

## 4. REFUGEES

*This section presents information on persons who are admitted to the United States because of persecution abroad, including the number and characteristics of persons applying, approved, arriving, and adjusting to lawful permanent resident status.*

**A** *refugee is an alien outside the United States who is unable or unwilling to return to his or her country of nationality because of persecution or a well-founded fear of persecution.* (See Glossary.) This definition of refugee is set forth in 101(a)(42) of the Immigration and Nationality Act (INA), as amended by the Refugee Act of 1980, and conforms to the international definition of refugee found in the 1951 Convention relating to the Status of Refugees. In addition, the INA allows the President to designate certain nationalities who may be processed for refugee status within their homelands.

### The September 11 terrorist attacks

The terrorist attacks of September 11, 2001 significantly affected the number of refugee approvals (-72 percent) and admissions (-61) in fiscal year 2002. Approvals were impacted by the introduction of tighter security procedures for the applicants as well as by heightened safety concerns that delayed the arrival of adjudicators. Admissions declined because safety concerns prevented refugee processing at some overseas locations and newly imposed security requirements postponed the travel of already-approved applicants.

### U.S. Refugee Program

The United States has resettled refugees for more than 50 years. The Displaced Persons Act of 1948 brought 400,000 Eastern Europeans to the United States. Between 1953 and 1956, the Refugee Relief Act resulted in more than 200,000 arrivals from what were then “Iron Curtain” countries. These early programs relied on immigrant visa channels to bring refugees to the United States. Beginning with the Soviet invasion of Hungary in 1956, however, U.S. refugee programs began to rely increasingly on the Attorney General’s parole authority, culminating in the parole of several hundred thousand Indochinese following the fall of South Vietnam in 1975. It was not until the enactment of the Refugee Act of 1980 that refugees entered the United States in a statutory status.

Chart C depicts refugee and asylee admissions for the period 1946-2002. Asylum admissions refers to grants of asylum; some individuals may have been in the United States for some time prior to the grant of asylum. The chart shows the very irregular trend of these admissions throughout the period. To aid in interpreting the chart, Table D lists the major legislation and events affecting the flow of refugees and asylees. Prior to 1980, refugee and asylee admissions fluctuated widely. After the enactment of the aforementioned Refugee Act of 1980, refugee and asylee admissions skyrocketed to unprecedented levels before returning to levels generally both higher and more stable than prior to 1980. For more than 20 years, refugee admissions have been subject to admission ceilings.

### Admission ceilings

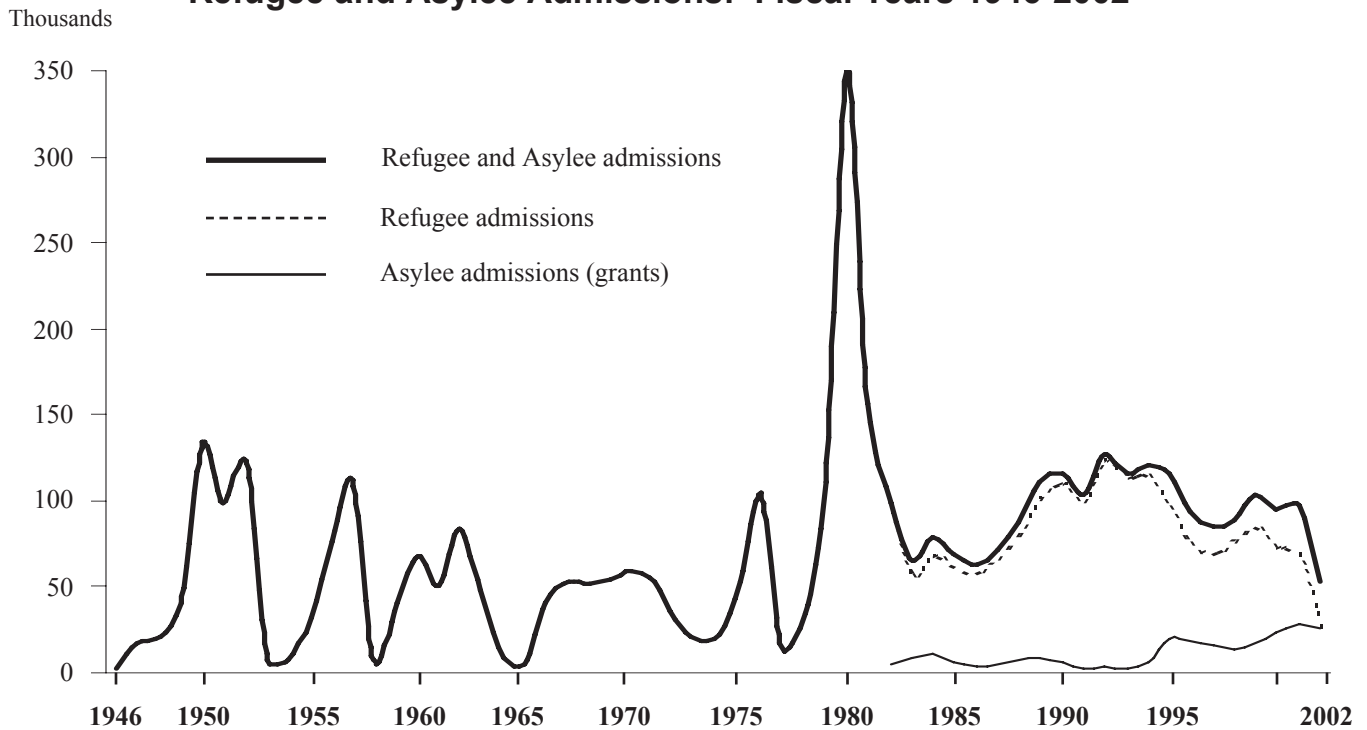
At the beginning of each fiscal year, the President, after consultation with the Congress, sets a worldwide refugee admissions ceiling. During the year, changes in the need for resettlement may require an increase in this overall limit on refugee admissions or a reallocation of the geographic or regional subceilings within the worldwide ceiling. For fiscal year 2002, the admissions subceilings were adjusted as follows:

Geographic region of origin	Initial ceiling	Final ceiling
<b>Total .....</b>	<b>70,000</b>	<b>70,000</b>
Africa .....	22,000	22,000
East Asia .....	4,000	4,000
Europe .....	26,000	26,000
Latin America / Caribbean .....	3,000	3,000
Near East / South Asia .....	15,000	15,000
Unallocated .....	-	-

- Represents zero.

The authorized ceiling was decreased from 80,000 in 2001 to 70,000 in 2002. There was no unallocated and unfunded reserve of admissions numbers placed in the

**Chart C**  
**Refugee and Asylee Admissions: Fiscal Years 1946-2002**



NOTE: In this chart, admissions of asylees means grants of asylum. See Glossary for fiscal year definitions.  
Source: Tables 16, 17, and 20.

**Table D**  
**Major Legislation and Events Affecting the Flow of Refugees and Asylees**

1949-53	Displaced Persons Act	1989	Lautenberg Amendment for the Soviet Union, Cambodia, Laos, Vietnam
1954-57	Refugee Relief Act	1989	Direct access of Poles and Hungarians to U.S. Refugee Program ended
1956-58	Hungarians paroled	1989-96	Comprehensive Plan of Action-South East Asia
1959	Hungarian adjustments began	1990	Direct access of Czechs to U.S. Refugee Program ended
1959-80	Cubans paroled	1991	Asylum Officer Corps established
1966-80	Refugee conditional entrants	1991-92	Haitian migrants processed at Guantanamo naval base
1967	Cuban adjustments began	1991-95	In-country refugees processed in Haiti
1970-80	Refugee-Parolees admitted	1992	Processing of Bosnian refugee applicants began
1975-80	Indochinese refugees paroled	1994	Direct registration for Orderly Departure Program ended
1978-84	Indochinese Refugee Adjustment Act	1994	U.S.-Cuban Migration Agreement (legal immigration expanded)
1979	Orderly Departure Program initiated	1994-96	Cuban/Haitian safehaven at Guantanamo naval base
1980	Refugee-Parolee adjustments	1995	U.S.-Cuban Migration Agreement (irregular migrants returned)
1980	Refugee Act (adjustments and admissions began)	1996	Illegal Immigration Reform and Immigrant Responsibility Act
1980	Marief boatlift	1996	Operation Quick Transit (Iraqi Kurds in Guam)
1984	In-country refugee program opened in Cuba but subsequently suspended	1999	Processing of Kosovar Albanian refugee applicants began
1984-87	Marief adjustments	2001	Processing of Colombian refugee applicants in Ecuador began
1987	In-country refugee program in Cuba resumed	2001	Enhanced security checks introduced (in wake of September 11, 2001 terrorist attacks)
1987	In-country refugee interviews in Vietnam began		
1989	In-country program in Moscow opened for Soviet Refugee Applicants		

**Table E**  
**Refugee-Status Applications Filed and Approved by Top 20 Nationalities**  
**Fiscal Year 2002**

Nationality	Refugee applications filed	Refugee applications approved
<b>All nationalities .....</b>	<b>89,726</b>	<b>18,652</b>
Somalia .....	24,458	536
Ethiopia .....	14,585	249
Liberia .....	13,283	982
Cuba .....	6,419	2,534
Bosnia-Herzegovina .....	5,036	3,874
Ukraine .....	3,959	1,618
Sierra Leone .....	3,878	317
Sudan .....	3,680	1,054
Iran .....	2,727	2,000
Vietnam .....	2,361	774
Afghanistan .....	2,138	1,635
Russia .....	1,748	731
Iraq .....	1,583	592
Eritrea .....	738	155
Belarus .....	548	232
Croatia .....	307	305
Yugoslavia <sup>1</sup> .....	275	219
Armenia .....	265	204
Congo, Democratic Republic .....	246	54
Kazakhstan .....	209	122
Other .....	1,283	465

<sup>1</sup> Data are for unknown republic and exclude independent republics. See Notice of Special Geographic Definitions. Source: Table 15.

2002 ceiling to be used if needed and if funding to support these admissions could be found within existing Departments of State and Health and Human Services appropriations.

The regional subceiling for East Asia includes certain Vietnamese Amerasians, who enter the United States with immigrant visas. Although these aliens are immigrants rather than refugees, they are included in the refugee ceiling since they are eligible for refugee benefits in the United States. Only 347 Amerasians, including their family members, entered the United States in fiscal year 2002. They are included in the immigrant rather than the refugee tables in the *Yearbook*. Admissions under the Amerasian program are declining, since most of the eligible persons have already been identified and entered the United States.

**Criteria for refugee status**

During fiscal year 2002, refugees were interviewed and approved for admission to the United States by officers from 12 overseas offices. To qualify for admission to the United States as a refugee, each applicant must meet all of the following criteria: be a refugee as set forth in section 101(a)(42) of the INA; be of special humanitarian concern to the United States; be admissible under the INA; and not be firmly resettled in any foreign country. Spouses and minor children of qualifying refugees derive status and also enter the United States as refugees, either accompanying or following to join the principal refugee. Occasionally, family members arrive in the United States as nonimmigrants independently of the principal refugee's admission. In such cases, they are processed for derivative refugee status without leaving the country. In 2002, 40 persons entered the United States this way.

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## Data Overview

### Applications (Tables E, 14-15)

The number of applications for refugee status filed with the INS decreased by approximately 13 percent between fiscal year 2001 (103,000) and 2002 (90,000) (Table 14). The leading countries of chargeability of the applicants were Somalia with 27 percent of the applications, Ethiopia (16), Liberia (15), Cuba (7), and Bosnia-Herzegovina (6). (Table E and Table 15). Among the nationalities on Table E with at least 1,000 applications filed, the largest percentage increases in 2002 over 2001 were Ethiopia (206), Liberia (119), and Somalia (72). The largest percentage decreases were in applications filed by nationals of Russia (-69), Bosnia-Herzegovina (-68), and Iran (-68). The corresponding decrease for nationals of the former Soviet Union was 70 percent. Overall, among the major geographic regions of chargeability, applications filed by nationals from Africa increased by 60 percent in contrast to Europe, Asia, and North America which decreased 68, 47, and 14 percent, respectively compared to 2001.

### Approvals (Tables E, 14-16)

The total number of refugees approved for admission to the United States decreased by 72 percent in 2002 from 66,000 in 2001 to almost 19,000 (Table 16). The large decline was due in part to the implementation of enhanced security measures in the U.S. Refugee Program following the terrorist attacks of September 11, 2001. Concerns about the safety of U.S. government officials also delayed the processing of refugees at several overseas locations.

Bosnia-Herzegovina continued to have the most applications approved despite a 74 percent decline from 2001. Nationals from the republics of the former Soviet Union had more than 3,100 applications approved in 2002 (Table 15). Besides Bosnia-Herzegovina, other leading countries were Cuba, Iran, and Afghanistan. These countries plus the republics of the former Soviet Union accounted for 71 percent of all refugee approvals in 2002.

Of the six countries with more than 1,000 approvals, none grew in approvals in 2002. Declines ranged from 8 percent for Cuba to 82 percent for Sudan in 2002.

All Vietnamese refugee processing centers outside Vietnam were closed at the end of 1997. Residents of former refugee camps were asked to return to Vietnam. Their cases are processed through a special program called

the Resettlement Opportunity for Vietnamese Returnees (ROVR) in Vietnam. The number of cases approved by the ROVR program in 2002 was 25.

### Dependents

Refugee statistics include spouses and children who are cleared to join principal refugees already in the United States, and they count against the annual ceiling. Overall, 3 percent of the applications and 6 percent of the approvals were family reunification cases in 2002. Just 5 countries account for 68 percent of the applications and 65 percent of the approvals—Bosnia-Herzegovina, Cuba, Ethiopia, Liberia, and Somalia.

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## ***Nearly 27,000 refugees arrived in the United States during 2002.***

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### Arrivals (Tables 16-17)

Refugee arrivals into the United States decreased from almost 69,000 in fiscal year 2001 to 27,000 in fiscal year 2002 (Tables E, 16, and 17). This sharp decrease to the lowest level since 1978 was in step with the aforementioned decline in approvals. The decline in arrivals occurred primarily because, in the aftermath of the September 11 attacks, security concerns precluded refugee processing at a number of overseas locations and new security requirements delayed the travel of already-approved refugee applicants.

## Understanding the Data

### Data Collection

The Immigration and Naturalization Service collects data on refugees at three points during processing: when they apply for refugee status abroad; when they are admitted to the United States; and when they adjust to lawful permanent resident status. The INS overseas offices collect data on applicants for refugee status. Each office completes INS Form G-319, *Report of Applicants for Refugee Status under Section 207*, which reports refugee casework by the country to which each applicant is chargeable.

Both the Bureau of Population, Refugees, and Migration (Department of State) and the Office of Refugee Resettlement (Department of Health and Human Services) collect data on refugees admitted to the United States. The

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Bureau of Population, Refugees, and Migration collects data through the International Organization for Migration, which is a nongovernmental organization that arranges the transportation of refugees to the United States. The Office of Refugee Resettlement, responsible for the disbursement of funds for refugee benefits, collects detailed data on the characteristics of refugees at the time they are initially admitted to the United States.

The Immigration and Naturalization Service collects data on refugees adjusting to lawful permanent resident status as part of its immigrant data series gathered by the Computer Linked Application Information Management Systems (CLAIMS). The data collected include demographic variables as well as immigration-oriented variables (see Immigrants section). The adjustment stage is the only point in the refugee process where the INS collects detailed information about the characteristics of refugees.

### **Limitations of Data**

After careful consideration of the reporting requirements and limitations of data collected by the INS, it was decided that the *Yearbook* would present refugee arrival statistics from the Bureau of Population, Refugees, and Migration,

Department of State. This source counts the actual number of refugees arriving in the United States in each fiscal year. Comparison of refugee arrival data from editions of the *Yearbook* prior to 1996 with the present edition must be made with caution. From 1987 to 1995 refugee arrival data presented in the *Yearbook* were derived from the INS's Nonimmigrant Information System (NIIS). This system compiles refugee arrival data by country of citizenship on a monthly basis from INS Form I-94, *Arrival/Departure Record* (see Nonimmigrants section). However, since this system records each entry of a person with nonimmigrant status, a refugee traveling abroad and returning to the United States may be counted more than once during a fiscal year. Country data were not available within the Department of State for all of fiscal year 2002 for refugee arrivals because of the transition between data-processing centers.

Unlike fiscal years 2000 and 2001, refugee data on the status of applications for Vietnam are complete in 2002. Data include not only Vietnamese processed by the Resettlement Opportunity for Vietnamese Returnees (ROVR) program but also refugees processed under other Vietnamese in-country programs that dealt with former reeducation camp detainees and adult children of formerly admitted refugees.

Refugee detailed tables are located at the end of the Asylees text section.

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## 5. ASYLEES

*This section presents information on persons who come to the United States to seek asylum from persecution abroad, including the number and characteristics of persons who filed, were granted asylum, and adjusted to lawful permanent resident status.*

**A**n asylee is an alien in the United States who is unable or unwilling to return to his or her country of nationality because of persecution or a well-founded fear of persecution. (See Glossary.) An asylee must meet the same criteria as a refugee; the only difference is the location of the person upon application—the potential asylee is in the United States or applying for admission at a port of entry, and the potential refugee is outside the United States. The Immigration and Nationality Act, as amended by the Refugee Act of 1980, regulates U.S. asylum policy as well as governing refugee procedures. The Act, for the first time, established a statutory basis for granting asylum in the United States consistent with the 1951 Convention Relating to the Status of Refugees.

### **The September 11 terrorists attacks**

The attacks resulted in an immediate decline in applications filed. Additional security checks were implemented in fiscal year 2002. Cases could not be approved until the checks were completed.

### **U.S. Asylum Program**

#### **Filing of claims**

Any alien physically present in the United States or at a port of entry may request asylum in the United States. According to the Refugee Act, current immigration status, whether legal or illegal, is not relevant to an applicant's asylum claim. Aliens may apply for asylum in one of two ways: with an INS asylum officer; or, if apprehended, with an immigration judge as part of a removal hearing. Traditionally, aliens who appeared at ports of entry without proper documents and requested asylum were referred for exclusion hearings; however, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 made major revisions to the procedure, effective on April 1, 1997. Under the new law, such aliens are referred to asylum officers for credible fear interviews. These interviews are not formal asylum hearings. The purpose of

the interviews is to determine whether aliens have credible fear of persecution or torture and are thus eligible to apply for asylum or withholding of removal before an immigration judge. In credible fear interviews, aliens only need to show that there is a significant possibility that they might establish eligibility for asylum. To be granted asylum, aliens must show they have been persecuted in the past or have a well-founded fear of persecution. An alien may request that an immigration judge review a negative determination by the INS on a credible fear claim. The data reported in this section pertain only to asylum cases filed with INS asylum officers. Aliens denied asylum by the INS may renew asylum claims with an immigration judge once they are in removal proceedings.

#### **Adjudication of claims**

On April 2, 1991 the Asylum Officer Corps (AOC) assumed responsibility within the INS for the adjudication of asylum claims that were filed with the INS. Before that date, examiners had heard such claims in INS district offices. During fiscal year 2002, asylum officers worked from eight sites in the United States—Arlington (VA), Chicago, Houston, Los Angeles, Miami, New York City, Newark (NJ), and San Francisco. Asylum officers traveled to other INS offices to interview applicants who did not live near these locations.

In January 1995 the INS published regulations designed to streamline the asylum decision process, discourage the filing of frivolous claims, and in cases of claims that do not appear to meet the standards for granting asylum, integrate the work of asylum officers with the work of the immigration judges in the Executive Office for Immigration Review (EOIR), an independent Justice Department agency.

Under asylum reform, the INS standard is to conduct the asylum interview within 43 days after the claim is filed, and to identify and grant those cases that have merit

(generally in 60 days from the date of filing the application). If the INS asylum officer does not grant the claim, the applicant is referred immediately for removal proceedings before EOIR (unless the alien is still in a legal status). The immigration judge may grant the claim or may issue a denial and an order of removal. Under this system, INS asylum officers issue relatively few denials, but an interview followed by a referral to EOIR represents the asylum officer's judgment that the application is not readily grantable. The INS will issue a denial (and cannot refer the case) when the applicant is still in a legal status. An applicant who fails without good cause to keep a scheduled appointment for an asylum interview is referred immediately to EOIR for removal proceedings, one type of case closure.

Beginning in 1997, the AOC also began conducting credible fear interviews as required by IIRIRA and interviewing applicants for refugee status at INS overseas locations.

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***More than 63,400 applications for asylum in the United States were received during 2002.***

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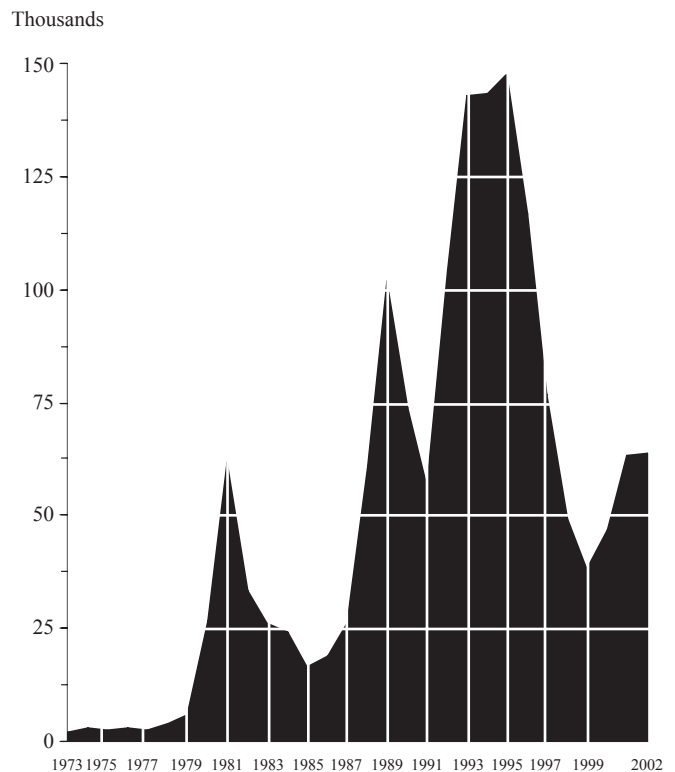
## Data Overview

### Applications filed (Chart D, Tables 18, 20)

The annual number of asylum applications (cases) filed with the INS has fluctuated greatly since the effective date of the Refugee Act of 1980, as shown in Chart D. In fiscal year 2002, 63,400 asylum cases were filed or reopened (received) covering 86,597 principals, spouses, and children. The number of cases increased by 4 percent in 2002 from 63,200 in 2001 (Table 18) while the number of individuals included in these cases grew in 2002 by 1 percent.

In fiscal year 2002, 58,439 new claims (cases) for asylum were filed with the INS. Principals from the People's Republic of China made the most new claims (10,522), followed by Mexico (8,977), Colombia (7,967), and Haiti (3,562) (Table 20). New claims in 2002 grew the most from the People's Republic of China (2,385), Cameroon (780), and Colombia (660). The largest declines in new claims were experienced by nationals of Haiti (-1,474), Somalia (-1,264), and Burma (-863). Principals from the

**Chart D**  
**Asylum Applications Received by the INS**  
**Fiscal Years 1973-2002**



NOTE: See Chart C in the Refugee section for asylum applications granted. See Glossary for fiscal year definitions. Source: Table 18.

former Soviet Union filed 3,641 new claims, 20 percent fewer than in 2001—38 percent were from Armenia and 24 percent from Russia.

A male was the principal in 62 percent (36,235) of the new claims filed in 2002. The median and mean ages of asylees were 34 and 35, respectively. Females had median and mean ages of 34 and 36, respectively, while the corresponding numbers for males were 33 and 35.

More than 6,100 asylum cases were reopened in 2002 (including 1,161 cases that were both new and reopened during the year). The number of reopened cases in fiscal year 2002 was 25 percent more than the number of cases reopened in 2001. Cases that were administratively closed are automatically reopened when aliens apply for renewal of their employment authorization. These reopened cases were applications filed prior to the asylum reforms of 1995, where the cases were administratively closed due to

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a failure to appear for the asylum interview. An interview is automatically rescheduled at the same time the cases are reopened. Some of these reopened cases may qualify under the terms of the American Baptist Churches (ABC) *vs.* Thornburgh settlement, the result of a class action lawsuit permitting many nationals of El Salvador and Guatemala to file or renew their claims for asylum.

With respect to principals, spouses, and children on applications filed (new and reopened) during 2002, the largest increases were from the People's Republic of China (2,471) and Cameroon (803). On the other hand, nationals from Somalia (-1,446), Armenia (-1,412), and Haiti (-1,324) experienced the largest decreases. About 57 percent of all individuals involved in new or reopened claims were male.

### **Trends in asylum applications filed by nationals from Central America**

For over a decade, nationals from Central America dominated the annual number of asylum applications filed in the United States. From 1986 to 1992, Central Americans filed about half of all asylum applications. By 1993 and 1994 that percentage had fallen to about 40 percent of total applications filed. Then, the number of applicants from Central America surged to new heights in the next two years, with well over half of all asylum applicants. Beginning in 1997, the numbers started a sharp decline largely due to the termination of the filing period under the terms of the American Baptist Churches *vs.* Thornburgh settlement. As a result, Central American principals accounted for only about 2 percent of new claims and 1 percent of claims filed and reopened in 2002.

During the 1990s, the trend in asylum claims filed or reopened from Central America has been driven in large part by ABC cases. Under the terms of this 1991 class action lawsuit settlement agreement [*American Baptist Churches vs. Thornburgh*, 760 F. Supp. 796 (N.D. Cal. 1991)], many nationals of El Salvador and Guatemala were allowed to file or renew their claims for asylum. Nationals of Guatemala had a filing deadline of March 31, 1992, which was the peak year for claims from this country (although the INS allowed them to file until January 3, 1995). The 187,000 Salvadorans who had registered for Temporary Protected Status (TPS) in 1991 became eligible to file for asylum at the expiration of their TPS period in 1992. They were later granted additional time under deferred enforced departure periods which extended until

December 1994, and they ultimately had until January 31, 1996 to apply for asylum under the ABC agreement. The number of ABC claims filed by principals from El Salvador surged during fiscal year 1996 before the filing deadline. These claims are heard under the pre-reform regulations as well as other stipulations of the settlement agreement. Applications filed after the ABC filing deadline were processed as reform filings, except those ABC cases that were closed by the EOIR or federal courts and were not previously filed with the INS. Under the settlement, once the INS identifies the latter cases, they are treated as ABC filings instead of reform filings. During fiscal year 2002, 476 cases were identified as either filed or reopened as ABC cases, compared with 573 in 2001.

On November 19, 1997 the Nicaraguan Adjustment and Central American Relief Act (NACARA) was signed into law. Section 203 of the NACARA permits certain Guatemalans, Salvadorans, and nationals of former Soviet bloc countries to apply for suspension of deportation or special rule cancellation of removal under the more generous standards in effect before the 1996 immigration law. Individuals granted relief under NACARA 203 are permitted to remain in the United States as lawful permanent resident aliens. All persons eligible for ABC benefits with asylum applications pending with the INS, also are eligible to apply for the NACARA benefits with the INS Asylum Program. Certain qualifying family members may also apply for NACARA benefits. In fiscal year 2002 there were 17,601 applications filed under NACARA 203 provisions compared to 30,107 in 2001. There were 21,325 cases granted and 66,871 pending applications at the end of the fiscal year compared to about 18,012 and 72,121, respectively, in 2001.

### **Cases completed** (Tables 18, 20, 21)

During fiscal year 2002, the Asylum Officer Corps completed work on 83,034 claims and adjudicated about 63 percent (52,607) of them (Table 18). The remaining 37 percent were administratively closed or referred to an immigration judge with or without an interview prior to the expiration of the filing deadline. The number of cases approved in 2002 was 18,998, representing 36 percent of the cases adjudicated. The corresponding approval rate was 43 percent in 2001. The cases approved represented 25,919 individuals—principals, spouses, and children (Tables 20 and 21). The number of individuals accounted for by the cases approved were in rank order by nationality: the People's Republic of China (5,713 individuals granted),



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Columbia (4,958), India (1,081), and Ethiopia (1,044) (Table 20).

There are special procedures for adjudicating cases based on coercive population control. Section 601 of the IIRIRA stipulates that a person qualifies as a refugee or asylee persecuted for political opinion if forced to undergo, has a well founded fear of being compelled to undergo, or resists a coercive population—control procedure. It sets a combined annual ceiling of 1,000 persons who may be granted refugee or asylee status under this provision. Both the INS and the Executive Office for Immigration Review (EOIR) grant conditional asylee status to qualified applicants each year under this provision—status that is not subject to the 1,000 annual ceiling (as of the end of fiscal year 2002, there were 2,392 conditional grants issued by the INS and EOIR combined). At the beginning of a new fiscal year, the INS Asylum Division issues 1,000 final grants—counted toward the annual ceiling of the previous year—to those who have received a conditional asylee status from either agency in previous fiscal years. The selection criterion for final grants is the date of the conditional grants. Those who received their conditional grants earlier would receive their final grants first. By the beginning of fiscal year 2003, the INS completed the issuance of the 1,000 fiscal year 2002 final grants for asylum status. The People’s Republic of China was the country of origin of all grants.

### **Cases pending**

The number of asylum cases pending adjudication decreased about 6 percent between the beginning (326,000) and the end (307,000) of fiscal year 2002. Of total pending cases, approximately 263,000 will potentially qualify the asylum applicants for lawful permanent resident status under NACARA or the Haitian Refugee Immigration Fairness Act (HRIFA) of 1998. Cases filed by nationals of El Salvador (49 percent of total pending) and Guatemala (30) accounted for about 79 percent of the pending cases as of the end of September 2002. The ABC cases, which can be handled under the NACARA provisions, comprised 98 percent of the Salvadoran and 95 percent of Guatemalan cases filed, and 76 percent of all pending cases as of the end of September 2002. As many as 9,600 Nicaraguan and 1,700 Cuban nationals with pending cases also will be eligible for NACARA benefits. Not more than 13,000 Haitian nationals with pending cases are eligible for benefits under HRIFA.

### **Credible fear interviews**

During fiscal year 2002, 9,763 aliens appeared at ports of entry without proper documents and requested asylum. Most of these aliens were subsequently referred to asylum officers for credible fear interviews. Nationals of the People’s Republic of China submitted the most applications (2,326), followed by Cuba (2,195), Colombia (1,230), and Haiti (759). These four countries accounted for about 67 percent of all applications in 2002. Some applicants change their mind and decide to withdraw their request for a credible fear interview before an interview takes place. The Asylum Officer Corps made 9,084 credible fear determinations in 2002, and found sufficient evidence of credible fear in 99 percent of the cases. These cases were referred to immigration judges for adjudication.

The cohort of aliens who requested asylum based on credible fear in fiscal year 2002 had the following outcomes as of January 2003: asylum for 2 percent; ordered removed for 18 percent; closed by EOIR for 2 percent; pending at EOIR for 72 percent; and pending or closed at the INS for 6 percent. Of those ordered removed, 56 percent had actually been removed.

## **Understanding the Data**

### **Data Collection**

Prior to April 1, 1991, data on asylum applicants reflect cases filed with INS district directors and, subsequently, cases filed with INS asylum officers on Form I-589 (*Request for Asylum in the United States*). A centralized, automated data system (Refugee, Asylum, and Parole System—RAPS) supports the processing of the existing caseload and new asylum applications. The system supports case tracking, schedules and controls interviews, and generates management and statistical reports. The system reports asylum casework by nationality and other characteristics of asylum applicants. Data can be reported by case or by the number of persons covered, since a case may include more than one person. Data on asylum applicants have been collected by the INS for selected nationalities since July 1980, and for all nationalities since June 1983.

As with refugees, the Immigration and Naturalization Service collects data on asylees adjusting to lawful permanent resident status in the Computer Linked Application Information Management Systems (CLAIMS)

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(see Immigrants section). Adjustment to immigrant status was the only point at which detailed characteristics of asylees were collected prior to 1992. The RAPS system provides data on selected characteristics of asylum seekers and asylees at an earlier time.

The number of asylum applications filed is defined here as the sum of new applications received and applications reopened during the year. Tables 20 and 21 show the number of applications that were reopened during the year. Most of these are cases that had been closed earlier without a decision. The tabulations also show the number of cases referred to immigration judges, with and without an interview. A referral due to failure to keep an appointment for an interview without good cause is considered comparable, for statistical purposes, to a closed case. The approval rate is calculated as the number of cases granted/approved divided by the number of cases adjudicated, which is defined as the cases granted/approved, denied, and referred to EOIR following an interview (including referrals under the filing deadline).

The data on credible fear claims are collected in the Asylum Pre-screening System (APSS). These data are not stored in RAPS and are not reflected in the detailed tables for this section.

## Limitations of Data

The statistics shown here for fiscal year 2002 differ slightly from preliminary statistics released by the INS Asylum Division in October 2002. The data presented in this section were tabulated from the RAPS system three months after the close of fiscal year 2002 and incorporate late additions and corrections to the database. Since asylum claimants can reopen a case, some of the decisions categorized in the detailed tables in this edition of the *Yearbook* are possibly a change from a completion category in some previous fiscal year. In addition, technical limitations of the data file used to produce these tables preclude a precise count of the number of pending applications at either the beginning of a fiscal year or the

end of the year. That is because reopened cases in the data file do not indicate the date the cases were previously considered complete.

Data on applicants for asylum collected by the Immigration and Naturalization Service historically have covered only cases filed with the INS. Data have been incomplete on cases filed by aliens after the INS has placed the alien in removal proceedings before an immigration judge in the Executive Office for Immigration Review (EOIR). The two agencies are working to integrate their data systems to provide these data in the future. Asylum was granted by EOIR to 8,638 individuals in fiscal year 2002; therefore, the total number of individuals granted asylum by both agencies was about 34,600 compared to 38,500 in 2001.

Principal applicants whose asylum applications are successful can apply for their spouses and minor children, whether they are in the United States or abroad, and these relatives also receive status as asylees. The RAPS system collects information on the spouses and children of asylum applicants only if they are included on the principal's application. Information regarding relatives whose principals petition for them after receiving asylum is collected by CLAIMS and is not included in any table in this publication. The data collected by the INS at the time asylees adjust to permanent resident status include all aliens who adjust regardless of whether they were granted asylum by the INS, immigration judges, or the Board of Immigration Appeals. Adjustment data also include all spouses and children of persons granted asylum.

In Table 20 several countries show individuals granted asylum without any corresponding cases granted asylum. This situation can occur whenever a dependent in an asylum case was born in a different country than the principal. The dependent is eligible for derivative asylum status in this case. It is also possible that an asylum officer incorrectly categorized the nationality of a dependent, given the complex rules governing citizenship in many countries.