those set forth in the Refugee Crisis in Iraq Act, employees of the U.S. Government, a U.S. government-funded contractor or grantee, U.S. media or U.S. NGOs working in Iraq, and certain family members of such employees, as well as beneficiaries of approved I-130 (immigrant visa) petitions, are eligible for refugee processing in Iraq.

Persons in El Salvador, Guatemala, and Honduras

Under this Priority 2 program that was expanded in July 2016, certain lawfully present parents in the United States can request access to a refugee interview for sons and daughters still in the country of origin, as well as the biological parent of an unmarried child under 21, and caregivers.

Groups of Humanitarian Concern outside the Country of Origin

The following Priority 2 groups are already designated and, in most cases, undergoing processing with significant arrivals anticipated during FY 2016. (Additional Priority 2 groups may be designated over the course of FY 2017.)

Pre-defined Group Access P-2s:

Ethnic Minorities and others from Burma in camps in Thailand

Under this existing Priority 2 designation, individuals who have fled Burma, are registered in one of nine refugee camps along the Thai/Burma border, are identified by UNHCR as in need of resettlement, and expressed interest prior to January 2014 (depending on the location), are eligible for processing.

Ethnic Minorities from Burma in Malaysia

Under this Priority 2 designation, members of ethnic minorities from Burma who are recognized by UNHCR as refugees in Malaysia and identified as being in need of resettlement are eligible for processing.

Bhutanese in Nepal

Under this existing Priority 2 designation, Bhutanese refugees registered by UNHCR in camps in Nepal, identified as in need of resettlement, and expressed interest prior to June 30, 2014, are eligible for processing.

Congolese in Rwanda

Under this new Priority 2 designation, certain Congolese refugees in Rwanda who arrived between 1994 and 2005 were verifiably registered in 2011 or 2012 and identified as in need of resettlement are eligible for processing.

Congolese in Tanzania

Under this Priority 2 designation signed in May 2015, certain Congolese refugees registered by UNHCR in Tanzania whose residence in Nyaragusu camp was confirmed in a 2013-2014 UNHCR verification exercise are eligible for processing.

Open Access Model P-2s:

Iranian Religious Minorities

Under this Priority 2 designation, Iranian members of certain religious minorities are eligible for processing and are considered under a reduced evidentiary standard for establishing a well-founded fear of persecution, pursuant to annual renewal of the Lautenberg Amendment as amended in 2004 by Sec. 213 of Title II, Division E, of the Consolidated Appropriations Act of 2004, P.L. 108-199, 118 Stat. 3 (“the Specter Amendment”).

Iraqis Associated with the United States

Under various Priority 2 designations, including those set forth in the Refugee Crisis in Iraq Act, employees of the U.S. government, a U.S. government-funded contractor or grantee, U.S. media or U.S. NGOs working in Iraq, and certain family members of such employees, as well as beneficiaries of approved I-130 (immigrant visa) petitions, are eligible for refugee processing. This program is operating in Jordan and Egypt, in addition to the in-country program in Iraq.

Syrian Beneficiaries of Approved I-130 petitions

Under this new Priority 2 designation, Syrian beneficiaries of approved I-130 immigrant visa petitions, for whom immigrant visas have not yet been issued, are

eligible for refugee processing. For U.S. citizens, eligible relationships to the U.S. based petitioner include spouse, children (regardless of age or marital status), siblings and parents. For lawful permanent residents, eligible relationships to the petitioner include spouse and unmarried children (regardless of age).

PRIORITY 3 – FAMILY REUNIFICATION

The Priority 3 (P-3) category affords USRAP access to members of designated nationalities who have immediate family members in the United States who initially entered as refugees or were granted asylum. At the beginning of each fiscal year, PRM, in consultation with DHS/USCIS, establishes the list of nationalities eligible for processing under this priority. The PRM Assistant Secretary may modify the list during the year, in consultation with DHS/USCIS, but additions or deletions are generally made to coincide with the fiscal year.

Inclusion on the P-3 list represents a finding by PRM that the nationality is of special humanitarian concern to the United States for the purpose of family-reunification refugee processing. Eligible nationalities are selected following careful review of several factors. UNHCR's annual assessment of refugees in need of resettlement provides insight into ongoing refugee situations which could create the need for family-reunification processing. In addition, prospective or ongoing repatriation efforts and U.S. foreign policy interests must be weighed in determining which nationalities should be eligible.

The P-3 program has undergone significant changes in recent years. In order to qualify for access under the P-3 program, an applicant must be outside of his or her country of origin, be registered or have legal status in the country of asylum, have had an Affidavit of Relationship (AOR) filed on his or her behalf by an eligible family member in the United States during a period in which the nationality was included on the eligibility list, and have been cleared for onward processing by the DHS/USCIS Refugee Access Verification Unit (RAVU).

Family members who are eligible to file an AOR are persons who were admitted to the United States as refugees or were granted asylum, including persons who are lawful permanent residents of the United States or U.S. citizens who initially were admitted to the United States as refugees or were granted asylum. The U.S.-based filer must be at least 18 years of age at the time the AOR is filed and must file the AOR within 5 years of the date he or she entered the United States as a refugee or was granted asylum. The USRAP may reject any AOR for a relationship that does not comport with public policy, such as under-age or plural marriages.

The following family members of the U.S.-based family members are qualified for P-3 access: spouse, unmarried children under 21, and/or parents. A U.S.-based family member may apply for a same-sex spouse if a legal marriage was conducted and documented. Cognizant that same-sex marriage is not legal in the vast majority of refugee-producing and refugee-hosting countries, the United States will allow a qualifying individual to file for P-3 access for a same-sex partner if he or she can provide evidence that he/she had a relationship with the partner for at least one year overseas prior to the submission of the AOR and considered that person to be his/her spouse or life partner, and that the relationship is ongoing, together with evidence that legal marriage was not an obtainable option due to social and/or legal prohibitions.

Under certain circumstances, a U.S.-based individual may file for P-3 access for an opposite-sex partner if he or she can provide evidence that he/she had a relationship with the partner for at least one year overseas prior to the submission of the AOR and considered that person to be his/her spouse or life partner, and that the relationship is ongoing, together with evidence that legal marriage was not an obtainable option due to social and/or legal prohibitions.

In addition to the qualifying family members of a U.S.-based individual identified above, the qualifying family member's spouse and unmarried children under 21 may derive refugee status from the principal applicant for refugee status.

On a case-by-case basis, an individual may be added to a qualifying family member's P-3 case if that individual:

- 1) lived in the same household as the qualifying family member in the country of nationality or, if stateless, last habitual residence; AND
- 2) was part of the same economic unit as the qualifying family member in the country of nationality or, if stateless, last habitual residence; AND
- 3) demonstrates exceptional and compelling humanitarian circumstances that justify inclusion on the qualifying family member's case.

These individuals are not "spouses" or "children", under INA 207(c)(2)(A) and thus cannot derive their refugee status from the Principal Applicant. They must, therefore, independently establish that they qualify as a refugee.

FY 2017 Priority 3 Nationalities

P-3 processing is available to individuals of the following nationalities:

Afghanistan
Bhutan
Burundi
Central African Republic
Colombia
Cuba
Democratic People's Republic of Korea (DPRK)
Democratic Republic of Congo (DRC)
El Salvador
Eritrea
Ethiopia
Guatemala
Haiti
Honduras
Iran
Iraq
Mali
Somalia
South Sudan
Sudan
Syria
Uzbekistan

FOLLOWING-TO-JOIN FAMILY REUNIFICATION PETITIONS

Under 8 CFR Section 207.7, a principal refugee admitted to the United States may request following-to-join benefits for his or her spouse and/or unmarried children under the age of 21 who were not previously granted refugee status. Once in the United States, and within two years of admission, the refugee may file a Form I-730 Refugee/Asylee Relative Petition⁴ with DHS/USCIS for each eligible family member. If the Form I-730 petition is approved by DHS/USCIS' Service Center Operations Directorate, preliminarily or finally, (signifying adequate proof of eligibility based on a file review), the State

⁴ This petition is used to file for the relatives of both refugees and asylees, also known as Visa 93 and Visa 92 cases respectively. The U.S. Refugee Admissions Program handles only Visa 93 cases, which are counted within the annual refugee admissions ceiling. Visa 92 cases are not considered to be refugee admissions cases and are not counted in the number of refugees admitted annually.

Department's National Visa Center then forwards the petition to the USCIS office,⁵ embassy, or consulate nearest to the location of the beneficiary for travel eligibility determination.

Individuals who gain access to the USRAP through an approved I-730 petition are interviewed by DHS/USCIS or consular officers to verify the relationships claimed in the petition, as well as to examine any applicable bars to status and admissibility to the United States. Beneficiaries are not required to establish past persecution or a well-founded fear of persecution, as they derive their status from the refugee relative in the United States who filed the petition. Beneficiaries of I-730 petitions may be processed within their country of origin or in other locations

Certain relatives in the United States may file an I-730 Refugee/Asylee Relative Petition and seek Priority 3 access for their qualifying family members (if eligible) simultaneously. In some cases, the I-730 petition will be the only option as the family members are still in their country of origin. It is also important to note that unlike the P-3 process, the I-730 or "follow-to-join" process does not allow the relative in the United States to petition for parents.

DHS/USCIS REFUGEE ADJUDICATIONS

Section 207(c) of the INA grants the Secretary of the Department of Homeland Security authority to admit, at his or her discretion, any refugee who is not firmly resettled in a third country, who is determined to be of special humanitarian concern, and who is admissible to the United States. The authority to determine eligibility for refugee status has been delegated to USCIS. In 2005, DHS/USCIS restructured the Refugee Affairs Division and established the Refugee Corps, a specially trained cadre of officers dedicated to adjudicating applications for refugee status. The Refugee Corps provides DHS/USCIS with the necessary resources and flexibility to respond to an increasingly diversified refugee admissions program. In each quarter of FY 2016, on average, USCIS deployed approximately 100 Refugee Officers, Supervisory Refugee Officers, and fingerprinters, plus an additional 70 USCIS officers on temporary assignment, to 20-25 locations around the world to interview refugee applicants. DHS/USCIS also devotes substantial resources to security vetting, anti-fraud, and training

⁵Beginning in 2016, the final adjudication of I-730 petitions transferred to most USCIS international field offices are made by USICS international staff.

related to refugee processing, and it has strong partnerships with the law enforcement, national security, and intelligence communities to maintain and promote the integrity of the USRAP.

In order to support the increased refugee admissions ceilings in FY 2016 and FY 2017, the Refugee Affairs Division has been authorized to increase its staffing from 158 to 292 employees, which includes adjudicators, headquarters staff, and supervisors/managers.

The Eligibility Determination

In order to be approved for classification as a refugee, an applicant must meet the refugee definition contained in § 101(a)(42) of the INA. That section provides that a refugee is a person who is outside his or her country of nationality or last habitual residence and is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. As mentioned above, the President may specify special circumstances under which a person can meet the refugee definition when he or she is still within his or her country of origin. The refugee definition excludes a person who has ordered, incited, assisted, or otherwise participated in persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Further, an applicant who has been “firmly resettled” in a third country may not be admitted as a refugee under INA Section 207. Applicants are also subject to various statutory grounds of inadmissibility, including criminal, security, and public health grounds, some of which may be waived or from which applicants may be exempted.

The grounds of inadmissibility that apply to refugee applicants include the broad terrorism-related inadmissibility grounds (TRIG) at Section 212(a)(3)(B) of the INA. Beginning in 2005, the Departments of Homeland Security, State, and Justice began to exercise a discretionary Secretarial authority to exempt certain categories of refugee applicants from TRIG inadmissibility based on a determination that they did not represent a threat to the United States and otherwise merited an exemption for humanitarian purposes. In FY 2015, DHS/USCIS began implementing two new exemptions for individuals who provided insignificant or “certain limited” material support (including through routine commercial or social

transactions, in the course of providing humanitarian assistance, or under sub-duress pressure), to undesignated terrorist organizations. As of June 2016, more than 14,900 TRIG exemptions have been granted to refugee applicants.⁶

A DHS/USCIS officer conducts a non-adversarial, face-to-face interview of each refugee applicant designed to elicit information about the applicant's claim for refugee status and any grounds of ineligibility. The officer asks questions about the applicant's experiences in the country of origin, including problems and fears about returning (or remaining), as well as questions concerning the applicant's activities, background, and criminal history. The officer also considers evidence about conditions in the country of origin and assesses the applicant's credibility and claim.

Background Security Checks

Refugee applicants of all nationalities are required to undergo background security checks. Security checks include biographic name checks for all refugee applicants and biometric (fingerprint) checks for refugee applicants within certain age limits. PRM, through its overseas Resettlement Support Centers, initiates required biographic name checks, while USCIS is responsible for collecting biometric data for screening. Biographic and biometric information is vetted against a broad array of law enforcement, intelligence community, and other relevant databases to help confirm identity, to check for any criminal or other derogatory information (including watchlist information), and to identify information that could inform lines of questioning during the interview. Refugee applicants must clear all required security checks prior to final approval of their application.

PROCESSING ACTIVITIES OF THE DEPARTMENT OF STATE

Overseas Processing Services

In most processing locations, PRM engages an NGO, an international organization (IO), or U.S. embassy contractors to manage a Resettlement Support Center (RSC) that assists in the processing of refugee applicants for admission to the United States. RSC staff pre-screen applicants to determine preliminarily if they qualify for one of the applicable processing priorities and to prepare cases for

⁶ Over 6,700 of these exemptions pertained to Burmese refugee applicants. Approximately 6,930 of the exemptions related to applicants who provided material support to a terrorist organization under duress – for example, Iraqi applicants who paid a ransom for a kidnapped family member. Please note that there was a typographical error for the number of total TRIG exemptions in the FY 2015 Report to Congress; as of June 2015, more than 13,560 TRIG exemptions had been granted to refugee applicants.

DHS/USCIS adjudication. The RSCs assist applicants in completing documentary requirements and schedule DHS/USCIS refugee eligibility interviews. If an applicant is conditionally approved for resettlement by DHS/USCIS, RSC staff guide the refugee through post-adjudication steps, including obtaining medical screening exams and attending cultural orientation programs. The RSC obtains sponsorship assurances and, once all required steps are completed, including all necessary security clearances, refers the case to IOM for transportation to the United States.

In FY 2016, NGOs (Church World Service, HIAS, and International Rescue Committee) worked under cooperative agreements with PRM as RSCs at locations in Austria (covering Austria and as of June, Israel), Kenya (covering sub-Saharan Africa), and Thailand (covering East Asia). International organizations (IOM and the International Catholic Migration Commission) supported refugee processing activities based in Ecuador, Jordan, Russia, Nepal, and Turkey which covered Latin America, the Middle East, South and Central Asia, and Europe. The Department of State supported refugee processing in Havana, Cuba.

Cultural Orientation

The Department of State strives to ensure that refugees who are accepted for admission to the United States are prepared for the profound life changes they will experience by providing cultural orientation programs prior to departure for the United States as well as upon arrival. It is critical that refugees have a realistic idea of what their new lives will be like, what services will be available to them, and what their responsibilities will be.

Every refugee family is offered a copy of *Welcome to the United States*, a resettlement guidebook developed with contributions from refugee resettlement workers, resettled refugees, and government officials. The current edition is available in twelve languages: Arabic, Burmese, Chin, Dari, English, Farsi, Karen, Kinyarwanda, Nepali, Somali, Spanish, and Swahili. The previous (2007) edition is still available in eight other languages: Albanian, Amharic, Bosnian/Croatian/Serbian, French, Kirundi, Russian, Tigrinya, and Vietnamese. Through this book, refugees have access to accurate information about the initial resettlement period before they arrive in the United States. The *Welcome to the United States* refugee orientation video is available in 12 languages: Arabic, Burmese, Chin, Dari, English, Farsi, Karen, Kinyarwanda, Nepali, Somali, Spanish, and Swahili. The 2004 version of the video is available in four other languages: Karenni, Kirundi, Russian, and Tigrinya. All of these materials are available to download free of charge at www.COResourceExchange.org.

In addition, the Department of State funds one- to five-day pre-departure orientation classes for eligible refugees at sites throughout the world. In an effort to further bridge the information gap for certain refugee groups, brief video presentations featuring the experience of recently resettled refugees of the same ethnic group are made available to refugee applicants overseas. Groups featured include refugees from Bhutan, Burma, the Democratic Republic of Congo, Cuba, Darfur, and Iraq. *Faces of Resettlement* shows five individuals who entered the United States as refugees, from Bhutan, Burma, Burundi, Iraq, and Sudan. Each of them tells their own story of the ways in which they are rebuilding their lives in their new communities. *Faces of Resettlement* also includes interviews with receiving community members. This video is accompanied by discussion guides for community members, service providers, and refugees.

The Department of State also offers a curriculum for cultural orientation after refugees' arrival in the United States. Based on Reception and Placement (R&P) Program objectives and indicators, the curriculum was developed to provide domestic cultural orientation providers with lesson plans, tools, and techniques to help refugees develop the knowledge, skills, and attitudes they will need to adjust to new life in the U.S. In addition to lesson plans, the publication contains a User's Guide; a section on staff preparation; and a section on tools for trainers and orientation development, with sub-sections on topics such as instructional approach, working with groups of different sizes, incorporating English into orientation, and conducting needs assessments. A companion toolkit includes a model assessment intended to provide domestic orientation providers with a sample tool for assessing refugee understanding of orientation topics during the R&P period.

Transportation

The Department of State funds the international transportation of refugees resettled in the United States through a program administered by IOM. The cost of transportation is provided to refugees in the form of a loan. Refugees are responsible for repaying these loans over time, beginning six months after their arrival, although it is possible to request a deferral based on inability to begin paying at that time.

Reception and Placement (R&P)

In FY 2016, PRM funded cooperative agreements with nine private resettlement agencies to provide initial resettlement services to refugees arriving in the United States. The R&P agencies are responsible for providing initial reception and core services (including housing, furnishings, clothing and food, as

well as assistance with access to medical, employment, educational, and social services) to arriving refugees. These services are provided according to standards of care within a framework of outcomes and indicators developed jointly by the NGO community, state refugee coordinators, and U.S. government agencies. The nine organizations maintain a nationwide network of 309 affiliated offices in 180 locations to provide services. Two of the organizations also maintain a network of 27 affiliated offices through which unaccompanied refugee minors are placed into foster care, a program administered and funded by HHS/ORR.

Using R&P funds from PRM supplemented by funds and in-kind contributions from private and other sources, the participating agencies provide the following services, consistent with the terms of the R&P cooperative agreement:

- Sponsorship;
- Pre-arrival resettlement planning, including placement;
- Reception on arrival;
- Basic needs support (including housing, furnishings, food, and clothing) for at least 30 days;
- Cultural orientation;
- Assistance with access to health, employment, education, and other services, as needed; and
- Development and implementation of an initial resettlement service plan for each refugee.

OFFICE OF REFUGEE RESETTLEMENT (ORR)

Through the Refugee Act, Congress directed HHS/ORR to provide refugees with resettlement assistance that includes employment training, English language training, cash assistance (in a manner that promotes early independence), and job placement – including providing women with equal opportunities to employment as men. ORR's mission is to help refugees transition into the United States by providing benefits and assistance to achieve self-sufficiency and become integrated members of society as soon as possible. To this end, ORR funds and administers various programs, some of which are highlighted below.

State-Administered and Wilson-Fish Programs

Under ORR's state-administered or Wilson-Fish (WF) programs, refugees not eligible for Temporary Assistance for Needy Families (TANF) or Supplemental Security Income (SSI) are eligible to receive up to eight months of *Refugee Cash Assistance (RCA)*. Refugees not eligible for Medicaid are eligible to

receive up to eight months of *Refugee Medical Assistance (RMA)* upon arrival. In state-administered programs that operate a publicly administered RCA program (33 states) RCA benefits are based on cash benefit levels established by state TANF programs. In states that operate their RCA program through a Public-Private Program (PPP) model (5 States) and WF states (12 States plus one county), the RCA benefit is based on the higher of the RCA rates outlined in the ORR regulations or the state TANF rates.

The WF program is an alternative to the traditional state-administered program, and is usually administered by local resettlement agencies. The WF program emphasizes early employment and economic self-sufficiency by integrating cash assistance, case management, and employment services, and by incorporating innovative strategies for the provision of cash assistance (e.g. financial bonuses for early employment). WF programs also serve as a replacement for the State when the State government declines to participate in the ORR-funded refugee assistance program.

ORR also provides states/WF programs with *Formula Refugee Social Services (RSS)* and *Targeted Assistance (TAG)* funds. ORR distributes these funds based on arrival numbers and refugee concentration levels in counties with a high utilization of public assistance. Funding is time limited, and refugees can only access RSS and TAG services up to five years after arrival. These services include: employment services, on-the-job training, English language instruction, vocational training, case management, translation/interpreter services, social adjustment services, health-related services, home management, childcare and transportation.

Additionally, to assist specific groups of refugees, ORR administers the specialized programs through states/WF programs, including Cuban-Haitian, Older Refugees, Refugee School Impact, and Targeted Assistance.

ORR Matching Grant Program

The ORR Matching Grant program (MG) is provided through the nine national resettlement agencies that provide R & P services and their resettlement affiliates in 42 states. The objective of MG is to guide newly-arrived refugee households toward economic self-sufficiency through employment within four to six months of program eligibility (which usually begins on the date of arrival in the United States). In MG, self-sufficiency is defined as total household income from employment that enables a family unit to support itself without receipt of public

cash assistance. For each MG participant, ORR awards \$2,200 to participating national resettlement agencies, which then allocate funds to their networks of local affiliates. Agencies provide a 50% match to every federal dollar.

Through the ORR MG Program, local service providers ensure core maintenance services for a minimum of 120 days which include housing, transportation, food, and a cash allowance. Clients also receive intensive case management and employment services throughout the 180 day service period. Refugees who are unable to attain self-sufficiency by day 120 or 180 may access RCA for the remainder of the eight month eligibility period. In FY 2015, nearly 30,000 individuals were newly enrolled in the program, and of those enrolled in the program for 180 days, 82% achieved self-sufficiency. Approximately 30% of refugees who arrive in a fiscal year participate in the ORR MG Program.

ORR Refugee Health

ORR addresses the health and emotional well-being of refugees by providing technical assistance on Refugee Medical Assistance and domestic refugee medical screening, supporting mental health awareness, managing the Services for Survivors of Torture and Refugee Health Promotion grant programs, and other health initiatives.

ORR Unaccompanied Refugee Minor (URM) Program

ORR provides funds to 15 states which administer over 20 Unaccompanied Refugee Minor (URM) programs. States contract with local licensed foster care agencies that provide specialized placements and services to URM. URM live in various placements including: traditional and therapeutic foster homes, group homes, semi-independent and independent living and residential treatment centers, and homes of relatives. URM receive various services including: English language training, educational and vocational training, cultural preservation, social integration, family tracing, permanency planning, independent living, medical care, and mental health care. ORR regulations require states to provide services to URM in parity with the state's Title IV-B foster care plan.

Other ORR Discretionary Refugee Service Programs

ORR also provides funding to non-profit agencies to carry out special initiatives or programs for refugees including: case management, ethnic community development, home-based child care business development, individual development accounts, microenterprise development, and agricultural projects.

The Preferred Communities Program is implemented through the nine resettlement agencies and focuses on building capacity to receive an increasingly vulnerable refugee population. The program supports long-term case management services to the more at risk populations including, but not limited to, women heads of household and refugees with significant medical and mental health needs. Additionally, the program has allowed resettlement agencies the flexibility to address unanticipated arrivals such as refugees arriving in underserved areas, increased Cuban/Haitian arrivals and secondary migrants.

ORR Technical Assistance

ORR provides technical assistance (TA) to resettlement stakeholders through various organizations that have relevant expertise. Currently ORR's TA providers assist stakeholders in the areas of community engagement/integration, employment, mental health, youth initiatives, services to survivors of torture, and monitoring.

REGIONAL PROGRAMS

TABLE II

PROPOSED FY 2017 REGIONAL CEILINGS BY PRIORITY

<u>AFRICA</u>	
Priority 1 Individual Referrals	20,000
Priority 2 Groups	14,500
Priority 3 Family Reunification Refugees	500
<u>Total Proposed:</u>	<u>35,000</u>
<u>EAST ASIA</u>	
Priority 1 Individual Referrals	1,800
Priority 2 Groups	10,000
Priority 3 Family Reunification Refugees	200
<u>Total Proposed:</u>	<u>12,000</u>
<u>EUROPE / CENTRAL ASIA</u>	
Priority 1 Individual Referrals	990
Priority 2 Groups	3,000
Priority 3 Family Reunification Refugees	10
<u>Total Proposed:</u>	<u>4,000</u>
<u>LATIN AMERICA / CARIBBEAN</u>	
Priority 1 Individual Referrals	950
Priority 2 Groups	4,000
Priority 3 Family Reunification Refugees	50
<u>Total Proposed:</u>	<u>5,000</u>
<u>NEAR EAST / SOUTH ASIA</u>	
Priority 1 Individual Referrals	19,000
Priority 2 Groups	20,900
Priority 3 Family Reunification Refugees	100
<u>Total Proposed:</u>	<u>40,000</u>
<u>UNALLOCATED RESERVE</u>	<u>14,000</u>
<u>TOTAL PROPOSED CEILING:</u>	<u>110,000</u>

TABLE III
Refugee Arrivals By Country of Origin
Fiscal Year 2015

Country of Origin	Arrival Number	% of Total
Afghanistan	910	1.30%
Angola	5	0.01%
Bangladesh	3	0.00%
Bhutan	5,775	8.26%
Burma	18,386	26.30%
Burundi	1,186	1.70%
Cameroon	8	0.01%
Central African Republic	270	0.39%
Chad	16	0.02%
China	30	0.04%
Colombia	521	0.74%
Congo	52	0.07%
Cuba	1,527	2.18%
Dem. Rep. Congo	7,876	11.26%
Djibouti	2	0.00%
Ecuador	1	0.00%
Egypt	13	0.02%
Equatorial Guinea	2	0.00%
Eritrea	1,596	2.28%
Ethiopia	626	0.90%
Former Soviet Union*	2,362	3.38%
Gambia	3	0.00%
Guinea	3	0.00%
India	1	0.00%
Indonesia	3	0.00%
Iran	3,109	4.45%
Iraq	12,676	18.13%

Ivory Coast	28	0.04%
Jamaica	1	0.00%
Jordan	2	0.00%
Kenya	3	0.00%
Korea, North	15	0.02%
Kuwait	4	0.01%
Lebanon	3	0.00%
Liberia	12	0.02%
Mali	4	0.01%
Nambia	1	0.00%
Nepal	26	0.04%
Netherlands	1	0.00%
Nigeria	4	0.01%
Pakistan	159	0.23%
Palestine	99	0.14%
Rep. of South Sudan	79	0.11%
Rwanda	173	0.25%
Saudi Arabia	3	0.00%
Senegal	4	0.01%
Sierra Leone	6	0.01%
Somalia	8,858	12.67%
South Africa	2	0.00%
Sri Lanka (Ceylon)	89	0.13%
Sudan	1,578	2.26%
Syria	1,682	2.41%
Togo	1	0.00%
Tunisia	7	0.01%
Turkey	2	0.00%
Uganda	67	0.10%
Vietnam	35	0.05%
Yemen	16	0.02%
Zimbabwe	7	0.01%
TOTAL	69,933	100.00%

Source: Department of State, Bureau of Population, Refugees, and Migration, Refugee Processing Center

TABLE VIII
UNHCR Resettlement Statistics by Resettlement Country CY 2015 Admissions

RESETTLEMENT COUNTRY	TOTAL	PERCENT OF TOTAL RESETTLED
United States	52,583	64.21%
Canada	10,236	12.50%
Australia	5,211	6.36%
Norway	2,220	2.71%
Germany	2,097	2.56%
Sweden	1,808	2.21%
United Kingdom	1,768	2.16%
Finland	964	1.18%
New Zealand	756	.92%
France	700	.85%
Switzerland	664	.81%
Austria	642	.78%
Denmark	486	.60%
Albania	483	.59%
Netherlands	428	.52%
Belgium	276	.34%
Ireland	178	.22%
Italy	96	.12%
Spain	92	.11%
Luxembourg	49	.06%
Rep. of Korea	42	.05%
Portugal	39	.05%
Japan	19	.02%
Liechtenstein	17	.02%
Belarus	14	.02%

Iceland	13	.02%
Brazil	6	.01%
Hungary	2	.00%
Romania	2	.00%
Poland	2	.00%
TOTAL	81,893	100.00%

Resettlement country figures (submissions and departures) may not match UNHCR reported figures as resettlement country figures may include submissions received outside of UNHCR auspices. UNHCR figures may also include cases in which UNHCR did not submit but assisted, i.e. obtaining exit permits for humanitarian admissions or family reunion.



U.S. Citizenship
and Immigration
Services

Office of Communications

Fact Sheet

Dec. 3, 2015

Refugee Security Screening

U.S. Citizenship and Immigration Services (USCIS) is deeply committed to safeguarding the American public from threats to public safety and national security, just as we are committed to providing refuge to some of the world's most vulnerable people. We do not believe these goals are mutually exclusive, or that either has to be pursued at the expense of the other.

This fact sheet provides information about the security screening and background checks required by the U.S. Refugee Admissions Program (USRAP). The USRAP is an interagency effort involving a number of governmental and non-governmental partners both overseas and in the United States. Applicants for refugee resettlement are subject to the highest degree of security screening and background checks for any category of traveler to the United States.

All refugee applicants receive a standard suite of biographic and biometric security checks. Through close coordination with the federal law enforcement and intelligence communities, these checks are continually reviewed to identify potential enhancements and to develop approaches for specific populations that may pose particular threats. All case members included on a refugee application must clear security checks for that application to be approved.

Processing priorities are established annually that determine which of the world's refugees are "of special humanitarian concern to the United States," i.e., eligible to be considered for possible resettlement in the United States. Fitting into a processing priority gives a refugee applicant the opportunity for an interview with a USCIS officer but does not guarantee approval. The priorities currently in use are:

- **Priority 1:** UN High Commissioner for Refugees, U.S. Embassy, or specially-trained non-governmental organization (NGO) identified cases, including persons facing compelling security concerns, women-at-risk, victims of torture or violence and others in need of resettlement
- **Priority 2:** Groups of special concern identified by the U.S. refugee program (e.g., Bhutanese in Nepal)
- **Priority 3:** Family reunification cases (i.e., spouses, unmarried children under 21, and parents of persons lawfully admitted to the U.S. as refugees or asylees or persons who are legal permanent residents or U.S. citizens who previously had refugee or asylum status)

USCIS' adjudication of Form I-590, Registration for Classification as a Refugee, is only one part of the broader USRAP:

- The United Nations High Commissioner for Refugees (UNHCR) identifies and refers certain cases to the USRAP for resettlement and provides important information about the worldwide refugee situation. Department of State (State) has overall coordination and management responsibility for the USRAP and has the lead in proposing admissions ceilings and processing priorities.
- Resettlement Support Centers (RSCs), under cooperative agreements with State, carry out administrative and processing functions, such as file preparation and storage, data collection, and out-processing activities.
- USCIS is responsible for conducting individual interviews with applicants to determine their eligibility for refugee status, including whether they meet the refugee definition and are otherwise admissible to the United States under U.S. law.

General Refugee Process

**UNHCR registration and resettlement referral,
based on vulnerability and eligibility assessment**

RSC conducts prescreening interview and initiates biographic checks

USCIS reviews biographic check results; conducts the eligibility interview; collects biometrics and initiates biometric checks; requests additional biographic checks, if needed

**USCIS adjudicates Form I-590, no case is approved
until security check results are received and cleared**

**RSC processes approved cases for travel, including medical exams
and sponsorship by a domestic resettlement agency**

**All refugee travel information collected on flight manifests is screened
prior to boarding via CBP/TSA (NTC-P and Secure Flight)**

**CBP determines if the applicant is admissible to the United States
and admits applicant to the U.S. as a refugee**

USRAP Screening

USRAP screening includes both biometric and biographic checks, which occur at multiple stages throughout the process, including immediately before a refugee's departure to the United States as well as upon arrival in the United States.

The screening of refugee applicants involves numerous biographic checks that are initiated by the RSCs and reviewed/resolved by USCIS. These include:

- **Department of State Consular Lookout and Support System (CLASS)¹**
CLASS name checks are initiated by State for all refugee applicants at the time of pre-screening by State's contractor — the RSC. Name checks are conducted on the applicant's primary names as well as any variations used by the applicant. Responses are received prior to interview and possible matches to applicants are reviewed and adjudicated by USCIS Headquarters. Evidence of the response is forwarded for inclusion in the case file. If there is a new name or variation developed or identified at the interview, USCIS requests another CLASS name check on the new name, and the case is placed on hold until that response is received.
- **Security Advisory Opinion (SAO)²**
The SAO is a State-initiated biographic check conducted by the Federal Bureau of Investigation and intelligence community partners. SAO name checks are initiated at the time of pre-screening by the RSC for the groups and nationalities designated by the U.S. government as requiring this higher level check. SAOs are processed, and a response must be received prior to finalizing the decision. If there is a new name or variation developed at the interview, USCIS requests that another SAO be conducted on the new name, and the case is placed on hold until that response is received.
- **Interagency Check (IAC)**
The IAC screens biographic data, including names, dates of birth and other data points of all refugee applicants within designated age ranges. This information is captured at the time of pre-screening and is provided to intelligence community partners. This screening procedure was initiated in 2008 and has expanded over time to include a broader range of applicants and records. These checks occur throughout the process.

At the time of USCIS interview, USCIS staff collects fingerprints and initiates biometric checks. The biometric checks initiated by USCIS for refugee applicants include:

- **FBI Fingerprint Check through Next Generation Identification (NGI)**

¹ CLASS is a State name-check database that posts use to access critical information for adjudicating immigration applications.. The system contains records provided by numerous agencies and includes information on persons with visa refusals, immigration violations, criminal histories, and terrorism concerns, as well as intelligence information and child support enforcement data. In addition to containing information from State sources, sources for information in CLASS includes NCTC/TSC (terrorist watch lists), TECS, Interpol, DEA, HHS and FBI (extracts of the NCIC Wanted Person, Immigration Violator, Foreign Fugitive Files, VGTOF, and the Interstate Identification Index).

² The Security Advisory Opinion process was implemented after September 11, 2001, to provide a mechanism for additional scrutiny to certain higher-risk categories of individuals seeking to enter the United States through a variety of means, including refugee applicants.

Recurring biometric record checks pertaining to criminal history and previous immigration data.

- **DHS Automated Biometric Identification System (IDENT - f/n/a US-VISIT)**
A biometric record check related to travel and immigration history for non-U.S. citizens as well as immigration violations, and law enforcement and national security concerns. Enrollment in IDENT also allows CBP to confirm identity at the port of entry.
- **DOD Defense Forensics and Biometrics Agency (DFBA)'s Automated Biometric Identification System (ABIS)i**
A biometric record check of DOD holdings collected in areas of conflict (predominantly Iraq and Afghanistan). DOD screening began in 2007 for Iraqi applicants and was incrementally expanded to all nationalities by 2013. CBP's National Targeting Center-Passenger (NTC-P) conducts biographic vetting of all ABIS biometric matches (both derogatory and benign) against various classified and unclassified U.S. government databases.

USCIS Interview

The USCIS refugee interview itself, though not a traditional system check, is also a vital part of the refugee screening process. Highly trained USCIS officers conduct extensive interviews with each refugee applicant to elicit information about the applicant's claim for refugee status and admissibility. During the interview, the officer:

- Confirms the basic biographical data of the applicant;
- Verifies that the applicant was properly given access to the USRAP;
- Determines whether the applicant has suffered past persecution or has a well-founded fear of future persecution on the basis of race, religion, nationality, membership in a particular social group, or political opinion in his or her home country; and
- Determines whether the applicant is admissible to the United States and whether he or she has been firmly resettled in another country.

The officer develops lines of questioning to elicit information regarding any involvement in terrorist activity, criminal activity or the persecution/torture of others, and conducts a credibility assessment on each applicant. USCIS officers receive training on country-specific issues for populations they interview, including briefings from outside experts from the intelligence, policy and academic communities.

Controlled Application Review and Resolution Process (CARRP)

During the routine process of adjudicating any USCIS benefit, if any national security concerns are raised, either based on security and background checks or personal interviews or testimony, USCIS conducts an additional review through the internal CARRP process.

Syria Enhanced Review

USCIS' Refugee, Asylum and International Operations Directorate and Fraud Detection and National Security Directorate (FDNS) have collaborated to provide for enhanced review of certain Syrian cases. This review involves FDNS providing intelligence-driven support to refugee adjudicators, including threat identification, and suggesting topics for questioning. FDNS also monitors terrorist watch lists and disseminates intelligence information reports on any applicants who are determined to present a national security threat.

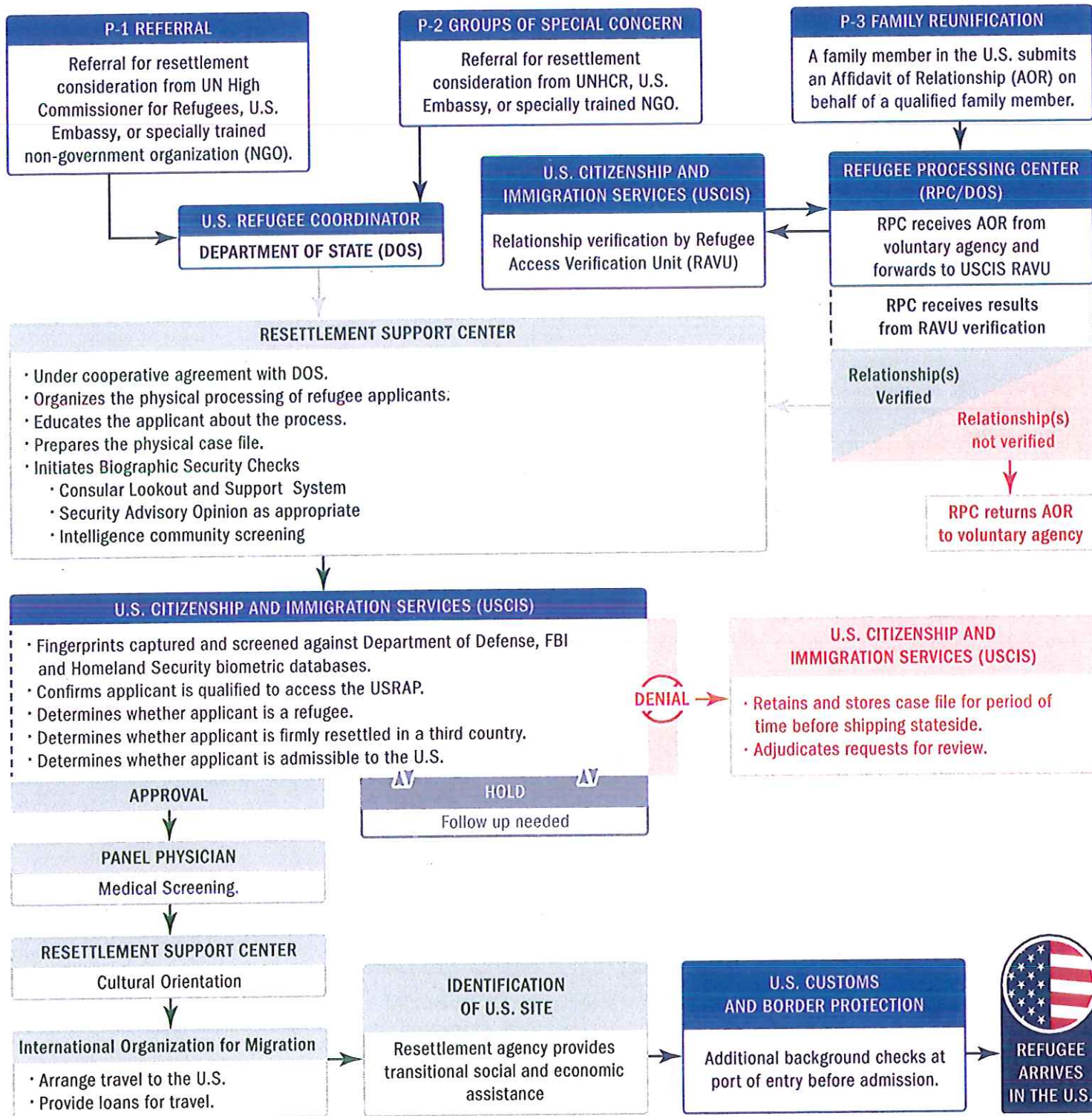
CBP Screening

An applicant with a USCIS-approved Form I-590, Registration for Classification as a Refugee, must be found admissible to the United States by Customs and Border Protection (CBP) before receiving refugee status. CBP receives a manifest of all individuals who have approved Forms I-590 and have been booked for travel to the United States by air. CBP receives this manifest eight days before the scheduled travel. CBP performs initial vetting of the individuals before they arrive at a U.S. airport and conducts additional background checks of these individuals upon arrival at a U.S. airport.

UNITED STATES REFUGEE ADMISSIONS PROGRAM (USRAP)



REFUGEE IS OVERSEAS AND IN ONE OF 3 PRIORITY GROUPS:



U.S. Citizenship and Immigration Services





U.S. Citizenship and Immigration Services

In-Country Refugee/Parole Processing for Minors in Honduras, El Salvador and Guatemala (Central American Minors – CAM)

Español

Introduction

The Central American Minors (CAM) Refugee/Parole Program provides certain qualified children in El Salvador, Guatemala and Honduras a safe, legal, and orderly alternative to the dangerous journey that some children are currently undertaking to the United States.

The CAM program began accepting applications from qualifying parents in the U.S. for their children on December 1, 2014. Only certain parents who are legally present in the U.S. are eligible to be qualifying parents and file for their children. Each qualified child must be unmarried, under the age of 21, and residing in El Salvador, Guatemala or Honduras. In certain cases, the in-country parent of the qualifying child may also qualify for access if the in-country parent is the legal spouse of the qualifying parent in the U.S. See below for eligibility details.

Eligibility

Qualifying Child

The qualifying child in El Salvador, Guatemala or Honduras must be:

- The child (e.g. genetic, step or legally adopted) of the qualifying parent);
- Unmarried;
- Under the age of 21;
- A national of El Salvador, Guatemala, or Honduras; and
- Residing in his or her country of nationality.

Eligible Family Members

In some cases, other eligible family members may have access, including:

- Unmarried children of the qualifying child or in-country parent who are under the age of 21 can be included as derivatives.

Parent of Qualifying Child Who is not the Qualifying Parent

This program is primarily aimed at children under the age of 21, but a parent of the qualifying child may be included if:

- He/she is part of the same household and economic unit as the qualifying child,
- He/she is legally married to the qualifying parent at the time the qualifying parent files the

CAM-Affidavit of Relationship (AOR), and

- He/she continues to be legally married to the qualifying parent at the time of admission or parole to the U.S.

Qualifying Parent

The qualifying parent may be any individual who is at least 18 years old and lawfully present in the United States in one of the following categories:

- Permanent Resident Status, or
- Temporary Protected Status, or
- Parolee, or
- Deferred Action
- Deferred Enforced Departure, or
- Withholding of Removal

Parole and Deferred Action

Parolees and persons granted deferred action must have been issued parole or deferred action for a minimum of one year. For all other categories listed above, individuals who are lawfully present and in a valid status at the time of application (this means the date of CAM-Affidavit of Relationship filing) are eligible.

Application Process

There is currently no filing deadline for this program, but the qualifying parent must be in one of the immigration categories listed above at the time of applying for this program, as well as at the time of admission or parole of the beneficiary of this program.

The qualifying parent in the U.S. files Form DS-7699 *Affidavit of Relationship (AOR) for Minors Who Are Nationals of El Salvador, Guatemala, and Honduras* (CAM-AOR). This form can only be accessed and completed with the assistance of a designated resettlement agency (RA). For additional information and a listing of resettlement agencies where the CAM-AOR may be filed please visit the Department of State, Refugee Processing Center's [website](#).

There is no fee to participate in this refugee/parole program and it is prohibited for anyone to charge a fee for completion of the form.

DNA Testing

DNA relationship testing must occur between the qualifying parent in the U.S. and his/her biological children for whom the parent files. The parent in the U.S. will pay the initial costs of DNA testing and will be reimbursed for testing costs ONLY if ALL claimed and tested biological relationships are confirmed by DNA test results.

Refugee Status

Refugee status is a form of protection available to those who meet the definition of refugee and who are of special humanitarian concern to the United States. For a legal definition of refugee, see section 101(a)(42) of the Immigration and Nationality Act (INA).

Both the qualifying child and any in-country parent of the qualifying child must each establish

independent refugee claims to be granted refugee status.

Eligibility for refugee status is determined on a case-by-case basis through an interview with a specially-trained USCIS officer.

Applicants who gain access to the program, but are found ineligible for refugee status will then be considered on a case-by-case basis for parole into the United States.

For more information about refugees, see the "[Refugees](#)" section of our website.

Parole

Parole allows individuals who may be otherwise inadmissible to come to the U.S. for urgent humanitarian reasons or significant public benefit. Parole determinations are made on a case-by-case basis depending on each individual's unique circumstances. A separate application for this parole process is not required if the individual already has access to the CAM program. Parole is not in itself a lawful immigration status, but it does allow an individual to be lawfully present in the U.S. temporarily and to apply for an Employment Authorization Document (EAD).

An applicant found conditionally eligible for parole is subject to the following additional requirements:

- *Medical Clearance and Costs:* All applicants for parole will be required to obtain and pay for medical clearance.
- *Travel Arrangements and Costs:* An individual who is authorized parole must book his or her travel through an approved USCIS process and pay for the flight to the United States.

USCIS will be updating the CAM webpage to provide updated information on Parole as part of the CAM Program. Please check back periodically to view this updated information.



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