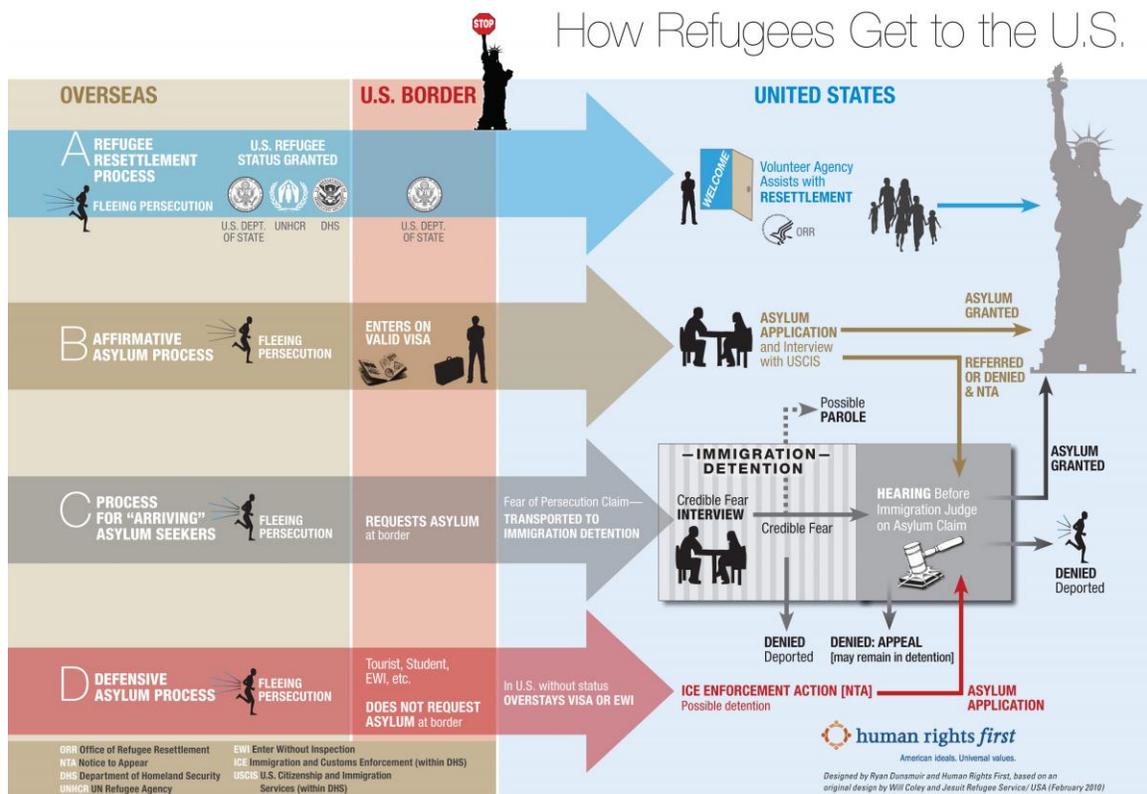


How Refugees Come to the United States

Introduction to Graphic

This graphic is a good picture of the process for how refugees come to the United States. However, it assumes some prior knowledge on the part of the presenter. The text below the graphic gives further information about each of the four processes shown on the graphic. The graphic can be used in a PowerPoint or other electronic presentation, or printed as a handout. A full-page version is on the final page of this document.



A – Refugee Resettlement Process

Refugees are interviewed by the UN according to criteria that prioritizes who will be resettled. They are already recognized as a refugee and living somewhere outside the U.S. For Syrians, likely these are people/families in Turkey, Lebanon or Jordan. That family is vetted by the UN and referred to the US Government. Then the US undertakes its own vetting process, which can take up to three years while the family lives in limbo, usually without the right to work, many in refugee camps. Once the family is approved to be resettled in the US, they arrive with refugee status which gives them access to some special

programs and the ability to apply to become a resident and eventually a US citizen. Resettlement happens in cooperation with the Department of State and a voluntary agency such as Church World Service. The Office of Refugee Resettlement works with voluntary agencies and state and local offices to provide additional resettlement programs. (The Golden Path)

B – Affirmative Asylum Process

People already in the US apply for asylum and have an interview with United States Citizenship and Immigration Services, after which they may be granted asylum or denied asylum. For example, this may be people who came to the U.S to work or study and while in the US circumstances in their country change so that if they return, they would be subject to persecution. In this process, the refugee is interviewed by an Asylum Officer in a regular office setting. If granted, they receive “asylee” status with the same benefits of a refugee. If denied, they have to have another type of visa or status to remain in the U.S. If that permission has expired, they will be given a hearing before an Immigration Judge who can either give another type of status or order them to be deported.

C – Process for Arriving Asylum Seekers

If refugees come directly to the U.S. (a land border or an airport) there is a 3-step process to get status. This includes the women and children who arrive at the border from Central America and present themselves to Border Patrol and ask for protection. This is the only way that Central Americans can get asylum. By law, they cannot go to the US embassy in their country and ask for asylum.* They must present themselves at the border and request asylum. Once at the border, they face the first of several interviews. If they tell the U.S. official that they are afraid to go back to their country, they are taken to a detention center where they have a “Credible Fear” interview within 3 days. This second interview is to determine if the reason they are afraid to go home is related to the refugee definition. If it is determined that they do have a credible fear, they are given a hearing before an immigration judge who may deny or approve them as refugees, approve another type of status or order them deported. There is also a government attorney (from ICE) who represents the U.S. Government in the trial. Often the asylum seeker does not have an attorney. The wait for a hearing (after it has been determined that they have a credible fear) is long and almost all remain in detention. If they are released, it is often with a bond, wearing an ankle monitor, to a family member.

D. Defensive Asylum Process

Refugees who are living in the US and are apprehended by Immigration & Customs Enforcement (ICE) may ask for asylum when faced with the possibility of deportation. This could be because they have visas that expired, never received a visa (or because ICE wants to remove their permission to be in the US because they were accused or convicted of a crime such as a workplace raid). Once ICE apprehends them, they are detained and are given a hearing before an immigration judge who may deny or approve their status. If the person has never requested asylum until now, it is referred to as “defensive” because it is the “defense” for why they should not be deported. The immigration hearing process is the same as for the arriving asylum seeker. However, if they are found not to be a refugee and are ordered deported, they will be barred from re-entering the U.S. for ten years because of being in the U.S. without a valid status.

*Note: Following the increased arrivals of 2014, the US Government has started a very small family reunification program in El Salvador, Guatemala and Honduras for unaccompanied children who have at least one parent lawfully present in the U.S. This does not apply to adult women and their children

