

## CFR Backgrounders

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### How Does the U.S. Refugee System Work?

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#### **Introduction**

The United States has long accepted refugees fleeing persecution or war. 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. But the war in Syria and the resulting migration crisis in Europe has increased policymaker scrutiny on arrivals from the Middle East, beginning with the Barack Obama administration. President Donald J. Trump, citing mounting concerns over the potential for terrorist infiltration, ratcheted up that scrutiny with his [January 2017 executive order](#) placing a temporary ban on all refugee arrivals, sparking debate over the scope of U.S. refugee policy.

#### **What is a refugee?**

There is [sometimes confusion](#) between the terms “migrant,” “refugee,” and “asylum seeker.” “Migrant” is an umbrella term for people leaving their homes, and often crossing international borders, whether to seek economic opportunity or escape persecution.

As [defined by U.S. law](#) as well as the 1951 United Nations Geneva Convention, refugees are migrants who are able to demonstrate that they have been persecuted, or have reason to fear persecution, on the basis of five “protected grounds:” race, religion, nationality, political opinion, or membership in a particular social group.

Under the U.S. system, refugees are those seeking entry from a third country. “Asylum seekers” are those who meet the criteria for refugee status, but apply from within the United States, or at their port of entry, after arriving under a different status. Asylum seeking follows a [different protocol](#) than applying for refugee status.

#### **For how long has the United States accepted refugees?**

The United States has long accepted migrants who would be identified under current international law as refugees. In the wake of World War II, the United States [passed the 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 Eastern Europe, China, and Cuba.

But the country's official federal effort on refugee resettlement, the U.S. Refugee Admission Program (USRAP), was not created until passage of the [Refugee Act of 1980](#). Prior to 1980, legislation that authorized acceptance of refugees was passed primarily on an ad hoc basis, responding to ongoing mass migration events. After the fall of Vietnam to Communist forces in 1975, which saw the United States taking in hundreds of thousands of southeast Asian refugees, Congress saw the need for a more standardized system.

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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 emergency situations.

#### **How many refugees are allowed into the country?**

The number of refugees admitted into the United States annually has generally declined from just above 120,000 in 1990 to approximately eighty-five thousand in 2016, though levels of refugee admissions fluctuated during that period.

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 2009 to 2015, caps on refugee admissions stayed between seventy and eighty thousand.

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In 2016, President Obama **increased** an earlier approved ceiling of eighty thousand to allow an additional five thousand refugees as part of an effort to address a growing migrant crisis due to worsening conflict in Syria. Obama also proposed that the United States **set a ceiling** of 110,000 refugee admissions for fiscal year 2017.

As part of a January 2017 **executive order**, President Trump reversed Obama's proposed ceiling by capping the number of refugees allowed into the United States in fiscal year 2017 at fifty thousand. The order also suspends all refugee admissions for 120 days.

### **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 from Southeast Asian countries including Vietnam and Cambodia.

Refugees admitted to the United States from Soviet countries increased sharply for the decade after 1989, and from 2006 to 2016, the **highest number of refugees** came from Myanmar, Iraq, and Bhutan, in descending order. In 2016, the countries with the highest number of refugees admitted to the United States were the Democratic Republic of Congo, Syria, Myanmar, Iraq, and Somalia, in descending order.

Trump's **executive order** cites the need to “protect the American people from terrorist attacks by foreign nationals.” It temporarily **prohibits the entry** of nationals of seven Muslim-majority countries—Iran, Iraq, Libya, Somalia, Sudan, Syria, Yemen—for any reason, a tightening of visa restrictions on those countries imposed under the Obama administration. Additionally, it indefinitely bars all Syrian refugees.

Trump also **heavily criticized** a deal with Australia finalized by Obama in which the United States would take thousands of refugees currently being held by Australian authorities in offshore detention centers. Most of these refugees are from Iran, Iraq, and Somalia, countries included in Trump's ban.

### **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. Potential refugees abroad most often begin by registering with the United Nations High Commissioner for Refugees (UNHCR).

UNHCR officials collect documentation and perform an initial screening, and then refer qualifying individuals to U.S. State Department Resettlement Support Centers (RSCs), of which there are nine offices around the world. Sometimes this referral is done by a U.S. embassy or another non-governmental organization.

*The refugee admissions process generally takes from eighteen months to two years to complete.*

RSC officials then 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** include multiple forms of biometric screening, including cross-checks on 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 admissions process generally takes from eighteen months to two years to complete.

### **What government agencies are involved in choosing and resettling them?**

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, and coordinates the process with all other agencies until a refugee is resettled.

DHS, through its [\*\*Citizenship and Immigration Services \(USCIS\)\*\*](#) branch, is the primary agency responsible for the security vetting of refugee applicants. USCIS makes the final determination on whether to approve resettlement applications. Its security review utilizes numerous other national security agencies, including resources and databases from the National Counterterrorism Center, the Federal Bureau of Investigation (FBI), the 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. The State Department's [\*\*Reception and Placement Program\*\*](#) provides funding to go toward refugees' rent, furnishings, food, and clothing. After three months this program ends and 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.

Several inter-governmental organizations also play a crucial role at various points. The UN is primarily responsible for referring qualified applicants to U.S. authorities, while the [\*\*International Organization for Migration \(IOM\)\*\*](#) coordinates refugee travel from countries of origin to the United States.

### **Where are refugees resettled? What roles do state and local governments play?**

Refugees are resettled in one of approximately 190 communities across the country, though there are several states that generally resettle higher numbers than others. In 2016, California, Texas, and New York took in the highest number of refugees, making up almost a quarter of all refugee admissions that year. The ten states with the highest intake resettled just over half of all refugees admitted in 2016. Only two states—Delaware and Hawaii—took in zero refugees.

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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 in order to determine where they should be resettled. As part of this process, federal law requires that resettlement agencies [\*\*consult with local authorities\*\*](#) including law enforcement, emergency services, and public schools.

While this consultation is required, the 1980 Refugee Act gives the federal government ultimate authority over both whether to admit refugees and where they should be resettled. In the wake of the 2015 terror 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 against 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 Louisiana](#) did.

### **Have refugee populations posed security risks to the United States in the past?**

Out of the more than three million refugees accepted by the United States over the past four decades, a handful have been implicated in terror plots. According to a [2016 study](#) by the libertarian-leaning CATO Institute, of the 154 foreign-born terrorists that committed attacks 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.

In addition, refugees from the seven countries included in Trump's executive order form a small minority of those investigated for involvement in potential terror attacks. Since the 9/11 attacks, [180 individuals](#) have either been charged with crimes related to Islamist terrorism or died before being charged. Of those, eleven were refugees from Iran, Iraq, Somalia, or Yemen. None were from Libya, Sudan, or Syria. No terror plots by any of these eleven resulted in fatalities.

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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, and hailed from countries, including Saudi Arabia, that are not affected by Trump's executive order. Others were the children of asylum seekers, including the 2016 Manhattan bomber, whose father had been an Afghan refugee, and the Tsarnaev brothers, whose parents fled war-torn Chechnya.

In 2016, in the wake of a spate of deadly terror attacks in Europe, various U.S. intelligence officials warned that the self-proclaimed Islamic State was [seeking to use refugee flows](#) to smuggle its fighters into the United States. Then-CIA Director John Brennan told the Senate that "the group is probably exploring a variety of means for infiltrating operatives into the West, including refugee flows, smuggling routes, and legitimate methods of travel." James Clapper, as director of national intelligence, called the infiltration of refugee flows "a huge concern of ours."

### **Additional Resources**

This [2017 report](#) from the Pew Research Center examines the trends in refugee arrivals to the United States in recent decades.

Refugee arrivals to the United States increased dramatically after the 1980 Refugee Act, explains [this 2016 Congressional Research Service report](#).

President Trump's executive order on immigration reshapes the nation's refugee policy in significant ways, explains [this New York Times article](#).

This [U.S. State Department graphic](#) illustrates the multi-step vetting process that all refugees must pass through before being admitted into the country.

President Trump's executive order misunderstands how to most effectively fight foreign terrorism, [argues Jacob N. Shapiro in \*Foreign Affairs\*](#).

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