

# Seeking Asylum - General Info [L] (WIKI)

# Asylum in the United States

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The **United States** recognizes the **right of asylum** for **refugees** as specified by international and federal law. A specified number of legally defined **refugees** who are granted ***refugee status*** outside the United States are annually admitted under 8 U.S.C. § 1157 for **firm resettlement**.<sup>[1][2]</sup> Other people enter the United States as **aliens** either lawfully or unlawfully and apply for asylum under section 1158.<sup>[3][4]</sup>

Asylum in the United States has three basic requirements. First, asylum applicants must not be **convicted of a particularly serious crime** or an **aggravated felony**.<sup>[5]</sup> Second, they must show a well-founded fear of **persecution** in their country of nationality and **permanent residency**.<sup>[6][7]</sup> Third, asylum applicants must prove that they would be persecuted on account of at least one of five protected grounds: race, religion, nationality, political opinion, or particular social group.<sup>[3][8][9]</sup>

Majority of asylum claims in the United States fail or are rejected. One third of asylum seekers go to courts unrepresented although those with legal representation have higher chances of winning.<sup>[10]</sup> In 2015, the world saw the greatest displacement of people since World War II, with 65.3 million people having to flee their homes.<sup>[11]</sup> The Bureau of Population, Refugees, and Migration (PRM), among other things, collects large amount of funds and then distribute it to refugee admission programs involved in relocating refugees into communities across the country.<sup>[12]</sup>

More than three million refugees from various countries around the world have been admitted to the United States since 1980.<sup>[13][2]</sup> From 2005 to 2007, approximately 40,000 refugees were accepted per year, comprising about one-tenth of total **immigration**. In terms of **per capita** refugee admissions, it ranked 28 of 43 industrialized countries reviewed by UNHCR from 2010 to 2014.<sup>[14]</sup> Comprising about 25% of the OECD's population, the U.S. accounted for about 10% of all refugee acceptances in the OECD from 1998 to 2007.<sup>[15][16]</sup>

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## History

### Character of refugee inflows and resettlement

*Further information: Third country resettlement*

During the **Cold War**, and up until the mid-1990s, the majority of refugees **resettled** in the U.S. were people from the former-Soviet Union and Southeast Asia.<sup>[17]</sup> The most conspicuous of the latter were the refugees from Vietnam following the Vietnam War, sometimes known as "boat people". Following the end of the Cold War, the largest resettled European group were refugees from the Balkans, primarily Serbs, from Kosovo, Bosnia and Croatia.<sup>[17]</sup> In the 1990s and 2000s, the proportion of **Africans** rose in the annual resettled population, as many people fled **various ongoing conflicts**.<sup>[17]</sup>

Large metropolitan areas have been the destination of most resettlements, with 72% of all resettlements between 1983 and 2004 going to 30 locations.<sup>[18]</sup> The historical gateways for resettled refugees have been **California** (specifically **Los Angeles**, **Orange County**, **San Jose**, and **Sacramento**), the Mid-Atlantic region (**New York** in particular), the Midwest (specifically **Chicago**, **St. Louis**, **Minneapolis–Saint Paul**), and Northeast (**Providence**, **Rhode Island**).<sup>[18]</sup> In the last decades of the twentieth century, **Northern Virginia**; **Seattle**, **Washington**; **Portland, Oregon**; and **Atlanta, Georgia** provided new gateways for resettled refugees. Particular cities are also identified with some national groups: metropolitan **Los Angeles** received almost half of the resettled refugees from **Iran**, 20% of **Iraqi** refugees went to **Detroit**, and nearly one-third of refugees from the former Soviet Union were resettled in and around **New York City**.<sup>[18]</sup>

Between 2004 and 2007, nearly 4,000 Venezuelans claimed political asylum in the United States and almost 50% of them were granted. In comparison, in 1996, 328 Venezuelans claimed asylum and 20% of them were granted.<sup>[19]</sup> According to *USA Today*, the number of asylums being granted to Venezuelan claimants has risen from 393 in 2009 to 969 in 2012.<sup>[20]</sup> Other sources confirmed that between 2000 and 2010 the United States granted asylum to 4,500 immigrants from Venezuela.<sup>[21]</sup>

### Sanctuary Movement

*See also: Sanctuary movement*

As a pushback to hostile migration policies, many religious groups came together in the 1980s to provide safety for Central American migrants seeking refuge from civil wars in **El Salvador** and **Guatemala**. The movement, tied to the **right of asylum** that has been built into Western law since Ancient Greece and was built into the Christian faith. While this started as a religious movement meant mainly to protect refugees in need, it became quickly politicized, with many sanctuary movement leaders facing trial for going against the law.<sup>[22]</sup> Sanctuaries have since played an important role in providing legal access and preventing deportation for asylum seekers, especially under the Trump administration.<sup>[23]</sup>

## Relevant law and procedures



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*Main article: Refugee Act*

"Under the [INA], the Attorney General may grant asylum to individuals who meet several statutory requirements, including that they have suffered or fear (1) 'persecution,' (2) 'on account of,' (3) their 'race, religion, nationality, membership in a particular social group, or political opinion.'"<sup>[8][3]</sup> The United States framework on migration is securitization, focusing on the safety of citizens.<sup>[24]</sup> This results in strict U.S. policies and laws surrounding immigration and asylum.

The United States is obliged to recognize valid claims for asylum under the 1951 **Convention Relating to the Status of Refugees** and its 1967 Protocol. As defined by these agreements, a refugee is a person who is outside their country of nationality (or place of **habitual residence** if **stateless**) who, owing to a fear of **persecution** on account of a protected ground, is unable or unwilling to avail himself of the protection of the state. Protected grounds include race, nationality, religion, political opinion and membership of a **particular social group**. The signatories to these agreements are further obliged not to return or "refoul" refugees to countries or places where they would face persecution.

This commitment was codified and expanded by the United States Congress with the passing of the **Refugee Act of 1980**. Besides reiterating the definitions of the 1951 Convention and its Protocol, the Refugee Act provided for the establishment of an **Office of Refugee Resettlement** (ORR) within the U.S. **Department of Health and Human Services** (HHS) to help refugees begin their lives in the U.S. The structure and procedures evolved and by 2004, federal handling of refugee affairs was led by PRM,<sup>[12]</sup> working with the ORR at HHS. Asylum claims are mainly the responsibility of the U.S. **Department of Homeland Security** (DHS).

### Refugee quotas

Each year, the **President of the United States** sends a proposal to the Congress for the maximum number of refugees to be admitted for the upcoming fiscal year, as specified under INA section 207(e).<sup>[1][22]</sup> This number, known as the "refugee ceiling", is the target of annual lobbying by both refugee advocates seeking to raise it and anti-immigration groups seeking to lower it. However, once proposed, the ceiling is normally accepted without substantial Congressional debate and does not require Congressional approval. The **September 11, 2001 attacks** resulted in a substantial disruption to the processing of **resettlement** claims with actual admissions falling to about 26,000 in **fiscal year** 2002. Claims were double-checked for any suspicious activity and procedures were put in place to detect any possible terrorist infiltration.

## United States citizenship and immigration



### Immigration

Immigration to the United States  
Emigration from the United States  
Immigration policy of the United States  
Effects of immigration to the United States  
Permanent Residency (Green Card)

### Refugees and asylum

Diversity Immigrant Visa  
Illegal immigrants  
Deportation of Americans from the United States

### Citizenship

Oath of Allegiance  
Birthright citizenship  
U.S. citizens / nationals  
Citizenship test  
Passports  
Relinquishment of nationality  
Honorary citizenship

### Agencies

USCIS  
ICE

### Legislation

United States nationality law

### History

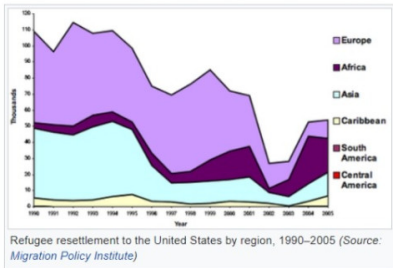
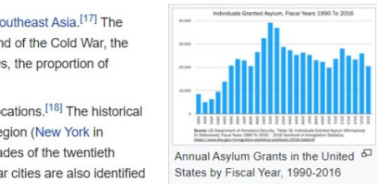
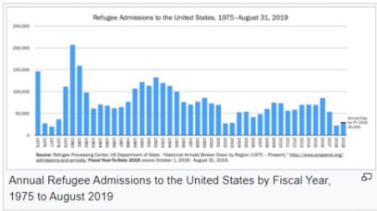
Colonial nationality law  
Naturalization Act of 1790  
Civil Rights Act of 1866  
*United States v. Wong Kim Ark*  
Indian Citizenship Act  
Nationality Act of 1940

### Relevant legislation

Citizenship Clause  
Immigration and Nationality Act of 1952 / 1965  
Immigration Reform and Control Act of 1986  
Immigration Act of 1990  
Child Citizenship Act of 2000

**United States portal**

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