

# **Proposed Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2021**

This report to the Committees on the Judiciary of the House of Representatives and of the Senate is being sent in advance of the appropriate consultation pursuant to the statutory requirements of Sections 207(b) and (e) of the INA, 8 U.S.C. § 1157(b) and (e). The report provides the information required in Section 207(e)(1) through (7) where relevant to the President's proposal to increase the refugee admissions target.

## **I. Description of the nature of the unforeseen emergency refugee situation and why the admission of certain additional refugees is justified by grave humanitarian concerns and is otherwise in the national interest.**

The number of forcibly displaced people worldwide is unprecedented and continues to climb, including over 20 million refugees under UNHCR's mandate. Unforeseen developments including new political violence, humanitarian crises, and growing threats to refugees in countries of asylum all support a need to increase the refugee admissions number for FY 2021 since Presidential Determination No. 2021-02 (PD 2021-02) was signed on October 27, 2020. Furthermore, the ongoing and changing circumstances of the COVID-19 pandemic, such as the increasing distribution of recently developed COVID-19 vaccines in the United States and increased ability to use testing and other safety measures here and abroad, means that more refugees in the U.S. Refugee Admissions Program (USRAP) are expected to be able to come to the United States in this fiscal year. With new categories and nationalities to be made eligible, an increased admissions target will allow for those refugees in our pipeline who have been processed to completion or near completion to travel. The unforeseen emergency refugee situation includes, but is not limited to, the following circumstances, many of which are rapidly emerging or deteriorating.

### **Africa**

**Congolese:** Conflict and instability in the Great Lakes and Southern Africa plus the impacts of COVID have meant that the humanitarian crisis in the region has grown since the issuance of PD 2021-02. There are nearly 10,000 Congolese pending in the USRAP pipeline that could be admitted under regional categories rather than the restrictive categories and low overall admission number in the current PD. There are also many severe protection, medical, and unaccompanied refugee minor (URM) cases whose members are otherwise ready to depart to the United States but cannot under the current allocation categories and face dire circumstances if they remain.

**Ethiopia:** Fighting sharply escalated in Ethiopia's northern Tigray region at the beginning of November 2020, causing a humanitarian crisis and the forced displacement of tens of thousands of refugees into camps in eastern Sudan where basic necessities are often lacking. Thousands of

Eritrean refugees in camps in the Tigray region face food and supply shortages as access to aid has been limited during the fighting. The reduction of protection space in Ethiopia due to the conflict in Tigray means the United States must ensure that urgent resettlement is an option for individuals inside the country and those who flee to neighboring countries by increasing the refugee admissions target for FY 2021.

**South Sudanese:** The crisis in South Sudan has not abated in recent months, deepening the longstanding humanitarian crisis there. South Sudanese remain the largest refugee population in Africa and the fourth largest in the world. However, most South Sudanese refugees do not fit into any category in the current Presidential Determination. In order for the United States to do our part in addressing the ongoing crisis and boost efforts to restore regional stability, we must increase resettlement slots for South Sudanese refugees in FY 2021.

**Unaccompanied Refugee Minors (URMs) in Africa:** The United States' ability to resettle URM was halted for the first time under the current restrictive Presidential Determination categories, just as the global need increases. As one of the few countries with the domestic capacity to resettle unaccompanied minors, an increased refugee admissions number would enable us to process emergency cases of URM who have been evacuated from Libya by the United Nations High Commissioner for Refugees (UNHCR) to transit points in Niger and Rwanda, as well as minors facing persecution in Ethiopia and elsewhere. Given European countries' limited resettlement slots, the United States will be a key-partner to increase resettlement for URM.

## **Asia**

**Refugees from Burma, including Rohingya:** On February 1, 2021 the Burmese military seized power in a coup d'etat and began arresting political leaders, journalists, human rights defenders, and peaceful protestors. This development exacerbates conditions that were already un conducive to voluntary return of refugees and asylum seekers, due to the military's human rights abuses, particularly against members of ethnic and religious minority communities. In addition, in view of the military's ongoing crackdown, there may be a renewed flow of people fleeing Burma. Increasing the refugee admissions number ensures that the United States can resettle those who are ready to be admitted this year from countries of first asylum in the region.

**Uyghurs and other ethnic and religious minorities fleeing persecution; Hong Kong residents fleeing persecution:** As the number of Uyghur and other ethnic and religious minorities fleeing persecution or torture in China increases steadily, resettlement to the United States is becoming increasingly urgent. Following the June 2020 adoption of the National Security Law and ensuing arrests of activists and encroachment on freedom of expression, Hong Kong residents increasingly sought refuge overseas. The State Department is working to ensure resettlement is a viable option by increasing the refugee admissions number and considering all options to ensure access for Uyghurs and members of other persecuted ethnic and religious minority groups from China, as well as for Hong Kong residents fleeing persecution.

## **Europe/Austria**

The United States is actively working with the Austrian government to restart our decades-long partnership to resettle Iranian religious minorities to the United States once the COVID-19

pandemic subsidies and permits applicants to travel to Austria for processing. There are more refugees in the pipeline for this program than available slots in the current PD.

## **Latin America and the Caribbean**

**Central Americans:** The United States' strong interest in increasing refugee resettlement from Central America to facilitate safe and orderly migration and access to international protection and avert a humanitarian crisis at the U.S. southern border, means that we will need to increase the overall refugee admissions number.

El Salvador, Guatemala, and Honduras are among the countries with the highest levels of violence in the world, and though the United States has a special responsibility to its own region, PD 2021-02 only allows for up to 1,000 individuals from Latin America and the Caribbean to be admitted. Displacement is driven by widespread violence compounded by limited economic opportunities poverty, poor governance, corruption, and the effects of a changing climate that exacerbates food insecurity. Criminal organizations and gangs maintain strong social control throughout large parts of the Northern Triangle, where poverty and violence are inextricably linked to a lack of public services and the lack of state presence, all of which is rooted in pervasive corruption. A large proportion of the population living in these countries is exposed to attacks, threats, and extortion by gangs and other criminal organizations, has limited freedom, and lives in constant fear. The governments fail to provide adequate protection for IDPs. COVID-related border closures throughout the region have reduced the opportunity for refugees and migrants to flee violence and persecution. Women, children, and LGBTQI people are at greater risk of suffering violence in the context of the pandemic, due to the quarantine and curfew measures established by several countries. Rates of domestic violence and other gender-based violence have increased as government-imposed movement restrictions inhibit victims from seeking support or fleeing. These restrictions have also impacted gangs' economic enterprises, leading to increased territorial disputes and violence.

Nicaraguans continued to flee human rights abuses at home throughout 2020. Threats and intimidation of human rights defenders, journalists, students, community leaders, and members of the Catholic church continue, and the outflow of refugees is expected to continue. As a result of COVID, violence and persecution perpetrated by criminal groups and the Ortega regime have increased.

**Venezuelans:** In Venezuela, more than 5.4 million people have already fled political oppression, hunger, and economic despair. By the end of the year the number outbound migrants is expected to eclipse that of Syria. Towards the end of 2020, UNHCR estimated that 500-700 people exited the country each day. Since late December 2020, State Department partners reported the number of Venezuelans entering Colombia has tripled, to 1,500 – 1,600 daily entries. Moreover, in its 2021 Regional Refugee and Migrant Response Plan for Venezuelan Refugees and Migrants, UNHCR and IOM project 8.1 million Venezuelans will have left Venezuela by the end of the year. On January 5, illegitimate dictator Nicolas Maduro installed a new National Assembly based on elections the United States and countries around the world decried as fraudulent. In the run up to the elections, the illegitimate regime used a 2017 Venezuela law purportedly meant to criminalize hate speech to repress political opponents.

Persistent operational constraints inside Venezuela imposed by the illegitimate Maduro regime, as well as the regime's harassment and open hostility toward humanitarian workers, continue to obstruct the international community's relief efforts. The Department is working with UNHCR to increase its capacity to submit an increased number of referrals for those in need of resettlement.

**Colombia:** In Colombia, the UN reported continuing violence near the Venezuelan border to the northeast and the Ecuadoran border to the south. Illegal armed groups asserted more control in areas with limited government presence during the COVID-19 pandemic lockdowns, which led to more threats, massacres, community confinement and the displacement of tens of thousands of Colombians (who are not included in the current PD categories), continue to flee to Ecuador in order to escape violence perpetrated by various armed groups vying to fill the post-FARC power vacuum. Moreover, according to UNHCR, gender-based violence against Venezuelan refugees and migrants in Colombia is markedly rising. The COVID-19 pandemic exacerbates conditions fueled by the crisis. COVID-19-related effects for Venezuelan refugees include the loss of income, evictions, family separation driving returns to even more dire conditions in Venezuela.

### **Near East and North Africa**

**Syrians:** The humanitarian situation inside Syria is volatile. Regime forces have forcibly displaced, raped, starved, and massacred civilians, and used protracted sieges that occasionally forced local surrenders as military tactics. Syrian regime and Russian airstrikes, including with the use of barrel bomb attacks, displaced nearly one million people in northwest Syria between December 2019 and March 2020 and have killed thousands in Idlib and Hama governorates since April 2019. Meanwhile, refugee vulnerability across the region continues to increase. For instance, more than 88 percent of Syrian refugees in Lebanon live below the extreme poverty line. As the protracted conflict in Syria continues, UNHCR reports that Syrian nationals have the highest resettlement needs globally, estimating more than 592,000 Syrians will need resettlement in what they envisage to be an ongoing multi-year targeted program. Although the United States has resettled over 22,000 Syrian refugees since the conflict began in 2011, lower refugee admissions numbers and nationality restrictions led to a significant drop in the resettlement of Syrian nationals since FY 2016. Increasing the overall refugee admissions number and eliminating nationality restrictions would allow the United States to resettle greater numbers of the nearly 29,000 Syrian refugees currently pending in the USRAP.

### **COVID-19 Pandemic**

The COVID-19 pandemic has drastically diminished the normal flow of refugee admissions, resulting in the admission of only 11,814 refugees in FY 2020, the smallest number since the Refugee Act of 1980 created the USRAP. At the time PD 2021-02 was signed, it was unclear whether there would be any changes in the pandemic that would increase the ability to admit significantly more refugees than in FY 2020. With the approval of two effective vaccines and several more on the horizon and the worldwide implementation of COVID-19 testing for all USRAP refugees, the capacity to resettle refugees safely in the United States has already expanded and will continue to expand in the coming months, justifying increasing the admissions target now. Moreover, admitting vulnerable refugees who are far along in the pipeline will help

protect them from adverse COVID-19 and other unsafe situations overseas. For example, UNHCR has warned that the recent rise in COVID-19 infections and the accompanying confinement and economic duress has increased gender-based violence against refugee, displaced, and stateless girls and increased the vulnerability of many refugee families already living on the margins of society in their host countries.

To respond to all of these unforeseen and urgent situations, a revised target of 62,500 is proposed and is justified by grave humanitarian concerns and is in the national interest. At the present time the global refugee crisis continues unabated, and the extremely low number of refugees resettled worldwide is the lowest in decades. The absence of resettlement places and other durable solutions like safe and voluntary returns to countries still in conflict justifies the need to significantly expand the number of those resettled to the United States as soon as possible. Expansion of U.S. resettlement will bring permanent protection to tens of thousands more refugees, encourage other countries to increase their own resettlement numbers, and help unlock other durable solutions as the United States seeks to leverage resettlement by pressing countries of first asylum to provide greater protection and support for refugees they host. It is in the U.S. national interest to promote and encourage all three durable solutions for refugees: safe and voluntary return when appropriate; local integration; and third country resettlement. Expansion of the USRAP in both numbers and in eligible populations will unleash the full weight of U.S. diplomatic and humanitarian programs towards resolving protracted refugee crises.

## II. Description of the number and allocation of the refugees to be admitted

This report proposes providing allocations by region, with a new FY 2021 admissions number of 62,500 refugees. A description of how those refugees come to be considered for USRAP is contained in the Annex that accompanies this report.

Presidential No. 2021-02 provided for four narrow allocations for FY 2021:

Allocation	Number
Refugees who have been persecuted or have a well-founded fear of persecution on account of religion or are within a category of aliens established under subsections (b) and (c) of section 599D of Title V, Public Law 101-167, as amended.	5,000
Refugees who are within a category of aliens listed in section 1243(a) of the Refugee Crisis in Iraq Act of 2007, Title XII, Div. A, Public Law 110-181, as amended.	4,000
Refugees who are nationals or habitual residents of El Salvador, Guatemala, or Honduras.	1,000

Other refugees in the following groups: those referred to USRAP by a United States Embassy in any location; those who will be admitted through a Form I-730 following-to-join petition or who gain access to the USRAP for family reunification through the P-3 process; those currently located in Australia, Nauru, or Papua New Guinea who gain access to the USRAP pursuant to an arrangement between the United States and Australia; those who are nationals or habitual residents of Hong Kong, Venezuela, or Cuba; and those in the USRAP who were in “Ready for Departure” status as of September 30, 2019.	5,000
<b>Total</b>	<b>15,000</b>

The proposed PD would change these categories and allocate refugee resettlement slots by region. This change would ensure that resettling vulnerable refugees everywhere is central to USRAP, would reflect the urgent need for resettlement across all regions, and would avoid discrimination by the type of persecution or country of origin. This approach would also ensure there is capacity to respond to the particular vulnerabilities of URM's no matter where they are located, especially because the United States is the only country to offer refugee resettlement in significant numbers to URM's.

The number and allocation of the refugees to be admitted pursuant to the proposed PD are as follows, with those in Presidential Determination No. 2021-02 to be superseded:

Region	Proposed FY 2021 Allocation
<b>Africa</b>	22,000
<b>East Asia</b>	6,000
<b>Europe and Central Asia</b>	4,000
<b>Latin America/Caribbean</b>	5,000
<b>Near East/South Asia</b>	13,000
<b>Unallocated Reserve</b>	12,500
<b>Total</b>	<b>62,500</b>

Furthermore, the Secretary of State, upon notification to the Judiciary Committees of the Congress, would be authorized to transfer unused admissions allocated to a particular category to one or more other categories, if there is a need for greater admissions for the category or categories to which the admissions are being transferred.

### **III. Analysis of the impact of the participation of the United States in the resettlement of such refugees on the foreign policy interests of the United States**

A robust refugee admissions program is critical to U.S. foreign policy interests and national security objectives. Refugee protection is a concrete demonstration of the United States' commitment to human rights, including freedom of religion and belief and freedom of expression, and is necessary to mobilize other countries to meet their humanitarian obligations. It is a demonstration of solidarity with refugees and the countries hosting them, and furthers the United States' international commitments, including under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The USRAP fosters multilateral cooperation among U.S. government agencies, states and localities, private resettlement partners, foreign governments, International Organization for Migration (IOM), and UNHCR.

Under the authority of the Migration and Refugee Assistance Act of 1962, as amended, the United States contributes to the programs of UNHCR, the International Committee of the Red Cross (ICRC), IOM, and other international and non-governmental organizations that provide protection and assistance to refugees, internally displaced persons (IDPs), victims of conflict, stateless persons, and other vulnerable migrants. These contributions are used to address the legal and physical protection needs of refugees and to furnish basic assistance such as water, sanitation, food, health care, shelter, education, and other services. The United States monitors these programs to ensure the most effective use of resources, maximizing humanitarian impact for the beneficiaries.

Refugee resettlement complements those efforts. The United States, like UNHCR, recognizes that resettlement in third countries is a vital tool for providing a durable solution for refugees who cannot return safely to their country of origin or integrate into local communities in a country of first asylum. For some refugees, resettlement is the safest, and perhaps the only, alternative. It is a complementary tool to humanitarian assistance, supporting countries hosting large numbers of refugees, the vast majority of whom will never be resettled.

Through the USRAP, the U.S. government not only addresses humanitarian needs for specific populations but demonstrates leadership that encourages other States to identify and protect vulnerable people. For example, by resettling stateless refugees through the USRAP, the U.S. government encourages other countries to do more to help stateless people and prevent new stateless populations, including by implementing universal birth registration. Stateless refugees who arrive in the United States for resettlement not only find a durable solution to their displacement but are also placed on a path that will afford the opportunity to naturalize and resolve their stateless status.

Offering humanitarian protection in the United States advances national security and contributes to ensuring the safety of U.S. government personnel in conflict zones, including by protecting those who are targeted because of their association to U.S. military and other U.S. government actions overseas. It provides a strong counterweight to negative anti-American narratives and is

a vital tool to promote regional stability. Abdicating the role as a global leader in resettlement neglects these critical national interests and moral responsibilities.

## **ANNEX 1: USRAP ACCESS CATEGORIES**

Section 207(a)(3) of the INA says that USRAP shall allocate admissions among refugees “of special humanitarian concern to the United States in accordance with a determination made by the President after appropriate consultation.”

For the last several years, there have been three categories of individuals eligible to enter USRAP, known as “priorities”:

- Priority 1: Individual cases referred by designated entities to the program by virtue of their circumstances and apparent need for resettlement.
- Priority 2: Groups of special concern designated by the Department of State as having access to the program by virtue of their circumstances and apparent need for resettlement.
- Priority 3: Individual cases from designated nationalities granted access for purposes of reunification with family members already in the United States.

Refugees resettled in the United States may also seek the admission of spouses and unmarried children under 21 who are still abroad by filing a I-730 “Following to Join” petition with USCIS.

In addition, the President proposes to designate a Priority 4 category for refugees whose domestic resettlement services are provided or funded by private sponsors through a pilot program.

### **Priority 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. Priority 1 cases are identified and referred to the program by UNHCR, a U.S. Embassy, or a designated non-governmental organization (NGO).

UNHCR, which has the international mandate worldwide 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 may make a Priority 1 referral for persons still in their country of origin if the ambassador determines that such persons are in need of exceptional treatment and the Departments of State’s Bureau of Population, Refugees, and Migration (DOS/PRM) and Homeland Security’s U.S. Citizenship and Immigration Services (DHS/USCIS) concur. Some NGOs that assist refugees have also been designated as eligible to provide Priority 1 referrals, including for individuals in their country of origin.

The initial Refugee Admissions Report to Congress for FY 2021 noted that USRAP would “no longer request or accept referrals from UNHCR except in the categories listed in this year’s



Presidential Determination.” Due to the unforeseen emergency refugee situation described above, PRM plans to resume accepting individual referrals from UNHCR, including for URM.s.

## **Priority 2: Group Referrals**

Priority 2 (P-2) includes specific groups identified by the Department of State in consultation with DHS/USCIS, NGOs, UNHCR, and other experts whose members are in need of resettlement. P-2 designations reflect that a group is of special humanitarian concern to the United States and that individual members of the group will likely be able to qualify for admission as refugees under U.S. law.

There are two distinct models of Priority 2 access to the program: open access and predefined group access. Under both models, Priority 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 face persecution in the future.

The open-access model for Priority 2 group referrals allows individuals to seek access to the program on the basis of meeting designated criteria. The open-access model has operated largely for in-country programs, including for refugees from Eurasia and the Baltics, Cuba, Vietnam, and Bosnia. To establish an open-access Priority 2 group, DOS/PRM, in consultation with DHS/USCIS, and (as appropriate) with UNHCR and others, defines the specific criteria and procedures for access. Applicants may then apply according to that process. Applicants must demonstrate that they meet the specified criteria to establish eligibility for access to the USRAP.

The Resettlement Support Centers (RSCs) responsible for handling open-access Priority 2 applications, working under the direction of DOS/PRM, determine whether individual applicants qualify for access and should be presented to DHS/USCIS for interview. Applicants who clearly do not meet the access requirements do not proceed to DHS/USCIS interviews.

A predefined group designation is normally 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 Bhutanese in Nepal, and certain Congolese in Tanzania and Rwanda. Once DOS/PRM, in consultation with DHS/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 referral is advantageous because it identifies groups of people with similar persecution claims, can prevent labor-intensive individual referrals, and prevents harmful delays to applicants.

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. The Presidential Determination for FY 2021 listed several P-2 designations of groups of special humanitarian concern to the United States. This report proposes additional groups that are of special humanitarian concern to the United States.

## IN-COUNTRY PROCESSING PROGRAMS

This report proposes to operate the following “open-access” P-2s in FY 2021 for individuals still in their country of origin:

**Eurasia and the Baltics** This Priority 2 designation applies to Jews, Evangelical Christians, and Ukrainian Catholic and Orthodox religious adherents identified in the Lautenberg Amendment, Public Law No. 101-167, § 599D, 103 Stat. 1261 (1989) (codified at 8 U.S.C. § 1157) as amended (“Lautenberg Amendment”), with close family in the United States. With annual renewal of the Lautenberg Amendment, these individuals are considered under a reduced evidentiary standard for establishing a well-founded fear of persecution.

**Cuba** Included in this Priority 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.

**Iraqis Associated with the United States** Under various Priority 2 designations, including those set forth in the Refugee Crisis in Iraq Act, 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.

**Persons in El Salvador, Guatemala, and Honduras** This P-2 designation would allow certain lawfully present parents in the United States to request access to a refugee interview for sons and daughters, as well as the biological parent of an unmarried child under 21, and caregivers.

## GROUPS OF HUMANITARIAN CONCERN OUTSIDE THE COUNTRY OF ORIGIN

### Pre-defined Group Access P-2s:

**Ethnic Minorities and Others from Burma in Camps in Thailand** Under this Priority 2 designation, individuals who have fled Burma, are registered in one of nine refugee camps along the Thai/Burma border, are 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 Priority 2 designation, members of ethnic minorities from Burma who are recognized by UNHCR as refugees in Malaysia, registered by August 17, 2010, and identified as being in need of resettlement, are eligible for resettlement consideration.

**Congolese in Rwanda** Certain Congolese refugees in Rwanda who arrived between 1994 and 2005 were verifiably registered in 2011 or 2012 and identified as in need of resettlement are eligible for processing.

**Congolese in Tanzania** Certain Congolese refugees registered by UNHCR in Tanzania whose residence in Nyarugusu camp was confirmed in a 2013-2014 UNHCR verification exercise are eligible for processing.

### **Open Access Model P-2s:**

**Persons in El Salvador, Guatemala, and Honduras** This P-2 designation would allow certain lawfully present parents in the United States to request access to a refugee interview for sons and daughters, as well as the biological parent of an unmarried child under 21, and caregivers.

**Iranian Religious Minorities** 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 annual renewal of the Lautenberg Amendment as amended in 2004 by Sec. 213 of Title II, Division E, of the Consolidated Appropriations Act of 2004, P.L. 108-199, 118 Stat. 3 (“the Specter Amendment”).

**Iraqis Associated with the United States** Under various Priority 2 designations, including those set forth in the Refugee Crisis in Iraq Act, 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 (immigrant visa) petitions, are eligible for refugee processing. This program operates in several countries in the region, including Jordan, Egypt, and Lebanon, in addition to the in-country program in Iraq.

On January 22, the U.S. Attorney’s Office for the District of Columbia unsealed an indictment of individuals involved in the theft and misuse of U.S. government records from the Department of State’s Worldwide Refugee Admissions Processing System (WRAPS). The indictment is the result of a nearly two-year investigation of a fraud scheme originating in Jordan targeting refugee applications to the Iraqi P2 program. In accordance with the Refugee in Crisis Act of 2007, effective January 22, the Secretary of State authorized the suspension of processing Iraqi P2s inside Iraq. PRM simultaneously suspended processing of Iraqi P2 cases located outside of Iraq. The Department can suspend Iraqi P2 processing for up to 90 days and may extend this upon notification to Congress. The suspension will enable the Departments of State and Homeland Security to further examine cases tied to the fraud scheme, re-verify all other Iraqi P2 cases in the pipeline, strengthen the program by mitigating existing vulnerabilities, and ensure the integrity of the U.S. Refugee Admissions Program. The enhanced security vetting protocols for refugee resettlement applicants were not affected by this scheme.

### **Syrian Beneficiaries of Approved I-130 petitions**

Under this Priority 2 designation, Syrian beneficiaries of approved I-130 immigrant visa petitions, for whom immigrant visas have not yet been issued, are eligible for refugee processing.

### **OTHER GROUPS FOR PRIORITY CONSIDERATION**

In addition, the President proposes for the Secretary of State to consult with UNHCR and USCIS to develop methods of access for these populations:

- Turkic Muslim refugees who are nationals or last habitual residents of China;
- Refugees who are activists, journalists, and political dissidents and who are permanent residents of the Hong Kong Special Administrative Region, or who last habitually resided therein;
- Rohingya Muslim refugees who are nationals or last habitual residents of Burma (Myanmar);
- Individuals persecuted on the basis of sexual orientation, gender identity, or sex characteristics;
- Iraqi and Syrian nationals who are members of a religious or ethnic minority
- Other refugee groups as determined by the Secretary of State.

Any individuals previously referred under previous P-2 designations will, as with any other individual with confirmed USRAP access, continue under USRAP processing.

### **Priority 3: Family Reunification Cases**

Priority 3 (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 immigration statuses. The immediate family members in the United States can initiate an application for their relatives even if they subsequently gained LPR 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 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 during a period in which the nationality was included on the eligibility list, and have been cleared for onward processing by the DHS/USCIS Refugee Access Verification Unit (RAVU).

DOS/PRM designates which U.S.-based relatives can initiate P-3 processing based on their admission status. In the past, individuals admitted to the United States in asylum, refugee, parole, and several other categories of status were eligible to file AORs for their relatives. More recently, eligibility has been limited only to those admitted to the United States in asylum or refugee status.

For fiscal year 2021, PRM proposes that eligible AOR filers will include those admitted in asylum, refugee, 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 (3) 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 a designated status. The U.S.-based filer must be at least 18 years of age at the time that the AOR is filed. The filer must file the AOR within 5 years of the date they

were admitted as a refugee or special immigrant or were granted asylum. The USRAP may reject any AOR for a relationship that does not comport with public policy, such as under-age or plural marriages.

The following family members of the U.S.-based family members are qualified for P-3 access: spouse, unmarried children under 21, and/or parents. 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 can provide evidence of a relationship with the partner for at least one year overseas prior to the submission of the AOR and considered that person to be his/her spouse or life partner, and that the relationship is ongoing, together with evidence that legal marriage was not an obtainable option due to social and/or legal prohibitions.

In addition to the qualifying family members of a U.S.-based individual identified above, the qualifying family member's spouse and unmarried children under 21 may derive refugee status from the principal applicant for refugee status.

On a case-by-case basis, an individual may be added to a qualifying family member's P-3 case if that individual:

- 1) lived in the same household as the qualifying family member in the country of nationality or, if stateless, last habitual residence; AND
- 2) was part of the same economic unit as the qualifying family member in the country of nationality or, if stateless, last habitual residence; AND
- 3) 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 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, this report proposes to make P-3 processing available to individuals of all nationalities, including stateless individuals.

#### **Priority 4: Private Sponsorship Pilot Initiative**

Priority 4 (P-4) includes referrals of privately sponsored individuals to the USRAP. P-4 would allow private sponsors, under certain circumstances, to fund or provide resettlement services for refugees reuniting with a broader range of relatives in the United States. P-4 would operate without nationality restrictions. In FY 2021, any applicants who are privately sponsored will already have access to USRAP through another priority. Upon approval for resettlement they would be re-assigned to the new P-4 category to distinguish from the government-assisted P-1, P-2, and P-3 categories.

#### **Following to Join Reunification Cases**

A refugee admitted to the United States may request “following-to-join benefits” for the refugee’s spouse and/or unmarried children under the age of 21 who were not previously granted refugee status. Within two years of admission, the refugee may file a Form I-730 Refugee/Asylee Relative Petition with DHS for each eligible family member.

Individuals who gain access to the USRAP through the Form I-730 petition process are interviewed by DHS or Department of State consular officers to verify the relationships claimed in the petition and to examine any applicable bars to status and admissibility.

Beneficiaries of I-730 petitions are not required to establish past persecution or a well-founded fear of persecution, as they derive their status from the petitioner. Beneficiaries of I-730 petitions may be processed within their country of origin or in other locations, as long as they are able to complete processing at that alternate location.

Certain relatives in the United States may file an I-730 petition and seek Priority 3 access for their qualifying family members (if eligible) simultaneously. In some cases, the I-730 petition will be the only option as the family members are still in their country of origin. Unlike the P-3 process, the I-730 process does not allow the relative in the United States to petition for parents.