

Who is a Refugee, Afghan Evacuee, and Asylum Seeker?



Who is a Refugee?

A refugee is someone who has fled from their home country and cannot return because they have a well-founded fear of persecution based on religion, race, nationality, political opinion, or membership in a particular social group.



Race



Religion



Nationality



Political Opinion



Membership in
a Social Group

By end of June 2021, the number of refugees under the [United Nations High Commissioner for Refugees's \(UNHCR\)](#) mandate had surpassed 20.8 million -- an increase of 172,000 people since the end of 2020. More than half of new recognitions were from five countries: the Central African

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Republic (71,800), South Sudan (61,700) Syria (38,800), Afghanistan (25,200), and Nigeria (20,300). Furthermore, the latest UNHCR figures indicate that the number of people who have fled Ukraine since the start of the war in February 2022 has surpassed **4 million**.



Under the United Nations' **1951 Convention Relating to the Status of Refugees**, eligibility for refugee protection requires a current or future fear of persecution. However, "persecution" is not defined as a concept; rather it is inferred as a threat to life or physical freedom. A person may qualify for refugee status under its terms only if they fear persecution on one or more of the following grounds:

- **Race**
- **Religion**
- **Nationality**
- **Membership in a particular social group**
- **Political opinion**

A person is deemed ineligible for refugee protection if they have committed a crime against peace, a war crime, a crime against humanity, a serious non-political crime outside the country of refuge prior to their admission to the country of refuge, or are guilty of acts contrary to the purposes and principles of the United Nations. (See Exclusion Clauses: [Article 1F of the 1951 Convention Relating to the Status of Refugees](#))

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In the U.S., the [Immigration and Nationality Act](#) defines a refugee as:

Any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion

In such circumstances as the President after appropriate consultation (as defined in section 207(e) of this Act) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term "refugee" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion. For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well-founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well-founded fear of persecution on account of political opinion.

Who is an Afghan Evacuee?

Around 75,000 Afghans have been evacuated to the U.S. through [Operation Allies Welcome](#), a federal program to coordinate efforts to support vulnerable Afghans. This includes support for those who worked alongside U.S. forces in Afghanistan during the past two decades as they safely resettle in the U.S.

Who is an Asylum Seeker?

An **asylum seeker** is a person who has left their country and is seeking protection in another country from persecution and serious human rights violations, but who hasn't yet been legally recognized as a refugee and is waiting to receive a decision on their asylum claim.

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In the U.S., [asylum status](#) is granted to people who:

- Meet the definition of refugee
- Are already in the U.S.
- Are seeking admission at a port of entry

Who is a Humanitarian Parolee?

The status of **humanitarian parolee** is used sparingly to allow someone who may be inadmissible or otherwise ineligible for to be formally admitted into the U.S. for a temporary period, usually in response to an emergency. Determining who is authorized for parole is subject to discretionary factors. There is no statutory or regulatory definition of “urgent humanitarian reasons.” [USCIS](#) officers look at all the circumstances, considering factors such as (but not limited to):

- Whether or not the circumstances are pressing
- The effect of the circumstances on the individual’s welfare and well-being
- The degree of suffering that may result if parole is not authorized

Durable Solutions

To be legally considered a refugee, an individual must first register with UNHCR in the country to which they have fled. UNHCR is mandated to provide international protection to refugees. UNHCR then works with recognized refugees to secure the best possible durable solution for each refugee. There are three durable solutions available to refugees:

- **Voluntary Repatriation:** refugees return in safety and with dignity to their country of origin
- **Local Integration:** refugees legally, economically, and socially integrate into the host country
- **Resettlement:** refugees are transferred from a country in which they have sought protection to a third country which has agreed to admit them as refugees

Only a small percent of the refugee population is referred for resettlement, and being referred by UNHCR does not guarantee that a refugee will be resettled. The decision to accept a refugee remains in the hands of the resettlement country.

Additional Resources

- **Watch:** [Who is a Refugee?](#) (UNHCR)
- **Read:** [‘Migrants’? ‘Refugees’? Terminology Is Contested, Powerful, and Evolving](#) (Migration Policy Institute)