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U.S. Refugee Admissions Program

The Immigration and Nationality Act (INA), as amended by the Refugee Act of 1980, authorizes the United States to admit refugees. The INA defines a *refugee* as a person who is outside his or her country and 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. In special circumstances, a refugee may also be a person who is within his or her country and is persecuted or has a well-founded fear of persecution based on one of these same grounds.

Refugees are processed and admitted to the United States from abroad. A separate provision in the INA authorizes the granting of *asylum* to aliens who are physically present in the United States, or arrive in the United States, and meet the definition of a refugee.

Under the INA, the annual number of refugee admissions and their allocation are set by the President after consultation with Congress. In the event that an emergency arises after the refugee numbers for the year have been set, the INA authorizes the President, after consultation with Congress, to increase the refugee ceiling. Refugee ceilings and admissions levels have varied over the years. For FY2022, the refugee ceiling was 125,000 and actual admissions totaled 25,465. For FY2023, the refugee ceiling is again 125,000.

The Bureau of Population, Refugees, and Migration (PRM) of the Department of State coordinates and manages the U.S. Refugee Admissions Program. Generally, it arranges for a nongovernmental organization, an international organization, or U.S. embassy contractors to manage a Resettlement Support Center (RSC) abroad that assists in refugee processing. RSC staff conduct pre-screening interviews of prospective refugees and prepare cases for submission to the Department of Homeland Security (DHS), which handles refugee adjudications.

Refugee processing is conducted through a system of priorities (access categories). These include, for example, Priority 1 for cases involving persons facing compelling security concerns, and Priority 2 for cases involving persons from specific groups of special humanitarian concern to the United States (e.g., Central American minors). In order to be considered for admission to the United States as a refugee, an individual must fall within an established processing priority.

The DHS Secretary has discretionary authority to admit refugees to the United States. DHS's U.S. Citizenship and Immigration Services is responsible for interviewing refugee applicants and adjudicating 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.

PRM provides initial assistance to arriving refugees and certain others through its Reception and Placement program. This assistance includes pre-arrival services; reception upon arrival in the United States; basic-needs support (e.g., housing, furnishings, food, clothing) for at least 30 days; and referrals to health, employment, education, and other services, as needed.

After one year in refugee status in the United States, refugees are required to apply to adjust to lawful permanent resident (LPR) status. Under the INA, LPRs can apply for U.S. citizenship subject to statutory timeframes and other requirements.

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Background

The Immigration and Nationality Act (INA), as amended by the Refugee Act of 1980, authorizes the United States to admit refugees.¹ A main purpose of the 1980 act was to end the ad hoc approach to refugee admissions that had characterized U.S. refugee policy since World War II and establish a uniform procedure.

The INA defines a *refugee* as a person who is outside his or her country of nationality and 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 is persecuted or has a well-founded fear of persecution based on one of these same grounds. 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 Admissions Program (USRAP), and U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (DHS) interviews applicants and makes final determinations about eligibility for admission. Refugees are processed and admitted to the United States from abroad. A separate provision in the INA authorizes granting *asylum* on a case-by-case basis to aliens⁴ who are physically present in the United States or who arrive in the United States and meet the definition of a refugee.⁵

After one year in refugee status in the United States, refugees are required to apply to adjust to lawful permanent resident (LPR) status.⁶ Under the INA, LPRs can apply for U.S. citizenship subject to statutory timeframes and other requirements.⁷

Presidential Determinations on Refugee Admissions

Under the INA, the annual number of refugee admissions and their allocation “among refugees of special humanitarian concern to the United States” are set by the President after “appropriate consultation” with Congress.⁸ *Appropriate consultation* is defined, in part, as “discussions in person by designated Cabinet-level representatives of the President with members of the

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), 8 U.S.C. §1101(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), 8 U.S.C. §1101(a)(42).

⁴ Alien is the term used in the INA for any person who is not a citizen or national of the United States. INA §101(a)(3), 8 U.S.C. §1101(a)(3).

⁵ INA §208, 8 U.S.C. §1158.

⁶ INA §209(a), 8 U.S.C. §1159(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.

⁷ For further information, see CRS Report R43366, *U.S. Naturalization Policy*.

⁸ INA §207(a), 8 U.S.C. §1157(a).

Committees on the Judiciary of the Senate and of the House of Representatives.”⁹ There is no statutory requirement, however, that the President’s proposal receive congressional approval.

Each year, the President submits a *Proposed Refugee Admissions* report to Congress containing the Administration’s proposed worldwide refugee ceiling and allocations for the upcoming fiscal year.¹⁰ Following congressional consultations on the proposal, the President issues a presidential determination setting the refugee numbers for that year. As noted above, the INA allows for persons who are within their countries of nationality to be considered for refugee admission to the United States in special circumstances. The annual presidential determinations indicate which persons (defined by nationality or otherwise) may undergo in-country refugee processing.

In the event that an “unforeseen emergency refugee situation” arises after the refugee numbers for the year have been set, the INA authorizes the President, after consultation with Congress, to

fix a number of refugees to be admitted to the United States during the succeeding period ... in response to the emergency refugee situation and such admissions shall be allocated among refugees of special humanitarian concern.¹¹

In such cases, the President issues an emergency presidential determination.¹²

All the annual presidential determinations until FY2020 implemented the statutory requirement to allocate admissions among refugees of special humanitarian concern by allocating admissions by worldwide region. From FY2004 to FY2019, admissions were allocated among five regions: Africa, East Asia, Europe and Central Asia, Latin America/Caribbean, and Near East/South Asia.

Like the presidential determinations issued by his predecessors, those issued by former President Trump for FY2020 and FY2021 set annual refugee ceilings and allocations.¹³ The allocations for these years were not based on geographical regions, however, but on “population[s] of special humanitarian concern.” For both years, some of these populations were based on nationality, such as Iraqis with certain U.S. ties and nationals of El Salvador, Guatemala, or Honduras. Others were not; for example, there was an allocation in both years for persons with persecution claims based on religion.¹⁴

President Biden issued two emergency presidential determinations in 2021 to revise the original FY2021 presidential determination. The first reinstated regional allocations; it allocated the existing FY2021 ceiling of 15,000 among the five worldwide regions listed above.¹⁵ The second

⁹ INA §207(e), 8 U.S.C. §1157(e).

¹⁰ The FY2023 report is U.S. Department of State (DOS), U.S. Department of Homeland Security (DHS), and U.S. Department of Health and Human Services (HHS), *Proposed Refugee Admissions for Fiscal Year 2023, Report to the Congress*, https://www.state.gov/wp-content/uploads/2022/09/FY-2023-USRAP-Report-to-Congress_FINAL_7-Sep-2022.pdf (hereinafter cited as *Proposed Refugee Admissions for Fiscal Year 2023*).

¹¹ INA §207(b), 8 U.S.C. §1157(b).

¹² For example, emergency determinations were issued in 1988 and 1989 by Presidents Reagan and George H.W. Bush, respectively, both of which provided for the admission of additional refugees from Eastern Europe and the Soviet Union (Presidential Determination No. 88-16 of May 20, 1988; Presidential Determination No. 89-15 of June 19, 1989). In 1999, President Clinton issued an emergency determination to provide for the admission of Kosovar refugees (Presidential Determination No. 99-33 of August 12, 1999).

¹³ U.S. President (Trump), “Presidential Determination on Refugee Admissions for Fiscal Year 2020,” Presidential Determination No. 2020-04 of November 1, 2019, 85 *Federal Register* 65903, November 29, 2019; U.S. President (Trump), “Presidential Determination on Refugee Admissions for Fiscal Year 2021,” Presidential Determination No. 2021-02 of October 27, 2020, 85 *Federal Register* 71219, November 6, 2020.

¹⁴ For further information about these presidential determinations, see CRS Insight IN11196, *FY2020 Refugee Ceiling and Allocations*; and CRS Insight IN11529, *FY2021 Refugee Ceiling and Allocations*.

¹⁵ U.S. President (Biden), “Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2021,”

increased the FY2021 refugee ceiling to 62,500.¹⁶ For FY2022, President Biden set the refugee ceiling at 125,000.¹⁷ **Table 1** below shows refugee admissions ceilings and regional allocations (where applicable) for the years from FY2010 to FY2023.¹⁸

FY2023 Refugee Ceiling and Allocations

In September 2022, President Biden signed the presidential determination setting the FY2023 worldwide refugee ceiling and regional allocations.¹⁹ The FY2023 refugee ceiling is the same as the FY2022 ceiling (125,000). The FY2023 presidential determination also provides that, if otherwise qualified, the following persons may be processed for U.S. refugee admission within their countries of nationality: (1) persons in Cuba; (2) persons in Eurasia and the Baltics; (3) persons in Iraq; (4) persons in El Salvador, Guatemala, and Honduras; and (5) in certain circumstances, persons identified by a U.S. embassy in any location.

As shown in **Table 1**, 120,000 of the 125,000 admissions slots for FY2023 have been allocated among the five designated regions of the world. The allocations are as follows:

- Africa: 40,000. These admissions are expected to include Congolese, Eritrean, and Sudanese refugees, among others.
- East Asia: 15,000. These admissions are expected to consist largely of Burmese and Rohingya refugees.
- Europe and Central Asia combined: 15,000. This allocation includes projected admissions of *Lautenberg amendment* cases from the former Soviet Union (discussed in the “Lautenberg Amendment Groups” section below).
- Latin America/Caribbean: 15,000. Admissions from this region are expected to include refugees from the Central American Northern Triangle countries (El Salvador, Guatemala, and Honduras), among other countries.
- The Near East/South Asia: 35,000. These admissions are expected to include Afghans, Iraqis, and Syrians, among other nationalities.²⁰

The 5,000 remaining admissions slots comprise an unallocated reserve. The unallocated reserve is to be used if, and where, a need develops for refugee slots in excess of the regional allocations. Unallocated numbers have been used regularly in past years (see **Table 1**).

Presidential Determination No. 2021-05 of April 16, 2021, 86 *Federal Register* 21159, April 22, 2021.

¹⁶ U.S. President (Biden), “Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2021,” Presidential Determination No. 2021-06 of May 3, 2021, 86 *Federal Register* 24475, May 7, 2021.

¹⁷ U.S. President (Biden), “Presidential Determination on Refugee Admissions for Fiscal Year 2022,” Presidential Determination No. 2022-02 of October 8, 2021, 86 *Federal Register* 57527, October 18, 2021.

¹⁸ The presidential determinations that set or changed the refugee ceilings for these years are listed among the table sources.

¹⁹ U.S. President (Biden), “Presidential Determination on Refugee Admissions for Fiscal Year 2023,” Presidential Determination No. 2022-25 of September 27, 2022, 87 *Federal Register* 60547, October 6, 2022.

²⁰ For additional discussion of refugee populations by region, see *Proposed Refugee Admissions for Fiscal Year 2023*, pp. 29-33.

Table I. Refugee Admissions Ceilings and Regional Allocations, FY2010-FY2023

Region	FY10 ^a	FY11	FY12	FY13 ^b	FY14 ^c	FY15 ^d	FY16 ^e	FY17 ^f	FY18	FY19	FY20 ^g	FY21 ^h	FY22	FY23
Africa	15,500	15,000	12,000	15,950	17,500	20,400	27,500	35,000	19,000	11,000	—	22,000	40,000	40,000
East Asia	18,000	19,000	18,000	16,600	14,700	17,300	14,000	12,000	5,000	4,000	—	6,000	15,000	15,000
Europe and Central Asia	2,500	2,000	2,000	650	1,000	2,300	4,000	4,000	2,000	3,000	—	4,000	10,000	15,000
Latin America/Caribbean	5,500	5,500	5,500	4,400	4,300	2,300	1,500	5,000	1,500	3,000	—	3,000	15,000	15,000
Near East/South Asia	38,000	35,500	35,500	32,400	32,500	27,700	38,000	40,000	17,500	9,000	—	9,000	35,000	35,000
Unallocated	500	3,000	3,000	—	—	—	—	14,000	—	—	—	—	10,000	5,000
Total ceilings	80,000	80,000	76,000	70,000	70,000	70,000	85,000	110,000	45,000	30,000	18,000	62,500	125,000	125,000

Sources: Presidential Determination No. 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; PD 2020-04, November 1, 2019; PD 2021-06, May 3, 2021; PD 2022-02, October 8, 2021; PD 2022-25, September 27, 2022; and U.S. Department of State, U.S. Department of Justice, and U.S. Department of Health and Human Services, *Proposed Refugee Admissions ...*, FY2010-FY2023.

- a. Of the FY2010 ceiling of 80,000, 75,000 were originally allocated by region and 5,000 were unallocated. Most of the unallocated reserve was used during the year to provide additional allocations to East Asia, Latin America/Caribbean, and Near East/South Asia.
- b. 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 allocations to Africa and Near East/South Asia; all the original regional allocations were changed.
- c. 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 allocations to Africa and East Asia; all the original regional allocations were changed except Europe and Central Asia.
- d. 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 allocations to Africa, East Asia, and Europe and Central Asia; all the original regional allocations were changed.
- e. 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 allocations to Africa, East Asia, and Near East/South Asia; all the original regional allocations were changed except Europe and Central Asia.
- f. The FY2017 ceiling and regional allocations are from the FY2017 presidential determination issued by former President Obama in September 2016.
- g. The FY2020 ceiling was not allocated by region. Instead, it was allocated as follows: persons with persecution claims based on religion (5,000); Iraqis with certain U.S. ties (4,000); nationals of El Salvador, Guatemala, or Honduras (1,500); and others, including persons referred to the USRAP by a U.S. embassy, family reunification cases, and approved refugees who were ready to travel to the United States as of September 30, 2019 (7,500).
- h. The FY2021 ceiling and regional allocations are from the emergency presidential determination issued by President Biden in May 2021.

Comparison of Refugee Ceilings and Admissions

Refugee ceilings can be compared to corresponding annual admissions levels (see **Appendix A** for refugee ceilings and admissions since FY1981; see **Appendix B** for refugee admissions by region since FY1981). Over the entire period from FY1981 to FY2022 shown in **Table A-1**, the annual average refugee ceiling was about 83,000 and the annual average number of admissions was about 70,000. For the more recent period from FY2001 to FY2022, these annual averages were about 72,000 and 50,000, respectively.

Focusing on this more recent period, in each year from FY2001 to FY2015, as indicated in **Table A-1**, the worldwide refugee ceiling was between 70,000 and 80,000. Admissions levels during these years were much more variable. The September 11, 2001, terrorist attacks prompted a review of refugee-related security procedures (although no persons admitted to the United States as refugees were implicated in the attacks). As a result, refugee admissions were briefly suspended, and enhanced security measures were implemented. U.S. refugee admissions, which totaled about 70,000 in FY2001, fell below 30,000 in each of FY2002 and FY2003 and remained below 60,000 each year until FY2008. From FY2009 to FY2012, refugee admissions were generally higher but experienced annual increases and decreases; admissions numbers in these years ranged from about 56,000 to 75,000. Refugee admissions stabilized at about 70,000 each year from FY2013 to FY2015, matching each year's 70,000 ceiling.

In the years since FY2015, both refugee ceilings and admissions levels have fluctuated. Former President Obama set the FY2016 refugee ceiling at 85,000 to accommodate increased admissions of Syrians and others. Refugee admissions that year were about 85,000. For FY2017, former President Obama set the refugee ceiling at 110,000, the highest level since FY1995. Refugee admissions that year were less than half the ceiling (totaling about 54,000).²¹

Refugee ceilings and admissions levels fell during the Trump Administration. In March 2017, former President Trump issued an executive order 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.”²² In addition, in accordance with a subsequent October 2017 executive order,²³ DHS put in place “additional security enhancements and recommendations to strengthen the integrity of the U.S. Refugee Admissions Program,” including additional screening for certain nationals of high-risk countries.²⁴ From FY2018 to FY2020, the annual refugee ceiling decreased annually from 45,000 to 30,000 to 18,000. Annual admissions during these years ranged from 30,000 in FY2019 to

²¹ A DHS report attributed the decrease in refugee admissions between FY2017 and FY2018 “in large part to additional security vetting procedures.” DHS, Office of Immigration Statistics, *Annual Flow Report, Refugees and Asylees: 2017*, March 2019, p. 4, https://www.dhs.gov/sites/default/files/publications/Refugees_Asylees_2017.pdf.

²² 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. 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 (as well as a 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.” *Trump v. Int’l Refugee Assistance Project*, 137 S. Ct. 2080, 2089 (2017).

²³ 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.

²⁴ DHS, “DHS Announces Additional, Enhanced Security Procedures for Refugees Seeking Resettlement in the United States,” press release, January 29, 2018 (updated January 31, 2018), <https://www.dhs.gov/news/2018/01/29/dhs-announces-additional-enhanced-security-procedures-refugees-seeking-resettlement>. For additional discussion of USRAP-related actions during the Trump Administration, see archived CRS Report RL31269, *Refugee Admissions and Resettlement Policy*.

about 12,000 in FY2020. At the start of FY2021, former President Trump set the FY2021 refugee ceiling at 15,000, the lowest level in the history of the USRAP.

Shortly after taking office, in February 2021, President Biden issued an executive order that included “steps to improve the efficacy, integrity, security, and transparency of USRAP.”²⁵ He also set higher refugee ceilings than his predecessor. After initially opting to leave the FY2021 ceiling unchanged at 15,000, President Biden increased it to 62,500.²⁶ FY2021 refugee admissions fell well short of that ceiling, totaling an all-time low of about 11,000. In FY2022, there was again a sizeable gap between the refugee ceiling (125,000) and total admissions (25,465).

Different sets of factors may help explain the discrepancy between the refugee ceiling and the refugee admissions level in different years. For example, the FY2023 *Proposed Refugee Admissions* report offered various reasons for the shortfall in FY2022. These included “the heavy cuts to operational capacity made in previous years” and “the impact of the COVID-19 pandemic.” The report also stated that “the Administration’s robust response to humanitarian crises in Afghanistan and Ukraine, prompting unprecedented emergency resettlement and relocation efforts, required a significant reallocation of time and resources.”²⁷

Processing of Refugee Cases

PRM oversees the processing of 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) abroad 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.

Processing Priorities

The INA authorizes the admission of refugees who are determined to be “of special humanitarian concern to the United States.”²⁸ This requirement is implemented through a system of processing *priorities*. In order to be considered for admission to the United States as a refugee, an individual must fall within an established processing priority (access category). As explained in the FY2023 *Proposed Refugee Admissions* report:

It is important to note that entering the program under a certain priority does not establish precedence in the order in which cases will be processed or the likelihood of success of the

²⁵ Executive Order 14013 of February 4, 2021, “Rebuilding and Enhancing Programs To Resettle Refugees and Planning for the Impact of Climate Change on Migration,” 86 *Federal Register* 8839, February 9, 2021 (hereinafter cited as “Executive Order 14013 of February 4, 2021”). This executive order also revoked the October 2017 executive order.

²⁶ U.S. President (Biden), “Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2021,” Presidential Determination No. 2021-06 of May 3, 2021, 86 *Federal Register* 24475, May 7, 2021. A February 2021 State Department report had proposed raising the FY2021 refugee ceiling to 62,500. DOS, *Report to Congress on the Proposed Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2021*, February 12, 2021, <https://www.state.gov/proposed-emergency-presidential-determination-on-refugee-admissions-for-fy21/>. President Biden’s initial decision to leave the ceiling unchanged at 15,000 “prompted swift blowback.” See Tyler Pager, Sean Sullivan and Seung Min Kim, “The wheels fell off’: How Biden’s misgivings on border surge upended plan on refugees,” *Washington Post*, April 20, 2021.

²⁷ *Proposed Refugee Admissions for Fiscal Year 2023*, p. 5.

²⁸ INA §207, 8 U.S.C. §1157.

claim. Once cases are established as eligible for access under one of the processing priorities, they all undergo the same processing steps.²⁹

At the start of each fiscal year, DOS, in coordination with other agencies, determines the refugee processing priorities for that year. For FY2023, the USRAP has four processing priorities:

- *Priority 1 (P-1)* covers refugees for whom resettlement seems to be the appropriate durable solution, who are referred to the USRAP by the United Nations High Commissioner for Refugees (UNHCR), a U.S. embassy or U.S. government agency, or a designated NGO. Such persons often have compelling protection needs and may be in danger of attack or of being returned to the countries they fled. All nationalities are eligible for P-1.
- *Priority 2 (P-2)* covers groups of special humanitarian concern to the United States whose members are in need of resettlement. It includes specific groups that may be defined by their nationalities, ethnicities, or other characteristics. As explained in the FY2023 *Proposed Refugee Admissions* report, “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.”³⁰ P-2 groups are designated by DOS in consultation with USCIS, NGOs, UNHCR, and other experts. Unlike P-1 cases, individuals falling under P-2 are able to access the USRAP without a UNHCR, embassy, or NGO referral. (For additional information on this priority, see the “Priority 2 Groups” section below.)
- *Priority 3 (P-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. To be eligible to file an AOR, the U.S.-based relative must be at least age 18 and must have been granted asylum or been admitted to the United States as a refugee or Iraqi or Afghan special immigrant within the last five years.³¹ Eligible relatives can initiate applications under P-3 on behalf of their spouses, unmarried children under age 21, and parents. For FY2023, P-3 processing is available to persons of all nationalities.
- *Priority 4 (P-4)*, as described in the FY2023 *Proposed Refugee Admissions* report, will cover “privately sponsored refugees.” According to the report:

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....

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.

²⁹ *Proposed Refugee Admissions for Fiscal Year 2023*, p. 11.

³⁰ *Proposed Refugee Admissions for Fiscal Year 2023*, p. 12.

³¹ During those five years, the eligible relative could have become an LPR or naturalized citizen.

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.³²

In January 2023, DOS, in collaboration with the Department of Health and Human Services (HHS), announced the launch of the P-4 private sponsorship program, named the Welcome Corps. According to the announcement, the goal in the first year is “to mobilize at least 10,000 Americans to step forward as private sponsors and offer a welcoming hand to at least 5,000 refugees from around the world.”³³

Priority 2 Groups

As noted above, P-2 groups are designated by DOS in consultation with USCIS, UNHCR, NGOs, and others. Congress has also directed through legislation that the executive branch establish certain P-2 groups. There are two main types of P-2 groups: predefined groups and direct access groups.³⁴ Meeting the criteria for either type of P-2 group provides access to consideration for refugee admission to the United States. Some P-2 programs process applicants within their countries of origin, some process applicants outside their origin countries, and some process applicants in both types of locations.

Predefined Groups

A predefined P-2 group is usually based on a UNHCR recommendation and typically applies to individuals in a specific location. Under the predefined model, UNHCR (or another referring entity) provides biographical information for applicants who meet the eligibility criteria established by PRM, in consultation with USCIS. According to the FY2023 *Proposed Refugee Admissions* report, “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.”³⁵ Examples of long-standing predefined P-2 groups, which remain in effect for FY2023, are those for certain Burmese in refugee camps in Thailand and certain Congolese in Rwanda.

A newer predefined P-2 designation—for certain Afghans—was announced by DOS in August 2021 and remains in effect for FY2023. This P-2 program is designed to cover Afghans who “may be at risk due to their U.S. affiliation” but do not meet the employment-related eligibility criteria under the Afghan special immigrant visa (SIV) programs because they do not have sufficient length of service or did not perform qualifying employment.³⁶ Afghans must be referred to this P-2 program by a U.S. government agency or other employer.

³² *Proposed Refugee Admissions for Fiscal Year 2023*, pp. 17-18.

³³ DOS, Office of the Spokesperson, *Launch of the Welcome Corps – Private Sponsorship of Refugees*, January 19, 2023, <https://www.state.gov/launch-of-the-welcome-corps-private-sponsorship-of-refugees/>. Additional information about the program is available at <https://welcomecorps.org>.

³⁴ For a list of P-2 group designations for FY2023, see *Proposed Refugee Admissions for Fiscal Year 2023*, pp. 13-16.

³⁵ *Proposed Refugee Admissions for Fiscal Year 2023*, p. 13.

³⁶ For additional information about this program, see DOS, Office of the Spokesperson, *U.S. Refugee Admissions Program Priority 2 Designation for Afghan Nationals*, August 2, 2021, <https://www.state.gov/u-s-refugee-admissions->

Direct Access Groups

For the second type of P-2 group, known as direct access, PRM, in consultation with USCIS, establishes eligibility criteria and application procedures. Historically, P-2 programs in which applicants are processed in their home countries have used this model. For FY2023, there are direct access P-2 programs where processing is conducted inside and/or outside the country of origin. Among the FY2023 in-country programs is the Central American Minors (CAM) program. The CAM program, which operated for several years under the Obama and Trump Administrations before being terminated, was reopened and expanded in 2021. It currently allows parents and legal guardians who are present in the United States in certain immigration categories to request that their children in one of the Northern Triangle countries be considered for refugee admission to the United States.³⁷

Congress established a P-2 designation for certain Iraqis in the 2008 Refugee Crisis in Iraq Act, allowing them to apply directly to the USRAP.³⁸ The covered Iraqis include persons who were employed in Iraq by the U.S. government, a U.S.-based media organization or NGO, or an organization with close ties to the U.S. mission in Iraq that has received federal funding through “an official and documented contract, award, grant, or cooperative agreement.” The act specifies that these cases can be processed inside Iraq and other countries in the region.³⁹

Lautenberg Amendment Groups

Originally enacted as part of the FY1990 Foreign Operations Appropriations Act and subsequently amended, the Lautenberg amendment on refugees directed the executive branch to establish direct access P-2 groups.⁴⁰ Specifically, it directed the executive branch to designate, for purposes of U.S. refugee admission, categories of persons who shared common characteristics and were (1) nationals of the former Soviet Union (FSU) or of Estonia, Latvia, or Lithuania (Baltic states), or (2) nationals of Vietnam, Laos, or Cambodia.⁴¹ The act further directed that specific categories be established. These included categories for

- “nationals and residents of an independent state of the former Soviet Union or of Estonia, Latvia, or Lithuania and who are Jews or Evangelical Christians,” and
- “nationals of an independent state of the former Soviet Union or of Estonia, Latvia, or Lithuania and who are current members of, and demonstrate public,

program-priority-2-designation-for-afghan-nationals/. For information about the Afghan SIV programs, see CRS Report R43725, *Iraqi and Afghan Special Immigrant Visa Programs*.

³⁷ For additional information, see DHS, USCIS, “Central American Minors (CAM) Refugee and Parole Program,” <https://www.uscis.gov/CAM>.

³⁸ P.L. 110-181, Division A, Title XII, Subtitle C.

³⁹ This program was suspended in January 2021 due to a “scheme” that involved “stealing U.S. government records from the Department of State’s Worldwide Refugee Admissions Processing System to take advantage of the [program].” It resumed in March 2022. See DOS, “Ensuring Our Safety and Security Through a 90-Day Suspension of the Direct Access Program for U.S.-Affiliated Iraqis,” press statement, January 22, 2021, <https://www.state.gov/ensuring-our-safety-and-security-through-a-90-day-suspension-of-the-direct-access-program-for-u-s-affiliated-iraqis/>; and U.S. Department of State, “Restarting the Direct Access Program for U.S.-Affiliated Iraqis (Iraqi P-2 Program),” press statement, March 1, 2021, <https://www.state.gov/restarting-the-direct-access-program-for-u-s-affiliated-iraqis-iraqi-p-2-program/>.

⁴⁰ The amendment is named after the late Senator Frank Lautenberg from New Jersey.

⁴¹ P.L. 101-167, Title V, §599D; 8 U.S.C. §1157 note. The Lautenberg amendment separately provided for the adjustment to permanent resident status of certain Soviet and Indochinese nationals granted parole after being denied refugee status. P.L. 101-167, Title V, §599E; 8 U.S.C. §1157 note.

active, and continuous participation (or attempted participation) in the religious activities of, the Ukrainian Catholic Church or the Ukrainian Orthodox Church.”⁴²

The Lautenberg language went beyond identifying categories, however, and also provided that category members would have a lower burden of proof to qualify for refugee status. Such persons had to establish that they were members of a protected category with a credible, but not necessarily individual, fear of persecution. By contrast, other prospective refugees have 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 lapses between extensions.⁴³ The two P-2 groups described above (for Jews and Evangelical Christians, and for members of the Ukrainian Catholic Church or the Ukrainian Orthodox Church) remain Lautenberg categories. Applications for members of these groups are initiated by family members in the United States, who must be U.S. citizens or LPRs. These U.S.-based relatives may file applications for their spouses, children of any age or marital status, parents, siblings, grandparents, and grandchildren.⁴⁴

The FY2004 Consolidated Appropriations Act⁴⁵ amended the Lautenberg language to add a new provision known as the *Specter amendment*.⁴⁶ This amendment provided for the designation of categories of Iranian nationals, specifically religious minorities, who would also be subject to the lower evidentiary standard. It has been extended as part of the regular Lautenberg amendment extensions.

The Lautenberg amendment does not specify where cases will be processed. The P-2 program for former Soviet nationals and nationals of the Baltic states operates as an in-country program,⁴⁷ while Iranian P-2 cases are processed outside Iran.

Refugee Adjudications

The Secretary of DHS has discretionary authority to admit refugees to the United States. 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.⁴⁸ The adjudication of refugee cases is 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,

⁴² P.L. 101-167, Title V, §599D(b)(2)(A), (B); 8 U.S.C. §1157 note.

⁴³ The most recent extension, through the end of FY2023, was enacted in the Consolidated Appropriations Act, 2023 (P.L. 117-328, Division K, Section 7034(1)(2)).

⁴⁴ Email from DOS to CRS, April 21, 2022.

⁴⁵ P.L. 108-199, Division E, Title II, §213.

⁴⁶ The amendment is named after the late Senator Arlen Specter from Pennsylvania.

⁴⁷ Due to the war in Ukraine, special provisions have been made permitting Lautenberg applications to be filed for Ukrainians who are outside Ukraine and outside the FSU. Email from DOS to CRS, April 14, 2022.

⁴⁸ INA §207(c), 8 U.S.C. §1157(c).

security-related grounds, public charge (i.e., indigence), and lack of proper documentation.⁴⁹ Some inadmissibility grounds (public charge, lack of proper documentation) are not applicable to refugees. Others can be waived for humanitarian purposes, to ensure family unity, or when it is otherwise in the public interest.⁵⁰ 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 HHS regulations, to have a “communicable disease of public health significance” is inadmissible.⁵¹ Over time, the definition of this term has changed. For example, in 2008, Congress amended the INA to eliminate the statutory reference to HIV infection as such a communicable disease.⁵²

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.⁵³ The Secretary of State or the DHS Secretary, after consultation with one another and the Attorney General, may exercise discretionary waiver authority over certain terrorism-related grounds of inadmissibility. Both the Secretary of State and the DHS Secretary have used this authority to grant exemptions from the terrorism-related inadmissibility grounds to certain categories of individuals and for certain types of support.⁵⁴

The FY2008 Consolidated Appropriations Act⁵⁵ 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.⁵⁶ Thus, a prospective refugee who was a member of, or provided support to, one of these groups would not be inadmissible because of those actions. More broadly, the FY2008 Consolidated Appropriations Act expanded the discretionary authority of the Secretary of State and the Secretary of DHS to grant waivers of the terrorism-related grounds of

⁴⁹ INA §212(a), 8 U.S.C. §1182(a).

⁵⁰ Certain grounds of inadmissibility, including most security-related grounds, cannot be waived.

⁵¹ INA §212(a)(1)(A), 8 U.S.C. §1182(a)(1)(A).

⁵² P.L. 110-293, Title III, §305. HHS’s Centers for Disease Control and Prevention (CDC) subsequently amended its regulations to this effect. HHS, CDC, “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.

⁵³ INA §212(a)(3)(B)(iv), 8 U.S.C. §1182(a)(3)(B)(iv).

⁵⁴ For a list of approved exemptions, see DHS, USCIS, “Terrorism-Related Inadmissibility Grounds Exemptions,” <https://www.uscis.gov/laws/terrorism-related-inadmissibility-grounds/terrorism-related-inadmissibility-grounds-exemptions>.

⁵⁵ P.L. 110-161, Division J, Title VI, §691.

⁵⁶ These included, for example, groups affiliated with the Hmong and the Montagnards. 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 FY2008 Consolidated Appropriations Act from being deemed terrorist organizations. DHS, Office of the Secretary, and DOS, Office of the Secretary, “Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act” (10 separate notices with the same title), 73 *Federal Register* 34770, June 18, 2008.

inadmissibility generally. Later measures limited application of the INA’s terrorism-related provisions with respect to other specific groups.⁵⁷

Security Screening

To be admissible under the INA security-related grounds of inadmissibility discussed above, a prospective refugee must clear all required security checks. According to a June 2020 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.⁵⁸

The fact sheet summarizes the security screening process as follows: “USRAP 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.”⁵⁹

The FY2023 *Proposed Refugee Admissions* report states that “PRM and USCIS work continually with interagency partners to identify opportunities to enhance and refine security screening for refugee applicants.” According to the report, “this includes increasing the efficacy, efficiency, and fairness of security screening without sacrificing the rigorous security measures that ensure the safety and security of the American people.”⁶⁰

Post-Adjudication Steps

For refugee applicants who are conditionally approved for resettlement by USCIS, next steps include obtaining medical screening exams and attending cultural orientation programs. The RSC also must obtain a “sponsorship assurance” from a U.S.-based resettlement agency, which will provide initial resettlement assistance to the refugee upon arrival in the United States as part of the DOS Reception and Placement program (discussed below). Once the required steps are completed, including all required security clearances, the RSC refers approved refugees to the International Organization for Migration (IOM) for transportation to the United States. Refugees are provided with interest-free loans from PRM through an IOM-administered program to cover the cost of their U.S.-bound transportation.⁶¹

Resettlement of Arriving Refugees

PRM provides resettlement assistance to arriving refugees through its Reception and Placement (R&P) program.⁶² Under the R&P program, PRM enters into cooperative agreements with both

⁵⁷ See P.L. 110-257; P.L. 113-291, §1264; and P.L. 115-232, §1291.

⁵⁸ DHS, USCIS, *Refugee Security Screening Fact Sheet*, June 2, 2020. https://www.uscis.gov/sites/default/files/document/fact-sheets/Refugee_Screening_and_Vetting_Fact_Sheet.pdf.

⁵⁹ *Ibid.*, p. 4. The fact sheet describes the biographic and biometric checks.

⁶⁰ *Proposed Refugee Admissions for Fiscal Year 2023*, p. 21.

⁶¹ *Ibid.*, pp. 22-23.

⁶² Iraqi and Afghan special immigrants may also receive benefits under this program. For additional information, see CRS Report R43725, *Iraqi and Afghan Special Immigrant Visa Programs*.

public and private nonprofit organizations, which maintain nationwide networks of local affiliates that provide resettlement services. R&P assistance includes pre-arrival services; reception upon arrival in the United States; support for basic needs (e.g., housing, furnishings, food, clothing) for at least 30 days; and referrals to health, employment, education, and other services, as needed. Participating organizations receive R&P grants, which they supplement with monetary and in-kind contributions from private and other sources. As of the cover date of this report, participating organizations receive a grant of \$2,275 per arrival, of which at least \$1,225 must be used for that person's direct support.⁶³

The R&P program's infrastructure was significantly affected by reductions in refugee admissions that began during the Trump Administration. Refugee Council USA, a coalition that includes the national resettlement organizations participating in the R&P program, described some of these effects in a 2019 report:

At the end of 2016, approximately 325 local resettlement offices helped refugees integrate.... As of April 2019, more than 100 local affiliate offices around the country have had to close their federal refugee programs altogether or have had to suspend some or all of their refugee program operations.⁶⁴

According to the more recent *Proposed Refugee Admissions for Fiscal Year 2023*, the R&P organizations "maintain a nationwide network of 272 affiliated offices."⁶⁵ This report also indicated that PRM was interested in increasing the number of R&P organizations.

Conclusion

Since its establishment in 1980, the USRAP has been a key mechanism for providing humanitarian protection in the United States to persons abroad seeking refuge. Over the life of the program, the average annual number of refugee admissions has been about 70,000. In recent years, however, annual refugee admissions levels have been historically low. Since FY2018, they have totaled 30,000 or less each year. In his February 2021 refugee-related executive order, President Biden stated that the "USRAP should be rebuilt and expanded."⁶⁶ He also has set historically high refugee ceilings of 125,000 in recent years. It remains to be seen if, and when, annual refugee admissions will return to historical averages or reach these even higher ceilings.

⁶³ See DOS, *FY 2023 Notice of Funding Opportunity for Reception and Placement Program*, April 19, 2022, <https://www.state.gov/fy-2023-notice-of-funding-opportunity-for-reception-and-placement-program/>.

⁶⁴ Refugee Council USA, *Where are the Refugees?*, 2019, <https://rcusa.org/wp-content/uploads/2019/07/RCUSA-Report-1.pdf>.

⁶⁵ *Proposed Refugee Admissions for Fiscal Year 2023*, p. 23.

⁶⁶ Executive Order 14013 of February 4, 2021.

Appendix A. Refugee Ceilings and Admissions

Table A-1. Annual Refugee Ceilings and Actual Admissions
FY1981-FY2022

Fiscal Year	Refugee Ceiling	Refugee Admissions
1981	217,000	159,252
1982	140,000	98,096
1983	90,000	61,218
1984	72,000	70,393
1985	70,000	67,704
1986	67,000	62,146
1987	70,000	64,528
1988	87,500	76,483
1989	116,500	107,070
1990	125,000	122,066
1991	131,000	113,389
1992	142,000	132,531
1993	132,000	119,448
1994	121,000	112,981
1995	112,000	99,974
1996	90,000	76,403
1997	78,000	70,488
1998	83,000	77,080
1999	91,000	85,525
2000	90,000	73,147
2001	80,000	69,886
2002	70,000	27,131
2003	70,000	28,403
2004	70,000	52,873
2005	70,000	53,813
2006	70,000	41,223
2007	70,000	48,282
2008	80,000	60,191
2009	80,000	74,654
2010	80,000	73,311
2011	80,000	56,424
2012	76,000	58,238
2013	70,000	69,926

Fiscal Year	Refugee Ceiling	Refugee Admissions
2014	70,000	69,987
2015	70,000	69,933
2016	85,000	84,994
2017	110,000	53,716
2018	45,000	22,615
2019	30,000	30,000
2020	18,000	11,814
2021	62,500	11,411
2022	125,000	25,465

Sources: Presidential determinations and emergency presidential determinations on refugee admissions; and U.S. Department of State, Bureau of Population, Refugees, and Migration.

Notes: The refugee ceiling shown is the final cap set for the year in a presidential determination or an emergency presidential determination; admissions data are as of November 30, 2022.

Appendix B. Refugee Admissions by Region

Table B-1. Annual Refugee Admissions by Worldwide Region
FY1981-FY2022

Fiscal Year	Africa	East Asia	Europe and Central Asia ^a	Latin America/Caribbean	Near East/South Asia	Total
1981	2,119	131,139	20,148	2,017	3,829	159,252
1982	3,412	73,755	13,869	580	6,480	98,096
1983	2,645	39,245	13,209	691	5,428	61,218
1984	2,749	51,978	10,817	150	4,699	70,393
1985	1,951	49,962	9,856	151	5,784	67,704
1986	1,322	45,482	9,302	131	5,909	62,146
1987	1,990	40,099	12,095	323	10,021	64,528
1988	1,593	35,371	27,921	3,230 ^b	8,368	76,483
1989	1,902	45,722	48,354	4,116 ^b	6,976 ^b	107,070
1990	3,453	51,604 ^b	56,722	5,308 ^b	4,979	122,066
1991	4,420	53,522	46,063	4,042 ^b	5,342	113,389
1992	5,470	51,899	64,312	3,947 ^b	6,903	132,531
1993	6,967	49,817	51,355	4,322 ^b	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	10,537	3,670	3,612	955	3,841	22,615
2019	16,366	5,030	4,994	809	2,801	30,000
2020	4,160	2,129	2,578	948	1,999	11,814
2021	6,219	776	983	400	3,033	11,411
2022	11,358	2,215	2,351	2,485	7,056	25,465

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

Notes: Data are as of November 30, 2022.

- a. 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 FY1981 through FY2003 for Europe and Central Asia combine admissions from the Eastern Europe and former Soviet Union regions.
- b. Includes refugees admitted under the Private Sector Initiative (PSI), most of whom were Cuban.

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