A potential asylee is any person who is in the United States or applying for admission at a port of entry and is unable or unwilling to return to his or her country of nationality because of persecution or a well-founded fear of persecution.

The annual number of asylum applications filed with the INS has fluctuated greatly since the effective date of the Refugee Act of 1980, as shown in Chart 1. In fiscal year 1997, 85,866 asylum cases were filed or reopened. This represents a 33 percent decrease from the 128,190 cases filed in 1996 (Table 1). The sharp decline in 1997 was due largely to a significant decrease in claims filed or reopened under the terms of the American Baptist Churches (ABC) v. Thornburgh settlement (see discussion below) because of the termination of the ABC filing period. As a result, Central Americans accounted for about 16 percent of the new claims and 25 percent of total applications compared with about 67 percent of both categories in 1996. The trend in claims from Central America is shown in Table A.

Approximately 13,700 new claims were filed by Mexicans and nearly 4,700 by Salvadorans during 1997. Haiti, with 4,310 new claims, ranked third, followed by India (3,776), Guatemala (2,386), the People’s Republic of China (2,377), and Iraq (2,328) (Table 2). Excluding about 3,100 claims filed or reopened under the terms of the ABC settlement from the 1997 figures, 82,738 applications were received, an increase of almost 17 percent from fiscal year 1996.

In the past few years, the trend in asylum claims filed by persons from Central America has been driven in large part by ABC settlement. Under the
terms of this 1991 class action lawsuit settlement, many nationals of El Salvador and Guatemala were allowed to file or renew their claims for asylum. Nationals of Guatemala had a filing deadline of March 31, 1992, which was the peak year for claims from this country. The 187,000 nationals of El Salvador who had registered for Temporary Protected Status (TPS) in 1991 became eligible to file for asylum at the expiration of their TPS period in 1992. They were later granted additional time under deferred enforced departure periods which extended until December 1994, and they ultimately had until January 31, 1996 to apply for asylum under the ABC agreement. The number of ABC claims filed by nationals of El Salvador surged during fiscal year 1996 before the filing deadline. These claims are heard under pre-reform regulations (see U.S. Asylum Program section). Applications filed after the ABC filing deadline were processed as reform filings, except those ABC cases that were closed by the Executive Office of Immigration Review (EOIR) or federal courts and were not previously filed with the INS. Under the settlement, once the latter cases are identified by the INS, they are treated as ABC filings instead of reform filings. During 1997, 3,128 cases were identified as either filed or reopened ABC cases.

Approximately 33,649 asylum cases were reopened in 1997, which accounted for about 39 percent of the applications received and represents a 60 percent increase over the number of cases reopened in 1996. The number of reopened cases has increased significantly since May 1995. This is due to an automatic function which triggers the reopening of cases that were administratively closed when aliens apply for renewal of their employment authorization. Those cases were administratively closed due to a failure to appear for the asylum interview or for an invalid mailing address. This function also automatically reschedules an interview. Under the new regulation, those who do not appear for the scheduled interview can be placed in removal proceedings immediately. Some of these reopened cases may qualify for ABC treatment.

During fiscal year 1997, the Asylum Officer Corps completed work on 129,716 claims, an increase of more than 4 percent from the 123,706 cases completed in fiscal year 1996. As of April 1, 1997, a procedural change occurred which affected asylum case completions. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) requires that a case cannot be granted until identity and record checks have been completed. Applicants can be recommended for approval; however, the final decision cannot be issued until FBI fingerprint clearance has been received. Under previous procedures, these cases went directly to final approval and were, therefore, included as case completions. As a result of the procedural change, case completions declined while interviewed cases moved through the

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**Chart 1. Asylum Applications Filed with the INS: Fiscal Years 1973-97**

![Chart 1](chart1.png)
processing pipeline to final decision. However, late in 1997 final approvals increased and have continued to increase in fiscal year 1998. The number of cases granted was 10,129, representing 19 percent of the cases adjudicated. These cases encompassed 15,896 persons given asylum. In fiscal year 1996, 13,532 asylum cases were granted, which was 22 percent of the adjudicated cases.

Section 601 of the IIRIRA stipulates that a person qualifies as a refugee or asylee persecuted for political opinion if forced to undergo, has a well founded fear of being compelled to undergo, or resists a coercive population-control procedure. It sets a combined annual ceiling of 1,000 persons who may be granted refugee or asylee status under this provision. In fiscal year 1997, the INS and the Executive Office for Immigration Review (EOIR) granted asylum status to 606 aliens based on coercive population control methods. The INS AOC made 147 grants, Immigration Judges made 340 grants, and the Board of Immigration Appeals (BIA) made 119 grants. China was the country of origin of all grants. No one was granted refugee status in fiscal year 1997 based on coercive population control measures.

The Asylum Program undertook a project to identify active cases from the pre-reform non-ABC backlog in fiscal year 1997. Notices were sent to about 90,000 applicants in the backlog to determine their continued interest in pursuing their asylum requests. Applicants no longer interested in pursuing asylum claims could request withdrawal of the application; cases without good addresses were administratively closed; and the remaining cases were scheduled for interview as slots became available. Largely due to this project, about 62,900 cases were closed, a 24 percent increase over 1996.

### U.S. Asylum Program

Any alien physically present in the United States or at a port of entry may request asylum in the United States. According to the Refugee Act, current immigration status, whether legal or illegal, is not relevant to an applicant’s asylum claim. An alien may apply for asylum in one of two ways: with an INS asylum officer; or, if apprehended, with an immigration judge as part of a deportation or exclusion hearing. Traditionally, aliens who appear at ports of entry without proper documents and request asylum were referred for exclusion hearings; however, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) made major revisions to the procedures that were effective on April 1, 1997.

Under the new law, such aliens are referred to an asylum officer for credible fear interviews. The purpose of the interviews is to determine whether aliens might have credible fear of persecution and thus be eligible to apply for asylum before an immigration judge. Those who fail to demonstrate that they have a significant possibility for

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Central America</td>
<td>28,114</td>
<td>53,966</td>
<td>54,898</td>
<td>62,310</td>
<td>104,228</td>
<td>83,410</td>
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<td>2,075</td>
<td>3,180</td>
<td>4,682</td>
<td>1,908</td>
<td>2,034</td>
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<td>10,244</td>
<td>6,781</td>
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<td>18,600</td>
<td>75,860</td>
<td>65,588</td>
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<tr>
<td>Guatemala</td>
<td>14,774</td>
<td>43,915</td>
<td>34,198</td>
<td>34,433</td>
<td>23,202</td>
<td>13,892</td>
<td>9,811</td>
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<td>Honduras</td>
<td>808</td>
<td>1,127</td>
<td>2,805</td>
<td>4,385</td>
<td>3,163</td>
<td>1,836</td>
<td>1,851</td>
</tr>
<tr>
<td>Other</td>
<td>69</td>
<td>68</td>
<td>99</td>
<td>209</td>
<td>95</td>
<td>60</td>
<td>107</td>
</tr>
</tbody>
</table>
establishing eligibility for asylum will be placed in expedited removal proceedings. However, upon the alien’s request, an immigration judge may review outcomes of the interview. The data reported in this section pertain only to asylum cases filed with INS asylum officers. An alien denied asylum by the INS may renew the asylum claim with an immigration judge.

No limits are set on the number of individuals who may be granted asylum in the United States. Under immigration law, approved asylees must reside in the United States for 1 year following their approval in order to be eligible to apply for adjustment to lawful permanent resident status. One year of the asylee’s residence prior to adjustment is counted toward the naturalization residency requirement. Although asylee adjustments are exempt from the worldwide annual limitation on immigrants, the law places a ceiling on the number of asylees who may adjust each year. The Immigration Act of 1990 increased the ceiling from 5,000 to 10,000 per year, effective for fiscal year 1991. It also waived the annual ceiling beginning in fiscal year 1991 for those asylees who had met the required 1-year waiting period and filed for adjustment of status on or before June 1, 1990.

The Asylum Officer Corps (AOC) assumed responsibility within INS for the adjudication of asylum claims on April 2, 1991. Before that date asylum claims had been heard by examiners in INS district offices. During fiscal year 1997, asylum officers worked from eight sites in the United States—Arlington (Virginia), Chicago, Houston, Los Angeles, Miami, New York City, Newark, and San Francisco. Applicants who did not live near these locations were interviewed by asylum officers who traveled to other INS offices.

Beginning in 1997, the AOC also began conducting credible fear interviews as required by IIRIRA, and interviewing applicants for refugee status at the INS overseas locations. During fiscal year 1997, asylum officers interviewed refugee applicants at seven overseas locations—Croatia, Cuba, Germany, Italy, Kenya, Saudi Arabia, and Vietnam.

In March 1994, the INS published proposed regulations designed to streamline the asylum decision process, discourage the filing of frivolous claims, and integrate the work of asylum officers with the work of immigration judges in the Executive Office of Immigration Review (EOIR, an independent Justice Department agency) in the case of claims that do not appear to meet the standards for granting asylum. The final asylum reform regulations were published in December 1994 and took effect on January 4, 1995. Under asylum reform the INS standard is to conduct the asylum interview within 60 days after the claim is filed, and to identify and grant in a timely fashion those cases that have merit. If the INS asylum officer does not find the claim to be grantable at the interview, the applicant is referred immediately for deportation proceedings before EOIR (unless a nonimmigrant status is still valid). The immigration judge may grant the claim or may issue a denial and an order of deportation. Under this system INS asylum officers issue relatively few denials, but an interview followed by a referral to EOIR represents the asylum officer’s judgment that the application is not readily grantable. An

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A potential asylee —

is any person who is in the United States or applying for admission at a port of entry and is unable or unwilling to return to his or her country of nationality because of persecution or a well-founded fear of persecution. Claims of persecution must be based on race, religion, nationality, membership in a particular social group, or political opinion.

applicant who fails without good cause to keep a scheduled appointment for an asylum interview is referred immediately to EOIR for deportation; this is considered to be one type of case closure.

**Understanding the Data**

Prior to April 1, 1991, data on asylum applicants reflect cases filed with INS district directors and, subsequently, cases filed with INS asylum officers on Form I-589 (Request for Asylum in the United States). A centralized, automated data system (Refugee, Asylum, and Parole System—RAPS) has been developed to support the processing of the existing caseload and new asylum applications. The system is designed to support case tracking, schedule and control interviews, and generate management and statistical reports. The system is capable of reporting asylum casework by nationality and other characteristics of asylum applicants. Data can be reported by case or by the number of persons covered, since a case may include more than one person. Data on asylum applicants have been collected by the INS for selected nationalities since July 1980, and for all nationalities since June 1983.

The Immigration and Naturalization Service collects data on asylees adjusting to lawful permanent resident status in the Computer Linked Application Information Management Systems (CLAIMS). Adjustment to immigrant status has been the only point at which detailed characteristics of asylees were collected in past years. The RAPS system is now able to provide data on selected characteristics of asylees at an earlier time.

**Limitations of Data**

The figures shown here for fiscal year 1997 differ slightly from preliminary statistics that were released by the Asylum Division in November 1997. The data presented here were tabulated from the RAPS system three months after the close of the fiscal year and incorporate late additions and corrections to the database. Cases that were entered into the RAPS system during fiscal year 1997 showing filing dates in previous fiscal years were treated as new cases in these tabulations. Other corrections resulted in a drop from 453,580 to 452,246 in the pending caseload as reported in the 1996 *Statistical Yearbook* and at the beginning of fiscal year 1997 in this report. Another change between 1996 and 1997 concerns the identification of applicants from the former Soviet Union whose records are being recoded to one of the succeeding republics. Therefore, the pending number of cases from “unknown republic” decreased, and the numbers for Armenia, Russia, Ukraine, and other republics increased.

It is possible for an asylum case to have more than one action during a year, particularly if the claimant fails to pursue a claim and later reopens it. Therefore, some claims may be double-counted as received and reopened, or closed and denied or granted. For this reason, and due to recent growth in the number of reopened claims, the pending caseload at the end of the year can no longer be calculated by taking the pending caseload at the beginning of the year, adding claims filed, and subtracting claims completed.

Tables 2 and 3 contain a column showing the number of applications that were reopened during the year. Most of these are cases that had been closed earlier without a decision. The number of asylum applications filed is defined here as the sum of new applications received and applications reopened during the year. The tabulations also contain columns showing the number of cases referred to immigration judges, with and without an interview. A referral due to failure to keep an appointment for an interview without good cause is considered comparable, for statistical purposes, to a closed case. The approval rate is calculated as the number of cases approved divided by the number of cases adjudicated, which is defined as the cases approved, denied, and referred to EOIR following an interview.
Data on applicants for asylum collected by the Immigration and Naturalization Service historically have covered only cases filed with the INS. Information has not been available on cases filed by apprehended aliens or cases denied or referred by the INS and renewed with immigration judges in the Executive Office for Immigration Review. The two agencies are working to integrate their data systems to provide these data in the future. Principal applicants whose asylum applications are successful can apply for their spouses and minor children who are either already in the United States or to join them from abroad, and these relatives also receive status as asylees. The RAPS collects information on the spouses and children of asylum applicants only if they are included on the principal’s application. Information regarding relatives whose principals petition for them after receiving asylum is collected through CLAIMS and is not included in any calculation in this report.
Table 1. Asylum Cases Filed with INS District Directors and Asylum Officers
Fiscal Years 1973-97

<table>
<thead>
<tr>
<th>Year</th>
<th>Cases received 1</th>
<th>Cases completed 2</th>
<th>Cases approved</th>
<th>Cases denied</th>
<th>Cases adjudicated 3</th>
<th>Percent approved 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973-97</td>
<td>1,311,582</td>
<td>938,642</td>
<td>110,740</td>
<td>236,686</td>
<td>469,373</td>
<td>23.6</td>
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<td>1973</td>
<td>1,913</td>
<td>1,510</td>
<td>380</td>
<td>1,130</td>
<td>1,510</td>
<td>25.2</td>
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<td>1974</td>
<td>2,716</td>
<td>2,769</td>
<td>294</td>
<td>2,475</td>
<td>2,769</td>
<td>10.6</td>
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<td>1975</td>
<td>2,432</td>
<td>1,664</td>
<td>562</td>
<td>1,102</td>
<td>1,664</td>
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</tr>
<tr>
<td>1976-80</td>
<td>42,173</td>
<td>10,847</td>
<td>4,990</td>
<td>5,857</td>
<td>10,847</td>
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</tr>
<tr>
<td>1976</td>
<td>2,733</td>
<td>1,914</td>
<td>590</td>
<td>1,324</td>
<td>1,914</td>
<td>30.8</td>
</tr>
<tr>
<td>1976, TQ</td>
<td>896</td>
<td>370</td>
<td>97</td>
<td>273</td>
<td>370</td>
<td>26.2</td>
</tr>
<tr>
<td>1977</td>
<td>2,529</td>
<td>1,939</td>
<td>754</td>
<td>1,185</td>
<td>1,939</td>
<td>38.9</td>
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<td>1978</td>
<td>3,702</td>
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<td>1,218</td>
<td>1,094</td>
<td>2,312</td>
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</tr>
<tr>
<td>1979</td>
<td>5,801</td>
<td>2,312</td>
<td>1,227</td>
<td>1,085</td>
<td>2,312</td>
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</tr>
<tr>
<td>1980</td>
<td>26,512</td>
<td>2,000</td>
<td>1,104</td>
<td>896</td>
<td>2,000</td>
<td>55.2</td>
</tr>
<tr>
<td>1981-85</td>
<td>161,872</td>
<td>124,142</td>
<td>25,162</td>
<td>73,928</td>
<td>99,090</td>
<td>25.4</td>
</tr>
<tr>
<td>1981</td>
<td>61,568</td>
<td>4,521</td>
<td>1,175</td>
<td>3,346</td>
<td>4,521</td>
<td>26.0</td>
</tr>
<tr>
<td>1982</td>
<td>33,296</td>
<td>11,326</td>
<td>3,909</td>
<td>7,255</td>
<td>11,164</td>
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<td>1983</td>
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<td>25,447</td>
<td>7,215</td>
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<td>1984</td>
<td>24,295</td>
<td>54,320</td>
<td>8,278</td>
<td>32,344</td>
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<td>16,622</td>
<td>28,528</td>
<td>4,585</td>
<td>14,172</td>
<td>18,757</td>
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<td>24,067</td>
<td>75,621</td>
<td>99,688</td>
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<td>1986</td>
<td>18,889</td>
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<td>3,359</td>
<td>7,882</td>
<td>11,241</td>
<td>29.9</td>
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<tr>
<td>1987</td>
<td>26,107</td>
<td>44,785</td>
<td>4,062</td>
<td>3,454</td>
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<td>1988</td>
<td>60,736</td>
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<td>8,582</td>
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<td>1989</td>
<td>101,679</td>
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<td>6,942</td>
<td>31,547</td>
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<td>1990</td>
<td>73,637</td>
<td>48,342</td>
<td>4,173</td>
<td>24,156</td>
<td>28,329</td>
<td>14.7</td>
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<tr>
<td>1991-95</td>
<td>605,372</td>
<td>234,217</td>
<td>31,624</td>
<td>71,635</td>
<td>138,891</td>
<td>22.8</td>
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<tr>
<td>1991</td>
<td>56,310</td>
<td>16,552</td>
<td>2,108</td>
<td>4,167</td>
<td>6,275</td>
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<td>1992</td>
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<td>21,996</td>
<td>3,919</td>
<td>6,506</td>
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<td>1993</td>
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<td>5,012</td>
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<td>1994</td>
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<td>53,399</td>
<td>8,131</td>
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<td>1995</td>
<td>154,464</td>
<td>108,042</td>
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<td>1996</td>
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<td>123,706</td>
<td>13,532</td>
<td>2,504</td>
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<td>1997</td>
<td>85,866</td>
<td>129,716</td>
<td>10,129</td>
<td>2,434</td>
<td>52,931</td>
<td>19.1</td>
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</tbody>
</table>

1 Beginning in 1992, includes cases newly filed and cases reopened. 2 Includes approvals, denials, and cases otherwise closed. Beginning in 1995, also includes cases referred to an immigration judge (interviewed and not interviewed). Cases otherwise closed are those in which the applicant withdrew the case from consideration, never acknowledged the request for an interview with the INS, or died. 3 Includes approvals and denials. Beginning in 1995, includes cases referred to an immigration judge following an interview. 4 Cases approved divided by cases adjudicated.

NOTE: The Refugee Act of 1980 went into effect April 1, 1980. Data for fiscal years 1982 and 1983 have been estimated due to changes in the reporting procedures during those two periods. Since April 1, 1991, authority to decide most asylum claims has resided with the INS Asylum Officer Corps.
Table 2. Asylum Cases Filed with INS Asylum Officers by Selected Nationality
Fiscal Year 1997

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Cases pending beginning of year</th>
<th>Cases filed during year</th>
<th>Cases reopened during year</th>
<th>Cases granted during year</th>
<th>Percent approved 2</th>
<th>Individuals granted asylum during year</th>
</tr>
</thead>
<tbody>
<tr>
<td>All nationalities</td>
<td>452,246</td>
<td>52,217</td>
<td>33,649</td>
<td>10,129</td>
<td>19.0</td>
<td>15,896</td>
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<td>219</td>
<td>33</td>
<td>151</td>
<td>72.9</td>
<td>262</td>
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<tr>
<td>Albania</td>
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<td>952</td>
<td>55</td>
<td>262</td>
<td>42.5</td>
<td>378</td>
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<td>Algeria</td>
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<td>139</td>
<td>40</td>
<td>59</td>
<td>51.3</td>
<td>81</td>
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<td>Bangladesh</td>
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<td>902</td>
<td>73</td>
<td>6.9</td>
<td>118</td>
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<td>Brazil</td>
<td>1,382</td>
<td>73</td>
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<td>4</td>
<td>5.6</td>
<td>4</td>
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<td>Bulgaria</td>
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<td>145</td>
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<td>20.8</td>
<td>64</td>
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<td>Burundi</td>
<td>239</td>
<td>300</td>
<td>47</td>
<td>159</td>
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<td>176</td>
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<td>219</td>
<td>45</td>
<td>67</td>
<td>47.2</td>
<td>77</td>
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<tr>
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<td>404</td>
<td>5.8</td>
<td>497</td>
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<td>Colombia</td>
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<td>251</td>
<td>285</td>
<td>27</td>
<td>11.9</td>
<td>48</td>
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<tr>
<td>Congo, Democratic Republic</td>
<td>193</td>
<td>346</td>
<td>29</td>
<td>103</td>
<td>41.7</td>
<td>141</td>
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<td>41</td>
<td>100</td>
<td>9</td>
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<td>15</td>
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1 The total number of cases pending at the beginning of fiscal year 1997 is lower than the 453,580 reported at the end of fiscal year 1996 because of corrections to the data base.
2 The number of cases granted divided by the sum of: cases granted; denied; and referred to an immigration judge following an interview. See Asylum section of text. 3 In May 1997 Zaire was formally recognized as the Democratic Republic of the Congo. 4 Some pending cases filed by persons from the former Soviet Union were recorded under the new Soviet republics.

- Represents zero. Z Rounds to less than .05 percent.

Asylees, FY97  9
### Table 3. Asylum Cases Filed with INS Asylum Officers by Asylum Office and State of Residence: Fiscal Year 1997

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<th>Asylum office and state of residence</th>
<th>Cases pending beginning of year</th>
<th>Cases filed during year</th>
<th>Cases reopened during year</th>
<th>Cases granted during year</th>
<th>Percent approved</th>
<th>Individuals granted asylum during year</th>
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See footnotes at end of table.
Table 3. Asylum Cases Filed with INS Asylum Officers by Asylum Office and State of Residence: Fiscal Year 1997—Continued

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<th>Asylum office and state of residence</th>
<th>Cases denied during year</th>
<th>Individuals denied asylum during year</th>
<th>Cases otherwise closed during year</th>
<th>Cases to immigration judge, not interviewed</th>
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1 The total number of cases pending at the beginning of fiscal year 1997 is lower than the 453,580 reported at the end of fiscal year 1996 because of corrections to the data base.
2 The number of cases granted divided by the sum of: cases granted; denied; and referred to an immigration judge following an interview. See Asylum section of text.
3 Represents zero. Z Rounds to less than .05 percent.

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