



Lighting the Beacon: A New Method for Setting U.S. Refugee Admissions Levels

Introduction

In June of 2021, the United Nations High Commissioner for Refugees (UNHCR) – the U.N.’s refugee agency – published its [annual global trends report](#). The report revealed there were a staggering **82.4 million** forcibly displaced people at the end of 2020. These displaced people are from all around the world; they are fleeing from civil war, from climate disaster, from endemic gang violence, from political violence and discrimination, and from weak and persecutory governments. Some have searched for refuge within their home countries, others to regions nearby, and still others crossing seas and continents to find safety. The 82.4 million forcibly displaced people is a record high – a record that has been repeatedly broken in the past decade after crises in Syria, Venezuela, Mozambique, South Sudan, and elsewhere. In the summer of 2021, over [600,000 more](#) people were displaced in Afghanistan as the country fell to the Taliban.

As the world’s displaced population continues to grow, international organizations and advocates have developed better tools to determine how best to respond. Not all displaced persons are eligible for refugee resettlement and not all would benefit from it. Some will choose to return home – or stay elsewhere in their country of origin – when safe conditions return. Others will be able to successfully seek asylum and integrate safely in the first country they arrive in. Not all 82.4 million want to be permanently resettled far from home, and not all meet the strict eligibility requirements and needs assessments necessary to qualify for resettlement. For this reason, UNHCR published a [second report](#) in June 2021, this one a narrower forecast of the refugees most in need of resettlement in the coming year. For 2022, UNHCR projects there will be **1.47 million** refugees in need of resettlement (RINOR).

But as the United Nations creates more precise methods to address the growing forced migration crisis, the United States – a [self-proclaimed](#) global leader in refugee resettlement – has not responded in kind. The current methodology for setting a refugee admissions level in the U.S. is increasingly divorced from the world’s humanitarian needs; in recent years it has been more reflective of the preferences of the presidential administration in office than of the needs of those fleeing persecution and strife.

The United States needs a new refugee admissions methodology that adapts to global resettlement needs, aligns with our capacity to welcome, and faithfully reflects the historical intentions of our refugee laws and the values of charity rooted in the American spirit.

I. History of the Refugee Resettlement System

While the U.S. has been welcoming victims of persecution for much of its history, the legal framework for the modern refugee resettlement system was established just over four decades ago with the passage of the [Refugee Act of 1980](#). The Act defined who would qualify for refugee resettlement and set an annual admissions baseline of 50,000 from 1980 to 1982, providing the president with the authority to increase the level above 50,000 to respond to humanitarian crises. For each year after 1982, the Refugee Act tasked the president with determining the overall refugee admissions target.

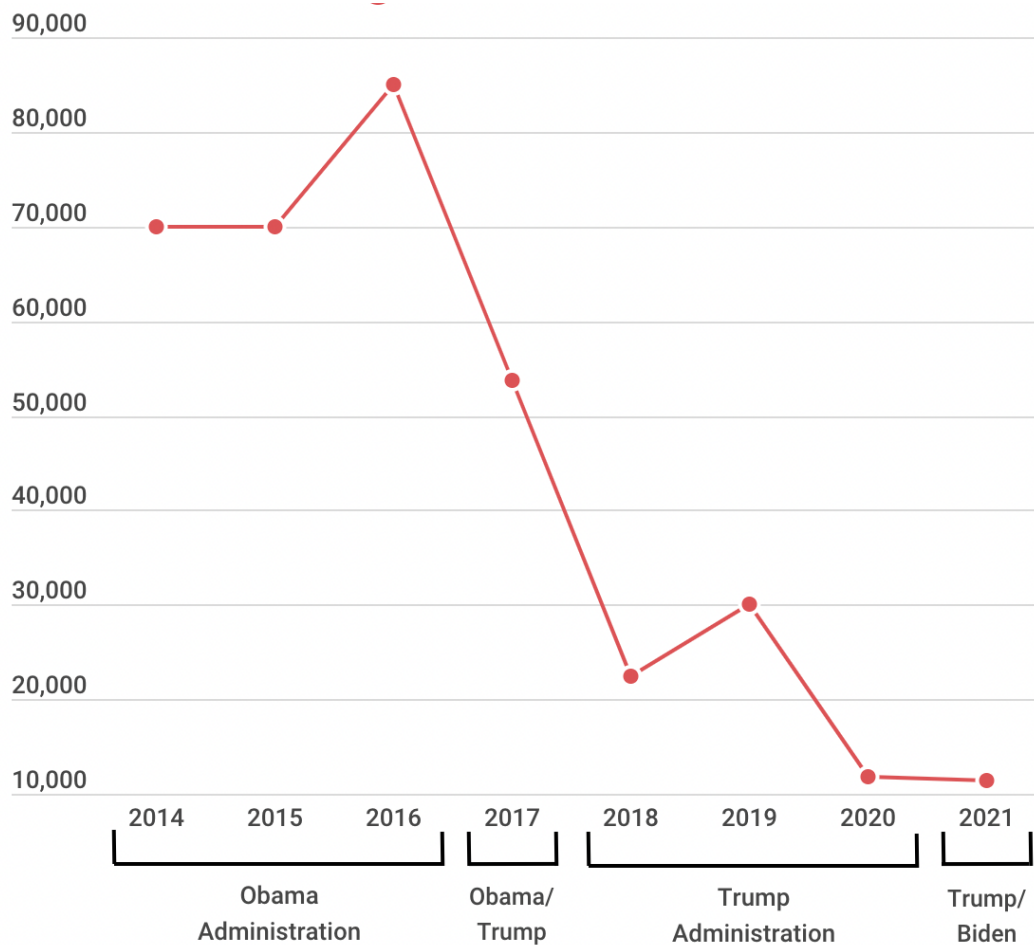
The Refugee Act also clearly established the broader goals and purpose of the refugee resettlement system. As Senator Edward Kennedy (D-Massachusetts), the author and lead sponsor of the legislation, [later wrote](#), these “basic goals” were enumerated in the first title of the bill: “Congress declares that it is the historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands.” The objective of the bill was to “provide a permanent and systematic procedure” for making good on that noteworthy promise and welcoming refugees into the U.S.

With respect to refugee resettlement, then, we can derive from the text of the Refugee Act three broad principles for how Congress intended the system to operate: First, it should live up to the history of the U.S. as a nation of welcome and refuge. Second, it should respond to the urgent needs of those subject to persecution around the world. Third, it should be set up in a permanent and systematic manner so there can be no abandonment of the country’s responsibility to welcome and protect.

In the years following the passage of the Refugee Act, it seemed the resettlement system effectively reflected these foundational principles. In 1980 — the year the Refugee Act was enacted — President Carter [set the refugee admissions ceiling](#) to 231,700, far exceeding the baseline of 50,000, in response to a deteriorating situation in Vietnam. When President Reagan took office in 1981, he [announced](#) that “we shall continue to share in the responsibility of welcoming and resettling those who flee oppression,” and kept the admissions target above 200,000 for that year. Even when the 50,000 baseline expired after 1982, Reagan’s resettlement targets exceeded 50,000 in each of the eight years he was in office.

But over time, it has become clear that a system that delegates so much authority to the executive cannot live up to the goals enumerated in the first title of the Refugee Act. As the number of refugees in need of resettlement doubled from 2014 to 2021, U.S. refugee admissions cratered to record lows. The Trump administration dismantled resettlement infrastructure and left resettlement agencies with no choice but to close down, setting admissions levels that were wholly unresponsive to the growing plight of [Uyghurs fleeing atrocities](#) in China, the [Rohingya fleeing violence](#) in Burma, or Christians [fleeing persecution](#) in Sub-Saharan Africa and Southeast Asia. Reports suggested the Trump administration [repeatedly considered](#) eliminating the refugee program altogether.

U.S. Refugee Resettlement (2014-2021)



Under the Trump administration, the resettlement system was not responsive to the urgent needs of those fleeing persecution and it did not live up to the nation’s history as a place of refuge. In its first year, the Biden administration has also struggled to live up to this standard when it comes to refugee resettlement. President Biden [initially refused](#) to raise the refugee ceiling from 15,000, the level set by Trump at the start of Fiscal Year (FY) 2021. Under pressure from advocates, Biden eventually did [raise the ceiling](#) to 62,500 in the summer of 2021, but only [11,411](#) refugees were actually resettled throughout the fiscal year, a historic low. The Biden administration’s inability to reach it’s own admissions target in 2021 illustrates another flaw in the current system for setting admissions levels — it is overly focused on setting a “ceiling” or “limit” without paying any mind to attainable minimums or baseline levels or to growing capacity within the admissions program.

A system so reliant on the political whims of the sitting president can be neither “systematic” nor “permanent.”

II. Approaches to Setting Refugee Admissions Levels

Despite many calls for a change in approach in refugee admissions level setting, relatively few concrete new proposals have been advanced. In 1997, Yale Law School professor Peter Schuck [suggested](#) the U.S. should help to create a sort of global refugee market in which countries would

come together to agree on tradeable refugee resettlement quotas, with one government able to pay another to fulfill its resettlement obligations. The proposal is representative of a number of ideas based in responsibility-sharing that call for international agreement on refugee quotas.

In 2019, Democratic lawmakers in the House of Representatives coalesced around a different – and perhaps less fanciful – proposal in the form of the [Guaranteed Refugee Admission Ceiling Enhancement \(GRACE\) Act](#). The GRACE Act proposed to reinstitute a baseline for refugee admissions at 95,000, which was at the time the average annual admissions goal since the resettlement program was established in 1980.

Both proposals have merit, but neither would result in a process that fully reflects the original intentions of Congress in creating the modern refugee admissions program. Schuck’s quota-based approach is clear and systematic, and it is responsive to the needs of those suffering from persecution around the world because each participating country’s quota would be set based on the estimated global refugee population. However, to say nothing of the dehumanizing and largely inaccurate framing of refugee resettlement as a “burden,” the system would allow a wealthy country like the United States to pay less-wealthy ones to eschew its own resettlement responsibilities. Such a system would perpetuate imbalances in resettlement outcomes and would not live up to our history as a nation of welcome and a leader in refugee resettlement.

On the other hand, the approach employed in the GRACE Act is *entirely* based on that history of post-1980 refugee resettlement. But solely looking to average refugee resettlement levels from prior years does not effectively or systematically respond to the urgent needs of refugees around the world today or tomorrow. In 2021, a [reintroduced version](#) of the GRACE Act abandoned the previous iteration’s methodology to propose a new, higher baseline of 125,000 – the legislators themselves recognizing just two years later that their approach for setting admissions levels was no longer adequate.

An effective method for setting refugee resettlement levels is one that fully incorporates each of the three principles highlighted by Senator Kennedy. It is a system that is (1) responsive to the current and changing needs of the world’s displaced; (2) derived in a manner that is both systematic and enduring, and yet still (3) grounded in the history of U.S. refugee resettlement.

III. What is RINOR?

UNHCR’s Refugees in Need of Resettlement (RINOR) refers to the estimated population of forcibly displaced people who are most in need of permanent resettlement each year. RINOR projections provide an opportunity for the U.S. to revise its refugee admissions methodology to systematically respond to the growing needs of the global refugee population and live up to the American tradition of welcome.

UNHCR only began estimating RINOR in 2011, and it has refined and standardized its methodology for producing the estimate in the decade since. The agency’s 2022 projection [combines](#) a series of country-specific forecasts made by UNHCR Country Offices that utilize refugee registration data, World Food Programme databases, and standardized needs assessment surveys.

Tracing the RINOR projections alongside U.S. refugee admissions levels emphasizes a dramatic disconnect between U.S. policy and the plight of refugees around the world. The RINOR level has grown markedly as U.S. refugee admissions has plummeted to historic lows. In FY 2021, America resettled just .79% of refugees in need.

Percentage Resettled by U.S. of Refugees in Need of Resettlement

Fiscal Year	UNHCR RINOR	U.S. Refugee Ceiling	# of Refugees Resettled to the U.S.	% of RINOR Resettled to the U.S.
2011	805,535	80,000	56,424	7.00%
2012	781,299	76,000	58,238	7.45%
2013	859,305	70,000	69,926	8.13%
2014	690,915	70,000	69,987	10.13%
2015	958,429	70,000	69,933	7.30%
2016	1,153,296	85,000	84,995	7.37%
2017	1,190,519	50,000	53,716	4.51%
2018	1,195,349	45,000	22,491	1.88%
2019	1,428,011	30,000	30,000	2.10%
2020	1,440,408	18,000	11,814	0.46%
2021	1,445,383	65,000	11,411	0.79%
2022	1,473,156	125,000	TBD	TBD

IV. Setting Refugee Admissions Levels as a Percentage of Global Need

At the beginning of each fiscal year, the U.S. should set an annual baseline refugee admissions level at **10%** of UNHCR’s RINOR projections for that year. This method would live up to the purpose of the refugee admissions program as enumerated in the Refugee Act of 1980. It would “respond to the urgent needs of persons subject to persecution”; it would create a “systematic and permanent procedure” for doing so; and it would recognize the “historic policy” of the U.S. to serve as a place of welcome and a beacon of freedom to those throughout the world.

1. Responding to global needs

Tying refugee admissions levels to the RINOR projections would respond directly to global resettlement needs and the plight of those subject to persecution around the world. The UNHCR projections are trustworthy, rigorous and apolitical. The U.N. agency already plays a significant role in the U.S. resettlement process in its capacity to refer eligible refugees to the U.S. Bureau of Population, Refugees, and Migration (PRM). As a result, most refugees in the U.S. are resettled on the basis of UNHCR recommendations and analysis. (The U.S. also already relies in part on [U.N. data](#) to inform its adjudication of asylum claims and other refugee processes.) Integrating RINOR projections into the refugee level setting process would create a system that responds directly to the plight of those most in need of assistance.

2. Creating a systematic and permanent method of setting refugee levels

Using a percentage of RINOR as a permanent baseline would also create a more systematic and permanent procedure than the current system or other proposed

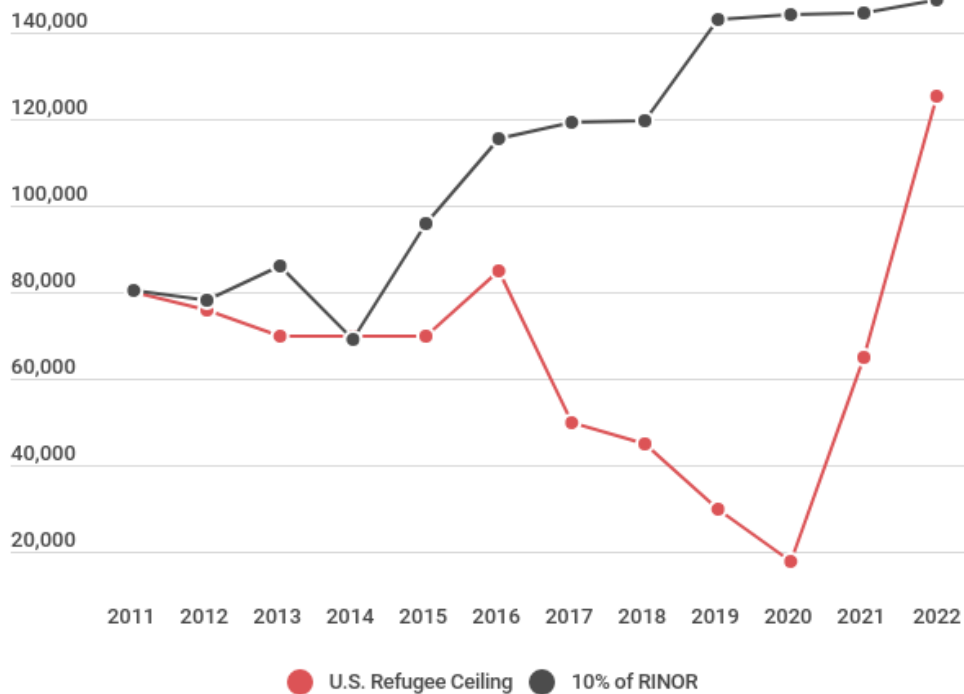
solutions. The method would be more systematic in that it would significantly reduce the influence of politics on the admissions level. Even for presidential administrations inclined to admit a high number of refugees, tying baseline levels to RINOR projections would provide an objective starting point reliant on data. The method would also be more sustainable and permanent because a single administration could not decimate the program by reducing levels to near-zero. Rather, the baseline would reflect facts on the ground, shifting as forced migration increases – or declines – around the world.

3. Recognizing the historic policy of the U.S. to welcome refugees

Setting the admissions level at exactly 10% of the overall global resettlement need is in line with our historical values and refugee admissions policies. Because UNHCR’s RINOR estimate selects for only a fraction of the global refugee population, over the past decade (2011-2020), 10% of RINOR was equivalent to approximately .6% of the world’s refugees. In the first effort to set U.S. refugee admissions levels in 1980, Senator Kennedy and the other authors of the Refugee Act proposed a baseline of 50,000 refugees for 1980 that was intended to “keep[] with the historic policy of the United States.” While the U.N. did not project RINOR back then, it did [estimate](#) that in 1980, the overall global refugee population was 8.45 million. At the time, the Refugee Act’s short-lived baseline of 50,000 would also have been equivalent to approximately .6% of the global refugee population.

Accordingly, using 10% of RINOR as the baseline going forward would be consistent with American values and would be in keeping with the history of our resettlement program.

U.S. Refugee Ceiling Compared to RINOR Method (2011-2022)



V. Addressing Capacity Concerns

This proposed method for setting refugee admissions levels is only possible as long as appropriate vetting, resettlement, and integration infrastructure is in place. Due to the Trump administration slashing resettlement resources and the continued impacts of the COVID-19 pandemic, the U.S. Refugee Admissions Process (USRAP) is facing [serious capacity challenges](#) that have made it difficult for the Biden administration to meet its own resettlement targets.

These challenges are real and must be addressed, including by proactively rebuilding domestic resettlement infrastructure and surging resources to underfunded divisions within USRAP. But revisiting the method by which we set admissions levels can also play a role in creating a more resilient resettlement system that is robust against capacity challenges.

USRAP funds resettlement on a per-refugee basis, meaning pauses or sharp reductions in refugee admissions can have a prolonged impact on the system. When refugee levels drop suddenly it can force domestic resettlement offices to shut down and drive cascading delays in the refugee pipeline overseas. Even during periods — or presidencies — with higher admissions ceilings, refugee agencies may be cautious about rapid expansion of capacity for fear of becoming overextended when resettlement suddenly craters again. This is largely the situation we find ourselves in today.

Focusing on baseline admissions levels rather than ceilings would help to respond to these capacity concerns by creating consistency within the system. With an established baseline, resettlement agencies would be confident in minimum funding levels throughout the year, and fewer refugees would be stranded overseas with expiring medical and security checks.

Capacity challenges must be addressed before setting an unattainable resettlement target. But this proposal for a stable, evidence-backed, baseline refugee admissions level would itself help guard against future capacity problems and delays in the pipeline.

Conclusion

By any measure, refugee resettlement brings value to the U.S. and to the rest of the world. Refugees have made significant contributions to the U.S. economy, as entrepreneurs, as consumers, and as essential workers during the COVID-19 pandemic. A 2017 Department of Health and Human Services report [found](#) that in the previous decade, refugees have generated \$63 billion more in government revenues than they have consumed through benefit programs. Refugees also play a critical role [bolstering our national security posture](#): Welcoming the persecuted supports geopolitical stability and reinforces America's commitment to human rights and democracy around the world.

For this reason, setting refugee admissions “caps” or “ceilings” is an inherently difficult task. It is in the strategic interests of the U.S. to welcome significantly more refugees than may be politically feasible. But leaving admissions level setting solely up to the political whims of whoever is serving as president is no way to appropriately respond to the world's forced displacement crisis.

In this context, our proposal of setting a baseline equal to 10% of the estimated RINOR provides a prudent path forward. It would allow an evidenced-backed methodology directly tied to the growing needs of the global refugee population to be the starting point of decision-making. It would be practical and consistent with the history of the resettlement system and our refugee

laws. It would be systematic and forward-looking, a baseline that could remain relevant decades after being put into place and keeping the system resilient to capacity challenges. It would reassert America's humanitarian leadership, setting an example for other countries and accelerating progress towards the international goal of resettling all refugees in need.