

# Who is a Refugee, Asylum Seeker, or Humanitarian Parolee?



## 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*

According to the [United Nations High Commissioner for Refugees \(UNHCR\)](https://www.unhcr.org/), the number of people forced to flee their homes worldwide by the end of 2021 due to conflicts, violence, fear of persecution, and human rights violations was 89.3 million. This is more than double the 42.7 million people who remained forcibly displaced a decade ago, and is the most since World War II.

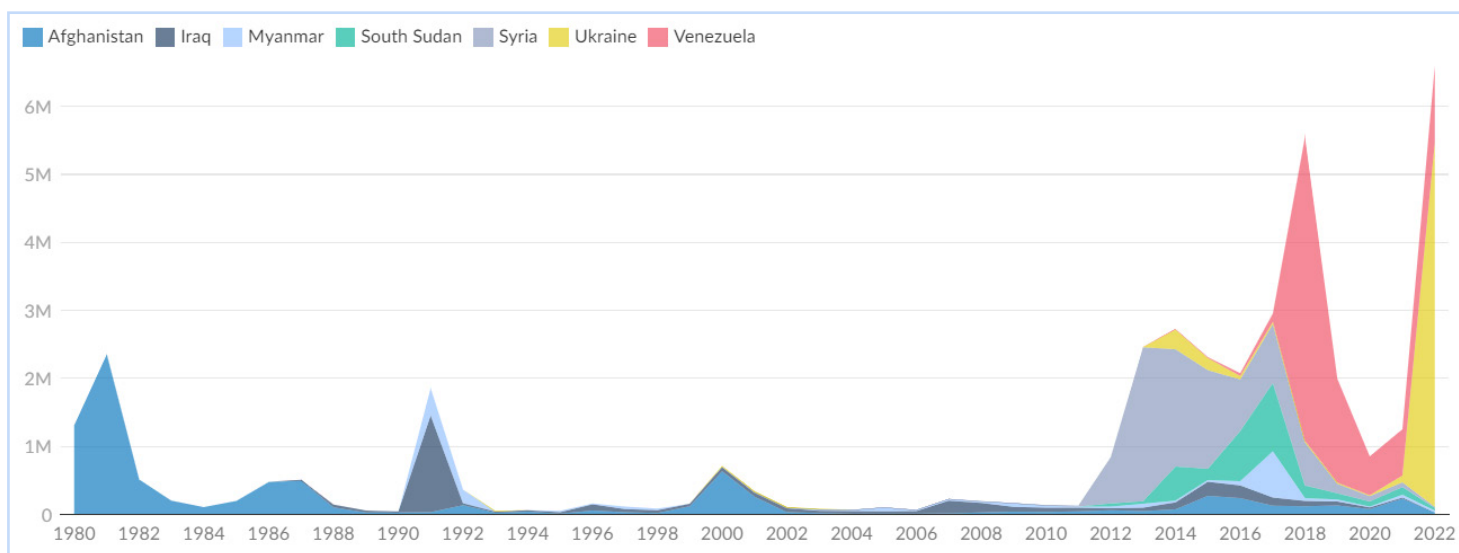
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If ongoing conflicts remain unresolved and the risks of new ones are not mitigated, the 21<sup>st</sup> century will continue to be defined by the constantly growing numbers of people forced to flee – and the increasingly dire options available to them. (See the UNHCR's latest [Global Trends Report](#) for more information)

By late 2022, nearly 8 million Ukrainians had fled their country and another 6 million were internally displaced, with more expected. Combined with significant displacement in other regions, notably in Afghanistan and Venezuela, total forced displacement in 2022 exceeded 100 million people. This means that one in every 78 people on earth has been forced to flee their homes.

**Largest Forced Displacement Flows Across Borders, 1980 – mid-2022 (UNHCR)**



Under the United Nations' **1951 Convention Relating to the Status of Refugees**, which the United States has signed and ratified, 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

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the United Nations. (See Exclusion Clauses: [Article 1F of the 1951 Convention Relating to the Status of Refugees](#))

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.

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## Who is an Asylum Seeker?

An **asylum seeker** is a person seeking sanctuary but who is not yet legally recognized as a refugee. Systems are in place in the U.S. and elsewhere to determine who qualifies for international protection, and asylum seekers are those awaiting a decision on an asylum claim. However, during mass movements of people as a result of conflict or violence – as was the case with Afghanistan in 2021 and Ukraine and Venezuela in 2022 – it is not always possible or necessary to conduct individual interviews with every asylum seeker who crosses a border. These groups are often called *prima facie* refugees. 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?

Until the mass exodus of Afghans from their country in mid-2021 and of Ukrainians from their country throughout 2022, **humanitarian parole** was granted sparingly to allow people generally inadmissible or otherwise ineligible to be formally admitted into the U.S. for a temporary period and usually for urgent humanitarian reasons or significant public benefit.

Determining who is authorized for parole is subject to discretionary factors. There is no statutory or regulatory definition of “urgent humanitarian reasons.” U.S. Citizenship and Immigration Services (USCIS) look at many situational circumstances and consider factors such as:

- 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

Using these criteria, it is clear why Afghans and Ukrainians were welcomed to the U.S. throughout 2021 and 2022.

## Additional Resources

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