

Refugees and Asylees: 2009

DANIEL C. MARTIN

The United States provides refuge to persons who have been persecuted or have a well-founded fear of persecution through two programs: one for refugees (persons outside the U.S.) and one for asylees (persons in the U.S.). This Office of Immigration Statistics *Annual Flow Report* provides information on the number of persons admitted to the United States as refugees or granted asylum in the United States in 2009.¹

A total of 74,602 persons² were admitted to the United States as refugees during 2009 (see Figure 1). The leading countries of nationality for refugees were Iraq, Burma, and Bhutan. During 2009, 22,119 individuals were granted asylum, including 11,933 who were granted asylum affirmatively by U.S. Citizenship and Immigration Services (USCIS)³ and 10,186 who were granted asylum defensively by an immigration judge during removal proceedings. The leading countries of nationality for persons granted asylum were China, Ethiopia, and Haiti.

DEFINING “REFUGEE” AND “ASYLUM” STATUS

To be eligible for refugee or asylum status, an applicant must meet the definition of a refugee set forth in 101(a)(42) of the Immigration and Nationality Act (INA): a person who is unable or unwilling to return to his or her country of nationality⁴ 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.⁵ An applicant for refugee status is outside the United States, while an applicant seeking asylum status is in the United States or at a U.S. port of entry. Although the INA definition of refugee indicates that the individual is outside his or her country of nationality, the INA also provides the President with the authority to designate countries

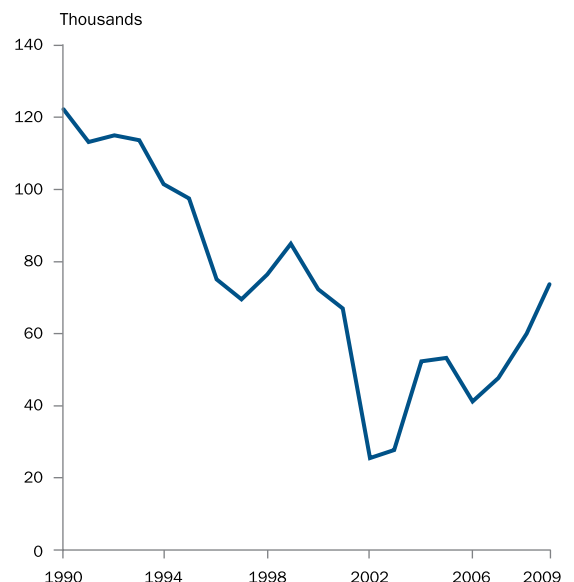
whose nationals may be processed for refugee status within their respective countries (i.e., in-country processing). In 2009, nationals of Cuba, Vietnam, the republics of the former Soviet Union, and Iraq were designated for in-country processing. In-country processing was also conducted for extraordinary individual protection cases for which resettlement was requested by a U.S. ambassador.

REFUGEES

History of Refugee Legislation

The first refugee legislation in the United States was the

Figure 1.
Refugee Admissions to the United States:
1990 to 2009



Source: U.S. Department of State, Bureau of Population, Refugees, and Migration (PRM). Worldwide Refugee Admissions Processing System (WRAPS).

¹ In this report, years refer to fiscal years (October 1 to September 30).
² Refugee data in this report differ slightly from numbers reported by the Department of State (DOS). DOS refugee numbers include Amerasians, whereas DHS reports Amerasians as lawful permanent residents.
³ Affirmative asylum data are current as of January 2010 and may differ slightly from year-end 2009 numbers reported by Asylum Division, USCIS.
⁴ Or, if an applicant is considered “stateless”, his or her country of last habitual residence.
⁵ This definition was expanded in 1996 (under the Illegal Immigration Reform and Immigrant Responsibility Act) to include persons who have been forced to abort a pregnancy or undergo involuntary sterilization or who have been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program. The definition, as established in 1980, excludes those who have ordered, incited, assisted or otherwise participated in the persecution of others.



Displaced Persons Act of 1948, which brought 400,000 Eastern Europeans to the United States. Other *ad hoc* refugee-related legislation followed, including the Refugee Relief Act of 1953 and the Fair Share Refugee Act of 1960. The United States used the Attorney General's parole authority to bring large groups of persons into the country for humanitarian reasons beginning in 1956 with nationals of Hungary and culminating with hundreds of thousands of Indochinese parolees in the 1970s.

The 1967 United Nations Protocol relating to the Status of Refugees (which the United States ratified in 1968) prohibited any nation from returning a refugee to a country where his or her life or freedom would be threatened. Congress enacted legislation to bring U.S. law into compliance with the principles outlined in the Protocol in passing the Refugee Act of 1980, which established a geographically- and politically-neutral refugee definition. The Refugee Act of 1980 also made a distinction between refugee and asylum status and allowed certain refugees to be processed while in their countries of nationality.

Admission Ceilings

Before the beginning of each fiscal year, the President consults with Congress to establish an overall refugee admissions ceiling as well as five regional allocations and an unallocated reserve. The total ceiling for refugee admissions in 2009 was 80,000. Although the overall ceiling was unchanged from 2008, the Near East/South Asian region ceiling was increased due to the continued resettlement of Iraqi and Bhutanese refugees (see Table 1).

Table 1.
Refugee Admissions Ceilings: Fiscal Years 2007 to 2009*

Region	Ceiling		
	2009	2008	2007
Total	80,000	80,000	70,000
Africa	12,000	16,000	22,000
East Asia	20,500	20,000	16,000
Europe/Central Asia	2,500	3,000	6,500
Latin America/Caribbean	5,500	5,000	5,000
Near East/South Asia	39,500	28,000	9,000
Unallocated Reserve	0	8,000	11,500

*Ceiling numbers reflect revisions made each fiscal year.
Source: U.S. Department of State, *Proposed Refugee Admissions for Fiscal Year 2009—Report to Congress*.

Eligibility Requirements

In order to qualify for refugee status, an applicant must: (1) be of special humanitarian concern to the United States; (2) meet the refugee definition as set forth in section 101(a)(42) of the INA; (3) be admissible under the INA; and (4) not be firmly resettled in any foreign country. A person who USCIS has determined meets the refugee definition may nonetheless be inadmissible to the United States due to criminal, security, or other grounds, and therefore ineligible for refugee resettlement.

Table 2.
**Refugee Arrivals by Category of Admission:
Fiscal Years 2007 to 2009**

Category of admission	2009		2008		2007	
	Number	Percent	Number	Percent	Number	Percent
Total	74,602	100.0	60,107	100.0	48,218	100.0
Principal Applicant	32,511	43.6	25,354	42.2	19,912	41.3
Dependents	42,091	56.4	34,753	57.8	28,306	58.7
Spouse	13,440	18.0	10,406	17.3	7,414	15.4
Child	28,651	38.4	24,347	40.5	20,892	43.3

Source: U.S. Department of State, Bureau of Population, Refugees, and Migration (PRM), Worldwide Refugee Admissions Processing System (WRAPS).

Application Process

The United States Refugee Admissions Program (USRAP) has a priority system for determining access to the program, including individuals referred by the United Nations High Commissioner for Refugees, a U.S. Embassy, or certain nongovernmental organizations (Priority One), groups of special humanitarian concern (Priority Two), and family reunification cases (Priority Three).⁶ Once an individual has been referred to the USRAP, an Overseas Processing Entity, working on behalf of the U.S. Department of State, conducts pre-screening interviews and completes the required documents for submission to USCIS. Once all application materials have been submitted, a USCIS officer interviews the applicant and determines whether the applicant is eligible for refugee resettlement to the United States. Security checks must be completed before an application is approved. Individuals who are found eligible must satisfy health requirements and be assigned to a sponsor. A sponsor is a resettlement agency that is responsible for meeting the refugee at the airport, making housing arrangements, and preparing a resettlement plan. If an applicant is approved for resettlement, the International Organization for Migration (IOM) makes arrangements for his/her travel to the United States. After arrival, refugees may request documentation for travel outside the United States by applying for a refugee travel document.

Spouses and unmarried children under the age of 21 may obtain derivative refugee status from the principal applicant. An accompanying derivative is a spouse or child who enters with the applicant or within four months after the principal applicant's admission. A following-to-join derivative is a spouse or child who joins the principal applicant more than four months after his/her admission to the United States. It is possible to apply for derivative refugee status up to two years after the principal refugee is admitted to the United States using Form I-730, *Refugee/Asylee Relative Petition*, as long as the relationship between the principal applicant and spouse and/or child existed prior to the principal's admission into the United States.

⁶Priority Three processing was suspended in October 2008 and remains so to date until new procedures to identify and deter relationship fraud can be established.

Authorization for Employment

Refugees (including spouses and children over the age of 14) are authorized to work in the United States. One year after being admitted to the United States, refugees are required by statute to apply for legal permanent resident status.

DATA

The refugee data presented in this report were obtained from the Worldwide Refugee Admissions Processing System (WRAPS) of the Bureau of Population, Refugees, and Migration (PRM) of the U.S. Department of State. Refugee Processing Center employees in the United States and Overseas Processing Entities enter data into WRAPS.

TRENDS AND CHARACTERISTICS OF REFUGEES

The total number of refugees admitted to the United States increased 24 percent from 60,107 in 2008 to 74,602 in 2009, following a 25 percent increase from 2007 to 2008. Refugee arrivals averaged over 100,000 each year during the early 1990s and then declined, reaching 68,925 by 2001. This decline primarily reflects the shift in refugee program focus to more diverse populations in dispersed areas. Refugee admissions decreased further to 26,773 in 2002, due largely to changes in security procedures and admission requirements after September 11, 2001. With the exception of 2005 to 2006, refugee arrivals grew each year from 2002 and 2009 and 2009 marked the highest level of refugee admissions in a decade.

Category of Admission

Principal applicants accounted for 32,511 (44 percent) of the 74,602 refugees admitted to the United States in 2009 (see Table 2).⁷ Dependent children and spouses represented 38 percent and 18 percent, respectively, of refugee admissions.

Country of Nationality

In 2009, the leading countries of nationality for refugee admissions were Iraq (25 percent), Burma (24 percent), and Bhutan (18 percent) (see Table 3). Sixty-eight percent of refugees were from these three countries. Iraqi refugee admissions increased 36 percent from 13,822 in 2008 to 18,838 in 2009 as the USRAP processing capacity further expanded to meet regional demand. The Refugee Crisis in Iraq Act of 2007 allowed certain Iraqi nationals who provided assistance to the U.S. government or nongovernmental organizations in operations in Iraq to be considered for refugee resettlement under Priority Two. The number of refugees from Bhutan also continued to increase from 5,320 in 2008 to 13,452 in 2009.

⁷As of January 2010.

Table 3.

Refugee Arrivals by Country of Nationality: Fiscal Years 2007 to 2009

(Ranked by 2009 Country of Nationality)

Country	2009		2008		2007	
	Number	Percent	Number	Percent	Number	Percent
Total	74,602	100.0	60,107	100.0	48,218	100.0
Iraq	18,838	25.3	13,822	23.0	1,608	3.3
Burma	18,202	24.4	18,139	30.2	13,896	28.8
Bhutan	13,452	18.0	5,320	8.9	—	—
Iran	5,381	7.2	5,270	8.8	5,481	11.4
Cuba	4,800	6.4	4,177	6.9	2,922	6.1
Somalia	4,189	5.6	2,523	4.2	6,969	14.5
Eritrea	1,571	2.1	251	0.4	963	2.0
Vietnam	1,486	2.0	1,112	1.9	1,500	3.1
Congo, Democratic Republic	1,135	1.5	727	1.2	848	1.8
Burundi	762	1.0	2,889	4.8	4,545	9.4
Other	4,786	6.4	5,877	9.8	9,486	19.7

— Represents zero or rounds to zero.

Source: U.S. Department of State, Bureau of Population, Refugees, and Migration (PRM), Worldwide Refugee Admissions Processing System (WRAPS).

Table 4.

Refugee Arrivals by Age, Gender, and Marital Status: Fiscal Years 2007 to 2009

Age	2009		2008		2007	
	Number	Percent	Number	Percent	Number	Percent
Total	74,602	100.0	60,107	100.0	48,218	100.0
0 to 17 years	25,185	33.8	21,637	36.0	18,202	37.7
18 to 24 years	11,747	15.7	9,429	15.7	9,088	18.8
25 to 34 years	14,842	19.9	10,906	18.1	8,058	16.7
35 to 44 years	10,082	13.5	8,057	13.4	5,586	11.6
45 to 54 years	5,971	8.0	5,000	8.3	3,552	7.4
55 to 64 years	3,649	4.9	2,812	4.7	2,192	4.5
65 years and over	3,126	4.2	2,266	3.8	1,540	3.2
Gender						
Male	38,491	51.6	30,939	51.5	25,202	52.3
Female	36,111	48.4	29,168	48.5	23,016	47.7
Marital status						
Married	29,770	39.9	23,010	38.3	17,102	35.5
Single	40,798	54.7	33,969	56.5	28,740	59.6
Other*	4,034	5.4	3,128	5.2	2,376	4.9

*Includes persons who were divorced, separated, widowed, or of unknown marital status.

Source: U.S. Department of State, Bureau of Population, Refugees, and Migration (PRM), Worldwide Refugee Admissions Processing System (WRAPS).

Age, Gender, and Marital Status

Fifty percent of refugees admitted to the United States in 2009 were under 25 years of age, with 34 percent under age 18 (see Table 4). A slight majority of refugees were male (52 percent). More than half of all refugees admitted in 2009 (55 percent) were single; 40 percent were married.

Table 5.

Refugee Arrivals by State of Residence: Fiscal Years 2007 to 2009

(Ranked by 2009 State of Residence)

State	2009		2008		2007	
	Number	Percent	Number	Percent	Number	Percent
Total	74,602	100.0	60,107	100.0	48,218	100.0
California	11,274	15.1	9,472	15.8	6,699	13.9
Texas	8,195	11.0	5,113	8.5	4,394	9.1
New York	4,411	5.9	3,628	6.0	2,978	6.2
Arizona	4,317	5.8	3,005	5.0	1,992	4.1
Florida	4,193	5.6	3,715	6.2	2,691	5.6
Michigan	3,500	4.7	3,292	5.5	1,283	2.7
Georgia	3,270	4.4	2,325	3.9	1,609	3.3
Washington	2,581	3.5	2,254	3.7	2,215	4.6
Illinois	2,560	3.4	2,429	4.0	1,872	3.9
North Carolina	2,235	3.0	2,274	3.8	1,805	3.7
Other	28,066	37.6	22,600	37.6	20,680	42.9

Source: U.S. Department of State, Bureau of Population, Refugees, and Migration (PRM), Worldwide Refugee Admissions Processing System (WRAPS).

establish eligibility for asylum before USCIS, the application will be denied by USCIS, and the applicant will remain in his or her valid status. If the applicant is not in a valid status, and USCIS finds the applicant ineligible for asylum, USCIS places the applicant in removal proceedings before EOIR. Aliens may also be placed directly in removal proceedings by immigration enforcement officials because they are undocumented, are in violation of their status when apprehended, or were caught attempting entry into the United States without proper documentation. During the proceedings, an immigration judge may grant asylum or deny the application for asylum and issue an order of removal. The applicant may appeal the denial to the Board of Immigration Appeals and seek further review by a U.S. Court of Appeals.

State of Residence

The leading states of residence of refugees admitted to the United States in 2009 were California (15 percent) and Texas (11 percent) (see Table 5). Other major refugee receiving states included New York (5.9 percent), Arizona (5.8 percent), Florida (5.6 percent), and Michigan (4.7 percent). Nearly one-half of all refugees settled in one of these six states.

ASYLEES

Filing of Claims

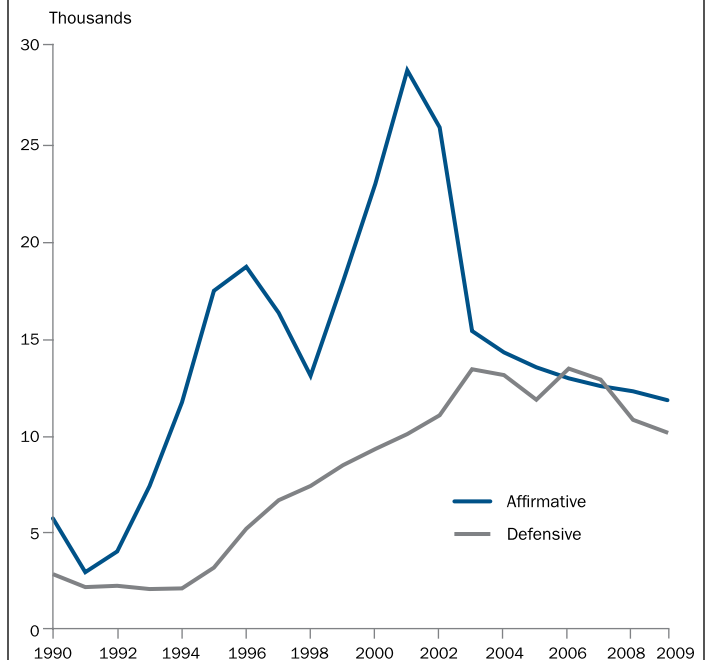
Generally, any alien present in the United States or at a port of entry may apply for asylum regardless of his or her immigration status. Asylum may be obtained in two ways: affirmatively through a USCIS Asylum Officer or defensively in removal proceedings before an immigration judge of the Executive Office for Immigration Review (EOIR) of the Department of Justice. To obtain asylum, an alien must apply within one year from the date of last arrival or establish that an exception applies based on changed or extraordinary circumstances. An alien applies for asylum in the United States by filing Form I-589, *Application for Asylum and for Withholding of Removal*.

Adjudication of Claims

The Asylum Officer Corps within USCIS is responsible for the adjudication of asylum claims filed with the agency. During the interview, an Asylum Officer determines whether the applicant meets the definition of a refugee, assesses the credibility of the applicant and determines whether any bars to obtaining asylum apply. Individuals may be barred from obtaining asylum for committing certain crimes, posing a national security threat, engaging in persecution of others, or firmly resettling in another country before coming to the United States.

Individuals granted asylum are authorized to work in the United States. In addition, an asylee is entitled to benefits including employment assistance, a social security card, and social services. If an applicant in a valid immigration status (e.g., foreign student) fails to

Figure 2.
Annual Flow of Affirmative and Defensive Asylees: 1990 to 2009



Source: U.S. Department of Homeland Security, Refugee, Asylum, and Parole System (RAPS), and Executive Office for Immigration Review (EOIR) of the U.S. Department of Justice (DOJ).

Table 6.**All Asylees by Country of Nationality: Fiscal Years 2007 to 2009**

(Ranked by 2009 Country of Nationality)

Country	2009		2008		2007	
	Number	Percent	Number	Percent	Number	Percent
Total	22,119	100.0	22,838	100.0	25,131	100.0
China, People's Republic	6,109	27.6	5,459	23.9	6,364	25.3
Ethiopia	1,113	5.0	897	3.9	846	3.4
Haiti	998	4.5	1,236	5.4	1,642	6.5
Colombia	993	4.5	1,644	7.2	2,173	8.6
Iraq	908	4.1	996	4.4	668	2.7
Nepal	671	3.0	496	2.2	413	1.6
Venezuela	583	2.6	1,052	4.6	1,150	4.6
Guatemala	513	2.3	541	2.4	676	2.7
Russia	494	2.2	571	2.5	495	2.0
Egypt	481	2.2	416	1.8	424	1.7
All other countries, including unknown . . .	9,256	41.8	9,530	41.7	10,280	40.9

Source: U.S. Department of Homeland Security, Refugee, Asylum, and Parole System (RAPS) and Executive Office for Immigration Review (EOIR) of the U.S. Department of Justice (DOJ).

Table 7.**Affirmative Asylees by Country of Nationality: Fiscal Years 2007 to 2009**

(Ranked by 2009 Country of Nationality)

Country	2009		2008		2007	
	Number	Percent	Number	Percent	Number	Percent
Total	11,933	100.0	12,095	100.0	12,324	100.0
China, People's Republic	2,691	22.6	2,040	16.9	1,824	14.8
Ethiopia	704	5.9	586	4.8	497	4.0
Colombia	637	5.3	1,113	9.2	1,490	12.1
Haiti	592	5.0	726	6.0	1,055	8.6
Iraq	544	4.6	588	4.9	392	3.2
Nepal	500	4.2	349	2.9	283	2.3
Venezuela	392	3.3	758	6.3	835	6.8
Russia	367	3.1	373	3.1	287	2.3
Guatemala	358	3.0	378	3.1	542	4.4
Egypt	308	2.6	234	1.9	193	1.6
All other countries, including unknown . . .	4,840	40.6	4,950	40.9	4,926	40.0

Source: U.S. Department of Homeland Security, Refugee, Asylum, and Parole System (RAPS).

Table 8.**Defensive Asylees by Country of Nationality: Fiscal Years 2007 to 2009**

(Ranked by 2009 Country of Nationality)

Country	2009		2008		2007	
	Number	Percent	Number	Percent	Number	Percent
Total	10,186	100.0	10,743	100.0	12,807	100.0
China, People's Republic	3,418	33.6	3,419	31.8	4,540	35.4
Ethiopia	409	4.0	311	2.9	349	2.7
Haiti	406	4.0	510	4.7	587	4.6
Iraq	364	3.6	408	3.8	276	2.2
Colombia	356	3.5	531	4.9	683	5.3
India	260	2.6	272	2.5	357	2.8
Albania	211	2.1	320	3.0	420	3.3
Cameroon	203	2.0	161	1.5	203	1.6
Armenia	196	1.9	141	1.3	179	1.4
Eritrea	196	1.9	120	1.1	119	0.9
All other countries, including unknown . . .	4,167	40.9	4,550	42.4	5,094	39.8

Source: Executive Office for Immigration Review (EOIR) of the U.S. Department of Justice (DOJ).

DATA

The affirmative asylee data presented in this report were obtained from the Refugee, Asylum, and Parole System (RAPS) of USCIS. Defensive asylee data were obtained from EOIR.⁸ These data refer to individuals and not cases, which may represent more than one individual.

TRENDS AND CHARACTERISTICS OF ASYLEES

The total number of persons granted asylum in the United States decreased slightly from 22,838 in 2008 to 22,119 in 2009. The number of persons who were granted asylum affirmatively through USCIS decreased from 12,095 in 2008 to 11,933 in 2009 (see Figure 2). The number of persons granted asylum defensively by an immigration judge or the Board of Immigration Appeals of EOIR also decreased, from 10,743 in 2008 to 10,186 in 2009.

Country of Nationality

The leading countries of nationality for persons granted asylum in 2009 were China (28 percent), Ethiopia (5 percent), Haiti (4.5 percent), Colombia (4.5 percent), and Iraq (4.1 percent) (see Table 6). Nationals of these five countries accounted for 46 percent of persons granted asylum.

In 2009, the top three countries of nationality for affirmative asylees were China (23 percent), Ethiopia (5.9 percent), and Colombia (5.3 percent) (see Table 7). These three countries accounted for 34 percent of all persons granted asylum affirmatively. Forty-two percent of defensive asylees were from China (34 percent), Ethiopia (4 percent), and Haiti (4 percent) (see Table 8).

⁸ EOIR data do not include all following-to-join derivatives.

Table 9.

Affirmative Asylees by Age, Gender, and Marital Status: Fiscal Years 2007 to 2009

Age	2009		2008		2007	
	Number	Percent	Number	Percent	Number	Percent
Total	11,933	100.0	12,095	100.0	12,324	100.0
0 to 17 years	1,393	11.7	1,488	12.3	1,642	13.3
18 to 24 years	2,395	20.1	2,025	16.7	1,801	14.6
25 to 34 years	3,694	31.0	3,675	30.4	3,581	29.1
35 to 44 years	2,596	21.8	2,843	23.5	3,122	25.3
45 to 54 years	1,322	11.1	1,466	12.1	1,589	12.9
55 to 64 years	386	3.2	438	3.6	438	3.6
65 years and over	147	1.2	160	1.3	151	1.2
Gender						
Male	6,401	53.6	6,505	53.8	6,404	52.0
Female	5,532	46.4	5,590	46.2	5,920	48.0
Marital status						
Single	5,618	47.1	5,666	46.8	5,583	45.3
Married	5,675	47.6	5,786	47.8	6,062	49.2
Other*	620	5.2	634	5.2	667	5.4
Unknown	20	0.2	9	0.1	12	0.1

* Includes persons who were divorced, separated, or widowed.

Source: U.S. Department of Homeland Security, Refugee, Asylum, and Parole System (RAPS).

Table 10.

Affirmative Asylees by State of Residence: Fiscal Years 2007 to 2009

(Ranked by 2009 State of Residence)

State of residence	2009		2008		2007	
	Number	Percent	Number	Percent	Number	Percent
Total	11,933	100.0	12,095	100.0	12,324	100.0
California	4,462	37.4	4,136	34.2	3,960	32.1
New York	1,780	14.9	1,215	10.0	1,309	10.6
Florida	1,665	14.0	2,392	19.8	2,909	23.6
Virginia	429	3.6	528	4.4	346	2.8
Maryland	394	3.3	554	4.6	456	3.7
Washington	354	3.0	321	2.7	476	3.9
Massachusetts	234	2.0	269	2.2	279	2.3
Texas	227	1.9	231	1.9	265	2.2
Michigan	207	1.7	179	1.5	180	1.5
Georgia	201	1.7	146	1.2	154	1.2
Other	1,980	16.6	2,124	17.6	1,711	13.9

Source: U.S. Department of Homeland Security, Refugee, Asylum, and Parole System (RAPS).

Age, Gender, and Marital Status

Demographic information was available only for affirmative asylees. Of the 11,933 persons granted asylum affirmatively in 2009, more than 80 percent were between the ages of 18 and 54 (see Table 9). Slightly more than half were male, and 48 percent were married.

State of Residence

In 2009, the two leading states of residence for individuals granted asylum affirmatively were California (37 percent) and New York (15 percent) (see Table 10). Other major receiving states included Florida (14 percent), Virginia (3.6 percent), Maryland (3.3 percent), Washington (3 percent), and Massachusetts (2 percent).

FOR MORE INFORMATION

Visit the Office of Immigration Statistics Web page at <http://www.dhs.gov/immigrationstatistics>.