

UNCLASSIFIED (U)

9 FAM 203.4

REFERRALS FOR REFUGEE STATUS

(CT:VISA-1995; 05-29-2024)
(Office of Origin: CA/VO)

9 FAM 203.4-1 REQUESTS FOR REFUGEE OR ASYLUM, REFERRALS OVERVIEW

(CT:VISA-1995; 05-29-2024)

- a. Priority 1 (P-1) refugee cases include all cases individually identified and referred to the U.S. Refugee Admissions Program (*USRAP*) by the United Nations High Commissioner for Refugees (UNHCR), a U.S. embassy (see [9 FAM 203.4-2](#)), or a non-governmental organization (see paragraph d below).
- b. In most instances, persons potentially in need of protection are served by UNHCR, which has an international mandate for refugee protection, and which may refer the individuals for third country resettlement.
- c. **Requests at U.S. Missions:** Individuals seeking temporary refuge or asylum in the United States sometimes approach diplomatic missions directly.
 - (1) If someone approaches U.S. Government agency representatives seeking such assistance, missions should see the guidance in:
 - (a) [2 FAM 227](#), Requests for Asylum by Foreign Nationals;
 - (b) [2 FAM 227.2](#) paragraph b, Handling Asylum Requests by Persons Within Foreign Jurisdictions; and
 - (c) Refer to the most recent walk-in guidance cable for Diplomatic and Consular Establishments.
 - (2) In general, refugees seeking third-country resettlement should be referred to the host government or the nearest representative of the United Nations High Commissioner for Refugees (UNHCR) for information or assistance. The international community has given UNHCR the responsibility to protect refugees worldwide.
- d. **NGO Referrals:** Individuals may be referred for U.S. resettlement by non-governmental organization (NGO) employees engaged in refugee assistance or protection activities. Certain NGOs trained by PRM and USCIS may submit cases to the regional refugee coordinator working in the area for consideration. If an NGO approaches a post, refer them to the nearest regional refugee coordinator.

9 FAM 203.4-2 U.S. EMBASSY REFERRALS TO THE U.S. REFUGEE PROGRAM

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- a. **Embassy Referrals:** This section explains how an embassy may identify and refer persons for consideration for refugee status under Priority 1.
- b. **Who is Eligible for an Embassy Referral?**
- (1) A U.S. embassy may refer any individual who appears to meet the definition of a refugee to USRAP for consideration under Priority 1.
 - (2) Embassies may refer someone to ensure protection or provide a durable solution in compelling circumstances. Because of resource constraints and other foreign policy concerns, posts usually refer individuals only because of a significant humanitarian concern, a particular U.S. Government interest, or an especially close link to the United States.
 - (3) An example of Embassy referrals under Priority 1 would be someone personally known to the embassy (or to the embassy in another country) such as a prominent member of a political opposition or religious minority. An embassy in another country may contact you about a judge, a well-known journalist, or lesbian, gay, bisexual, transgender, or intersex (LGBTI) individual or advocate, for example, who has fled to avoid arrest or has been threatened while outside the country.
 - (4) Of particular importance is the need to avoid promises about approval of the case by the U.S. Citizenship and Immigration Services (USCIS) or admissibility to the United States. Processing time should also be considered in deciding to refer someone, since a DHS officer must interview each refugee applicant personally and other processing requirements (medical, security, etc.) take time.
 - (5) Contact the Office of Admissions in the Bureau of Population, Refugees, and Migration (PRM/A) for help in evaluating cases or for guidance on the most effective way to help a person in need of protection.
- c. **Submitting Embassy Referrals:**
- (1) **Authority to Make Embassy Referrals:** The refugee coordinator will usually be responsible for referring individuals to *USRAP*. However, most posts do not have a refugee coordinator. Such posts should submit referrals by cable to the appropriate regional refugee coordinator and the Department slugged for PRM/A. Posts are encouraged to consult with regional refugee coordinators and/or PRM/A in developing referrals.
 - (2) **How to Submit Embassy Referrals:**
 - (a) The embassy should submit the referral by cable to PRM/A *which* will coordinate processing of the case with the appropriate RSC. Send the cable by IMMEDIATE precedence captioned "FOR PRM/A." No standard application form exists for an embassy referral. PRM/A

recommends that the referral include at least the following information:

- (i) Biographic details, including full name and aliases, gender, date and place of birth, nationality, and current address. Give the same information for accompanying family members, as well as their relationship to the principal applicant;
- (ii) Reason for referral, including perceived U.S. interest and how the Embassy knows of the individual and *their* circumstances;
- (iii) General outline of any harm which may be viewed as persecution or fear of harm and the reasons for such fear;
- (iv) Assessment of the risk to the individual and of the need for urgency; and
- (v) Name and contact information for embassy officer following up on the referral, including email address.

- (3) **When You Need Prior Department Concurrence:** You must have prior concurrence from the Department and USCIS to refer persons of certain nationalities or to refer persons located in their country of nationality or habitual residence. Contact the PRM/A before referring persons in the latter category or persons of the following nationalities for consideration by the USRAP:
- (a) North Koreans; and
 - (b) Palestinians.

- d. **Processing Embassy Referrals:** If no RSC is present, PRM/A will designate the regional RSC to interview the applicant and family members, prepare the case for interview by USCIS, and handle other processing requirements.
- e. **Urgent or Emergency Cases:** Notify PRM/A immediately if a crisis arises which threatens the life, safety or health of someone being processed for U.S. refugee admission. In exceptional situations, PRM/A will coordinate with USCIS about methods to address such a case. Given the number of clearances required from U.S. Government agencies before admitting an individual as a refugee, *USRAP* is often not the optimal option for an individual in urgent need of protection.

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