



**Guide to  
U.S. IMMIGRATION OPTIONS  
for REFUGEES ABROAD**

## INTRODUCTION

### On Immigration Categories

U.S. immigration is all about categories. Screening people to see if they fit into one of the categories can be challenging. For refugees, most naturally think about the “refugee” category. The U.S. accepts about 80,000 refugees per year from different countries. We will discuss that process, but our main goal is to draw attention to other immigration categories that might apply to refugees in camps around the world. We also want to help refugees access good information to avoid wasting time, money, and hope on categories that will not work.

For more information or legal help, [immigrationlawhelp.org](http://immigrationlawhelp.org) has a list of reputable legal service agencies. To find an immigration lawyer who is a member of AILA, the main professional organization for attorneys who practice in this area, see [ailalawyer.org](http://ailalawyer.org). For a list of authorized refugee resettlement agencies, see [acf.hhs.gov/programs/orr/resource/voluntary-agencies](http://acf.hhs.gov/programs/orr/resource/voluntary-agencies).

As background on the U.S. immigration system, everyone in the United States who is not a U.S. citizen needs some kind of visa to be here legally. Visas are divided into two categories: temporary and permanent. Some people may qualify for a temporary visa and not permanent residence, while others may be able to obtain a permanent visa, but are not eligible for any of the temporary visas. It’s all about what category fits the person’s situation.

## TEMPORARY VISAS

A temporary visa allows someone to come to the U.S. for a limited time and for a specific purpose. Temporary visas are lettered from A-V with numerous subcategories. And the list is growing. There are visas for work, training, study, visiting, and more.

Each visa has its own time limitations, processing times, rules on how long they plan to stay in the U.S. (temporary intent) and maintaining a foreign residence, restrictions on work authorization, and rules for dependents.

## PERMANENT VISAS

A permanent visa allows someone to enter the U.S. and remain there permanently. Permanent visas fall into four basic groups: special programs of Congress, family sponsor, employer sponsor, and asylum/refugee.

### 1. Special Programs

The most relevant special program for refugees is the **Diversity Lottery**, which is held every year. The goal of the program is to encourage immigration from countries that are underrepresented in the United States, based on country of birth.

Therefore, those born in over-represented countries such as Mexico, China, the Philippines and India are not eligible. But most refugees come from countries that do qualify. The lottery happens each year in October, so check the **State Department**<sup>1</sup> website then.



The Diversity Lottery Application is a short, free online form.

Avoid the “-.com” websites that charge money to apply. Stick with the .gov State Department registration!

1 <http://travel.state.gov/content/visas/en/immigrate/diversity-visa/entry.html>

To apply, the person must be at least 18 years old, and have a high school degree or 2 years of work experience. If someone is selected in the lottery, they still need to go through final screening, and will need to show financial stability to bring a spouse or child.

Of the roughly 12 million entries in the Diversity Lottery last year, there were about 100,000 “winners,” of whom about 50,000 received permanent residence.

## 2. Family Sponsorship

U.S. citizens and green card holders are able to sponsor certain family members for permanent residence in the U.S. There are various categories of family relationships that range from spouse of a U.S. citizen (the fastest) to sibling of a U.S. citizen (the slowest, now taking well over 10 years and getting worse).

In between there are several categories, including children and spouses of permanent residents. The specific groups, and the waiting times involved, are listed each month on the **State Department Visa Bulletin**<sup>2</sup>. More information about family-sponsored immigration is included herein.

## 3. Employer Sponsorship

An employer in the U.S. may sponsor someone for permanent residence. In general, the employer must show the Department of Labor that it cannot find qualified U.S. workers for the position.

Usually, this is done by advertising the job in a newspaper or journal. This process is called **PERM Labor Certification**<sup>3</sup>. If qualified U.S. citizens apply, then the Labor Certification cannot be granted at that time. This is a complicated process, and should involve an attorney with experience in business immigration<sup>4</sup>.

## 4. Asylum/Refugee Status

A person can seek asylum in the United States or refugee status outside the U.S. if she has a “well-founded fear of persecution” in her home country. Someone who receives asylum or refugee status may be able to sponsor a spouse or children to join them in the U.S., as discussed later.

Concern about economic hardship or general criminal activity is not a basis for asylum - it must be fear of persecution by the government (or a group that the government is unable or unwilling to control) on account of one’s political views, race, ethnicity, social group, or religion.

### IN THIS GUIDE

We describe U.S. immigration law based on:

- Refugee processing
- Family relationships
- “Following to join” a parent or spouse who has just emigrated to the US
- Adoption
- Humanitarian Parole
- Temporary visas for medical treatment
- Other categories

We explain in general how these categories work, what criteria are used so aid agencies can screen for them, and what the rough timeline and chance of success are. Links to reputable resources and agencies are included.

2 <https://travel.state.gov/content/visas/en/law-and-policy/bulletin.html>

3 <http://www.curranberger.com/visa-info/permanent-visas/perm-labor-certification>

4 Visit <http://www.aialawyer.org> to find a reputable immigration lawyer.

# REFUGEE PROCESSING



The U.S. Committee for Refugees and Immigrants (USCRI) has an excellent website with information and useful links. See [refugees.org](https://www.refugees.org).

This page is an excerpt from the USCRI website, explaining the basics of the U.S. Resettlement Program. On the next page, we include information on the P3 refugee priority program that may allow refugees in the U.S. to put family members on a list for refugee resettlement in the U.S.

## REFERRAL TO THE U.S. RESETTLEMENT PROGRAM (USRP)

Only refugees who have been referred by **UNHCR** (The UN Refugee Agency) or by the U.S. embassy in the country of asylum are eligible for the USRP.

Usually, a family is referred together as a single group. The Department of State's Bureau for Population, Refugees, and Migration (PRM) oversees this program. The State Department develops application criteria, refugee admission ceilings, and presents eligible cases to a division of the Department of Homeland Security (DHS), the U.S. Citizenship and Immigration Services (USCIS), for adjudication.

The State Department's **Foreign Affairs Manual** (FAM) describes the process of application for admission to the United States as a refugee in 9 FAM 203.3.<sup>5</sup>

## ADJUDICATION

Refugees who meet the criteria for application to the USRP are interviewed by a USCIS officer. The U.S. Department of State contracts resettlement and/or nongovernmental organizations to assist refugees who may need help preparing their resettlement application forms. The USCIS officer

<sup>5</sup> [https://fam.state.gov/searchapps/viewer?format=html&query=refugee%20admissions%20&links=REFUGE.ADMISS&url=/FAM/O9FAM/O9FAM020303.html#M203\\_3\\_2](https://fam.state.gov/searchapps/viewer?format=html&query=refugee%20admissions%20&links=REFUGE.ADMISS&url=/FAM/O9FAM/O9FAM020303.html#M203_3_2)

decides whether the applicant is a refugee as defined under U.S. law.<sup>6</sup> An individual's designation as a refugee by UNHCR does not guarantee admission to the USRP!

## APPROVAL

Refugees whose applications for U.S. resettlement receive USCIS approval are matched with an American resettlement organization that will facilitate their resettlement to the United States. Most of these nonprofit organizations rely on professional and volunteer staff to assist refugees.

## DENIAL

If rejected, the applicant has thirty days to file a motion to reconsider the denial with the nearest U.S.CIS district office. Generally, a motion is considered only if it contains new information not available at the original interview.

## P1-3 REFERRALS

The United States has three refugee processing priorities, called **P1-3 Referrals**. These types of referrals are made three ways:

1. UNHCR offices, U.S. Embassies, and designated non-governmental organizations may make P1 individual referrals;
2. the U.S. Department of State may make P2 group referrals, and will now allow Syrian and Iraqi beneficiaries of an approved I-130 to qualify for P2 refugee resettlement<sup>7</sup>;
3. eligible family members living in the United States may initiate a P3 family reunification case.

The U.S. Conference of Catholic Bishops has a very good summary of the P3 process for those with relatives in the United States.<sup>8</sup>

## THE AFFIDAVIT OF RELATIONSHIP (AOR)

Certain refugees may be eligible for resettlement in the U.S. under the P3 Family Reunification Program. Under this program, refugees of specific nationalities are eligible for reunification with family in the U.S. The list of eligible nationalities is determined each fiscal year by the President.

Anchor relatives, or family members in the U.S. may petition for their eligible refugee relatives to join them by filing an Affidavit of Relationship (AOR). Once the AOR has been processed, the refugee overseas must be determined eligible for U.S. resettlement by the Department of Homeland Security and undergo a medical screening and security clearance before being processed for resettlement in the U.S.

To file an AOR, or for more information, contact one of the agencies in the U.S. at **[acf.hhs.gov/programs/orr/resource/national-voluntary-agency-directory](http://acf.hhs.gov/programs/orr/resource/national-voluntary-agency-directory)**.

6 <http://www.uscis.gov/iframe/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-101/0-0-0-195.html>

7 <http://www.wrapsnet.org/Portals/1/Direct%20Access%20Program%20for%20Iraqi%20and%20Syrian%20Beneficiaries%20of%20I-130.pdf>

8 <http://www.usccb.org/issues-and-action/human-life-and-dignity/migrants-refugees-and-travelers/refugee-resettlement/how-to-sponsor-a-refugee-relative.cfm>

# FAMILY RELATIONSHIPS



**U.S. citizens** may sponsor spouses, children, parents, or siblings for permanent residence. **Legal Permanent Residents** (green card holders) may sponsor their spouses and children under age 21.

There are different wait times for each category, depending on the status of the sponsor and the type of family relationship. This section summarizes the options for immediate relatives, relatives who fit into the preference categories, and fiancés.

## IMMEDIATE RELATIVES <sup>9</sup>

Visas are always available for immediate relatives of U.S. citizens. An immediate relative is the spouse, parent, or child of a U.S. citizen. However, a child must be unmarried and under the age of 21 to be sponsored as an immediate relative. There is no backlog in this category, although there may be processing delays.

## PREFERENCE CATEGORIES <sup>10</sup>

In addition to being able to sponsor immediate relatives, U.S. citizens are also able to sponsor certain other family members as listed in the preference categories below. These categories also allow green card holders (lawful permanent residents) to sponsor certain family members.

The preference categories determine how long the family member must wait after the sponsorship application has been filed until they are able to apply for a green card (in some cases, this can be many years). See next page for more information on the application process.

<sup>9</sup> See <http://www.uscis.gov/tools/glossary/immediate-relatives> or <http://www.uscis.gov/family/family-us-citizens> for more information.

<sup>10</sup> The Department of State Visa Bulletin is updated each month. It lists processing times for each preference category. See <https://travel.state.gov/content/visas/en/law-and-policy/bulletin.html>

## First Preference

A U.S. citizen may sponsor an unmarried son or daughter 21 years of age and older for lawful permanent residence in the first preference category.

## Second Preference

Lawful permanent residents may sponsor their spouses and unmarried children (under the age of 21) for permanent residence in the Second Preference 2A category. Second Preference 2B is for lawful permanent residents to sponsor their unmarried sons and daughters who are 21 years of age or older.

## Third Preference

U.S. citizens may sponsor their married sons and daughters for lawful permanent residence in the third preference category.

## Fourth Preference

Adult U.S. citizens may sponsor their brothers and sisters for lawful permanent residence in the fourth preference category.

## APPLICATION PROCESS

To start, the U.S. citizen completes and files Form I-130 at a U.S. immigration service center known as USCIS. Form I-130 is an application form in which the U.S. citizen provides information about herself and her relationship to the individual being sponsored. The information in the form must be supported by a range of official documents, including passports and birth or marriage certificates translated into English. These documents can be difficult to get for refugees, and there could be concerns about fraud. The U.S. government may request DNA testing to prove a genetic relationship.<sup>11</sup>

The U.S. citizen must also demonstrate her ability to support the foreign national financially to show the U.S. government the individual is unlikely to need U.S. government money. This part of the application is the most common reason for a delay or denial, so it is important to plan ahead, and find a joint financial sponsor if the U.S. citizen's income is not sufficient.<sup>12</sup> The document that must be submitted by the U.S. citizen sponsor is the Affidavit of Support. If an additional joint financial sponsor is needed, the joint financial sponsor must demonstrate that he or she has income that meets at least 125% of the poverty guidelines.

The waiting time for the I-130 to be adjudicated can be anywhere from 2-8 months. Once the application has been approved, immediate relatives, and individuals who have reached the front of the line in their preference category, move forward to the next stage – applying for a green card at their local U.S. Consulate. Individuals in the preference categories are at the front of the line when the priority date on their I-130 becomes “current” under the visa bulletin (that is, the date the application was filed is listed as “current” on that month's bulletin).<sup>13</sup>

11 Here is a link to see what documents are available from each country, and how to get them:  
<http://travel.state.gov/content/visas/en/fees/reciprocity-by-country.html>

12 Frequently asked questions on the I-864 Affidavit of Support:  
<http://travel.state.gov/content/visas/en/immigrate/immigrant-process/documents/support/i-864-frequently-asked-questions.html>

13 <https://travel.state.gov/content/visas/en/law-and-policy/bulletin.html>

At this stage, the National Visa Center will send out information to the foreign national about the documentation they require, the medical exam, and the interview at the U.S. Consulate.<sup>14</sup> The whole process could take a year or more.

## THE FIANCÉ/FIANCÉE VISA (K-1)<sup>15</sup>

The K-1 visa allows a foreign national to enter the U.S. for 90 days for the specific purpose of marrying a U.S. citizen and filing an application for a green card. Once the application has been filed, the individual may remain in the U.S.. This category requires financial sponsorship, a medical exam, and is almost as much work and delay as a green card application itself. If the U.S. citizen is able travel abroad and get married, they can avoid the K-1 process and proceed straight to the green card application stage.

## JOINING A PARENT OR SPOUSE WHO HAS RECENTLY EMIGRATED TO THE U.S. (“FOLLOWING TO JOIN”)<sup>16</sup>

Anyone who has entered United States as a refugee within the past 2 years, or who was granted asylee status within the past 2 years, may petition for the following family members to obtain derivative refugee or asylee status:

- Spouse
- Children who were unmarried and under the age of 21 when the asylum application was filed.

A spouse or child acquired after admission into the United States can follow to join only when a separate petition is filed.

14 <http://travel.state.gov/content/visas/en/immigrate/nvc.html>

15 <http://www.uscis.gov/family/family-us-citizens/fiancee-visa/fiancee-visas>

16 See <http://www.uscis.gov/family/family-refugees-asylees>, OR <http://travel.state.gov/content/visas/en/immigrate/join-refugees-and-asylees.html> OR [http://www.unhcrwashington.org/sites/default/files/rs\\_i730.pdf](http://www.unhcrwashington.org/sites/default/files/rs_i730.pdf)

# ADOPTION



Before 2008, there were two main categories of adoption; now there are three. The U.S. State Department has created an excellent website on international adoption to help understand the changes - [adoption.state.gov](http://adoption.state.gov).

Specifically, there is:

- Information on the adoption process in various countries that is updated as often as possible: [http://travel.state.gov/content/dam/aa/pdfs/Intercountry\\_Adoption\\_From\\_A\\_Z.pdf](http://travel.state.gov/content/dam/aa/pdfs/Intercountry_Adoption_From_A_Z.pdf)
- General information for adoptive parents<sup>2</sup>, and an explanation of the U.S. visa process: <http://travel.state.gov/content/adoptionsabroad/en/us-visa-for-your-child/immigrant-visa-process.html>

Adoption can be a wonderful option, but it is an extremely difficult immigration category. We strongly recommend not starting an international adoption without talking to a U.S. accredited adoption agency, and an attorney familiar with international adoptions.<sup>17</sup>

Note that adoption may be expensive, but there may be a variety of ways to obtain financial help. The U.S. government offers a tax credit of \$13,400 for families making under \$190,000.<sup>18</sup> And there may be low interest loans and state tax credits in addition.<sup>19</sup>

<sup>17</sup> Here is a list of agencies that work with individual clients - [https://coa.my.salesforce.com/sfc/p/#300000000aAU/a/500000000Ms8/a5.7wMFAyOjpfk.Foj4HmtlNBiMQ6ioyLOTz7SX\\_w9A](https://coa.my.salesforce.com/sfc/p/#300000000aAU/a/500000000Ms8/a5.7wMFAyOjpfk.Foj4HmtlNBiMQ6ioyLOTz7SX_w9A). And here is a link to a select group of U.S. adoption attorneys - [http://www.adoptionattorneys.org/aaaa\\_directory](http://www.adoptionattorneys.org/aaaa_directory).

<sup>18</sup> <https://www.irs.gov/taxtopics/tc607.html>

<sup>19</sup> <http://www.adopt.org/financing-adoption>

## First Category: Parent & child already living together

The first category is a child adopted under the age of 16 who has lived with the adoptive parents for two full years under a grant of legal custody. Every word in that sentence is important. The child cannot just be living with the adoptive parents with a written consent from the birth parents - there must be a legal custody or guardianship document. Further, a child cannot just be legally adopted, the child must actually live under the same roof as the adoptive parent for two years. Sometimes it is very difficult for refugees to document where they lived for periods of their lives.

When a child meets this category, the child is treated like a genetic child in any of the other categories. So an adopted child who has lived with the adoptive parents for two years abroad can be sponsored as an Immediate Relative (child of a U.S. citizen), or Preference case (child of a permanent resident), or may Follow To Join (child of someone who got refugee or asylum status).

If there are siblings adopted together, then one can be under 18 as long as the other is under 16.

## Second Category: “Orphan” adoption

The second category is called an “orphan” adoption or “non-Convention adoption,” and can only be done if the child is from a country NOT on the Hague Convention list.<sup>20</sup> This will be the most common adoption category for refugees, since most of the countries producing refugees today are not on this list.

The definition of orphan is key - and is not the simple dictionary definition of orphan. The most common reason for delay or denial is that the child does not qualify as an orphan. See <http://www.uscis.gov/tools/glossary/orphan>, which summarizes the orphan definition:

A child may be considered an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents. The child of an unwed mother or surviving parent may be considered an orphan if that parent is unable to care for the child properly and has, in writing, irrevocably released the child for emigration and adoption. The child of an unwed mother may be considered an orphan, as long as the mother **does not marry** (which would result in the child having a stepfather) and as long as the child’s biological father has not legitimated the child. If the father legitimates the child or the mother marries, the mother is no longer considered a sole parent. The child of a surviving parent may also be an orphan if the surviving parent has **not married since the death of the other parent (which would result in the child’s having a stepfather or stepmother)**.

An orphan petition is filed on Form I-600. You must have an accredited U.S. adoption agency to act as a “Primary Provider,” not just for the home study.<sup>21</sup> If the agency is not specifically helping with the I-600, we recommend an immigration attorney since the I-600 process can be quite complicated.

20 <https://travel.state.gov/content/adoptionsabroad/en/hague-convention/convention-countries.html>

21 See <http://www.rainbowkids.com/adoption-stories/the-importance-of-choosing-a-primary-provider-first-when-adopting-internationally-962> Here is a list of agencies that may be able to be the Primary Provider for a child not in their system - [https://coa.my.salesforce.com/sfc/p/#300000000aAU/a/500000000Ms8/a5.7wMFAyOjpfk.Foj4HmtINBiMQ6ioyIOTz7SX\\_w9A](https://coa.my.salesforce.com/sfc/p/#300000000aAU/a/500000000Ms8/a5.7wMFAyOjpfk.Foj4HmtINBiMQ6ioyIOTz7SX_w9A).

The I-600 orphan petition is very much worth considering for a refugee child who has a U.S. citizen in the United States who wants to adopt. This could include, for example, a U.S. citizen who wants to adopt an orphaned niece or nephew, or a Syrian-American family who wants to adopt an orphaned refugee from Syria. If the child is in a Muslim country now (such as a refugee camp in Jordan), then there is an extra step because Muslim Sharia law does not have adoptions. The child would receive guardianship in a Muslim court, and then be adopted in the U.S.<sup>22</sup>

An important note: to be eligible for this category, the child has to be under the age of 16 when the I-600 is filed. The adoption itself can actually happen shortly after the child turns 16, as long as the I-600 was filed in time. Again, if two biological siblings are being adopted, the older child can be under the age of 18, as long as the younger child is under the age of 16.

### **Third Category: Hague Convention adoption**

The third type of international adoption is a Hague Convention adoption.<sup>23</sup> As explained above, almost no countries that send refugees are members of the Hague Convention, so it is most likely that a Hague adoption will not apply. However, this category trumps the other two, so it is very important for your agency to screen whether the Hague Convention applies.

For example, if a Syrian child has been living in Greece for several years, then the legal question is whether the child is considered a “habitual resident” of Greece (a Hague country) or Syria (a non-Hague country). That legal analysis is extremely difficult and should be done by an accredited agency or immigration attorney. Only COA accredited agencies can handle Hague adoptions, and they must be involved from the very beginning - don’t even think of starting an adoption process without consulting one of these agencies or an immigration attorney.<sup>24</sup>

A Hague adoption is filed on Form I-800. Again, the child has to be under the age of 16 when the I-800 is filed. The adoption itself can actually happen shortly after the child turns 16, as long as the I-800 was filed in time. Again, if two biological siblings are being adopted, the older child can be under the age of 18, as long as the younger child is under the age of 16.

22 <http://travel.state.gov/content/adoptionsabroad/en/adoption-process/faqs/islamic-sharia%20law.html>

23 See <http://travel.state.gov/content/adoptionsabroad/en/hague-convention/understanding-the-hague-convention.html>, and a guide for adoptive parents at [http://travel.state.gov/content/dam/aa/pdfs/PAP\\_Guide\\_1.pdf](http://travel.state.gov/content/dam/aa/pdfs/PAP_Guide_1.pdf).

24 <http://coanet.org/accreditation/who-is-accredited/who-is-accredited-search/>

# HUMANITARIAN PAROLE (HP)

**Humanitarian Parole** is a special permission to come to the U.S. even if none of the other categories fit. It is tempting to try this by making a personal argument about bringing a family together, or the conditions in the refugee camp, or the long delays in some other categories. HP can be a powerful tool, but it is extremely difficult to obtain. It can also take 3-4 months for a decision. HP is worth considering if there are no other options, but usually only as a last resort. If there is any other possible option, such as B-2 for medical treatment, that should be tried first. HP will only be considered if all other options have failed. As the Embassy websites explain:

Humanitarian parole is an extraordinary measure, sparingly used to bring an otherwise inadmissible alien into the United States for a temporary period of time due to a very compelling emergency.

In our experience, HP will not work for protection. In other words, someone who is at risk abroad cannot get HP to come to the U.S. to be safer. However, HP is possible where there is a temporary purpose in coming to the U.S., such as medical treatment or a child who needs care. For example, if a parent is being transferred to the U.S., but an adopted child is not yet eligible for a green card, HP might be a temporary solution. The family can stay together, and can work on a green card for the child here.

If the applicant has already tried to get a visa at a U.S. Embassy or Consulate, the officer's notes will, we understand, be available to the Humanitarian Parole office. It may then be helpful to ask the Embassy to add some details about the situation.

We recommend documenting the case carefully, with a clear one page letter explaining the situation, and then evidence. For example if a family relationship is claimed, DNA would be persuasive, and photos of the family together. We also recommend a signed statement by the adults involved explaining the longer term plan – either leaving the U.S. or applying for a specific kind of long term status. Make sure there is evidence that any custodial parent not coming with the child has agreed to the application, and include a criminal background check on any adult who will be caring for a child.

Last, some practical tips – be sure to check the correct box on Form I-130 – either E or F. Make sure the I-134 financial support form has supporting evidence to show exactly how the applicant will be supported. The application will be rejected if it seems the U.S. government will end up supporting the applicant or paying for medical care.

Many people applying for HP are desperate, and want to push as hard as possible. In our experience, the HP office is efficient and carefully considers cases. Letters and inquiries from congressional offices will generally not affect the decision. If you contact several congressional offices, it just makes more work for the HP office to respond.

HP is usually valid for one year maximum. It can be renewed in the U.S., but generally there should be a clear plan for leaving the U.S. or moving to another status in the time given. Once HP is approved, then the approval is sent to the nearest U.S. consulate for final processing. If the applicant does not have a passport, then it would be helpful to have a refugee document or other evidence of identity.

**For general information:** [uscis.gov/humanitarian/humanitarian-parole](https://uscis.gov/humanitarian/humanitarian-parole)

**For a Q&A:**

[uscis.gov/humanitarian/humanitarian-parole/questions-answers-humanitarian-parole](https://uscis.gov/humanitarian/humanitarian-parole/questions-answers-humanitarian-parole)

**Specific to the Syrian Refugee Crisis:**

[aila.org/advo-media/issues/humanitarian-protection/syrian-refugee-crisis](https://aila.org/advo-media/issues/humanitarian-protection/syrian-refugee-crisis)

# TEMPORARY VISAS FOR MEDICAL TREATMENT

A refugee in need of medical treatment that is not available in the camp may be eligible to enter the U.S. on a B-2 tourist visa in order to receive this treatment. However, obtaining a U.S. visa for medical treatment can be very difficult.

The greatest challenge is showing that the U.S. government will not ultimately pay for any of the treatment. This can happen if family or friends in the U.S. sponsor the medical care financially, or if a hospital agrees to donate care.<sup>25</sup>

Keep in mind that a medical visa is temporary - if the U.S. consular officer working on the case decides that the refugee will stay in the U.S. long term, then the visa may be denied even if all the work has been done to plan out the treatment.

25 The U.S. Embassy in Haiti has a very good webpage on this, with a checklist of documents needed.

## FEE WAIVERS

The U.S. government may waive the fee for certain petitions and applications. Fees may be waived if the party requesting the benefit is unable to pay the prescribed fee and this is consistent with the status or benefit sought.

Requesting a fee waiver is done by submitting a written request to USCIS. The request must state the person's belief that he or she is entitled to or deserving of the benefit requested, the reasons for his or her inability to pay, and the evidence to support the reasons indicated. The denial of a fee waiver request cannot be appealed.

## OTHER CATEGORIES

In this guide we have provided an explanation of the categories that are most likely to apply to refugees in camps around the world. However, there are a large number of immigration options not summarized here, both temporary and permanent, that could also apply to a refugee.

For example, we have seen young refugees apply to college in the U.S., receive scholarships and obtain an F-1 student visa. We have seen people take advantage of business treaties to come to the U.S. to work for a company owned by people from their country (we have such treaties with Kosovo, Congo and Honduras for example, but not with Syria<sup>26</sup>).

We have also seen people be sponsored for permanent residence through a job in the U.S. (usually from people who already knew the refugee). Degreed professionals may be eligible for H-1B, O-1, J-1, or other visas if they can get a job offer. There may even be private sources of funding available.<sup>27</sup>

These cases are relatively rare, but if there is a refugee who seems to have a potential connection with the United States, be sure to seek good information before pursuing this.

Remember, **[www.immigrationlawhelp.org](http://www.immigrationlawhelp.org)** is a list of reputable legal service agencies. And **[www.ailalawyer.org](http://www.ailalawyer.org)** is a link to find an immigration lawyer who is a member of AILA, the main professional organization.

26 <http://travel.state.gov/content/visas/en/fees/treaty.html>

27 One example of a funding source: <http://www.iie.org/Programs/Scholar-Rescue-Fund#.VylB-qODFBd>  
Article addressing the scholar exodus from Syria:  
<http://www.sciencemag.org/news/2016/05/scholars-describe-exodus-syria>

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