

# Blueprint: How to Address the Global Refugee Crisis and Safeguard U.S. National Security

## Overview

Historically, the United States has been a global leader in protecting vulnerable refugees fleeing persecution. Both Republican and Democratic administrations have recognized the moral and strategic importance of a strong commitment to refugee protection. But the Trump Administration has adopted policies that diverge from this historic leadership, to the detriment of U.S. national security interests. Under President Trump's directives, the United States has banned refugees from Muslim-majority countries, decimated the U.S. refugee resettlement program, curtailed access to asylum, taken children from the arms of asylum-seeking parents, refused to release refugees from U.S. immigration jails, and undermined due process in asylum adjudications. Thus far this fiscal year, the United States resettled only 60 Syrian refugees, a 99% drop from 2016<sup>1</sup>.

The president and administration officials have repeatedly employed rhetoric that paints refugees and asylum seekers as threats, frauds and criminals. Even though unauthorized border crossings are at historically low levels, the president directed that the National Guard be deployed to the U.S. southern border "until" Congress strips away legal protections and authorizes the long-term detention of children and families seeking refugee protection.

This race to the bottom has global consequences. Not only have thousands of refugees had their lives irreparably impacted, but the global humanitarian and human rights systems themselves are threatened by the Trump Administration's statements and actions.

In addition to relieving human suffering, these systems foster global stability and security. The United States should change course immediately, before the damage is irreversible.

Though the global refugee crisis lacks easy solutions, there are many steps the United States could take to alleviate suffering and increase regional and global security—if the U.S. government were invested in tackling the problem. Unfortunately, the Trump Administration's political strategy seems to rest on fomenting public anxiety around questions of migration. Until this changes, Congress must use its legislative and oversight authorities to restore U.S. global leadership on refugee protection, the courts must stand firm behind U.S. legal obligations, and American citizens must demand an end to politicized fearmongering.

The government has policy tools that would allow it to lead a comprehensive initiative to address the global refugee and displacement crisis. By working with the international community to effectively address these challenges, the United States could safeguard the stability of strategically-important countries and regions, bolster allies, enhance the ability of front-line countries to host refugees, uphold the rule of law internationally, and restore its tarnished global leadership.

As the world leader in humanitarian assistance and resettlement, the United States has a unique role to play, both in leading by example and in encouraging other states to increase their aid, development investment, and resettlement

contributions. Most critically, the United States should champion adherence to human rights and refugee protection conventions, promoting the rule of law globally and supporting the ability of many refugees to live safely in countries near their homes.

This paper lays out key steps that the United States should take to lead a comprehensive initiative to address the global refugee crisis. Though the Trump Administration is unlikely to put these measures into effect any time soon, it is important that those interested in fixing the global refugee crisis understand that the U.S. government has many tools at its disposal should it choose to use them. The steps the U.S. government can take, which are outlined in this report, include:

1. **Support, instead of abandon, effective initiatives to address the rights abuses, violence, and conflicts causing displacement**, including strengthening the rule of law, engaging in protection and development projects, appointing diplomats to resolve challenges, and guarding refugees from premature, unsafe, or forced returns.
2. **Strengthen support for front-line nations hosting the vast majority of refugees**, including:
  - Partner with other nations and private donors to fully meet humanitarian appeals and significantly increase development investment by both encouraging other countries to raise their contributions and increasing U.S. humanitarian assistance and development investments;
  - Champion compliance with refugee and human rights law and treaties including refugees' ability to work legally and prohibitions on return to persecution,
3. **Protect asylum seekers at the U.S. southern border by upholding U.S. law and treaty commitments, setting a strong example for countries facing much larger refugee challenges**, including:
  - Partner with other nations to secure resettlement or other protection routes for the small portion of vulnerable refugees who cannot safely remain in front-line countries, encourage other nations to increase their resettlement efforts, and increase U.S. resettlement levels to at least 75,000 annually; and
  - Ensure timely and effective resettlement vetting that advances U.S. humanitarian and security interests, by, among other initiatives, restoring reassigned U.S. Citizenship and Immigration Services (USCIS) refugee officers to conduct resettlement interviews, resolving logjams in processing or security checks, and accepting the Department of Defense's (DOD) offer to provide staff to assist the FBI in the timely and accurate processing of security (SAO) checks.
  - Employ humane, proven, and cost-effective case management strategies to oversee cases of people seeking protection along the southern border, using appearance support initiatives run by community-based organizations with refugee assistance expertise—and ending policies that waste resources and subject asylum seekers to harsh criminal prosecutions, detentions, and family separations; and
  - Support the development of effective and rights-respecting asylum systems

in the Americas, buttressing the U.N. Refugee Agency's (UNHCR) efforts to build stronger regional protection and asylum systems in Mexico, Costa Rica, Panama, and other countries, but ceasing efforts to obtain a safe third country agreement with Mexico.

- 4. Provide timely safe haven for interpreters and others at risk** due to their work with the U.S. military, government, and other U.S. entities by resolving processing backlogs and ensuring increased and timely resettlement of Iraqis under the Refugee Crisis in Iraq Act and Afghan interpreters eligible for special immigration visas (SIVs). Restore reassigned USCIS refugee officers and accept the DOD's offer of staff to assist the FBI in conducting timely, accurate SAO checks. Finally, Congress must allocate 4,000 Afghan SIVs.

## Background

The global refugee and displacement crisis is escalating. While new crises have emerged, long-term conflicts and rampant human rights abuses that have driven people to flee remain unresolved. Other forces are also contributing to global displacement, including the lack of necessary subsistence and economic opportunities, droughts, and other climate-related shifts. Over 68.5 million people are now displaced, and over 25.4 million of them are refugees who have escaped across borders in search of protection.<sup>2</sup> About 57 percent of the world's refugees come from just three countries: Syria, South Sudan, and Afghanistan. The number of Syrian refugees grew from about 20,000 in February 2012 to over 6.3 million in 2017.

Over four out of five refugees remain in a small number of host countries next door to their own.

Ten countries host 63 percent of the refugees under UNHCR's mandate—Turkey, Pakistan, Uganda, Lebanon, Iran, Germany, Bangladesh, Sudan, Ethiopia and Jordan.<sup>3</sup> About 85 percent of refugees reside in developing countries, which UNHCR has warned are “are desperately poor and receive little support to care for these populations.”<sup>4</sup>

After World War II, the United States helped establish an international system and legal framework grounded in the conviction that people fleeing persecution should never again be turned back to face horror or death. Today 148 nations are party to the U.N. Convention Relating to the Status of Refugees or its Protocol, including the United States, which is a member of the Executive Committee of the U.N. Refugee Agency. The United States is also a party to the International Covenant on Civil and Political Rights (ICCPR), which affirms the right to liberty and freedom from arbitrary detention, as well as the Convention Against Torture and other human rights treaties.

The United States has long been the global leader in resettling refugees. The Reagan and George H.W. Bush Administrations saw the resettlement program's peak years, with President Bush admitting over 100,000 refugees every year of his term. But the Trump Administration has abdicated this leadership and—through its rhetoric, resettlement bans, and attacks on asylum—is hurting the global refugee protection system. Damage which will, in turn, injure U.S. national interests.

## Addressing Refugee Crisis is Critical to U.S. National Security Interests

*The global refugee crisis is straining the resources and infrastructures of Lebanon, Jordan, and Turkey, which are hosting the vast majority of Syrian*

*refugees. By doing more to host and help refugees, the United States would safeguard the stability of these nations and thereby advance its own national security interests.*

—Former CIA Director Michael Hayden and former NATO Supreme Allied Commander James Stavridis<sup>5</sup>

For the United States, resolving the global refugee crisis is both a moral and national security imperative. The failure to effectively address refugee challenges threatens the stability of fragile states and regions that are strategically critical to U.S. interests, leaves U.S. allies in the lurch, undermines international law, fuels smuggling, trafficking and transnational crime, and feeds ISIS's recruitment narrative—that America is hostile to Islam.

If the United States were to lead an effective global refugee protection initiative, it would:

- **Safeguard the stability of strategically-important but fragile states and regions that host the majority of the world's refugees.** The small number of nations that host large numbers of refugees face serious strains to their medical, housing, water, waste, labor, and other infrastructures. As Ryan Crocker, former U.S. ambassador to Lebanon, Iraq, and Syria, has pointed out, the large numbers of Syrian refugees living in Lebanon, Jordan, and Turkey place “tremendous strains on those countries and their critical infrastructures—water, electricity, sanitation, health care and education.”<sup>6</sup> Without leadership from the United States and its allies, a Center for Strategic and International Studies (CSIS) task force co-chaired by former Department of Homeland Security (DHS) Secretary Tom Ridge and former U.S. Agency for International Development (USAID) Administrator Gayle Smith warned

that Uganda, Jordan, Bangladesh, and other countries “will face greater pressures that could lead to descent into instability and conflict, driving even more people from their homes.”<sup>7</sup> If these countries' infrastructures should collapse, the stability of these countries—and the regions surrounding them—will be threatened.

- **Help, rather than hurt, U.S. allies.** Former U.S. officials have warned that the reduction in refugees resettled to the United States “weakens this country's ability to provide global leadership and jeopardizes our national security interests by failing to support the stability of our allies.” As the Heritage Society pointed out in a July 2017 report, many of the Syrian refugees admitted to the United States were resettled from Jordan, a key U.S. ally and partner in the U.S. led coalition against ISIS, and others were resettled from Turkey, a NATO ally. Despite substantial resettlement needs in Jordan, the number of Syrian refugees resettled from Jordan has plummeted by 93 percent—from 17,956 in 2016 to only 1,286 as of June 2018—with Jordan labeled the “unintended victim” of President Trump's refugee bans.<sup>8</sup> U.S. allies in Europe have also been impacted by the failure to effectively address the refugee crisis; in fact, the lack of sufficient aid, rights-protections in refugee hosting states, and orderly resettlement routes has pushed many to embark on dangerous journeys towards Europe. The damage to U.S. relationships with these critical allies undermines diplomatic, economic, and security cooperation that is essential to U.S. national interests.

- **Counter, rather than fuel, the recruitment narratives used by ISIS and al Qaeda.** Michael Chertoff, who served as secretary for

homeland security under George W. Bush, explained in November 2015 that by resettling Syrian refugees the United States discredited ISIS rhetoric painting the United States as anti-Muslim. He cautioned against efforts to curtail Syrian resettlement, warning that “you don’t want to play into the narrative of the bad guy. That’s giving propaganda to the enemy.”<sup>9</sup> In April 2018, former CIA director Michael Hayden stated that President Trump’s executive order aimed at banning Syrian refugees and others from Muslim-majority countries “reinforces the narrative of ... organizations like ISIS and al Qaeda, who preach that there is undying and unavoidable enmity between Islam and the West” and “literally fills in their recruiting and proselytizing themes.”<sup>10</sup> By reassuming its historical role as a global leader in refugee protection, the United States undermines this propaganda, dealing a strategic blow to groups like ISIS and al Qaeda.

- **Uphold, rather than subvert international law, fostering global stability, rather than instability.** Under international law, refugees are entitled to critical protections, including rights to work, education, and liberty as well as prohibitions against return to persecution, arbitrary detention, and penalization for unauthorized entry or presence. The failure to adhere to these rules has left refugees in danger as well as subverted the rule of law globally. The negative example of deterrence-driven and rights-violating policies adopted by some wealthier states will, if not remedied, undermine the global protection regime and the responsibility-sharing necessary to address displacement challenges. A strong recommitment to international refugee and human rights law is necessary not only to better help refugees, but also to support

broader U.S. humanitarian, strategic, and national security goals. The United States depends on other nations’ adherence to these rules, and the United States loses crucial diplomatic leverage when it fails to practice what it preaches.

- **Thwart, rather than fuel, smuggling, trafficking, and transnational crime.** The lack of sufficient resettlement, coupled with the lack of sufficient aid and opportunities to work legally and remain without risks in front-line countries, have driven many refugees to embark on dangerous journeys to Europe in search of protection.<sup>11</sup> Not only do many refugees lose their lives on these journeys, but refugees who take these routes are often targeted by smugglers, traffickers, and other criminal enterprises. In contrast, effective resettlement initiatives help ensure that refugees who cannot secure protection in front-line countries have safe and orderly routes to access protection.<sup>12</sup> Indeed, “[r]esettlement and other forms of admissions can play a significant role in reducing irregular and dangerous movements, and in offering a credible and safe alternative to some refugees,” UNHCR has explained.<sup>13</sup>
- **Protect interpreters and others in danger for working with the United States, rather than undermining U.S. interests and military missions.** Congress passed a law to ensure priority resettlement for Iraqis who worked with the U.S. military, contractors, media, or other U.S. entities. Yet, the number of U.S. affiliated Iraqis resettled to the United States fell by 98 percent<sup>14</sup> in the year since President Trump took office, and 100,000 U.S.-affiliated Iraqis are awaiting completion of backlogged processing.<sup>15</sup> Veterans themselves have stated that the refugee ban harms U.S. national security by abandoning

the interpreters the military relies on to successfully carry out its missions around the world, stressing that “our mission, and sometimes our lives, depended on the interpreters, translators, and other local allies.”<sup>16</sup>

## **Support Initiatives to Address Human Rights Abuses, Violence and Conflicts Causing Displacement**

While this paper focuses on addressing the global refugee crisis, the international community must, first and foremost, work harder to resolve the conflicts, human rights abuses, and violence that are causing displacement. Over two-thirds of the world’s refugees have fled from just five countries: Syria, Afghanistan, South Sudan, Myanmar, and Somalia. In the Americas, UNHCR reports a significant increase in people fleeing from the North of Central America—El Salvador, Guatemala and Honduras— seeking asylum in Mexico and the United States, as well as Costa Rica, Panama, and Belize. More than 1.5 million people have fled Venezuela since 2014, and the numbers fleeing Venezuela have risen sharply over the last year.

Although addressing the human rights abuses and conflicts prompting flight is beyond the scope of this paper, there is certainly much the administration and Congress can do to better tackle these challenges.

For example, the United States should:

- **Appoint diplomats to address conflicts and crises.** A diplomat should be appointed to spearhead U.S. efforts to tackle the Rohingya crisis, including human rights conditions in Myanmar, the protection of refugees in Bangladesh, and safeguarding refugees from premature, unsafe and

counterproductive return. More broadly, the Obama Administration Deputy National Security Advisor Denis McDonough recommended that the Trump Administration “put real muscle behind resolving regional conflicts” by appointing experienced diplomats to address these conflicts. In Africa alone, key ambassadorships in Congo, South Africa, and South Sudan remain vacant.<sup>17</sup>

- **Support effective initiatives to enhance the rule of law, protection, and stability in displacement-generating countries.**

Foreign policy and national security experts have stressed the importance of U.S. leadership in efforts to enhance the rule of law, police and court reforms, accountability, and the protection of civilians in countries generating displacement. For instance, several U.S.-funded community-based programs focused on preventing violence and promoting accountability in Honduras have reportedly helped reduce gang violence in targeted areas,<sup>18</sup> but such initiatives have been threatened by Trump Administration efforts to cut aid. Former DHS Secretary Jeh Johnson has stressed the importance of aid to Central America, noting that Congress appropriated \$750 million in assistance for Guatemala, Honduras, and El Salvador in fiscal year 2016, but that this level of support fell in subsequent years.<sup>19</sup> The American Bar Association’s Rule of Law Initiative has urged the United States to support transitional justice mechanisms and initiatives that help provide alternatives opportunities to children pressured to join gangs.<sup>20</sup> In Myanmar, the United States should support accountability for the crimes against humanity and genocide that drove hundreds of thousands of Rohingya to flee including through International Criminal Court referral.

- **Advocate for and support efforts to secure the human rights of internally displaced and other persons.** Many of the refugees who have fled from Syria, or from the Northern Triangle of Central America, were initially displaced internally within their countries. By promoting respect for the human rights of internally displaced persons, the United States would enable more people to remain protected in their home countries. In Myanmar, for instance, the United States should encourage respect for the human rights of the Rohingya, including recognition of their citizenship.
- **Increase development aid and encourage investment in fragile states generating displacement.** The Ridge-Smith CSIS task force recommended that the United States “prevent forced migration before it starts,” by increasing development aid to address root causes, encouraging other countries, institutions, and the private sector to invest in fragile states, and focusing foreign assistance on governance and other reforms that enable private sector growth.
- **Support effective initiatives that protect returnees and displaced persons and promote stability.** In a recent report, Refugees International recommended the U.S. support local humanitarian groups in northeast Syria where water systems and electricity are still not working, and medical care and safe shelter are scarce.<sup>21</sup> In August 2018, the Trump Administration announced it will redirect \$230 million appropriated by Congress for stabilization projects in Syria.<sup>22</sup> Eric Schwartz, President of Refugees International and former assistant secretary of state for population, migration and refugees, warned that the decision would likely

contribute to the further destabilization of Syria.

- **Safeguard refugees from unsafe, premature, and illegal returns.** All refugee returns must be voluntary and in compliance with refugee protection legal standards. Refugees—whether from Syria, Myanmar, Somalia or elsewhere—should not be forced or pressured to return to unsafe conditions. Moreover, even when conflicts end, if repressive or rights-abusing authorities retain power, pro-democracy activists, minority groups or other refugees often remain at risk. The United States must not work with rights-violating regimes to return Syrian refugees, and indeed the Pentagon expressed concerns about reports that the White House agreed to collaborate with the Russian military on Syrian refugees.<sup>23</sup>

## **Strengthen Support for Front-Line Nations Hosting the Vast Majority of Refugees**

There is much the United States can do to provide the leadership necessary to support—and encourage other nations, donors, and investors to support—the states that are hosting the overwhelming majority of the world’s refugees. This critical support includes humanitarian aid, development and private investment, promoting compliance with human rights standards, and providing timely and effective routes to protection for a small portion of the most vulnerable refugees living in front-line countries.

***Our foreign assistance strategy and programs must place greater emphasis on catalyzing and supporting economic growth and opportunity ...***

***[I]n this new era of human development, entrepreneurs,***

***investors, and innovators are as fundamental to geopolitical stability as politicians, generals, and diplomats; and trade and investment agreements are as instrumental to world order as defense pacts.***

—**General James Jones, retired**

As the single largest global humanitarian donor, the United States is particularly well placed to lead by working with other nations to increase humanitarian aid, development investment, support for education, and initiatives to bolster the number of refugees given legal permission to work. The gaps in global humanitarian funding are massive. About two thirds of the global humanitarian appeal had not been met nearly eight months into 2018.<sup>24</sup> The U.N.'s global appeal to address the Syrian refugee was less than ten percent funded as of July 31, 2018.<sup>25</sup> These deficiencies have consequences that will directly impact the United States's allies and interests in stability.

In addition to humanitarian assistance, development investment is also crucial. In 2016 a group of former senators, both Democrats and Republicans, explained that “strategic investments in development and diplomacy are crucial to advancing our national security and economic interests while ensuring a more secure and stable world.”<sup>26</sup> Recommending an increase in development aid for fragile displacement-generating and refugee-hosting states, the Ridge-Smith task force warned that proposed budget cuts to foreign assistance “risk creating greater problems and greater flows of people later; doing so could make bad situations worse while weakening our allies and weakening our security.”<sup>27</sup>

The World Bank has stressed that global powers need to pay greater attention to boosting economic growth and creating jobs in fragile

countries to avoid even greater displacement crises. In a 2016 speech the World Bank's president (then called for major shifts in the way the World Bank works, including “investing and supporting middle-income countries that face the challenge of fragility, especially when the spillover effects from fragility can threaten both its neighbors and countries on the other side of the earth.” He warned that “[i]f we leave these problems unresolved, the risk of growing conflict and extremism in these contexts will become very real.”<sup>28</sup>

The United States should:

- **Work with other donor states to fully meet U.N. humanitarian appeals.** The United States should increase its own humanitarian contributions and leverage its leadership to push other states to increase their contributions, as well as encourage increased contributions from the private sector. In his 2017 national security strategy, the president stated that “the United States will continue to lead the world in humanitarian assistance;” but as Denis McDonough has noted, “to make that statement real, the administration would have to turn around its repeated budget request to slash humanitarian aid.” The administration should also reverse plans to cut support for UNRWA, the U.N. Relief and Works Agency for Palestinian Refugees.<sup>29</sup>
- **Encourage development agencies to further prioritize refugee and displacement situations, supporting key public infrastructures and initiatives that expand access to work and education.** The United States, other donor states, and financial institutions should prioritize development investments that improve public infrastructures impacted by hosting refugees, and increase the overall housing stock, health and education services, and income-earning

opportunities that can best benefit both host communities and refugee populations. Such initiatives should not be limited to funds traditionally allocated to “refugee” situations but should be integrated and prioritized throughout such agencies. Some have urged initiatives akin to a “Marshall Plan” for the Middle East or for Africa which would mobilize states, financial institutions, and the private sector to invest in refugee hosting, and refugee generating, communities.<sup>30</sup>

- **Increase development investments in frontline refugee hosting states** and ensure that development investments are initiated much earlier. As the 2016 report of the U.N. Secretary General explained, “[G]iven the average long length of displacement, the response will be more sustainable if it builds on national and local systems and incorporates a development approach, even in the early stages of an emergency.” The Ridge-Smith task force also recommended the placement of more USAID missions in forced migration “hot spots.”
- **Encourage continued focus by the World Bank, Inter-American Development Bank and other institutions on refugees and displacement.** The United States should encourage the World Bank’s continued focus on the global refugee and displacement crisis, including through innovative financing instruments, concessional loans to countries hosting refugees, and the use of International Development Association resources.<sup>31</sup> The Ridge-Smith task force recommends that other development banks and finance institutions, such as the International Finance Corporation, pilot financing initiatives to support countries impacted by migration.
- **Continue to encourage greater engagement and investment by private**

**donors, investors, and businesses to better support refugees.** The United States should expand efforts to encourage private donors, investors, and businesses to contribute to humanitarian appeals and to strategically invest in refugee-hosting states in ways that support both refugees and host communities.

### **Promote Compliance with Human Rights and Refugee Law and Treaties**

*In the real world, as lived and experienced by real people, the demand for human rights and dignity, the longing for liberty and justice and opportunity, the hatred of oppression and corruption and cruelty is reality. By denying this experience, we deny the aspirations of billions of people, and invite their enduring resentment .... Human rights exist above the state and beyond history. They cannot be rescinded by one government any more than they can granted by another. They inhabit the human heart, and from there, though they may be abridged, they can never be extinguished.... We are the chief architect and defender of an international order governed by rules derived from our political and economic values .... Depriving the oppressed of a beacon of hope could lose us the world we have built and thrived in.*

—Senator John McCain, *Why We Must Support Human Rights, May 2017*

In the wake of World War II and the many border restrictions that denied refuge to those fleeing Nazi persecution, the United States helped lead

efforts to draft the 1951 Refugee Convention. That treaty and its Protocol prohibit states from *refoulement*—returning people to places where they face well-founded fears of persecution. Even states that are not party to the Refugee Convention and Protocol must comply with this prohibition as it constitutes a tenet of customary international law. In addition, refugees are entitled to human rights protections under international law, including the rights to work, education, liberty and freedom from arbitrary detention. The deprivation of these rights often leaves refugees with little choice but to seek protection in other countries.

In research conducted in Jordan, Lebanon, and Turkey, Human Rights First researchers heard again and again that refugee-hosting states had denied refugees the ability to work legally, that refugee children faced tremendous barriers to education, and that refugees were facing increasing risks of exploitation, detention, and deportation in the face of increasingly harsh government policies and registration requirements.<sup>32</sup> Without protection of their basic rights, many refugees believed they could not safely remain and rebuild their lives in the region. And many made the difficult choice to embark on dangerous journeys to seek protection in Europe. Alternatively, by promoting adherence and access to these rights, the global community can advance its broader goals of securing the rule of law and global stability.

The negative example of deterrence-driven and rights-violating policies adopted by some wealthier states sets a poor example for front-line refugee hosting countries. For instance, by announcing an indefinite ban on the resettlement of Syrian refugees and portraying Syrian refugees as security threats, the United States has made it much more difficult to encourage the states surrounding Syria to

comply with international law and allow refugees to escape across borders. Just a few days after President Trump signed his January 27 order blocking resettlement of Syrian refugees, Lebanese president Michel Aoun renewed calls for Syrians to be returned to their country.<sup>33</sup> The Hungarian government has also asserted that President Trump's refugee policies would "ease the tension" over Hungary's legislation aimed at blocking and penalizing asylum seekers—legislation that violates both refugee and human rights conventions.<sup>34</sup>

The United States should lead by strongly supporting adherence to international human rights and refugee law globally. This approach will not only safeguard the lives of countless men, women, and children, it will also promote global stability by supporting the ability of many refugees to remain safely in regions near their homes.

In order to lead, the United States should take steps that include:

■ **Champion self-reliance and the right to work through diplomatic engagement and development investments that create jobs for both refugees and host communities.**

The United States should encourage Turkey, Jordan, Lebanon, Egypt, and other countries to reduce barriers preventing refugees from working to support themselves. The United States had set as a goal, in connection with the September 2016 Leaders' Summit, to encourage other countries to increase by one million the number of refugees globally granted the legal right to work. The United States should encourage additional initiatives to increase jobs for refugees and host-communities by enlisting business leaders, financial institutions, and governmental and private donors. For instance, financial institutions could create initiatives inspired by

aspects of the World Bank's Economic Opportunities for Jordanians and Syrian Refugees Program-for-Results at the Global Concessional Financing Facility.

■ **Increase funding for, and access to, primary and secondary education as well as scholarships to universities.** The United States should support and encourage donor states and private donors to expand support for initiatives that increase opportunities for refugees to access education while also supporting refugee hosting communities through university scholarships for refugees. For example, the IIE Syria Consortium for Higher Education in Crisis provides some Syrian refugees with a network of universities and scholarships. In addition, a project at Southern New Hampshire University is designed to bring online bachelor's and associate's programs to displaced persons. One initiative, that offered 70 university scholarships for Syrian refugees in Turkey, prompted five thousand applicants.

■ **Encourage Turkey, Jordan, Lebanon, and other states in the region surrounding Syria to comply with international law prohibitions against refoulement and stop blocking or preventing Syrians from fleeing their country.** Syria's neighbors have already taken in large numbers of refugees, but many thousands more have been blocked from crossing to safety and are trapped within Syria and in dangerous border areas. In addition to encouraging these nations to comply with international law and allow Syrian refugees to cross their borders, the United States and other donor states should increase their support for frontline states hosting the majority of refugees through humanitarian aid, bilateral assistance, development investment, and resettlement. The countries that border

Syria have legitimate security concerns, but these concerns can be addressed through individualized assessments conducted fairly and in accordance with international legal standards.<sup>35</sup>

■ **Encourage the European Union to adhere to refugee and human rights law and set a better example to the rest of the world.** By attempting to block refugees from reaching Europe by land and sea, European states have violated their own obligations, put lives at risk, and set a poor example to frontline states that host the vast majority of refugees. The United States should call on the E.U. to rescue refugees and migrants at sea, take steps to improve rights protections in refugee-generating countries, increase refugee resettlement to Europe, and create a system for sharing this responsibility among E.U. states.<sup>36</sup> The E.U. should end support for Libyan efforts to interdict boats in international waters as Libya does not currently constitute a safe country and should stop treating Turkey as a "safe country." Neither country meets the relevant refugee protection and human rights legal standards.

■ **Work with the international community to ensure that Rohingya, Somali, Syrian and other refugees are not returned to danger.** The United States should work with the international community to assure that any refugee returns are safe, voluntary, dignified and sustainable and in accordance with international refugee protection standards, that Rohingya refugees are not pressured to return when Myanmar is not safe for them and that Syrian refugees are not returned improperly to their country. The United States and the international community should also continue to monitor the situation in Kenya and encourage the government to comply with

international law, including to not return Somali and other refugees at risk of persecution and other harm. It should work to increase resettlement of refugees located in Kenya—including to the United States—to support that government as it continues to host the vast majority of Somali refugees as well as large numbers of refugees from other countries.

- **Condemn attacks on migrants and refugees and encourage protection.** The United States and President Trump should condemn the increase in attacks on refugees and migrants in Italy, and urge governments, the Organization for Security and Cooperation in Europe and others to take steps to counter such violence.<sup>37</sup>

### **Work with Other Nations to Meet Appeals to Provide Resettlement or Other Protection for a Small Portion of the Global Refugee Population**

*When the United States steps back from its commitments, other countries do the same. Major refugee-hosting nations are increasingly asking why they should continue hosting large refugee populations when the United States will not take even a modest number. Already we have seen backtracking from commitments in Kenya, Pakistan, Tanzania and Lebanon... That risks new humanitarian and security threats.*

*—Denis McDonough, Washington Post, February 22, 2018*

President Trump's refugee bans and restrictions—in executive orders and memoranda issued on January 27, 2017, March 6, 2017, October 24, 2017 and January 22,

2018—have caused a sharp decline in both U.S. and global refugee resettlement. U.S. resettlement is on course to tumble 75 percent from 84,994 in 2016 down to 19,342 to date in 2018. The United States is expected to fall far short of meeting its very low yearly resettlement goal of 45,000 for fiscal year 2018. In fact, three quarters of the way through the fiscal year, the United States had only admitted just over one-third of the 45,000, reflecting a 67 percent drop in resettlement arrivals compared to the same period last year. Globally, resettlement has fallen by 46 percent between 2017 and 2016. With this sharp decline, there was a 94 percent gap between resettlement needs and actual spaces in 2017. In addition, U.S. resettlement of Muslim refugees has fallen by about 88 percent.<sup>38</sup>

President Trump's refugee bans have not only left individual refugees stranded at great risk,<sup>39</sup> but they have also damaged U.S. national security interests. In 2017, former officials with national security expertise wrote that “resettlement initiatives advance U.S. national security interests by protecting the stability of U.S. allies and partners struggling to host large numbers of refugees,” that banning refugees is “harmful to U.S. national security,” and that drastically reducing refugee resettlement “weakens this country's ability to provide global leadership and jeopardizes our national security interests by failing to support the stability of our allies.”<sup>40</sup>

The decline in resettlement has negatively impacted U.S. allies and front-line refugee hosting countries whose stability is critical to U.S. national security and foreign policy interests. For example, the number of refugees resettled to the United States from Jordan has fallen by 99.9 percent—from 11,596 in 2016 to 2 so far in calendar year 2018—even though the

resettlement need in Jordan is substantial. Refugee resettlement from Lebanon, which was already exceedingly low, has fallen by 99.4 percent from 1,072 in 2016 to 6 in 2018, and resettlement from Turkey has dropped by 99.2 percent from 8,311 in 2016 to 65 in 2018.<sup>41</sup> The lack of sufficient resettlement places, along with gaps in aid and legal work rights, has helped push refugees to embark on dangerous journeys towards Europe.<sup>42</sup>

The United States should:

- **Work with other nations to, collectively, meet the assessed refugee resettlement need.** The United States, long the global leader in refugee resettlement, is particularly well placed to encourage other nations to initiate resettlement programs or to increase the size of their resettlement initiatives as well as other orderly admissions commitments such as labor visas, family unity, educational scholarships, labor visas, medical evacuations, and other humanitarian pathways. The United States should for instance, encourage Europe nations to significantly increase resettlement, South Korea to launch a full resettlement program, Japan to dramatically increase its resettlement program and Gulf nations—including Saudi Arabia and the United Arab Emirates—to allow Syrian refugees working in their countries to extend their stays and be joined by their families.
- **Provide strong global leadership by increasing U.S. resettlement goal for fiscal 2019 to at least 75,000 refugees,** a commitment level that, while still modest, is more commensurate with both the American tradition of leadership and U.S. national security interests.

- **Restart resettlement initiative for Syrian refugees.** Given the significant impact of the Syrian crisis on the region surrounding Syria and UNHCR's assessment that 42 percent of refugees in need of resettlement are from Syria, the United States should ensure that Syrian refugees make up about 42 percent of the U.S. annual resettlement initiative. This commitment level would be quite modest compared to the numbers hosted by Jordan, Lebanon, and Turkey, and this level would still fall far short of the U.S. "fair share" level of 170,779 Syrian refugee resettlements.<sup>43</sup>

- **U.S. political leaders should stop falsely portraying refugees as security threats.** As former national security officials have repeatedly outlined over the last two years, before they are approved for U.S. resettlement, refugees are interviewed by trained Department of Homeland Security officers and also vetted by multiple national intelligence agencies, the Department of Defense and by INTERPOL, a process that includes intelligence from many U.S. allies as well. Their fingerprints and other biometric data are checked against terrorist and criminal databases.<sup>44</sup> Despite this already stringent vetting, President Trump issued multiple executive orders suspending resettlement of refugees from Syria and other countries. In January 2018, U.S. agencies implemented additional vetting for refugees from Syria, Iraq, Iran, Somalia, Sudan, South Sudan, Egypt, Libya, Mali, Yemen and North Korea. As a result, U.S. resettlement has fallen sharply and slowed to a glacial pace.

Not only does data—including analysis conducted by the CATO Institute and the Ridge-Smith task force—confirm that refugees resettled to the United States are not dangers to American lives,<sup>45</sup> but this false rhetoric also

undermines U.S. efforts to encourage front-line states to continue to host large numbers of refugees and other countries to resettle refugees. In South Korea, groups opposed to refugees from Yemen have cited the Trump Administration's anti-refugee policies and called some "fake" refugees and "fake news."<sup>46</sup> Former DHS Secretary Tom Ridge recently stressed that "the whole notion that these people are writ large terrorists is just false," "the worst kind of fear mongering" and "unworthy of the United States."<sup>47</sup>

■ **Address delays, logjams, and staffing gaps in vetting and security clearances.**

U.S. agencies should address unnecessary delays in vetting or completion of security clearances and identify and address any necessary security updates, efficiency improvements or staffing gaps so that vetting is effective and not plagued by delays that hamper the effectiveness of U.S. resettlement initiatives. The Department of Justice (DOJ) and FBI should address any staffing gaps, or unjust denials. Recent reports also indicate that the FBI has begun denying clearance to many Iraqis through these checks.<sup>48</sup> In fact, refugee arrivals from SAO countries have dropped by 98 percent, with only 523 refugees from SAO countries arriving this fiscal year as of June, compared to 22,206 over the same nine-month period last year. The DOJ Inspector General's Offices should examine the reasons for shifts in SAO denial rates in the wake of President Trump's refugee ban executive orders, and DOJ and DHS should accept the Pentagon's offer to provide staff to assist the FBI to process these checks faster and to follow up on and accurately assess potential information gleaned during the checks. Addressing delays, backlogs, and efficiency gaps would

not undermine security; rather it would strengthen the effectiveness of U.S. processing.

■ **Restore DHS refugee corps capacity and circuit rides to refugee-hosting countries.**

DHS should restore staffing to the USCIS refugee corps so that it can conduct refugee interviews at levels that will meet the annual U.S. resettlement goal, which should be set to at least 75,000 refugee resettlements yearly. DHS should return refugee corps officers—nearly 60 percent of whom were reassigned to conduct asylum and credible fear interviews—and send refugee officers to conduct resettlement interviews. The reassignment, along with other Trump Administration changes, has decimated the U.S. refugee resettlement system. While the timely conduct of asylum and credible fear interviews is critical, Human Rights First has repeatedly outlined steps to address the asylum backlogs—including to increase asylum office staffing, roll back the expanded use of expedited removal against a largely refugee protection seeking population, and congressional funding for the conduct of the protection components of summary proceedings when they are used against people seeking protection.<sup>49</sup>

## **Lead by Example at Home, Upholding U.S. Law and Treaty Commitments**

*"For more than two centuries, the idea of America has pulled toward our shores those seeking liberty, and it has ensured that they arrive in the open arms of our citizens. That is why the Statue of Liberty welcomes the world's 'huddled masses yearning to breathe free,' and why President Reagan stressed the United States as 'a magnet for all who must have*

*freedom, for all the pilgrims from all the lost places who are hurtling through the darkness.”*

**—Statement on America’s Commitment to Refugees June 2016, signatories include: Former Secretary of Defense William S. Cohen; Former Secretary of Defense Chuck Hagel; Former CIA Director General Michael V. Hayden; Former Commander of U.S. Army Europe General David M. Maddox; U.S. Army (Ret.), Former Secretary of Defense William J. Perry; Former NATO Supreme Allied Commander Admiral James G. Stavridis, U.S. Navy (Ret.); Former Homeland Security Advisor Frances F. Townsend; and Former Secretary of Homeland Security Michael Chertoff.**

The Americas, too, are facing escalating refugee and displacement crises. Over 1.5 million people have fled Venezuela since 2014, with 282,180 of these people requesting asylum in other countries and 567,500 receiving other permission to stay in Latin American countries. So far in 2018 there have been over 128,000 newly registered asylum seekers from Venezuela, with the vast majority hosted by Colombia.<sup>50</sup> UNHCR reports that countries hosting Venezuelan refugees in the region are increasingly strained, and several closed or threatened to close their borders in recent months. Not surprisingly, Venezuelans topped the list of asylum applications filed with the U.S. asylum division in 2017.<sup>51</sup>

At the same time, men, women, and children continue to flee El Salvador, Guatemala, Honduras. In recent years, UNHCR has repeatedly documented the protection needs of women and children fleeing these countries, pointing out that asylum claims have risen sharply in many countries in the region,

including in Costa Rica, Panama, and Belize.<sup>52</sup> The number of asylum applications filed in Mexico rose by 678 percent from 2013 to 2016, as Human Rights First documented in a 2017 report.<sup>53</sup>

In May 2018, UNHCR reported that it “is seeing a significant increase in the number of people fleeing violence and persecution in the North of Central America” with many “in serious peril.” The agency reported that more than 294,000 asylum seekers and refugees from the North of Central America were registered globally as of the end of 2017, an increase of 58 percent from a year earlier and sixteen times more people than at the end of 2011. It noted that “the vast majority of those fleeing El Salvador, Guatemala, and Honduras, are seeking refugee protection either to the north in Belize, Mexico and the United States, or (and increasingly) to the south in Costa Rica and Panama.” The agency reported that many of those at risk were vulnerable women, children and LGBTI persons.

Despite refugee convention and human rights law prohibitions on rejecting, penalizing and arbitrarily detaining people seeking refugee protection, the United States has, in the wake of President Trump’s executive orders, taken children from their asylum-seeking parents, sent these parents and other asylum seekers to be criminally prosecuted for “illegal entry,” undermined legal representation and due process in asylum hearings, and refused to release asylum seekers from detention facilities even when their detention is unnecessary, disproportionate or otherwise arbitrary. Even though unauthorized border crossings are at historically-low levels,<sup>54</sup> the president directed that the national guard be deployed to the southern border “until” Congress passes legislative proposals targeting families and

children seeking refugee protection at the southern border.

Trump Administration statements relating to asylum consistently ignore the regional refugee and displacement crises. Instead, the president and administration officials paint refugees and asylum seekers as “dangerous” threats, frauds and criminals, and derided asylum as a “loophole.”<sup>55</sup>

Adherence to international law matters for many reasons. Given the U.S. role as a global leader, its failure to protect refugees at home reverberates across the world, discouraging other nations from welcoming and respecting the rights of those who seek protection at their borders. Policies of deterrence and detention put refugees at risk of further harm, exacerbate migration management challenges, and often deflect these challenges on to other, more fragile or less stable nations. They are also ineffective. As former DHS Secretary Jeh Johnson recently explained, “[i]t is basic human instinct to save yourself and your family by fleeing a burning building,” and as a result attempts to deter people from fleeing ultimately proved ineffective as long as the “push” factors of violence and poverty persist in Guatemala, Honduras, and El Salvador.<sup>56</sup>

To truly lead, the United States should uphold and support, rather than undermine and subvert, international law. The United States should:

■ **Address the displacement of people from the Northern Triangle of Central America as a regional protection situation.** The United States is more than capable of safeguarding its security and complying with its legal obligations. To lead by example, the United States should ensure its policies and actions reinforce, rather than weaken, legal protections. The United States should refrain

from employing punitive and harsh detention, criminal prosecution and family separation tactics in an attempt to “deter,” “send a message” and “stem the flow.”

- **Promote respect for non-refoulement and asylum throughout the Americas.** Former DHS Secretary Jeh Johnson recently urged the Trump Administration to encourage countries in the region to develop their systems for accepting Central American refugees and asylum seekers.<sup>57</sup> The United States should increase funding for UNHCR efforts to support the development of effective asylum systems in Mexico, Costa Rica, Panama, and other countries; ensure that “migration enforcement” funding or support to Mexico or other countries does not hamper access to asylum in those countries; stop pushing for a “safe third country” agreement with Mexico when the country is far from meeting those legal standards; and end U.S. border policies that block access to asylum, including turn-backs at the border, claims that U.S. border posts are “full,” and flawed expedited removal processing. The United States should also support the capacity of Latin American countries to host Venezuelan refugees—and should provide a strong example to countries tempted to close their borders to refugees by upholding its own nonrefoulement obligations to Venezuelan, Central American and other refugees.
- **Reform U.S. policies to safeguard children, asylum seekers and other immigrants from punitive family separation, detention and criminal prosecution strategies that violates U.S. refugee protection and human rights convention obligations.** In order to lead by example, the United States should end its “zero tolerance” criminal prosecution of asylum seekers which hurts

U.S. national security by diverting prosecutorial and anti-terror resources, as a bipartisan group of 70 former leading federal prosecutors recently stressed.<sup>58</sup> The Trump Administration should stop trying to overturn or circumvent legal safeguards, including the Flores settlement standards, that limit the detention of families. The nation's leading pediatricians have repeatedly warned that detention is "no place for a child, even if they are accompanied by their families," stressing that locking up children is associated with "poorer health outcomes, higher rates of psychological distress, and suicidality." Instead, when additional measures are needed to ensure an individual appears for immigration appointments, Immigration and Customs Enforcement (ICE) should use tested and effective community-based case management programs.

- **Refrain from returning immigrants who have been protected by Temporary Protected Status (TPS) back to highly dangerous and fragile countries.** Such returns will not only put these individuals, and their U.S. citizen children, at grave risk of harm, but given the fragility and existing challenges in these countries, large scale returns—along with the resulting drop in remittances—will likely increase the fragility and instability of these countries and spark additional migration from these countries.<sup>59</sup>
- **Restart U.S. resettlement initiatives for refugees from the Northern Triangle of Central America,** discouraging dangerous journeys and supporting the regional transit center in Costa Rica for emergency cases.

## **Assure Protection for Interpreters Who Worked with U.S. Military and Government**

*[W]e remain concerned that the Iraqis who risked their lives to work with the U.S. military, U.S. government and other U.S. organizations will be left in harm's way for even longer due to the order's 120-day suspension of the U.S. Refugee Admissions Program and overall reduction in refugee admissions. These individuals were given priority access to U.S. resettlement under the Refugee Crisis in Iraq Act, but their resettlement, like that of many other vetted refugees, will now likely be delayed as security clearances and other approvals expire, adding many more months onto their processing. The United States has a moral obligation to protect these allies.<sup>60</sup>*

—March 10, 2017 letter to President Trump from bipartisan former security officials

Many interpreters and others who worked with the U.S. military and other U.S. entities in Iraq have been killed, threatened or harmed due to these relationships. In an effort to protect these and other at-risk Iraqis Congress passed the Refugee Crisis in Iraq Act of 2008 with bipartisan support. The law directed a priority resettlement route for Iraqis who worked for the U.S. government, military, mission contractors, and U.S.-based media or non-governmental organizations and their families.

A second path to protection, through an Iraqi Special Immigrant Visa (SIV) program, has largely run out of allocated visas, leading many interpreters and others who worked directly with the U.S. military to apply through the priority

resettlement program. For those who served as interpreters in Afghanistan, Congress allocated SIVs for Afghan interpreters and their families, authorizing 3,500 in fiscal year 2018.

Despite the laws passed by Congress, the resettlement of U.S.-affiliated Iraqis and SIVs has plummeted under the Trump Administration. Many Iraqis and Afghans who worked with the U.S. military or other U.S. entities—as well as their families—face grave dangers in their home countries. As one veteran explained, the policies blocking Iraqi refugees “leave countless thousands to be hunted for their service to the United States.”<sup>61</sup> Former U.S. military leaders and officials have warned of the importance of bringing these Iraqis to safety, both as a moral and national security imperative. Walt Cooper, lieutenant colonel with the U.S. Army Reserve, former active duty Green Beret, and chair of the International Refugee Assistance Project has stated that “Reneging our promise to safeguard our wartime allies abandons our integrity and puts the wellbeing of our soldiers at risk—not only in today’s conflicts but in any future ones, as well.”<sup>62</sup>

The Trump Administration, Congress, and U.S. agencies should take the following steps:

■ **DHS and DOJ should improve the pace of resettlement for U.S.-affiliated Iraqis and significantly increase the numbers resettled during fiscal year 2019.** The U.S. resettlement of Iraqis has fallen by 98 percent since fiscal year 2016. While 5,100 Iraqis were resettled to the United States in fiscal year 2016, that number fell to 3000 in 2017 and plunged further this year – with only 48

Iraqis resettled to the United States in fiscal year 2018 (with only one month left). At least 100,000 Iraqis are waiting to be processed for resettlement. In order to improve the pace of resettlement of U.S. affiliated Iraqis, DHS should return USCIS refugee corps officers (who were reassigned to do asylum or credible fear interviews) to conduct refugee resettlement interviews and deploy refugee officers on circuit rides to refugee-hosting countries. DHS and DOJ should address other logjams, staffing or resource gaps delaying resettlement, and the FBI should accept the Pentagon’s offer to provide staff to assist the FBI to improve the pace of security checks and conduct follow up when potential information is flagged in order to effectively and accurately assess and resolve checks.

■ **Congress should authorize 4,000 SIVs and the State Department must improve pace of processing.** More than 10,000 Afghan SIV applicants were still pending—and waiting—as of June 2018. Congress should authorize 4,000 special immigration visas this year for Afghan interpreters who worked with the U.S. military. The U.S. State Department should improve the pace of its SIV processing to increase the number of SIV’s actually brought to safety in the United States. SIV arrivals have declined steadily—without explanation—in recent months: just 271 SIVs arrived in the month of June 2018, compared to an average monthly arrival level of 1700 in fiscal year 2017. The arrival of Iraqi and Afghan SIVs has dropped by almost 40 percent compared to the same period last year.

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- 56 Jeh Johnson, *Trump's 'zero-tolerance' border policy is immoral, un-American — and ineffective*, Wash. Post (June 2018), [https://www.washingtonpost.com/opinions/trumps-zero-tolerance-border-policy-is-immoral-un-american--and-ineffective/2018/06/18/efc4c514-732d-11e8-b4b7-308400242c2e\\_sto](https://www.washingtonpost.com/opinions/trumps-zero-tolerance-border-policy-is-immoral-un-american--and-ineffective/2018/06/18/efc4c514-732d-11e8-b4b7-308400242c2e_sto).
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