

# US Resettlement Overview

Prepared by the Resettlement Section of  
UNHCR Washington

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This paper was prepared for the use of UNHCR ([www.unhcr.org](http://www.unhcr.org)) field offices to provide a general outline of US resettlement procedures. Information reflects US fiscal year 2009 requirements.

## **1. Legislative Authority -**

The current US refugee resettlement program is largely an outgrowth of the Refugee Act of 1980, which amended the Immigration and Nationality Act of 1954 (INA). Refugees are discussed primarily in INA Sections 207-209 and 411-414.

## **2. Major Administrative Agencies -**

Bureau of Population, Refugees, and Migration (PRM), Department of State (DOS).

[www.state.gov/g/prm](http://www.state.gov/g/prm)

Headed by: Samuel Witten, Acting Assistant Secretary of State.

PRM directs US admission policies and coordinates the overseas processing of refugees. PRM is responsible for the transportation and initial reception and integration of refugees. It also administers US funding to UNHCR and other overseas programs that assist refugees.

Refugee Affairs Division, US Citizenship and Immigration Services (USCIS) [www.uscis.gov](http://www.uscis.gov),  
Department of Homeland Security (DHS). [www.dhs.gov](http://www.dhs.gov).

Headed by: Barbara Strack, Director.

The Immigration and Naturalization Service ceased to exist in March 2003. Most refugee functions previously handled by INS, are now in DHS/USCIS. DHS/USCIS field officers are responsible for making individual refugee status determinations abroad. In 2006, overseas adjudication was transferred to a specialized unit, the Refugee Corps. The Refugee Corps will focus exclusively on adjudication of refugee applications. Other departments of CIS are involved in conducting security clearances for refugee processing, adjusting status of refugees to permanent resident, and in naturalization.

Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF),  
Department of Health and Human Services (HHS). [www.acf.hhs.gov/programs/orr](http://www.acf.hhs.gov/programs/orr)

Headed by: David Siegel, Acting Director.

ORR administers federal funding to state and local programs that assist refugees, including cash and medical assistance. They also fund special programs for social services, English language training, and employment services. ORR also oversees programs for unaccompanied minors and foster care for unaccompanied refugee minors. ORR is also funds programs for assisting children in detention and victims of trafficking.

### **3. Refugee Admission Levels -**

The Refugee Act of 1980 requires annual consultations by the Administration with Congress to determine refugee admission numbers for the fiscal year. Each house of Congress holds hearings in which representatives of the Executive branch, state and local officials, as well as NGOs testify. At the consultations, the Executive branch, normally through the State Department, proposes nationalities and groups to be highlighted for resettlement, and numerical ceilings for refugee admissions for the fiscal year. The numbers established are ceilings, not quotas, thus they do not have to be met during the year. (*The US fiscal year begins 01 October and ends 30 September*). In practice, overall admission levels are tacitly set during the Congressional budget and appropriation process, which usually occurs earlier in the year, before the consultation process. After the consultations are concluded, the President announces the admission ceilings for the coming year (*referred to as the Presidential Determination*). Until the Presidential Determination is issued, there is no authority to admit refugees into the US. Changes in the ceilings may be made during the year, either regionally or overall, in consultation with the Congress.

For US fiscal year 2009 - the admission levels by region are as follows:

<b>Region</b>	<b>Ceiling</b>
Africa	12,000
East Asia	19,000
Europe and Central Asia	2,500
Latin America/ Caribbean	4,500
Near East/South Asia	37,000
Unallocated Reserve	5,000
<b>Total</b>	<b>80,000</b>

### **4. Eligibility for US Resettlement -**

In order to qualify under the US resettlement program a refugee normally must (a) be of a designated nationality and fall within the priority categories for that nationality in that region; or, (b) be referred by a US embassy, UNHCR or a non-governmental organization (NGO); and (c) meet the US definition of refugee as determined by the DHS/USCIS; and (d) not be excludable under INA Section 212(a). A practical consideration is (e) that the refugee must have access to a US refugee processing post or DHS/USCIS officer and (f) not be firmly resettled in any foreign country. The following are additional details about these criteria:

#### **(a) Designated Nationalities -**

Designated nationalities are those nationalities the US considers to be of particular concern for the US resettlement program. Persons from these nationalities and who fall in specific priorities can be considered for resettlement at designated US refugee processing posts without referral by UNHCR

or an embassy. Non-designated nationalities must have a UNHCR, NGO or US embassy referral to be considered for resettlement.

**Designated Nationalities by Region for US fiscal year 2009**

<b>Region</b>	<b>Nationalities Designated (Priority Category)</b>
Africa	Burundians ( P-2 & P-3) Congolese (DROC) (P-3) Central African Republic nationals (P-3) Ethiopians (P-3) Eritreans (P-2 & P-3) Somalis (P3) Sudanese (P-2 Darfurians in Iraq) (P-3) Zimbabweans (P-3)
East Asia	Koreans (DPRK) (P-3) Vietnamese (P-2)
Europe/Central Asia	Former Soviet Union nationals (P-2) Uzbeks (P-3)
Latin America/Caribbean	Colombians (P-3) Cubans (P-2 & P-3) Haitians (P-3)
Near East /South Asia	Afghans (P-3) Burmese (P-2 & P-3) Bhutanese (P-2 & P-3) Iranians (P-2 & P-3) Iraqis (P-2 & P-3)

**(b) Priority Categories -**

Priority categories are used to determine a refugee's ties to the US. A refugee must fall under one of the priority categories in order to qualify for an interview with the US program. The State Department defines the priority categories as follows:

**(i) Definitions -**

**Priority One: Individual Referrals**

UNHCR-referred, non-governmental agency (NGO) or Embassy-identified persons with compelling protection needs or those for whom no other durable solution exists. This processing priority is available to persons of any nationality. A US ambassador may make a Priority one referral for persons still in their country of origin.

**Priority Two: Group Referrals**

Groups of special concern to the US. It includes specific groups (that could be defined by their particular nationalities, clans, ethnicities, religions, location, or combination of such

characteristics) identified by the Department of State in consultation with USCIS, non-governmental organization (NGOs), UNHCR, and other experts. Current groups are:

**In country of origin:**

**Cuba:** Emphasis given to former political prisoners, members of persecuted religious minorities, human rights activists, forced-labor conscripts, 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 or activities, and persons who have experienced or fear harm because of their relationship – family or social – to someone who falls under one of the preceding categories.

**Former Soviet Union:** Applies to Jews, Evangelical Christians, Ukrainian Catholic and Orthodox religious activist identified in the Lautenberg Amendment with close family in the United States.

**Vietnam:** Includes the few remaining active cases eligible under the former Orderly Departure Program (ODP) and Resettlement Opportunity for Vietnamese Returnees (ROVR) programs. In addition, it includes the Humanitarian Resettlement initiative opened during FY 2006 to permit consideration of individuals who, due to no fault of their own, were unable to access the ODP program prior to its cut off date. It also includes Amerasian immigrants, whose numbers are counted as refugee admissions.

**Iraqis:** Iraqis who associated with the United States Government, including those set forth in the Refugee Crisis in Iraq Act, employees of the USG, a USG-funded contractor or grantee, and US media and 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 in Iraq.

**Outside country of origin:** The admission program will continue to process several Priority 2 groups including:

**Bhutan:** Bhutanese in Nepal

**Burma:** Ethnic minorities and others in Thailand and in Malaysia

**Burundi:** Burundians in Tanzania

**Eritrea:** Eritreans in Shimelba

**Iran:** Iranian religious minorities

**Iraq:** Iraqis associated with the United States Government

**Sudan:** Darfurians in Iraq

**Priority Three: Family Reunification Cases**

Spouse, unmarried children under 21 years of age, and parents of a person admitted to the US as a refugee or granted asylum in the US; or, spouse, unmarried children, and parent(s) of a person who is a lawful permanent resident or US citizen and was initially admitted to the US as a refugee or granted asylum. In March 2008, PRM suspended the processing of P-3 and issued a moratorium on P-3 arrivals of certain nationalities due to indications of high rates of fraud obtained through a pilot program for DNA testing.

*NB: The current P-3 is a bit at odds with a US regulation which requires the following categories to enter the US via immigrant procedures and not to be processed as refugee: a)unmarried children (i.e. below 21 years of age) of US citizen parents, b) parents of US citizens, and c) spouses of US citizens. Although the P-3 mentions citizens, in practice if the sponsor is a US citizen, his or her immediate relative (unmarried child, spouse, or parent) cannot enter the US as a refugee. (see 8 CFR 207.1(d))*

**(ii) Priority Categories Applicable to Nationalities -**

<b>Nationalities</b>	<b>P-1</b>	<b>P-2</b>	<b>P-3</b>
<b>All Nationalities*</b>	X		
Afghans	X		X
Burmese	X	X	X
Burundians	X	X	X
Bhutanese	X	X	X
Central African Republic nationals	X		X
Colombians	X		X
Congolese (DRC)	X	X	X
Cubans	X	X	X
Ethiopians	X		X
Eritreans	X	X	X
Former Soviet Union nationals	X	X	
Haitians	X		X
Iranians	X	X	X
Iraqis	X		X
Koreans (DPRK)	X		X
Somalis	X		X
Sudanese	X		X
Uzbeks	X		X
Vietnamese	X	X	
Zimbabweans	X		X

\*Libyan, North Korean, and Palestinian cases must be referred to State Department for review before a DHS/USCIS interview can be authorized.

**(iii) Lautenberg Amendment**

An amendment made to the 1990 Foreign Operations Appropriations Bill, established a presumption of refugee eligibility for certain categories of persons from the former Soviet Union and Southeast Asia. The Soviet categories are essentially those described in priority two. The Southeast Asian groups are defined as those groups identified in the 1983 INS Overseas Guidelines. The categories are in large part incorporated into priority two definitions. In addition, the amendment provided for the adjustment of status of certain persons paroled into the US from these groups.

Although membership in a category provides a presumption of refugee status, a refugee falling within such a category must still meet the refugee definition as defined in INA Section 101(a)42. In practice, DHS/USCIS might not find a person who falls into one of the eligible categories to meet this definition. DHS/USCIS may offer public interest parole to individuals falling into one of these categories after they have denied the person refugee status.

**(iv) Specter Amendment** was passed in January 2004. The amendment includes a one-year extension of the provision to facilitate refugee adjudication for religious minorities from the former Soviet Union. The amendment was expanded to include religious minorities from Iran. It will create for a review of the denied Iranian religious minority cases.

**(c) Regional Considerations When Determining Eligibility for Processing -**

Persons referred on P-1 basis can be processed outside of their regions of origin. Refugees falling into other priorities are usually required to be in their region of origin to be processed. If the refugee is outside of his region special authorization from State Department may be needed. This request should be referred through UNHCR Washington (for UNHCR offices) or directly to State Department (for non-UNHCR agencies). For example, a Sudanese P-3 case cannot be processed in Latin America without first obtaining special authorization from State Department and DHS/USCIS in Washington. In practice, however, the US has processed some groups outside of their region, notably Iranian P-2s. Persons falling into a P-1 category, e.g. a UNHCR referred case, can be processed outside of their regions of origin and do not need special authorization from Washington.

**(d) US Refugee Definition -**

A person must meet the US refugee definition as stated in INA Section 101(a)42. The first paragraph of the US definition parallels the definition found in the 1951 Convention and 1967 Protocols on Refugee Status Determination, but with some significant additions. Under section (B) the US can recognize persons as refugees who are still in their country of origin. Also, there are special provisions for establishing presumptive claims to refugee status for persons who have undergone forced abortions, sterilization or who have otherwise have been adversely affected by coercive population control measures. This was originally to deal with Chinese cases but is not limited to this nationality. The US definition reads as follows:

The term "refugee" means -

(A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or

(B) in such special circumstances as the President after appropriate consultation (as defined in section 207(e) of this Act) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term "refugee" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion.

**(e) Exclusion Factors -**

Section 212(a) of the INA lists the many grounds for exclusion that bar a person from being admitted to the US. These grounds for exclusion apply to all immigrants, and with certain exceptions, to all refugees. Grounds for exclusion can be grouped roughly into four categories: health-related grounds (certain communicable diseases or physical and mental disorders); moral/criminal grounds (e.g., persons convicted of serious or multiple crimes, prostitutes, drug traffickers); public charge (i.e., persons lacking adequate financial resources, however this is waived for refugees); and security grounds (see below). Refugees are given a medical screening to check for excludable communicable diseases, in particular, HIV, tuberculosis, and venereal diseases. There are a number of other miscellaneous reasons for exclusion including, polygamy, misrepresentation of facts on visa applications, smuggling, and having been deported from the US in the previous year.

Security grounds include suspected terrorists, or aliens whose presence in US would have serious adverse foreign policy consequences. Security grounds also includes persons who were or are members of the Nationalist Socialist (Nazi) Party, Communist Party, or other parties which advocate totalitarianism. There are, however, a number of exceptions provided for former Communist Party members. Membership in any organization that the State Department has deemed to be a terrorist organization is grounds for exclusion. State Department has issued an extensive list of these organizations which will be updated annually. The list is available from State Department, or from UNHCR Washington. After September 11, 2001 the US government has enacted an additional security checks as well which can lead to formal exclusion, or may lead the US to decline to admit a refugee on a discretionary basis.

Waivers can be applied for certain grounds of exclusion. Grounds of exclusion which cannot be waived are membership in the Nazi Party, participation in genocide, conviction for serious crimes (such as murder, rape, armed robbery, hijacking), and conviction for drug trafficking.

**(f) Refugee Processing Posts -**

A final practical consideration is that a refugee must have access to US adjudicators. This is done via circuit rides or at a post where the DHS/BCIS maintains a permanent presence. DHS or OPE posts are as follows: (NB: *Changes to the list below are likely in FY 2009*)

<u>Africa</u>	<u>Latin America</u>	<u>East Asia</u>	<u>Europe</u>	<u>Near East/South Asia</u>
Accra	Havana	Bangkok	Moscow	Ankara
Cairo	Mexico City	Ho Chi Minh	Rome	
Nairobi		City	Vienna	

Persons not at the above locations may still be referred for interview, however, this will require a DHS/USCIS circuit ride. DHS/USCIS travel to such locations is not predictable, and will depend on the number of cases and the availability of DHS/USCIS officers, etc. A pre-requisite for any DHS/USCIS travel in a new site is clearance by the US Regional Security Officer. In some instances, individual cases will have to be transferred to a DHS/USCIS post for interview.

**5. Pre- Interview Processing -**

As mentioned above, persons are eligible for a DHS/USCIS interview by one of three methods. First, referral by UNHCR NGO, or by a US embassy (P-1). Second, by being eligible under a US group definition (P-2). Third, on family reunion basis (P-3). In regard to family reunion (P-3), the process is initiated by a relative in the US filing an affidavit of relationship with one of the designated resettlement agencies (see addendum). Procedures for applying as a member of a P-2 (special groups) vary according to the particular group being defined.

The US has established Overseas Processing Entities (OPE) abroad to prepare files and otherwise coordinate administrative aspects of US refugee processing in particular regions. OPEs are NGOs (or the International Organization for Migration – IOM) contracted by the State Department to prepare files on individual cases prior to DHS/USCIS missions. An OPE creates files, including the form I-590, *Application for Refugee Status*, for each case considered by the US. OPEs do not determine refugee status, however, they do screen cases to ensure they fall within the US designated nationalities and processing priorities. OPEs currently operate in the following locations: Nairobi (responsible for East, Central and Southern Africa), Cairo, Accra (responsible for West Africa), Istanbul and Moscow. IOM generally performs OPE functions in the Western Hemisphere. Special OPE operations are used for in-country processing in CIS and Vietnam. OPE missions will usually precede DHS/USCIS visits, however, in some cases UNHCR or the US embassy may have to assist in case preparation.

**6. DHS/USCIS Adjudication and Appeal Procedure -**

DHS/USCIS officers conduct all refugee status determination interviews, and all persons entering the US as refugees must be seen by DHS/USCIS. When interviewing family units, all adults are interviewed. Only one member of the family unit, however, needs to meet the US refugee definition (this person is often referred to as the principal applicant). Other members of the same family may derive refugee status from the family member who is the principal applicant. DHS/USCIS regulations limit derivative status to spouses and unmarried children (under 21 years of age). Other family members attached to the case, such as parents, siblings, married children, children over the age of 21, nieces, nephews, etc. must meet the refugee definition themselves. Such persons cannot derive refugee status from the principal applicant, although they can be included in the principal applicants case for the purpose of obtaining an interview. For example, a 12 year old niece, living with her aunt's family may be included in their case, however, DHS/USCIS will adjudicate her refugee status separately from that of her aunt's family.

In addition to determining refugee status, DHS/USCIS also determines whether or not the person is firmly resettled in the country of first asylum or elsewhere. Persons who are firmly resettled are not eligible for resettlement to the US, even though they meet the US refugee definition.

If the person is accepted as a refugee by DHS/USCIS, the acceptance is conditioned upon the individual passing a medical examination and all security checks.

In contrast to asylum processing in the US, persons rejected by DHS/USCIS cannot appeal the decision. An applicant, however, may request a reconsideration of his/her case on the basis of new information, or information that was not available in a previous interview. The request is made to the DHS/USCIS official or office who conducted the interview, and whether the request is granted is entirely within the discretion of DHS/USCIS.

#### **7. Post-Acceptance Processing -**

After a refugee has been conditionally accepted by DHS/USCIS, the OPE sends a request for sponsorship assurance to the US. The assurance process is managed by the Refugee Processing Center in Arlington, Virginia in coordination with the Allocations subcommittee (composed of voluntary agencies with State Department cooperative agreements to resettle refugees). Requests for assurance are allocated to one of the private voluntary agencies that have signed a cooperative agreement with the State Department. The agency's assurance confirms that they are willing and prepared to accept the case for resettlement, and that all necessary arrangements have been made at the local level to receive the refugee. Once an assurance is received by the refugee processing post, travel arrangements can commence.

Also after acceptance by DHS/USCIS, refugees will receive medical testing. The US screens for tuberculosis, HIV, and certain venereal diseases. Persons testing positive for any of these conditions will have their admission to the US delayed. In the case of HIV, the person cannot be admitted to the US without first obtaining a special waiver. *Note new waiver guidelines were put into effect in late 1999. Consult UNHCR or a national voluntary agency for additional details.*

*Starting in 2002 – the US instituted substantially heightened security background checks on all approved refugees. These may include clearance by the US embassy, or police and law enforcement officials. As a result, there are substantial delays in the post processing, especially for those*

*nationalities requiring the highest level clearances. Also, in 2004, DHS is limiting the number of refugees per flight into the US to 35 persons. UNHCR offices should be aware of the potential delays when considering referring case to the US program.*

Travel arrangements and medical screening are generally coordinated by the Intergovernmental Organization on Migration (IOM) [www.iom.int](http://www.iom.int) (in cooperation with voluntary agencies). In some countries where IOM is not present, travel may be arranged by a US embassy, or by UNHCR. Refugees are entitled to receive interest-free travel loans to pay for the cost of their transportation to their destination in the US.

## **8. Post-Arrival Assistance and Benefits -**

### **(a) Private Voluntary Agency Assistance -**

Refugees arriving in the US are placed with one of the private voluntary agencies (volags) that have signed a cooperative agreement with the State Department. Volags generally have local affiliates throughout the US. The volags are responsible for assuring that most services are provided during the first 90 days after a refugee's arrival. Volags arrange for food, housing, clothing, employment, counseling, medical care, and other necessary services.

Voluntary agencies often work with relatives or others who have filed sponsorship papers (normally affidavits of relationship and other supporting documents). Such sponsors will be responsible for assisting the agency with a refugee's resettlement. Sponsors may be relatives or friends of the refugee. In some instances voluntary agencies will accept refugees who do not have a sponsoring relative or friend. These are usually referred to as "free cases." For free cases an agency often locates an individual, a church, or other group willing to undertake sponsorship of the refugee. In some cases, the agency itself will act as the refugee sponsor.

### **(b) Public Assistance –**

Refugees are eligible for refugee cash and medical assistance for the first eight months after their date of entry to the U.S., and for social services, English language training, and employment assistance for up to five years after arrival. Depending on the program and if they meet income, disability, age, family status, or other applicable requirements, refugees may be eligible for Supplement Security Income (SSI), Medicaid, Food Stamps, or other welfare assistance with no waiting period after arrival in the U.S. Refugee eligibility for SSI and Medicaid ends at 7 years unless the refugee has naturalized. Eligibility rules and length of benefits for Food Stamps and welfare assistance may vary depending on the state of residence of the refugee. State funded welfare benefits can supplement federally funded benefits, and may follow their own state eligibility rules if not in conflict with federal rules.

### **(c) Education -**

All refugees under the age of 18 years old may attend primary or secondary schools free of charge. Refugees have the same access to university education as US citizens and permanent residents, however, in most states there are tuition charges for public universities.

**(d) Employment Benefits -**

All refugees are automatically employment authorized incident to their status as refugees. They may if they wish apply for and receive an Employment Authorization Document in order to have a proof of employment authorization readily understandable by employers. They are protected by civil rights legislation and cannot be discriminated in the workplace. They are not eligible, however, to work for the federal government (except in US armed forces) until they become US citizens.

**(e) Immigration Benefits –**

**(i) Travel Documents -**

Refugees are eligible to leave the US for up to one year provided they have obtained a refugee travel document. Refugee travel documents are obtained by filing form I-131 with the DHS/USCIS Nebraska Service Center. Travel documents are valid for one year. Refugees who leave the US without first obtaining a travel document, may apply for a travel document abroad. However the refugee still must return to the US within one year of his departure. It is strongly recommended that refugees obtain the refugee travel document prior to leaving the US.

**(ii) Adjustment of Status -**

One year after arrival refugees are eligible to adjust their status to permanent resident. Five years after arrival they can petition for naturalization, provided they have adjusted status to permanent resident during this time and have continuously resided in the US for five years prior to petitioning for naturalization. Adjustment of status and naturalization takes place at the DHS/USCIS District Office covering the refugees residence.

**(iii) Family Reunification -**

Immediate family members of refugees have US refugee status on a derivative basis. This is referred to as the Visa 93 procedure; that is, a spouse or any unmarried minor child of a refugee receives refugee status automatically provided that the relationship existed prior to the entry of the refugee into the US. (*See Section (8) below*). Spouses, parents, unmarried sons and daughters of persons with legal status in the US, who were initially admitted as refugees or granted asylum in the US, are eligible for family reunion, if the nationality is designated for priority three processing. (*See section 4 (b)(ii)*). However, unlike the visa 93 process, persons in the priority 3 category have to be interviewed by DHS/USCIS and meet the US definition on their own. They do not receive refugee status on a derivative basis. *It should be noted that parents, spouses, and unmarried children of US citizens, are NOT eligible for US refugee status. They must enter the US through normal immigration mechanisms.*

**8. Visa 92 and 93 -**

Persons resettled to the US as refugees or persons granted asylum in the US are eligible to apply for refugee visas for spouse and minor children within two years after arrival. The procedures are generally referred to as Visa 92 for asylees (i.e., the petitioner was granted asylum in the US) and Visa 93 for refugees (i.e., the petitioner was resettled to the US as a refugee). The major difference between the Visa 92/93 procedure and regular refugee processing is a status determination interview

is not required of the individual seeking to enter the US. Also, overseas processing of Visas 92/93 cases may be done by US consular officials at any US embassy or consulate. US regulations require that the petitioner must have received his/her refugee status through status adjudication, he/she cannot have received refugee status on a derivative basis, i.e. he or she must have been the principal applicant in the case to be eligible to file for relatives under this process.

**(a) Eligibility -**

Petitioner must have (a) been granted refugee status under INA Section 207 (refugee resettlement) or received asylum under INA Section 208, or (b) adjusted to permanent resident after previously having had the status of refugee or asylee; and (c) filed within two years of his/her arrival in the US; and, (d) did not receive his/her status derivative basis.

Beneficiary can be (a) a spouse or (b) a child. The child must be unmarried and under age 21. The relationship between petitioner and beneficiary must be established prior to the entry of the petitioner to the US or before the grant of asylum.

**(b) Procedure -**

Petitioner files a Refugee/Asylee Relative Petition (Form I-730) along with documentation verifying the relationship with the DHS/USCIS Southern Regional Service Center. DHS/USCIS reviews the petition, and if approved, the petition is then forwarded to the appropriate embassy.

Prior to visa issuance, beneficiaries must be interviewed by the embassy to verify their identity. Beneficiaries do not go through a refugee determination interview, as their refugee status is derived from the petitioner. Interviews may be conducted by US consular official or DHS/USCIS officers. Beneficiaries must meet the normal standards for refugees regarding excludability. Beneficiaries may still be in their country of nationality, a country of asylum, or in the US.

**(c) Benefits -**

Beneficiaries of Visa 92 and 93 are eligible for all regular refugee benefits, with the exception that beneficiaries of Visa 92 are not eligible for an IOM travel loan, and must pay for medical screening abroad.

**Addendum**  
**On-line Resources on Resettlement**

UNHCR Resettlement – includes information on UNHCR resettlement policy, and gives locations of UNHCR offices worldwide -

**[www.unhcr.org](http://www.unhcr.org)**

USCIS – includes regulations, procedures, forms and instructions –

**[www.uscis.gov](http://www.uscis.gov)**

State Department Bureau for Population, Refugees and Migration – includes US policy info, fact sheets, and refugee numbers -

**[www.state.gov/g/prm](http://www.state.gov/g/prm)**

Cultural Orientation Website- includes information on groups, and for groups, being resettled to the United States (project sponsored by US government) –

**[www.cal.org/co/](http://www.cal.org/co/)**

Office of Refugee Resettlement – includes information on the US domestic resettlement program, state and local level information –

**[www.acf.hhs.gov/programs/orr/](http://www.acf.hhs.gov/programs/orr/)**

*(The ORR site has excellent links to many other resettlement offices)*

National Voluntary Agencies – Information on programs of NGOs who resettle refugees in the US.  
*Agencies with \* provide on-line addresses of their local offices throughout the US.*

Church World Service\* - **[www.churchworldservice.org](http://www.churchworldservice.org)**

Ethiopian Community Development Council\* - **[www.ecdcinternational.org](http://www.ecdcinternational.org)**

Episcopal Migration Ministries\* - **[www.episcopalchurch.org/emm](http://www.episcopalchurch.org/emm)**

Hebrew Immigrant Aid Society – **[www.hias.org](http://www.hias.org)**

International Rescue Committee\* - **[www.theirc.org](http://www.theirc.org)**

Iowa Bureau for Refugee Services - **[www.dhs.state.ia.us/refugee/resettlement/default.asp](http://www.dhs.state.ia.us/refugee/resettlement/default.asp)**

Lutheran Immigration and Refugee Services\* – **[www.lirs.org](http://www.lirs.org)**

US Committee for Refugees and Immigrants\* - **[www.refugeesusa.org](http://www.refugeesusa.org)**

US Conference of Catholic Bishops\* - **[www.usccb.org/mrs](http://www.usccb.org/mrs)**

World Relief\* - **[www.wr.org](http://www.wr.org)**