Explainer: The Refugee Resettlement Backlog and How to Rebuild the Pipeline

Introduction

On September 20, President Biden submitted a report to Congress documenting his intention to raise the annual refugee resettlement ceiling to 125,000 refugees for fiscal year (FY) 2022. As a candidate, Biden had pledged to raise the resettlement ceiling to 125,000 and to reverse a trend of historic resettlement lows set by the Trump administration, and in October, the administration publicly followed through on that promise. It is the highest resettlement ceiling since 1993.

But the administration's progress in actually resettling refugees has fallen far short of these goals. After waffling initially, Biden revised the FY 2021 ceiling up to 62,500. But when the fiscal year ended in September, the U.S. had resettled just 11,411 refugees, the annual tally in the history of the modern refugee program, below even the multiple record-low resettlement years under President Trump. Typically, resettlement rates track closely with presidentially determined ceilings (since 1980, the U.S. has resettled an average of 83.4% of the cap). But this year, we resettled just 18% of the revised FY 2021 refugee admissions ceiling. Without action, 2022 could be even worse. In October, just 401 refugees were resettled in the U.S., putting us on pace for an embarrassing 4,812 for the year (less than 4% of the promised ceiling).

There are several reasons for these low resettlement totals, including the continued impact of the COVID-19 pandemic, the need to assist Afghan evacuees, and the lackadaisical nature of the Biden administration's efforts to rebuild after resources and infrastructure were slashed during the Trump era.

This resource will explain why refugee resettlement has continued to crater despite President Biden dramatically increasing the admissions ceiling. It will describe the U.S. Refugee Admissions Program (USRAP) and the backlogs at various stages of the pipeline. It will also discuss possible solutions to quickly rebuild the pipeline.

What are the steps of the refugee admissions process?

The USRAP governs the procedure by which refugees around the world are selected, screened, and ultimately admitted and resettled into the U.S. It is a process that has grown increasingly complicated in recent years, encompassing numerous government agencies, at least five separate information technology systems, and a trove of inscrutable acronyms (FTTTF, RAD, NVGB, to name a few). While it can look more like a maze when depicted visually, at its core the refugee admissions process under USRAP contains five distinct steps:

1. **Entering the pipeline (referral)**

There are three pathways by which a prospective refugee can be deemed initially eligible for resettlement and referred to USRAP. The first (**P-1**) occurs when the United Nations High Commissioner on Refugees (UNHCR) or a designated NGO determines that an individual meets

the definition of a refugee and is in need of resettlement ("need" in this context refers to refugees who are particularly vulnerable or are in immediate danger). The second pathway (**P-2)** provides special access to USRAP for designated vulnerable groups, such as Afghans who worked for U.S. entities or Rohingya refugees in Thailand. The third pathway (**P-3)** is for "follow to join" refugees, or refugees who have an immediate family member who has already been resettled in the U.S.

In the September 2021 memo to Congress, the Biden administration announced a nascent fourth "private sponsorship" pathway (**P-4).** The exact nature of this pathway has yet to be determined, although in October, a pilot was launched to allow groups of five or more private individuals to assist with providing housing, basic necessities, and employment training to Afghans who have been evacuated to the U.S. This pilot may serve as a precursor to a more formal P-4 pathway.

2. **Pre-screening interview at Resettlement Support Center**

When a case is referred to USRAP, it goes first to one of nine Resettlement Support Centers (RSCs) around the world. RSCs are funded by the Department of State, which contracts with various nongovernmental organizations like the International Rescue Committee (IRC) and the International Organization for Migration (IOM) to help operate the centers. The RSC conducts an initial interview with the applicant, collecting biographic and biometric information and sharing it with the U.S. Department of Homeland Security (DHS) to initiate security checks.

3. **U.S. Citizenship and Immigration Services (USCIS) interview**

Following the RSC pre-screening interview, USCIS refugee officers go on "circuit rides" to conduct in-person interviews with applicants in their host countries. These interviews are designed to collect additional information, verify applicants' eligibility for refugee status, follow up on any inconsistencies in the file, confirm that the applicant has not safely resettled in the host country, and for other purposes. The USCIS interview constitutes an official refugee status determination and results in either an approval to move on with the process or a denial.

4. **Pre-departure security and health screenings**

Applicants are subjected to a multitude of security and medical checks to ensure they pose no national security risk to the U.S. upon arrival. Some of these checks are triggered by the completion of various prior stages of the admissions process, and some are ongoing throughout the entirety of the process. Additional screening mechanisms are reserved for refugees fleeing certain countries or for those who have raised flags at any point in the process. The security screenings check against a series of biographic and biometric lists kept by the U.S. Department of Defense, DHS, the FBI, and international law enforcement organizations like Interpol.

Medical checks tend to occur near the end of the process, as they are only valid for six months and refugees must travel to the U.S. before they expire.

5. **Resettlement in the U.S.**

After completing all necessary security checks and medical screenings, refugees are connected to a sponsoring resettlement agency in the U.S. with capacity to welcome them. They must attend a cultural orientation (run by IOM and sometimes held in a third country), and take out a loan — also through IOM — to pay for their flights to the U.S. Upon arrival, Customs and Border

Protection (CBP) completes one final security check at the airport and possesses final discretion on whether to admit the refugee into the U.S. The government provides resettlement agencies a one-time payment of $2,175 per refugee resettled to cover housing and other basic needs for the first three months in the U.S.

There are no concrete estimates concerning how long — on average — it takes to go through this process. Prior to the Trump administration, the average processing time was regularly listed at 18 to 24 months. Since 2017, however, the implementation of additional vetting and security protocols, the Trump administration slashing resources to various parts of the system, and the sweeping impact of the COVID-19 pandemic have all almost certainly increased wait times. UNHCR currently estimates the process from referral to resettlement for P-1 refugees to take between two and 10 years.

What is slowing down the U.S. refugee admissions process?

The government generally does not release detailed information about how long various stages in the refugee admissions process take or how many refugees are stuck at each stage of the pipeline. Without these and other variables it is difficult to adequately diagnose the problem or to hold administrations accountable for addressing it. However, there is enough publicly available evidence — including from expert reports, congressional reporting requirements, litigation, and Freedom of Information Act requests — to expose several key factors driving the continued historic drop in admissions.

1. Domestic resettlement infrastructure has been decimated and cannot handle sudden increases in resettlement

Domestic refugee resettlement agencies receive funding based on the number of refugees that are resettled. Years of record-low refugee resettlement during the Trump administration has led to closures of domestic resettlement offices and reductions in personnel. Since 2017, 134 resettlement sites around the country have been forced to close due to a lack of funding, cutting resettlement capacity by 38%. These cuts, as well as the COVID-19 pandemic, have made it extremely difficult for resettlement agencies to expand their capacity and quickly rebuild. The agencies fear rapidly reopening offices, building capacity, and overextending their resources only to see resettlement totals again slashed when the next administration takes power.

In addition, many resettlement offices that have remained open and retained capacity in recent years are currently assisting with Afghan evacuees, who, while they did not arrive with refugee status, have been provided access to resettlement benefits and are in need of assistance.

Taken together, limited domestic capacity is contributing to the overall slowdown in the refugee admissions process. According to a November 15 report, due to these capacity constraints, the administration is planning to temporarily deprioritize refugee resettlement until January 2022.

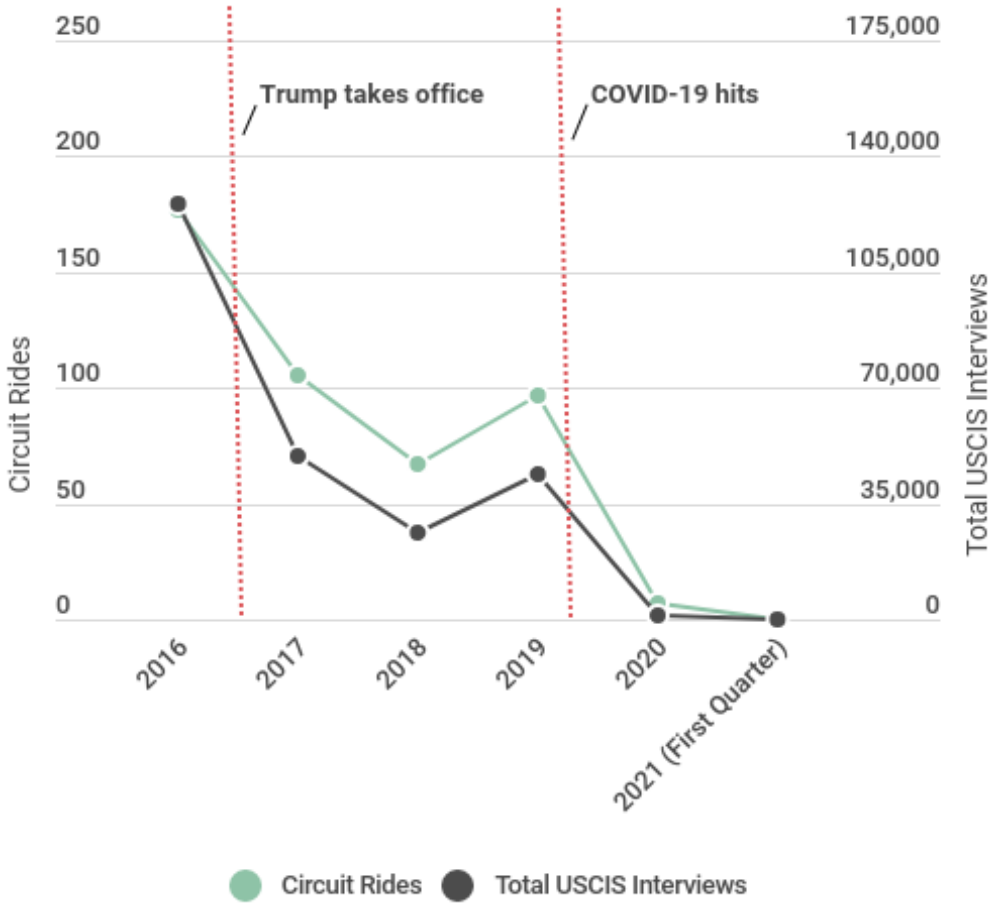
2. Slow pace of USCIS interviews and circuit rides.

Due in large part to the COVID-19 pandemic, USRAP has struggled to conduct USCIS interviews since March 2020. This issue has continued to plague the process to the present (November 2021). According to the September 2021 report, approximately 90,000 prospective refugees have completed the RSC pre-screening stage and are stuck in the pipeline waiting for an in-person USCIS interview.

USCIS reported zero USCIS circuit rides and zero USCIS interviews in the first quarter of FY 2021. The Biden administration has since begun conducting some interviews using new virtual teleconference (V-Tel) software, but it has not yet adequately scaled that capability to account for the lack of circuit rides. The current rate of USCIS interviews (approximately 6,000 per quarter), remains about half of the number conducted in 2019 (approximately 11,000 per quarter).

The pandemic is not the only culprit here. Circuit rides and overall interviews dropped precipitously when President Trump took office in the middle of FY 2017 and were at low levels even before the pandemic hit. In FY 2016, USCIS conducted 177 circuit rides and 125,485 interviews. Two years later in FY 2018, the agency conducted just 67 circuit rides and 67,598 interviews.

Chart: Decline in USCIS Interviews and Circuit Rides



3. Bloated and uncoordinated vetting infrastructure

A rigorous and secure vetting system is a major strength of USRAP. Since the September 11 attacks, the U.S. has built the strongest and most robust refugee vetting process in its history, with additional screening procedures and programs added in 2001, 2002, 2008, 2015, 2016, and 2017 (**See Table).** In 2016, former DHS Secretary Michael Chertoff said, "if you were trying to place a terrorist operative in the [United States], probably the least efficient way would be the refugee resettlement system."

While these patchwork reforms and additions have contributed to a refugee vetting system that is more secure than ever, the system remains under-resourced and inefficient. The system incorporates an increasing number of agencies as well as the intelligence community, and it involves layers of new screening procedures that trigger at different times for different refugees. For most of this time, there has been no central entity to assess the effectiveness or necessity of each new process, set target timelines, or ensure cases are properly transferred between agencies. The result is years of unnecessary delays, mass denials without proper explanation, and a sluggishness that itself could pose a national security threat, contributing to the radicalization of some who are stuck in the backlog.

In 2018, President Trump created a coordinating body called the National Vetting Center (NVC) and established a National Vetting Governance Board (NVGB), which was designed to "serve as the senior interagency forum to provide guidance to the national vetting enterprise." The NVGB has the potential to serve a critical oversight role over the refugee vetting process, but since its creation there has been no further public information about the Board or any actions it has taken to improve the process.

Between FY 2016 and FY 2021, over 200,000 refugees have been approved by USCIS to be resettled. However, far fewer have actually *been* resettled during that span — meaning that tens of thousands of approved refugees have been stuck for years in lengthy vetting and screening procedures.

Table: New Refugee Vetting Procedures Since 2001

Year	Vetting Process	Agencies Involved	Summary
2001	Security Advisory Opinion (SAO)	DOS, DHS, FBI, CIA, DEA, Others	Additional security screening for those from certain countries or for those with derogatory or incomplete information discovered at various stages of the process
2002	FBI Name Check Program	FBI	Requires refugees to be checked against numerous additional FBI files and records
2008	Controlled Application Review and Resolution Process (CAARP)	USCIS	New system for identifying and adjudicating applications with "national security concerns," primarily targeting Muslims and those from Muslim-majority countries
2015	Social Media Vetting	USCIS	New Social Media Division established at USCIS responsible for screening applicants social media accounts for derogatory information and to inform questions asked in interviews
2016	Bulk Data Collection	FBI	Expanded SAO checks involving an automated process that attempts to match applicants' information to billions of previously collected data points
2017	Extreme Vetting (Rescinded in 2021)	DOS, DHS, FBI, CIA, DEA, Others	Implemented additional "extreme" vetting for SAO and Muslim-majority countries, ramping up data collection, social media screening, and requiring re-screening for those already in the process. Rescinded by President Biden in a February 4 Executive Order.

4. Specific divisions of USRAP critical to refugee processing are understaffed and under-resourced

Under-resourced and understaffed divisions within USRAP have created bottlenecks in system, as well. For example, the International and Refugee Affairs Division (IRAD) within USCIS, which is responsible for conducting circuit rides and adjudicating refugee cases, has seen staffing plummet. In 2017, USCIS reported 352 authorized Refugee Corps staff (including refugee officers and mission support). By 2019, that number had fallen to 253. Partway through 2021, USCIS reported that IRAD employed just 189 refugee officers, a number that has continued to decline despite stated attempts to ramp up the program.

Another key division in need of additional staffing and support is the FBI's Foreign Terrorist Tracking Task Force (FTTTF). The FBI is consistently listed as the agency most responsible for bottlenecks in the refugee vetting process, and part of this is due to lack of resources and personnel at FTTTF to devote to the issue. The FBI has repeatedly requested from Congress significant additional funding and personnel for FTTTF.

5. Fewer refugees have access to the pipeline

Beyond the many issues within USRAP, refugees face significant challenges even gaining access to the program. The P-1 category requires referral by the U.N. or a qualified NGO, but due to resource constraints, the U.N. is referring fewer and fewer refugees each year and only a handful of NGOs currently qualify to conduct referrals themselves. The "Direct Access" P-2 category offers easier access, but P-2 programs are few and far between and those that do exist often have restrictive eligibility requirements (for example, the recent P-2 designation for Afghans is limited to those who worked directly for a U.S. military contractor, media organization, or nonprofit and requires individuals to escape to third countries before being processed).

6. Unplanned pauses and bans leave refugees who are far along in the process (or accepted) with expired certifications

Even small delays in refugee resettlement can have cascading impacts on the system. When small delays impact refugees who are far along in the process, it can force them to repeat various parts of the process if their interviews, security checks, or medical screenings expire. For example, even those who have been approved by USRAP may find themselves forced to repeat multiple vetting and security clearance steps if a medical screening expires prior to entering the U.S.

Over the last several years, there have been numerous, unprecedented pauses in the refugee resettlement program and each of these pauses have led to bottlenecks in the pipeline. President Trump's failure to sign an official Presidential Declaration on the refugee ceiling resulted in an extended pause in resettlement in October 2020. Before that, the onset of COVID-19 brought resettlement to a standstill between March 18 and July 29, 2020. Trump previously paused the resettlement program for months in 2017, and numerous travel bans issued during his presidency led to years of delays for those from certain countries.

The Biden administration has also contributed to pauses in resettlement that have led to significant delays. In the spring of 2021, hundreds of refugee flights were cancelled as Biden initially refused raise the resettlement ceiling. In October 2021, the White House again delayed in raising the ceiling for the new fiscal year, resulting in further slowdowns.

7. **Lack of political will at all stages of the process**

When pressed into action, the U.S. has proven it can lead the world in welcoming and resettling the most vulnerable among us. (In 1980, the first year of the modern refugee program, the U.S. successfully resettled over 207,000 refugees).

The system has also demonstrated a resilience to serious challenges. After the 9/11 attacks, USRAP was paused for several months and the program appeared to be on the brink of a sustained decline in resettlement totals. But President Bush prioritized rebuilding the program, including by establishing a "hybrid" funding mechanism for resettlement agencies that allowed them to maintain funding levels even as resettlement dipped.

Today, the system again faces serious challenges due to Trump-era restrictions and the COVID-19 pandemic, but the same political will does not seem to be present. The Biden administration first waffled over increasing the admissions ceiling, and it has not taken proactive steps to swiftly rebuild the program (such as those listed below). Experts estimated that even with the many challenges faced by the program, the U.S. should have been able to resettle 50,000 refugees by the end of FY 2021. Instead, the administration resettled just 11,411.

What more can the U.S. do?

There are multiple steps the U.S. can take to expedite the refugee admissions program and ensure that 125,000 is an achievable goal for annual refugee resettlement. The administration is in in the early stages of acting on some of these solutions, but all of them must remain urgent priorities if the U.S. is to rebuild a robust refugee resettlement system.

1. Proactively rebuild domestic resettlement infrastructure. Create funding mechanisms that provide resettlement agencies the long-term stability and confidence to rebuild capacity and reopen offices around the country.

2. Rebuild capacity at USCIS to conduct circuit rides. Ramp up both in-person and virtual circuit rides to over 200 a year.

3. Empower a central entity to better coordinate efforts and trim unnecessary steps in the refugee vetting process. The National Vetting Governance Board (NVGB) has the potential to play a critical oversight role in refugee vetting procedures.

4. Create new ways to enter the U.S. refugee admissions process and regrow the pipeline. Create additional NGO referral pathways and establish additional, more expansive P-2 direct access programs.

5. Surge resources and staffing to underfunded divisions. In the summer of 2021, the administration surged staffing to the division involved in processing Special Immigrant Visas (SIVs), and SIV grants shot up from under 300 a month to over 3,000. The administration should do the same for poorly-staffed divisions involved in refugee processing.

6. Improve transparency and report out metrics related to progress in rebuilding the resettlement system. Provide monthly updates on how many refugees are in various stages of the pipeline and describe steps taken by the NVGB.