



An Overview of U.S. Refugee Law and Policy

The United States passed its first official refugee legislation to address the plight of displaced Europeans following World War II. Most refugees are displaced from their country of origin to a neighboring country, and then resettled to a third country through international organizations. The United States resettles more refugees than any other country, refugees who go on to contribute to our communities and our economy.

What is a refugee?

A refugee, as defined by Section 101(a)(42) of the Immigration and Nationality Act (INA), 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. This definition is based on the [United Nations 1951 Convention and 1967 Protocols](#) relating to the Status of Refugees, which the United States became a party to in [1968](#). Following the Vietnam War and the country’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).

A person who meets the definition of a refugee, but who applies for this status from *within the United States*—either when they are seeking admission at a port of entry or after they have already entered the country in a different status or without status—is an asylee. The United States processes asylees differently than those who enter the country in refugee status; that process is not addressed in this fact sheet.

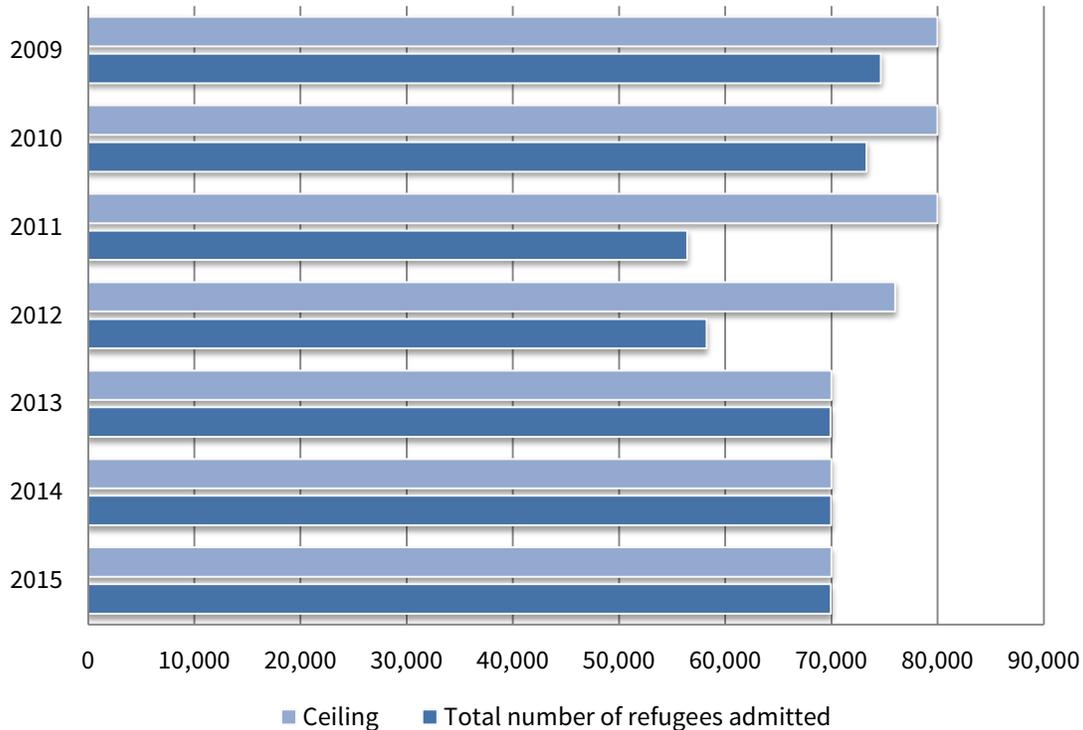
How many refugees are there in the world?

- According to [UNHCR](#), at the end of the 2014 there were an estimated 14.4 million refugees (a 19 percent growth from the previous year). According to [2015 statistics](#), it is estimated that there are over 4.2 million Syrian refugees.
- The [top origin countries](#) for refugees in 2013 were Afghanistan (2.6 million), Syria (2.5 million) Somalia (1.1 million), Sudan (650,000), the Democratic Republic of the Congo (499,600), and Myanmar (480,000).

How many refugees does the United States admit?

Each year the President, in consultation with Congress, determines the numerical ceiling for refugee admissions. For Fiscal Year (FY) 2016, the proposed [ceiling is 85,000](#).

Refugee Ceilings and Admitted Refugees to the United States, FY 2009-2015



(Source: [Refugee Processing Center](#))

- Over one-third of all refugee arrivals ([35.1 percent](#), or 24,579) in FY 2015 came from the Near East/South Asia—a region that includes Iraq, Iran, Bhutan, and Afghanistan.
- Another third of all refugee arrivals (32.1 percent, or 22,472) in FY 2015 came from Africa.
- Over a quarter of all refugee arrivals (26.4 percent, or 18,469) in FY 2015 came from East Asia — a region that includes China, Vietnam, and Indonesia.

How does the U.S. refugee resettlement process work?

The Refugee Admissions Program is jointly administered by the Bureau of Population, Refugees, and Migration (PRM) in the Department of State, the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services (HHS), and offices within the Department of Homeland Security (DHS). U.S. Citizenship and Immigration Services (USCIS) within DHS conducts refugee interviews and determines individual eligibility for refugee status in the United States.

There are [three principal categories](#) for classifying refugees under the U.S. refugee program:

- **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, Cuba, Democratic Republic of Congo, Iraq, Iran, Burma, and Bhutan.
- **Priority Three.** The relatives of refugees (parents, spouses, and unmarried children under 21) who are already settled in the United States may be admitted as refugees. The U.S.-based relative must file an Affidavit of Relationship (AOR) and must be processed by DHS.

Before admission to the United States, each refugee must undergo an extensive interviewing, screening, and security clearance process conducted by Regional Refugee Coordinators and overseas Resettlement Support Centers (RSCs). To qualify, individuals generally must not already be firmly resettled in any other country. Not everyone who falls into the three preceding categories is admitted to the United States.

- The INA requires most prospective refugees to prove their individual case of “well-founded fear,” regardless of the person’s country, circumstance, or classification in a priority category.
- Refugees are subject to the grounds of exclusion listed in Section 212(a) of the INA, including health-related grounds, moral/criminal grounds, and security grounds. They may also be excluded for polygamy, misrepresentation of facts on visa applications, smuggling, and previous deportations. Waivers exist for certain grounds of exclusion.

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](#) (VOLAG) to determine where the refugee will live. Refugees resettled in the United States do not need to have a U.S. “sponsor.” If a refugee approved for admission does have a relative living in the United States, every effort will be made to place the refugee near his or her relative.

- If a person is accepted as a refugee for admission to the United States, it is conditioned upon the individual passing a medical examination and all security checks.
 - 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.” According to the [Department of State](#) the entire process can take an average of 18-24 months to complete. These issues have improved in recent years; in a 2014 report, the [Obama Administration](#) cited “interagency coordination and processing procedures” as one of the reasons for increased admissions.

Once this 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.

What happens once refugees arrive?

- 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, a refugee may apply for Lawful Permanent Resident ("LPR") status. If they adjusted to LPR status, they may petition for naturalization five years after their arrival in the United States.
- In [FY 2014](#), new refugee arrivals went to 46 states. Top recipient states were California (3,068), Michigan (2,753), Texas (2,462), Illinois (1,064), and Arizona (973).
- Refugees are [expected](#) to have a job within six months of arrival. Refugee men who have recently arrived are employed at a [higher rate](#) than native born (67 percent to 60 percent respectively), and refugee women are employed at the same rate as native women.