FAQ: Fiscal Year 2021 Report to Congress and Presidential Determination on Refugee Admissions

On September 30, 2020, the Trump Administration sent Congress its Proposed Refugee Admissions FY2021 Report to Congress (Report) with its recommendation to admit 15,000 refugees in FY 2021. After a consultation with Congress, the Trump Administration will issue a final, formal annual refugee admission goal, known as a Presidential Determination (PD). This Q&A explains this PD process further and what we know at this time relating to this year’s refugee admissions.

What are the statutory requirements for setting a Presidential Determination (PD) for refugee admissions?
Federal law requires that before October 1, the first date of the federal fiscal year, the Administration consult with Congress and set the goal for the coming year. In preparation for the consultation, the Administration first sends to Congress its report with recommendations on the topline number and also allocations for which groups of refugees will arrive in the coming year.

At this time, has the Trump Administration completed all the requirements for the Presidential Determination?
No. So far, the Administration has only sent their recommendations to Congress. The Administration must still hold formal consultations with Congress, the Senate and House Judiciary Committee, and must still issue a final PD number and allocations relating to the category of refugees to be admitted.

What happens if the Trump Administration does not finish the PD process?
Refugee arrivals cannot occur without a formal Congressional consultation and setting of the final PD. Until these steps occur no refugees can come to the United States.

Do we know how the allocations or sub-groups that have been identified for the FY 2021 PD?
At this time the allocations are:
• 1,000 for refugees from El Salvador, Guatemala and Honduras
• 4,000 for Iraqi refugees allied with the United States
• 5,000 for refugees fleeing religious persecution
• 5,000 for all other refugees around the world

Is there any explicit protection for Venezuelans or Hong Kong residents?
No. While there is mention of refugees from Venezuela and Hong Kong in the notice to Congress, there is no special designated carve out for these currently persecuted populations.

Can Special Immigrant Visa holders arrive to the United States at this time?
Yes. They and Amerasians can continue to come to the United States.

What is the average refugee admission goal and what has been a typical way to do allocations?
From 1980 through 2016, the average annual goal was 95,000. Previous to the Trump Administration’s change in FY 2020, all prior administrations allocated the number of refugees to come from each global region. They also designated particular groups within nationalities in those regions, e.g., refugees who are of particular humanitarian concern, such as religious minorities. For FY 2020 and it appears for FY 2021 the designations are purported areas of geo-political importance, with the notable absence of designations for Venezuelans and Hong Kong residents.

How do the Administration’s PDs compare to these historic norms?
If the Administration’s final recommendation is 15,000, it will be a fourth, consecutive all-time low refugee admission goal, with an average PD of 27,000 over the last four years. The Administration has reduced U.S. refugee arrivals by 86%,
from 85,000 in FY16 to 11,814 in FY20.

**What is the impact of the Administration’s policy and operational changes on refugees?**
Refugee resettlement is a protection tool developed for refugees who cannot safely return back home nor remain in the initial country where they sought refuge. Globally only 5% of the refugee population needs resettlement, which amounts to an estimated 1.445 million, of the global 26.9 million refugees. The United States’ reduction in resettlement under President Trump has led to 50% reduction in global resettlement (from 162,000 in FY16 to 82,000 in FY19).

**The U.S. is accepting less refugees in the last few years and the Administration says that the reduction is related to the large number of asylum seekers coming to the U.S. Have we always grouped these two populations, refugees and asylum-seekers, together?**
No. Traditionally asylum seekers and refugees are treated separately with different processing and legal requirements. The resettlement and asylum systems are distinct. They utilize different administrative offices for adjudication and are processed differently. Last year’s Presidential Determination was the first time the two distinct protection systems for refugees and asylum-seekers, have been conflated and put into competition with each other.

**Does the US have the capacity to resettle more refugees than what we are resettling even though there are many asylum-seekers coming?**
Yes. The US has the capacity to resettle more refugees than it is doing. Indeed, Barbara Strack, former Chief of the U.S. Refugee Affairs Division, testified that last year there were 40,000 refugees already conditionally approved to come to the United States, as the Administration was setting the FY 2020 PD at 18,000. Likewise, this year there are an estimated 40,000 refugees conditionally approved as the Administration recommends a 15,000 PD. For FY 2020, Ms. Strack noted that if the PD were set at historic norms, not only the topline number would improve. For example, 15,000 refugees fleeing religious persecution would get U.S. protection, three times the reportedly 5,000 allocated for FY 2021.

**Why does the Catholic Church support refugee resettlement?**
Recognizing the dignity of each person and their right to life and well-being are core tenents of Catholic teaching. The Catholic Church works to assist those at the margins and to welcome, protect, promote and integrate all newcomers.