

POLICY BRIEF | VISITING SCHOLAR SERIES

STILL A REFUGE FOR THE TEMPEST-TOST? US REFUGEE POLICY IN THE AGE OF TRUMP

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Susan Martin gave the keynote address at the Tower Center & International Rescue Committee Global Refugee Symposium on September 13, 2018.

The United States has a long history of leadership in addressing refugee crises. Since the end of World War II, US leadership has generally been a positive force for enhanced protection of refugees worldwide. That was not always the case, however. In the late 1930s, US refugee policy failed miserably to save millions of refugees from Nazi Germany. The State Department used a variety of administrative actions to restrict admissions from Europe, one such being a US sponsored international conference in Evian, France which failed to increase resettlement opportunities for refugees when the United States announced it would take no action to raise its own quotas. Hitler interpreted the failure at Evian to provide new homes for refugees as a go-ahead to take a continuing escalation of repressive measures culminating in the Holocaust.

Having learned that failures in US leadership can put millions of would-be refugees at risk, the United States determined to employ multiple strategies to enhance protection, including resettlement of refugees to the United States, financial support for global refugee assistance and protection, humanitarian diplomacy in support of refugee rights, support for new initiatives to expand the protection of vulnerable populations, and practicing what we preach by protecting refugees and others facing life-threatening situations who have reached our shores.

Today, each of these strategies is at risk through actions taken by the Trump Administration. First is the gutting of US refugee resettlement program. During the past two decades, refugees have come from repressive countries throughout the world. Numbers have increased and decreased, generally in accord with the need for resettlement. As multiple crises erupted in the 21st century and protracted displacement became the norm, the Obama administration slowly increased

resettlement, promising a ceiling of 110,000 for Fiscal Year 2018. President Trump lowered the ceiling to 45,000 but only half that number were admitted. The ceiling for FY 2019 has been set at 25,000, the lowest since the 1970s. Although only a very small number of refugees are resettled, the strategic use of this policy has had positive results.

"U.S. support for resettlement has persuaded countries of first asylum to allow refugees to enter their territories, knowing that some will move on to other countries. It is often the only solution for refugees who cannot safely stay where they are or go back to their home countries."

The second is that the United States is putting up significant barriers to both resettlement and asylum that are similar, in many ways, to those used in the 1930s. Administrative actions are being used again to make admissions from abroad and asylum in the United States more difficult. The administration has applied a zero tolerance stance at the border that has led to the criminal prosecution of asylum seekers in violation of international law. Arbitrary quotas have been imposed on immigration judges, which gives them less time to adjudicate the very difficult legal issues presented by asylum requests. Detention of children is being used as a deterrent to asylum. And, the Attorney General recently ruled that domestic and gang violence victims should generally be refused asylum as not meeting the refugee definition despite decades of international and domestic US guidelines and court cases to the contrary.

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