

Refugee Council USA

Family Reunification for Refugees and Asylees

The October 24, 2017 *Presidential Executive Order on Resuming the United States Refugee Admissions Program with Enhanced Vetting Capabilities*¹ places an indefinite hold on a type of family reunification visa available for family members of refugees and asylees, the “follow-to-join” visa. There are other family reunification options available to refugees and asylees that remain unaffected by the most recent executive order – those are explained at the end of this document.

Following-to-Join Family Reunification for Refugees and Asylees

Refugees and asylees who are admitted to the United States can apply for following-to-join family reunification for a spouse or unmarried child under the age of 21. Following-to-join refugee and asylee family reunification is one of several family reunification options that refugees and asylees may pursue. Other legal pathways are discussed below as well.

Process for Following-to-Join Family Reunification for Refugees and Asylees

1. Petitioner Files Form I-730

To begin the application process, the principal refugee or asylee in the United States must file the Form I-730 (“Refugee/Asylee Relative Relative Petition”) with USCIS for each family member, along with supporting documentation to verify the relationship. The I-730 must be filed within two years of the principal refugee’s admission to the United States, or within two years of the principal asylee being granted asylum, subject to limited exceptions. If any information or documentation is missing, USCIS may issue a Request for Evidence (“RFE”).

2. USCIS Makes a Decision on Form I-730

USCIS will adjudicate the I-730 petition. If the petitioner does not establish the beneficiary’s eligibility, USCIS will issue a written notice informing the petitioner of the reasons in writing. If USCIS approves the petition, the petition will be sent to the National Visa Center, which will in turn forward it to a USCIS field office or a U.S. Embassy.

3. Processing Overseas and Beneficiary Interview

¹ <https://www.whitehouse.gov/the-press-office/2017/10/24/presidential-executive-order-resuming-united-states-refugee-admissions>

Overseas, refugee beneficiaries go through the Visas 93 (V93) process, and asylee beneficiaries go through the Visas 92 (V92) process. In both cases, the USCIS field office or the consular office will ask the beneficiary to provide documentation of the family relationship, and will request that the beneficiary fill out various forms used in refugee processing. During the interview, the interviewing officer will determine whether the beneficiary is eligible for admission to the United States, including verifying identity and the claimed family relationship. DNA might be requested. Following-to-join refugees and asylees do *not* need to establish an independent refugee claim, but they must not be excludable or inadmissible. Fingerprint scans are also taken.

4. Beneficiary Security Screenings

Beneficiaries complete required security screenings.

5. Medical Exams

All follow-to-join beneficiaries must undergo medical examinations. Refugee beneficiaries are generally requested to complete their medical exams after their interviews. Medical exams are valid for six months.

6. Approval and Travel Packet Issuance

Once refugee follow-to-join beneficiaries have been approved to travel, USCIS or the U.S. Embassy refers the beneficiaries to IOM. Refugee beneficiaries must travel on International Organization for Migration (IOM)-arranged flights to the United States paid for through travel loans. Refugee beneficiaries must have an assurance from a resettlement agency in the United States. Asylee beneficiaries receive travel packets and must arrange their own travel to the United States and pay for such travel.

7. Admission to the U.S.

Refugee beneficiaries then receive benefits available to them through the United States Refugee Admissions Program, including case management via a resettlement agency.

October 24, 2017 EO and Accompanying Memorandum

According to the Memorandum, for an indefinite period, the “follow-to-join” program for refugees (Visas 93) is suspended for all nationalities. The government states that it will work on implementing additional screening mechanisms for these refugees. The Memorandum does not address the follow-to-join program for asylee family members (Visas 92), who are admitted under asylum rather than refugee provisions. The Memorandum does not address the other family reunification processes described below, including Special Immigrants Visas.

Other Family Reunification Processes

Priority 3 (P-3) Family Reunification

Another option for family reunification for refugees and asylees from certain countries is the Priority 3 (P-3) Refugee Family Reunification. Refugees or asylees in the United States can apply for parents, spouses (and in some cases, same or opposite-sex partners), and unmarried children under the age of 21 to join them in the US. For this, an affidavit of relationship (AOR) is filed through a refugee resettlement agency in the United States. An AOR must be filed within five years of arrival (for refugees) or within five years of the grant of asylum (for asylees). An approved AOR allows a qualifying family member outside their country of origin *access* to the U.S. Refugee Admissions Program, and that family member must go through standard USRAP processing and independently qualify as a refugee.

For fiscal year 2018, the P-3 countries are: Afghanistan, Burundi, Central African Republic, Cuba, Democratic People's Republic of Korea (DPRK), Democratic Republic of Congo (DRC), Eritrea, Ethiopia, Iran, Iraq, Mali, Somalia, South Sudan, Sudan, and Syria.

Following-to-Join for Special Immigrant Visas (and other Immigrants)

Immigrant visa applicants who are permitted to have derivatives (such as Iraqi and Afghan Special Immigrant Visa applicants) can have their spouse and minor, unmarried children, where that relationship existed at the time of the principal applicant's admission, accompany or follow-to-join them. Iraqi and Afghan SIV recipients who are applying for follow-to-join visas for their spouse or children go through immigrant visa processes, and not refugee or asylee following-to-join.

Family-Based Immigration

Lawful permanent residents and U.S. citizens can petition through family-based immigration processes for certain relatives. Lawful permanent residents can petition for spouses and unmarried children of any age. U.S. citizens can petition for spouses, children of any age or marital status, parents, or siblings. The availability of visas and wait times varies significantly depending on the status of the petitioner and type of family relationship.