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THE OLIVE BRANCH AND THE MAPLE LEAF: A COMPARATIVE ANALYSIS OF REFUGEE POLICIES IN CANADA AND THE UNITED STATES AND THE POTENTIAL FOR BLENDED REFORM

by

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This thesis reviewed the United States Refugee Admissions Program (USRAP) to address concerns regarding the program and actions taken by the Donald J. Trump administration. Specifically, the thesis sought to determine if the admission of refugees poses a threat to the United States and if the USRAP can be modified. To determine potential threats, the research reviewed several concerns, including physical threats that could be caused by refugee admissions as well as economic and social impacts that refugees could have on host countries or individual communities, and then weighed competing arguments against objective evidence. Additionally, the research made a broader comparison between the structure of the United States' and Canada's refugee programs to determine if best practices from both nations might craft an updated USRAP. Ultimately, the thesis determined that refugees pose neither a physical security risk nor an economic risk to the United States. The country, however, is currently failing in its statutory mandate to involve local communities in resettlement decisions; this has long-term negative effects on refugees and citizens. To address this concern, the United States should blend in smart practices from Canada's Provincial Nominee Program to bring USRAP more in line with statutory requirements and current humanitarian needs.

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THE OLIVE BRANCH AND THE MAPLE LEAF: A COMPARATIVE ANALYSIS OF REFUGEE POLICIES IN CANADA AND THE UNITED STATES AND THE POTENTIAL FOR BLENDED REFORM

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ABSTRACT

This thesis reviewed the United States Refugee Admissions Program (USRAP) to address concerns regarding the program and actions taken by the Donald J. Trump administration. Specifically, the thesis sought to determine if the admission of refugees poses a threat to the United States and if the USRAP can be modified. To determine potential threats, the research reviewed several concerns, including physical threats that could be caused by refugee admissions as well as economic and social impacts that refugees could have on host countries or individual communities, and then weighed competing arguments against objective evidence. Additionally, the research made a broader comparison between the structure of the United States' and Canada's refugee programs to determine if best practices from both nations might craft an updated USRAP. Ultimately, the thesis determined that refugees pose neither a physical security risk nor an economic risk to the United States. The country, however, is currently failing in its statutory mandate to involve local communities in resettlement decisions; this has long-term negative effects on refugees and citizens. To address this concern, the United States should blend in smart practices from Canada's Provincial Nominee Program to bring USRAP more in line with statutory requirements and current humanitarian needs.

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LIST OF ACRONYMS AND ABBREVIATIONS

The 1917 Act	Immigration Act of 1917
1951 Convention	1951 United Nations Convention Relating to the Status of Refugees
1967 Protocol	1967 Protocol Related to the Status of Refugees
BVOR	Blended Visa Office-Referred (Canadian refugee program)
CIA	Central Intelligence Agency
EU	European Union
FAIR	Federation for American Immigration Reform
FBI	Federal Bureau of Investigation
FDNS	Fraud Detection and National Security
GAO	Government Accountability Office
GAR	Government-Assisted Refugees Program
HHS	U.S. Department of Health and Human Services
INA	Immigration and Nationality Act
ISIS	Islamic State in Iraq and Syria
LPR	lawful permanent resident (also known as a *green card holder*)
PSR	Private Sponsorship of Refugees (Canadian refugee program)
Refugee Act	The Refugee Act of 1980
RAIO	Refugee, Asylum, and International Operations Directorate
UAC	unaccompanied alien child
UNHCR	United Nations High Commissioner for Refugees
USCIS	United States Citizenship and Immigration Services
USRAP	United States Refugee Admissions Program

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EXECUTIVE SUMMARY

The topic of immigration continues to be a divisive issue in political and social circles in the United States. Congress's inability to craft legislatively viable immigration reform is indicative of this situation and the stalemate in which the country currently finds itself. In addition to issues surrounding the southern border, another explosive topic is the admission of refugees and whether their admission presents a threat to the United States. As the Syrian civil war continued to expand, governments around the world, including the Obama administration in the United States, pledged to increase their refugee admissions to help alleviate the humanitarian crisis of a generation. Simultaneously, the perceived reach and strength of terrorist groups, especially the Islamic State (ISIS, also known as the Islamic Status of Iraq and the Levant [ISIL], or simply IS), grew after ISIS claimed responsibility for terrorist attacks that occurred across Europe. These fears spilled westward, and the belief that refugee admissions posed national security threats was one foundational message that led to a change in political control and the Trump administration's attempts to ban refugees from entering the United States.

There are three main concerns that are raised with respect to refugee admissions. First is fear of terrorism—the belief that terrorists could exploit the refugee admissions program to enter the United States to cause harm. Second, because refugees enter the United States in a socioeconomic status lower than the general citizenry and with limited English skills or education, there is a belief that refugees' reliance on social welfare programs is a financial drain on the United States and leads to long-term economic harm. Finally, arguments raised by several states in litigation against the Obama administration alleged that despite statutory mandate dictating the inclusion of state and local stakeholders in the resettlement process, these stakeholders have been left out of the decision-making process.

Through objective analysis of attacks in the United States and what is known regarding the perpetrators' motivations, this thesis concludes that the admission of refugees does not pose a security threat to the United States. Several specific incidents since 2015 were analyzed using open-source data; the analysis demonstrated that terrorists are not

using the refugee program to enter the United States by masking their true intentions. Instead, due to social isolation and ISIS's mastery of social media and online messaging, it is more likely that individuals become radicalized and plan attacks against the United States once they are *in* the United States.

The analysis also demonstrated that fear of economic harm is unwarranted. Though the majority of the refugees entering the United States from Syria have lower levels of education and employment, focusing on these facts alone omits pertinent data and skews the conclusions. For example, the majority of recently admitted Syrian refugees are children under the age of fourteen, which by default means they will have lower education levels compared to the overall population in the United States. Furthermore, when examined longitudinally, Syrian Americans achieve parity with, or exceed, the educational level of the general U.S. population.[1] Finally, there are competing studies regarding the use of social welfare programs versus benefits from taxes through employment; however, after an examination of the methods and evidence, it is more likely than not that refugees provide economic incentives to a receiving country that outweigh the costs of benefits the refugee receives through social welfare programs.

The final point of debate and contention—the federal government's failure to communicate with state and local stakeholders regarding refugee resettlement issues—breaks with the pattern above: evidence validates this concern. Despite statutory requirements to have regular stakeholder meetings and ongoing discussion to ensure refugees are resettled in accordance with community needs, refugees are often placed within communities with no coordination, creating discord between refugees and the local population. Accountability must be introduced in the form of regulations that impose tangible consequences upon those whose inaction or inability to work with other partners leads to the failure of these meetings.

Breaking with traditional arguments, this thesis also discusses whether the United States has an ethical obligation to receive refugees. The research reviews differing points

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[1] Camille L. Ryan and Kurt Bauman, "Educational Attainment in the United States: 2015," U.S. Census, March 2016, https://www.census.gov/content/dam/Census/library/publications/2016/demo/p20-578.pdf.

of view—from traditional philosophy, to actions surrounding World War II, to the current refugee crisis in Syria—and concludes that the United States does have an ethical obligation to take action. This ethical obligation is separate from, but complements, the legal obligations the United States faces through international agreements and stateside legislation.

Even though the United States does not face a physical or economic threat from the admission of refugees, the United States Refugee Admissions Program (USRAP) still needs improvement. Through comparative analysis with Canada's refugee admissions program, this thesis determined that the United States could not only reverse course and return refugee admissions to its projected levels under former President Obama, but could surpass these admission levels without long-term costs to the federal government. By adopting best practices from the Canadian refugee admissions model, as well as the Canadian Provincial Nominee Program, the United States could continue to meet its humanitarian obligations while ensuring its national security.

These practices—combined with the existing immigration system framework in the United States through the United States Citizenship and Immigration Services (USCIS)—could help return the United States to its position as a world leader of annual refugee admissions. This would benefit the United States socially and economically, in both a broad sense and on a community level, as refugees could be sponsored based upon the specific needs of communities around the United States. This concept could be tested in a pilot program that takes advantage of the twenty-six USCIS districts; this would ensure a widespread and comprehensive sample, and could help dispel fears that any such program would be politically charged rather than focused on the highest possible benefit for the highest number of people and organizations.

Decreasing refugee admissions and erecting physical, executive, or legislative barriers has not increased the safety of the United States. Instead, it has negatively affected the United States' international standing and has caused the country to fail to meet ethical and legal obligations to provide safe haven to those seeking protection. Based on anecdotal evidence from the southwest border and from Europe (in response to its tightening of asylum and refugee procedures), it is possible that the United States could experience

increased incidents of smuggling and human trafficking in the future. To combat this potential trend, the United States must reverse course in its refugee admissions, which will ultimately lead to long-term benefits for the United States as a whole.

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I. INTRODUCTION

A. RESEARCH QUESTIONS

(1) Is the admission of refugees into the United States a threat to homeland security?

(2) How can the United States revise its refugee admissions program to ensure it meets the dual goals of humanitarian assistance and homeland security?

B. PROBLEM STATEMENT

The United Nations estimates that 1.4 million people worldwide will be in need of resettlement assistance in the year 2019, with 42 percent of this figure stemming from the ongoing civil war in Syria.[1] The United States previously led the world in the number of refugees resettled annually, even when slight reductions occurred between 2013 and 2015.[2] However, with the change in presidential administration following the 2016 election, the United States cut its previously proposed admission ceilings for refugees by over 50 percent. Citing the growth of terrorist organizations such as the Islamic State (ISIS, also known as the Islamic Status of Iraq and the Levant [ISIL], or simply IS), the cuts were allegedly designed to protect domestic homeland security interests. However, the evidence used as a foundation for these policy alterations did not support such a drastic change.

Since the Refugee Act of 1980 was enacted, and prior to that time under various congressional mandates and refugee tasks forces, the United States has welcomed millions of individuals from around the world who have fled persecution in their home countries. These refugees, among other roles, have provided economic benefits to the United States, filled employment gaps on multiple levels, been viewed as intelligence tools akin to

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[1] United Nations High Commissioner for Refugees (UNHCR), "Projected Global Resettlement Needs: 2019" (report from the 24th annual Tripartite Consultations on Resettlement, United Nations, 2018), http://www.unhcr.org/en-us/protection/resettlement/5b28a7df4/projected-global-resettlement-needs-2019.html.

[2] Kelly Jeffreys and Daniel Martin, "Refugees and Asylees: 2007" (annual flow report, Department of Homeland Security Office of Immigration Statistics, 2008), 2, https://www.dhs.gov/xlibrary/assets/statistics/publications/ois_rfa_fr_2007.pdf; "Proposed Refugee Admission for Fiscal Year 2017," Department of State, accessed November 3, 2018, https://www.state.gov/documents/organization/262168.pdf.

defectors from the Cold War, and fulfilled diplomatic roles advancing U.S. interests throughout the global arena.[3]

Almost two years into the new administration—a period without large-scale attacks by refugees in the United States—the debate continues on the balance between the competing interests of homeland security and humanitarian objectives. While the majority of these discussions occur in a vacuum of overbroad statements absent supporting analysis on either side, evidence exists that can be objectively analyzed to determine whether or not refugees actually pose a threat to the United States. This thesis reviews the actual evidence behind these arguments to reach analytical and sound conclusions, showing that even in a year when an attack did occur, Americans still faced less than a one-in-one-thousandth chance of being harmed in an attack.

Compared to its allies in Europe, the United States has been shielded from massive refugee influxes due to geographic limitations and distance from the majority of conflicts that are fueling the increase in worldwide refugees. This has created the illusion that there is time for continued debate and inaction. However, the United States already has the tools necessary to make an informed decision based on factual data that can chart the best path forward to balance its interests.

C. FOCUS AND GOAL

The first goal of this research is to conduct an analysis to determine whether refugees pose an imminent security risk to the United States under current processing and vetting procedures. Though it is impossible to determine with absolute certainty whether future actions may impact security or cause harm, an overall depiction of the threat may be inferred by examining historical data regarding threats from refugees in the United States. Analysis also focuses on the economic impact that refugees have after their admission to

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[3] "Famous Refugees," International Rescue Committee, July 6, 2017, https://www.rescue.org/article/famous-refugees; Patrick G. Eddington, "Refugee Resettlement: The Smart Way to Defeat ISIS," Cato Institute, November 23, 2015, https://www.cato.org/publications/commentary/refugee-resettlement-smart-way-defeat-isis?; William N. Evans and Daniel Fitzgerald, *The Economic and Social Outcomes of Refugees in the United States: Evidence from the ACS*, working paper 23498 (Cambridge, MA: National Bureau of Economic Research, 2017), http://www.nber.org.libproxy.nps.edu/papers/w23498.pdf.

the United States as well as the impact of their social integration—positive or negative—on their receiving communities. Finally, the thesis expounds on a debate about the United States' ethical obligation to admit refugees.

The second goal of this thesis is to describe a method by which the U.S. Refugee Admissions Program may be modified to bring it more in line with current needs and obligations—rather than those that were in place in 1980 when the program was first introduced. Due to the geographical, diplomatic, and economic ties, between the United States and Canada, the thesis also compares U.S. programs to various Canadian immigration programs, including its Provincial Nominee Program and refugee admissions program. Following this analysis, the thesis details a proposed pilot program for modifying the U.S. Refugee Admissions Program. These recommendations can provide policymakers with the tools and opportunity to strengthen the refugee admissions program while balancing both cost and security concerns.

D. LITERATURE REVIEW

This literature review examines competing schools of thought regarding refugee admissions into the United States and the related physical and economic threats to homeland security. Arguments made in favor of expanding refugee admission programs are contrasted with those that argue for reduced, or halted, refugee admissions for security purposes.

1. Legal and Executive Provisions

In its current form, refugee admissions into the United States is based on four main instruments, some of which have corresponding legal challenges or opinions that further clarify or alter the framework. Beginning at its roots, the term *refugee* was granted international definition and protection through the United Nations Convention on the Status of Refugees, passed in 1951, and later expanded in 1967 with the Protocol Relating to the Status of Refugees, which removed temporal and geographical limitations placed

upon the term.[4] The United States later codified its own security measures and refugee processing information in the Refugee Act of 1980, which remains in force today.[5] Refugee admissions have been altered several times during the new Donald Trump administration, with continuing modifications and challenges.[6] Reactions to the current administration's executive orders and presidential proclamations have led to a stronger divide between those who favor refugee admissions and those who do not. Though many nuances separate individuals into these divisions, a commonly referenced point of contention is whether or not refugees pose a threat to national security. Arguments in favor of refugee admissions commonly explain that, with the security measures currently in place, terrorist infiltration of the program is highly unlikely; conversely, those opposed to refugee admissions often assert that emerging threats to homeland security warrant additional steps to ensure the safety and protection of the United States. Debates also continue on whether or not the admission of refugees is an economic asset or drain on the United States and the communities in which refugees settle.

2. Camp One: Refugees Are Not a Threat to the United States

Proponents of higher refugee admissions make several consistent claims to advance their arguments. The point raised most frequently is that refugees do not pose a threat to the physical security of the United States. As Alex Nowrasteh explains in a statistical review of refugee attacks in the United States, "the chance of an American being murdered in a terrorist attack caused by refugee is 1 in 3.64 billion per year while the chance of being murdered in an attack committed by an illegal immigrant is an astronomical 1 in 10.9 billion per year."[7] Kathleen Newland echoes Nowrasteh's arguments; she counters anti-

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[4] "Convention and Protocol Relating to the Status of Refugees," UNHCR, accessed November 3, 2018, http://www.unhcr.org/en-us/3b66c2aa10.

[5] Refugee Act of 1980, Public Law 96-212, 94 Stat. 102, https://www.gpo.gov/fdsys/pkg/STATUTE-94/pdf/STATUTE-94-Pg102.pdf.

[6] Donald J. Trump, "Protecting the Nation from Foreign Terrorist Entry into the United States," Executive Order 13780, *Federal Register* 82, no. 13209 (March 9, 2017); Donald J. Trump, "Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Threats," Proclamation 9645, *Federal Register* 82, no. 45161 (September 27, 2017).

[7] Alex Nowrasteh, "Terrorism and Imagination, A Risk Analysis," *Policy Analysis* 798 (2016): 2, https://object.cato.org/sites/cato.org/files/pubs/pdf/pa798_1_1.pdf.

refugee sentiments not only with references to quantitative measures but also with qualitative assertions that terrorists attempt entry through virtually any other method before undergoing the approximate eighteen-to-twenty-four-month screening inherent of the refugee process.[8]

Recognizing that concerns raised against refugee admission are not solely contained to physical security but also incorporate economic security, Nowrasteh analyzed Syrian refugees in particular in an effort to provide a more comprehensive view of their demographics, including age, gender, religion, and education.[9] This analysis is an attempt to dispel the opposition's argument that the refugees are economically disruptive to the United States. Nowrasteh shows that refugees' potential earnings and economic contributions are typically misstated because the majority of Syrian refugees are children below working age. Supporting this conclusion is William Evans and Daniel Fitzgerald's analytical study using estimations of refugees admitted to the United States during the thirty-three years preceding their study. Using this estimated sample group, they determined that refugees do not negatively impact economies in the long term; because they pay more taxes than they receive in public benefits, refugees actually provide more economic benefit to the state.[10]

Some go even further, concluding that higher levels of protection for refugees correlates directly to stronger security for the state and international community as a whole. Donald Kerwin explains this in part by analyzing numerous ways in which refugees and international migration intersect with security; this includes the fact that terrorist groups have been known to attempt to exploit the vulnerabilities of long-term refugees, and that politicians have interlinked radicalization and refugee migration .[11] Kerwin concludes that

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[8] Kathleen Newland, "The U.S. Record Shows Refugees Are Not a Threat," Migration Policy, October 2015, https://www.migrationpolicy.org/news/us-record-shows-refugees-are-not-threat.

[9] Alex Nowrasteh, "Who Are the Syrian Refugees?" Foundation for Economic Education, November 19, 2015, https://fee.org/articles/who-are-the-syrian-refugees/.

[10] Evans and Fitzgerald, "Economic and Social Outcomes of Refugees"

[11] Donald Kerwin, "How Robust Refugee Protection Policies Can Strengthen Human and National Security," *Journal on Migration and Human Security* 3, no. 4 (2016): 83–4.

if refugee protections were orderly and increased, the community would witness increased security as a direct result.[12]

3. Camp Two: Refugees Pose a Current Threat to the United States

Organizations such as the Heritage Foundation would likely call Evans and Fitzgerald's findings into question. In its own economic study, the Heritage Foundation determined that the 10,000 additional Syrian refugees proposed by President Barack Obama would have cost U.S. taxpayers an additional $6.5 billion over a ten-year period, which would have been detrimental to the national economy.[13] This conclusion is based on the cost of security vetting, processing, and public benefits that would be used by the average Syrian refugee.

Reaching similar conclusions, Steven Camarota suggests that such admission would cause significant damage to the U.S. economy and outweigh humanitarian costs.[14] Camarota recommends other forms of assistance, such as the United States providing additional foreign aid to countries in the Middle East that house the largest number of Syrian refugees. This would allow the United States to continue to heed its international obligations in a manner that Camarota believes is more in its homeland security interest.

Opponents to refugee resettlement have also referenced physical security concerns. Numerous elected officials as well as the media—especially in light of recent terrorist-inspired attacks in the United States and the continuing statements from organizations such as ISIS—have raised specific concerns that refugees are using the current crisis to infiltrate

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[12] Kerwin, 117.

[13] "Additional Syrian Refugees Would Cost Taxpayers $6.5 Billion," The Heritage Foundation, last modified July 24, 2017, https://www.numbersusa.com/news/additional-syrian-refugees-would-cost-taxpayers-65-billion.

[14] Steven A. Camarota, "The High Cost of Resettling Middle Eastern Refugees," Center for Immigration Studies, November 4, 2015, https://cis.org/Report/High-Cost-Resettling-Middle-Eastern-Refugees.

receiving nations.[15] U.S. Representative Billy Long (R – Missouri) believes that the Trump administration's executive order banning refugee admissions shows how the administration is working to keep Americans safe; Senator John Hoeven (R – North Dakota) agrees that "a review of the refugee resettlement program is reasonable so that we ensure there is a strong vetting process in place to make sure America is safe."[16] These statements, as well as the recent ISIS-led or -inspired attacks in Europe and the United States, are often cited as evidence of the growing physical threat posed by refugees. As Mark Krikorian explains, "The Somali community in Minneapolis is a prime example. Established through refugee resettlement … it has been the source of dozens of recruits for al Shabaab and ISIS, and dozens more supporters."[17] In response to the suspected ISIS-inspired attack in New York City on October 31, 2017, Representative Diane Black (R – Tennessee) tweeted, "I support [Donald Trump's] policies to keep America safe. The Courts need to stop blocking common sense solutions."[18]

The possibility of refugees posing a direct and immediate threat to physical homeland security has been a frequently stated argument. However, there is a substantial gap in the literature: there are few scholarly or analytical assessments based on specific events or raw data related to threats posed by refugees. Lacking the primary data through which these conclusions could be tested or corroborated, conclusions are based in abstract

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[15] Jordain Carney, "Cruz Calls for Refugee Crackdown after Attacks," *The Hill*, September 19, 2016, http://thehill.com/blogs/floor-action/senate/296638-cruz-calls-for-refugee-crackdown-after-attacks; Abigail Hauslohner and Drew Harwell, "An Unassuming Life before a Suspect's Rampage in a Minnesota Mall," *Washington Post*, September 19, 2016, https://www.washingtonpost.com/business/economy/an-unassuming-life-before-a-suspects-rampage-in-a-minnesota-mall/2016/09/19/f2a608f0-7e7a-11e6-9070-5c4905bf40dc_story.html?utm_term=.275758466325.

[16] Deirdre Shesgreen, "Blunt on Board with Trump's Controversial Immigration Ban," Springfield News-Leader, January 29, 2017, https://www.news-leader.com/story/news/politics/2017/01/29/blunt-board-trumps-controversial-immigration-ban/97221124/; April Baumgarten, "On Trump's Travel Ban, North Dakota Congress Members at Odds," *Bismarck Tribune*, January 29, 2017, https://bismarcktribune.com /news/state-and-regional/on-trump-s-travel-ban-north-dakota-congress-members-at/article_386662bc-5ed8-561b-b999-832869237ccf.html.

[17] Mark Krikorian, "The Syrian Refugee Crisis and its Impact on the Security of the U.S. Refugee Admissions Program," Center for Immigration Studies, November 18, 2015, https://cis.org/Testimony/ Syrian-Refugee-Crisis-and-Its-Impact-Security-US-Refugee-Admissions-Program.

[18] Natalie Allison, "New York Terror Attack: Tennessee Politicians, Prominent Figures React," *Tennessean*, October 31, 2017, https://www.tennessean.com/story/news/2017/10/31/manhattan-new-york-terror-attack-reactions-tennessee/819303001/.

or theoretical terms rather than in verifiable conclusions from which a researcher could begin secondary research.

Contrasting the arguments for and against refugee resettlement in a broader sense, there is a clear partisan divide. The partisan nature of an issue does not necessarily dictate which side—or which argument—is correct; however, the dearth of primary or secondary data, when tied to one side of a partisan issue, raises questions regarding the ability of these nominal studies to withstand scrutiny and the possible ulterior motives behind them.

4. No Camp: The Undecided or Otherwise Focused

While debates continue about the benefit versus the threat of refugees to society, some focus on particular aspects of refugee programs without making overall determinations about homeland security. The International Rescue Committee completed a study on the economic impacts of the sudden and massive influx of Syrian refugees on neighboring host countries, determining that "the refugee crisis hasn't left much room for black and white statements."[19] The study shows outcomes that might be favorable to either side; it states that sometimes refugees are boons to receiving communities, while other times they have leveled additional pressure on already strained economies. Sarah Steimel focused her efforts on understanding the interplay between nonprofit refugee resettlement staff and the refugees they serve, concluding changes to nonprofit organizational structures could positively impact refugees and their communities.[20]

Ted Chiricos et al.'s conclusions, focusing on immigration in a general sense rather than refugees specifically, have potential application across the immigration spectrum. They note that there is a misconstrued association between threats posed by unauthorized immigration and the threat of immigration as a whole. This generalization leads individuals

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[19] "Economic Impacts of Syrian Refugees, Existing Research an Review and Key Takeaways," International Rescue Committee, accessed November 3, 2018, https://www.rescue.org/sites/default/files/document/465/ircpolicybriefeconomicimpactsofsyrianrefugees.pdf.

[20] Sarah Steimel, "Negotiating Knowledge and Expertise in Refugee Resettlement Organizations," Cogent Social Sciences, March 23, 2016, https://www.cogentoa.com/article/10.1080/23311886.2016.1162990.pdf.

to have a greater belief that immigration of any kind would have negative economic and cultural consequences for receiving communities and populations.[21]

Reviewing the positions and considerations described above demonstrates that determining if refugees should be admitted into a country is a multi-faceted discussion, beyond the commonly referenced question of safety versus humanitarianism. As such, a thesis seeking to describe whether or not admitting refugees is a threat to homeland security should consider other factors that influence this inquiry.

5. Conclusion

Arguments against refugee resettlement are heavily based on securing the United States from terrorists who could theoretically infiltrate the system to gain admission. Though security is important, continually enacting more restrictive policies that erect barriers will make the United States and those who are seeking protection less safe. The worldwide refugee crisis is growing, and policies intended to curb the flow in one direction will be insufficient to alter that trend. Instead, the force used to push back against refugee admission will ricochet back to the United States in different, more dangerous forms, such as smuggling or human trafficking. The United States must enact policies that strengthen and reopen refugee admissions; we must protect ourselves from emerging threats without ceasing our humanitarian mission.

E. RESEARCH DESIGN

Ongoing debates present numerous immigration reforms or policy changes, including litigation surrounding Deferred Action for Childhood Arrivals (DACA), proposed modification/elimination of family reunification sponsorship (also known as chain migration), and the elimination of a particular type of visa known as the diversity visa (sometimes referred to as the visa lottery). However, these issues are evolving in real time and no permanent changes have yet been implemented; subsequent legislative or executive action could therefore alter any potential analysis. Conversely, though refugee

[21] Ted Chiricos et al., "Undocumented Immigrant Threat and Support for Social Controls," *Social Problems* 61, no. 4 (November 2014): 689.

policy is in flux in its own way as well, some modified refugee admissions policies have already been implemented; this research and analysis thus stems from this new status quo.

The thesis analyzes the viewpoints that are vying for control of the narrative regarding refugee admissions and immigration as a whole. As it is impossible to conclusively determine whether any particular narrative is applicable to every individual in all circumstances, the information provided here in is more descriptive, providing the evidence as background for the ongoing debate and the focus of this research. Using this lens, this research concludes with a proposed modified refugee admissions policy that presents a strong balance between security and humanitarian obligations.

II. THE OLIVE BRANCH: U.S. REFUGEE POLICY AND EVOLUTION

This chapter provides an overview of the history of the refugee admissions program in the United States, demonstrating its evolution and various policies put in place prior to the signing of the 1967 United Nations Protocol Relating to the Status of Refugees. As refugee admissions have been extensively debated in the political and social arenas in recent years, and continue to be litigated in the courts, this chapter provides a historical background to demonstrate how the U.S. reached this point. Additionally, due to misnomers in the media and public misperception, a short explanation is included regarding the differences between asylum and refugee status.

Though the United States passed numerous legislative measures that sought to protect refugees attempting to enter the United States in the early twentieth century, these actions were not labeled as such. Instead, they were often labeled as humanitarian or humane considerations when deciding to admit someone into the United States who would now be known as a refugee.[22] Furthermore, though the United States took these small steps toward refugee acceptance throughout its history, it is more appropriate to describe U.S. attitudes and actions toward refugees as an ebb and flow prior to the signing of the 1967 Protocol (this ebb and flow arguably continues in present debates).

A. REFUGEE STATUS VERSUS ASYLEE STATUS

In recent years, there has been increased media attention on the topic of refugees, mainly due to President Trump's comments and actions toward the refugee resettlement program during his candidacy and time in office. At times, media and political officials have intertwined discussions regarding refugees and individuals with asylum status. Though the legal definitions of these two immigration statuses are similar, they are different provisions with their own criteria and corresponding pathways through the U.S. immigration system. Although this thesis focuses on refugee admissions in the United

[22] "1910–1920: The Mexican Revolution," U.S. Citizenship and Immigration Services (USCIS), February 20, 2018, https://www.uscis.gov/history-and-genealogy/our-history/refugee-timeline.

States and Canada, asylum procedures and policies are raised as comparative examples or used as guiding points for further discussion; a short description is necessary to demonstrate the slight differences between the programs.

The clearest distinction between someone who is afforded *refugee* status compared to someone granted *asylee* status is their physical location at the time of their application. Refugees apply for status while physically outside of the United States; conversely, asylees apply while physically inside the United States or at a port of entry.[23] According to the Immigration and Nationality Act of 1952, as amended, applicants for either status must demonstrate "[past] persecution or a well-founded fear of [future] persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."[24] Neither status may be awarded to an individual who "ordered, incited, assisted, or otherwise participated in the persecution of any person on account of" one of the enumerated grounds above, or who poses a security risk to the United States.[25] An additional distinction between these statuses is the path by which the applicant attains lawful permanent resident (LPR; more commonly known as *green card holder*) status and U.S. citizenship. One year after being granted asylum status, an individual may choose to file for lawful permanent residence; if it is granted, that individual may then choose to apply for citizenship after holding LPR status for five years.[26]

Conversely, a refugee *must* file for LPR status one year after entering the United States and may also apply for citizenship after five years in LPR status. However, when an asylee is granted LPR status, United States Citizen and Immigration Services (USCIS) backdates the status one year from the approval date (for example, if an asylee's Adjustment of Status application is approved on July 12, 2018, his or her effective LPR

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[23] Immigration and Nationality Act of 1952 (INA), Public Law 89–236 § 101(a)(42), § 208(a)(1).

[24] INA § 101(a)(42), § 208(a)(1).

[25] INA § 241(b)(3)(B)(i); U.S. Department of Justice Executive office for Immigration Review Board of Immigration Appeals, "Matter of Alvarado," 27 I&N, interim decision #3891 (December 27, 2017); INA § 212(a)(3).

[26] INA § 316(a).

date would be July 12, 2017).[27] For refugees seeking LPR status, their approval is backdated to the date of their entry into the United States.[28]

B. HISTORICAL ACTIONS AND LEGISLATIVE HISTORY

The United States began to include refugee-type protections in immigration legislation fifty years prior to the signing of the 1967 United Nations Protocol Related to the Status of Refugees, through the Immigration Act of 1917 (The 1917 Act). The 1917 Act instituted a literacy test for all immigrants seeking admission, which had been previously vetoed by several presidents. Congress ultimately included this provision and passed the legislation over the veto of President Woodrow Wilson, who argued that "it excludes those to whom the opportunities of elementary education have been denied, without regard to their character, their purposes, or their natural capacity."[29] The 1917 Act created a specific literacy test exemption, however, for those who are fleeing religious persecution.[30] Despite this positive provision, its protection is often overshadowed by another form of protectionism: the 1917 Act, sometimes known as the Asiatic Barred Zone Act, fully prohibited Asian immigrants from entering the United States.[31] Subsequent restrictions on immigration, including the "quota acts" (a collective term referring to the Emergency Quota Act of 1921 and the Immigration Act of 1924), led to further difficulties. Though passed prior to the onset of World War II, these legislative actions restricted immigration from certain areas of Europe, therefore prohibiting the entry of potential

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[27] INA § 209(b); U.S. Citizenship and Immigration Services (USCIS), "USCIS Policy Manual," Volume 7, Part M, current as of October 30, 2018, https://www.uscis.gov/policymanual/Print/PolicyManual-Volume7-PartM.html.

[28] INA § 209(a)(2).

[29] Woodrow Wilson, "January 28, 1915: Veto of Immigration Legislation," UVA Miller Center, accessed November 9, 2018, https://millercenter.org/the-presidency/presidential-speeches/january-28-1915-veto-immigration-legislation.

[30] "1917: The Immigration Acts of 1917," USCIS, February 20, 2018, https://www.uscis.gov/history-and-genealogy/our-history/refugee-timeline.

[31] Ashley S. Timmer and Jeffrey G. Williams, "Immigration Policy Prior to the 1930s: Labor Markets, Policy Interactions, and Globalization Backlash," *Population and Development Review* 24, no. 4 (December 1998): 744.

refugees who were fleeing persecution leading up to and during the war.[32] The act's exclusionary motivations continue to overshadow its positive factors throughout history.

Following World War II and the massive refugee crisis that engulfed Europe, the United States began to incrementally shift its attitude toward refugees, passing the Displaced Persons Act of 1948, which specifically sought to admit refugees into the United States. However, this legislation once again introduced restrictions. In order to be admitted into the United States through this program, prospective immigrants were required to demonstrate they were able to find a home in the United States and obtain a job that did not displace an American employee.[33]

Despite its failure to sign and ratify the 1951 United Nations Convention Relating to the Status of Refugees (1951 Convention), the United States continued to pass several pieces of refugee-specific legislation over the next decade, including the Refugee Relief Act of 1953, the Azorean Refugee Act of 1958, the Fair Share Refugee Act of July 14, 1960, and the Hong Kong Parole Program in 1962. Due to the state of global politics at the time, the majority of the refugee-focused legislative actions revolved around protection for those fleeing communist-aligned governments.[34] Though this focused remained, as the twentieth century progressed Congress's umbrella of protection slowly began expanding. For example, the Migration and Refugee Act of 1962, as amended, authorized the President of the United States to designate appropriations for refugee populations under certain conditions, with an emergency valve in place if a sudden crisis arose.[35] Still in place today,

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[32] Gary D. Livingston, "Racism and the Passage of the Immigration Act of 1924: The Beginning of the Quota System," *Journal of Borderland Studies* 8, no. 2 (November 2011): 73; "1921–1924: The Quota Acts," USCIS, February 20, 2018, https://www.uscis.gov/history-and-genealogy/our-history/refugee-timeline.

[33] "1948: Displaced Persons Act of 1948," USCIS, February 20, 2018, https://www.uscis.gov/history-and-genealogy/our-history/refugee-timeline.

[34] "Refugee Timeline," USCIS, February 20, 2018, https://www.uscis.gov/history-and-genealogy/our-history/refugee-timeline.

[35] Migration and Refugee Act of 1962, 22 U.S.C. § 2601, https://www.gpo.gov/fdsys/pkg/STATUTE-76/pdf/STATUTE-76-Pg121.pdf.

this legislation was invoked by President Bill Clinton to provide emergency funding during the Rwandan genocide in 1994.[36]

Sixteen years after the United Nations published the 1951 Convention, the 1967 Protocol Related to the Status of Refugees (1967 Protocol) was drafted. The 1967 Protocol expanded the definition of a refugee—while the 1951 Convention focused exclusively on those seeking protection from events related to World War II, the 1967 Protocol removed temporal or geographic restrictions. The United Sates ratified the protocol on November 1, 1968.[37] It was assumed that signing this protocol would bring domestic action in line with international expectations; however, there was continued subsequent ideological conflict between U.S. law and the provisions of the 1967 Protocol. Following physical conflict in southeast Asia (explained in the next section), Congress sought an additional legislative fix that would align national interests and procedures with its international agreements.[38]

C. U.S. RESPONSE TO THE INDOCHINESE EXODUS: A HUMANITARIAN DILEMMA[39]

In 1975, the United States evacuated its last forces from South Vietnam as the state fell to North Vietnam, which released a flood of refugees fleeing the former South Vietnam seeking protection. These evacuations, combined with those from Cambodia and Laos due to ongoing conflict, led to a humanitarian crisis for which the United States was unprepared.[40] At the time, following the numerous pieces of legislation aimed at protecting refugees and codifying immigration law generally in the Immigration and Nationality Act

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[36] Declaring it in the national interests of the United States to allocate $5,000,000 for "urgent and unexpected needs of Rwandan and Burundi refugees, returnees, displaced persons, and conflict victims." William J. Clinton, "Memorandum on the Migration and Refugee Assistance Act: May 3, 1994," The American Presidency Project, accessed November 4, 2018, http://www.presidency.ucsb.edu/ws/index.php?pid=50096.

[37] UNHCR, "States Parties to the 1951 Convention."

[38] Refugee Project, *The Implementation of the Refugee Act of 1980: A Decade of Experience* (New York: Lawyers Committee for Human Rights, 1990), http://www.attorneynelson.com/sitebuildercontent/sitebuilderfiles/LCHRRefugeeDecadeReport.pdf.

[39] Section title is reference to: Comptroller General of the United States, *The Indochinese Exodus: A Humanitarian Dilemma* (Washington, DC: General Accounting Office, 1979), http://archive.gao.gov/f0302/109234.pdf.

[40] Comptroller General.

of 1952, as amended, the United States was permitted to admit 17,400 refugees from either communist nations or the Middle East.[41] As this was vastly insufficient for the refugee crisis unfolding, the attorney general exercised his discretionary parole authority to settle 25,000 Indochinese refugees in June 1978 alone.[42]

Though it was originally intended to be used only on an individual basis for emergencies, this parole authority was used in an increasingly flexible manner to extend protections to refugees when they were ineligible for admission due to either the definition of refugee at the time or the refugee admission quota.[43] Because of these numerical limitations and the exceeding use of the parole authority through the 1970s, it was impossible for government stakeholders to adequately plan for long-range refugee admissions in the face of evolving world events; as such, state and local governments were unable to plan for their part of refugee resettlement activities. For example, a State Department bulletin drafted in April 1975, since declassified, stated, "STATE Department estimates of potential Vietnam refugees could run as high as 1,707,000."[44] If this estimate had come to fruition, it would have constituted almost a century worth of refugee allocations. Though many fewer refugees were ultimately admitted into the United States, this uncertainty made adequate preparation and planning difficult, especially when decisions were needed within very short timeframes.

These concerns led Congress to pass the Refugee Act of 1980 (referred to simply as the Refugee Act), which incorporated several provisions that had been discussed over the past decade but had not been successfully passed into law. The act raised the annual limit for refugee admissions to 50,000, with the caveat that humanitarian concerns or emergencies in the national interest may allow the president to raise this limit through established procedures. The act also provided a legal definition of a refugee and created a unified and more effective refugee resettlement policy through the Office of Refugee

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[41] Comptroller General, 8

[42] Comptroller General, 8.

[43] Comptroller General, 65.

[44] "Emergency Program for Parole of Refugees from Vietnam," April 1975, Gerald R. Ford Library, accessed November 4, 2018, https://www.fordlibrarymuseum.gov/library/document/0164/1505195.pdf.

Resettlement, which would in turn help state and local authorities understand their role in the resettlement process.[45]

Though refugee ceilings (the maximum number of refugees who may be admitted in a particular fiscal year) have been raised numerous times due to ongoing humanitarian crises, and although the purse of the Office of Refugee Resettlement has continued to grow since this time, these same statutory provisions continue to govern refugee admissions in the United States.

D. CURRENT REFUGEE PROCESSING PROCEDURES AND CEILINGS IN THE UNITED STATES

Despite some changes since the passage of the Refugee Act almost forty years ago, the core procedures and responsibilities have remained in place. Currently, refugee processing is undertaken by the Refugee Affairs Division within USCIS, part of the Department of Homeland Security; the Department of State; and the Department of Health and Human Services—all of whom coordinate to create an annual proposed refugee admissions report, based upon ceilings dictated by the president, and then ensure its implementation.[46] In the final two fiscal years of the Obama administration, due to conflicts occurring overseas, refugee ceilings were repeatedly raised by the largest single annual percentage increases since 1990, as shown in Table 2.[47]

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[45] Refugee Act of 1980, Public Law 96-212, https://www.gpo.gov/fdsys/pkg/STATUTE-94/pdf/STATUTE-94-Pg102.pdf.

[46] Annual Admission of Refugees and Admission of Emergency Situation Refugee, 8 U.S.C. § 1157 [INA § 207(d)(1)(e)], https://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-1625.html.

[47] Jeffreys and Martin, "Refugees and Asylees: 2007," 2; Department of State, "Proposed Refugee Admissions for Fiscal Year 2017."

Table 1. Annual Refugee Ceilings in the United States[48]

Fiscal Year	Annual Refugee Ceiling	Percent Change
2008–2011	80,000	14%
2012	76,000	- 5%
2013–2015	70,000	- 8%
2016	85,000	21%
2017 (proposed – Obama)	110,000	30%
2017 (actual – Trump)	50,000	- 42%
2018	45,000	- 10%
2019	30,000	- 33%

The proposed fiscal year 2017 ceiling was more than halved by President Trump's Executive Order 1 in January 2017 to only 50,000, along with additional restrictions for refugees from Iran, Libya, Somalia, Sudan, Syrian, and Yemen. This order also sought to entirely cease refugee admissions into the United States for 120 days while the government determined if current security procedures were sufficient to ensure the refugee program was not being infiltrated by terrorist organizations or others with malintent toward the United States.[49] Legal challenges were immediately raised to this order, resulting in an injunction and its ultimate revocation by Executive Order 2.[50] Executive Order 2 sought similar restrictions, halting refugee admissions for a 120-day period while various agencies reviewed the strength of security screening measures. As with Executive Order 1, it sought to restrict entry of aliens from any country that was determined to be "a state sponsor of

[48] Adapted from Jeffreys and Martin, "Refugees and Asylees: 2007," 2; "Proposed Refugee Admissions for Fiscal Year 2019," U.S. Department of State, September 24, 2018, https://www.state.gov/j/prm/releases/docsforcongress/286157.htm#_Toc524964538.

[49] Donald J. Trump, "Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States," Executive order 1, *Federal Register* 82, no. 8977 (January 27, 2017), www.whitehouse.gov/the-press-office/2017/03/06/executive-order-protecting-nation-foreign-terrorist-entry-united-states; "Supreme Court Ruling on Trump Administration's Travel Ban," CNN, June 26, 2017, www.cnn.com/2017/06/26/politics/travel-ban-supreme-court-ruling/index.html.

[50] Washington v. Trump, 847 F.3d 1151 (9th Cir., 2017); Donald J. Trump, "Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States," Executive Order 2, *Federal Register* 82, no. 13209 (March 6, 2017), https://www.whitehouse.gov/presidential-actions/executive-order-protecting-nation-foreign-terrorist-entry-united-states-2/.

terrorism, has been significantly compromised by terrorist organizations, or contains active conflict zones."[51] Executive Order 2 was immediately challenged as well, with injunctions levied by two separate United States Courts of Appeals.[52] The Supreme Court of the United States subsequently granted certiorari and allowed some of the restrictions to go into effect while the case was being litigated; the temporary restrictions expired before a decision could be made on the merits, rendering the case moot.[53]

Finally, after the security reviews dictated by Executive Order 2 were completed, President Trump issued Proclamation 9645. This again levied entry restrictions on aliens entering the United States from specific countries, citing inadequate information sharing between those governments and the United States—which could make it difficult to determine the true identity of individuals from those countries, who could potentially be members of terrorist organizations.[54] Challenged once again and initially stayed by lower courts, the Supreme Court reversed the injunctions, citing that the plain language of the Immigration and Nationality Act permits the precise actions dictated in the proclamation:

> Whenever the President finds that the entry of any aliens or class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate….
>
> By its terms, § 1182(f) exudes deference to the President in every clause...
>
> In short, the language of § 1182(f) is clear, and the Proclamation does not exceed any textual limit on the President's authority.[55]

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[51] Trump, Executive Order 2.

[52] International Refugee Assistance Project (IRAP) v. Trump, 857 F.3d 554 (4th Cir., 2017); Hawaii v. Trump, 859 F.3d 741 (9th Cir., 2017).

[53] Trump v. Intern. Refugee Assistance Project (IRAP), 137 S.Ct. 2080, 2088 (2017).

[54] Donald J. Trump, "Presidential Proclamation Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats," Proclamation 9645, *Federal Register* 82, no. 45161 (September 24, 2017), https://www.whitehouse.gov/presidential-actions/presidential-proclamation-enhancing-vetting-capabilities-processes-detecting-attempted-entry-united-states-terrorists-public-safety-threats/.

[55] Trump v. Hawaii, 585 U.S. (2018) (slip op., at 10, 14–15) (citing INA § 1182(f)).

Though the Supreme Court ruled in favor of the administration and lifted the restrictions imposed upon entry of aliens from specific countries, it "express[ed] no view on the soundness of the policy."[56] Therefore, the case was remanded to the federal district court so that it may be decided on its merits, where it remains at the time of this writing. As such, this thesis analyzes the refugee situation within the United States in light of established resettlement programs, the admission ceiling of 45,000, and the exclusion of refugees from named states without reference to other factors currently in dispute.[57]

Regarding resettlement procedures, the United States Refugee Admissions Program (USRAP), which comprises of the federal agencies discussed previously as well as nonprofit organizations, undertakes a lengthy process for identifying, evaluating, and determining the eligibility and safety of refugees to be resettled in the United States. The United Nations High Commission for Refugees (UNHCR) is the primary conduit through which the United States is notified of potential refugees; after collecting initial information and identifying biometrics on individuals seeking protection, UNHCR forwards the information to the Resettlement Support Center, a Department of State organization.[58] Security checks begin after the Resettlement Support Center referral, with numerous federal agencies and intelligence community members conducting research on each individual. As an individual's status as a refugee is a legal determination, security checks alone are insufficient to determine if that person will be given this designation. Refugee officers, members of a specially trained cadre of USCIS employees within the Refugee, Asylum, and International Operations Directorate, travel to refugees' current locations to conduct detailed interviews of applicants and their families.[59]

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[56] Trump v. Hawaii, slip. op., at 38.

[57] Carol Morello, "Travel Ban Takes Effect as State Department Defines 'Close Family,'" *Washington Post*, June 29, 2017, https://www.washingtonpost.com/world/national-security/travel-ban-to-take-effect-as-state-department-defines-close-family/2017/06/29/03eb8a8e-eba6-4749-9fa2-79117be89884_story.html?utm_term=.c0798ebf8b3e.

[58] "U.S. Refugee Admissions Program," U.S. Department of State, accessed November 4, 2018, https://www.state.gov/j/prm/ra/admissions.

[59] "Refugees," USCIS, October 24, 2017, https://www.uscis.gov/humanitarian/refugees-asylum/refugees.

These interviews elicit testimony not only to determine if the applicant meets the statutory definition of a refugee but also to determine if the applicant and his or her family members are otherwise admissible to the United States or face a statutory bar to a grant of refugee status.[60] Though it is always possible for an individual to provide false testimony, refugee officers undergo rigorous training to learn the most effective methods for determining credibility; this training is in addition to training each officer receives in specific country and national security concerns.[61] If an individual meets all security requirements, legal determinations, and admissibility criteria, he or she can be designated as a refugee, provided the refugee admission ceiling has not yet been met for that fiscal year. The individual or family then receives a medical exam to ensure they have no communicable diseases of public health significance, a brief cultural orientation, and a loan through which they may purchase their travel to the United States. After clearing all of these requirements, an applicant is assigned to one of nine domestic resettlement agencies, which determine where to place refugees once they are in the United States.[62]

Once in the United States, a refugee may receive cash assistance and other benefits, which are federally supported for less than one year. After that time, individual states or nonprofit organizations may continue to assist refugees; though these organizations may receive reimbursement from federal agencies, it is not guaranteed.[63] Refugees are required to apply to become LPRs within one year of their arrival and are eligible to apply for U.S. citizenship after five years as an LPR.[64] It is important to note that these timelines apply to a refugee who follows a traditional path toward naturalization (refugee determination → LPR status → naturalization), and does not enlist in the U.S. military or marry a U.S.

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[60] "Refugee Eligibility Determination," USCIS, April 8, 2013, https://www.uscis.gov/humanitarian/refugees-asylum/refugees/refugee-eligibility-determination; INA § 212.

[61] "Appendix F: Department of Homeland Security and the International Religious Freedom Act," Department of State, accessed November 4, 2018, www.state.gov/documents/organization/222639.pdf.

[62] Department of State, "U.S. Refugee Admissions Program."

[63] "Office of Refugee Resettlement," Administration for Children and Families, last updated February 4, 2016, https://www.acf.hhs.gov/office-of-refugee-resettlement.

[64] Adjustment of Status of Refugees, 8 U.S.C. § 1159 [INA § 209(a)(1)], https://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-1825.html.

citizen, either of which could impact the amount of time before an individual may apply for naturalization.

E. CONCLUSION

The term *protection* is often invoked when discussing someone who is fleeing persecution and seeking safety outside his or her home country. However, the United States has not always applied this term toward the individual who is fleeing harm; instead, protection has been directed inward, with an eye toward U.S. political or social interests. While it is important for a state to protect its citizens and ensure its own security, a balance must be struck between protection of these interests and humanitarian concerns, especially in light of international agreements. The United States is once again in a debate over the proper direction of the word protection, and where lines should be drawn.

III. THE MAPLE LEAF: CANADA'S REFUGEE PROGRAM

> As human beings we should do our best to provide as much sanctuary as we can for those people who can get away. I say we should do that because these people are human and deserve that consideration, and because we are human and ought to act in that way.
>
> —Stanley Knowles, Canadian parliamentarian, 9 July 1943[65]

This chapter discusses the history of Canada's refugee program, explaining how it evolved into the multifaceted program it is today. A brief timeline, with examples, explains the Canadian government's approach to the situation both before and after acceding to international agreements. Due to the comparative policy focus of this thesis, the information contained within this chapter provides a foundational understanding that serves as the underpinning of the final recommendations and conclusions. As stated in Chapter I, Canada was selected as the most viable option for a comparative analysis with the United States due to its similar form of government, as well as geographic, economic, and diplomatic ties.

A. THE STATUS OF REFUGEES PRIOR TO THE 1951 CONVENTION

In the early 1920s, over a million people found themselves stateless due to the Russian Civil War and the breakup of the Ottoman Empire.[66] Fleeing the ongoing conflict and revolution that came at the end of World War I, Russian nationals, including Jewish citizens and ethnic Germans, fled the empire, relocating across Eastern Europe and Asia. Many lost their citizenship through a Russian decree in 1921 that specifically targeted all citizens who left the Empire after November 7, 1917—the date of the Russian Revolution and start of the Russian Civil War—without authorization and had not returned.[67] In an

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[65] "Brief History of Canada's Response to Refugees," Canadian Council for Refugees, accessed November 3, 2018, http://ccrweb.ca/sites/ccrweb.ca/files/static-files/canadarefugeeshistory.htm.

[66] Isabel Kaprielian-Churchill, "Rejecting 'Misfits': Canada and the Nansen Passport," *The International Migration Review* 28, no. 2 (Summer 1994): 281, https://www.jstor.org/stable/pdf/2546733.pdf?refreqid=excelsior%3Ae2204d700f981c95dd1af5bbd4be9e92.

[67] Kaprielian-Churchill, "Misfits," 283.

effort to provide these stateless individuals, who lacked officially recognized passports, with a method of travel, the League of Nations created the Nansen passport. This document provided proof of identity and the right to international travel.[68] However, it did not provide a mechanism for the return of refugees, and so Canada opposed its use.[69]

As World War II broke out and a new refugee crisis began to spread across the world, a group of Canadian citizens formed the Canadian National Committee on Refugees, which "endeavored to point out to the Canadian public the great possibilities offered for the development of our country by the admission of refugees, fugitive democrats, from Europe."[70] Though Canada did not initially adopt the 1951 Convention upon its creation, it still began to admit refugees in other ways.[71]

Lacking a specific refugee category in its immigration law, refugees were admitted on an ad hoc basis, in various family preference and special immigrant categories. These categories provided limited admission to specific groups in reaction to specific events occurring around the world. For example, as a result of the Hungarian Revolution of 1956 and subsequent flight of thousands of Hungarian citizens, Canada "loosened the normal requirements concerning travel documentation, medical exams, and security clearances, and enlisted airplanes to transport the refugees out of Austria," which led to more than 37,000 Hungarian refugees entering Canada within a short period.[72] Similarly, beginning in late 1968 following the Soviet invasion of Czechoslovakia, Canada admitted more than 10,000 Czech refugees as a direct response to the military conflict, though it is noted that

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[68] League of Nations, "Arrangement with Respect to the Issue of Certificates of Identity to Russian Refugees," *League of Nations Treaty Series* XIII, no. 355 (July 5, 1922), http://www.refworld.org/docid/3dd8b4864.html.

[69] Canadian Council for Refugees, "Brief History."

[70] "'Refugee' Industries in Canada," University of Alberta, accessed November 3, 2015, http://peel.library.ualberta.ca/bibliography/6482/1.html.

[71] For more information on the 1951 Convention, please see Chapter I.

[72] Andrew S. Thompson and Stephanie Bangarth, "Transnational Christian Charity: The Canadian Council of Churches, the World Council of Churches, and the Hungarian Refugee Crisis, 1956–1957," *American Review of Canadian Studies* 38, no. 3 (2008): 23.

Canadian officials may have had secondary, self-serving motives during this exodus.[73] As Laura Madokoro explains, one immigration officer reported having "no problem with fudging the [refugee] definition because the quality of the people who were asking to immigrate was so high," and asserted, "Trudeau's government needed a strategy that would avoid encouraging a mass exodus, which would upset the Soviets and liberal elements in Czechoslovakia, and yet would allow it to obtain the highly skilled refugees it so brazenly coveted."[74]

B. THE TIPPING POINT AND CREATION OF THE REFUGEE CLASS

Despite public shifting in favor of refugees, it was not until the 1960s and 1970s that Canada began to adopt a proactive approach to the growing refugee situation created from Cold War conflicts. On June 4, 1969, Canada ratified both the 1951 Convention and the corresponding 1967 Protocol, immediately proclaiming its obligation to protect refugees without geographic or temporal restrictions.[75] Though it was the same set of events that led to significant legislative changes in refugee policy in the United States, including the fall of South Vietnam in 1975, Canada's response differed dramatically. As evacuations began en masse from the former South Vietnam, Cambodia, and Laos (these refugees were collectively referred to as *Indochinese refugees* in legislative matters), Canada passed the Immigration Act of 1976, which went into effect in 1978 and created a specific immigrant class of refugees.

At this time, the population of Canada was approximately 24 million people, compared to the U.S. population of 221 million; by raising its Indochinese refugee ceiling to 50,000 individuals, Canada welcomed approximately 0.2 percent of its population as

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[73] Louis Parai, "Canada's Immigration Policy, 1962–74," *International Migration Review* 9, no. 4 (1975): 465; Laura Madokoro, "Good Material: Canada and the Prague Spring Refugees," *Refuge* 26, no. 1 (2009): 166.

[74] Madokoro, "Good Material," 166.

[75] "States Parties to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol," UNHCR, April 2015, http://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf.

refugees.[76] For comparison purposes, with refugee limits in place in 1979, the United States statutorily welcomed refugees at 0.008 percent of its population.[77] The Immigration Act of 1976 did more than create a class of refugee admission: it also initiated the ability for private groups of citizens to sponsor refugees directly, a cornerstone of Canada's unique refugee policy. Prior to this formal program, faith-based organizations had entered into individual agreements with the Canadian government to sponsor refugees in various immigrant classes, but the creation of this program as a reaction to public support for refugees fleeing southeast Asia meant that everyday citizens had the ability to directly help those in need.[78]

The Private Sponsorship of Refugees Program was designed to benefit all parties, including the Canadian government, refugees, and Canadian citizens who undertook responsibilities in the program. According to J. L. Manion, then deputy minister of employment and immigration, not only would the services received by these particular refugees surpass typical government assistance, they would "offer the possibility of increasing refugee admissions over and above the total achievable through government financed initiatives."[79] It was also Manion's intention for this program to ultimately allow refugees to "enjoy more individual care and attention than would normally be available."[80]

In an effort to boost the entry of refugees and strengthen its private sponsorship program, the Canadian government introduced a matching system in 1979, based on the

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[76] Gertrud Neuwirth and Lynn Clark, "Indochinese Refugees in Canada: Sponsorship and Adjustment," *The International Migration Review* (Spring-Summer 1981), http://www.jstor.org.libproxy.nps.edu/stable/pdf/2545332.pdf?refreqid=excelsior%3Acc36da622408a1c831a09a4106be54ed; "Annual Estimates of Population for Canada, Province and Territories, from July 1 1971 to July 1, 2015," Statistics Canada, September 28, 2016, http://www.stats.gov.nl.ca/statistics/population/PDF/Annual_Pop_Prov.PDF; U.S. Census Bureau, "Population Profile of the United States: 1979," *Current Population Report* 350 (May 1980), https://www.ncbi.nlm.nih.gov/pubmed/12336297.

[77] U.S. Census Bureau, "Population Profile of the United States: 1979." For further discussion on statutory limits regarding refugees entering the United States in 1979, please refer to Chapter II.

[78] Neuwirth and Clark, "Indochinese Refugees in Canada."

[79] Canada's Fast-Track Refugee Plan: Unanswered Questions and Implications for U.S. National Security: Hearing before the Senate Committee on Homeland Security and Governmental Affairs (statement of the Niskanen Center, February 3, 2015), https://www.gpo.gov/fdsys/pkg/CHRG-114shrg22717/pdf/CHRG-114shrg22717.pdf.

[80] Niskanen Center.

belief that the admission of southeast Asian refugees—referred to in popular media at the time as Boat People—should be directly dependent upon the support of the Canadian public, meaning one refugee would be sponsored by the government for each privately sponsored refugee. Specifically:

> Apart from those accepted under [Canada's] annual refugee resettlement plan, there are always many others in need of our help who are equally capable of becoming self-supporting members of our society if they can be assured of the friendship and support of concerned Canadians. Canadian groups and organizations who are prepared to act as sponsors, supplying the more personalized settlement services needed by displaced and persecuted people, will have a direct influence on the total number of refugees that can come to Canada. This is because refugees assisted in this way are admitted over and above those planned for in the government's annual refugee resettlement plan.[81]

C. SECURITY SCREENING PROCEDURES FOR REFUGEES

As security is the main concern raised by opponents to refugee resettlement in the United States, it is imperative to discuss security screening procedures in the Canadian system to ensure adequate comparative analysis. Of particular importance is the fact that, regardless of the refugee resettlement program into which an individual falls (the categories are discussed later in this chapter), security procedures are consistent and occur prior to admittance to Canada. As such, security measures are not specifically discussed in the other sections of this chapter—subsequent sections discuss the steps that occur following a refugee's successful security screening.

To assist with security processing from the outset of the conflict in Syria, the Canadian government has attempted to focus its efforts on refugees who are more vulnerable but who also have lower security risks, such as complete families and women.[82]

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[81] Employment and Immigration Canada, "Sponsoring Refugees: Facts for Canadian Groups and Organizations" (report, Employment and Immigration Canada, July 1979), http://cihs-shic.ca/wp-content/uploads/2015/03/Sponsoring-Refugees-Facts-for-Canadian-Groups-and-Organizations.pdf; "'Boat-People': A Refugee Crisis—Vietnamese-Canadian History," Radio Canada International, accessed November 3, 2018, http://www.rcinet.ca/patrimoine-asiatique-en/le-mois-du-patrimoine-asiatique-au-canada/les-refugies-de-la-mer-la-communaute-vietnamienne/.

[82] "#WelcomeRefugees: Security and Health Screening," Government of Canada, last modified June 12, 2017, https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/welcome-syrian-refugees/security-health-screening.html.

Following the selection process, applicants are interviewed to determine their credibility, much like the process in the United States; however, Canada acknowledges that not all applicants are considered, though they "may be reconsidered in the future."[83] Documents provided by the applicants and biometrics collected for identity purposes are continuously verified; biometrics and digital photos are collected before background checks are conducted, again before the refugee departs for Canada, and again upon arrival to verify the refugee's identity throughout the entire process.[84]

Law enforcement and intelligence organizations use these biometrics and digital photos, including the Canadian Security and Intelligence Service, Canadian Border Services Agency, Royal Canadian Mounted Police, and international partners.[85] These agencies use the data to ensure that the individual poses no known security concerns, and has no criminal history or prior immigration encounters that would affect eligibility for refugee status or pose a threat to national security. By selecting refugees for admission through this rigorous method during the conflict in Syria, Peter Showler, the former head of Canada's Immigration and Refugee Board, noted that "We know who these people are and we know why they fled Syria."[86]

D. THE CURRENT STATE OF REFUGEE PROCESSING

The system that began in 1979 has continued until today, though it has been modified and expanded. According to Immigration, Refugees and Citizenship Canada, there are currently three separate routes through which an individual may obtain refugee status in Canada, excluding Québec:

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[83] Government of Canada.

[84] Government of Canada. In the homeland security context, *biometrics* most often refers to fingerprints, photographs, facial scans, or some combination of them for purposes of identification.

[85] "Refugee Law and Policy: Canada," Law Library of Congress, June 21, 2016, https://www.loc.gov/law/help/refugee-law/canada.php#_ftnref75.

[86] "'Thorough' Refugee Screening Puts Canada at Low Security Risk, Says Former Refugee Official," CBC Radio, November 17, 2015, http://www.cbc.ca/radio/asithappens/as-it-happens-monday-edition-1.3321310/thorough-refugee-screening-puts-canada-at-low-security-risk-says-former-refugee-official-1.3321326.

1. Government-Assisted Refugees Program (GAR)

2. Private Sponsorship of Refugees Program (PSR)

3. Blended Visa Office-Referred Program (BVOR)[87]

GAR refugees follow a similar path as refugees to the United States—they are referred to Canada through the United Nations High Commissioner for Refugees (UNHCR) or a similar organization. If a refugee passes security checks and medical exams and is chosen for resettlement in Canada, he or she is fully supported by the Canadian government for one year. After the first year, support is contingent upon provincial or territorial assistance.[88]

PSR refugees, on the other hand, are entirely supported by a community sponsor, a "Group of Five" or more Canadian citizens or LPRs, or a Sponsorship Agreement Holder, an organization that can sponsor refugees or work with other community organizations to do so. Organizations or individuals who wish to sponsor refugees must apply for this status with the Canadian government and provide evidence of their ability to meet financial needs of refugees based upon family sizes. The sponsors must help refugees locate housing, must provide financial support to cover costs of living, provide food and clothing, and also provide social and emotional support to help the refugees assimilate into the new culture.[89]

Finally, BVOR refugees rely on a mix of government and private assistance. In BVOR allocations, the Canadian government provides six months of financial support to refugees, while private sponsors are required to provide an additional six months of financial support. The sponsors must also provide up to one year of social and emotional

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[87] "Resettlement from Outside Canada," Government of Canada, last modified October 11, 2018, http://www.cic.gc.ca/english/refugees/outside/index.asp.

[88] "How Canada's Refugee System Works," Government of Canada, last modified April 3, 2017, http://www.cic.gc.ca/english/refugees/canada.asp.

[89] "Private Sponsorship of Refugees Program – Information for Refugees," Government of Canada, last modified September 14, 2018, http://www.cic.gc.ca/english/refugees/outside/private.asp.

support.[90] Table 1 shows a breakdown of the target admission ranges for each refugee admission category.

Table 2. Target Admission Ranges for Canadian Refugee Categories[91]

Calendar Year	GAR (Low to High)	PSR	BVOR*
2008	7,300–7,500	3,300–4,500	N/A
2009	7,300–7,500	3,300–4,500	N/A
2010	7,300–8,000	3,300–6,000	N/A
2011	7,400–8,000	3,800–6,000	N/A
2012	7,500–8,000	4,000–6,000	N/A
2013	6,800–7,100	4,500–6,500	200–300
2014	6,900–7,200	4,500–6,500	400–500
2015	5,800–6,500	4,500–6,500	700–1,000
2016	24,000–25,000	15,000–18,000	2,000–3,000
2017	5,000–8,000	14,000–19,000	1,000–3,000
2018	6,000–8,000	16,000–20,000	1,000–3,000
2019	7,000–9,000	17,000–21,000	1,000–3,000
2020	8,500–10,500	18,000–23,000	1,000–3,000

* The BVOR Program was initiated in 2013; these refugees are "travel ready," and as such would usually arrive in Canada within one to four months.[92]

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[90] "Blended Visa Office-Referred Program – Sponsoring Refugees," Government of Canada, last modified August 20, 2018, http://www.cic.gc.ca/english/refugees/sponsor/vor.asp.

[91] Adapted from Zi-Ann Lum, "Canada Limits New Private Sponsorships of Syrian Refugees," Huffington Post, January 12, 2017, http://www.huffingtonpost.ca/2017/01/12/canada-private-sponsorship-syrian-refugees_n_14136364.html; "Canada's 2016 Immigration Levels Plan," Government of Canada, last modified March 8, 2016, https://www.canada.ca/en/immigration-refugees-citizenship/news/2016/03/canada-s-2016-immigration-levels-plan.html; "Notice—Supplementary Information 2017 Immigration Levels Plan," Government of Canada, October 31, 2016, https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/notice-supplementary-information-2017-immigration-levels-plan.html; "Notice—Supplementary Information 2018–2020 Immigration Levels," Government of Canada, November 1, 2017, https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/supplementary-immigration-levels-2018.html.

[92] "Blended VOR Program: Frequently Asked Questions," Refugee Sponsorship Training Program, accessed November 10, 2018, http://www.rstp.ca/wp-content/uploads/2014/07/Blended-VOR-FAQ_2014.pdf.

Statistical evidence shows the positive effects that these community-oriented approaches and personalized attention have on refugees' long-term integration and success. In 2013, ten years after their arrival in Canada, 91 percent of PSR refugees had acquired citizenship; conversely, only 69 percent of those who arrived in a family-based category in the same time period had obtained Canadian citizenship. Extrapolating further, 84 percent of PSR refugees said they were "satisfied" or "completely satisfied" with their lives in Canada and felt a strong sense of belonging to the community in which they had resettled; only 74 percent of native-born Canadians said they felt this same connection.[93]

These community-driven and privately supported refugee programs have given refugees who enter Canada a closer connection to their new home and to the community that worked to personally ensure they were able to reach this safe location. When asked about the methods by which Canada ensures its refugees do not associate with individuals who would lead them to radicalization after arrival, Showler cites the positive assimilation that stems directly from the inclusivity of the refugee admissions program and the community support programs:

> The only way we deal with it is the way in which Canada has consistently dealt with immigration flows in general. We have a society that is not only open and inclusive, we make sure that we have access to employment, access to education, access to all parts of our functioning society that make it easier for them to integrate into Canada over the long range.[94]

However, this same assimilation has also been regarded as a negative result of the PSR Program. In a 2003 policy brief, the Centre for Refugee Studies reported that some sponsors have allegedly sought to take assimilation too far and have attempted to separate refugees from their own cultural heritage.[95] Additionally, some private sponsors have reportedly viewed refugees under their care as servants or have targeted them for religious

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[93] Immigration, Refugees and Citizenship Canada, "Setting the Context: Syrian Refugee Resettlement in Canada," Web presentation, March 26, 2016, http://www.sshrc.ualberta.ca/en/Toolkit/Resources/~/media/Social%20Sciences%20and%20Humanities%20Research%20Council/Refugee_Resettlement-BackgroundCanada_(2016).pdf.

[94] CBC Radio, "Thorough Refugee Screening."

[95] Jennifer Hyndman, William Payne, and Shauna Jimenez, "The State of Private Refugee Sponsorship in Canada: Trends, Issues, and Impacts" (policy brief, York University, 2016), 15, https://refugeeresearch.net//wp-content/uploads/2017/02/hyndman_feb%E2%80%9917.pdf.

conversion.[96] Though data suggests these incidents are rare, they nonetheless show that Canada must implement a procedure for instances in which the private sponsorship fails.

Another potential drawback of this system was discussed by the Refugee Council of Australia and Settlement Services International, after meeting with Canadian counterparts to determine if it could be instituted in Australia.[97] In their discussion paper, the Refugee Council of Australia and Settlement Services International pointed to a potentially unfair resettlement outcome through the private sponsorship model:

> Private sponsors' role in selecting refugees for resettlement favours those with relatives and connections in Canada and limits opportunities for the resettlement of the most vulnerable refugees nominated by UNHCR as being in need of resettlement. The opportunity for Canada's refugee community members to reunite with members of their extended families is a significant driver of interest in private sponsorship.[98]

Further concerns raised in this discussion paper related to the potential exploitation of refugees, accountability of the volunteers who take part in resettlement efforts, and varying levels of support. As an example of varying support, the report compares two refugees in the first year of their arrival in Canada, one through the PSR Program and one through the GAR Program. The GAR refugee may obtain a monthly income support stipend in the first year; however, the PSR refugee—who gets support from private citizens, but that support may come in part in non-monetary forms—may have limited income opportunities in the first year.[99] By the second year, both refugees can receive support from their individual provinces, bringing them in parity with one another. Finally, as discussed elsewhere,

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[96] Hyndman, Payne, and Jimenez, "Private Refugee Sponsorship in Canada," 15–16.

[97] "Who We Are," Refugee Council of Australia, May 2013, https://www.refugeecouncil.org.au/who-we-are/. "RCOA is the national umbrella body for refugee and the organizations and individuals who support them. IT has more than 200 organisational and over 900 individual members." "About Us," Settlement Services International, https://www.ssi.org.au/about-us. "SSI is a community organisation and social business that supports newcomers and other Australians to achieve their full potential."

[98] Refugee Council of Australia and Settlement Services International, "Canada's Private Sponsorship of Refugees Program: Potential Lessons for Australia" (discussion paper, August 2017), https://reliefweb.int/sites/reliefweb.int/files/resources/Canadian-PSR-paper-1708.pdf.

[99] Refugee Council of Australia and Settlement Services International.

though these differences in income and employment may present themselves soon after a refugee has arrived in Canada, over the course of ten years the gap continuously closes.[100]

Furthermore, although these programs were introduced almost forty years ago, their popularity within the Canadian population continues to grow. As the refugee crisis in Syria and the surrounding Middle East has expanded, Canadian citizens have attempted to respond at a matching pace. Despite the high cost of the PSR Program for individual citizens, estimated at $28,700 (approximately $21,800 U.S.) for a family of four in their first year in Canada, the success of this program is evidenced by the lengthy backlog of applications.[101] In 2017, the Canadian government placed a limit on the number of new Group of Five and community applications—to cap at 1,000—and limited new Sponsorship Agreement Holder applications to 7,500.[102]

Anticipating a continued push from its citizens, Canada has planned several goals for increasing its reliance on the PSR Program, beginning with the admission of 18,000 PSR refugees in 2018, which is more than a four-fold increase from 2015; this will result in a total of 57,000 PSR refugees over the next three years. Sponsorship Agreement Holders will also be increased over the coming years, up 8,500 by 2018. This will be expanded significantly again to 14,500 in 2020.[103] As the number of refugees admitted continues to increase, Immigration, Refugees and Citizenship Canada increased its

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[100] Government of Canada, "Evaluation of the Resettlement Programs (GAR, PSR, BVOR and RAP)" (report, Government of Canada, July 7, 2016), section 5.10, http://www.cic.gc.ca/english/resources/evaluation/resettlement.asp.

[101] "Private Sponsorship of Refugees (PSR) Application Guide (IMM 5413)," Government of Canada, last modified October 5, 2018, https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/guide-sponsor-refugee-agreement-holder-constituent-group.html.

[102] "Providing Timely Protection for Privately Sponsored Refugees," Government of Canada, last modified February 5, 2018, http://www.cic.gc.ca/english/department/laws-policy/protect-psr.asp.

[103] "Canada Welcomes More Privately Sponsored Refugees in 2018," Government of Canada, last modified February 5, 2018, https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/timely-protection-privately-sponsored-refugees.html.

Resettlement Assistance Program funding for all GAR refugees in 2017, including an extra $200 housing supplement and transit passes.[104]

It should be noted that the United States does not track and record assimilation information to the same degree that Canada does through these programs; or, if the United States does track this information, it does not release it. It is unclear why this information is not collected or released, as this level of statistical information would be valuable for identifying and addressing assimilation gaps.

E. REFUGEE RESETTLEMENT IN QUÉBEC

Québec independently administers its own refugee resettlement program, following the Canada–Québec Accord Relating to Immigration and Temporary Admission of Aliens, adopted in 1991.[105] The Québec government says that "Humanitarian immigration occupies a particularly important place in Québec," but its resettlement practices take into account its provincial goals in addition to the aspirations of refugees.[106] With a goal of long-term success for refugees, Québec shares responsibility with the Canadian government when administering its program; refugees who settle in Québec must first be classified as refugees by the Canadian national government. After this classification, refugees begin the second stage of the selection process, during which Québec focuses on a variety of additional factors not covered by the national government's evaluation:

- language proficiency (French) of the potential refugee and any accompanying family members
- presence of accompanying family members

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[104] "Government Assisted Refugee Bulletin 2017 Calendar Year: Statistical Highlights from 3rd Quarter," Immigrant Support Service of British Columbia, September 30, 2017, http://issbc.org/wp-content/uploads/2018/02/2_-_GAR-Bulletin-Oct2017.pdf; "Resettlement Assistance Program (RAP) Rates [NEW]," Refugee Sponsorship Training Program, accessed November 3, 2018, http://www.rstp.ca/en/sponsorship-responsibilities/resettlement-assistance-program-rap-rates/.

[105] Government of Québec Ministry of Immigration, Diversity, and Inclusion, *Québec Immigration Planning for the 2017–2019 Period* (Government of Québec, June 2016), 6.

[106] "Humanitarian Immigration in Quebec," Government of Quebec, March 1, 2018, http://www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/humanitarian-immigration/humanitarian-immigration/index.html.

- relationship with a Québec resident who is a spouse or first-degree relative
- work experience, regardless of payment structure
- level of education[107]

In addition to these mostly quantitative factors, the Québec government also weighs various "personal qualities" of a more qualitative nature; however, it must be noted that these determinations are subjective, and could be rated differently between two different immigration officers examining a potential refugee. The qualities refer to the refugee's:

- resourcefulness
- flexibility
- social skills
- vitality
- initiative
- perseverance
- level-headedness
- self-confidence
- maturity
- motivation
- responsibility undertaken in community in the past, or attempts at obtaining employment when feasible[108]

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[107] "Sharing of Responsibilities between the Federal and Québec Governments," Government of Québec, September 7, 2018, https://www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/humanitarian-immigration/humanitarian-immigration/sharing-responsibilities.html.

[108] Government of Québec.

Following their selection by both levels of government and arrival in Québec, refugees continue following a delineated process that ensures they are able to successfully integrate into Québec life. If the refugee is not fluent in French, free language courses are provided, children are enrolled in French-speaking schools free of charge, and support services provide job placement assistance based on the individual's personal history and skills. Finally, showing the importance and responsibility placed upon individual or group sponsors, Québec reminds refugees in its province, "Your sponsor (group or non-profit organization) has made a commitment to assist you. Don't hesitate to call on them if you need help."[109]

The variety of program options within the Canadian refugee resettlement program sets it apart from others around the world—especially when it comes to its shared responsibilities and success rates. Québec's more extensive examination and rating of refugees prolongs the waiting period for resettlement, but arguably can benefit all parties involved. For example, currently a GAR refugee from Lebanon should expect a twenty-six-month processing time, while the same refugee under a PSR agreement should expect a twenty-one-month processing time.[110] Québec's processing only begins after this period, and the refugee may still need additional time to obtain travel documents. Québec society benefits from the fact that new arrivals can quickly become members of the workforce and become involved in their community, while the arriving refugees and their families can feel a greater sense of belonging and commitment to making their new life in Canada.

F. PROVINCIAL NOMINEE PROGRAM

Though Québec is the only province permitted to administer its own refugee resettlement program, it is not the sole example of responsibility sharing in the field of Canadian immigration. The national government has divested some of its other

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109 "Taking Steps to Integrate Successfully into Québec," Government of Québec, November 10, 2011, https://www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/humanitarian-immigration/sponsored-refugee/integration.html.

110 "Check Application Processing Times," Government of Canada, July 6, 2018, http://www.cic.gc.ca/ english/information/times/index.asp.

immigration authorities to the provinces through the Provincial Nominee Program (PNP). The PNP allows economic migrants to be admitted in certain categories dictated by the individual provinces based upon those provinces' needs. Examples of these categories include students, business professionals, or skilled workers in specified fields.[111]

PNP seeks to address the uneven distribution of net immigration, focusing its efforts on spreading human capital beyond the traditional landing cities of Toronto, Montréal, and Vancouver to reach more remote provinces and cities.[112] This imbalance was the impetus for this program, as several provinces raised concerns with the federal government regarding their low employment. Seeking to avoid the political disputes that had occurred between Québec and the national government, during which Québec successfully petitioned for more control over its immigration system, PNP accords were signed between the provincial governments and the national government between 1998 and 2009.[113] As explained by A. E. Challinor in 2011, the program has been increasing in popularity exponentially: "75 percent of newcomers—or approximately 13,500 persons—came to Manitoba through the PNP in 2009, compared with just 477 in 1999."[114] In a more recent evaluation of the program's effectiveness, Immigration, Refugees and Citizenship Canada's Research and Evaluation Branch noted that "From 2010–2015, [they] admitted between 10% and 12% more principal applicants each year than the previous year."[115]

The PNP focuses on specific under-represented industries or occupations and prohibits certain individuals, including refugees, from submitting applications under its

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111 "Immigrate as a Provincial Nominee," Government of Canada, last modified May 1, 2018, https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/provincial-nominees.html.

112 A. E. Challinor, "Canada's Immigration Policy: A Focus on Human Capital," Migration Policy Institute, September 15, 2011, https://www.migrationpolicy.org/article/canadas-immigration-policy-focus-human-capital.

113 F. Leslie Seidle, "Canada's Provincial Nominee Immigration Programs: Securing Greater Policy Alignment," Institute for Research on Public Policy, December 12, 2013, http://irpp.org/research-studies/canadas-provincial-nominee-immigration-programs/.

114 Challinor, "Canada's Immigration Policy," 3.

115 Government of Canada, "Evaluation of the Provincial Nominee Program" (technical report, Government of Canada, November 2017), https://www.canada.ca/en/immigration-refugees-citizenship/corporate/reports-statistics/evaluations/provincial-nominee-program-2015.html#table1.

guidelines. As one example, a recent push in Manitoba under the PNP has created a streamlined pathway for science, technology, engineering, and math (STEM) field graduates to obtain permanent residence; this push came from a forecast indicating a 20,000-person labor shortage within the next eighteen months.[116] Using this model, PNP allows a province to prepare for potential economic dangers, allowing for a proactive, rather than reactionary, measure. Furthermore, predictive forecasting can help avoid debates about whether or not immigrants are negatively affecting the employment opportunities of the native population. Arguments that employers are seeking to replace native population employees by paying immigrants lower wages fail based on the criteria of the PNP program. If there were sufficient native population employees in a particular field, the PNP would not be utilized for that particular industry.

This allows for economic and population growth outside of concentrated centers, while ensuring that there are not negative effects on those already living within those provinces. Despite the prohibitions on who may apply under the program, in its current state in Canada, the smart practices and guiding principles that have led to the success of the PNP program could be effectively applied in a modified U.S. refugee policy.

G. CONCLUSION

Although Canada has faced the same refugee crises as the United States on several occasions in its history, both before and after signing the 1967 Protocol, its vastly different response has led to several unique refugee resettlement programs. Canada's reliance upon shared responsibilities between public and private entities has allowed its refugee population to grow while ensuring national security protections are not weakened and that financial responsibilities do not fall fully onto the national government. As described in this chapter, the benefits of this model are not solely financial, but extend to Canadian society as a strong return on investment in the form of connections formed by refugees and their pursuit of deeper connections through the Canadian immigration system.

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116 "Province Continues to Make Provincial Nominee Program More User Friendly," Government of Manitoba, November 15, 2017, http://news.gov.mb.ca/news/?item=42551&posted=2017-11-15; "Immigrate to Manitoba," Government of Manitoba, https://www.immigratemanitoba.com/immigrate-to-manitoba/.

The remainder of this thesis focuses on what changes, if any, should be made to most efficiently and effectively address concerns regarding the execution of the American immigration program in its current state.

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IV. SECURITY CONCERNS WITH U.S. REFUGEE PROGRAMS

> Syria is the biggest humanitarian and refugee crisis of our time, a continuing cause of suffering for millions which should be garnering a groundswell of support around the world.
>
> —Filippo Grandi, UNHCR High Commissioner[117]

> Refugees from Syria are now pouring into our great country. Who knows who they are—some could be ISIS. Is our president [Barack Obama] insane?
>
> —Donald J. Trump, presidential primary candidate[118]

In the past several years, political discussions, news media headlines, and public debate regarding refugees have been dominated by concerns about the security of the United States.[119] Reports that terrorist groups such as the Islamic State have infiltrated European refugee populations and carried out attacks have been used as evidence that security measures in the United States are insufficient. To buttress this claim, those opposed to the resettlement of refugees in the United States point to recent attacks on U.S. soil as further motivation to halt refugee admissions at least temporarily, if not indefinitely.

This chapter discusses one of the main concerns regarding refugee admissions in the United States: That, due to ineffective security measures during review of refugee claims, terrorist groups are taking advantage of the growing refugee crisis in the Middle East to enter the United States to cause harm. This chapter analyzes both proponents' and opponents' arguments in this vein to inform the thesis's final recommendations; concerns that fall outside the realm of physical security are analyzed in subsequent chapters.

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[117] "Syria Emergency," UNHCR, April 19, 2018, http://www.unhcr.org/en-us/syria-emergency.html.

[118] Donald Trump (@realDonaldTrump), "Refugees from Syria are not pouring into our great country. Who knows who they are – some could be ISIS. Is our president insane?" Twitter, November 17, 2015, 5:54 a.m., https://twitter.com/realdonaldtrump/status/666615398574530560?lang=en.

[119] Daniel Byman, "Do Syrian Refugees Pose a Terrorism Threat?" Brookings, October 27, 2015, https://www.brookings.edu/blog/markaz/2015/10/27/do-syrian-refugees-pose-a-terrorism-threat/.

A. CONCERN ONE—TERRORIST ABUSE AND INFILTRATION OF THE U.S. REFUGEE PROGRAM

1. Concern

The ongoing civil war in Syria (which began in 2011 and continues through the writing of this thesis) has created internal displacement and refugee populations of historic levels. As of April 19, 2018, the United Nations estimates over 5.6 million Syrian citizens have left the country and have spread through Europe and beyond, seeking refuge, with an additional 6.6 million Syrians internally displaced.[120] During this growing crisis, government officials and members of the media have repeatedly stated that, to assess related national security risks, the United States' refugee program should be suspended or eliminated entirely.[121] Similar accusations and discussions are taking place around the world.[122]

As stated by one member of the U.S. Senate's Committee on Homeland Security and Governmental Affairs, "Refugees could pose a risk. But, I think, when we take a look at what the vetting process will be and we consider all the risks that ISIS poses to America, we may find there are far greater risks. I think in our briefings, we have had questions by members of our visa programs.… What are the types of controls? What are the types of vulnerabilities?"[123] These concerns, echoed across Washington and the media alike, have caused an ongoing and increasingly sharp divide among Americans.[124] While there is public support for the general concept of resettlement around the United States, this fear

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[120] UNHCR, "Syria Emergency"; "Internally Displaced People," UNHCR, accessed November 4, 2018, http://www.unhcr.org/en-us/internally-displaced-people.html.

[121] Trump, Executive Order 1.

[122] Rachel Martin, "Germany's Liberal Refugee Policy Is Criticized as a Security Threat," NPR, February 13, 2017, https://www.npr.org/2017/02/13/514935033/german-s-liberal-refugee-policy-criticized-as-a-security-threat.

[123] The Impact of ISIS on the Homeland and Refugee Resettlement: Hearing before the Committee on Homeland Security and Governmental Affairs United States Senate, 114th Cong. 1st sess. (November 19, 2015) (opening statement of Chairman Johnson), 6, https://www.gpo.gov/fdsys/pkg/CHRG-114shrg22475/pdf/CHRG-114shrg22475.pdf.

[124] Hannah Hartig, "Republicans Turn More Negative Towards Refugees as Number Admitted to U.S. Plummets," Pew Research Center, May 24, 2018, http://www.pewresearch.org/fact-tank/2018/05/24/republicans-turn-more-negative-toward-refugees-as-number-admitted-to-u-s-plummets/.

and uncertainty has caused that support to wane as discussions shift toward our own communities as relocation focal points.[125]

2. Response

In discussions of this nature, there are not, and cannot be, absolutes; however, no known terrorists have abused the refugee program to enter the United States and cause harm on U.S. soil since the September 11th attacks.[126] The Ninth Circuit Court of Appeals referenced this fact when denying the Trump administration's request to implement Executive Order 13769, which sought to limit or halt refugee admissions from several countries to protect national security: "The Government has pointed to no evidence that any alien from any of the countries named in the Order has perpetrated a terrorist attack in the United States."[127]

It is possible that a refugee entering the United States could seek to cause harm to the government or its citizens. It is also possible that individuals who enter on visitor visas can have the same intent, as demonstrated by the September 11th attacks.[128] However, the fact that these are possibilities does not mean they are certainties. For example, of the 46.9 million international visitors to the United States in 2001, the overwhelming majority caused no harm.[129] While those who did so caused previously unimagined loss of life and destruction, it must also be noted that they represented only a diminutive proportion of travelers to the United States. Additionally, it is important to note that attacks of this order and magnitude have not continued, despite the fact the rate of international travelers has

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[125] Jeremy Ferwerda, D.J. Flynn, and Yusaku Horiuchi, "Explaining Opposition to Refugee Resettlement: The Role of NIMBYism and Perceived Threats," *Science Advances* 9, no. 3 (September 2017): 1.

[126] Nowrasteh, "Terrorism and Immigration," 2.

[127] State of Washington v. Trump, No. 17-35105 (9th Cir., 2017)

[128] The National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report*, Kindle edition (Forms in Word, 2014), loc. 10837–10841.

[129] "International Visitors to the U.S. and Projections (2000–2022)," International Trade Administration, accessed November 4, 2018, http://tinet.ita.doc.gov/view/f-2000-99-001/forecast/Arrivals.pdf.

continued its upward trend (projected to have reached 75.1 million travelers in 2017, but conclusive data has yet to be released).[130]

Though terrorist attacks in the United States have not been seen on the same scale as those in Europe in recent years, the general public is increasingly concerned that such attacks may be on the horizon. Fear that terrorists will infiltrate the refugee admissions program is further exacerbated by ISIS claims that it has embedded fighters in refugee populations across Europe.[131] This claim has been supported by the Central Intelligence Agency (CIA); the CIA notes, however, that this is merely ISIS's goal, and there is no evidence that ISIS has been successful.[132] Furthermore, there in insufficient anecdotal or statistical evidence to support ISIS's allegations.[133] Distinctions must be made between the situation facing Europe and the situation facing the United States due to vitally dissimilar components.

As discussed previously in this thesis, the security processing phase of a potential refugee for entry into the United States is extensive, and includes more background checks than any other form of immigration, which can take up to two years. While undergoing this screening process and awaiting entry, refugee populations are in camps in third-world countries, and are not permitted entry if and until security checks deem them to not be a

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[130] International Trade Administration; "International Trade Administration Announces Suspension of 2017 I-94 Overseas Arrivals Data Releases," April 9, 2018, http://tinet.ita.doc.gov/tinews/archive/tinews2018/20180409.asp.

[131] Rowan Scarborough, "Islamic State Finds Success Infiltrating its Terrorists into Refugee Flows to West," *Washington Times*, January 29, 2017, https://www.washingtontimes.com/news/2017/jan/29/isis-finds-success-infiltrating-terrorists-into-re/; Alison Smale, "Terrorist Suspects Are Posting as Refugees, Germany Says," *New York Times*, February 6, 2016, https://www.nytimes.com/2016/02/06/world/europe/germany-refugees-isis.html; Joshua Posaner, "German Intelligence Warns of ISIL 'Hit Squads' among Refugees," *POLITICO*, August 11, 2016, http://www.politico.eu/article/german-intelligence-warns-of-is-hit-squads-among-refugees/.

[132] John O. Brennan, "Statement by Director Brennan as Prepared for Delivery before the Senate Select Committee on Intelligence," CIA, June 16, 2016, https://www.cia.gov/news-information/speeches-testimony/2016-speeches-testimony/statement-by-director-brennan-as-prepared-for-delivery-before-ssci.html.

[133] Newland, "Refugees Are Not a Threat."

threat.[134] This process stands in stark contrast to the current refugee situation in Europe. In Europe, due to the legal composition of the European Union (EU), once an individual is admitted into the EU across an international border, he or she is permitted to freely move within the union. Therefore, security measures while within the EU are minimal, and external border security procedures are insufficient to fully process the sheer volume of potential refugees who have arrived at the EU borders (over one million in 2015 alone).[135] These physical dissimilarities and variance in political composition render a direct comparison between the EU and the United States ineffective.

There have been numerous allegations that the refugee program has been a direct route for terrorists to enter the United States. However, as stated by Daveed Gartenstein-Ross, senior fellow at the Foundation for the Defense of Democracies, the risk of terrorist infiltration of the U.S. refugee program "is very low, though it is not zero."[136] As there can never be certainty—regardless of the type of program in question or the security in place—this statement does not detract from the conclusion that the dangers of the U.S. refugee program are overstated by its opponents. When questioned by Politifact regarding a National Republican Congressional Committee (NRCC) ad that alleges, "ISIS is infiltrating America and using Syrians to do it," Gartenstein-Ross responded, "There's no sliver of truth here. It's simply a false statement."[137] The NRCC later said that the ad's statement referred to the fact that "ISIS is also infiltrating us with their ideology by seeking to inspire lone wolf attacks here from afar," in addition to physical infiltration; however,

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[134] USCIS, "Refugees"; Daniela Kietz, "Craving for Control: Refugee Screening in the EU and the US," Reshaping Europe, December 15, 2015, http://reshaping-europe.boellblog.org/2015/12/15/craving-for-control-refugee-screening-in-the-eu-and-the-us/.

[135] Kietz, "Craving for Control"; "EU Migrant Crisis: Facts and Figures," European Parliament, June 30, 2017, http://www.europarl.europa.eu/news/en/headlines/society/20170629STO78630/eu-migrant-crisis-facts-and-figures.

[136] The Foundation for the Defense of Democracies describes itself as a "non-profit, non-partisan policy institute working to defend free nations against their enemies"; "Who We Are," Foundation for Defense of Democracies, http://www.defenddemocracy.org/about-fdd/who-we-are/; *The Impact of ISIS on the Homeland and Refugee Resettlement, Hearing before the U.S. Senate Committee on Homeland Security and Governmental Affairs,* 114th Cong., 1st sess. (November 19, 2015) (statement of Daveed Gartenstein-Ross, senior fellow, Foundation for Defense of Democracies), 2.

[137] Louis Jacobson, "Is ISIS 'Infiltrating America and Using Syrians to Do It'?" Politifact, June 1, 2017, https://www.politifact.com/georgia/statements/2017/jun/01/national-republican-congressional-committee/isis-infiltrating-america-and-using-syrians-do-it/.

New York University's Associate Director of the Center on International Cooperation, Barnett Rubin, concluded, "As far as I know, there is not a single example of a refugee or any other immigrant from Syria committing an act of terrorism in the U.S."[138] These conclusions are supported by the Ninth Circuit Court of Appeals, as previously mentioned.

The unlikelihood of terrorists posing as refugees to cause harm in the United States is further corroborated by statistical studies. Of 154 foreign-born terrorists who killed individuals in the United States between 1975 and 2015—as evidenced in Nowraseth's report, first discussed in Chapter I—twenty were refugees (1 in every 162,625 refugees). Statistically this leads to the probability of an American being killed in a terrorist attack by a refugee standing at 1 in 3.64 billion.[139] Although attacks did occur, and other attacks were possibly perpetrated by refugees in the 1970s and 1980s that were not attributed to anyone and therefore could not be analyzed, attacks by refugees are not statistically significant. Furthermore, the three murders referenced in this study occurred prior to the enactment of the Refugee Act of 1980, when more rigorous security procedures were enacted.[140]

To determine if there has been a rise in terrorism or murder of U.S. citizens in the United States following the increase in refugee resettlement dictated by the previous administration, as has been argued by the program's opponents, additional incidents in the United States were reviewed outside of the 1975–2015 data set. The incidents selected were the only incidents that occurred in the United States that could have arguably had ties to the refugee program. This would, for example, exclude the Pulse Nightclub shooting terrorist attack in Orlando, Florida, on June 12, 2016, as the perpetrator was a U.S. citizen.[141] Similarly, the 2017 vehicle attack on Manhattan cyclists and pedestrians by an individual who entered the United States through the Diversity Visa Program would not factor into this analysis because the perpetrator was a U.S. citizen without ties to the

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[138] Jacobson.

[139] Nowrasteh, "Terrorism and Immigration."

[140] Refugee Act of 1980.

[141] Ralph Ellis et al., "Orlando Shooting: 49 Killed, Shooter Pledged ISIS Allegiance," CNN, June 13, 2016, https://www.cnn.com/2016/06/12/us/orlando-nightclub-shooting/index.html.

refugee program.[142] The case studies selected for this analysis are Abdul Razak Ali Artan, Dahir A. Adan, Ahmad Khan Rahimi, and the plot of Waad Alwan and Mohanad Hammadi.

a. Abdul Razak Ali Artan

Abdul Razak Ali Artan, a lawful permanent resident (LPR) of the United States, was killed by police at Ohio State University on November 28, 2016, after attacking other students on campus. Artan drove a vehicle into pedestrians before exiting the vehicle and stabbing those around him until he was shot by law enforcement.[143] Information released to media indicates Artan obtained his LPR status after entering the United States as a child of a refugee in 2014. He was born in the late 1990s (some reports state 1998, while others indicate he was twenty at the time of his attack, which would mean he was born in 1996) in Somalia, and at a young age, he and his family fled to a refugee camp in Pakistan, where he remained until he was admitted to the United States.[144] At the time of entry, Artan was between sixteen and eighteen years old. For purposes of immigration law, *child* is defined as "an unmarried person under twenty-one years of age who is … a child born in wedlock," and as such Artan would still qualify as whether he was born in 1996 or 1998.[145]

Immediately following the attack, ISIS alleged the attack was conducted by a "soldier of the Islamic State," fueling accusations that the admittance of refugees was a threat to national security.[146] Then President Elect Trump shortly thereafter released a statement condemning the attack while also implying the refugee resettlement program

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[142] Jen Kirby, "Trump Blasts 'Diversity Visa Lottery Program' after NYC Terror Attack," VOX, November 1, 2017, https://www.vox.com/policy-and-politics/2017/11/1/16590166/trump-tweet-diversity-visa-lottery-program.

[143] Mitchell Smith and Adam Goldman, "From Somalia to U.S.: Ohio State Attacker's Path to Violence," *New York Times*, December 1, 2016, https://www.nytimes.com/2016/12/01/us/from-somalia-to-us-ohio-state-attackers-path-to-violence.html.

[144] Smith and Goldman.

[145] INA § 101(b)(1).

[146] "IS' Amaq Reports Ohio State Attacker a 'Solder of the Islamic State,'" SiTE Intelligence Group, November 29, 2016, https://news.siteintelgroup.com/Jihadist-News/is-amaq-reports-ohio-state-attacker-a-soldier-of-the-islamic-state.html; Jessie Hellman, "ISIS Claims Responsibility for Ohio State Attack," *The Hill*, November 29, 2016, http://thehill.com/policy/national-security/307907-isis-claims-responsibility-for-ohio-state-university-attack.

failed to provide Artan a method for entering the United States, tweeting, "ISIS is taking credit for the terrible stabbing attack at Ohio State University by a Somali refugee who should not have been in our country."[147] Similarly, Iowa Senator Chuck Grassley released a statement alleging inadequate security vetting prior to Artan's admission to the United States:

> During the refugee vetting process, Artan's mother indicated that she was seeking refugee status, in part, because she feared the terrorist group "Al-Shabbah [sic]" would kidnap and recruit her children. This claim should have triggered additional vetting for the older children, including Artan, to determine what, if any, interactions they may have had with the terrorist organization. However, this additional vetting apparently didn't happen.[148]

It is unclear, however, whether further security vetting would have discovered a connection between Artan and extremist organizations prior to his admittance into the United States. Despite ISIS's public statements that Artan attacked on its behalf, no communication or other form of directive from ISIS to Artan was ever discovered. The Federal Bureau of Investigation (FBI) concluded, "The evidence from the extensive investigation indicates the perpetrator acted alone and was not directed by a terrorist organization. The perpetrator appears to have been *influenced by extremist ideology*, including Islamic State of Iraq and al-Sham propaganda."[149] Therefore, a year into the inquiry, the FBI was unable to draw direct connections between Artan and ISIS outside of the possibility that he had been influenced by propaganda, ultimately engaging in a lone wolf–style attack.

Furthermore, even if Artan had been in direct communication with ISIS leaders and had been ordered to commit this specific attack, Senator Grassley's reference to the failure of refugee officers to adequately probe any connection between Artan and Al-Shabaab is

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[147] Donald Trump (@realDonaldTrump), "ISIS is taking credit for the terrible stabbing attack at Ohio State University by a Somali refugee who should not have been in our country", Twitter, November 30, 2016, 3:20 a.m., https://twitter.com/realdonaldtrump/status/803921522784092160?lang=en.

[148] "Refugee Vetting for Ohio State Attacker Missed Signs of Possible Link to Terrorism," Chuck Grassley, United States Senator for Iowa, December 15, 2016, https://www.grassley.senate.gov/news/news-releases/refugee-vetting-ohio-state-attacker-missed-signs-possible-link-terrorism.

[149] Emphasis added; Todd Lindgren, "Statement on the November 28, 2016 Attack at The Ohio State University," FBI Cincinnati, November 28, 2017, https://www.fbi.gov/contact-us/field-offices/cincinnati/news/press-releases/statement-on-the-november-28-2016-attack-at-the-ohio-state-university.

misguided. Approximately six months before Artan's attack, Somali-based ISIS members released a recruitment video attempting to convince Al-Shabaab fighters to join ISIS's ranks.[150] More recently, Jason Warner and Caleb Weiss analyzed the continued attacks between these groups and the evolution of their rivalry; far from ensuring parity between the organizations, the authors concluded Al-Shabaab will continue to dominate in Somalia.[151] Therefore, while some Al-Shabaab members had pledged allegiance to ISIS, Artan was not in Somalia at that time and it is highly unlikely he could be counted in this small faction. The likelihood of his connection to Al-Shabaab at the time of his entry is further diminished by the evidence discovered after his death that he had likely been radicalized through ISIS-distributed propaganda online. According to Representative Adam Schiff (D – California), who was briefed by the FBI regarding the evidence collected after Artan's attack, "It certainly appears he was radicalized online"; Schiff also noted that Artan may serve as another example of "an alienated young man who is seeking meaning in his life, and is seeking something to belong to, and is attracted by this virulent and violent … propaganda."[152]

Because Artan was admitted to the United States as a sixteen- or eighteen-year-old a refugee, he most likely fell within the population allegedly the target of heightened vetting. If he did enter the United States with bad intentions, Artan was one of 69,987 refugees admitted during fiscal year 2014, which means 0.001 percent of refugees admitted that year committed terrorist acts on U.S. soil.[153] Rather than a failure of the refugee admissions system, Artan serves as an example of the radicalization of youth that has occurred in the United States (and elsewhere). Addressing this issue requires an approach that focuses on the causes of radicalization—it does not call for halting refugee admissions.

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[150] Robyn Kriel and Lillian Leposo, "In Video, Somali ISIS Members Court Al-Shabaab," CNN, May 22, 2015, https://edition.cnn.com/2015/05/22/world/somalia-isis-al-shabaab-video/.

[151] Jason Warner and Caleb Weiss, "A Legitimate Challenger? Assessing the Rivalry between al-Shabaab and the Islamic State in Somalia," *CTC Sentinel* 10, no. 10 (November 2017): 28, 31.

[152] Matt Zapotosky et al., "FBI: Ohio State Attacker Might Have Been Inspired by Islamic State," *Washington Post*, November 30, 2016, https://www.washingtonpost.com/news/grade-point/wp/2016/11/30/fbi-ohio-state-attacker-might-have-been-inspired-by-islamic-state/?utm_term=.31a1b69ecb1b.

[153] "Admission and Arrivals," Refugee Processing Center, accessed November 5, 2018, http://www.wrapsnet.org/admissions-and-arrivals.

b. Dahir A. Adan

On September 17, 2016, Dahir A. Adan, a naturalized U.S. citizen, stabbed ten civilians in a shopping mall in St. Cloud, Minnesota, leading to renewed calls for a halt to refugee flows from "hotbeds of terrorism in the Middle East."[154] Though opponents of the program used the fact that Adan had entered the United States as a refugee to support their assertions, they omitted a central fact: evidence indicates that Adan entered the United States approximately fifteen years before the attack, at the approximate age of five.[155]

Much like Artan's attack—which took place two months later—ISIS claimed responsibility for Adan's actions, calling him "a soldier of the Islamic State."[156] However, over a year later, the FBI was still unable to definitively state whether Adan had been directed by, or simply inspired by, ISIS. As former FBI Director James Comey stated in congressional testimony,

> We are still working on it. It does look like, at least in part, he was motivated by some sort of inspiration from radical Islamic groups. Which groups and how we are not sure of yet.
>
> [ISIS claims] responsibility. That isn't dispositive for us, because they will claim responsibility for any savagery they can get their name on. But we are going through his entire electronic record and history of all of his associations to try and understand that.[157]

It is not uncommon for ISIS to take responsibility for attacks that occur in the United States or elsewhere in the world. For example, after the worst mass shooting in U.S. history, in which Stephen Paddock killed fifty-eight people and injured over 500 others who were attending a concert in Las Vegas, ISIS quickly claimed responsibility, calling

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[154] Carney, "Cruz Calls for Refugee Crackdown."

[155] Sources cite varying ages at the time of his entry, but all are between three and seven years old; "Latest: Officer Who Stopped Mall Stabbing Deflects Praise," Associated Press, September 18, 2016, https://apnews.com/33f24701fb354224bef841261bc7a27d/latest-claims-responsibility-minnesota-attack.

[156] Michel Martin and Tim Nelson, "ISIS Claims a Link to Mass Stabbing in Minnesota," NPR, September 18, 2016, https://www.npr.org/2016/09/18/494487283/isis-claims-a-link-to-mass-stabbing-in-minnesota.

[157] *Oversight of the Federal Bureau of Investigation: Hearing before the Committee on the Judiciary*, House, 114th Cong., 2nd sess. (September 28, 2016) (statement of James B. Comey, Director, Federal Bureau of Investigation).

Paddock a "soldier of the Islamic State."[158] The FBI shortly dispelled this claim.[159] However, as Comey stated, an allegation of responsibility is not definitive; the allegation itself can be a tool the organization uses to expand its influence and power. Bruce Hoffman, one of the most well-known authorities on the subject, recognizes this aim, defining terrorism as

> designed to create power where there is none or to consolidate power where there is very little. Through the publicity generated by the violence, terrorists seek to obtain the leverage, influence, and power they otherwise lack to effect political change on either a local or international scale.[160]

A young Muslim male who suddenly and without immediate explanation attacks and/or kills civilians is a prime propaganda tool for ISIS, whether ISIS ever had contact with the attacker. One year into the Adan investigation there was no proof of directed action; while no final determination has been reached, current hypotheses state that Artan was subjected to online radicalization. Meanwhile, ISIS was able to bolster its reputation and induce more fear in the United States simply by its claim of responsibility in the chaos following the attack. For example, despite ISIS losing control of its territories in Iraq and Syria, NBC News polling only two months prior to Comey's testimony revealed that across all adults, ISIS was ranked second to North Korea as the "greatest immediate threat to the U.S."[161]

Adan can be, and has been, cited as an impetus for halting refugee admission or adding additional levels of security; however, this is a distorted extrapolation of facts used to tilt the scales in favor of certain arguments. By stating that a U.S. citizen of Muslim faith, who was previously a refugee, committed an act of terrorism in which ISIS could be

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[158] Lizzie Dearden, "Las Vegas Shooting: ISIS Claims Responsibility for Deadliest Gun Massacre in Modern US History," *Independent*, October 2, 2017, https://www.independent.co.uk/news/world/americas/las-vegas-isis-shooting-claims-stephen-paddock-responsibility-latest-a7978941.html.

[159] Tom Batchelor, "Las Vegas Shooting: FBI Says Massacre Has No Connection to Terrorism after Isis Claims Responsibility," *Independent*, October 2, 2017, https://www.independent.co.uk/news/world/americas/las-vegas-shooting-isis-terror-claims-fbi-no-connection-links-latest-news-a7979276.html.

[160] Bruce Hoffman, *Inside Terrorism*, Rev. and expanded ed. (New York: Columbia University Press, 2006), 41.

[161] Andrew Arenge, Hannah Hartig, and Stephanie Perry, "NBC News Poll: American Fears of War Grow," NBC News, July 18, 2017, https://www.nbcnews.com/politics/national-security/nbc-news-poll-american-fears-war-grow-n783801.

even tangentially related, opponents of refugee admission bolster their argument and spread fear of refugees as a whole. However, when examining all the facts, it is likely that Adan entered the United States as a young child without malintent, and was subsequently radicalized online. As such, Adan's case fails to support the fear of refugees espoused by the Trump administration and its supporters.

c. Ahmad Khan Rahimi (aka, Ahmad Rahami)

Ahmad Khan Rahimi, a naturalized U.S. citizen like Adan, serves as a final study regarding more recent attacks in the United States. At the same time as Adan's attack, Rahimi was charged with four bombings and attempted bombings in New York and New Jersey over a three-day period from September 17 until September 19, 2016.[162] Rahimi injured over thirty people with four bombs, though two of them did not detonate.[163] While he did not directly state that Rahimi was a Syrian refugee, Trump (a presidential candidate at the time) spoke about the bombings and immediately thereafter stated that Syrian refugees are not "only a matter of terrorism, but also a matter of quality of life."[164]

As discussed earlier in this thesis, asylum and refugee laws are often discussed interchangeably in the media and in public discourse, though they are separate processes and different legal statuses. Rahimi is a U.S. citizen, and has been since 2011. From what information has been released, Rahimi came to the United States at a young age; an unnamed U.S. official stated it was in 2000, while Rahimi's father stated it was 1995.[165] Though unconfirmed, reports indicate Rahimi entered the United States as the child of an

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[162] Catherine E. Shoichet, "Ahmad Khan Rahami: What We Know about the Bombing Suspect," CNN, September 20, 2016, http://www.cnn.com/2016/09/19/us/ahmad-khan-rahami/index.html.

[163] Lizzie Dearden, "Ahmad Khan Rahami: Blood-Soaked Journal Shows New York Bombing Suspect Was Inspired by Isis," *Independent*, September 22, 2016, https://www.independent.co.uk/news/world/americas/ahmad-khan-rahami-isis-attack-new-york-new-jersey-journal-adnani-awlaki-al-qaeda-terrorism-a7322121.html.

[164] Ben Jacobs, "Trumps Says Syrian Refugees Aren't Just a Terrorist Threat, They'd Hurt Quality of Life," *Guardian*, September 21, 2016, https://www.theguardian.com/us-news/2016/sep/21/trump-syrian-refugees-terrorism-quality-life-bombing-attacks.

[165] Brian Ross et al., "Details Emerge about NYC Bomb Suspect Ahmad Khan Rahami," ABC News, September 19, 2016, https://abcnews.go.com/US/source-suspect-wanted-nyc-area-bombing/story?id=42190675.

asylum seeker.[166] The pertinent information for this analysis is that Rahimi's initial immigration status is unclear; however, even assuming he entered as a refugee, despite the lack of information supporting this fact, it is undisputed that Rahimi entered the United States more than a decade ago, prior to the rise and increased power of ISIS. It has been concluded that, "inspired by ISIS and al Qaeda, Ahmad Khan Rahimi planted and detonated bombs on the streets of Chelsea, and in New Jersey, intending to kill and main as many innocent people as possible."[167]

d. The Outliers

One incident which deserves discussion relates to the 2011 arrest and plot of Waad Alwan and Mohanad Hammadi. Alwan and Hammadi, both Iraqi refugees, were arrested by the FBI in Kentucky on charges of plotting attacks in the United States. According to an NPR report, Alwan freely informed an undercover federal agent that he targeted U.S. military personnel and vehicles in attacks in Iraq, while Hammadi indicated he took part in attacks utilizing improvised explosive devices (IEDs), makeshift bombs often left at roadsides to target passing vehicles.[168] The two men faced numerous charges:

Waad Ramadan Alwan

- Conspiracy to kill U.S. nationals abroad
- Conspiracy to use a weapon of mass destruction (explosives) against U.S. nationals abroad
- Distributing information on the manufacture and use of IEDs
- Attempting to provide material support to terrorists and to al-Qaeda in Iraq

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[166] Michelle Ye Hee Lee, "Trump's Claim Linking New York Bombing to an 'Extremely Open Immigration System,'" *Washington Post*, September 20, 2016, https://www.washingtonpost.com/news/fact-checker/wp/2016/09/20/trumps-claim-linking-new-york-bombing-to-an-extremely-open-immigration-system/?utm_term=.ca64a826fb15.

[167] FBI Office of Public Affairs, "Chelsea Bomber Ahmad Khan Rahimi Sentenced to Life in Prison for Executing September 2016 Bombing and Attempted Bombing in New York City," Department of Justice, February 13, 2018, https://www.justice.gov/opa/pr/chelsea-bomber-ahmad-khan-rahimi-sentenced-life-prison-executing-september-2016-bombing-and.

[168] Carrie Johnson, "Terrorism Case Exposes Gap in Refugee Screening," NPR, June 8, 2011, https://www.npr.org/2011/06/08/137033910/terrorism-case-exposes-gaps-in-refugee-screening.

- Conspiracy to transfer, possess, and export Stinger missiles

Mohanad Shareef Hammadi

- Attempting to provide material support to terrorists and to al-Qaeda in Iraq
- Conspiracy to transfer, possess, and export Stinger missiles[169]

Both men entered the United States as refugees by hiding their past and skirting the security systems designed to stop their entry. Hammadi had previously served a sentence in an Iraqi prison when he was arrested after an IED attack, but was able to hide this information when completing his immigration application to enter the United States.[170] Both men pleaded guilty and received lengthy prison sentences.

While these arrests are important and have been used to justify the ban on refugee admissions, I have labeled them *the outliers* because they point to individuals who abused the refugee system with malintent, for several reasons. First, the undercover operation and arrest took place in 2011, which is during the time period covered by Nowrasteh's previously mentioned study and therefore do not fall within the timeframe covered in this section (after 2015). Second, the claims made against refugee admissions discussed in this chapter continually allege that allowing refugees to enter the United States will cause harm to citizens within our own borders. With Alwan and Hammadi, their plots involved sending weapons overseas to harm U.S. soldiers, support personnel, and/or allies in Iraq. There is no mention of intentions to cause damage or harm within the United States itself. While this in no way lessens the significance of the harm that could have been caused by their attacks, it is an important distinction. Finally, on a similar note, this thesis discusses the potential harm caused by refugees entering the United States, not arrests for providing material support to terrorist organizations or other crimes. To include anyone who is

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[169] FBI Office of Public Affairs, "Two Iraqi Nationals Indicted on Federal Terrorism Charges in Kentucky," Federal Bureau of Investigation, May 31, 2011, https://archives.fbi.gov/archives/louisville/press-releases/2011/two-iraqi-nationals-indicted-on-federal-terrorism-charges-in-kentucky.

[170] Pamela Engel, "The Real Story behind the Bowling Green Massacre," Business Insider, February 4, 2017, https://www.businessinsider.com/bowling-green-massacre-2017-2. The headline of this article is initially misleading, as no one was harmed or killed as a result of this plot. However, this title is in reference to a claim by White House Advisor Kellyanne Conway in an interview with MSNBC in which she refers to the threats from refugees as evidenced by the "Bowling Green Massacre."

charged with this crime would be beyond the scope of this thesis. For example, the *Wall Street Journal* compiled a list of over eighty defendants charged with offenses relating to the Islamic State between early 2014 and February 11, 2016.[171] Such a list and analysis would encompass numerous individuals who had no connection to the U.S. Refugee Program.[172]

e. A Potential Connection

As demonstrated in the examples in this section, an inspiration or influence by ISIS or other terrorist organizations does not directly correlate to a danger from an entire class of immigrants, regardless of the individual's previous immigration status or means of entering the United States. Rather than supporting the allegations made by those who oppose the refugee admissions program, these examples sever the purported connection between refugees entering the United States and threats to homeland security. As shown above, refugees have not historically posed a physical threat to the United States. Artan, who could possibly be cited as an example of terrorist infiltration of the refugee population, represents one of almost 70,000 refugees admitted during one year alone. Furthermore, evidence suggests he was inspired by online messaging to conduct these acts *after* entering the United States; his rudimentary attack—driving a vehicle into a crowd and subsequently stabbing bystanders—could have been performed immediately after his admission to the United States if that was his intention; instead, he waited two years.

These examples, in conjunction with Nowrasteh's study, provide overwhelmingly strong support for the conclusion that the United States must continue its efforts to reach individuals before they are radicalized, or before they are able to act based on their radicalization. Rather than limit or block entire classes of immigrants to meet this goal, which would be ineffectual, resources could be repositioned to determine any trends or discernable causes of radicalization so they may be properly addressed. While it is believed

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[171] Nicole Hong et al., "ISIS-Related Arrests in the U.S.," *Wall Street Journal*, February 11, 2016, https://graphics.wsj.com/table/arrests_2015.

[172] FBI Office of Public Affairs, "California Man Arrested for Attempting to Provide Material Support to a Terrorist Organization," Department of Justice, December 22, 2017, https://www.justice.gov/opa/pr/california-man-arrested-attempting-provide-material-support-terrorist-organization-0.

that Artan, Adan, and other attackers in the United States were radicalized online, resources would be more effective if used to combat online radicalization.

B. CONCLUSION

This thesis does not dispute that refugees have committed attacks and killed citizens in the United States. However, the majority of these attacks (majority being a relative term due to such a small sample size) occurred prior to the strengthened security measures of the Refugee Act of 1980, and the overwhelming majority of refugees do not commit any harmful act after entering the United States. Furthermore, more recent attacks such as Artan's skew the data because though he was a refugee, evidence suggests that he was radicalized only after entering the United States. Similarly, Adan entered the United States as a refugee, but as a small child, and committed his attack over a decade after entry; while he was a refugee that committed a terrorist attack, using the facts of his situation to justify a blanket response to an entire population is not reasonable. As discussed throughout this chapter, there is a dearth of evidence to support allegations that there are widespread attempts at terrorist infiltration of the refugee population entering the United States. Without evidence to support this fear, what is the source of the ongoing concern?

The fear of attacks from refugees in the United States likely comes from the attacks occurring in Europe—where physical circumstances form a starkly different threat situation. For instance, there is a direct route across the Mediterranean into mainland Europe, and the EU permits free movement within all EU member states once an individual has crossed the external EU boundary.[173] The close physical proximity to the areas of conflict that spawn refugees, and the concept of free movement, led to over one million refugees entering Europe in 2015 alone.[174] This overwhelming number of refugee seekers, combined with evidence that several terrorist attacks in Europe in recent years were

[173] Saara Koikkalainen, "Free Movement in Europe: Past and Present," Migration Policy Institute, April 21, 2011, https://www.migrationpolicy.org/article/free-movement-europe-past-and-present.

[174] Phillip Connor, "Number of Refugees to Europe Surges to Record 1.3 Million in 2015," Pew Research Center, August 2, 2016, http://www.pewglobal.org/2016/08/02/number-of-refugees-to-europe-surges-to-record-1-3-million-in-2015/.

conducted by individuals taking advantage of the free movement system and refugee crisis, has led to increased fear in the United States.

This fear is not confined solely to the United States; in early 2016, the majority of adults surveyed by Pew Research Center in nine out of ten European countries stated ISIS was the main threat to their country.[175] However, as this chapter demonstrated that the fear of refugees entering the United States is inconsistent with the likelihood of harm caused by terrorists abusing the system, a similar result was recently found in a Europol study focused on the EU. Reviewing the security trends facing the EU, Europol concluded, "There is no concrete evidence that terrorist travellers systematically use those flows of refugees to enter Europe unnoticed, but it is indisputable that some terrorists have entered the EU posing as a refugees [sic], as was seen in the Paris attacks of 13 November 2015."[176]

It appears that the fear of refugees causing harm outweighs the likelihood of such harm, even in Europe. There is insufficient evidence to suggest that refugees entering the United States pose a threat to physical or national security at any higher level than an individual entering through another method. Though the United States has implemented stricter security measures, these measures were unnecessary from a security perspective—to the point that they may lessen refugee admissions overall, a detriment to the United States.[177] Rather than focus on refugee admissions, it could be more beneficial for the United States to direct its efforts toward stopping the spread of online propaganda that leads to increased radicalization, and/or attempting to de-radicalize individuals before they take action that can harm others. Evidence suggests that it is not individuals entering the United States with malintent that represents a growing threat, but rather online propaganda

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[175] Bruce Stokes, Richard Wike, and Jacob Poushter, "Europeans See ISIS, Climate Change as Most Serious Threats," Pew Research Center, June 13, 2016, http://www.pewglobal.org/2016/06/13/europeans-see-isis-climate-change-as-most-serious-threats/.

[176] Europol, *Terrorism Situation and Trend Report: 2017* (The Hague: European Union Agency for Law Enforcement Cooperation, 2017), https://www.europol.europa.eu/activities-services/main-reports/eu-terrorism-situation-and-trend-report-te-sat-2017.

[177] "DHS Announces Additional, Enhanced Security Procedures for Refugees Seeking Resettlement in the United States," Department of Homeland Security, January 31, 2018, https://www.dhs.gov/news/2018/01/29/dhs-announces-additional-enhanced-security-procedures-refugees-seeking-resettlement.

and its ability to lead an individual to violence.[178] If the United States focuses on radicalization and propaganda instead of the refugee program, it will have the highest possible impact on protecting the homeland.

[178] Sarah Gilkes, *Not Just the Caliphate: Non-Islamic State-Related Jihadist Terrorism in America* (Washington, DC: Program on Extremism, December 2016), https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/downloads/Not%20Just%20The%20Caliphate.pdf.

V. ECONOMIC AND SOCIAL CONCERNS WITH U.S. REFUGEE PROGRAMS

> For the cost of resettling one refugee in the United States, we can assist more than 10 in their home region. Out of the goodness of our hearts, we offer financial assistance to hosting countries in the region, and we support recent agreements of the G20 nations that will seek to host refugees as close to their home countries as possible. This is the safe, responsible, and humanitarian approach.
>
> —Donald J. Trump, 45th president of the United States[179]

As discussed previously, concerns regarding the refugee program in the United States extend beyond simply security; they reach into economic and social spheres as well. These concerns usually relate to the cost of resettling a refugee and his or her excess reliance on public benefits upon arrival. This chapter reviews the following concerns:

(1) Refugees are public charges in that they rely too heavily on public benefits once in the United States.

(2) The cost of bringing refugees into the United States is too high.

(3) U.S. citizens do not feel a sufficient connection to the refugee resettlement process that impacts their home community.

A. CONCERN TWO—ECONOMICS: PUBLIC BENEFITS AND FISCAL COST OF RESETTLEMENT

1. Concern

Fears about the cost of refugees to the federal government stem not only from the fact that the government is responsible for the upfront costs of resettlement, but also from the limited language skills and poor socioeconomic situation refugees are often in when they arrive in the United States. Because of these socioeconomic factors, some argue,

[179] "Remarks by President Trump to the 72nd Session of the United Nations General Assembly," The White House, September 19, 2017, https://www.whitehouse.gov/briefings-statements/remarks-president-trump-72nd-session-united-nations-general-assembly/.

refugees dramatically impact federal, state, and local budgets through dependence on social welfare programs.[180] As stated by the Center for Immigration Studies in 2015,

> Each Middle Eastern refugee resettled in the United States costs an estimated $64,370 in the first five years.…Very heavy use of welfare programs by Middle Eastern refugees, and the fact they have only 10.5 years of education on average, makes it likely that it will be many years, if ever, before this population will cease to be a net fiscal drain on public coffers—using more in public services than they pay in taxes.[181]

These arguments are used to support resettlement alternatives, including the United States providing funding to assist the United Nations in resettling refugees in nearby countries throughout Europe and Middle Eastern states so they do not arrive on U.S. shores. Some argue that this alternative would effectively uphold the United States' humanitarian mission to protect refugees, while simultaneously ensuring the actual cost of supporting refugees does not put the United States at a financial disadvantage.[182] As demonstrated previously, this is a position that has been repeated by the Trump administration in its discussions about how to alter the U.S. Refugee Admissions Program (USRAP).

2. Response

The cost to resettle a refugee in the United States fluctuates depending on the factors that could be considered, including travel, type of housing, what socioeconomic status the refugee arrives in or attempts to hold while in the United States, etc. For purposes of this thesis, the Center for Immigration Studies' estimate of $64,370 over five years per Middle Eastern refugee—which is on the higher end among estimates—will be used to comprehensively address the argument of costliness.[183] Other studies, however, have

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[180] Heritage Foundation, "Additional Syrian Refugees."

[181] Camarota, "High Cost of Resettling Middle Eastern Refugees."

[182] Camarota, "High Cost of Resettling Middle Eastern Refugees"; Rob Williams, "Syrian Refugees Will Cost Ten Times More to Care for in Europe Than in Neighboring Countries," *Independent*, March 13, 2016, https://www.independent.co.uk/voices/syrian-refugees-will-cost-ten-times-more-to-care-for-in-europe-than-in-neighboring-countries-a6928676.html.

[183] Camarota, "High Cost of Resettling Middle Eastern Refugees."

shown that estimates of the true cost of resettling refugees lack careful analysis, which remains a problem at this time.[184]

Certain initial costs, such as funding needed for travel to the United States, vary depending upon the specific flight, origin, and destination, as would any other travel. However, travel costs are given to refugees as loans, which they must pay back within forty-two months after arrival. This travel loan is provided interest-free, with monthly installments required; this affords refugees an avenue to begin building credit in the United States.[185] Following the travel costs to the United States, costs fluctuate greatly depending on a multitude of factors that create a unique experience for each individual refugee or family. Since this renders a blanket estimate impossible, for purposes of this analysis this thesis will continue to utilize the conclusions and assumptions underlying the Center for Immigration Studies report referenced above.

A study from the Heritage Foundation, discussed briefly in Chapter I, focused specifically on the 10,000 additional Syrian refugees former President Obama had pledged to admit as the crisis unfolded. Aside from this specific pledge, this focus is justified as the majority of discussions involving refugees and their admission or security concerns in the final years of the Obama administration, as well as in the current Trump administration, focus on the exponentially growing Syrian crisis. As of July 19, 2018, UNHCR indicates there are 5,598,672 registered Syrian refugees.[186] The initial assumption made by the Heritage Foundation is that each Syrian refugee would be classified as a low-skilled worker, arguing that because of this low skill each refugee would receive more benefits than they paid in taxes, at a rate of approximately $4 : $1.[187] Using this model, there is a

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[184] Hanne Beirens and Susan Fratzke, *Taking Stock of Refugee Resettlement: Policy Objectives, Practical Tradeoffs, and the Evidence Base* (Washington, DC: Migration Policy Institute Europe, May 2017), 36, https://www.migrationpolicy.org/research/taking-stock-refugee-resettlement-policy-objectives-practical-tradeoffs-and-evidence-base.

[185] "Frequently Asked Questions (FAQ) on Refugee Resettlement Benefits," Department of State, accessed November 6, 2018, https://photos.state.gov/libraries/iraq/216651/refugees/FAQ%20on%20refugee%20resettlement%20benefits.pdf.

[186] "Operation Portal: Trend of Registered Syrian Refugees," UNHCR, last updated October 31, 2018, https://data2.unhcr.org/en/situations/syria#_ga=2.5180211.1042100145.1532472189-1402908743.1531595259.

[187] Heritage Foundation, "Additional Syrian Refugees."

forecasted loss of $130 million per year, which allegedly would ultimately become a $6.5 billion debt for taxpayers. While this figure would constitute a large loss for taxpayers and would lend support to the conclusion that fewer refugee admissions would be more economically feasible, the conclusions are based upon skewed data. The Heritage Foundation report was published in 2015, and focuses on Syrian refugees who had not yet been admitted to the United States; the estimates it included were based on analysis from *previously* admitted Syrian refugees. Additionally, it fails to consider that over the course of fifty years (the time it would take to reach the high level of debt described above), these refugees may become lawful permanent residents or United States citizens, which would indicate that they are paying back into the system.

The demographic characteristics of the sample for this analysis likely detracted from its applicability to long-term outcomes and conclusions. For instance, only 9.4 percent of the Syrian refugees admitted between October 2010 and November 2015 had technical, college, or graduate level educations.[188] This led the researchers to believe that these individuals would be more reliant upon public benefits due to an education and job skill level lower than that of the native-born population. For comparative purposes, in 2015, approximately 32.7 percent of the native-born population had obtained a bachelor's degree or higher, compared to 31.4 percent of the overall foreign-born population.[189] While this would appear to strengthen the Heritage Foundation's argument, it only does so by failing to account for a highly pertinent factor—the age of the refugees in question.

Reviewing this characteristic, a reason for the low educational attainment in this refugee population is clear: between October 2010 and November 2015, 43 percent of admitted Syrian refugees were children under the age of fourteen.[190] As such, a conclusion cannot be drawn that they will not achieve upward societal mobility away from the "low-skilled worker" classification or that they will remain at their current education level. In

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[188] Nowrasteh, "Who Are the Syrian Refugees?"

[189] Camille L. Ryan and Kurt Bauman, "Educational Attainment in the United States: 2015," U.S. Census, March 2016, https://www.census.gov/content/dam/Census/library/publications/2016/demo/p20-578.pdf.

[190] Nowrasteh, "Who Are the Syrian Refugees?"

actuality, evidence suggests that this population will obtain more education and economic achievement; Nowrasteh's analysis highlights that 39 percent of Syrian Americans, defined as being over the age of twenty-five and born in Syria, have obtained a bachelor's degree or higher.[191] Additional studies have supported Nowrasteh's conclusions, indicating that refugees who enter the United States before age fourteen are as likely or slightly more likely to graduate high school than their native-born peers, and this trend continues for college graduations for refugees who enter the United States before age sixteen.[192] This conclusion is further reinforced by a broader U.S. Census data set, which concluded that approximately 12.5 percent of foreign-born individuals in the United States have an advanced degree, compared to 11.9 percent of native-born.[193] Though this difference is less than a percentage point, its conclusions, combined with the data provided by Nowrasteh, directly call into question the base assumptions and evidence provided by the Heritage Foundation's alarmist conclusions.

Additionally, allegations that refugees are continuously given large lump-sum grants for cost of living allowances—which prevent them from needing to find work—are inflated, or the methods by which assistance programs operate are misunderstood. Refugees are eligible for numerous public benefits and specific programs upon entry to the United States, in large part due to the poor economic situation in which they arrive.[194] However, these benefits are short-term; after approximately eight months, refugees must find private support or support themselves through employment or charitable means. There is a direct correlation between refugees' time in the United States and lower reliance upon public benefits as well as income, approaching parity with U.S.-born citizens.[195]

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[191] Nowrasteh.

[192] "The Fiscal Case for Refugee Resettlement," Wilson Sheehan Lab for Economic Opportunities, March 2017, https://leo.nd.edu/assets/231290/refugee_policy_brief_march_2017_v2.pdf.

[193] Ryan and Bauman, "Educational Attainment."

[194] Administration for Children and Families, "Office of Refugee Resettlement."

[195] Randy Capps et al., *The Integration Outcomes of U.S. Refugees, Successes and Challenges* (Washington, DC: Migration Policy Institute, June 2015), https://www.migrationpolicy.org/research/integration-outcomes-us-refugees-successes-and-challenges.

There are numerous methods by which these estimates could be reached, some of which extrapolate forward while assuming an individual's personal, educational, and socioeconomic status remains unchanged (as did the Heritage Foundation). Using a similar methodological approach, the Federation for American Immigration Reform (FAIR) utilized the most recent five years of admissions data for refugees and their use of welfare benefits released by the Office of Refugee Resettlement.[196] FAIR alleges that, without more specific data, its estimate is conservative; when completing its estimate, FAIR operated under the assumption that the amount of public assistance used by each refugee is equal to the national average. Using these methods, FAIR concludes that the cost to U.S. taxpayers "skyrockets" to $8.8 billion over five years. To further evidence its point, FAIR notes that "in their first five years, approximately 54 percent of all refugees will hold jobs that pay less than $11 an hour."[197]

Aside from the extrapolation concerns with the Heritage Foundation's conclusions, FAIR's assessment of the employment level and cost of refugees is called into question on several additional fronts. First, FAIR's assessment of the hourly wage of refugees appears to be provided to demonstrate the low-paying jobs they hold and how this may lead to dependence on social welfare benefits. However, this statement leads to several observations that must also be included. The National Employment Law Project, which analyzed median wages for occupations and the benefits of a minimum wage increase in the United States, also identified occupations as of 2014 whose median wages fell below the cutoff referenced by FAIR, which include the following: stock clerks and order fillers ($10.83), personal care aides ($10.16), grounds maintenance workers ($10.57), childcare workers ($9.79), and maids and housekeeping cleaners ($10.00).[198] Providing a bigger picture view of the situation, Oxfam, in coordination with the Economic Policy Institute,

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[196] Matthew O'Brien and Spencer Raley, "The Fiscal Cost of Resettling Refugees in the United States," Federation for American Immigration Reform, February 5, 2018, https://www.fairus.org/issue/legal-immigration/fiscal-cost-resettling-refugees-united-states.

[197] O'Brien and Raley.

[198] Irene Trung, Yannet Lathrop, and Paul Sonn, "The Growing Movement for $15," National Employment Law Project, November 2015, https://www.nelp.org/wp-content/uploads/Growing-Movement-for-15-Dollars.pdf.

reported that 41.7 million workers in the United States—which translates to 31.3 percent of the workforce—earns less than $12 an hour, slightly higher than the figure used by FAIR.[199] Using the May 2015 Occupational Employment Statistics published by the Bureau of Labor Statistics, Oxfam provides the following examples of positions whose median hourly wage falls within the parameters referenced by FAIR: cashiers ($9.82), combined food preparation and serving workers, including fast food ($9.09), retail salespersons ($10.47), and waiters and waitresses ($9.25, though it is recognized this wage is altered by tips). Janitors and maids (excluding maids and housekeeping cleaners) fall just above FAIR's cutoff point, as their median wage was $11.27 per hour.[200] To account for any changes that have occurred since these observations were made, the median hourly wages for the same positions for 2017 are provided as follows: cashiers ($10.11), combined food preparation ($10.53), retail salespersons ($11.16), and waiters and waitresses ($10.01).[201] Therefore, though FAIR attempts to use a wage of $11 an hour to demonstrate the low economic status of refugees, this low wage is prevalent across the United States, accounting for almost one in every three workers. As such, if this wage is accepted as being too low to sustain an individual above the poverty line, as appears to be FAIR's argument (a point with which this author agrees), this more clearly evidences a widespread issue within the United States as opposed to a problem exclusive to refugees.

Secondly, the FAIR report indicates that it reviews information about refugees and asylees together. While a legal determination for purposes of asylum uses the definition of a refugee, as discussed earlier in this thesis, they are entirely separate pathways to status and physical presence in the United States.[202] Any associated costs before or after someone is determined to be an asylee should not be conflated with that of the Refugee Admissions

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199 "Few Rewards: An Agenda to Give America's Working Poor a Raise," Oxfam, June 22, 2016, https://www.oxfamamerica.org/explore/research-publications/few-rewards/.

200 Oxfam.

201 "Occupational Employment and Wages, May 2017," Bureau of Labor Statistics, March 30, 2018, https://www.bls.gov/oes/current/oes_stru.htm#35-0000.

202 "Questions and Answers: Asylum Eligibility and Applications," USCIS, September 21, 2017, https://www.uscis.gov/humanitarian/refugees-asylum/asylum/questions-and-answers-asylum-eligibility-and-applications.

Program. Therefore, at the outset, FAIR's conclusions include individuals and costs outside the scope of the debate to which FAIR is allegedly contributing. The title of FAIR's report only references refugees, and its executive summary discuses those individuals fleeing persecution who were admitted since 1980, which implies that their data set begins with the passage of the Refugee Act of 1980. While this would bring it squarely within the ongoing discussion regarding the admission of refugees into the United States, a closer review of the data reduces FAIR's credibility due to the appearance of willful misrepresentation to fit their discourse.

Returning to the Heritage Foundation, though the conclusions it reaches regarding the cost of refugee resettlement in this situation are rooted in skewed data and fail to account for long-term realities, these conclusions should not be labeled solely as biased propaganda by refugee resettlement opponents. While it is possible that a bias exists on some level (as it often does, also, for refugee proponents), there is also a dearth of in-depth review and analysis regarding the actual long-term costs of refugees in the United States. Most studies follow a similar model as the Heritage Foundation, extrapolating from a set of facts as they exist at any given moment without having the ability to adequately alter the estimates moving forward. While the United States has specific data regarding how many refugees are admitted each year and who they are, this information is not released in full to the public due to privacy concerns and the sensitive nature of the information contained within a refugee's file. Furthermore, this data is not readily accessible through other means, such as the U.S. Census. While refugees would be counted in the Census, they would be classified as *foreign-born* as opposed to *native-born*, as these are the only categories assigned to individuals; the Census does not differentiate between those who have no legal status, those who have refugee status, and those who have legal permanent residence or have naturalized and become U.S. citizens, etc.[203] Therefore, long-term studies regarding integration outcomes, use of public benefits over time, employment status, etc., are hard to measure by organizations outside of the federal government who are seeking to complete their own analysis.

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[203] "Foreign Born: About this Topic," U.S. Census Bureau, July 6, 2016, https://www.census.gov/topics/population/foreign-born/about.html.

In 2017, a study sought to conduct a full analytical review of the cost of refugee resettlement in the United States through the lens of tax payment versus public benefit use, but its approach differed from past studies. Using U.S. Census data and responses related to when individuals arrived in the United States and the country from which they emigrated, William Evans and Daniel Fitzgerald identified individuals who were highly likely to be refugees (though again it cannot be stated with certainty). This provided a more concrete data set that would allow the researchers to follow the same individuals over time to determine if there were any statistically significant changes to their income levels, use of public benefits, education, etc.[204] Evans and Fitzgerald concluded, as do most studies, that refugees initially rely on public services and assistance at much higher levels than native-born citizens.[205] As discussed previously, this conclusion is not surprising: refugees are often admitted to the United States with fewer language or job skills and face cultural adjustment periods compared to their life in their home country or in refugee camps. However, despite this initial disadvantage, Evans and Williams determined a relatively quick reversal of this negative impact:

> Our results suggest that on an annual basis, for the first eight years in the U.S., refugees receive more in benefits than they pay in taxes. After the eighth year, taxes paid tend to be greater than benefits received. Summing revenues and expenditures over time and properly discounting, we calculate that those that enter the country from ages 18–45 pay on average $21,000 more in taxes to all levels of government than they receive over a 20 year period.[206]

The U.S. Department of Health and Human Services (HHS) reached similar positive conclusions in a draft report, a copy of which was obtained by the *New York Times*. In this draft report, dated July 29, 2017, HHS provided the framework for its analysis:

> This study focuses on the fiscal costs of refugees to the federal state, and local governments over the ten year period from 2005 to 2014, the most recent years for which data are available. Data limitations precluded

[204] Evans and Fitzgerald, Economic and Social Outcomes.

[205] Evans and Fitzgerald, 21.

[206] Evans and Fitzgerald, 6.

> analyses over a longer time period. This study includes all refugees arriving in the U.S. since 1980, regardless of their current immigration status.[207]

After reviewing all data available for this time period while accounting for myriad factors such as Medicaid, Medicare, Social Security, K-12 public education, housing assistance,, Supplemental Nutritional Assistance Program (SNAP), and others, the report concluded,

> the net fiscal impact of refugees was positive over the ten year period, at $63.0 billion. Refugees net fiscal benefit to the federal government was estimated at $40.9 billion, and the net fiscal benefit to state and local governments was estimated at $22.0 billion. Refugees and their non-refugee spouses and children were also a net benefit overall, estimated at $16.9 billion. While refugees and their families were a net benefit to the federal government, estimated at $52.8 bullion, they were a net fiscal cost to state and local governments, with the cost estimated at $35.9 billion.[208]

Taking the conclusions of the draft report as they are stated, it would be clear that refugees had an overwhelmingly positive impact on the federal government, contrary to the arguments commonly raised about the fiscal cost of admitting refugees. The report's final version reached the opposite conclusion, concluding that per capita costs for refugees were $800 per year higher than that of Americans, at $3,300, but removed mention of tax revenue generated by refugees. Shortly thereafter, familiar lines appeared, with both sides accusing the other of political motivations as opposed to objective analysis.[209] The stark difference between the depth of analysis in the fifty-five-page draft study and the three-page final report, combined with similarly detailed reports discussed above, lends support to the credibility of the draft report over the final version.

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[207] Citing page 6 of the report; "Rejected Report Shows Revenue Brought in by Refugees," *New York Times*, September 19, 2017, https://www.nytimes.com/interactive/2017/09/19/us/politics/document-Refugee-Report.html.

[208] Citing page 41 of the report; *New York Times*.

[209] Steven Camarota, "Leaked Refugee Report Suffers Significant Flaws," *National Review*, September 21, 2017, https://www.nationalreview.com/2017/09/leaked-hhs-refugee-report-interesting-flawed/; Kelly Swanson, "The Trump Administration Rejects its Own Study Finding Refugees Help the Economy," VOX, September 19, 2017, https://www.vox.com/policy-and-politics/2017/9/19/16333778/trump-administration-rejects-study-refugees-help-economy.

B. CONCERN THREE—IGNORING THE NEEDS OR CONCERNS OF RECEIVING COMMUNITIES

1. Concern

Concerns have also been repeatedly raised that the methods by which the federal government determines where to settle refugees are flawed. Some of these arguments blend aspects of the discussions raised in this and the preceding chapter, but also bring in new complaints—namely, that the federal government fails to account for the needs or concerns of receiving communities where refugees are placed, instead appearing to determine carte blanche where refugees will land. As of late 2015, these concerns had been raised by the governors of Alabama, Arizona, Arkansas, Illinois, Michigan, New Hampshire, and two dozen others.[210] However, this debate is not confined to governors' mansions and state legislatures; local jurisdictions have found themselves in the midst of this conflict as well, as they are often the ones who most directly feel the impact of any resettlement.[211]

2. Response

Over one hundred years ago, the U.S. Supreme Court held that immigration was purely a federal power, under the rationale that immigration fell within the purview of the Commerce Clause.[212] Shortly thereafter, the Supreme Court altered its underlying rationale, shifting to a plenary power argument and declaring a type of nearly indisputable federal power to regulate immigration as a whole:

> If, therefore, the government of the United States, through its legislative department, considers the presence of foreigners of a different race in this country, who will not assimilate with us, to be dangerous to its peace and security … its determination is conclusive upon the judiciary. If the government of the country of which the foreigners excluded are subjects is dissatisfied with this action it can make complaint to the executive head of

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[210] Joshua Barajas and Gretchen Frazee, "Which States Are Saying No to Resettlement of Syrian Refugees?," PBS, November 16, 2015, http://www.pbs.org/newshour/rundown/u-s-governors-dont-have-power-to-refuse-refugees-access-to-their-states/.

[211] Jeremy Berke, "How a Plan to Resettle 100 Syrian Refugees Ripped Apart a Small Vermont Town," *Business Insider*, August 12, 2017, http://www.businessinsider.com/syrian-refugees-rutland-vermont-mayor-controversy-trump-immigration-2017-8?r=UK&IR=T.

[212] U.S. Const., Art. 1, Sec. 8, clause 3; *Head Money Cases*, 112 U.S. 580, 600 (1884).

> our government or resort to any other measure which, in its judgment, its interest or dignity may demand; *and there lies its only remedy*.[213]

The underlying motivations for immigration restrictions that fall within this purview continue to be debated; some point to racism of the late 1800s while others allege economic protections.[214] Regardless of the motivations, the plenary power doctrine has continued to dominate the discussion regarding the clash of federal versus state power to regulate or alter immigration, as stated by Justice Anthony Kennedy in the Court's decision in 2012 regarding the highly contested S.B. 1070:

> The Government of the United States has broad, undoubted power over the subject of immigration and the status of aliens…. The authority rests, in part, on the National Government's constitutional power to "establish a uniform Rule of Naturalization," U.S. Const., Art. I, §8, cl. 4, and its inherent power as sovereign to control and conduct relations with foreign nations.[215]

Rather than entering the legal debate regarding the reach of federal immigration power, this thesis first examines the issue from the same viewpoint held by the Supreme Court. The legislative branch, in conjunction with the executive, has far-reaching purview with regard to immigration and dictates the immigration process, within valid constitutional frameworks. Therefore, turning to the statutory framework at hand, the Refugee Act of 1980 is clear in its direction: "It is the intent of Congress that in providing refugee assistance under this section … local voluntary agency activities should be conducted in close cooperation and advance consultation with State and local governments."[216] Of course, the clarity of this mandate has been invoked by entities who have fought refugee resettlement in one aspect or another. In 2015, Texas relied in part upon this provision in its attempt to fully block the resettlement of Syrian refugees within

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[213] Emphasis added; The Chinese Exclusion Cases, 130 U.S. 581, 606 (1889).

[214] Natsu Taylor Saito, "The Enduring Effect of the Chinese Exclusion Cases: The Plenary Power Justification for On-going Abuses of Human Rights," *Asian American Law Journal* 10, no. 1 (2003): 13, 14.

[215] Arizona v. U.S., 132 S. Ct. 2492, 2498 (2012)

[216] Authorization for Programs for Domestic Resettlement of and Assistance to Refugees, 8 U.S.C. § 1522.

its borders, though unsuccessfully. In *Texas Health & Human Services Commission v. United States*, the district court determined there were several issues with Texas's arguments, including that such a debate nearly crosses into the political question doctrine, which relates to whether or not the court is the appropriate forum to address a particular concern.[217] The court determined that Texas failed to demonstrate a substantial threat of irreparable injury, which would be required for a preliminary injunction; nor was there statutory authorization which provided a remedy from the court.[218]

Though the Refugee Act did not provide a judicial remedy for Texas's concerns, the underlying argument should still be addressed. It should be noted that this is not an isolated incident; similar concerns have also been raised in Canada.[219] Because discussions around immigration of any kind are often sensitive, it would be easy for proponents of refugee resettlement to declare these arguments as an excuse from opponents to restrict migrant flows. Similarly, opponents might argue that any argument against their stance ignores their concerns and is politically motivated by those who ignore the rights and needs of individual states.

Prior to Texas's actions, in 2012 the Government Accountability Office (GAO) concluded that the majority of nonprofit resettlement agencies in the United States failed to consult local stakeholders who would be impacted by refugee resettlement in their community. This lack of communication had rippling effects, such as the inability of health care providers and school systems to prepare for the influx of new patients and students, negatively impacting not only the native population but refugees and their families as

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[217] "This doctrine refers to the idea that an issue is so politically charged that federal courts, which are typically viewed as the apolitical branch of government, should not hear the issue. The doctrine is also referred to as the justiciability doctrine or the nonjusticiability doctrine"; "Political Question Doctrine," Legal Information Institute, accessed November 6, 2018, https://www.law.cornell.edu/wex/political_question_doctrine.

[218] Texas Health & Human Servs. Com' v. U.S., 166 F. Supp. 3d 706, 710 (N.D.Tex., 2015).

[219] "Recognize the Cultural Limits to the Number of Immigrants We Can Take," Immigration Watch Canada, accessed November 6, 2018, http://immigrationwatchcanada.org/beliefs/recognize-the-cultural-limits-to-the-number-of-immigrants-we-can-take/.

well.[220] Furthermore, GAO concluded that the communication issues were not due to a lack of knowledge regarding statutory mandates in the Refugee Act but instead from a lack of formal direction from federal agencies with whom these nonprofits work. Due to the failure of the Department of State's Bureau of Population, Refugees, and Migration (PRM) or the Office of Refugee Resettlement to provide this direction as is their responsibility, nonprofits and other agencies involved in this process made determinations based in part on internal factors that failed to adequately address the needs of other community partners.[221] In its report, GAO makes several recommendations to HHS, which is heavily involved in refugee resettlement, and the Department of State; however, these recommendations are vague, with responses that do not fully indicate significant change would be forthcoming. For example, GAO noted:

> HHS stated it supports our recommendation to disseminate best practices, including promising practices from communities, while noting that State and nonprofit community-based and faith-based organizations have traditionally taken the lead on resettling refugees.[222]

While HHS's statements regarding who normally handles refugee resettlement are correct, the statements fail to properly address the concerns raised by GAO; instead, they shrug away responsibility. The fact that HHS is not traditionally tasked with refugee resettlement to the same degree as Department of State or nonprofit organizations does not adequately ensure that positive changes would come from GAO's recommendations. Additionally, GAO noted that HHS "raised concerns that an increase in the frequency of data collection would significantly increase the reporting burden without a mandatory need for the data."[223] While HHS alleges there is no need for this data collection, this 2012 report suggests the opposite; as there is insufficient communication between stakeholders,

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[220] Kay Brown, *Refugee Resettlement, Greater Consultation with Community Stakeholders Could Strengthen Program*, GAO-12-729 (Washington, DC: Government Accountability Office, July 2012), 2, http://www.gao.gov/assets/600/592975.pdf.

[221] Brown, 11.

[222] Brown, 39.

[223] Brown, 39.

it is vital that more information is gathered to ensure that refugees are resettled in a way that meets the needs of all involved parties.

Four years following the GAO report, in 2016, researchers interviewed refugees to evaluate their experiences upon arrival in their new communities. As explained by Steimel, refugees discussed foundational problems they encountered shortly after arriving, such as the lack of agency employees to handle the number of refugees placed within a particular organization's area of responsibility or a lack of volunteers who spoke their native language, leading to communication breakdowns. Additionally, a lack of cultural competence caused further tension between refugees and the organization attempting to help them acclimate to their new environment.[224] Finally, Steimel reports that agency volunteers suffered from additional forms of stress and frustration; the refugees viewed them as experts in all forms of basic tasks and information due to their position within the organization. However, when they were unable to complete basic tasks, such as providing refugees with instructions for how to set up medical appointments, refugees became frustrated with them as well, which compounded tension and difficulties for both parties.

A search of GAO's database presents several reports published since 2012, but most focus on the need for better oversight regarding potential fraud concerns. The closest GAO comes to a report about refugee assimilation and next steps once in the United States focuses solely on Afghan and Iraqi *special immigrants*— a separate class of immigrants who obtain residency in the United States—recommending that these special immigrants be included in HHS's annual survey of refugees (which extends only five years after arrival).[225] Aside from the lack of focused research by GAO on this topic in the six years since it made its recommendations, this report raises additional concerns.

This thesis argues that five years is an insufficient time period for evaluating success or failure in assimilation or other outcome performance measures. It is evident and expected that refugees enter the United States with lower socioeconomic status and skills

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[224] Steimel, "Negotiating Knowledge."

[225] Kathryn Larin, *Afghan and Iraqi Special Immigrants: More Information on Their Resettlement Outcomes Would Be Beneficial*, GAO-18-107 (Washington, DC: Government Accountability Office, February 2018), 11, https://www.gao.gov/assets/700/690190.pdf.

than native-born citizens. Furthermore, it takes several years before these individuals are able to obtain the necessary language skills, education, and occupational skills to begin anew in their receiving communities and reach parity with the native population or even those who immigrated under more favorable circumstances. Therefore, though GAO provided superficial recommendations regarding how to best address issues with resettlement, more detailed analysis is required to formulate a viable path toward resolving these ongoing issues. This analysis should seek to bring consensus and cooperation between local, state, and federal partners in refugee resettlement, meeting the statutory requirements of the Refugee Act while also positively impacting both refugees and receiving communities.

C. CONCLUSION

It is clear that no specific determination of long-term success will be wholly applicable to each individual who enters the United States as a refugee, due to variances such as age, education, and skill level at time of entry, all of which greatly impact long-term outcomes. However, as demonstrated by the arguments in this chapter, the higher long-term economic costs fall upon refugees, not the federal government. Therefore, in contrast to common arguments, refugees do not abuse the public welfare system in a way that harms the financial interests of the United States. It is conceded that this conclusion is based on a small number of studies, but the methods by which these studies reach their conclusions demonstrate more reliable results than conclusions that fail to account for changes in economic status or education once refugees are in the United States. Normally, one could resolve such a dispute through a close analysis of raw data related to refugee

assimilation, employment level, changed immigration status (lawful permanent resident or naturalized citizen), or other factors.[226]

Simultaneously, however, as demonstrated by the second half of this chapter, there is a lack of coordination and consensus between the stakeholders on all levels of refugee resettlement. Therefore, regardless of costs associated with the program and who may bear the brunt of this financial responsibility, there are systemic issues that continue to hinder positive outcomes for the refugees and the communities in which they settle. GAO's recommendations lacked the specificity that would provide a framework to remedy these issues. In the next chapter, this thesis provides a framework that modifies the existing U.S. refugee resettlement with these goals in mind. This framework will further lessen cost to the federal government in the long-term (despite the conclusion that the federal government has a positive fiscal outcome from refugee resettlement) while increasing refugee admissions, assimilation, and long-term successes for all parties involved.

[226] Though an argument could be made that there is no need to account for lawful permanent resident (LPR) status, as refugees are required to apply for this status one year after entry, this ignores the long-term usefulness of this data. Reviewing the percentage of refugees in a given year who become LPRs would provide information related to potential security threats that may arise for specific individuals if that served as a bar to their adjustment of status, but also provides insight into the individual's situation one year after arrival. As the Adjustment of Status application requires a high level of personal information, this data could be compared and analyzed against the same individual's situation at entry. Because refugee policies change over time, this would allow for correlations to be drawn regarding whether certain program changes have positive or negative effects across the board for all refugees. This data could then be used for further system and program enhancements and modifications.

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VI. AN ETHICAL OBLIGATION OR A PRIVILEGE EXTENDED?

> My family and I were once humans in danger, and we knocked on the doors of every embassy we came across: the UK, America, Australia, Italy. America answered and so, decades later, I still feel a need to bow down to airport immigration officers simply for saying "Welcome home." But what America did was a basic human obligation. It is the obligation of every person born in a safer room to open the door when someone in danger knocks.
>
> —Dina Nayeri[227]

To this point this thesis has analyzed various concerns regarding the admission and assimilation of refugees, encompassing physical, economic, and social securities. However, there is a broader question which generates a large amount of debate and cannot be answered with a straightforward mathematical equation in the same way as questions regarding wages or taxes. Though it can be phrased in multiple ways, for purposes of this discussion, the question is: *Does the United States have a moral obligation to admit refugees?*

Those who favor refugee admissions may quickly respond: "Give me your tired, your poor, your huddled masses yearning to breathe free," and say this alone demonstrates the United States understands it has a moral obligation to admit refugees seeking protection.[228] Conversely, those who oppose admission will cite, in addition to the arguments raised in the previous three chapters, that when the United States extends refugee protections to someone it is a privilege—not a right—and can be ended or restricted at any time. They would argue that the United States should be allowed to set limits on the numbers that are admitted, make decisions about one type of refugee over another, restrict refugees because the United States has many people who are already in need of assistance, etc.

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[227] Dina Nayeri, "The Ungrateful Refugee: 'We Have No Debt to Repay,'" *Guardian*, April 4, 2017, https://www.theguardian.com/world/2017/apr/04/dina-nayeri-ungrateful-refugee?.

[228] Excerpt from Emma Lazarus, "The New Colossus," lines 10–11.

This thesis takes the position that, yes, the United States does have a moral and ethical obligation to admit refugees, but also agrees that there are exceptions. It would be unreasonable to suggest that all refugees should be admitted without restriction because an obligation exists, but at the same time, these exceptions cannot be used to negate the underlying obligation to which they relate. Therefore, rather than consider this "gray" area or the "middle of the road," this conclusion is rooted in an analysis of philosophical, social, and historical factors, all of which come together to create the pieces of this ethical obligation.

A. THE ETHICAL FRAMEWORK

All individuals have their own set of personal values, or discursive framework, through which their worldviews are shaped and altered. During a previous discussion in which this topic was raised, potentially competing values were provided through the philosophical lenses of the writings of John Locke and Thomas Hobbes. Hobbes, who concludes that man's desires ultimately lead to a constant state of war, argues that conferring power into one individual or a group of individuals—who will act on behalf of all men in a society through their actions and use of force as necessary—is the only way to ensure peace and safety.[229] This could be cited by those in opposition to the admission of refugees to show that governments know what is best for their people and can restrict or increase admissions as they wish. In a contrasting opinion, Locke believes that these same governments were founded in peace upon the consent of the people.[230] It could be argued in this vein that those who cannot find peace in their own country have a right to immigrate to a place of protection that will accept them.

Therefore, focusing on a specific example of a refugee group discussed in this thesis, it is unlikely that many would argue the citizens of Syria lack the authority or right to overthrow their government in the hope of installing a new, more democratic form of rule that will provide for their safety. Arguing against this principle would be hypocritical

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[229] Thomas Hobbes, *Leviathan* (1651), 45–46.

[230] John Locke, "Of Civil Government," in *Two Treatises of Government*, ed. Peter Laslett (New York: Mentor Books, 1963), 52.

due to the United States' own history under British rule in the eighteenth century. Furthermore, international law clearly dictates that individuals have the right to leave a country, including their own, for reasons including protection from torture or other forms of inhumane punishment. In the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms, Article Two plainly states, "Everyone shall be free to leave any country, including his own."[231] This passage is repeated verbatim in the United Nations International Covenant on Civil and Political Rights (ICCPR), to which the United States is a party.[232]

This right to leave one's country is clearly enumerated throughout international law; however, does this right directly translate into the right to enter another country? These two rights cannot be synonymous, as they contradict another well-established right of sovereign nations as declared over a century ago by the Supreme Court of the United States:

> It is an accepted maxim of international law, that every sovereign nation has the power, as inherent in sovereignty, and essential to self-preservation, to forbid the entrance of foreigners within its dominions, or to admit them only in such cases and upon such conditions as it may see fit to prescribe.[233]

Though subsequent legislation and modern legal decisions have placed limitations on this maxim through constitutional safeguards, the general principles of its power remain true. Therefore, it is impossible that the right to leave one's own country directly correlates with the right to enter any other country of one's own choosing. However, once this is accepted, how does it modify the rights of the refugee who is seeking a safe space of his or her own? The way in which this question is answered, and the consequences of the individual answer, define the boundaries of the moral and ethical arguments surrounding the admission of refugees, and directly impacts how individuals and groups feel the world should best respond to the ongoing crises discussed in this thesis and beyond.

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[231] Council of Europe, "Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, Securing Certain Rights and Freedoms Other Than Those Already Included in the Convention and in the First Protocol Thereto, as Amended by Protocol No. 11," September 16, 1963.

[232] Office of the High Commissioner, "International Covenant on Civil and Political Rights," United Nations, Article 12.2.

[233] Ekiu v. U.S., 142 U.S. 651, 659 (1892)

B. A DUTY—A MORAL OBLIGATION—TO ASSIST

One side of this debate can be said to stress the importance of protecting others who are fleeing danger, and the alleged domino effect that arises from failing to recognize this obligation. According to Hannah Arendt, discussing refugees fleeing Europe following World War I who were being refused entry at the borders of other nations, "Once they had left their homelands they remained homeless, once they had left their state they became stateless; once they had been deprived of their human rights they were rightless, the scum of the earth."[234] Arendt argues that refusing to come to the aid of someone in need deprives that person of his or her basic humanity and inherent rights.

Falling within Arendt's sphere but approaching the question from a more singular point, Alexander Betts discusses "The Duty of Rescue." Betts begins his discussion with a thought experiment comparing a Syrian refugee to a situation in which you, a strong swimmer, happen upon a child drowning in a lake:

> As a bystander, you were not responsible for that accident…. Generosity of spirit quite unambiguously requires that you jump in…. Those Syrians forced to flee their homes by violence are ethically analogous to that drowning child. Like the bystander, we have an unambiguous duty of rescue towards them. This does not follow from some structure of legal rights: like that drowning child, fleeing Syrians are not demanding their rights and threatening to sue you. Nor, like the drowning child, are they blaming you for having caused the problem.[235]

Despite the fact you are an innocent bystander, Betts argues that a duty arises from your ability to swim and save this child's life, and that you must do so. Betts continues, "One line of argument is that, in a globalized world, all injustice is structurally interconnected. Quite apart from whether this would be a moral basis for assistance for refugees, it is factually wrong."[236] Though Betts concludes that the Syrian crisis is a local injustice, and disputes that it was caused by Western action or inaction, he nonetheless determines that

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[234] Hannah Arendt, *The Origins of Totalitarianism* (New York: Houghton Mifflin Harcourt, 1973).

[235] Alexander Betts, "Rethinking Ethics: The Duty of Rescue," in *Refuge: Transforming a Broken Refugee System*, by Alexander Betts and Paul Collier (New York: Oxford University Press, 2017), 99.

[236] Betts, 100.

an ethical obligation exists through the basic ideas of compassion and burden-sharing. He alleges that the world, and especially regional partners, failed in these respects when the war began, resulting in "an ethical train crash."[237]

Michael Walzer reaches the same conclusion—that there is an ethical obligation to protect and help refugees—but disagrees with Betts's assertion that the Syrian crisis is simply one of many local injustices occurring around the world. Placing this class of people above all others seeking admission, Walzer states, "The victims of political or religious persecution, then, make the most forceful claim for admission. If you don't take me in, they say, I shall be killed, persecuted, brutally oppressed by the rulers of my own country. What can we say?"[238] In what can be cited as a direct rebuke to statements described earlier in this thesis from those opposed to the refugee program, Walzer notes, "At the same time, admitting refugees doesn't necessarily decrease the amount of liberty the members enjoy within that space."[239]

Serena Parekh does not attempt to solve the moral or political dilemmas that accompany refugee decisions; instead, she offers solutions to what she views as human rights injustices that stem from refugees being held in camps in host countries, and advocates for the temporary integration of refugee populations into local communities. This could be viewed as a middle-ground approach to the admittance of refugees, which has positive effects for both the refugees and the host community:

> On this alternative, rather than being placed in camps where refugees are segregated from the local population, refugees would be allowed to settle temporarily within local populations and international aid would go to improving all public facilities.[240]

To put her argument into perspective, Parekh provided an example in Uganda, where refugees demonstrated that when they have the ability to temporarily economically

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[237] Betts, 125.

[238] Michael Walzer, Spheres of Justice: A Defense of Pluralism and Equality (New York: Basic Books, 1983).

[239] Walzer, 49.

[240] Serena Parekh, *Refugees and the Ethics of Forced Displacement* (New York: Routledge, 2017).

integrate into the receiving community, they indisputably contribute to the national economy and no longer rely on the international community for assistance.[241] Though it initially appears Parekh's discussion supports an economic argument for admitting refugees, when examined below the surface, it is clear that a moral argument exists as well. Furthermore, even if an argument has economic aspects, economic arguments and moral arguments are not necessarily mutually exclusive.

Permitting refugees to enter a host country, even on a temporary basis, severs the inherent division of refugee camps and the isolation that comes from them. Instead of confining individuals who are fleeing persecution in remote camps, even temporarily allowing them to learn new skills, contribute to the economy, and support their own families could strengthen their own resilience and confidence rather than compounding the psychological and mental harm of being forced from one's own home country. As opposed to feeling as if their lives are indefinitely on hold, confined to the limits of the camp, refugees may be able to become more productive and begin anew, albeit temporarily.

C. THE FAILURES OF A MORAL ARGUMENT

In an alternative—though not necessarily opposing—approach, regardless of rightful claims to refugee status, it is incumbent upon society to recognize that states have the right to restrict entry and protect their own interests. In a review of ethics and a nation's right to restrict immigration, Myron Weiner rejects the argument that the definition of refugee is too narrow; practical reasons, not moral arguments, dictate that the definition of a refugee cannot be easily expanded, lest receiving countries be overwhelmed by millions of individuals who have been discriminated against and could therefore fall within the widened parameters.[242] Weiner believes there is a necessary division that must be recognized when comparing "personal morality and the application of moral principles to public policy. The moral choices we make as individuals need not, and often should not,

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[241] Parekh, 159.

[242] Myron Weiner, "Ethics, National Sovereignty, and the Control of Immigration," *International Migration Review* 30, no. 1 (Spring 1996): 185–86.

be the same as the moral choices made by policymakers."[243] He concludes that one cannot use the ideal of absolute justice to resolve these debates—that asserting an impermeable truth and incorporating it into a decision on public policy may have unjust consequences despite the most just intentions.[244]

This debate is not a new phenomenon; it was also visited by Michael Teitelbaum almost forty years ago. Echoing the difficulty Weiner attributes to debates regarding refugee policy, Teitelbaum concludes that one difficulty in attempting to weigh the moral obligation and an appropriate response to refugee crises is rooted in the fact that normal partisan labels cannot be easily applied:

> Part of the confusion that characterizes the ongoing debate is due to the fact that immigration and refugee policy is one of those few subjects in which the liberal-conservative continuum is utterly meaningless…. In the long term, the only humane and sustainable policy regarding immigration and refugees must be one that accurately reflects American national interest and humanitarian values, protects civil liberties and rights of citizens and immigrants alike, and recognize the important of trade and foreign assistance policies for developing countries.[245]

The need to balance these competing interests, while working under pressures of time and the possibility of extended harm befalling potential refugees if they are not protected, has been used to support the conclusion that true moral arguments cannot be applied in this discussion. The question as to whether or not to restrict refugees has continued to blur partisan lines, as a political ideology alone is insufficient to adequately address the issue. For example, to demonstrate what it views as a false moral test, the Center for Immigration Studies asked:

> The refugee resettlement program's main reason for being is said to be giving especially vulnerable refugees who can't stay where they are the opportunity to relocate to Western countries and start a new life. But is it

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[243] Weiner, 192–93.

[244] Weiner, 195.

[245] Michael S. Teitelbaum, "Right versus Right: Immigration and Refugee Policy in the United States," *Foreign Affairs* 59, no. 1 (Fall, 1980), 58–59.

> really?.... [W]hy them and not others? How to pick a "lucky few" out of millions who are undergoing common hardships?....
>
> [I]n the absence of extreme vulnerabilities or imminent dangers, isn't choosing to offer some refugees a better life in the United States while leaving others behind akin to playing God? How is this ethically right?[246]

In this view, the ethical issue is not surrounding whether refugees should be admitted, but why one person should be selected over another. Furthermore, in a situation where the refugee ceiling has been met for the fiscal year but there are one hundred more people who are facing harm identical to that faced by refugees who were already selected, how can a moral justification be made to refuse entry to those individuals? These concerns, as well as the concerns discussed in previous chapters relating to safety and economic well-being of both refugees and citizens, can collectively be seen as arguments against the claim that there is a moral obligation to admit refugees to the United States at this time.

D. CONCLUSION

This chapter presented arguments both for and against the claim that there is an ethical obligation for the United States to admit refugees.[247] The conclusion reached in this thesis is that there is an obligation that derives in part from an ethical standpoint. As a former leader of the world's refugee admissions who has the ability geographically and economically to admit those in need, the United States has a duty to act, such as the duty to rescue Betts's drowning child. As a nation, turning away those in need and refusing their admission on spurious grounds may stir memories of incidents in which refugees were previously turned back from U.S. shores, some of whom were ultimately killed at the hands

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[246] Nayla Rush, "The Real Moral Dilemma of Refugee Resettlement," Center for Immigration Studies, March 23, 2018, https://cis.org/Rush/Real-Moral-Dilemma-Refugee-Resettlement.

[247] For transparency, it must be noted that while this discussion about the "failures" of a moral obligation was fairly succinct, the underlying moral aspects of arguments against refugee admission raised earlier in this thesis warrant brevity. An argument that refugees should not be admitted due to safety hazards to the native population has moral aspects—after all, this argument focuses on the health and safety of individuals and how policy actions can impact these concerns. This chapter sought to provide additional information not presented previously on a broader, more philosophical scale as opposed to the finite points raised in the previous chapters.

of the oppressors they were fleeing.[248] A blanket refusal would not only be unethical due to this historical knowledge and our advantageous position to protect others, but also due to our obligation to uphold our international agreements. The United States has an international legal obligation due to its signing of the 1967 Protocol; while this may be seen as more of a diplomatic and legal issue rather than a moral issue, that is precisely the point to be made.

Using only ethical viewpoints and personal hermeneutic frameworks, it is impossible to reach consensus about the country's moral obligation to admit refugees. Each individual's morality and values are shaped by his or her experiences, upbringing, and view of the world in its current state. Some formulate their ethical views based upon religious teachings while others do so solely through social experiences and a belief "that is just the way it is, that is what I believe, and just because you have a different set of values and it leads you to a different conclusion does not mean that I am wrong, or that you are wrong."

Does a moral obligation mean that the United States must admit all the world's refugees without exception? No, it does not. As with anything else, there must be limitations based on security (factually determined) and numerous other factors, including a reasonable limit to the number of people who can be admitted at one time so as to not overwhelm social structures. As explained in the next chapter, these limits can be drastically raised without societal harm, but limits must remain nonetheless.

Finally, despite arguments for it, the duty to take in refugees does not extend to every crisis or injustice around the world. Some injustices are temporary and/or local, and the United States should not unilaterally respond to and dictate actions in sovereign nations in every situation. Instead, each situation must be independently analyzed to determine if it calls for action on our part or the part of our allies. This burden-sharing and collective cooperation must encompass various types of responses, including the admittance of refugees; the United States and its allies alike have an ethical obligation to admit those seeking protection and have begun to fail to meet this obligation.

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[248] Of the 937 passengers who sought admission to the United States, 254 died in the Holocaust. "Voyage of the St. Louis," U.S. Holocaust Museum, accessed November 6, 2018, https://encyclopedia.ushmm.org/content/en/article/voyage-of-the-st-louis.

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VII. ANALYSIS, IMPLEMENTATION, AND CONCLUSION

> Many Canadian organizations, universities, and provincial and municipal agencies assisted in the settlement of the refugees. Without this surge of public and private co-operation, the task would have been immeasurably more difficult.
>
> —Canada's Department of Manpower and Immigration[249]

This thesis discussed four main concerns related to the admission of refugees into the United States: security concerns related to terrorist infiltration, various economic aspects during and after arrival, planning for placement and integration of refugees and their families, and whether the United States has a moral obligation to accept refugees. While this thesis demonstrated that the first two concerns do not survive analytical scrutiny and should not be used to limit refugee admission, it revealed that the third concern is valid. However, instead of reducing refugee admissions, we can explore methods for alleviating the concern regarding where refugees are placed in the United States.

Adopting best practices from Canadian refugee programs and molding them to the existing framework of the U.S. immigration system would lead to numerous benefits. The United States could successfully welcome a higher level of refugees, decrease costs and the burden on receiving communities, and increase long-term success of the immigrant class. Long-term successes will not be limited to economic developments and refugees reaching higher rungs of the socioeconomic ladder. Additionally, receiving communities will observe higher levels of refugee integration, which in turn will benefit their community as a whole with stronger civic engagement and community growth.

A. CURRENT U.S. CITIZENSHIP AND IMMIGRATION SERVICES FRAMEWORK

U.S. Citizenship and Immigration Services (USCIS), the agency within the Department of Homeland Security that processes refugee applications and other

[249] Department of Manpower and Immigration, *Annual Report of the Department of Manpower and Immigration, 1968–1969* (Ottawa: Queen's Printer for Canada, 1969), 11.

immigration benefits, is compartmentalized; it is divided between various programs and directorates, each with their own piece of the USCIS mission. Figure 1 details the program office and directorate division within USCIS. As of August 19, 2018, there are eight asylum offices, two asylum sub-offices, and one centralized security and vetting center.

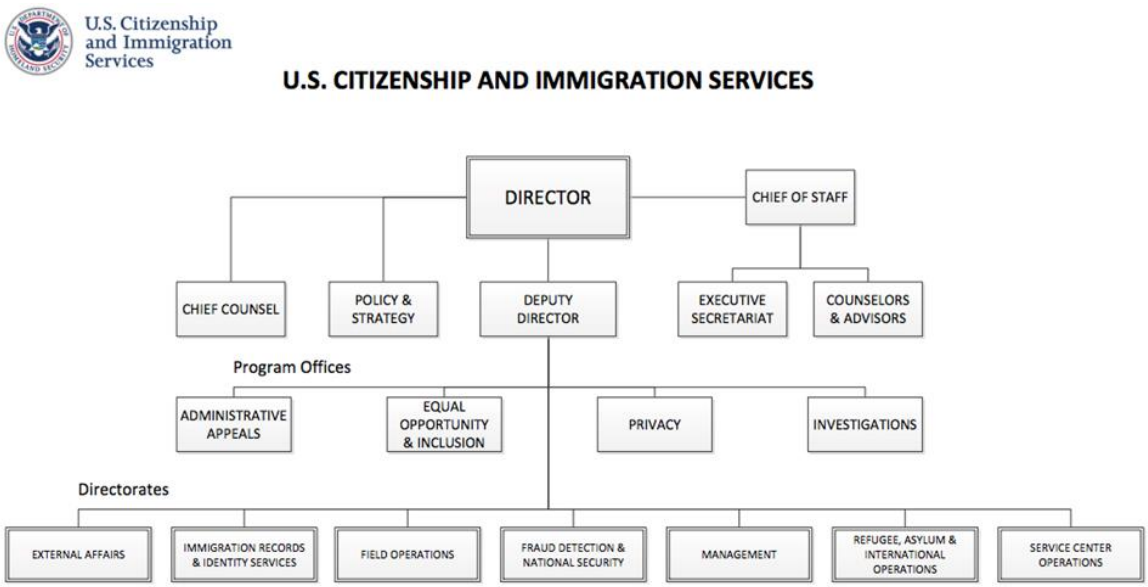

Figure 1. USCIS Program Office and Directorate Division[250]

As explained previously, the Refugee, Asylum, and International Operations (RAIO) Directorate is tasked with processing all affirmative asylum applications within the United States, all refugee interviews overseas, and certain refugee or asylum follow-to-join petitions.[251] These petitions are submitted by an individual within the United States who was granted refugee or asylum status and wishes to subsequently bring his or her spouse to

[250] Source: "USCIS Organizational Chart," USCIS, July 9, 2018, https://www.uscis.gov/sites/default/files/USCIS/About-Us/USCIS_OrgChart.pdf.

[251] "Refugee, Asylum, and International Operations Directorate," USCIS, August 11, 2017, https://www.uscis.gov/about-us/directorates-and-program-offices/refugee-asylum-and-international-operations-directorate.

the United States.[252] The follow-to-join form may also be used to petition for a principal applicant's child.[253]

The Refugee Corps works from a headquarters-level office in Washington, DC, and its officers spend time overseas interviewing applicants over the course of several weeks before returning stateside to complete additional processing and prepare for another detail. As shown in Figure 1, RAIO is one of only seven USCIS directorates. Due to its sphere of influence and its mandate, RAIO must be at the forefront of any policy change or implementation to U.S. refugee processing. However, due to its limited footprint in the United States, the Refugee Corps, or even RAIO as a whole, would be unable to efficiently effect change without strong support from other directorates or agencies.

The largest directorate in terms of number of offices and employees is the Field Operations Directorate, which is the most visible and well-known USCIS directorate. In addition to a headquarters office in Washington, DC, the Field Operations Directorate is composed of the National Benefits Center, which adjudicates some applications and also prepares files for the majority of lawful permanent resident (green card) and naturalization interviews; the Immigrant Investor Program, which adjudicates applications related to job creation and capital investment by foreign investors; and four regional offices and twenty-six district offices that provide direction, oversight, and support to the National Benefits Center.[254] These twenty-six districts, which provide oversight to eighty-five field offices and support centers, are not equal in size, influence, or population served. A visual depiction of the twenty-six districts within USCIS is provided in Figure 2, listed under each regional office.

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[252] "I-730, Refugee/Asylee Relative Petition," USCIS, June 18, 2018, https://www.uscis.gov/i-730.

[253] For immigration purposes, the term *child* is defined in the Immigration and Nationality Act (INA), Section 101(b), generally as "an unmarried person under twenty-one years of age." There are certain qualifying conditions that must be met and in certain circumstances, due to a recognized backlog in USCIS adjudications, the Child Status Protection Act (CSPA) "freezes" a person's age at the time of filing to ensure they are not negatively impacted by processing times outside of their control. However, the person must remain unmarried for CSPA to potentially offer any protection in this regard.

[254] "Field Operations Directorate," USCIS, October 3, 2016, https://www.uscis.gov/about-us/directorates-and-program-offices/field-operations-directorate.

Figure 2. USCIS Districts[255]

[255] Source: "Domestic Map," USCIS, accessed November 7, 2018, https://www.uscis.gov/sites/default/files/archive/delete/domestic_map.pdf.

As an example of inequality of size, District Seven encompasses the Commonwealth of Virginia, but includes only two field offices—Fairfax, Virginia, and Norfolk, Virginia. Conversely, District Twenty extends across three states—Alaska, Washington, and Oregon—with five field offices. The smallest districts in terms of geographical size are Districts Twenty-Four (San Diego, California) and Twenty-Six (Hawaii and Guam). Finally, the largest districts by physical span are District Fifteen, which includes Minnesota, Iowa, Missouri, Kansas, Nebraska, North Dakota, and South Dakota, and District Nineteen, which includes Idaho, Montana, Wyoming, Colorado, and Utah.[256]

As stated above, the Field Operations Directorate offices are the most visible because the overwhelming majority of face-to-face interaction between immigrants seeking benefits and the federal government occurs within these offices. Due to recent changes in policy, all adjustment of status applicants receive in-person interviews with USCIS, absent case-by-case determinations that an interview would not be necessary.[257] While certain parts of naturalization exams may be waived for medical purposes, each applicant must undergo security checks and an in-person interview.[258] As each field office obtains jurisdiction over the applications by zip code, it can be readily determined where an individual must go for appointments and to ask questions regarding the immigration process. Leveraging this existing framework would be the most efficient method by which to alter the existing refugee admissions program.

B. THE MAPLE LEAF MEETS THE OLIVE BRANCH: A PROPOSED NEW U.S. REFUGEE ADMISSIONS PROGRAM

Due to its vast and well-organized footprint, and the fact that each field office serves a fixed population based on zip code, USCIS field offices are well-integrated into the local communities they serve. This knowledge and experience provide unmatched insight. As

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[256] USCIS.

[257] "Policy Alert: Adjustment of Status Interview Guidelines and Waiver Criteria," USCIS, May 15, 2018, https://www.uscis.gov/policymanual/Updates/20180515-AdjustmentInterview.pdf.

[258] INA § 335(b); 8 C.F.R. 335.2.

explained earlier in this thesis, the nine refugee resettlement agencies work with nonprofit and faith-based organizations and community sponsors to settle refugees around the United States. However, as has been shown, communication with the local communities—and a willingness to heed their needs or concerns—is vastly inadequate, and at times nonexistent. Furthermore, though the economic concerns regarding resettlement were disproven in a previous chapter, modifications would still alleviate or beneficially redistribute costs. Bringing together parts of the Canadian Private Sponsorship of Refugees (PSR) Program, Blended Visa Office-Referred (BVOR) Program, and Provincial Nominee Program (PNP), the United States could remedy its failing efforts of community engagement and involvement in the refugee resettlement process, reduce costs, increase civic engagement, improve long-term assimilation, and address specific issues facing communities across the United States who otherwise feel they have been forgotten or ignored.

1. Step One: Convening Diverse Working Groups

As the changes that are championed in this thesis would require extensive modifications to a program that involves numerous federal agencies and non-governmental organizations, working groups must be convened in two phases to ensure the needs of all impacted stakeholders are accounted for from the beginning. The first working group must include members of the RAIO Directorate, Field Operations Directorate, Fraud Detection and National Security (FDNS) Directorate, HHS, Department of State Refugee Resettlement Center (Department of State), intelligence community partners, and a representative of Citizenship and Immigration Canada, who can provide commentary and analysis on the program as it evolves based on their organizational experience.[259]

A second-phase working group would involve community leaders, such as city councilmembers and mayors; this would present the program to those who have been

[259] FDNS is tasked with determining whether individuals who are national security concerns, threats to public safety, or who are attempting to defraud the immigration system do not receive benefits for which they are not eligible. FDNS has a presence in Field Operations Directorate offices on every organizational level, as well as in asylum offices. FDNS also serves as a liaison to other government agencies through its presence on task forces and other committees. For more information, see https://www.uscis.gov/about-us/directorates-and-program-offices/fraud-detection-and-national-security/fraud-detection-and-national-security-directorate.

elected or appointed to manage their community's affairs. Community involvement encourages buy-in for the program's launch, allowing concerns or disputes to be resolved before any pilot or final program is implemented. Allowing this pre-launch modification and discussion lessens the possibility of pushback, which has hampered refugee resettlement attempts in the recent past. Local consultation also allows stakeholders to slightly modify the program based on the specific community in which it is launched. A final aspect of the working group—expansion to include media partners—is discussed below.

2. Step Two: Determining What the Pilot Looks Like

Returning the refugee program to its pre–Trump administration state in terms of admission numbers and methods would fail to account for the points made in this thesis and would not move the refugee program forward in a positive way. Rather than simply resetting the former status quo, it is possible to increase refugee admission numbers from previous administrations. This could be achieved while remaining respectful of the placement and social integration concerns raised in this thesis.

The United States has a strong history of refugee admissions; the federal government should not cease its admission of refugees through established methods but should, and easily can, reverse the course of the past year through other methods. In 2017, the United States settled fewer refugees than the rest of the world combined—only 33,000, the lowest number since the implementation of the Refugee Act of 1980, aside from the years immediately following the September 11th attacks.[260] Though strictly numerically the United States still settled more refugees than any single country in 2017, per capita the United States only settled 102 refugees per million residents, compared to Canada, which settled 725 refugees per million residents.[261] While it has been previously shown that the United States does not face a physical security threat from the admission of refugees, it

[260] Phillip Connor and Jens Manuel Krogstad, "For the First Time, U.S. Resettles Fewer Refugees Than the Rest of the World," Pew Research Center, July 5, 2018, http://www.pewresearch.org/fact-tank/2018/07/05/for-the-first-time-u-s-resettles-fewer-refugees-than-the-rest-of-the-world/.

[261] Conor and Krogstad.

should also be noted that Canada, despite its high refugee admission numbers, has not been besieged by refugee-induced attacks.[262] The systems that have been in place in Canada for several decades, the PSR and BVOR, have been executed successfully and their security methods are seemingly sufficient to protect the programs' integrity.

However, Canada's success cannot necessarily be replicated in the United States without modification, and implementation of a pilot program. A recent study determined that while there is high public support for the general concept of resettlement around the United States, support begins to wane when discussions shift toward a focus on an individual's own community as a relocation point. Instead, the United States should combine its current and effective security screening methods with best practices from the PSR, BVOR, and PNP to create a new refugee admissions procedure. This new procedure would serve as a complement to, not as a replacement of, existing procedures, and would be implemented as a pilot program. With the pilot program, the refugee admission number can be low, but should still remain high enough that any results could be statistically significant when analyzed. The program would solicit groups of volunteers to provide financial and social support for incoming refugees for at least one year. Though this thesis demonstrated that the United States has a positive net revenue gain when admitting refugees—which not only balances but surpasses the cost of their admission and relocation—shifting the cost burden to a wholly private state would further free financial resources, which could then be directed to other aspects of the refugee program, such as civics and social integration curriculums.

There are two ways the pilot program could recruit volunteers. First, the organizers could put out an open call for volunteers, much like Canada does. Alternatively, specific criteria could be drafted to limit the volunteers or place conditions upon their participation in the program. One of these potential conditions could be designed to reduce

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[262] The author is aware of an attack by a Somali refugee in October 2017, but no other attacks. While even one attack is unacceptable in terms of pain, suffering, and potential loss of human life, it cannot be argued that a singular attack is indicative of a problem with refugee screening methods, nor should it lead to sweeping changes to the refugee system. For more information on this attack, see Ethan Lou, "Somali Refugee Faces Terror Charges in Canada Stabbing, Car Attacks," Reuters, October 1, 2017, www.reuters.com/article/us-canada-attacks/somali-refugee-faces-terror-charges-in-canada-stabbing-car-attacks-idUSKCN1C61FP.

unemployment and protect refugees against potential exploitation. Concerns regarding exploitation have recently been raised with regard to the flow of unaccompanied alien children (UACs). Though the refugees in these programs enter the United States through different means, this concern is present in both situations, as the UAC program is administered by the Office of Refugee Resettlement within HHS. In a recent staff report published by the U.S. Senate Permanent Subcommittee on Investigations, the Office of Refugee Resettlement is charged with ensuring each UAC is placed with a "suitable adult sponsor"; HHS placed over a dozen UACs under the care of human traffickers, who forced the children to work under threats of harm or death.[263] Adults and children are both susceptible to trafficking; as such, safeguards would be equally necessary for any modifications to the refugee admissions program.[264]

In the second option presented above, the volunteers who would be sponsoring refugees within the United States would have to meet certain conditions, as would the refugees placed with them. For instance, for adult refugees of working age, the volunteer would be financially sponsoring the refugee for basic needs including shelter, food, clothing, etc.; a restriction could be placed upon the type of employment a refugee could accept. Since local leadership for that particular community would be involved in the planning discussions during phase two of the working group, they would be aware of the industries or organizations that have high levels of unemployment—which could be vetted and reviewed by federal agency partners, including HHS and the Department of Labor to ensure appropriate working standards, and presence of a true business (to alleviate concerns regarding potential exploitation through false job offers, etc.). Based on the community in which the refugee is being placed, along with the refugee's existing skills, employment opportunities can be determined prior to each refugee's arrival. This would have multiple benefits:

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263 "Protecting Unaccompanied Alien Children from Trafficking and Other Abuses: The Role of the Office of Refugee Resettlement," U.S. Senate, Permanent Subcommittee on Investigations, August 29, 2018, https://www.hsdl.org/?view&did=789737.

264 "The Victims," National Human Trafficking Hotline, accessed November 7, 2018, https://humantraffickinghotline.org/what-human-trafficking/human-trafficking/victims.

- It would reduce unemployment in the receiving community by focusing efforts where the community is most in need.
- It provides the refugee with a stable job immediately upon entry, which assists with the transition and stability.
- It provides the refugee an avenue for social integration upon entry, strengthening his or her ties to their receiving community and new country.
- Through social integration opportunities, it addresses concerns raised from receiving communities in the past that refugees do not take part in their communities and instead rely on public benefits.
- It would charge HHS/Department of Labor/USCIS with random and unannounced site visits to refugee working locations as a check against potential trafficking or exploitation.
- Based on anecdotal evidence from Canada, though it cannot be determined with certainty, this higher level of connection and integration early on might increase the likelihood that the refugee will feel a stronger long-term connection to the United States, which may lead the refugee to obtain U.S. citizenship and give back to the community in multiple ways.

In the PNP, communities may indicate the fields or industries in which they are facing the highest level of unemployment or need; this practice ensures that all involved parties reap benefits from refugee resettlement. To bring this practice in line with the requirements of the Refugee Act of 1980 in the United States, community leaders and representatives of federal agencies would be required to meet quarterly to address ongoing concerns of the refugee admissions program. There would need to be consequences to deter any parties from failing to uphold requirements moving forward, and to prevent a quick return to the status quo of empty meeting rooms and disregard for statutory mandates. One

potential consequence could be that the party who fails to attend a quarterly meeting would face financial penalties, such as a predetermined fine, allocated to a predetermined entity.

Allowing this modification to the refugee admission program would echo best practices from Canada and would allow the United States to return its government-sponsored refugee program to its former levels; it would increase overall admissions without increased cost to the federal government. The costs would instead be shouldered by the individuals who decided to sponsor the refugee's admission. There would, however, be additional initial costs from background checks on the volunteers who apply to take part in the pilot program. However, these additional costs would also be offset by the application fees that would be required from anyone who wishes to take part in the program. As with other federal benefits and programs, these would be non-refundable fees, regardless of whether or not the individuals are ultimately selected to take part in the pilot program or a subsequent permanent program.

3. Step Two and a Half: Reaping the Cross-Disciplinary Benefit

One potential benefit that deserves separate discussion is the higher level of social integration following admission. As discussed earlier in this thesis, investigations of attacks in the United States since 2015 reveal that individuals with some affiliation to the U.S. refugee or asylum programs who committed terrorist attacks on U.S. soil were most likely radicalized after their admission. This conclusion was reached following a review of social media, writings, and interviews with the attackers' family and friends, which revealed a high correlation between social isolation and radicalization. Though not all individuals who are socially isolated radicalize or perpetrate lone-wolf attacks, those who have committed these attacks show signs of isolationism and a feeling of disconnectedness. As described by Dr. Héctor Alcalá and his colleagues in a recent National Institute of Health article,

> Immigration policies contribute to discrimination of Muslims and Middle Eastern Americans. Immigration policies racialize and construct particular groups of immigrants as a threat to the nation's health…. The ongoing stress related to being viewed as a threat can undermine social cohesion and social capital, both of which are important determinants of population health and preventing community violence…. Thus, pathways to violent radicalization

> and terrorism can be better understood if health research investigates variables from the social and behavioral sciences like social cohesion and capital…. Experiencing discrimination is a marker of social isolation and exclusion, which makes people vulnerable to extremist influences and ideologies while weakening their social cohesion.[265]

Terrorist organizations, including the Islamic State, are similarly aware of the consequences to an individual's mental state when he or she is facing discrimination and social isolationism, recognizing these individuals to be targets for recruitment. As discussed by J.M. Berger,

> [T]he organization deploys a wide variety of tailored online interventions to bring their targets into the fold…. [T]hese interventions are conducted by small teams of prolific social media users who lavish attention on potential recruits in order to shape their worldview and encourage direct action in support of the Islamic State, ranging from lone-wolf style terrorist attacks or migration to Islamic State territories.[266]

This thesis does not argue that the suggested modifications to the refugee admissions policy is the antidote to radicalization, online or otherwise. However, it would be difficult, if not impossible, to argue that improving refugees' social integration would have a negative effect on social outcome or the likelihood of radicalization. While the modifications may not ultimately remove this mechanism through which radicalization can occur, evidence suggests they are more likely than not to have a positive net result—at least when compared to maintaining the status quo or moving backward. If successful, lessons learned from this experiment could be applied in other countering extremism contexts.

4. Step Three: Finding the Pilot

As with any program, after determining its makeup and the processes by which it will operate, there is a question of location and scale. Different regions of the United States have vastly different needs and cultures. For example, an agricultural community in

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[265] Héctor Alcalá et al., "Social Determinants of Health, Violence Radicalization, and Terrorism: A Public Health Perspective," *Health Equity* 1, no. 1 (August 2017): 89, 91, http://doi.org/10.1089/heq.2016.0016.

[266] J.M. Berger, "Tailored Online Interventions: The Islamic State's Recruitment Strategy," *CTC Sentinel* 8, no. 10 (October 2015): 19.

Weiser, Idaho, may focus more of its needs on individuals with knowledge of farming, harvesting, and raising livestock, while these skills would not be as applicable in a big city such as Chicago. As such, if a pilot is successful in Portland, Maine, it cannot necessarily be argued that it will also be successful in Lincoln, Nebraska, or Los Angeles. Recognizing this, the pilot program proposed in this thesis—modeled after Canada's PNP—should be simultaneously implemented across all twenty-six districts of USCIS. While this pilot would still be highly limited in terms of the actual number of refugees included, it would allow USCIS to observe successes, failures, and social reactions in each district to comprehensively understand the program's outcomes. However, as each USCIS district is not equal in size (refer to Figure 2 on page 90), it would be inappropriate for each district to have the same number of refugees admitted. Instead, the working group should determine level of interest within each district and allow flexible admission numbers, so long as there is at least minimal representation in each district. Through the quarterly meetings discussed in the previous section, and a full review of the pilot program one year after implementation, stakeholders could decide whether to increase admission numbers, continue with a limited scope, seek to permanently alter the U.S. Refugee Admissions Program after consultation and action by Congress, or take other actions.

5. Step Four: Sending the Message

Regardless of the planning and execution for the pilot program, efforts will continually fail if they lack an essential component—a clear and strong message. As a type of third-level working group, media and government strategic communications play a vital role in any pilot program. Representatives of the two aforementioned working groups would need to meet with numerous media organizations that represent different political viewpoints and mediums of communication. Ensuring that the message is provided simultaneously to all media partners increases the program's transparency and demonstrates its neutrality—showing that its only goal is to benefit all parties involved.

Furthermore, the media partners who are invited to learn about the pilot program cannot be confined to major television networks such as ABC, NBC, Fox, MSNBC, etc. Recent analysis shows that the percentage of Americans who watch television news

continues to decline.[267] To meet the changing media environment, it would be necessary to also bring in nontraditional news sources such as social media organizations; in 2017, two-thirds of Americans reported getting at least some of their news from social media platforms.[268] While interpretation through this type of medium cannot be completely controlled, it is essential to ensure messages delivered through social media are targeted and carefully crafted. Americans as a whole have said they find news on social media "largely inaccurate" (57 percent); this division is further apparent along political lines, with 72 percent of Republicans stating they expect news on social media to be inaccurate, along with 46 percent of Democrats and 52 percent of Independents.[269] However, this fact alone should not deter the working groups from including media representatives in planning and messaging; media outlets still have great potential to reach certain demographics, and failing to include them could lead to allegations about the program's motives for leaving them out of the discussion.

Due to this divide and the distrust of both social and mainstream media by certain groups, any messaging strategy that utilizes news organizations to spread information regarding the purpose, scope, and eligibility of the pilot program must do so through carefully neutral and objective methods. If the message from this working group and its numerous partners is not unified and clearly displayed, allegations could arise that various media organizations are misleading the public about the intention or scope of the program, which could lead to misinformed opposition or the failure of the program as a whole.[270]

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[267] Katerina Eva Matsa, "Fewer Americans Rely on TV News; What Type They Watch Varies by Who They Are," Pew Research Center, January 5, 2018, http://www.pewresearch.org/fact-tank/2018/01/05/fewer-americans-rely-on-tv-news-what-type-they-watch-varies-by-who-they-are/.

[268] Elisa Shearer and Jeffrey Gottfried, "News Use across Social Media Platforms 2017," Pew Research Center, September 7, 2017, http://www.journalism.org/2017/09/07/news-use-across-social-media-platforms-2017/.

[269] Elisa Shearer and Katerina Eva Matsa, "News Use across Social Media Platforms 2018," Pew Research Center, September 10, 2018, http://www.journalism.org/2018/09/10/news-use-across-social-media-platforms-2018/.

[270] Philip Bump, "Three-Quarters of Republicans Trust Trump over the Media," *Washington Post*, July 25, 2018, https://www.washingtonpost.com/news/politics/wp/2018/07/25/three-quarters-of-republicans-trust-trump-over-the-media/?utm_term=.b2cdb9e45f45.

A clear and directed message would most likely lead to stronger engagement among the public and a higher chance of the pilot program's success across jurisdictions.

6. Potential Drawbacks and Concerns

Though there are numerous potential positive impacts of the pilot program, it is impossible to ignore potential drawbacks as well. For example, one likely area of pushback returns to questions about security; an argument may be raised that if an individual with malintent enters the United States, he or she would then be able to sponsor others posing as refugees so they may also enter under the program. However, this argument is unsustainable, as the same security screening procedures in place now—which have been shown to be nearly impenetrable—would be in place for each refugee admitted under the program, in addition to those admitted under standard U.S. procedures.

A further argument stems from similar roots: there is a possibility of long-term discrimination by U.S. citizens who sponsor refugees under this new program. For example, naturalized U.S. citizens from may only want to sponsor other refugees from their home country; however, the likelihood of this discrimination is minimal. Because of the nature of the sponsorship program, slots would be created based on the needs of individual communities, not simply based on a citizen's individual choice. If, within the confines of these needs as dictated by the program regulations, naturalized citizens from a particular country are able to sponsor other refugees from this same country, this outcome should be considered reasonable.

There is a possible financial drawback to the pilot stage of this program as well. Standing up the working groups, organizing media and messaging campaigns, and initiating background checks for volunteers would greatly increase costs. Therefore, a clear shortcoming of the pilot program is the initial financial burden it would place on the government. However, as the program expands over time—with additional applications processed and fees collected—the initial costs will be offset, which will gradually lessen the costs incurred by the federal government as the burden shifts to private coffers.

Finally, in the current political climate, there is likely to be immediate pushback along partisan lines; those who are opposed to refugee resettlement will undoubtedly allege

that this program is an effort to circumvent immigration law. Though results of the program could alleviate these concerns, it is likely that such concerns would continue throughout the pilot program, at least until full results can be analyzed to determine the likelihood of long-term success. In the immediate future, the program might also fuel additional conflict and division, both politically and socially, in the United States. While this shortcoming could have far-reaching negative effects, it should not be used as a pretext for avoiding the program entirely, as that risks stagnation and a failure of the United States' humanitarian mission. Instead, these divisions must be recognized and addressed through results and action as opposed to continued wars of words between political factions.

C. CONCLUSION

Implementing changes to the Refugee Admissions Program, even on a limited pilot basis, would be difficult and likely encounter heavy resistance both politically and culturally. With this in mind, instituting the pilot program suggested in this thesis across all twenty-six USCIS districts—and gaining perspective on its potential success or failure in these different regions and communities—is essential to a proper review. This holistic approach would be most likely to avoid political pitfalls or alleged motivations outside of the true goal of strengthening the refugee system as a whole. The increased admission of refugees without the increased fiscal cost to the United States not only benefits the federal government, as explained in a previous chapter, it benefits receiving communities in multiple ways; furthermore, it benefits the refugees themselves through employment and integration. In short, all parties benefit, while security checks on the volunteer sponsors, refugees, and employers ensure that security concerns are heeded as well. Finally, engaging with media partners of various levels around the United States would support the neutrality and transparency of the pilot program itself, avoiding potential allegations of political motives that could serve as a barrier to the program's implementation.

While the pilot program would take extensive planning and coordination by numerous federal, state, and local agencies upfront, the long-term return on such a program outweighs the initial effort. As demonstrated by the Canadian programs from which this pilot draws best practices, success is multiplied when private and public organizations can

find common ground and work together toward shared goals. The United States could benefit from this shared commitment, especially during the time of sharp divide and discord that has infiltrated U.S. politics and society.

1. Opportunities for Further Research

Aside from the research and analysis that would naturally flow from this pilot program's implementation, the ideas contained within this thesis offer additional avenues for further research. The United States does not effectively track the long-term successes or social integration outcomes of refugees. It would be beneficial for the United States to more comprehensively follow refugees' employment, level of community involvement, and naturalization trends. Having this information would better inform decisions relating to refugee admissions, placement, and activities of the refugee resettlement agencies and their affiliates. It would also provide a lens through which the government, on all levels, could pinpoint and address gaps. Finding these shortcomings would allow the program's organizers to fine-tune certain aspects over time, which would prevent the program from continuing without significant changes over decades as concerns about the program build.

Additionally, it must be realized that simply decreasing the number of refugees who are admitted under the Refugee Admissions Program does not mean that people who see no other option for protection will give up. When structured protection is lacking, individuals seek other methods to reach their destination, often placing their lives and the lives of others in danger. This has already been occurring in Europe, where in the first half of 2018 one person fleeing Syria died for every eighteen who successfully reached Italy via the Mediterranean.[271] Explained more simply, refugee admissions can be represented by a balloon. When one part of the balloon is squeezed (when refugee admissions are restricted during a fiscal year) the balloon does not get smaller—it only changes shape. The sides will expand; rather than waiting, hoping to escape harm or death through the narrow passageway that refugee admissions have become, those in danger will shift to new paths. While the small boats that fleeing individuals have used to reach Europe during the recent

[271] Patrick Kingsley, "Mediterranean Death Rate Is Highest Since 2015 Migration Crisis," *New York Times*, September 3, 2018.

refugee crises could not, of course, reach the United States, individuals could reach South or Central America or Canada instead, through other methods, and seek entry, whether legal or illegal, from this new point. Smugglers across the southern border have demonstrated their lack of care toward the people who hired them for passageway into the United States. According to an investigation by CBS News, officials are locating over one hundred tractor-trailers filled with people left in the desert in Texas after being taken across the border each year.[272]

Human smuggling can often turn into human trafficking; smugglers recognize and exploit the vulnerabilities of those under their care. Because the changes made to the Refugee Admissions Program by the Trump administration are nascent, it is too soon to determine if they have had an impact on smuggling or trafficking; however, it is something that should be studied in the coming years if policy reversals are not made. Though this may be difficult due to the highly sensitive nature of these incidents and the privacy protections afforded to victims by USCIS and its federal counterparts, methods for analysis should be determined and implemented.

2. Final Thoughts

The United States is facing extreme division socially and politically. Though this divide had reached record levels during Obama's presidency, the Trump administration period has continued to break records.[273] While these divisions cover many values and topics, immigration, terrorism, and refugees—the lines between which are constantly blurred during politically motivated arguments—have been topics are the forefront of media and public action in the past two years. As refugee admissions continue to drop, it was necessary to analyze the underlying arguments for the reduced admissions.

This thesis has reviewed the history of the U.S. Refugee Admissions Program, along with its evolution and the various concerns used to argue for its continued decline.

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[272] Scott Pelley, "Human Smuggling across the Southern Border," CBS News, March 11, 2018, https://www.cbsnews.com/news/human-smuggling-across-the-southern-border/.

[273] "The Partisan Divide on Political Values Grows Even Wider," Pew Research Center, October 5, 2017, http://www.people-press.org/2017/10/05/the-partisan-divide-on-political-values-grows-even-wider/.

Evidence has shown that refugees do not pose a physical security risk and there is insufficient data to entertain the allegation that terrorists have been using the program to infiltrate the United States to cause harm on American soil. Furthermore, data from numerous sources, including a leaked report the Trump administration subsequently sought to discredit, establish that instead of constituting an economic threat to the United States, refugees in fact economically benefit the United States. This thesis has provided suggestions for a pilot program that would further benefit the United States economically through the admission of higher numbers of refugees.

Finally, conservative states' arguments that their communities are not sufficiently involved in discussions regarding the placement of refugees after entry was shown to be valid. This argument exposes a failing on the part of the federal government to uphold its obligations under the Refugee Act of 1980.[274] The pilot program proposed in this thesis would also address this concern, ensuring that local communities and state leaders are involved in the resettlement of refugees not only under the newly created program, but also under traditional Refugee Admission Program methods.

Protecting our national interests as well as the interests of the world's most vulnerable populations requires a coordinated and cooperative effort. The United States lacks this cooperative attitude on a national level at this time; however, as with many societal shifts, actions taken on the local level focused on our shared humanity, without regard to political affiliation or motivation, can support foundational transformations that extend upward through society. The United States was previously a world leader in refugee resettlement and humanitarian immigration; this analysis has shown there is no tangible data to support our departure from this position. Declining refugee admission rates have negatively affected those seeking protection and have done nothing to benefit the United States. As such, it is imperative the United States reclaim its title as the world leader of refugee admissions and once again open its doors to the world's most vulnerable.

[274] While this point was shown to be legally valid and needs to be addressed, this author also concedes that it serves a secondary purpose: it supports that the conclusions reached in this thesis are academically and humanitarianly, as opposed to politically, motivated.

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