

CRS Report for Congress

Refugee Admissions and Resettlement Policy

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Refugee Admissions and Resettlement Policy

Summary

A refugee is a person fleeing his or her 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. Typically, the annual number of refugees that can be admitted into the United States, known as the refugee ceiling, and the allocation of these numbers by region are set by the President after consultation with Congress at the start of each fiscal year. For FY2007, the worldwide refugee ceiling is 70,000, with 50,000 admissions numbers allocated among the regions of the world and 20,000 numbers comprising an unallocated reserve. An unallocated reserve is to be used if, and where, a need develops for refugee slots in excess of the allocated numbers. The FY2007 regional allocations are, as follows: Africa (22,000), East Asia (11,000), Europe and Central Asia (6,500), Latin America/Caribbean (5,000), and Near East/South Asia (5,500).

Overseas processing of refugees is conducted through a system of three priorities for admission. *Priority 1* comprises cases involving persons facing compelling security concerns. *Priority 2* comprises cases involving persons from specific groups of special humanitarian concern to the United States (e.g., Iranian religious minorities). *Priority 3* comprises family reunification cases involving close relatives of persons admitted as refugees or granted asylum.

Special legislative provisions facilitate relief for certain refugee groups. The “Lautenberg Amendment” allows certain former Soviet and Indochinese nationals to qualify for refugee status based on their membership in a protected category with a credible fear of persecution. They do not have to establish persecution on an individual basis as do other refugees. P.L. 108-199 amended the Lautenberg Amendment to add the “Specter Amendment,” which requires the designation of categories of Iranian religious minorities whose cases are to be adjudicated under the Lautenberg Amendment’s reduced evidentiary standard. P.L. 109-102 extended the Lautenberg Amendment, as amended by the Specter Amendment, through FY2006. Another provision, referred to as the “McCain Amendment” or the “McCain-Davis Amendment,” makes certain adult children of Vietnamese re-education camp survivors eligible for U.S. refugee resettlement. P.L. 109-102 extended this provision through FY2007.

The Department of Health and Human Service’s Office of Refugee Resettlement (HHS/ORR) administers an initial transitional assistance program for temporarily dependent refugees and Cuban/Haitian entrants. Funding for ORR is included in the annual Labor, HHS, Education appropriations acts. The FY2006 appropriation for ORR was \$575.6 million, which was subject to a 1% rescission. An FY2007 Labor, HHS, Education appropriations act has not yet been enacted. Continuing resolutions have provided temporary Labor, HHS, Education funding since October 1, 2006.

This report will be updated as major developments occur.

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Refugee Admissions and Resettlement Policy

Background and Definitions

The admission of refugees to the United States and their resettlement here are authorized by the Immigration and Nationality Act (INA), as amended by the Refugee Act of 1980.¹ The 1980 Act had two basic purposes: (1) to provide a uniform procedure for refugee admissions; and (2) to authorize federal assistance to resettle refugees and promote their self-sufficiency. The intent of the legislation was to end an ad hoc approach to refugee admissions and resettlement that had characterized U.S. refugee policy since World War II.

Under the INA, a *refugee* is a person who is outside his or her country and who 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 who is persecuted or has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Excluded from the INA definition of a refugee is any person who participated in the persecution of another.³

Refugees are processed and admitted to the United States from abroad. The State Department handles overseas processing of refugees and U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (DHS) makes final determinations about eligibility for admission.⁴ Separate provision is made in the INA for the granting of *asylum* on a case-by-case basis to aliens who are physically present in the United States or at a land border or port of entry and who

¹ The INA is Act of June 27, 1952, ch. 477, codified as amended at 8 U.S.C. §§ 1101 *et seq.* The Refugee Act is P.L. 96-212, Mar. 17, 1980.

² This definition conforms with the definition used in the United Nations Convention and Protocol relating to the status of refugees.

³ INA § 101(a)(42); 8 U.S.C. § 1101(a)(42).

⁴ Refugee adjudications were previously handled by the Immigration and Naturalization Service (INS) of the Department of Justice. The Homeland Security Act of 2002 (P.L. 107-296, Nov. 25, 2002) abolished INS and transferred most of its functions to DHS as of Mar. 1, 2003.

meet the definition of a refugee.⁵ After one year in refugee status in the United States, refugees are required by law to apply to adjust to legal permanent resident (LPR) status.⁶

Refugee Admissions

It is U.S. policy to admit at least half of the refugees referred by the United Nations High Commissioner for Refugees (UNHCR) for resettlement each year, depending on the availability of funding. By law, the annual number of refugee admissions and the allocation of these numbers by region of the world are set by the President after consultation with Congress.⁷ Each year, the President submits a report to the House of Representatives and the Senate, known as the *consultation document*, which contains the Administration's proposed refugee ceiling and regional allocations for the upcoming fiscal year. Following congressional consultations on the Administration's proposal, the President issues a Presidential Determination setting the refugee numbers for that year.⁸

The U.S. refugee program was significantly affected by the terrorist attacks of September 11, 2001. In the aftermath of those attacks, a review of refugee-related security procedures was undertaken, refugee admissions were briefly suspended, and enhanced security measures were implemented. As a result of these and other factors, refugee admissions plunged, declining from an FY2001 total of 69,304 to an FY2002 total of 27,110 and an FY2003 total of 28,422.⁹ Admissions have rebounded since then, but total refugee admissions in FY2004 (52,868), FY2005 (53,813), and FY2006 (41,279) remained below pre-September 11 levels.

Table 1 shows refugee admissions ceilings and regional allocations for FY1998-FY2007. For FY1998-FY2006 the table also contains data on actual admissions.¹⁰

⁵ See CRS Report RL32621, *U.S. Immigration Policy on Asylum Seekers*, by Ruth Ellen Wasem.

⁶ INA §209(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. Asylee adjustments of status had been subject to an annual limit of 10,000, but this cap was eliminated by P.L. 109-13, May 5, 2005.

⁷ INA §207(a).

⁸ Asylees are not included in the refugee ceiling. There are no numerical limitations on the granting of asylum.

⁹ Refugee admissions had not been at or below the FY2002 or FY2003 levels since FY1977, when admissions totaled about 20,000. From FY1979 through FY2001, annual refugee admissions totaled more than 60,000.

¹⁰ For annual data on refugee admissions by region since FY1987, see the appendix at the end of this report.

Table 1. Refugee Admissions Ceilings and Regional Allocations, FY1998-FY2007

Region	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007
Africa	7,000	12,000	18,000	20,000	22,000	20,000	30,000 ^f	21,000 ^g	20,000	22,000
East Asia	14,000	9,000	8,000	6,000	4,000	4,000	8,500 ^f	13,000	15,000	11,000
Europe and Central Asia ^a	51,000	61,000 ^d	47,000	37,000	26,000	16,500	13,000	15,500 ^g	15,000	6,500
Latin America/Caribbean	4,000	3,000	3,000	3,000	3,000	2,500	3,500	7,000 ^g	5,000	5,000
Near East/South Asia	4,000	4,000	8,000	10,000	15,000	7,000	3,000 ^f	3,500 ^g	5,000	5,500
Unallocated	3,000	2,000	6,000	4,000	—	20,000	12,000 ^f	11,000 ^g	10,000	20,000
Total ceilings	83,000^c	91,000	90,000	80,000	70,000	70,000	70,000	70,000	70,000	70,000
Actual admissions ^b	77,080	85,525	73,147	69,304	27,110	28,422	52,868	53,813	41,279	NA

Sources: For ceiling and allocation data: PD 97-37, Sept. 30, 1997; PD 98-39, Sept. 30, 1998; PD 99-33, Aug. 12, 1999; PD 99-45, Sept. 30, 1999; PD 2000-32, Sept. 29, 2000; PD 02-04, Nov. 21, 2001; PD 03-02, Oct. 16, 2002; PD 2004-06, Oct. 21, 2003; PD 2004-53, Sept. 30, 2004; PD 2006-3, Oct. 24, 2005; PD 2007-1, Oct. 11, 2006; U.S. Department of State, U.S. Department of Justice, and U.S. Department of Health and Human Services, *Proposed Refugee Admissions...*, Fiscal Years 1998-2007. For actual admissions data: U.S. Department of State, Bureau of Population, Refugees and Migration.

- a. For FY1998-FY2003, separate sub-allocations were provided for the former Yugoslavia and the Former Soviet Union (FSU); they are combined here.
- b. FY1998-FY2006 data as of Dec. 31, 2006.
- c. Includes 5,000 unfunded numbers for the FSU to be used if necessary and if funding is available.
- d. Includes 13,000 numbers for Kosovar refugees added by Emergency Presidential Determination (PD 99-33)
- e. Includes 3,000 unfunded numbers for the FSU to be used if necessary and if funding is available.
- f. Of the FY2004 ceiling of 70,000, 50,000 numbers were originally allocated by region and 20,000 were unallocated. The unallocated reserve was tapped during the year to provide 8,000 additional numbers to Africa, East Asia, and Near East/South Asia.
- g. Of the FY2005 ceiling of 70,000, 50,000 numbers were originally allocated by region and 20,000 were unallocated. The unallocated reserve was tapped during the year to provide 10,000 additional numbers to Africa, Europe and Central Asia, Latin America/Caribbean, and Near East/South Asia.

FY2007 Refugee Ceiling and Allocations

On October 11, 2006, President Bush signed the Presidential Determination setting the FY2007 worldwide refugee ceiling and regional levels.¹¹ The FY2007 ceiling is 70,000, the same as in the past several years. The ceiling and allocations in the FY2007 Presidential Determination are identical to those in the FY2007 consultation document.¹²

The FY2007 refugee ceiling of 70,000 includes 50,000 admissions numbers allocated among the regions of the world and an unallocated reserve of 20,000 numbers. An unallocated reserve is to be used if, and where, a need develops for refugee slots in excess of the allocated numbers. This occurred in both FY2004 and FY2005, as detailed in **Table 1**. Also as shown in **Table 1**, unallocated reserves have accounted for a higher percentage of the total refugee ceiling since FY2003 than in prior years.

Africa has been allocated 22,000 refugee admissions numbers for FY2007. The FY2006 allocation to the region was 20,000 and admissions totaled 18,182. For Africa, as for all regions, the FY2007 allocation is intended to cover previously approved refugees in the pipeline as well as new cases. The new African cases are expected to be mainly members of groups of special humanitarian concern to the United States, such as certain Burundian refugees in Tanzania, and family reunification cases (see discussion below of the refugee processing priorities).

East Asia's FY2007 allocation is 11,000 refugee numbers, compared with an FY2006 allocation of 15,000. FY2006 admissions totaled 5,659. According to the FY2007 consultation document, one reason for the shortfall in FY2006 admissions was the delay in beginning the processing of Burmese refugees in the Tham Hin refugee camp in Thailand due to interagency consultations about the applicability of the recently expanded terrorism-related grounds of inadmissibility in the INA (discussed below) to the camp population. At issue was the inadmissibility ground of engaging in terrorist activity by providing material support to a terrorist organization or a person engaged in terrorist activity. Following the interagency discussions, the Secretary of State used her waiver authority to make the material support provision inapplicable to otherwise admissible Burmese Karen refugees in the Tham Hin camp. Processing of these refugees is expected to continue in FY2007.

Europe and Central Asia have a combined FY2007 allocation of 6,500 refugee numbers. The FY2006 allocation for this region was 15,000, and admissions totaled 10,456. For FY2007, this allocation includes projected admissions of "Lautenberg Amendment" cases from the former Soviet Union (discussed below).

¹¹ U.S. President [George W. Bush], "Presidential Determination on FY 2007 Refugee Admissions Numbers and Authorizations of In-Country Refugee Status ...," Presidential Determination No. 2007-1, 71 *Federal Register*, pp. 64435-64436, Nov. 1, 2006.

¹² U.S. Department of State, U.S. Department of Homeland Security, and U.S. Department of Health and Human Services, *Proposed Refugee Admissions for Fiscal Year 2007: Report to the Congress*. (Hereafter cited as *Proposed Refugee Admissions for Fiscal Year 2007*).

The FY2007 allocation for Latin America and the Caribbean is 5,000, the same as in FY2006. FY2006 admissions totaled 3,264. Cubans account for the vast majority of admissions from this region. The U.S. resettlement of Colombian refugees, who are numerous in the region, has been impacted by the material support ground of inadmissibility, mentioned above and discussed below. According to the FY2007 consultation document, FY2007 admissions from the region are expected to include “a small number” of UNHCR-referred Colombian cases.

The Near East/South Asia FY2007 allocation is 5,500, compared with an allocation of 5,000 in FY2006. FY2006 admissions totaled 3,718. FY2007 admissions are expected to include primarily cases of vulnerable Iraqis, Afghans, and Iranian religious and ethnic minorities.

Refugee Processing Priorities

The State Department is responsible for overseas processing of refugees. Generally, it arranges for an overseas processing entity (OPE) to conduct pre-screening interviews of prospective refugees and prepare cases for submission to USCIS, which handles refugee adjudications. Overseas refugee processing is conducted through a system of three priorities for admission. These priorities are separate and distinct from whether such persons qualify for refugee status. Priority assignment, however, does reflect an assessment of the urgency with which such persons need to be resettled.

Priority 1 covers compelling protection cases and refugees for whom no durable solution exists, who are referred to the U.S. refugee program by UNHCR, a U.S. embassy, or a designated non-governmental organization (NGO). Such persons may be in danger of attack or of being returned to the country they fled. All nationalities are eligible for this priority.

Priority 2 covers groups of special humanitarian concern to the United States. It includes specific groups that may be defined by their nationalities, clans, ethnicities, or other characteristics. Some of these groups, such as Cuban dissidents and certain former Soviet nationals (“Lautenberg Amendment” cases, discussed below), are processed in their country of origin. Other Priority 2 groups are processed outside their country of origin. These include Iranian religious minorities (“Specter Amendment” cases, discussed below) processed in Austria and Turkey, and Burmese in the Tham Hin camp in Thailand. Unlike Priority 1 cases, individuals falling under Priority 2 are able to access the U.S. refugee program without a UNHCR, embassy, or NGO referral.

Priority 3 covers family reunification cases. Since FY2004, it has comprised cases of spouses, unmarried children under age 21, and parents of persons who were admitted to the United States as refugees or granted asylum. Priority 3 refugee applications are based upon *affidavits of relationship* (AORs). Individuals falling under Priority 3, like those falling under Priority 2, are able to access the U.S. refugee program without a UNHCR, embassy, or NGO referral. The number of nationalities eligible for Priority 3 processing has varied in recent years. During the late 1990s, the State Department found that a large number of Priority 3 applications were received from persons who did not qualify for refugee status and that there was a

significant amount of fraud associated with these applications. To address these problems, the U.S. government reduced the number of nationalities eligible for such refugee slots. For FY2003, four nationalities were eligible for Priority 3 processing. For FY2004, the Priority 3 program was revised on a pilot basis. To simultaneously broaden access to the program and continue to address concerns about fraud, the number of eligible nationalities was increased to nine, while the types of qualifying relationships were restricted. As noted above, eligibility for Priority 3 currently requires a qualifying relationship with an individual who was admitted to the United States as a refugee or granted asylum. Prior to FY2004, this processing priority was available to those with qualifying relationships with a much wider range of legal U.S. residents without regard to how these residents gained admission to the United States. In another change, beginning in FY2004, children had to be under age 21 to be eligible for Priority 3. In the past, this processing priority had also been available to older unmarried sons and daughters. These changes to the Priority 3 qualifying relationships have remained in place since FY2004. For FY2007, Priority 3 processing is available to nationals of 17 countries.¹³

Refugee Adjudications

USCIS is responsible for adjudicating refugee cases. It makes determinations about whether an individual qualifies for refugee status and is otherwise admissible to the United States. In the past, the majority of refugee adjudications were conducted by USCIS officers on temporary duty from domestic asylum offices. Today, these adjudications are handled by USCIS officers in the Refugee Corps.

Admissibility of Refugees. In order 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, security-related grounds, public charge (i.e., indigence), and lack of proper documentation. Some inadmissibility grounds (public charge, lack of proper documentation) are not applicable to refugees. Others can be waived for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.¹⁴ Of particular relevance to the admission of refugees are certain health-related and security-related grounds of inadmissibility.

The health-related grounds of inadmissibility include infection with the human immunodeficiency virus (HIV). Prior to June 1999, HIV-infected refugees could qualify for a waiver by showing the following: (1) the danger they posed to the public health was minimal; (2) the possibility that they would spread the disease was minimal; and (3) they would not create additional costs for government agencies at any level, unless they had the consent of the relevant agencies. On June 16, 1999, the former Immigration and Naturalization Service (INS) revised this policy, easing the waiver requirements for HIV-infected refugees. Under the new policy, HIV-positive

¹³ The countries are: Afghanistan, Burma, Burundi, Colombia, Congo (Brazzaville), Cuba, Democratic People's Republic of Korea (DPRK), Democratic Republic of Congo (DRC), Eritrea, Ethiopia, Haiti, Iran, Iraq, Rwanda, Somalia, Sudan, and Uzbekistan.

¹⁴ Certain grounds of inadmissibility, including most security-related grounds, cannot be waived.

refugees are no longer required to show that they would not create additional costs for government-funded programs. The rationale for the change was that there are federally-funded programs and services available to such refugees (e.g., Refugee Medical Assistance, Medicaid, and other services supported through the Ryan White CARE Act), and that this eligibility serves as the U.S. government's consent to incur costs for HIV-positive refugees. The new regulations still require that such refugees have counseling and agree to take precautions to prevent the spread of HIV.

Since 1990, the security-related grounds of inadmissibility have expressly included terrorism-related grounds. Over the years, the terrorism-related grounds have been amended, most recently by the REAL ID Act of 2005,¹⁵ 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.¹⁶ Among the current terrorism-related grounds, an alien is 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.¹⁷ The Secretary of State or the Secretary of DHS, after consultation with one other and the Attorney General, may conclude in his or her unreviewable discretion that this provision will not apply to any material support an alien provided to an organization or individual.¹⁸ As described above, the Secretary of State has exercised this waiver authority with respect to Burmese Karen refugees in the Tham Hin camp in Thailand. The FY2007 consultation document notes that the Bush administration is considering whether to issue waivers to other unspecified "refugee populations of humanitarian concern to the United States, based on a full consideration of foreign policy and national security factors."¹⁹

Special Refugee Provisions

Lautenberg Amendment and Specter Amendment. The "Lautenberg Amendment" is a provision of the FY1990 Foreign Operations Appropriations Act.²⁰ It requires the Attorney General to designate categories of former Soviet and Indochinese nationals for whom less evidence is needed to prove refugee status, and provides for adjustment to permanent resident status of certain Soviet and Indochinese nationals granted parole after being denied refugee status.²¹ Applicants

¹⁵ P.L. 109-13, May 5, 2005.

¹⁶ See CRS Report RL32754, *Immigration: Analysis of the Major Provisions of the REAL ID Act of 2005*, by Michael John Garcia, Margaret Mikyung Lee, and Todd B. Tatelman; and CRS Report RL32564, *Immigration: Terrorist Grounds for Exclusion and Removal of Aliens*, by Michael John Garcia and Ruth Ellen Wasem.

¹⁷ INA §§ 212(a)(3)(B)(i)(I); 212(a)(3)(B)(iv)(VI).

¹⁸ INA §212(d)(3)(B)

¹⁹ *Proposed Refugee Admissions for Fiscal Year 2007*, p. iv.

²⁰ P.L. 101-167, Nov. 21, 1989.

²¹ P.L. 101-167, §599D and §599E. Parole is a temporary authorization to enter the United States (continued...)

for refugee status under the special provision are only required to prove that they are members of a protected category with a credible, but not necessarily individual, fear of persecution. By contrast, the INA requires prospective refugees to establish a well-founded fear of persecution on a case-by-case basis.

The Lautenberg Amendment has been regularly extended in appropriations acts. The FY2004 Consolidated Appropriations Act,²² in addition to extending the amendment through FY2004, amended the Lautenberg Amendment to add a new provision known as the “Specter Amendment.” The Specter Amendment requires the designation of categories of Iranian nationals, specifically religious minorities, for whom less evidence is needed to prove refugee status. The FY2005 Consolidated Appropriations Act²³ extended the Lautenberg Amendment, including the Specter Amendment, through FY2005. The FY2006 Foreign Operations Appropriations Act²⁴ extended the amendment through FY2006. As of this writing, the Lautenberg Amendment has not been re-enacted for FY2007.

Vietnamese Refugees. The “McCain Amendment” was first enacted in the FY1997 Omnibus Consolidated Appropriations Act.²⁵ It covered certain adult children, whose parents were Vietnamese re-education camp survivors and had been accepted for U.S. refugee resettlement. The amendment made the adult children eligible for U.S. refugee resettlement. It was subsequently amended and extended through FY1999.

In November 1999, the McCain Amendment was re-enacted in revised form for FY2000 and FY2001 in the FY2000 Consolidated Appropriations Act.²⁶ As revised, it applied to the adult children of a re-education camp survivor who was residing in the United States or awaiting departure from Vietnam and who, after April 1995, was accepted for U.S. refugee resettlement or for admission as an immediate relative immigrant. The April 1995 date restriction did not apply to children who were previously denied refugee resettlement because their documents did not show continuous co-residency with their parent.

²¹ (...continued)

States and is typically granted when the alien’s entry is determined to be in the public interest.

²² P.L. 108-199, Jan. 23, 2004.

²³ P.L. 108-447, Dec. 8, 2004.

²⁴ P.L. 109-102, Nov. 14, 2005.

²⁵ P.L. 104-208, Sept. 30, 1996.

²⁶ P.L. 106-113, Nov. 29, 1999.

Legislation to amend and extend the provision through FY2003 was approved by the 107th Congress in May 2002.²⁷ This law eliminated the existing April 1995 date restriction. Thus, children who were previously denied refugee resettlement for reasons other than co-residency could also have their cases reconsidered. This revised provision, which has been regularly extended, is sometimes referred to as the “McCain-Davis Amendment.” P.L. 109-102 extended the McCain-Davis Amendment through FY2007.

Refugee Resettlement Assistance

The Department of Health and Human Service’s Office of Refugee Resettlement (HHS/ORR), within the Administration for Children and Families, administers an initial transitional assistance program for temporarily dependent refugees and Cuban/Haitian entrants. Since its establishment in 1980, the refugee resettlement program has been justified on the grounds that the admission of refugees is a federal decision, entailing some federal responsibility. Unlike immigrants who enter through family or employment ties, refugees are admitted on humanitarian grounds, and there is no requirement that they demonstrate economic self-sufficiency.

For FY2006, the Labor, HHS, Education Appropriations Act²⁸ provided \$575.6 million in funding for ORR. This funding, like most other FY2006 discretionary appropriations, was subject to a 1% rescission enacted as part of P.L. 109-148. For FY2007, the President has requested \$614.9 million for refugee assistance. The FY2007 Labor, HHS, Education appropriations bill reported by the House Appropriations Committee (H.R. 5647) would appropriate \$604.3 million for ORR programs, while the Senate Appropriations Committee-reported bill (S. 3708) includes an appropriation of \$599.9 million for ORR programs. An FY2007 Labor, HHS, Education appropriations act has not yet been enacted. Continuing resolutions have provided temporary Labor, HHS, Education funding since October 1, 2006. The current resolution²⁹ provides funding through February 15, 2007. **Table 2** details refugee resettlement funding for FY2000-FY2006.

²⁷ P.L. 107-185, May 30, 2002.

²⁸ P.L. 109-149, Dec. 30, 2005.

²⁹ P.L. 109-383, Dec. 9, 2006.

Table 2. Refugee Resettlement Funding, FY2000-FY2006
(budget authority in millions)

Programs	FY00 actual	FY01 enacted	FY02 actual	FY03 enacted	FY04 actual	FY05 actual	FY06 enacted
Transitional/Cash and Medical Services	\$220.7	\$234.5 ^e	\$227.2	\$219.9	\$169.0	\$205.0	\$265.5
Victims of Trafficking ^a	—	5.0	10.0	9.9	9.9	9.9	9.8
Social Services	143.9	143.6	158.6	150.1	152.2	152.2	154.0
Victims of Torture ^b	7.3	10.0	10.0	9.9	9.9	9.9	9.8
Preventive Health	4.8	4.8	4.8	4.8	4.8	4.8	4.8
Targeted Assistance	49.5	49.5	49.5	49.2	49.0	49.1	48.6
Unaccompanied Alien Children ^c	—	—	—	37.1 ^f	52.8	53.8	77.3
Total^d	\$426.2	\$447.5	\$460.2	\$480.9	\$447.6	\$484.7	\$569.8

Source: U.S. Department of Health and Human Services, Administration for Children and Families, *Justifications of Estimates for Appropriations Committees*, Fiscal Years 2002-2007.

- a. Funding used primarily for administrative cost of certifying that an alien is a trafficking victim for purposes of receiving benefits and services.
- b. Funding used for rehabilitation services, social services, and legal services for torture victims and for provision of research and training to health care providers.
- c. The Homeland Security Act of 2002 (P.L. 107-296) transferred functions under U.S. immigration law related to the care of unaccompanied alien children from the then-INS to HHS/ORR.
- d. Sum of listed amounts may not equal total due to rounding.
- e. Includes \$14.4 million in reappropriated funding.
- f. This funding was transferred to ORR from the former INS, pursuant to P.L. 107-296.

ORR-funded activities include cash and medical assistance, social services to help refugees become socially and economically self-sufficient, and targeted assistance for impacted areas. Special refugee cash assistance (RCA) and refugee medical assistance (RMA) are the heart of the refugee program, accounting for a greater portion of the ORR annual budget than any other activity (see **Table 2**). RCA and RMA, which are administered by the states, are intended to help needy refugees who are ineligible to receive benefits from mainstream federal assistance programs. RCA and RMA are currently available to refugees for eight months after entry.³⁰ RMA benefits are based on the state's Medicaid program, and RCA payments are now based on the state's Temporary Assistance for Needy Families (TANF) payment

³⁰ INA §412(e)(1) authorizes ORR to reimburse states for RCA and RMA for 36 months. Initially, beginning in April 1980, RCA and RMA were available for the full 36 months. As appropriations levels decreased in subsequent years, however, the period of coverage was reduced. Since Oct. 1991, RCA and RMA have been available to refugees for eight months after entry.

to a family unit of the same size. For example, an able-bodied couple below age 65 would receive an RCA benefit equal to that of a two-person TANF family.

HHS/ORR published a final rule in March 2000 to amend its regulations to reflect changes resulting from the replacement of AFDC by TANF.³¹ Most of the amendments became effective on April 21, 2000. The rule gives states the option to establish RCA programs that are a “public/private partnership” between states and private volunteer agencies, or to maintain state administration of RCA programs. In addition, the ORR program was significantly affected by the 1996 welfare reform act and subsequent amendments.³² Prior to this legislation, refugees who otherwise met the requirements of federal public assistance programs were immediately and indefinitely eligible to participate in them just like U.S. citizens. Now, refugees and other specified humanitarian entrants are time-limited. **Table 3** summarizes the time limits on refugee eligibility for four major public assistance programs.

Table 3. Refugee Eligibility for Major Federal Public Assistance Programs

Program	Eligibility
Supplemental Security Income (SSI) for the Aged, Blind and Disabled	Eligible for seven years after entry.
Medicaid (non-emergency care)	Eligible for seven years after entry, then state option.
TANF	Eligible for five years after entry, then state option.
Food Stamps	Eligible for seven years after entry.

³¹ U.S. Department of Health and Human Services, Office of Refugee Resettlement, “Refugee Resettlement Program; Requirements for Refugee Cash Assistance; and Refugee Medical Assistance,” 65 *Federal Register*, pp. 15409-15450, Mar. 22, 2000.

³² The 1996 welfare reform law is the Personal Responsibility and Work Opportunity Reconciliation Act, P.L. 104-193, Aug. 22, 1996. For additional information, see CRS Report RL31114, *Noncitizen Eligibility for Major Federal Public Assistance Programs: Policies and Legislation*, by Ruth Ellen Wasem.

Appendix. Refugee Admissions by Region, FY1987-FY2006

FY	Africa	East Asia	Eastern Europe	Former Soviet Union	Latin America/ Caribbean	Near East/ South Asia	Total
1987	1,990	40,099	8,396	3,699	323	10,021	64,528
1988	1,593	35,371	7,510	20,411	3,230 ^a	8,368	76,483
1989	1,902	45,722	8,752	39,602	4,116 ^a	6,976 ^a	107,070
1990	3,453	51,604 ^a	6,094	50,628	5,308 ^a	4,979	122,066
1991	4,420	53,522	6,837	39,226	4,042 ^a	5,342	113,389
1992	5,470	51,899	2,915	61,397	3,947 ^a	6,903	132,531
1993	6,967	49,817	2,582	48,773	4,322 ^a	6,987	119,448
1994	5,860	43,564	7,707	43,854	6,156	5,840	112,981
1995	4,827	36,987	10,070	35,951	7,629	4,510	99,974
1996	7,604	19,321	12,145	29,816	3,550	3,967	76,403
1997	6,065	8,594	21,401	27,331	2,996	4,101	70,488
1998	6,887	10,854	30,842	23,557	1,627	3,313	77,080
1999	13,043	10,206	38,658	17,410	2,110	4,098	85,525
2000	17,561	4,561	22,561	15,103	3,232	10,129	73,147
2001	19,021	3,725	15,777	15,748	2,973	12,060	69,304
2002	2,548	3,525	5,439	9,963	1,933	3,702	27,110
2003	10,717	1,724	2,525	8,744	452	4,260	28,422
2004	29,125	8,079	9,254 ^b		3,555	2,855	52,868
2005	20,749	12,071	11,316 ^b		6,700	2,977	53,813
2006	18,182	5,659	10,456		3,264	3,718	41,279

Source: U.S. Department of State, Bureau of Population, Refugees and Migration. Data are as of Dec. 31, 2006.

- a. Includes refugees admitted under the Private Sector Initiative (PSI), most of whom were Cuban.
b. Beginning in FY2004, the categories of Eastern Europe and the Former Soviet Union were combined into a single category, Europe and Central Asia. These are the total admissions under that category.