MIGRANTS AND REFUGEES

O. P. JINDAL GLOBAL UNIVERSITY SUMMER COURSE ON HUMAN RIGHTS AND DEVELOPMENT

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OVERVIEW OF CLASS TODAY

• The big picture: Who are the international migrants, how many, where from where going? How is forced migration different?
• Some 21st C characteristics of global migration, and new ways to think about it.
• International and national policy responses to forced migration – the US since Trump
HAS GLOBAL MIGRATION CHANGED OVER THE PAST 50 YEARS?
TERMINOLOGY

• **International migrants** (aka “Foreign-born population”) those “living outside the country of their birth” usually for more than one year.
  - Excludes visitors, tourists, business travel, etc
  - Includes refugees (legally defined in 1951 Refugee Convention)

• **Internal migration** – those who move within their country of birth/citizenship, and do not cross borders
  - Includes Internally displaced people (IDPs), rural-urban migrants
Absolute number of international migrants has increased: **258 million** (+49% from 2000)

BUT percentage of global population has not changed much (2.6% in 1960 to 3.3% in 2015)

i.e. 97% of global population stays home!
WHY DO PEOPLE MOVE?
MAIN REASONS FOR MIGRATION

• FOR WORK
• TO JOIN FAMILY
• FORCED to move (refugees and IDPs):
  • Conflict + persecution
  • Disaster (famine, ‘natural’ calamity) + Climate-related change
  • Trafficking (enslavement, forced labor, sex trade)
• RETURN (can be forced – deportation)
Map 1:
Major labor migration streams at the beginning of the 21st century

- Labor-sending countries
- Labor-receiving countries
- Maritime and cruise employers

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FORCED MIGRATION AT END-2018

- 25.9 million refugees
- 20.4m UNHCR’s mandate
- 5.4 m Palestinian refugees (UNRWA)
- 41m internally displaced people
- 3.5m asylum-seekers
ARE WE SEEING THE LARGEST REFUGEE MOVEMENT EVER?

GLOBAL REFUGEE POPULATION
1955-2017
Map 1 | Populations of concern to UNHCR by category | End-2017

Refugees, including persons in a refugee-like situation
THE AMERICAS

12.8 MILLION DISPLACED PEOPLE
AFRICA

26.5 MILLION DISPLACED PEOPLE
MIDDLE EAST + NORTH AFRICA

15 MILLION DISPLACED PEOPLE
ASIA

9.5 MILLION DISPLACED PEOPLE

INDIA:

REFUGEES  195,891
ASYLUM SKRS  11,957
TOTAL POC   207,848
ARE FORCED MIGRANTS DIFFERENT FROM OTHER MIGRANTS?
A DIFFERENT LEGAL CONTEXT AND HUMANITARIAN ASSISTANCE
WHAT ARE THE RIGHTS OF MIGRANTS, REFUGEES AND IDPS?

• For refugees – a international legal regime:
  • International humanitarian laws, treaties (1951 Convention), international bureaucracy (UNHCR), national laws, customs (nonrefoulment)
  • Refugee rights clearly stated in this body of law – but depends on national legislation and implementation

• For migrants- weak regime.
  • Few countries have signed on to older Migrant Worker Conventions
  • New Global Compact on Migration (Dec 2018)

• For IDPs – no legal regime
  • Kampala Convention, IDP Guiding Principles
Most refugees and IDPs do not live in camps

In 2017:
- 14 mil refugees lived outside camps
- 5 mil in camps

But most of the displaced live among host populations
MOST DISPLACED MOVE TO URBAN SETTINGS

Great East Japan Earthquake + Tsunami, March 11, 2011
Jan. 31, 2014, besieged Palestinian residents of Yarmouk camp, Damascus, queuing to receive food (Source: UNRWA via AP, File)
HOW CAN THE WORLD HELP REFUGEES?

Who should help?

• Rich countries?
• Neighboring countries (the region)?
• Charitable and religious organizations?
• The refugees’ people in other countries (diasporas)?

Who should be helped?

• The countries who host them
• The communities who host them?
• The refugees themselves?
WHAT DO RICH COUNTRIES DO?

OECD countries:

• Fund humanitarian assistance in host countries
• Take refugees through:
  • Resettlement
  • Asylum
THIRD COUNTRY RESETTLEMENT

1.2M refugees in need of resettlement in 2018

BUT ONLY

55,680 departures
27 countries
14% decrease to 2017 (65,108 refugees)
US REFUGEE ADMISSIONS

U.S. Refugee Admissions and Refugee Resettlement Ceilings, Fiscal Years 1980-2018

- Annual ceiling
- Number of admitted refugees
21st C SHIFTS IN GLOBAL MIGRATION

• Securitization + pushing out of EU/US borders
• Rise of illicit migration industry (smuggling, finances)
  • Migrants used as commodities like guns and drugs
• Rise of xenophobia based on fear, populism + demagoguery
• Growing diasporas
• Increased migrant women and children
  • → Protection and vulnerability problems in transit
US IMMIGRATION POLICY IN THE TRUMP ERA - WHAT'S NEW FOR REFUGEES?
OVERVIEW

• US Immigration policy: Where refugees fit in
• What has not changed: structure of refugee + asylum seeker policy
• What’s new since Trump
US IMMIGRATION

• In 2017: 44.5 million international migrants in the US
  • 13.7% of total population (325.7m)

• 787,000 foreign-born entered US in 2016-17

• In global perspective: ~250 million international migrants
SIZE AND SHARE OF FOREIGN-BORN POPULATION IN THE UNITED STATES, 1850-2017

Figure 1. Size and Share of the Foreign-Born Population in the United States, 1850-2017

- Immigrants as a percentage of the U.S. population
- Number of immigrants
Immigration and Naturalization Act (1990), annual limit of 675,000 permanent immigrants.

Categories of immigration:

- **Family-based** (Family reunification) - 64%
- **Employment-Based** i.e. immigrants with skills valuable to US economy
- **Humanitarian** - Refugees + asylum skrs.
- **Diversity visa lottery**
Two forms of humanitarian admission to the US:

- **Resettlement**
- **Asylum**

If already in the US:

- **Temporary protected status**

(Currently only for people from El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria, Yemen)
REFUGEE ADMISSIONS CEILING

Each fiscal year, President establishes overall admissions ceiling + regional allocations.

• Admissions ceiling in FY2019: 30,000
• Regional allocations:
  Africa .................. 11,000
  East Asia ................. 4,000
  Europe and Central Asia .... 3,000
  Latin America/Caribbean .... 3,000
  Near East/South Asia ....... 9,000
US REFUGEE RESETTLEMENT, 1980-2019
SINCE 1975: 3 MILLION RESETTLED IN US
WITH ASYLUM + RESETTLEMENT COMES:

• authorization to work in United States.
• public benefits (employment assistance, social security, social services)
• Road to citizenship (After one year refugees required to apply for legal permanent resident (LPR) status. 5 years after refugee admission date, can apply for citizenship)
Trump seeks to change policy (well beyond the Wall): to decrease immigration admissions and increase deportations.

Since Jan 2017:

• enhanced enforcement measures
• new application vetting requirements,
• Reduced refugee admissions + scaling back of temporary protections
  • Trump has said he doesn’t feel obligation to resettle refugees. Humanitarian aid is responsibility of nearby rich countries to help refugees go home (at least when refugee crisis is far from the US).
TRUMP’S REFUGEE POLICIES

• worldwide ban on refugee resettlement ended in 2017 but replaced with temporary near-total bans on refugees from specific countries: incl. Syria, Iraq, Iran, and Somalia.

• those bans lifted in January 2018, but Trump administration announced expanded security processing for all refugee applications.

• New security measures has created bottlenecks
  • FBI is responsible for conducting security checks on every single refugee being considered for admission — without extra resources to process these checks
  • dozens of refugee officers pulled into interviewing asylum applicants who have arrived in the US (instead of going on circuit) – refugees stuck in CFAs
US REFUGEE ADMISSIONS

U.S. Refugee Admissions and Refugee Resettlement Ceilings, Fiscal Years 1980-2018

Legend:
- Annual ceiling
- Number of admitted refugees
However, fragmented U.S. political system creates legal and political challenges that have blocked Trump’s most ambitious aims:

- Congress - little inclination to pass immigration legislation,
- the courts - halted or slowed key initiatives (travel ban, and separation of families (“zero-tolerance” border policy).
- States and localities - divergent approaches to law enforcement cooperation with federal immigration authorities: some passed laws to curtail coordination (sanctuary cities), and others to facilitate it.

However, through incremental changes and presidential discretion, Trump might be able to redefine who comes to the country and who is removed from it.