

9 FAM APPENDIX O, 600 PROCESSING INDIVIDUAL REFUGEE CASES

*(CT:VISA-867; 03-20-2007)
(Office of Origin: CA/VO/L/R)*

9 FAM APPENDIX O, 601 WHAT TYPES OF REFUGEE CASES WILL AN EMBASSY OFFICER BE EXPECTED TO HANDLE?

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While many overseas U.S. missions have an interest in global humanitarian issues related to refugees, direct mission responsibility for processing individual cases for refugee resettlement is limited. Unless the Bureau of Population, Refugees and Migration (PRM) has designated a Regional Refugee Coordinator, embassy officers usually handle only two types of cases:

- (1) Individuals under consideration for referral by an U.S. embassy under Priority 1. (See 9 FAM Appendix O, 602 Embassy Referrals to the U.S. Refugee Program (Priority 1).)
- (2) V-93 cases (derivative family members who are beneficiaries of Form I-730 Refugee/Asylee Relative Petitions from refugee relatives already in the United States). (See 9 FAM Appendix O, 700 Consular Processing of V-93 Beneficiaries.)

9 FAM APPENDIX O, 602 EMBASSY REFERRALS TO THE U.S. REFUGEE PROGRAM (PRIORITY 1)

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Priority 1 (P-1) includes all cases individually identified and referred to the U.S. Refugee Program (USRP) by the United Nations High Commissioner for Refugees (UNHCR), a U.S. Embassy, or a non-governmental organization (NGO). 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. This section explains how an embassy may identify and refer persons for consideration under Priority 1.

9 FAM Appendix O, 602.1 Who Is Eligible for an Embassy Referral?

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- a. A U.S. embassy may refer any individual who appears to meet the definition of a refugee to the U.S. refugee program for consideration under Priority 1.
- b. 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.
- c. 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, or an artist, or a well-known journalist, for example, who has fled to avoid arrest or has been threatened while outside the country.
- d. 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.
- e. 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.

9 FAM Appendix O, 602.1-1 When You Need Prior Department Concurrence

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You must have prior concurrence from the Department and the U.S. Citizenship and Immigration Services (USCIS) to refer persons of certain

nationalities or to refer persons located in their country of origin or habitual residence. Contact the Office of Admissions in the Bureau of Population, Refugees and Migration (PRM/A) before referring persons in the latter category or persons of the following nationalities for consideration by the U.S. refugee program:

- (1) North Koreans; and
- (2) Palestinians.

9 FAM Appendix O, 602.2 Authority to Make Embassy Referrals

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- a. The refugee coordinator (see 9 FAM Appendix O, 307.1 Refugee Coordinator) will usually be responsible for referring individuals to the U.S. refugee program.
- b. Most posts do not have a refugee coordinator. Such posts should submit referrals by telegram 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.

9 FAM Appendix O, 602.2-1 Persons Identified by Nongovernmental Organizations (NGOs)

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Individuals may be referred for U.S. resettlement by non-governmental organization (NGO) employees engaged in refugee assistance or protection activities. NGO staff 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 Appendix O, 602.3 How to Submit Embassy Referrals

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- a. If the Bureau of Population, Refugees and Migration (PRM) has designated an overseas processing entity (OPE) in a country, submit embassy referrals directly to the OPE. No notification to the Department is needed, except as indicated in 9 FAM Appendix O, 602.1-1, When You

Need Prior Department Concurrence.

- b. If no OPE is designated, the embassy should submit the referral by telegram to the Office of Admissions in the Bureau of Population, Refugees and Migration (PRM/A). PRM/A will coordinate processing of the case with the appropriate OPE. Send the telegram 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:
- (1) 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;
 - (2) Reason for referral, including perceived U.S. interest and how the Embassy knows of the individual and his circumstances;
 - (3) General outline of any harm which may be viewed as persecution or fear of harm and the reasons for such fear;
 - (4) Assessment of the risk to the individual and of the need for urgency; and
 - (5) Name and contact information for embassy officer following up on the referral, including e-mail address.

9 FAM Appendix O, 602.4 Processing Embassy Referrals

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If no overseas processing entity (OPE) is present, the Office of Admissions in the Bureau of Population, Refugees and Migration (PRM/A) will designate an OPE to interview the applicant and family members, prepare the case for interview by the U.S. Citizenship and Immigration Services (USCIS), and handle other processing requirements.

9 FAM Appendix O, 602.5 Urgent or Emergency Cases

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Notify the Office of Admissions in the Bureau of Population, Refugees and Migration (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 the U.S. Citizenship and Immigration Services (USCIS) about methods to address such a case. PRM/A can arrange emergency travel and reception and placement services, including medical care, on very short notice, if needed.