



## Resettlement Country: USA

Last updated: December 31, 2022

### 1. Resettlement Policy and Programme Description

#### 1.1 Programme Year/Cycle:

- Start date: *Since 1975* End Date:

#### 1.2 Resettlement Policy and Program

- The United States has a long tradition of granting refuge to those fleeing persecution. Since the Second World War, more refugees have found permanent homes in the United States than in any other country. Admissions of refugees of special humanitarian concern to the United States, as well as admission of those for the purpose of family reunification are important tenets of the U.S. refugee resettlement program.

#### 1.3 Ministries and Departments

- At the federal level, the Bureau of Population, Refugees, and Migration (PRM) at the Department of State administers the U.S. Refugee Admissions Program, in conjunction with U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security, and the Office of Refugee Resettlement (ORR) of the Department of Health and Human Services (HHS). PRM funded entities referred to as Resettlement Support Centers (RCSs), along with the International Organization for Migration (IOM), play major roles in overseas refugee processing, health screening, and travel. Non-governmental organizations (NGOs) play a major role in resettlement activities after arrival to the United States.

#### 1.4 Process for Determining the Resettlement Admission Targets

- The Administration annually consults with Congress on the U.S. Refugee Admissions Program. These consultations provide an opportunity for Congress and Administration representatives: the Department of State, the Department of Homeland Security, and the Department of Health and Human Services; to discuss the international and domestic implications of U.S. refugee policy. These consultations are the culmination of a multifaceted, consultative process that includes discussions with Congressional staff, representatives of state and local governments, public interest groups, international and non-governmental organizations and others concerned with refugees. During the Congressional consultations, the President's proposed refugee admissions program for the coming fiscal year is presented. This proposal includes information on refugee admissions levels, groups of refugees of special humanitarian interest to the United States, and processing priorities.
- 

### 2. Eligibility for Refugee Status and other forms of International Protection



## 2.1 National Legislation defining refugee status eligibility

- A person must meet the U.S. definition of a refugee found in Section 101(a)(42) of the Immigration and Nationality Act (INA), which closely follows the definition in the 1951 UN Convention. The INA also defines as refugees, under certain circumstances specified by the President, certain persons who are within their country of nationality, or if they do not have a nationality, the country in which they are habitually residing.

## 2.2 Additional Information

- Section 212(a) of the INA lists grounds under which aliens may be excluded from the United States. Refugees may be excluded for the following reasons:
  1. Health-related: Some communicable diseases, physical or mental disorders, and current drug abuse or addiction (Health-related denials may be overcome when the problem has been successfully treated, or upon waiver at the discretion of the Secretary of Homeland Security).
  2. Criminal activity: Individuals, who have committed crimes of moral turpitude, drug trafficking, multiple criminal convictions, prostitution, aggravated felonies, or acts involving persecution or torture.
  3. Security grounds: Espionage, terrorist activity, membership in Communist or other totalitarian parties, Nazi persecution or genocide, or individuals who would present a serious security threat. Refugee applicants must clear a series of biographic and biometric checks prior to final approval.
- Waivers of certain grounds of inadmissibility may be available in some cases for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Requests for waivers for refugees (Form I-602) are sent to the Field Office Director of the overseas DHS Office with jurisdiction over the case. DHS has sole authority to determine whether or not to waive these ineligibilities for refugees.

## 3. Resettlement Decision-Making

### 3.1 Resettlement Admissibility and Public Interest Criteria

- To qualify for refugee resettlement to the United States, refugees must:
  1. Be among those refugees determined by the President to be of special humanitarian concern to the United States;
  2. Meet the definition of a refugee pursuant to Section 101(a)(42) of the INA (see below);
  3. Not be firmly resettled in any third country; and
  4. Be otherwise admissible under U.S. law.
- Section 101(a)(42) of the Immigration and Nationality Act (INA) 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.

### 3.2 Requests for Reconsideration

- There is no formal procedure for appealing the denial of refugee status, although an applicant may file a Request for Review (RFR) of his case to DHS on the basis of additional evidence or information not available at the time of the interview.

### 3.3. Dependency

- There are no limitations on considering the spouse and any unmarried under 21 children of the Principal Applicant (PA) even if they are not individually in need of international protection. On a case-by-case basis, certain other individuals can be added to the case.
- An add-on is defined as an additional applicant included on a PA's case. Add-ons must meet the following criteria:
  - Lived in the same household as the PA of the primary linked case in the country of nationality or, if stateless, last habitual residence; AND
  - Were part of the same economic unit as the PA of the primary linked case in the country of nationality or, if stateless, last habitual residence; AND
  - Demonstrate exceptional and compelling humanitarian circumstances that justify their inclusion on the PA's referral.
- A child of a derivative minor child (i.e., "derivative of a derivative") born after the primary applicant's flight may be an add-on even if the child did not live in the same household and/or was not part of the same economic unit as the primary applicant in the country of nationality (or, if stateless, last habitual residence). Minor children must be biological, step, or legally adopted children of the applicant.

## 4. Legal Status on Arrival and Citizenship

### 4.1 Legal Status on Arrival



- At the U.S. port of entry, refugees are admitted to the United States by DHS officials and authorized employment. After one year, a refugee must file for adjustment of status to lawful permanent resident. Refugees who wish to travel abroad before adjusting to lawful permanent resident status must first obtain advance permission to re-enter the United States from DHS in the form of a Refugee Travel Document. Voluntary return to the country of persecution or availing oneself of services of that country's Government (e.g., passports) may affect the individual's refugee status.

#### 4.2 Eligibility for Citizenship

- Five years after admission, a refugee is eligible to apply for U.S. citizenship.

### 5. Processing Priorities

#### 5.1 Processing Priorities

- The processing priorities serve as guidelines to determine eligibility for access to the U.S. Government (USG) resettlement program and as a tool to manage the refugee admissions process within the established annual regional ceiling.
- 
- **Priority 1 (P-1) – Individual Referrals**
  - Priority 1 (P-1) allows the USRAP to consider refugee claims from persons of any or no nationality, usually with compelling protection needs, for whom resettlement appears to be the appropriate durable solution. P-1 cases are identified and referred to the program by UNHCR, a U.S. embassy or U.S. government agency, or a designated non-governmental organization (NGO). In certain cases, other U.S. government and U.S. military officials are permitted to provide P-1 referrals for Afghan individuals who worked with the United States in Afghanistan.
  - UNHCR, which has the international mandate to provide protection to refugees worldwide, has historically referred the vast majority of cases to the United States under this priority. A U.S. ambassador or designated embassy representative may also make a P-1 referral for vulnerable individuals and are encouraged to do so. Such referrals include those still in their country of origin, if the ambassador or designate determines that such persons warrant exceptional treatment and PRM and USCIS concur.
  - In August 2021, PRM announced a P-1 referral specific to Afghan nationals and their eligible family members. Any U.S. government federal employee, with Senior Executive Service/Senior Foreign Service certification, may submit a P-1 referral for Afghan nationals known to U.S. government officials through channels other than employment on/for a U.S. government-funded project, who have imminent and compelling protection concerns and who do not qualify for a Special Immigrant Visa (SIV) or P-2 referral based on their past employment. U.S. government agencies may also submit a P-1 referral for any Afghan national and their eligible family member(s) who arrived in a third country between August 14 and 31, 2021, and fit into eligible categories for U.S.-assisted relocation developed for OAW. Finally, Afghan nationals who are manifested by the Department's Coordinator for Afghan Relocation Efforts (SCA/CARE) on a relocation flight from Afghanistan or



other locations to Camp al-Saliyah in Qatar may also be referred to the USRAP as P-1 referrals.

- PRM has designated some NGOs that assist refugees as eligible to provide P-1 referrals directly. As directed in Executive Order 14013, PRM is working to expand NGO referrals to the USRAP, to provide greater access to refugees in need of resettlement.
- In-country Priority One programs include:
  - Persons in El Salvador, Guatemala, and Honduras: In El Salvador, Guatemala, and Honduras, UNHCR refers to the USRAP cases of vulnerable individuals identified by a consortium of NGOs. Cases with the most extreme protection needs may be transferred to Costa Rica for refugee processing under a tripartite Memorandum of Understanding between the Government of Costa Rica, UNHCR, and IOM; all other cases are eligible for in-country processing for resettlement to the United States.
- **Priority 2 (P-2) – Group Referrals**
  - Priority 2 (P-2) includes specific groups whose members warrant resettlement as identified by the Department of State in consultation with USCIS, NGOs, UNHCR, and other experts. P-2 designations reflect the determination that a group is of special humanitarian concern to the United States and that individual members of the group will likely qualify for admission as refugees under U.S. law.
  - There are two distinct models of P-2 access to the program: predefined group access and direct access. Under both models, P-2 designations are made based on shared characteristics that define the group. In general, these characteristics are the reason that members of the group have been persecuted or have a well-founded fear of persecution in the future.
  - A predefined group designation is usually based on a UNHCR recommendation that lays out eligibility criteria for individuals in a specific location. In recent years, predefined groups have included certain Burmese in Thailand, certain minorities from Burma in Malaysia, certain Congolese in the Great Lakes, Tanzania, Rwanda, and Burundi, and Eritreans in Ethiopia. In August 2021, PRM announced a P-2 designation for certain Afghan nationals and their eligible family members.
  - Once PRM, in consultation with USCIS, establishes 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 enables efficient processing because it identifies groups of people with very similar persecution claims, can avoid labor-intensive individual referrals, and prevents delays to applicants.
  - In special circumstances, the direct access model for P-2 group referrals enables individuals to apply for access to the program based on meeting designated criteria. The direct access model has operated largely for in-country programs, historically including refugees from Eurasia and the Baltics, certain Iraqis associated with the United States, refugees from El Salvador, Guatemala, and Honduras, and certain persons in Cuba. To establish a direct access P-2 group, PRM, in consultation with USCIS, defines the specific criteria and procedures for access. Applicants may then apply according to that process. Applicants who clearly do not meet the access requirements do not proceed to USCIS interviews.



- 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.
- In-country Priority Two programs include:
  - Lautenberg Program for Certain Members of Religious Minority Groups in Eurasia and the Baltics: This group includes Jews, Evangelical Christians, and Ukrainian Catholic and Orthodox religious adherents identified in the Lautenberg Amendment, Section 599D of Title V, P.L. 101-167, as amended (the Lautenberg Amendment), with close family in the United States. With annual statutory renewal of the Lautenberg Amendment, these individuals are considered under a reduced evidentiary standard for establishing a well-founded fear of persecution.
  - Certain Iraqis Associated with the United States: Under various P-2 designations, including those set forth in Section 1243(a) of the Refugee Crisis in Iraq Act of 2007, Title XII, Div. A, P. L. 110-181, as amended, 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 petitions for immigrant visas, are eligible for refugee processing in Iraq. After a 13-month suspension, the program was restarted on March 1, 2022.
  - Persons in El Salvador, Guatemala, and Honduras: The P-2 designated Central American Minors (CAM) program allows certain parents lawfully present in the United States to request access to the USRAP for their unmarried child(ren) under the age of 21. In some instances, other in-country relatives may be eligible when accompanying the qualifying child.
  - An expansion of eligibility for those who can request access to the CAM was announced on June 15, 2021. Implementation began in September 2021, at which point eligibility was extended to include legal guardians (in addition to parents) who are in the United States pursuant to any of the following qualifying categories: lawful permanent residence; temporary protected status; parole; deferred action; deferred enforced departure; or withholding of removal. The expansion of eligibility also includes certain U.S.-based parents or legal guardians who have a pending asylum application or a pending U visa petition filed before May 15, 2021.
  - Certain Persons in Cuba: Included in this Cuba P-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. As of September 2022, this program remains suspended.
- Priority Two groups outside their country of origin include:
  - Ethnic Minorities and Others from Burma in Camps in Thailand: Under this P-2 designation, individuals who fled Burma and who were registered in one of nine refugee camps along the Thailand/Burma border, were identified by UNHCR as in need of resettlement, and expressed interest in third-country resettlement prior to January 2014 (depending on the location), are eligible for processing.



- Ethnic Minorities from Burma in Malaysia: Under this P-2 designation, members of ethnic minorities from Burma who were recognized by UNHCR as refugees in Malaysia, registered by August 17, 2010, and identified as needing resettlement, are eligible for resettlement processing.
- Congolese in the Great Lakes: We will be undertaking an expansion of the two existing P-2 categories in Rwanda and Tanzania and creating a similar P-2 category for Congolese refugees in Burundi.
- Congolese in Rwanda: Certain Congolese refugees in Rwanda who arrived between 1994 and 2011 and who were verifiably registered by UNHCR and identified as in need of resettlement, are eligible for processing. This is an expansion of the previous P-2 group, which was limited to 1994 – 2005 arrivals who were verifiably registered by UNHCR in 2011 or 2012 and identified as in need of resettlement.
- Congolese in Tanzania: Certain Congolese refugees in Tanzania registered by UNHCR, who arrived between 1994 – 2005. This is an expansion from the previous P-2 which included 1994 – 1999 arrivals.
- Congolese in Burundi: We anticipate a new P-2 designation for certain Congolese refugees in Burundi, registered by UNHCR who arrived in between 1994-2011.
- Eritreans in Ethiopia: We are expecting a UNHCR proposed P-2 designation for a group of Eritrean refugees in Ethiopia who were affected by the conflict in the Northern Ethiopian camps.
- Afghan Nationals: Certain Afghans who do not meet the minimum time-in-service for a Special Immigrant Visa but who work/worked as employees of contractors\*, Locally Employed Staff, interpreters/translators for the U.S. Government including United States Forces Afghanistan, International Security Assistance Force, or Resolute Support; certain Afghans who work/worked for a U.S. government-funded program or project in Afghanistan supported through a U.S. government grant or cooperative agreement\*; and certain Afghans who are/were employed in Afghanistan by a U.S.-based media organization or non-governmental organization. U.S.-based media organizations may also refer Afghan nationals who worked for them under stringer, freelance, and comparable arrangements.
  - Afghan nationals eligible for a P-2 referral must be referred by an American citizen who works for a U.S. government agency or by the senior-most U.S. citizen employee of a U.S.-based NGO or media organization. Afghan nationals cannot submit self-referrals.
  - \*Note: Afghans who work/worked for sub-contractors and sub-grantees do not qualify for the P-2 designation, though they may qualify for P-1 referrals.
- Lautenberg Program for Certain Members of Religious Minority Groups in Iran: 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 the annual renewal of the Lautenberg Amendment, as amended in 2004 by Section 213 of Title II, Division E, of the Consolidated Appropriations Act of 2004, P.L. 108-199. 118 Stat. 3 (“the Specter Amendment”).





- Certain Iraqis Associated with the United States: Under various P-2 designations, including those set forth in Section 1243(a) of the Refugee Crisis in Iraq Act of 2007, Title XII, Div. A, P. L. 110-181, as amended, 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 petitions for immigrant visas, are eligible for refugee processing in several countries in the region, including Jordan, Egypt, and Lebanon, in addition to the in-country program in Iraq. After a 13-month suspension, the program was restarted on March 1, 2022.
- Syrian Beneficiaries of Approved Form I-130 petitions: Under this P-2 designation, Syrian beneficiaries of approved Form I-130 petitions for whom immigrant visas have not yet been issued, are eligible for refugee processing.
- **Priority 3 (P-3) – Family Reunification**
  - P-3 provides USRAP access to individuals of special humanitarian concern who have immediate family members in the United States who were admitted in certain humanitarian immigrant statuses. The immediate family members in the United States can initiate an application for their relatives even if they subsequently gained lawful permanent resident status or naturalized as U.S. citizens. Parents, spouses, and unmarried children under the age of 21 of the U.S.-based relative can benefit from P-3 referrals.
  - To qualify for access under the P-3 program, an applicant must generally be outside of their country of origin, be registered or have legal status in the country of asylum, have had an Affidavit of Relationship (AOR) filed on their behalf by an eligible family member in the United States, and have been cleared for onward processing by USCIS.
  - PRM designates which U.S.-based relatives can initiate P-3 processing based on their admission status. For FY 2023, AOR filers can include those admitted as asylees, refugees, or Afghan and Iraqi special immigrants (admitted under Section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (P.L. 109-163; 8 U.S.C. 1101 note), Section 1244 of the Refugee Crisis in Iraq Act of 2007 (8 U.S.C. 1157 note), and Section 602 of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note)). This includes persons who are lawful permanent residents of the United States or U.S. citizens who initially were admitted to the United States in the designated status. The U.S.-based filer must be at least 18 years of age at the time the AOR is filed. The filer must file the AOR within five years of the date they were admitted as an asylee, refugee, or special immigrant and the USRAP may reject any AOR for a relationship that does not comport with U.S. law, such as under-age or plural marriages.
  - The USRAP recognizes that many refugee families face legal and practical obstacles to legal marriage or marriage registration. The United States will allow a qualifying individual to file for P-3 access for a partner of any gender if the filer considers that person to be their spouse or life partner and can provide evidence of an ongoing relationship with the partner for at least one year overseas prior to the submission of the AOR and evidence that legal marriage could not be obtained due to social and/or legal prohibitions.





- On a case-by-case basis, an individual may be added to a qualifying family member's P-3 case if that individual:
  - Lived in the same household as the qualifying family member in the country of nationality or, if stateless, last habitual residence; AND
  - Was part of the same economic unit as the qualifying family member in the country of nationality or, if stateless, last habitual residence; AND
  - 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 Section 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.
- Because of the importance of reuniting immediate refugee families who have been separated while fleeing from persecution, the USRAP will continue to make P-3 processing available to individuals of all nationalities, including stateless individuals.
- **Priority 4 (P-4) – Privately Sponsored Refugees**
  - The Department of State, in coordination with the Department of Health and Human Services, is developing a private sponsorship pilot program for refugees admitted through the USRAP that it anticipates launching in late calendar year 2022 as part of efforts to expand community participation in refugee resettlement.
  - Private sponsorship is a specific form of community sponsorship whereby private sponsors work independently of resettlement agency partners to welcome refugees, accepting primary responsibility to provide core services and other basic supports to newly arrived refugees to facilitate their resettlement.
  - The purpose of the program is to increase and deepen the involvement of local communities in effective refugee resettlement, recognizing the significant and impactful role that local community actors have long played in supporting the welcome and integration of refugees admitted to the United States through the USRAP. The program is intended to complement the Reception and Placement Program by creating new, additional opportunities for individuals and organizations nationwide to be directly engaged in supporting refugee resettlement.
  - Refugee applicants will be assigned to private sponsors through two distinct components of the private sponsorship pilot program that will be launched sequentially and eventually operate in parallel: a matching component and an identification component linked to the Priority 4 (P-4) category. The program is being designed so that it can eventually support refugees of all nationalities.
  - The program will launch with the matching component, where private sponsors will be matched with refugees who already have access to the USRAP through another priority category and whose cases are already being processed. As the program is rolled out, we will later introduce the identification component, whereby certified private sponsors will be able to identify and refer refugee applicants to the USRAP through the Priority 4 (P-4) category, subject to access criteria established by PRM, and apply to support their resettlement.
  - For instance, this mechanism could enable sponsors to identify and sponsor extended family members of refugees who have already been resettled in the United States; U.S. community-based ethnic/affinity organizations to identify and



sponsor refugees that align with the group's area of service or support (e.g., LGBTQI+ refugees, refugees of a specific ethnicity or nationality, refugees with links to U.S.-based community groups or veterans' organizations); or U.S. higher education institutions to identify and sponsor refugee students.

- The program is being launched as a pilot to enable the Department of State to test and evaluate these different components, learn from what is working well, and identify the successful elements of the pilot that will form the basis of an effective, sustainable private sponsorship that becomes a foundational part of U.S. refugee resettlement.

## 6. Special Considerations

### 6.1 Unaccompanied and Separated Children

- Accepted with Best Interests Determination (BID).

### 6.2 Minor Marriage

- For U.S. immigration purposes, the validity of a marriage is generally determined by the law in the place of celebration.
- USCIS generally looks to the law of the place where the marriage took place when determining whether it is valid for immigration law purposes. USCIS does not recognize a marriage legally transacted in a foreign jurisdiction if the marriage is contrary to Federal public policy. This includes polygamous marriages and some minor marriages.
- According to the U.S. Immigration and Nationality Act (INA) Section 101(a)(35): The term [terms] "spouse," "wife," or "husband" do not include a spouse, wife, or husband by reason of any marriage ceremony where the contracting parties thereto are not physically present in the presence of each other, unless the marriage shall have been consummated.
- According to INA Section 101(b)(1)(A)-(E):
  1. The term "child" means an unmarried person under twenty-one years of age who is:
    - (A) a child born in wedlock;
    - (B) a stepchild, whether or not born out of wedlock, provided the child had not reached the age of eighteen years at the time the marriage creating the status of stepchild occurred;
    - (C) a child legitimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, whether in or outside the United States, if such legitimation takes place before the child reaches the age of eighteen years and the child is in the legal custody of the legitimating parent or parents at the time of such legitimation;
    - (D) a child born out of wedlock, by, through whom, or on whose behalf a status, privilege, or benefit is sought by virtue of the relationship of the child to its natural mother or to its natural father if the father has or had a bona fide parent-child relationship with the person;
    - (E) (i) a child adopted while under the age of sixteen years if the child has been in the legal custody of, and has resided with, the adopting parent or parents for at least two years or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in



the same household: Provided, that no natural parent of any such adopted child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act; or

- (ii) subject to the same proviso as in clause (i), a child who:
  - (I) is a natural sibling of a child described in clause (i) or subparagraph
- (F)(i);
  - (II) was adopted by the adoptive parent or parents of the sibling described in such clause or subparagraph; and
  - (III) is otherwise described in clause (i), except that the child was adopted while under the age of 18 years.

### **6.3 Refugees with psychosocial, intellectual, sensory, or physical disabilities or a serious medical condition**

- No limits on submissions.
- Resettlement agencies refer refugees to local health services for a comprehensive health assessment upon arrival in order to identify and treat health problems which might impede employment and effective resettlement. This assessment is provided free of charge. Refugees are eligible to apply for Medicaid or Refugee Medical Assistance (RMA) provided by ORR to cover basic health care costs. ORR ensures medical screening for all refugees through RMA or Medicaid. ORR covers health and mental health needs of eligible refugees up to twelve months through the RMA program. RMA provides medical services to those refugees who are ineligible for Medicaid.

### **6.4 Large families and single adults**

- No limits on submissions.

### **6.5 Polygamous Marriage**

- For U.S. immigration purposes, the validity of a marriage is generally determined by the law in the place of celebration.
- USCIS generally looks to the law of the place where the marriage took place when determining whether it is valid for immigration law purposes. USCIS does not recognize a marriage legally transacted in a foreign jurisdiction if the marriage is contrary to Federal public policy. This includes polygamous marriages and some minor marriages.

### **6.6 Other**

- Explain any other case composition scenarios which involve special considerations.

## **7. Dossier Selection Processing**

*Cases submitted on a dossier basis do not involve resettlement country selection interviews. Acceptance decisions are based on the documentation submitted by UNHCR. If the programme does not include dossier selection processing indicate "N/A."*

### **7.1 Dossier Selection Policies**

- The U.S. refugee resettlement program does not admit refugees by dossier selection. All refugee applicants must be interviewed by a DHS officer.



## 7.2 Additional Information

- Provide any other relevant information.

## 8. Interview Selection Processing

*Resettlement country interview selection processing means that the resettlement country conducts an interview as part of the selection process. If the programme does not include a resettlement country interview indicate "N/A."*

### 8.1 Interview Selection Policies

- Section 207 of the INA grants the Secretary of Homeland Security the authority to admit, at his/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 DHS/USCIS. USCIS officers conduct non-adversarial, face-to-face interviews of each applicant to elicit information about the applicant's claim for refugee status and any grounds of ineligibility. U.S. Customs and Border Protection (CBP) screens arriving refugees for admission at the port of entry.

### 8.2 Additional Information

- Provide any other relevant information.

## 9. Processing Timeframes

### 9.1 Policies for receiving emergency and/or urgent submissions

- No specific quota.
- Very limited capacity to process applicants from referral to arrival in approximately six months.

### 9.2 Average Processing Times for Emergency Cases

- U.S. capacity to resettle emergency cases is limited by stringent security clearance procedures, the regulatory requirement for a face-to-face interview with all applicants, and enhanced protocols for detecting and treating tuberculosis overseas. The U.S. does not have a quota for emergency or urgent cases and does not have a specific processing timeframe for such cases, but under limited circumstances can process urgent cases in approximately six months.

### 9.3 Average Processing Times for Urgent Cases

- U.S. capacity to resettle emergency cases is limited by stringent security clearance procedures, the regulatory requirement for a face-to-face interview with all applicants, and enhanced protocols for detecting and treating tuberculosis overseas. The U.S. does not have a quota for emergency or urgent cases and does not have a specific processing timeframe for such cases, but under limited circumstances can process urgent cases in approximately six months.



## 9.4 Average Processing Times for Normal Cases

- The time required to process a refugee claim varies considerably based on such factors as the availability of a DHS officer to adjudicate the claim, RSC processing capabilities, type of security checks required, and whether an applicant is admissible to the United States.

## 9.5 Additional Information

- Provide any other relevant information.

# 10. Pre-departure Arrangements

## 10.1 Pre-departure Medical Screening

- The Centers for Disease Control and Prevention (CDC) provides the Department of State with medical screening guidelines for all examining physicians, which outline in detail the scope of the medical examination for U.S.-bound refugees. The purpose of the medical examination is to identify applicants with health-related conditions that render them inadmissible to the United States.
- Medical screening is mandatory for all refugees. Medical exams are performed by U.S. Embassy-contracted panel physicians or by IOM. The costs for medical exams are borne by the USG. Costs for medical treatment necessary to make an already approved refugee ready for travel are usually paid by the USG. Medical exams must be valid at the time of departure for the United States. Screening is generally coordinated by the RSC.
- A refugee who is determined (in accordance with regulations prescribed by the Secretary of Health and Human Services) to have a communicable disease of public health significance; a physical or mental disorder and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others; or is determined to be a drug abuser or addict, is excludable. A waiver for the above excludabilities may be available and must be approved by USCIS.

## 10.2 Required Pre-departure Treatment

- The U.S. provides pre-departure presumptive treatments in certain locations for malaria and parasites. Although refugees are not required to receive vaccinations prior to departure, the U.S. routinely administers pre-departure vaccines in most locations to U.S. bound refugees.

## 10.3 Pre-departure Orientation

- PRM strives to ensure that refugees who are accepted for admission to the United States are prepared for the profound life changes they will experience as part of the resettlement process. This is accomplished through pre-departure and post-arrival cultural orientation which aims to provide refugees with the vital knowledge, skills, and attitudes they need to adapt to their new lives and be well positioned to achieve self-sufficiency.
- Pre-departure cultural orientation is offered by RSCs and usually takes place one week to three months before departure. The orientation generally lasts from one to five days and is provided by trained educators using appropriate teaching methodologies based on established objectives and indicators. It begins with in-depth instructions on international



travel and safety, emphasizes the need for early employment and self-sufficiency, introduces American health and education systems, describes typical housing situations, and further explores refugees' rights and responsibilities in relation to their resettlement process, their acquisition of lawful permanent resident status and pathway to citizenship, U.S. laws, and more. Pre-departure cultural orientation is modified as needed for specific refugee populations and in-country circumstances.

- PRM also funds a robust technical assistance program, the Cultural Orientation Resource Exchange (<https://coresourceexchange.org/>), which works to ensure that refugees receive consistent messages in pre-departure and post-arrival cultural orientation and trains resettlement staff to deliver effective cultural orientation. In addition, the Cultural Orientation Resource Exchange helps providers respond to unforeseen events that impact resettlement and require rapid adaptation and critical communication to resettling refugees, such as during the COVID-19 pandemic. The Cultural Orientation Resource Exchange also develops and manages refugee-facing resources and digital channels to augment instructor-led classes, support refugee self-learning, and build the digital skills that will help them achieve self-sufficiency.

#### **10.4 Travel Arrangements and Documents**

- Refugees approved by DHS generally enter the United States within two to four years of approval. Travel is coordinated by IOM, which generally provides interest-free loans for the cost of their transportation to the United States. (A refugee is expected to begin incremental repayment of this loan six months after arrival in the United States.) Refugees generally travel coach class and must pay for excess luggage. Refugees carry travel papers prepared by the RSC which they must present to DHS officials at the port of entry to the United States.

### **11. Reception and Integration**

#### **11.1 Overview**

- The U.S. resettlement program recognizes the desirability for public and private non-profit organizations to provide sponsorship, reception, and placement services appropriate to refugees' personal circumstances, and to assist refugees to achieve economic self-sufficiency as quickly as possible. Sponsoring agencies are required to ensure that refugees' basic needs are met including initial housing, essential furnishings and supplies, food or a food allowance, and necessary clothing. Further, sponsoring agencies also provide assistance to access benefits and services, assistance with enrollment in English language training, transportation to job interviews and job training, and orientation about services available in the community and life in the U.S. (employment opportunities, vocational training, education, language classes, personal budgeting, safety, legal requirements, and health care) for a period of no less than 30 days that may be extended up to 90 days after arrival.

#### **11.2 Placement**





- Initial reception and placement of refugees is carried out by sponsoring agencies through cooperative agreements with the Department of State. Longer term resettlement resources are provided primarily through assistance programs funded by the Office of Refugee Resettlement (ORR) in the Administration of Children and Families, Department of Health and Human Services. Each community in which refugees are resettled is unique, with different strengths and weaknesses. Recognizing this, each sponsoring agency and its affiliates work to determine the most appropriate placement for each refugee, so that that location best matches the individualized needs of that refugee. Once a placement is determined the local affiliate works with other community partners to prepare for the special needs of the refugee. The Department of Health and Human Services programs and discretionary funding allow for the creation of programs to address the diverse needs of refugees and the communities.
- ORR supports domestic resettlement through funds to states, voluntary agencies and community-based organizations to provide for cash and medical assistance, employment, and social services. The primary ORR grantees may sub-grant local non-profit organizations, county, and local governments to provide services. Private organizations and individuals, such as relatives or friends of the refugee or concerned citizens, may also assist with the refugee's resettlement.

### **11.3 Reception**

- An IOM representative meets the refugee at his/her port of entry and when necessary, ensures he/she makes his/her onward travel connections. Sponsoring agencies meet the refugees at their final U.S. destination and transport them to their initial housing, which includes furnishings and supplies, food, and clothing. The sponsoring agencies provide basic services for a period of no less than 30 days that may be extended up to 90 days.

### **11.4 Orientation**

- Staff at local resettlement agencies provide the post-arrival cultural orientation is provided, beginning right after arrival in the United States, by staff at local resettlement agencies. As part of the resettlement cultural orientation continuum, post-arrival cultural orientation reviews and builds upon pre-departure cultural orientation by grounding lessons in the local context. For example, state health care coverage is explained as refugees learn how to access and pay for health services; refugees are introduced to the local public school system and learn about customary student behavior and expectations of parental involvement; and refugees learn about the amenities and services available in their new communities. In many locations, local partners, such as representatives from health care facilities, banks, and local police stations, are invited to attend cultural orientation to break down barriers and build trust. Volunteers in many communities also help with cultural orientation by accompanying refugees to neighborhood grocery stores or the library, or by showing them how public transportation works in their cities. A comprehensive curriculum is provided to support resettlement staff with adaptable lesson plans and activities and offers guidance on effective instructional approaches, working with groups of different sizes, incorporating English into orientation, and conducting assessments.

### **11.5 Support Services**



- ORR provides cash assistance to eligible refugees to cover basic needs such as food, clothing, and housing for up to twelve months.

### **11.6 Housing**

- Under the guidelines established for reception and placement services by the Department of State, the resettlement agencies ensure that decent, safe and sanitary accommodation, according to federal, state or local housing standards, is made available to the refugee upon arrival.

### **11.7 Health**

- Resettlement agencies refer refugees to local health services for a comprehensive health assessment ideally within 30 days after arrival in order to identify and treat health problems which might impede employment and effective resettlement. This assessment is provided free of charge.
- Refugees are eligible to apply for Medicaid or Refugee Medical Assistance (RMA) provided by ORR to cover basic health care costs. ORR ensures medical screening for all refugees through RMA or Medicaid. ORR covers health and mental health needs of eligible refugees up to twelve months through the RMA program. RMA provides medical services to those refugees ineligible for Medicaid.

### **11.8 Language**

- English language ability is critical to a refugee's successful transition in American society. English as a Second Language (ESL) training programs vary among communities. The local resettlement agency is the best source of information about the availability of such programs.

### **11.9 Education**

- Public schools in the United States are operated by local governments so curriculum and facilities vary. Public school education is free for grades Kindergarten to 12 (approximately ages 5 to 17) and is mandatory for children ages 6 to 16. The resettlement agency will be able to provide more information about school registration and other educational resources in the community. ORR supports the integration of refugee children into the American school system through a refugee school impact grant to refugee impacted areas.

### **11.10 Employment**

- Achieving economic self-sufficiency is the cornerstone of the U.S. resettlement program and getting a job is the first step toward that goal. Many jobs available to newly-arrived refugees are entry-level and refugees are encouraged to improve their language and job skills in order to move up the economic ladder. Refugees receive assistance from the resettlement agency or other employment service program in their community in finding a job, though it may not be in the same field in which the refugee was previously employed.



Refugees must have documentation authorizing employment, such as the I-94 form, which they receive from DHS upon arrival, or an Employment Authorization Document (EAD), which they receive shortly after arrival. The Matching Grant program funded by ORR is particularly focused on intensive employability services in support of early self-sufficiency.

### **11.11 Financial Assistance**

- The U.S. resettlement program is a public-private partnership. The U.S. Government has established guidelines and provides funding for the resettlement services that refugees will receive upon arrival in the United States. The resettlement agency to which refugees are assigned receives U.S. Government funds to spend directly on their behalf. These funds are used to pay for a refugee's rent and/or basic necessities. A small portion of these funds are given directly to refugees as pocket money. Federal funding is only intended to provide a portion of the resources needed to serve the refugee. Each sponsoring agency and its affiliates raise private resources, both cash and in-kind, to further address the individual needs of each refugee.
- The Department of Health and Human Services is the primary funding source in providing financial assistance to states, counties, and local non-profits to assist refugees become economically self-sufficient as quickly as possible. States, counties, non-profits, and communities provide additional resources to support such programs. Refugees are eligible to apply for public benefits, cash or food assistance, to cover a portion of their expenses. The level of benefits varies state by state.

### **11.12 Supporting Specific Needs**

- N/A

### **11.13 Family reunification**

- Family unity is an important element of the U.S. refugee admissions program. This is reflected in the processing priorities, as well as in other refugee and immigrant admissions programs detailed below.
- Certain family members may join relatives in the United States by one of the following
- means:
  - A UNHCR referral for the purpose of family reunification.
  - An Affidavit of Relationship (AOR): An AOR is a form filed with a resettlement agency by refugees, asylees, permanent residents, or American citizens to establish a relationship in order to qualify for consideration under the Priority Three, family reunification category.
  - Visa 93: A resettlement authorization for follow-to-join beneficiaries (the spouse and unmarried children under 21) of a refugee already resident in the United States and former refugees who have adjusted to lawful permanent resident status.
  - Visa 92: A resettlement authorization for follow-to-join beneficiaries (the spouse and unmarried children under 21) of an asylee already resident in the United States and former refugees who have adjusted to lawful permanent resident status.
  - Regular immigration: Refugees may also qualify for admission under regular immigration categories if they have the requisite relatives in the United States.



- Use of an AOR requires that the relative applying for U.S. resettlement establish refugee status in his/her own right and be otherwise admissible for entry into the United States, as determined by DHS. An acceptable AOR permits an applicant to be considered under Priority Three. A Visa 93 or Visa 92 petitioner must establish proof of relationship (spouse or unmarried child under 21). While immediate family members do not need to qualify as refugees in their own right in order to be eligible for Visas 92 or 93 and may still be situated in their countries of origin, they must demonstrate that they meet the required standards regarding admissibility to the U.S.
- All family reunification cases, whether direct applicants, UNHCR referrals or Visas 93 beneficiaries, count against the annual regional refugee admissions ceiling. Visas 92 beneficiaries do not count against the annual admissions ceiling.

## 12. References & Resources on resettlement

- [Report to Congress on Proposed Refugee Admissions for Fiscal Year 2023](#)
- [Transmission of the President's Report to Congress on Proposed Refugee Admissions for Fiscal Year 2023](#)

## Addendum on complementary pathways

- Describe the additional safe and legal admission avenues (complementary pathways) available to persons in need of international protection and/or broader humanitarian needs, including:
  - Humanitarian pathways (e.g. humanitarian corridors)
  - Sponsorship pathways
  - Skills-based pathways (e.g. labour or education)
- *Include links to any relevant references and resources on complementary pathways*