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Refugee Admissions and Resettlement Policy

Updated December 18, 2018

Congressional Research Service
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RL31269

CRS REPORT
Prepared for Members and
Committees of Congress

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SUMMARY

RL31269

December 18, 2018

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Refugee Admissions and Resettlement Policy

A refugee is a person fleeing his or her 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. Typically, the annual number of refugees that can be admitted into the United States, known as the refugee ceiling, and the allocation of these numbers by region are set by the President after consultation with Congress at the start of each fiscal year.

For FY2019, the worldwide refugee ceiling is 30,000. The FY2019 regional allocations are, as follows: Africa (11,000), East Asia (4,000), Europe and Central Asia (3,000), Latin America/ Caribbean (3,000), and Near East/South Asia (9,000). This 30,000 ceiling is the lowest annual ceiling since the establishment of the U.S. refugee admissions program in 1980. Refugee admissions in FY2018 totaled 22,491, the lowest annual level of refugee arrivals in the United States in the history of the refugee admissions program.

The Bureau of Population, Refugees, and Migration (PRM) within the Department of State (DOS) coordinates and manages the U.S. refugee program. Generally, PRM arranges for a nongovernmental organization, an international organization, or U.S. embassy contractors to manage a Resettlement Support Center that assists in refugee processing.

Overseas processing of refugees is conducted through a system of three priorities for admission. *Priority 1* comprises cases involving persons facing compelling security concerns. *Priority 2* comprises cases involving persons from specific groups of special humanitarian concern to the United States (e.g., Iranian religious minorities). *Priority 3* comprises family reunification cases involving close relatives of persons admitted as refugees or granted asylum.

The Department of Homeland Security's (DHS's) U.S. Citizenship and Immigration Services (USCIS) is responsible for adjudicating refugee cases. To be eligible for admission to the United States as a refugee, an individual must meet the definition of a refugee, not be firmly resettled in another country, be determined to be of special humanitarian concern to the United States, and be admissible to the United States.

The Department of Health and Human Services' Office of Refugee Resettlement (HHS/ORR) administers a transitional assistance program for temporarily dependent refugees, Cuban/Haitian entrants, and others. For FY2018, the Refugee and Entrant Assistance account was funded at $2.051 billion.

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Background and Definitions

The admission of refugees to the United States and their resettlement here are authorized by the Immigration and Nationality Act (INA), as amended by the Refugee Act of 1980.[1] The 1980 Act had two basic purposes: (1) to provide a uniform procedure for refugee admissions; and (2) to authorize federal assistance to resettle refugees and promote their self-sufficiency. The intent of the legislation was to end an ad hoc approach to refugee admissions and resettlement that had characterized U.S. refugee policy since World War II.

Under the INA, a *refugee* is a person who is outside his or her country and who is unable or unwilling to return 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.[2] In special circumstances, a refugee also may be a person who is within his or her country and who is persecuted or has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Excluded from the INA definition of a refugee is any person who participated in the persecution of another.[3]

The Bureau of Population, Refugees, and Migration (PRM) of the Department of State (DOS) coordinates and manages the U.S. refugee program, and U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (DHS) makes final determinations about eligibility for admission. Refugees are processed and admitted to the United States from abroad. Separate provision is made in the INA for the granting of *asylum* on a case-by-case basis to aliens who are physically present in the United States or who arrive in the United States and who meet the definition of a refugee.[4] After one year in refugee status in the United States, refugees are required to apply to adjust to lawful permanent resident (LPR) status.[5]

Refugee Admissions

By law, the annual number of refugee admissions and the allocation of these numbers by region of the world are set by the President after consultation with Congress.[6] Each year, the President submits a report to Congress, known as the *consultation document*, which contains the Administration's proposed worldwide refugee ceiling and regional allocations for the upcoming fiscal year.[7] Following congressional consultations on the Administration's proposal, the President issues a Presidential Determination setting the refugee numbers for that year. **Table 1** shows refugee admissions ceilings and regional allocations for FY2008-FY2019.

[1] The INA is Act of June 27, 1952, ch. 477; 8 U.S.C. §§1101 *et seq.* The Refugee Act is P.L. 96-212.

[2] INA §101(a)(42)(A). This definition conforms with the definition used in the United Nations 1951 Convention Relating to the Status of Refugees and 1967 Protocol Relating to the Status of Refugees.

[3] INA §101(a)(42).

[4] INA §208.

[5] INA §209(a). Asylees (those granted asylum) may apply for LPR status after one year, but are not required to do so. There are no numerical limitations on refugee or asylee adjustments of status.

[6] INA §207(a).

[7] The consultation document for FY2019 is U.S. Department of State, U.S. Department of Homeland Security, and U.S. Department of Health and Human Services, *Proposed Refugee Admissions for Fiscal Year 2019: Report to the Congress*, https://www.state.gov/documents/organization/286401.pdf (hereinafter cited as *Proposed Refugee Admissions for Fiscal Year 2019*).

Table 1. Refugee Admissions Ceilings and Regional Allocations, FY2008-FY2019

Region	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
Africa	16,000	12,000	15,500	15,000	12,000	15,950[a]	17,500[b]	20,400[c]	27,500[d]	35,000[e]	19,000	11,000
East Asia	20,000	20,500[f]	18,000[g]	19,000	18,000	16,600[a]	14,700[b]	17,300[c]	14,000[d]	12,000[e]	5,000	4,000
Europe and Central Asia	3,000	2,500	2,500	2,000	2,000	650[a]	1,000	2,300[c]	4,000	4,000[e]	2,000	3,000
Latin America/Caribbean	5,000[h]	5,500[f]	5,500[g]	5,500	5,500	4,400[a]	4,300[b]	2,300[c]	1,500[d]	5,000[e]	1,500	3,000
Near East/South Asia	28,000	39,500[f]	38,000[g]	35,500	35,500	32,400[a]	32,500[b]	27,700[c]	38,000[d]	40,000[e]	17,500	9,000
Unallocated	8,000[h]	—[f]	500[g]	3,000	3,000	—[a]	—[b]	—[c]	—[d]	14,000[e]	—	—
Total ceilings	**80,000**	**80,000**	**80,000**	**80,000**	**76,000**	**70,000**	**70,000**	**70,000**	**85,000**	**110,000[e]**	**45,000**	**30,000**
Actual admissions	60,191	74,654	73,311	56,424	58,238	69,926	69,987	69,933	84,994	53,716	22,491	N/A

Sources: For ceiling and allocation data: PD 2008-1, October 2, 2007; PD 2008-29, September 30, 2008; PD 2009-32, September 30, 2009; PD 2011-02, October 8, 2010; PD 2011-17, September 30, 2011; PD 2012-17, September 28, 2012; PD 2014-01, October 2, 2013; PD 2014-17, September 30, 2014; PD 2015-14, September 29, 2015; PD 2016-13, September 28, 2016; PD 2017-13, September 29, 2017; PD 2019-01, October 4, 2018. U.S. Department of State, U.S. Department of Justice, and U.S. Department of Health and Human Services, *Proposed Refugee Admissions ...* , FY2008-FY2019. For actual admissions data: U.S. Department of State, Bureau of Population, Refugees and Migration.

a. Of the FY2013 ceiling of 70,000, 67,000 were originally allocated by region and 3,000 were unallocated. The full unallocated reserve was used and regional allocations were shifted during the year to provide additional numbers to Africa and Near East/South Asia; all the original regional allocations were changed.

b. Of the FY2014 ceiling of 70,000, 68,000 were originally allocated by region and 2,000 were unallocated. The full unallocated reserve was used and regional allocations were shifted during the year to provide additional numbers to Africa and East Asia; all the original regional allocations were changed except Europe and Central Asia.

c. Of the FY2015 ceiling of 70,000, 68,000 were originally allocated by region and 2,000 were unallocated. The full unallocated reserve was used and regional allocations were shifted during the year to provide additional numbers to Africa, East Asia, and Europe and Central Asia; all the original regional allocations were changed.

d. Of the FY2016 ceiling of 85,000, 79,000 were originally allocated by region and 6,000 were unallocated. The full unallocated reserve was used and regional allocations were shifted during the year to provide additional numbers to Africa, East Asia, and Near East/South Asia; all the original regional allocations were changed except Europe and Central Asia.

e. The FY2017 ceiling and regional allocations are from the FY2017 Presidential Determination issued by President Obama in September 2016.

f. Of the FY2009 ceiling of 80,000, 75,000 were originally allocated by region and 5,000 were unallocated. The full unallocated reserve was used during the year to provide additional numbers to East Asia, Latin America/Caribbean, and Near East/South Asia.

g. Of the FY2010 ceiling of 80,000, 75,000 were originally allocated by region and 5,000 were unallocated. A total of 4,500 unallocated numbers were used during the year to provide additional numbers to East Asia, Latin America/Caribbean, and Near East/South Asia.

h. Of the FY2008 ceiling of 80,000, 70,000 were originally allocated by region and 10,000 were unallocated. A total of 2,000 unallocated numbers were used during the year to provide additional numbers to Latin America/Caribbean.

The U.S. refugee program was greatly impacted by the terrorist attacks of September 11, 2001. In the aftermath of those attacks, a review of refugee-related security procedures was undertaken, refugee admissions were briefly suspended, and enhanced security measures were implemented. As a result of these and other factors, refugee admissions, which had totaled about 70,000 in FY2001, plunged to historically low levels in the years following the attacks. In FY2002, for example, actual admissions totaled 27,131.[8]

Admissions subsequently rebounded, as shown in **Table 1**, exceeding 70,000 in each of FY2009 and FY2010. As also shown in **Table 1**, however, there were significantly fewer admissions in FY2011 (56,424) and FY2012 (58,238). The FY2013 consultation document attributed the shortfalls in refugee arrivals in FY2011 and FY2012 largely to new security requirements.[9]

Refugee admissions increased in FY2013, and the FY2014 consultation document offered the following explanation for the increase:

> Refugee arrivals in FY 2013 are up sharply from the previous two years thanks to the concerted efforts of the many partners involved in U.S. resettlement... This success was made possible in part by better synchronization of security and medical checks for refugee families as well as investments in [the United Nations High Commissioner for Refugees'] ability to refer refugees from the Middle East and Africa.[10]

In FY2013, FY2014, and FY2015, refugee admissions fell just under each year's 70,000 ceiling. The FY2016 refugee ceiling was 85,000, and actual admissions that year were just below that number.

The refugee ceiling for FY2017 was set at 110,000 by President Barack Obama. However, President Donald Trump issued two successive executive orders in January 2017 and March 2017 that "proclaim[ed] that the entry of more than 50,000 refugees in fiscal year 2017 would be detrimental to the interests of the United States."[11] The March 2017 executive order, which revoked its predecessor, also directed the Secretary of State and the Secretary of Homeland Security to suspend the refugee admissions program for a period of 120 days.[12] During the 120-day period, the Secretary of State, in conjunction with Secretary of Homeland Security, was tasked with reviewing refugee admissions procedures. On June 26, 2017, the U.S. Supreme Court ruled that, pending the resolution of ongoing litigation concerning the lawfulness of the March 2017 executive order, the provisions establishing the FY2017 50,000 refugee admissions limit and the 120-day refugee program suspension could take effect for all individuals except for those "who can credibly claim a bona fide relationship with a person or entity in the United States."[13]

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[8] Prior to the 2001 terrorist attacks, annual refugee admissions had not been below 30,000 since FY1977, when admissions totaled about 20,000. For annual data on refugee admissions by region since FY1987, see **Appendix**.

[9] See U.S. Department of State, U.S. Department of Homeland Security, and U.S. Department of Health and Human Services, *Proposed Refugee Admissions for Fiscal Year 2013: Report to the Congress*, pp. iv-v, http://www.state.gov/documents/organization/198157.pdf.

[10] U.S. Department of State, U.S. Department of Homeland Security, and U.S. Department of Health and Human Services, *Proposed Refugee Admissions for Fiscal Year 2014: Report to the Congress*, p. ii, http://www.state.gov/documents/organization/219137.pdf (hereinafter cited as *Proposed Refugee Admissions for Fiscal Year 2014*).

[11] See Executive Order 13769 of January, 27, 2017, "Protecting the Nation from Foreign Terrorist Entry into the United States," §5(d), 82 *Federal Register* 8977, February 1, 2017; and Executive Order 13780 of March 6, 2017, "Protecting the Nation from Foreign Terrorist Entry into the United States," §6(b), 82 *Federal Register* 13209, March 9, 2017.

[12] The March 2017 executive order authorized the Secretary of State and the Secretary of Homeland Security to jointly grant waivers on a case-by-case basis, subject to certain conditions.

[13] Trump v. Int'l Refugee Assistance Project, 137 S. Ct. 2080, 2089 (2017).

The 120-day suspension was in effect from June 26, 2017, until its expiration on October 24, 2017. Actual refugee admissions in FY2017 totaled 53,716.

During the suspension of the refugee admissions program, President Trump set the FY2018 refugee ceiling at 45,000, lower than the ceiling for any prior year. The FY2018 consultation document explained that DHS had decided to prioritize the processing of asylum cases over refugee cases that year:

> Delays in the timely processing of asylum applications are detrimental to legitimate asylum seekers. Furthermore, while a series of security checks are initiated when an asylum application is filed, lingering backlogs can be exploited and used to undermine the security and integrity of the country's asylum system. As such, in considering how to allocate its available resources for humanitarian work in FY 2018, DHS/USCIS is prioritizing adjudication of asylum cases to address this growing backlog, while still providing a portion of its resources to continue refugee processing activities.[14]

On October 24, 2017, President Trump issued another executive order on refugee admissions.[15] It provided for the resumption of the refugee admissions program subject to certain conditions. The executive order referenced "special measures" that would be applied to "certain categories of refugees whose entry continues to pose potential threats to the security and welfare of the United States."[16] It also indicated that the Secretary of State and the Secretary of Homeland Security would continue to "assess and address any risks posed by particular refugees."[17] To this end, the executive order directed the Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, to determine within 90 days of the date of the order, and annually after that, whether any steps taken to address the risks posed by the admission of any category of refugees should be modified or terminated. The order further authorized the Secretary of Homeland Security to implement any such modifications or terminations.

A DOS fact sheet issued the same day as the executive order explained that DOS, DHS, and the Office of the Director of National Intelligence had "concluded that additional in-depth review is needed with respect to refugees of 11 nationalities previously identified as potentially posing a higher risk to the United States."[18] According to the fact sheet, admissions of prospective refugees from these 11 unspecified countries would occur on a case-by-case basis during the 90-day review period specified in the executive order.[19]

In January 2018, DHS announced that as a result of the 90-day review it was putting in place "additional security enhancements and recommendations to strengthen the integrity of the U.S. Refugee Admissions Program," including the following:

- Additional screening for certain nationals of high-risk countries.

[14] U.S. Department of State, U.S. Department of Homeland Security, and U.S. Department of Health and Human Services, *Proposed Refugee Admissions for Fiscal Year 2018: Report to the Congress*, https://www.state.gov/documents/organization/274857.pdf.

[15] Executive Order 13815 of October, 24, 2017, "Resuming the United States Refugee Admissions Program with Enhanced Vetting Capabilities," 82 *Federal Register* 50055, October, 27, 2017.

[16] Executive Order 13815, §2(a).

[17] Executive Order 13815, §3(a).

[18] U.S. Department of State, Status of the U.S. Refugee Admissions Program, fact sheet, October 24, 2017.

[19] According to an email sent by DOS to CRS on October 31, 2017, the names of the 11 countries were classified.

- Administering the [U.S. Refugee Admissions Program] in a more risk-based manner when considering the overall refugee admissions ceiling, regional allocations, and the groups of applicants considered for resettlement.
- A periodic review and update of the refugee high-risk country list and selection criteria.[20]

According to the DHS announcement, these measures "are designed to keep nefarious and fraudulent actors from exploiting the refugee program to enter the United States."[21]

Refugee admissions for FY2018 totaled 22,491, about half the FY2018 ceiling of 45,000. These FY2018 admissions represented the lowest annual level of refugee arrivals in the United States since the establishment of the U.S. refugee admissions program in 1980.

The refugee ceiling for FY2019 is 30,000. The FY2019 consultation document offered the following explanation for setting the refugee ceiling at that level, the lowest in the history of the refugee admissions program:

> This ceiling takes into account the operational realities associated with security measures to protect national security and public safety, as well as the need to conduct credible fear screenings of aliens seeking asylum at our borders and address the backlog of affirmative asylum cases.[22]

FY2019 Refugee Ceiling and Allocations

On October 4, 2018, President Trump signed the Presidential Determination setting the FY2019 worldwide refugee ceiling and regional allocations.[23] The FY2019 refugee ceiling is 30,000, the same as proposed in the FY2019 consultation document.

As shown in **Table 1**, the FY2019 refugee ceiling of 30,000 is allocated among the regions of the world. The regional allocations are intended to cover previously approved refugees in the pipeline as well as new cases. Unlike in some past years, there is no unallocated reserve in FY2019. An unallocated reserve is to be used if, and where, a need develops for refugee slots in excess of the allocated numbers. Unallocated numbers have been used regularly in recent years (see **Table 1**).

The FY2019 consultation document, unlike its predecessors, does not identify the nationalities of the refugees expected to be resettled in the United States. Instead, it describes uncertainty surrounding the home countries of FY2019 refugee arrivals:

> Given the lengthy processing required, it is likely that refugees referred to [U.S. Refugee Admissions Program] will not be admitted to the United States until a subsequent year. It is therefore impossible to determine exactly which countries will be the sources of refugees admitted to the United States in FY 2019.[24]

[20] U.S. Department of Homeland Security, "DHS Announces Additional, Enhanced Security Procedures for Refugees Seeking Resettlement in the United States," press release, released January 29, 2018, updated January 31, 2018, https://www.dhs.gov/news/2018/01/29/dhs-announces-additional-enhanced-security-procedures-refugees-seeking-resettlement.

[21] Ibid.

[22] *Proposed Refugee Admissions for Fiscal Year 2019*, p. 4.

[23] U.S. President (Trump), "Presidential Determination on Refugee Admissions for Fiscal Year 2019," Presidential Determination No. 2019–01 of October 4, 2018, 83 *Federal Register* 55091, November 1, 2018.

[24] *Proposed Refugee Admissions for Fiscal Year 2019*, p. 14.

The FY2019 regional allocations can be compared to FY2018 and FY2017 regional admissions levels, as follows:

- Africa has been allocated 11,000 refugee admissions numbers for FY2019. FY2018 admissions totaled 10,459; FY2017 admissions totaled 20,232.[25]
- East Asia's FY2019 allocation is 4,000. FY2018 admissions totaled 3,668; FY2017 admissions totaled 5,173.
- Europe and Central Asia have a combined FY2019 allocation of 3,000 refugee admissions. FY2018 admissions for this region totaled 3,612; FY2017 admissions totaled 5,205.
- The FY2019 allocation for Latin America and the Caribbean is 3,000. FY2018 admissions totaled 955; FY2017 admissions totaled 1,688.
- The Near East/South Asia allocation for FY2019 is 9,000. FY2018 admissions totaled 3,797; FY2017 admissions totaled 21,418.

Refugee Processing Priorities

PRM is responsible for processing refugee cases. Generally, it arranges for a nongovernmental organization (NGO), an international organization, or U.S. embassy contractors to manage a Resettlement Support Center (RSC) that assists in refugee processing. RSC staff conduct pre-screening interviews of prospective refugees and prepare cases for submission to USCIS, which handles refugee adjudications. Refugee processing is conducted through a system of three priorities for admission. These priorities provide access to U.S. resettlement consideration, and are separate and distinct from whether such persons qualify for refugee status.

Priority 1 covers refugees for whom resettlement seems to be the appropriate durable solution, who are referred to the U.S. refugee program by the United Nations High Commissioner for Refugees (UNHCR), a U.S. embassy, or a designated NGO. Such persons often have compelling protection needs, and may be in danger of attack or of being returned to the country they fled. All nationalities are eligible for this priority.

Priority 2 covers groups of special humanitarian concern to the United States. It includes specific groups that may be defined by their nationalities, clans, ethnicities, or other characteristics. Unlike Priority 1 cases, individuals falling under Priority 2 are able to access the U.S. refugee program without a UNHCR, embassy, or NGO referral. Some P-2 programs, such as the program for certain former Soviet nationals (see "Lautenberg Amendment and Specter Amendment"), process applicants in their country of origin**.**

Some Priority 2 groups are processed outside their country of origin. These include Burmese in refugee camps in Thailand. Another P-2 group, Iraqis associated with the United States, is eligible for in-country processing in Iraq as well as processing outside that country.[26]

Priority 3 covers family reunification cases. Refugee applications under Priority 3 are based upon an *affidavit of relationship* (AOR) filed by an eligible relative in the United States. The Priority 3 program is limited to designated nationalities. For FY2019, Priority 3 processing is available to

[25] See **Appendix** for annual refugee admissions numbers by region since FY1987.

[26] The Refugee Crisis in Iraq Act of 2007 (Division A, Title XII, Subtitle C of P.L. 110-181) designates certain Iraqis for P-2 processing.

nationals of 15 countries.[27] Individuals falling under Priority 3, like those falling under Priority 2, are able to access the U.S. refugee program without a UNHCR, embassy, or NGO referral.

The Priority 3 program has changed over the years. Since FY2004, qualifying family members have been the spouses, unmarried children under age 21, and parents of persons who were admitted to the United States as refugees or granted asylum.[28] In October 2008, the U.S. refugee program stopped accepting applications under Priority 3.[29] Earlier in 2008, processing of Priority 3 cases was suspended in certain locations in Africa "due to indications of extremely high rates of fraud in claimed family relationships identified through pilot DNA testing."[30]

The Priority 3 program resumed in October 2012 with a new AOR form and requirement for DNA evidence of certain claimed biological parent-child relationships. To file an AOR, the U.S.-based relative must be at least age 18 and must file within five years of being granted asylum or admitted to the United States as a refugee.

Refugee Adjudications

The Secretary of DHS has discretionary authority to admit refugees to the United States. USCIS is responsible for adjudicating refugee cases. To be eligible for admission to the United States as a refugee, an individual must meet the INA definition of a refugee, not be firmly resettled in another country, be determined to be of special humanitarian concern to the United States, and be admissible to the United States.[31] In the past, the majority of refugee adjudications were conducted by USCIS officers on temporary duty from domestic asylum offices. Today, these adjudications are handled by USCIS officers in the Refugee Corps.

Admissibility of Refugees

To be admitted to the United States, a prospective refugee must be *admissible* under immigration law. The INA sets forth various grounds of inadmissibility, which include health-related grounds, security-related grounds, public charge (i.e., indigence), and lack of proper documentation.[32] Some inadmissibility grounds (public charge, lack of proper documentation) are not applicable to

[27] The countries are: Afghanistan, Burundi, Central African Republic, Cuba, Democratic People's Republic of Korea (DPRK), Democratic Republic of Congo (DRC), Eritrea, Ethiopia, Iran, Iraq, Mali, Somalia, South Sudan, Sudan, and Syria. *Proposed Refugee Admissions for Fiscal Year 2019*, p. 38.

[28] During the late 1990s, the State Department found that a large number of Priority 3 applications were received from persons who did not qualify for refugee status and that there was a significant amount of fraud associated with these applications. To address these problems, the U.S. government reduced the number of nationalities eligible for such refugee slots. For FY2003, four nationalities were eligible for Priority 3 processing. For FY2004, the Priority 3 program was revised on a pilot basis. To simultaneously broaden access to the program and continue to address concerns about fraud, the number of eligible nationalities was increased to nine, while the types of qualifying relationships were restricted. As noted above, eligibility for Priority 3 currently requires a qualifying relationship with an individual who was admitted to the United States as a refugee or granted asylum. Prior to FY2004, this processing priority was available to those with qualifying relationships with a much wider range of legal U.S. residents without regard to how these residents gained admission to the United States. In another change, since FY2004, children have to be under age 21 to be eligible for Priority 3. In the past, this processing priority was also available to older unmarried sons and daughters. These changes to the Priority 3 qualifying relationships have remained in place since FY2004.

[29] U.S. Department of State, Bureau of Population, Refugees, and Migration, "Fraud in the Refugee Family Reunification (Priority Three) Program," fact sheet, December 4, 2008, http://2001-2009.state.gov/g/prm/refadm/rls/fs/2008/112760.htm.

[30] *Proposed Refugee Admissions for Fiscal Year 2014*, p. 12.

[31] INA §207(c).

[32] INA §212(a).

refugees. Others can be waived for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.[33] Of particular relevance to the admission of refugees are certain health-related and security-related grounds of inadmissibility.

Under the INA health-related grounds of inadmissibility, an alien who is determined, in accordance with Department of Health and Human Services (HHS) regulations, to have a communicable disease of public health significance is inadmissible. In past years, human immunodeficiency virus (HIV) infection was defined to be one of these diseases, although HIV-infected refugees could apply for a waiver. In 2008, Congress amended the INA to eliminate the reference to HIV infection as a health-related ground of inadmissibility.[34] And effective January 4, 2010, the Centers for Disease Control and Prevention (CDC) of HHS amended its regulations on the medical examination of aliens to remove HIV infection from the definition of a "communicable disease of public health significance."[35] The CDC further amended its regulations on the medical examination of aliens, effective March 28, 2016, to revise the definition of a "communicable disease of public health significance" and make other changes to the health screening process.[36]

Since 1990, the security-related grounds of inadmissibility in the INA have expressly included terrorism-related grounds. Over the years, the terrorism-related grounds have been amended to lower the threshold for how substantial, apparent, and immediate an alien's support for a terrorist activity or organization may be for the alien to be rendered inadmissible. Among the current terrorism-related grounds, an alien is generally inadmissible for engaging in terrorist activity if he or she gives any "material support," such as a safe house, transportation, communications, or funds, to a terrorist organization or any of its members or to a person engaged in terrorist activity. The Secretary of State or the DHS Secretary, after consultation with the other and the Attorney General, may exercise discretionary waiver authority over certain terrorism-related grounds of inadmissibility. Both the Secretary of State and the Secretary of DHS have used this authority to grant exemptions from the terrorism-related inadmissibility grounds to certain categories of individuals and for certain types of support.[37]

The Consolidated Appropriations Act, 2008, specified groups that, for purposes of the INA terrorism-related grounds of inadmissibility, are not to be considered terrorist organizations on the basis of past acts.[38] Thus, a prospective refugee who was a member of, or provided support to, one of these groups would not be inadmissible on the basis of those actions. More broadly, the Consolidated Appropriations Act expanded the discretionary authority of the Secretary of State

[33] Certain grounds of inadmissibility, including most security-related grounds, cannot be waived.

[34] P.L. 110-293, Title III, §305, July 30, 2008.

[35] U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, "Medical Examination of Aliens—Removal of Human Immunodeficiency Virus (HIV) Infection From Definition of Communicable Disease of Public Health Significance," 74 *Federal Register* 56547, November 2, 2009.

[36] U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, "Medical Examination of Aliens—Revisions to Medical Screening Process," 81 *Federal Register* 4191, January 16, 2016.

[37] See U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, "Terrorism-Related Inadmissibility Grounds Exemptions," https://www.uscis.gov/laws/terrorism-related-inadmissability-grounds/terrorism-related-inadmissibility-grounds-exemptions.

[38] P.L. 110-161, Division J, Title VI, §691. DHS and DOS followed this enactment with a series of *Federal Register* notices similarly stating that the terrorism-related grounds of inadmissibility would generally be waived with respect to any assistance provided by an alien to any of the entities expressly exempted by the Consolidated Appropriations Act, 2008, from being deemed terrorist organizations. U.S. Department of Homeland Security, Office of the Secretary, and Department of State, Office of the Secretary, "Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act" [10 separate notices with same title], 73 *Federal Register* 34770, June 18, 2008.

and the Secretary of DHS to grant waivers of the terrorism-related grounds of inadmissibility generally. Measures subsequently enacted in 2008 and 2014 limited the application of the INA's terrorism-related provisions with respect to other specific groups.[39]

Security Screening

To be admissible to the United States under the INA security-related grounds of inadmissibility discussed above, a prospective refugee must clear all required security checks. According to an August 2018 USCIS fact sheet on refugee security screening:

> USCIS has the sole discretion to approve an application for refugee status and only does so after it has obtained and cleared the results of all required security checks for the principal applicant, as well as any derivative family members included on their case. Just as DOS commonly denies visas, USCIS also routinely denies refugee cases, including for reasons of national security.[40]

The fact sheet summarizes the security screening process, as follows:

> [U.S. Refugee Admissions Program] screening includes both biometric and biographic checks, which occur at multiple stages throughout the process, including immediately after the preliminary RSC interview, before a refugee's departure to the United States, and on arrival in the U.S. at a port of entry.[41]

The March 2017 executive order issued by President Trump called for a review of U.S. refugee admissions processes to determine what additional procedures were needed to ensure that prospective refugees did not pose threats to the United States. The October 2017 executive order noted that the results of that review would, among other benefits, "enhance the ability of our systems to check biometric and biographic information against a broad range of threat information contained in various Federal watchlists and databases."[42] (For further information about these executive orders, see "Refugee Admissions.")

The FY2019 consultation document noted that prospective refugees "undergo more thorough screening than ever before." It further explained:

> The U.S. government has increased the amount of data it collects on refugee applicants, and more applicants now are subject to higher levels of security screening.[43]

Lautenberg Amendment and Specter Amendment

The "Lautenberg Amendment"[44] was originally enacted as part of the FY1990 Foreign Operations Appropriations Act. It required the Attorney General to designate categories of former Soviet and Indochinese nationals for whom less evidence would be needed to prove refugee status, and provided for adjustment to permanent resident status of certain Soviet and Indochinese nationals granted parole after being denied refugee status.[45] To be eligible to apply for refugee status under

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[39] See P.L. 110-257; P.L. 113-291, §1264.

[40] U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, *Refugee Security Screening Fact Sheet*, August 28, 2018, p. 3, https://www.uscis.gov/sites/default/files/USCIS/Refugee%2C%20Asylum%2C%20and%20Int%27l%20Ops/Refugee_Screening_and_Vetting_Fact_Sheet.pdf.

[41] Ibid. p, 4. The fact sheet enumerates the biographic and biometric checks.

[42] Executive Order 13815, §1(e).

[43] *Proposed Refugee Admissions for Fiscal Year 2019*, p. 7.

[44] The amendment is named after the late Senator Frank Lautenberg from New Jersey.

[45] P.L. 101-167, Title V, §599D and §599E. Parole is a temporary authorization to enter the United States and is

the special provision, an individual had to have close family in the United States. Applicants under the Lautenberg standard were required to prove that they were members of a protected category with a credible, but not necessarily individual, fear of persecution. By contrast, the INA requires prospective refugees to establish a well-founded fear of persecution on an individual basis.

The Lautenberg Amendment has been regularly extended in appropriations acts, although there have often been gaps between extensions. The Consolidated Appropriations Act, 2004, in addition to extending the amendment through FY2004, amended the Lautenberg Amendment to add a new provision known as the "Specter Amendment."[46] The Specter Amendment required the designation of categories of Iranian nationals, specifically religious minorities, for whom less evidence would be needed to prove refugee status. The Consolidated Appropriations Act, 2018, extended the Lautenberg Amendment through September 30, 2018.[47] As of the date of this report, the Lautenberg Amendment has not been enacted for FY2019.

Refugee Resettlement Assistance

The HHS Office of Refugee Resettlement (ORR), within the Administration for Children and Families (ACF), administers a transitional assistance program for temporarily dependent refugees, asylees, Cuban/Haitian entrants, and other specified humanitarian groups. Since its establishment in 1980, the refugee resettlement program has been justified on the grounds that the admission of refugees is a federal decision, entailing some federal responsibility. Unlike immigrants who enter through family or employment ties, refugees are admitted on humanitarian grounds, and there is no requirement that they demonstrate economic self-sufficiency.

For FY2018, the Consolidated Appropriations Act, 2018, which included appropriations for the Departments of Labor, HHS, and Education, and related agencies, provided $1.865 billion for ORR programs.[48] This funding was supplemented by transferred funds from within HHS, for final FY2018 funding of $2.051 billion.[49] **Table 2** details refugee resettlement funding for FY2009-FY2018.

typically granted when the alien's entry is determined to be in the public interest.

[46] P.L. 108-199, Division E, Title II, §213. The amendment is named after the late Senator Arlen Specter from Pennsylvania.

[47] P.L. 115-141, Division K, Title VII. §7034(k)(5).

[48] P.L. 115-141, Division H, Title II.

[49] U.S. Department of Health and Human Services, Administration for Children and Families, Office of Legislative Affairs and Budget, ACF Operating Plan for FY2019 (includes "FY2018 Final" amounts), https://www.acf.hhs.gov/sites/default/files/olab/acf_fy19_operating_plan_web.pdf.

Table 2. Refugee Resettlement Assistance Funding, FY2009-FY2018

(budget authority in millions of dollars)

Programs	FY09 Enacted	FY10 Actual	FY11 Enacted	FY12 Actual	FY13 Enacted	FY14 Actual	FY15 Actual	FY16 Final	FY17 Final	FY18 Final
Transitional/Cash and Medical Services	$282.3	$353.3	$352.6	$323.2	$401.1	$391.5	$383.3	$532.0	$490.0	$244.9
Social Services	154.0	154.0	153.7	124.3	149.9	149.9	149.9	170.0	155.0	N/A
Targeted Assistance	48.6	48.6	48.5	28.1	47.6	47.6	47.6	52.6	47.6	N/A
Preventive Health	4.7	4,7	4,7	4,7	4.6	4.6	4.6	4.6	4.6	N/A
Refugee Support Services[a]	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	202.4
Victims of Trafficking[b]	9.8	9.8	9.8	9.8	9.3	13.8	15.8	18.8	18.8	23.8
Victims of Torture[c]	10.8	11.1	11.1	11.0	10.7	10.7	10.7	10.7	10.7	10.7
Unaccompanied Alien Children[d]	205.1	149.3	149.1	267.2	376.1	911.8	948.0	892.4	1,414.6	1,569.6
Total[e]	**$715.4**	**$730.8**	**$729.5**	**$768.3**	**$999.4**	**$1,529.9**	**$1,559.9**	**$1,681.1**	**$2,141.3**	**$2,051.4**

Sources: For FY2008-FY2015: U.S. Department of Health and Human Services, Administration for Children and Families, *Justifications of Estimates for Appropriations Committees*, FY2009-FY2017. For FY2016-FY2018: U.S. Department of Health and Human Services, Administration for Children and Families, Office of Legislative Affairs and Budget, ACF *Operating Plan*, FY2017-FY2019.

a. Beginning in FY2018, the Refugee Support Services category consolidates funding for Social Services, Targeted Assistance, and Preventive Health.

b. Funding used primarily for administrative cost of certifying that an alien is a trafficking victim for purposes of receiving benefits and services.

c. Funding used for rehabilitation services, social services, and legal services for torture victims and for provision of research and training to health care providers.

d. Program serves children under age 18 who do not have lawful immigration status and do not have a parent or legal guardian in the United States available to provide physical custody and care.

e. Sum of amounts may not equal total due to rounding.

ORR-funded refugee assistance activities include transitional and medical services, social services to help refugees and other specified humanitarian groups (referred to collectively as "refugees" below) become socially and economically self-sufficient, and targeted assistance for impacted areas. As indicated in **Table 2**, the refugee social services, targeted assistance, and preventive health programs have been combined into the refugee support services program.

Transitional/cash and medical services accounts for a greater portion of the ORR annual budget than any other activity for refugees. (Several of the ORR programs—unaccompanied alien children, victims of trafficking, and victims of torture—are not refugee programs.) In most cases, this assistance is administered by states and provided in the form of refugee cash assistance (RCA) and refugee medical assistance (RMA). RCA and RMA are intended to help needy refugees who are ineligible to receive benefits from mainstream federal assistance programs. This assistance is currently available for eight months after entry.[50] RMA benefits are based on the state's Medicaid program, and RCA payments are based on the state's Temporary Assistance for Needy Families (TANF) payment to a family unit of the same size.

The ORR program was significantly affected by the 1996 welfare reform act and subsequent amendments.[51] Prior to this legislation, refugees who otherwise met the requirements of federal public assistance programs were immediately and indefinitely eligible to participate in them just like U.S. citizens. Now, refugees are subject to time limits. **Table 3** summarizes the time limits on refugee eligibility for four major public assistance programs.

Table 3. Refugee Eligibility for Major Federal Public Assistance Programs

Program	Eligibility
Supplemental Security Income (SSI) for the Aged, Blind and Disabled	Eligible for seven years after entry.
Medicaid (nonemergency care)	Eligible for seven years after entry, then state option.
Temporary Assistance for Needy Families (TANF)	Eligible for five years after entry, then state option.
Supplemental Nutrition Assistance Program (SNAP) (formerly, Food Stamps)	Eligible without time limits.

Source: Compiled by CRS.

[50] INA §412(e)(1) authorizes ORR to reimburse states for RCA and RMA for 36 months. Initially, beginning in April 1980, RCA and RMA were available for the full 36 months. As appropriations levels decreased in subsequent years, however, the period of coverage was reduced. Since October 1991, RCA and RMA have been available to needy refugees for eight months after entry.

[51] The 1996 welfare reform law is the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA).

Appendix. Refugee Admissions by Region

FY	Africa	East Asia	Europe & Central Asia[b]	Latin America/ Caribbean	Near East/ South Asia	Total
1987	1,990	40,099	12,095	323	10,021	**64,528**
1988	1,593	35,371	27,921	3,230a	8,368	**76,483**
1989	1,902	45,722	48,354	4,116a	6,976a	**107,070**
1990	3,453	51,604a	56,722	5,308a	4,979	**122,066**
1991	4,420	53,522	46,063	4,042a	5,342	**113,389**
1992	5,470	51,899	64,312	3,947a	6,903	**132,531**
1993	6,967	49,817	51,355	4,322a	6,987	**119,448**
1994	5,860	43,564	51,561	6,156	5,840	**112,981**
1995	4,827	36,987	46,021	7,629	4,510	**99,974**
1996	7,604	19,321	41,961	3,550	3,967	**76,403**
1997	6,065	8,594	48,732	2,996	4,101	**70,488**
1998	6,887	10,854	54,399	1,627	3,313	**77,080**
1999	13,043	10,206	56,068	2,110	4,098	**85,525**
2000	17,561	4,561	37,664	3,232	10,129	**73,147**
2001	19,020	4,163	31,772	2,975	11,956	**69,886**
2002	2,551	3,512	15,428	1,934	3,706	**27,131**
2003	10,714	1,724	11,250	455	4,260	**28,403**
2004	29,104	8,084	9,254	3,577	2,854	**52,873**
2005	20,745	12,076	11,316	6,699	2,977	**53,813**
2006	18,126	5,659	10,456	3,264	3,718	**41,223**
2007	17,483	15,643	4,560	2,976	7,620	**48,282**
2008	8,935	19,489	2,343	4,277	25,147	**60,191**
2009	9,670	19,850	1,997	4,857	38,280	**74,654**
2010	13,305	17,716	1,526	4,982	35,782	**73,311**
2011	7,685	17,367	1,228	2,976	27,168	**56,424**
2012	10,608	14,366	1,129	2,078	30,057	**58,238**
2013	15,980	16,537	580	4,439	32,390	**69,926**
2014	17,476	14,784	959	4,318	32,450	**69,987**
2015	22,472	18,469	2,363	2,050	24,579	**69,933**
2016	31,624	12,518	3,957	1,340	35,555	**84,994**
2017	20,232	5,173	5,205	1,688	21,418	**53,716**
2018	10,459	3,668	3,612	955	3,797	**22,491**

Source: U.S. Department of State, Bureau of Population, Refugees and Migration.

Notes: Data for FY1987-FY2000 are as of June 30, 2002. Data for FY2001-FY2007 are as of January 31, 2014. Data for FY2008-FY2018 are as of November 30, 2018.

a. Includes refugees admitted under the Private Sector Initiative (PSI), most of whom were Cuban.

b. Prior to FY2004, there were separate regions for Eastern Europe and the former Soviet Union. Beginning in FY2004, these regions were combined into Europe and Central Asia. Data for FY1987 through FY2003 for Europe and Central Asia combine admissions from Eastern Europe and the former Soviet Union.

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