

Chapter 1: Refugees

Definition

A refugee is defined in international law and in the Refugee Act of 1980 as a person who is outside his or her country of nationality and who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution, based on race, religion, nationality, political opinion, or membership in a particular social group. Refugees apply for and receive this status prior to entry into the United States, unlike asylees who acquire their status after arrival in the United States. Processing usually takes place in a third country where they have claimed temporary asylum after fleeing their homes. In some countries designated by the President each year, such as in Cuba, Vietnam, Iraq, Honduras, Guatemala, El Salvador², and some countries of the former Soviet Union, individuals may apply for processing in their own country. Once approved overseas by the U.S. Citizenship and Immigration Services (USCIS), refugees are admitted under Section 207 of the Immigration and Nationality Act (INA).

Who is a refugee? A refugee is a . . .

- ◆ person outside his or her country (or for someone stateless, outside his or her country of residence).
- ◆ person unable or unwilling to return or avail himself or herself of his or her country's protection.
- ◆ person who can demonstrate persecution or a well-founded fear of persecution.

On very rare occasions, individuals may present a Form I-94 specifically annotated “Paroled as a refugee” under Section 212(d)(5) of the INA. All refugees are eligible for refugee program benefits regardless of nationality.

Grounds of Persecution

- ◆ Race
- ◆ Religion
- ◆ Nationality
- ◆ Membership in a particular social group
- ◆ Political opinion
 - Persons forced to have an abortion or subject to a coercive population control program

² In 2014, the President announced a new program allowing minors residing in Honduras, Guatemala, and El Salvador with parents lawfully present in the U.S. to seek refugee status through in-country processing. The initiative is known as the Central American Minors (CAM) program. Minors who do not qualify for refugee status may be paroled into the U.S. Paroled CAMs are NOT eligible for refugee benefits and services.

Explanation of Status/DHS Codes

As noted above, refugees are admitted to the United States under Section 207 of the Immigration and Nationality Act, pursuant to the Refugee Act of 1980. They are interviewed and approved for admission by the USCIS overseas under the refugee admissions program administered by the U.S. Department of State. Their travel is arranged under a loan program by the International Organization for Migration. Each refugee receives extensive and multi-level security screening by relevant U.S. agencies before arrival. Each person also undergoes a medical examination prior to travel and must be sponsored for admission by a voluntary agency in the United States under an agreement with the Department of State. This agency provides resettlement services to the refugee upon his or her arrival.

All refugees admitted to the United States are eligible for refugee program services. All refugees are also authorized to work and are **not** required to show a DHS Employment Authorization Document (EAD). Refugee documentation consists of a Form I-94 record. In 2015, U.S. Customs and Border Protection (CBP) automated the issuance of I-94 records for refugees and refugees no longer routinely receive the traditional I-94 arrival/departure card. Refugees and service providers should print the I-94 record from the CBP website: www.cbp.gov/I94. The I-94 shows that the individual or family member has been admitted under INA Section 207 (Class of Admission RE1, RE2, RE3). Most refugees admitted since November 2002 receive Form I-766, an Employment Authorization Document (EAD), soon after arrival as an identification document. A refugee's Form I-766 shows a category of A03.

 Note: Refugees who travel outside the United States may have a Refugee Travel Document (I-571), which is evidence of status but does not give the date of entry into the United States for determining eligibility for services. They may also receive a replacement I-94 when they return to the United States, so providers should verify that the I-94 shows the refugee's initial date of entry into the United States.

For a brief explanation of the DHS codes and annotations detailed below, refer to the chart on page 1-3.

The Form I-94 may show a code of RE1 for the principal refugee, RE2 for the spouse of a refugee, or RE3 for an unmarried minor child of a refugee. The code RE4 is used for collateral relatives of a principal refugee, such as siblings, nephews, nieces, or cousins. RE5 is a refugee code assigned to certain Haitians granted refugee status in a special program in June and July 1994.

Refugees must adjust their status to permanent resident one year after arrival in the United States. Permanent residents who were admitted to the United States as refugees continue to be eligible for refugee services after adjustment. The Form I-551 (Permanent Resident Card) shows a category corresponding to their entry code: RE6 for persons admitted as RE1, RE7 for persons admitted as RE2, RE8 for persons admitted as RE3, and RE9 for persons admitted as RE4. The date of residence on the person's Form I-551 should be considered his or her date of entry into the United States as a refugee.

VISAS 93

A refugee's spouse and/or unmarried minor children outside the United States may apply to join the refugee in the United States. These relatives will arrive in the United States

with documentation as a VISAS 93 (V-93), including an automated Form I-94 with RE2 or RE3 Class of Admission. Paper arrival/departure cards and passports are stamped by DHS with the inscription that the individual is being admitted under Section 207 of the INA. These family members are eligible for refugee program benefits from the date of their entry into the United States. Their date of eligibility is based on the date of their arrival, not on the date their refugee relative arrived in the United States.

Immigration Status Codes for Refugees

CODE	STATUS	NATIONALITY	DOCUMENT
A03	(a)(3) I have been admitted to the United States as a refugee.	All	I-766*
A04	(a)(4) I have been paroled into the United States as a refugee.		Not in current use
INA 207	I have been admitted to the United States as a refugee.		I-94
RE1	Principal refugee		
RE2	Spouse of RE1		
RE3	Child of RE1		
RE4	Siblings, nephews, nieces, cousins of RE1		
RE5	Haitian refugee granted status in program on ships June–July 1994		Haitian
RE6	RE1 adjusted to LPR	All	I-551
RE7	RE2 adjusted to LPR		
RE8	RE3 adjusted to LPR		
RE9	RE4 adjusted to LPR		
V-93 (VISAS 93)	Spouse or child “following to join” refugee in the United States		

*These documents show status, but not all documents provide the date of entry needed to complete the determination of eligibility.

