



Backgrounder: Congressional Consultations Required by the Refugee Act of 1980

The [Refugee Act of 1980](#) established the framework for refugee resettlement and the protection of asylum seekers that remains the core of U.S. refugee and asylum law today. The law requires the president to set a refugee admissions target, or “Presidential Determination on Refugee Admissions” (PD) by the end of each fiscal year on **September 30** and establishes a process for the presidential administration to consult with Congress before finalizing the PD.

The legislation outlines the requirements for the annual Presidential Determination process:

- Before the fiscal year begins, the President must set an annual refugee admissions target that is responsive to humanitarian needs.
- The administration must engage in “appropriate consultation” prior to setting the admissions target by holding in-person meetings between Cabinet-level representatives of the President and specified Members of Congress.
- The process begins with a written report to members of the House and Senate Judiciary Committees, ideally issued **at least two weeks before in-person consultations**. The Refugee Act lays out a series of requirements for the report, including that it must contain:
 - A description of the current state of global displacement.
 - Proposed numerical allocations for the total number of anticipated admissions and admissions by geographic region.
 - A proposed plan to resettle refugees and analysis of the socioeconomic impact of resettlement in the U.S.
 - A description of the extent to which countries will support refugee resettlement and an analysis of the impact that refugee resettlement will have on U.S. foreign policy interests
 - Any other information requested by members of Congress.

While the President is able to change the admissions target up or down mid-year, the law requires a similar “appropriate consultation” preceding each change.

On October 3, 2025, [reports](#) suggested that the Trump administration had signed a Presidential Determination setting the annual refugee admissions target at 7,500, with the vast majority of slots going to a group of predominately white South Africans. Further [reporting](#) on October 15 described the administration’s intention to prioritize resettling “English speakers, white South Africans and Europeans who oppose migration,” though the report indicated that the plans had not yet been finalized. President Trump [reportedly](#) signed a PD dated September 30th, before any legally mandated congressional consultations occurred. Ranking members of the House and Senate Judiciary Committees and Immigration subcommittees [condemned](#) the Trump Administration’s failure to comply with the law, saying that despite repeated bipartisan outreach, the administration failed to consult with Congress before the start of the new fiscal year.