SCUSA 71 Roundtable: Refugees and Migrants

There are few global phenomena that inspire debate in the areas of globalization, identity, economic opportunity, and national security quite like the international flow of refugees and migrants. With that, American Foreign Policy is grappling with these issues and responding to divergent pressures from domestic and international audiences on how to approach refugee and immigration policy. This paper will first define “Refugees” and “Migrants,” then highlight why the concepts occasionally overlap. It will then present key facets of the current global refugee and migration crises, and then shift its focus to American foreign policy towards refugees and immigration.

Definitions

A September 2019 White House “Fact Sheet” on refugee policy highlights one of the main issues in the area of refugee and migration policy: the misguided yet common tendency to conflate refugee flows and immigration. The online brief begins by categorizing the United States as “THE MOST GENEROUS IMMIGRATION SYSTEM IN THE WORLD: America continues to lead the way in worldwide refugee efforts, both in financial contributions and permanent settlement.”1 Refugees and migrants are two different categories of people, whose purpose for seeking asylum and resettlement are distinct. Before entering a discussion on American foreign policy towards refugees and migrants, it is important to understand how these groups of people are classified.

The United Nations High Commission on Refugees (UNHCR) claims that “conflating refugees and migrants can have serious consequences for the lives and safety of refugees. Blurring the two terms takes attention away from the specific legal protections refugees require.”2 With that, the UNHCR defines refugees as “persons who are outside their country of origin for reasons of feared persecution, conflict, generalized violence, or other circumstances that have seriously disturbed public order and, as a result, require international protection.”3 This definition has also been adopted by most United Nations member states and shapes the international laws that protect refugees, which were established by the 1951 United Nations Refugee Convention. An asylee is defined by the same parameters as a refugee but applies for asylum when they are already in their desired country of asylum, while a refugee applies for asylum when outside that desired country.4

People classified as refugees are entitled to specific protections under international law, including safety from being returned to a dangerous country of origin, asylum procedures that are fair and efficient, and an assurance that their basic human rights are met while host countries and outside entities look for a longer term solution.5 When refugees cross an international border to seek safety, there are three solutions the international community views as “durable”: integrate into their country of asylum, return to their home country, or resettle in a third country (rather than the country or origin or first country of asylum).6

It is important to note that a sub-category of the refugee population is the “Internally Displaced Persons” (IDPs). These are individuals who flee their homes for the same reasons as refugees, but never cross an international border. In other words, they are refugees within their own countries. Often, refugees and IDPs are grouped together into a broader population, “forcibly displaced persons.”7
The definition of a migrant is less specific and encompasses a larger swathe of people internationally. According to the UN Department of Economic and Social Affairs, an “international migrant is someone who changes his or her country of usual residence, irrespective of the reason for migration or legal status.” Generally, a distinction is made between short-term or temporary migration and long-term or permanent migration with the former lasting less than a year and the latter longer than one year. Rather than being regulated by international law, migrants are largely managed by their host nation’s immigration laws. Unlike refugees, migrants do not necessarily face threat of persecution or death in their home countries, and therefore should be allowed to return home when they choose and still enjoy the full protection of their home governments.

The bright dividing line between refugees and migrants lies with the concept of voluntary movement: did the individual in question choose to depart their home country, or were they forced for fear of persecution or death? Of course, the distinction is not always easy to highlight. Often, groups of people are determined to be “mixed migrants” who do not necessarily qualify for refugee protections, but are perhaps fleeing a situation that is economically and politically untenable that they fear may soon become unlivable. Another reason why the definitions of refugee and migrant tend to blur is the challenge of legally immigrating to a wealthier country; when the barriers to legal migration seem insurmountable, some individuals will seek classification as a refugee instead in order to more readily flee a fragile or economically depressed home country.

The Global Crisis

In 2018, the population of forcibly displaced persons (refugees and IDPs) was at an all-time recorded high at 70.8 million, while the volume of refugees alone (25.9 million) constituted the largest flow of refugees since World War Two (WWII). Not only is the sheer number of displaced persons destabilizing, but the rate of the forcibly displaced population has skyrocketed in the last decade, from -.09 percent-per-year change from 2007-2012 to 9.5 percent-per-year from 2012-2017.

Two of the key faulty assumptions that drive refugee policy are a belief that most refugees are held in “refugee camps” and an assumption that the majority of refugees will return home when the conflict and/or threat of persecution ends. Neither assumption is accurate today. In 2017, approximately 4 million refugees (of 68.5 million) lived in refugee camps, while the majority lived in urban centers, with family members, or in various other temporary or long-term living situations in their countries of asylum. In addition, the average length of displacement is much longer than the international refugee framework is equipped to address; the average time for refugee displacement was 10 years in 2017.

Another facet of this contemporary challenge is at the intersection of development and conflict. The vast majority of refugee countries of origin and asylum are developing countries. In 2017, 85 percent of global refugees’ “countries of asylum” were developing countries, while 68 percent of global refugees originated from one of five developing nations: Syria, Afghanistan, South Sudan, Myanmar, and Somalia. As poverty and conflict drive refugee outflows, often the countries expected to bear the burden of asylum are the equally fragile neighboring states, which in turn hinders effective economic development and exacerbates any existing humanitarian and security challenges in those countries.

A final feature of the current refugee crisis that is worth highlighting bridges the gap between forcibly displaced persons and migrants. Climate change, as International Rescue Committee CEO David
Miliband states, “is not just a looming danger, it is part of today’s [refugee] equation.”19 “Climate refugees” are those people who are forced to leave their homes due to natural phenomena including desertification, rising sea levels, ocean acidification, and flooding.20 This category of refugee is not specifically covered under the UNHCR’s mandate or current definition of refugee. However, this category of refugee will present an unspecified but certain challenge in the coming years; the UN International Organization for Migration gives a broad estimate of anywhere from 25 million to 1 billion climate refugees facing displacement by 2050.21 In addition to the uncertainty facing this new population of refugees, another implication connects to one of the faulty assumptions mentioned earlier in this paper: climate refugees will not be able to return home, because their homes will be uninhabitable. In sum, “climate-induced migration is a broad phenomenon that defies existing definitions.”22

The challenges and recommendations associated with migrants are broader and perhaps even more polarizing than the issues surrounding refugees today. Because migrants are those people fleeing their home communities for any reasons besides those which classify refugees (including, currently, for reasons motivated by climate change), the population is larger and less protected than refugees. Although there is an academic consensus that “a world with more migration would be substantially richer,” the tension lies in the fact that the greatest economic benefit goes to the migrants, while all the power to determine immigration policy lies with the wealthy countries to which migrants are trying to gain access.23 This has created backlash and fueled nationalist and populist movements across wealthy countries, where voters perceive that high rates of immigration to their countries are indicative of weak borders and will lead to job losses for citizens, social welfare for immigrants, and an invasion of alien cultures that they deem incompatible with theirs.24 Even though refugee experts try to maintain a clear distinction between refugees and migrants, for many voters in wealthy countries, “the two issues blur into one: what they care about is the number of foreigners arriving.”25

**United States Policy on Refugees and Migration**

The United States has in many cases been at the forefront of the mounting political tension surrounding the issues of immigration and refugee resettlement. Although the United States has a rich history of resettling hundreds of thousands of refugees and migrants, particularly after WWII and the Vietnam War, the political tone today is a far cry from George Washington’s proclamation that America “is open to receive not only the opulent and respectable stranger, but the oppressed and persecuted of all nations and religions.”26 *The Economist* claims that President Trump owes his job to the fear of immigration,27 and David Miliband criticizes President Trump for classifying Syrian refugees as “one of the great Trojan horses” in the world.28 Recently, domestic atrocities including the mass shooting in an El Paso, Texas Walmart have been linked to radical views that immigrants are launching an “invasion” or “cultural replacement” of the United States and its citizens.29

As of July 2019, immigrants comprised approximately 14% of the United States’ population, or 43 million people, which is the highest percentage of the population since 1915.30 Of those 43 million immigrants, 11 million are undocumented or “illegal immigrants,” a number that declined by just over 1 million people between 2010 and 2017, including a 20% decrease in the undocumented population from Mexico during that time period.31 Most undocumented immigrants are residing in the United States illegally as a result of overstaying visas rather than illegal border crossings.32 In 2018, there were almost 400,000 apprehensions of individuals trying to cross the Southern border, which is a higher number than 2017, but lower than every year from 1973-2010, and significantly lower than the recorded high of 1.6 million apprehensions in 2001.33
In 2018, the United States accepted 22,491 refugees for resettlement to 48 different states, with Texas, New York, and Washington as the top three states for refugee resettlement. That number represents a 74% decrease from 2016, when the Obama administration saw 84,994 refugees resettled in the United States. In the last ten years, 55% of refugees resettled in the United States have been from Burma (Myanmar), Iraq, and Bhutan. The UNHCR processes claims for resettlement, and in 2018, the United States led the world with the highest number of refugee claims at 254,000. Critics cite that only .04 percent of the global refugee population was effectively resettled in 2017; while the United States has roughly 25 percent of the world’s income, it only hosts 1 percent of the world’s refugees. As a leader in the United Nations and in various international humanitarian, development, and security organizations, the United States is certainly in a position to shape the global response to the challenges presented by refugees and migration.

The President, in consultation with Congress, decides the annual admission of refugees and guides immigration policy. Immigration and refugee policy has varied drastically in the last two Presidential administrations. In 2012, President Obama introduced the Deferred Action for Childhood Arrivals (DACA) program, which focused on deportation deferrals and work permits for undocumented immigrants who arrived in the United States as children. As of 2018, 900,000 people have taken advantage of programs under the umbrella of DACA. The Obama administration raised the refugee admission ceiling repeatedly to a high point of 110,000 in FY2017 in response to the Syrian refugee crisis.

Since taking office, President Trump has signed several Executive Orders marking major changes in US policy towards refugees and migrants. These Executive Orders have mandated the construction of a physical border wall between the U.S. and Mexico, prioritized certain immigrants for deportation over others, suspended the refugee program for 120 days, banned refugees and migrants from certain countries (mostly in the Middle East) from entering the United States, and drastically reduced the number of refugee admissions allowed annually. Several of these decisions, including the “travel ban” orders and the attempts to overturn DACA, have been challenged in courts at levels up to and including the Supreme Court.

Most recently in September 2019, President Trump issued an Executive Order which reduced the refugee cap to 18,000 in FY20, which is the lowest level by a large margin since the United States passed the Refugee Act of 1980. This Executive Order also requires cities and states to consent in writing before accepting international refugees, which in turns allows localities to deny being a place for refugee resettlement. The administration defended the decision by stating “The current burdens on the U.S. immigration system must be alleviated before it is again possible to resettle large number of refugees.” This move has drawn international criticism, including from International Refugee Assistance Project's Betsy Fisher who called the new refugee cap a "shockingly low refugee admissions goal," warning that the policy "will all but ensure that people in need of safety will be left in dangerous conditions."

Any American Presidential administration has both domestic and international stakeholders to consider when crafting foreign policy, though in the case of refugees and migrants, both audiences seem to be increasingly supportive of asylum seekers and migrants. In a 2018 Pew Research Poll of respondents in 18 countries, global attitudes were more positive towards integrating refugees than migrants, with 71% of respondents supporting taking in refugees versus 50% supporting the
integration of immigrants. Interestingly, the results of United States citizens in the same poll showed 66% of respondents supporting integrating refugees and 68% supporting immigrants.47

The potential solutions to the global refugee and migration crises are as divergent and varied as the asylum seekers themselves. In a recent report on global immigration policies, The Economist compared the immigration policies of the United States, the United Arab Emirates, and Sweden. As vastly different countries, each with considerable foreign-born populations but varying policies towards them, the report makes four general recommendations for effective immigration policy: first, the inflow of migrants into any country should be orderly and legal. Second, migrants should be encouraged and helped to find work. Third, migrants should be encouraged to assimilate and “fit in” to their host nation culture through initiatives like language classes. Fourth, migrants (not refugees, in this case) must pay their own way, and host nations should work to more evenly distribute the economic advantages of migration among the migrants themselves and the host nation citizens.48 The question is what form U.S. influence will take in the years to come, as the flow of people across international borders increases rapidly without indications of slackening.

Endnotes

5 “UNHCR viewpoint: ‘Refugee’ or ‘migrant’ – Which is right?,” 2.
8 “Definitions,” 2.
9 “Definitions,” 2.
10 “UNHCR viewpoint: ‘Refugee’ or ‘migrant’ – Which is right?,” 2.
14 Miliband, 4.
16 Miliband, 26.
17 Miliband, 28.
19 Miliband, 32.
21 Kraemer et al, 2.
22 Kraemer et al, 2.
24 “A way forward on immigration.”
26 Miliband, 53.
27 “A way forward on immigration,” 2.
28 Miliband, 53.
32 Warren, 2.
39 Miliband, 30.
46 Allyn, “Trump Administration Drastically Cuts Number of Refugees Allowed to Enter The U.S.”
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