

How Does the U.S. Refugee System Work?

The United States has long been a safe haven for refugees from around the world. President Biden aims to expand the country's resettlement program after the Trump administration made sharp cuts.

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Summary

The State Department manages the U.S. Refugee Admissions Program, or USRAP. Since it was created in 1980, more than three million refugees have been accepted into the country.

President Trump, who saw the program as a security threat, reduced the annual refugee ceiling to a record low of fifteen thousand in 2021.

As global humanitarian crises worsen, President Biden has promised to restore the refugee program, but rebuilding its capacity will not be easy.

Introduction

Until recently, the United States was the world's top country for refugee admissions. From taking in hundreds of thousands of Europeans displaced by World War II to welcoming those escaping from Communist regimes in Europe and Asia during the Cold War, the United States has helped define protections for refugees under international humanitarian law. Beginning in 1980, the U.S. government moved from an ad hoc approach to the permanent, standardized system for identifying, vetting, and resettling prospective refugees that is still in use today.

The size of the U.S. refugee program has often fluctuated. The war in Syria and the resulting migration crisis in Europe increased policymakers' scrutiny of arrivals from the Middle East, beginning with the administration of President Barack Obama. President Donald Trump ratcheted up that scrutiny with a ban on refugees from certain countries and sharp cuts to overall refugee admissions, sparking new debate over the national security implications of refugee policy. As conflict in places such as Afghanistan and Ukraine displaces millions of people, President Joe Biden has pledged to rebuild the U.S. refugee program.

What is a refugee?

There are several different terms used to describe people who move from one place to another, either voluntarily or under threat of force. With no universal legal definition, migrant is an umbrella term for people who leave their homes and often cross international borders, whether to seek economic opportunity or escape persecution.

As defined by U.S. law and the 1951 Refugee Convention, refugees are migrants seeking entry from a third country who are able to demonstrate that they have been persecuted, or have reason to fear persecution, on the basis of one of five “protected grounds”: race, religion, nationality, political opinion, or membership in a particular social group. According to the UN refugee agency, there were nearly twenty-one million refugees worldwide as of mid-2021, more than half of whom came from just four countries: Syria, Afghanistan, South Sudan, and Myanmar, in descending order.

Asylum seekers are those who meet the criteria for refugee status but apply from within the United States, or at ports of entry, after arriving under a different status. Asylum seekers follow a different protocol than those applying for refugee status.

How long has the United States accepted refugees?

For more than seventy-five years, the United States has accepted migrants who would be identified under current international law as refugees. In the wake of World War II, the United States passed its first refugee legislation to manage the resettlement of some 650,000 displaced Europeans. Throughout the Cold War, the United States accepted refugees fleeing from communist regimes, such as those in China, Cuba, and Eastern Europe.

But the country’s official federal effort to resettle refugees, known as the U.S. Refugee Admissions Program (USRAP), was not created until passage of the Refugee Act of 1980. Prior to 1980, legislation that authorized the acceptance of refugees was passed primarily on an ad hoc basis, often responding to ongoing mass migrations. It was not until after the fall of South Vietnam to communist forces in 1975, when the United States began taking in hundreds of thousands of Southeast Asian refugees, that Congress established a more standardized system.

The 1980 legislation, signed by President Jimmy Carter, established permanent procedures for vetting, admitting, and resettling refugees into the country; incorporated the official definition of the term “refugee;” increased the number of refugees to be admitted annually to fifty thousand; and granted the president authority to admit additional refugees in emergencies. Since that law was passed, the United States has admitted more than three million refugees.

How many refugees are allowed into the country?

The number of refugees admitted into the United States annually has generally declined from more than 200,000 at the start of the program in 1980 to approximately 11,400 in 2021. Levels of refugee admissions fluctuated dramatically throughout that time period, falling through the 1980s and spiking again in the 1990s after the collapse of the Soviet Union.

Annual numerical ceilings on refugee admissions are proposed by the president and require congressional approval. Following the 9/11 attacks, President George W. Bush suspended refugee admissions for several months, citing national security concerns. From 2001 to 2015, caps on refugee admissions stayed between seventy thousand and eighty thousand, though both the Bush and Obama administrations regularly admitted fewer people than the ceilings allowed.

In 2016, President Obama increased an earlier approved ceiling of eighty thousand to allow in an additional five thousand refugees as part of an effort to address a growing migration crisis caused by worsening conflict in Syria. As humanitarian crises elsewhere grew more dire, including in Afghanistan and Iraq, Obama proposed that the United States set a ceiling of 110,000 refugee admissions for fiscal year 2017.

President Trump reversed Obama's proposed ceiling by capping the number of refugees allowed into the country in fiscal year 2017 at fifty thousand. He lowered this ceiling further to forty-five thousand for 2018, then thirty thousand for 2019, and 18,000 for 2020. His administration argued that the reduction was necessary to direct more government resources to the backlog of applications from nearly eight hundred thousand asylum seekers who had reached the southern U.S. border. Despite critics countering that the asylum and refugee programs have little bearing on one another, Trump set an even lower ceiling of fifteen thousand for fiscal year 2021—by far the lowest cap since the program's start.

President Biden has promised to reverse this downward trend. In May 2021, he revised the annual admissions cap to 62,500 for the remainder of the year, and in October, he doubled the ceiling for fiscal year 2022 to 125,000, with the majority of admission slots allocated to refugees from Africa and Southeast Asia. Even so, it is unclear how quickly Trump-era reductions can be reversed. The United States accepted fewer than twelve thousand refugees in 2021; some advocacy groups argue that the annual cap should proportionately reflect the number of refugees worldwide.

Where are they from?

The United States has consistently received refugees from Asia, Africa, Europe, and Latin America, though the total number of admissions has changed dramatically for some regions in the time since the U.S. refugee resettlement program was created. Immediately following passage of the 1980 act, more than two hundred thousand refugees—the highest total in recent history—were admitted to the country; the vast majority originated in Southeast Asian countries, including Cambodia and Vietnam.

Refugees admitted to the United States from former Soviet countries increased sharply in the decade beginning in 1989. From 2010 to 2020, the highest number of refugees came from Myanmar, Iraq, and Bhutan, in descending order. By comparison, in 2021, the countries with the highest number of refugees admitted to the United States were the Democratic Republic of Congo, Syria, Afghanistan, and Ukraine, in descending order.

In 2017, Trump issued an executive order that temporarily prohibited the entry of nationals of seven Muslim-majority countries—Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen—and

indefinitely barred all Syrian refugees. (Admissions for Syrians restarted in January 2018.) The executive order also tightened visa restrictions that had been imposed under Obama on those seven countries. The Trump administration revised the order twice amid legal challenges, until April 2018, when the Supreme Court allowed the third version of the order to stand.

Trump also heavily criticized a resettlement deal with Australia finalized by Obama, in which the United States was to take 1,250 refugees currently being held by Australian authorities in offshore detention centers. Many of these refugees were from Iran and Somalia, countries included in the third iteration of the travel ban. By June 2021, Washington had resettled resettled 968 refugees as part of the deal.

How are refugees screened and approved?

The U.S. State Department, in consultation with a constellation of other agencies and organizations, manages the process through its refugee admission program, USRAP. The first step for a potential refugee abroad is most often to register with the UN High Commissioner for Refugees (UNHCR). UNHCR officials collect documentation and perform an initial screening and then refer qualifying individuals to State Department Resettlement Support Centers (RSCs), of which there are nine around the world. Sometimes this referral is done by a U.S. embassy or a nongovernmental organization.

Then, RSC officials interview the applicants, verify their personal data, and submit their information for background checks by a suite of U.S. national security agencies. These security checks [PDF] include multiple forms of biometric screening, such as cross-checks of global fingerprint databases and medical tests.

If none of these inquiries produce problematic results, including criminal histories, past immigration violations, connections to terrorist groups, or communicable diseases, the applicant can be cleared for entry to the United States. The entire admissions process generally takes between eighteen months and two years to complete.

What government agencies are involved?

The three primary federal government agencies involved in the refugee resettlement process are the State Department, the Department of Homeland Security (DHS), and the Department of Health and Human Services (HHS). The State Department's Bureau of Population, Refugees, and Migration (PRM) is the first U.S. government point of contact; it coordinates the process with all other agencies until a refugee is resettled.

Through its Citizenship and Immigration Services (USCIS) branch, DHS is the principal agency responsible for vetting refugee applicants; USCIS makes the final determination on whether to approve resettlement applications. Its security review uses the resources and databases of several other national security agencies, including the National Counterterrorism Center, FBI, Department of Defense, and multiple U.S. intelligence agencies.

Once settled in the United States, refugees are generally in the hands of charity and other volunteer agencies that specialize in resettlement, such as the International Rescue Committee.

The State Department's Reception and Placement Program provides funding to go toward refugees' rent, furnishings, food, and clothing. After three months, this responsibility shifts to HHS, which provides longer-term cash and medical assistance, as well as other social services, including language classes and employment training. After the Trump administration's cuts to the refugee admission ceiling, all nine nongovernmental agencies that assist with resettlement downsized by closing offices or laying off staff.

Several intergovernmental organizations play a crucial role at various points. The United Nations is primarily responsible for referring qualified applicants to U.S. authorities, while the International Organization for Migration coordinates refugees' travel to the United States.

Where are refugees resettled?

Today, refugees are resettled in forty-nine U.S. states, though there are several states that generally resettle higher numbers than others. According to the Migration Policy Institute, California, Washington, and Texas took in the highest number of refugees in fiscal year 2020, making up 27 percent of all refugee admissions that year. Between fiscal years 2010 and 2020, one-third of all 601,000 resettled refugees went to just five states.

What roles do state and local governments play?

The logistics of refugee resettlement are largely handled by nine domestic resettlement agencies, many of them faith-based organizations such as the Church World Service and the U.S. Conference of Catholic Bishops. Representatives of these organizations meet and review the biographical data of the refugees selected by the State Department's Refugee Support Centers abroad to determine where they should be resettled. As part of this process, federal law requires that resettlement agencies consult with local authorities [PDF], including law enforcement, emergency services, and public schools.

While this consultation is required, the 1980 Refugee Act gives the federal government final authority over whether to admit refugees and where they should be resettled. In the wake of the 2015 terrorist attacks in Paris, which were carried out by EU citizens who may have returned to Europe from the Middle East via refugee flows, more than thirty U.S. governors protested the resettlement of any Syrian refugees in their states. Legal experts say that while states cannot directly block federal government decisions on where to place refugees, they can complicate the process by directing state agencies to refuse to cooperate with resettlement agencies, as the governors of Texas and Michigan did in 2015.

Do refugee populations pose security risks to the United States?

Out of the more than three million refugees accepted by the United States over the past four decades, a handful have been implicated in terrorist plots. According to a 2016 study by the libertarian-leaning CATO Institute, of the 154 foreign-born terrorists who committed attacks in the United States since 1975, twenty were refugees. Of these attacks, only three proved deadly, and all three took place before 1980, when the Refugee Act created the current screening procedures.

Many of those responsible for recent attacks have been U.S. citizens, including the 2016 Orlando nightclub shooter, one of the perpetrators of the 2015 San Bernardino attacks, and the 2009 Fort Hood shooter. The 9/11 hijackers were in the country on tourist or business visas. Others were the children of asylees, including the 2016 Manhattan bomber, whose father had been an Afghan refugee, and the Tsarnaev brothers, who carried out the Boston Marathon bombing and whose parents fled war-torn Chechnya.

Trump administration officials often voiced concerns over the vetting process for incoming refugees. But Biden and other critics condemned Trump's rhetoric as scaremongering, and Biden campaigned on restoring U.S. leadership on global refugee resettlement. In February 2021, as part of his administration's plan to rebuild and enhance the country's refugee program, he pledged to improve USRAP vetting to make it "more efficient, meaningful, and fair."

Recommended Resources

The UN refugee agency annually reports on the number of people who have been forcibly displaced worldwide.

The United States needs to build a more resilient refugee resettlement program that is suitable for the twenty-first century, write Silva Mathema and Sofia Carratala for the Center for American Progress.

This timeline traces U.S. immigration policy since World War II.

This Backgrounder lays out the U.S. immigration debate.