



The protection of refugees in the United States

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Abstract

Refugees are some of the most vulnerable people all over the world. They are protected not only by national legislation but also by international law. The main legal instrument is the Convention Relating to the Status of Refugees, known as Geneva Convention (1951). They have travelled to the West, Europe and United States, in order to search for a better life. America has been the destination for a great number of refugees. Before elected, Donald Trump had claimed he would change the immigration policy. When elected the President of the United States, he signed an order which suspended the refugee admission. This order has been a controversial issue, as many supported it, while others criticized it as unconstitutional.

Keywords: refugees, United States, legislation

Introduction

Refugee is any person who has been forced to flee his or her country because of persecution, war, or violence. A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a social group, as it is defined in the article 1 of the Convention relating to the Status of Refugees also known as the 1951 Refugee Convention or Geneva Convention. War and ethnic, tribal and religious violence are the main causes of refugees fleeing their countries, according to the Office of the United Nations High Commissioner for Refugees (UNHCR) ^[1].

A refugee is not immigrant.

The immigrant chooses to move not because of a direct threat of persecution or death but to improve his or her life by finding work or in some cases for education, family reunion or other reasons. Unlike refugee, immigrant receives the protection of his/her government and can return home, when he/she decides it.

On the other hand, refugees cross borders to seek safety in nearby countries. Furthermore, it is very dangerous for them to return home and they need sanctuary elsewhere. This means in case their asylum application is denied, they are in jeopardy. As a result, they are internationally recognized "refugees" with access to assistance from States, UNCHR and other organizations and the authorities have specific responsibilities towards them ^[2].

The main international instrument of refugee law is the 1951 Geneva Convention. It mentions their rights as well as the certain categories, such as war criminals, who do not qualify for refugee status. One of the most fundamental principles laid down in refugee law is that refugees should not be expelled or returned to situations where their life and freedom would be under threat. States are responsible for this protection. The initial purpose of the Convention was to protect mainly European refugees in the aftermath of World War II, but another document, the 1967 Protocol, expanded the scope of

the Convention as the problem of displacement spread around the world.

People have been forced to leave their homes since the very notion of a country was created. The first of the largest human movements was in 740 BC when Assyrian rulers conquered the land of ancient Israel and 10 of the legendary 12 tribes were expelled from these lands. Then, in 1685, Louis XIV of France issued an edict that meant the Huguenots risked state persecution if they practised their Protestant faith freely and he created one of the first recognised displacements of a people across nation states. In accordance with the estimation of the historians, around 200.000 fled their homes over the next 20 years. Some of them went to England and the rest settled in the Netherlands, Germany, especially Prussia, Switzerland, Scandinavia and Russia.

In 1881 the assassination of Tsar Alexander II unleashed a wave of brutal anti-Jewish sentiment in Russia. Some 2 million Jews went to the United States, United Kingdom and elsewhere in Europe.

During the German invasion of Belgium in the First World War, massacres of thousands of civilians and the destruction of buildings led to an exodus of more than a million people. Almost a quarter of them came to England, where the British government had offered "victims of war the hospitality of the British nation". The refugee crisis to emerge from the First World War did not affect only Belgium. After Austria-Hungary declared war on and invaded Serbia, tens of thousands of Serbians were forced to leave their country. Some of the largest atrocities committed during and after the First World War were directed at the Armenians. Due to the systematic persecution under the Ottoman Empire, half of the population was dead by 1918 and hundreds of thousands were homeless and stateless refugees. Now it has been recognised as the first genocide of the 20th century.

The situation deteriorated, when the Second World War broke out. By the time it ended, there would be more than 40 million

refugees only in Europe. The scale of the disaster was such that international law and international organisations for refugees 's protection were urgently created and evolved to become the foundation is relied upon today. Firstly, the Intergovernmental Committee for Refugees was created in 1938 and then the International Refugee Organisation in 1946. After two years, the Universal Declaration of Human Rights was signed and in 1949 Geneva Conventions, a series of four treaties- subsequently followed by three additional protocols- set out in international law what is humanitarian conduct during armed conflict, including the treatment of civilians. In 1951 Convention relating to the Status of Refugees or Geneva became the corner stone of international law on refugees.

In the meantime, the attack by a Zionist military group on an Arab village in Palestine led to the mass exodus of around 80% of Arabs on the land that was to become Israel in 1948. Later property law in Israel would prevent the return of those Arabs. Nakba, meaning 'catastrophe' is commemorated on 15 May each year. The special agency of United Nations called UNRWA created to deal with the 5 million of refugees.

As for Africa, in the aftermath of the mass slaughter in 1994 of more than 500.000 Tutsis by Hutus in Rwanda, there was a mass exodus of more than 2 million people to neighbouring countries. A lot of them settled in massive camps containing tens of thousands of people where mortality rates were exceptionally high.

Afghanistan could be said to have had refugee "crisis" as far back as 1979 when the Soviet Union occupied the country and 5 million people left their homes. Most of them ended up in Pakistan and nowadays they and their descendants number more than 1.5 million. The number of refugees has not fallen below 2 million since 1990.

Refugees have been a humanitarian issue for Iraq. It started after the war with Iran in the 1980s and deteriorated in the American invasion in 2003. According to the United Nations, today 4.7 million Iraqis have left their homes (around 1 in 6 Iraqis). Most settled in neighbouring Jordan, Lebanon and Syria living without protection and in the case of Syria, facing renewed violence. The last and the latest case is that of Syria. What started as protests, like in other Arab countries, has degenerated into a civil war^[3].

Totally, the refugees are estimated to have been 22.5 million worldwide at the end of the last year, in accordance with the UN Refugee Agency's annual Global Trends study. It is the highest number since UNCHR was founded in 1950 in the aftermath of the Second World War^[4].

Aim

The aim of this assignment is to critically evaluate whether the refugees are adequately protected in the United States.

Methodology

In this paper a legal as well as critical approach are proposed to develop the main issue. The data collected by the author comes from literature and other sources, especially academic texts, journals, newspaper articles and electronic resources. In

particular, the data obtained from the Internet may not have been monitored. All of these are being used, as the author tries to develop a reliable academic base. In addition, it is being accepted there is some bias in this study. The reason is the limitation of time, resources and experience. In other words, a handful of resources about specific place and time were used for the purpose of this study. However, critical reflection is apparent throughout the study.

Main Body

It has been widely said that the refugees of America feel like a mirage, to finally arrive at a destination that from afar seemed synonymous with democracy, liberty and opportunity.

The reality seems to be a little different.

Refugees and America have had a long and complicated relationship, which has ranged from acceptance to rejection, from humanitarian concerns to crass politics.

On the one hand, refugees have been characterized as true success stories of the country and the American people have often been impressively generous in their welcome. On the other hand, refugees have been criticized as overly dependent on public welfare and the citizens have been neglectful, disinterested and sometimes hostile towards them^[5].

It could be said that there are many points at which to begin the story of refugees and America, but the roots of the American refugee program as it exists today lie two events leading up to the Second World War. The first was the ill-fated voyage of the St. Louis in 1939. Its passengers were mainly German Jews who tried to escape from the Nazi regime. As they attempted to land in Cuba, and then sailed along the east coast of the United States, they were denied the right to land, although some 700 of them had registered for American visas and had received affidavits of support. In spite of their pleas and those of many supporters in the United States, they were rebuffed and returned to Europe to face their destinies there. The second was the attempt to pass the Wagner-Rogers bill proposed by Senator Robert F. Wagner and Edith Nourse Rogers in 1939 and 1940. The bill was an effort to permit 20.000 endangered German Jewish refugee children to enter the United States. It was carefully crafted, non-sectarian in its phrasing and with a very broad range of endorsement from organizations and prominent individuals. However, widespread criticism among Americans-including anti-Semitic attitudes held by the US State Department officials- played a part in the failure to admit the refugees^[6]. The original Displaced Persons Act of 1948 provided for 205,000 persons, but this was increased to 415,000 when it was amended in 1950^[7].

Some 3 million refugees have been resettled in the US since Congress passed the Refugee Act of 1980, which created the Federal Refugee Resettlement Program and the current national standard for the screening and admission of refugees into the country. Totally, the United States has admitted more than four million refugees (4.266.188) for resettlement since the Second World War.

Table 1: Refugees admitted in the United States since the Second World War (4.266.188)

| 1948-1952 | Displaced Persons Act | 415.000 |
|-----------|-----------------------|-----------|
| 1953-1956 | Refugee Relief Act | 214.000 |
| 1956-1957 | Hungarian refugees | 32.000 |
| 1959-1974 | Cubans | 656.000 |
| 1965-1974 | Parolees | 78.000 |
| 1975-2009 | Africa | 241.619 |
| | Asia | 1.365.683 |
| | Eastern Europe | 301.314 |
| | Soviet Union | 605.105 |
| | Near East | 229.263 |
| | Latin America | 105.829 |
| | Other | 22.375 |

As for the data's sources, they come from the United States Department of State's Refugee Processing Centre.

Table 2: Refugee arrivals by country of origin (1983-2009)

| Country of origin | Number | Percent of total |
|---------------------|---------|------------------|
| Afghanistan | 34.256 | 1.68 |
| Burma | 52.415 | 2.57 |
| Cambodia | 71.529 | 3.51 |
| Cuba | 75.186 | 3.68 |
| Laos | 128.972 | 6.32 |
| USSR (former) | 526.237 | 25.79 |
| Vietnam | 473.443 | 23.30 |
| Yugoslavia (former) | 169.003 | 8.28 |

They are the United States Department of State data as reported in annual reports of the Office of Refugee Resettlement for the period 1983-2007. For the next two years, numbers are taken directly from the United States Department of State Refugee Data Processing Centre.

From 1990 to 1995, an average of about 112,000 refugees arrived in the United States annually, with many coming from the former Soviet Union.

According to the United States Committee for Refugees, by the early 2000s, the number of refugees was around 12 million and was much reduced after 11th September 2001. The refugee program was effectively shut down for four months after the terrorist attack. When restarted, processing remained very slow, stranding many already approved refugees. Ultimately, only 27,000 refugees entered in the fiscal year 2002 and it was similar in 2003. In succeeding years, admissions rose to about 50,000 still far below the average numbers admitted throughout the 1980s and 1990s. By the end of 2006, the collapse in Iraq was again pushing the number of refugees high, to an estimated 13.9 million. 60.000 refugees were for 2008 and 75.000 for 2009. Needless to mention that there is a separate accounting for those people who apply for refugee status after arriving in the United States.

The United States accepted 84,995 refugees in the fiscal year ending in September 2016, the most in any year during the Obama administration. 31,143 refugees admitted to the country from the 1st October until 24th January [8].

In fiscal 2016, the highest number of refugees came from the Democratic Republic of Congo. The Congo accounted for

16.370 refugees followed by Syria (12.587), Burma (Myanmar with 12.347) Iraq (9.880) and Somalia (9.020). Over the past decade, the largest numbers of refugees have come from Burma (159.692) and Iraq (135.643).

Table 3: Refugees by country of origin (2016)

| Democratic Republic of Congo | 16.370 |
|------------------------------|--------|
| Syria | 12.587 |
| Burma | 12.347 |
| Iraq | 9.880 |
| Somalia | 9.020 |

California, Texas and New York resettled nearly a quarter of all refugees in the last year together taking 20.738 refugees. Other states that received at least 3.000 refugees were Michigan, Ohio, Arizona, North Carolina, Washington, Pennsylvania and Illinois. By contrast, Arkansas, the District of Columbia and Wyoming each resettled fewer than 10 refugees. Delaware and Hawaii took in no refugees.

Notably, it was said that refugees have contributed to the country.

Refugees come to the United States with varying background features bringing different skills and abilities and arriving through a wide range of often harrowing journeys.

In accordance with the New American Economy Report, they have contributed to the American economy, as they earned more than 77\$ billion in household income and paid almost 21\$ billion in taxes in 2015.

The report showed refugees have had entrepreneurship rate that outshines even that of other immigrants. The United States was home to more than 180,000 refugee entrepreneurs in 2015. This means that 13% of refugees were entrepreneurs in 2015 compared to just 11.5% of non-refugee immigrants and 9% of the United States-born population. The refugees' generated \$4.6 billion in business income that year.

Refugees have not contributed to the United States economy not only as earners but also as taxpayers. In 2015 the almost 2.3 million refugees earned a collective \$77.2 billion in household income and they paid \$20.9 billion in taxes.

In particular, they make meaningful contributions to the economies of several key states. In 18 US states, including Minnesota, Michigan and Georgia, they held more than \$1 billion in spending power. Only in California, their spending power totalled more than \$17 billion, while in Texas; the equivalent figure was more than \$4.6 billion.

Moreover, it has been proved that they have tried to integrate into the country. More than 84% of refugees who have been in the United States for 16 to 25 years have taken the step of becoming citizens, compared to roughly half of all immigrants in the country. Additionally, more than 57% of all likely refugee households own their homes.

Needless to mention the demographic challenges. Recent estimates have indicated that by 2030, 20.3% of the American population will be older than age 65, up from just 12.4% in 2000. An estimated 77.1% of refugees are working-age, compared to the just 49.7% of the American born population. Nowadays the basic issue for refugees is their religion. In particular, there is a distinction between Muslim and Christian refugees. Based on the official data, nearly 39.000 Muslim

refugees entered the United States in fiscal 2016, the highest number on record, according to a Pew Research Centre analysis of data from the State Department’s Refugee Processing Centre. In addition, Muslims made up nearly half (46%) of refugees admissions, a higher share than for Christians, who accounted for 44%. It was the first time that Muslims exceeded Christians since 2006, when a large number of Somali refugees entered the United States. From fiscal years 2002 to 2016, the country admitted 399,677 Christian refugees and 279,339 Muslim refugees, namely 46% of them were Christian while 32% were Muslim ^[9].

The American people have seldom approved of accepting large numbers of refugees. In October 2016, 54% of registered voters said the country is not responsible for accepting Syrian refugees, while 41% said it is. As for Donald Trump’s supporters, 87% of them said the United States does not have a responsibility to accept Syrians, compared with only 27% of Clinton supporters who said the same. Interestingly, public opinion polls from previous decades show Americans are opposed to admitting large numbers of refugees from countries where people are fleeing war and oppression.

Needless to mention the polls below shown on the website of Pew Research Centre ^[10].

Question: Would you approve or disapprove of a plan to permit 65,000 refugees who escaped the Communist regime in Hungary to come to the United States? (1958)

Table 4

| | |
|------------|-----|
| Disapprove | 55% |
| Approve | 33% |
| No opinion | 13% |

Question: Do you approve or disapprove of the United States government’s plan to double the number of refugees from Indochina admitted, to 14,000 a month? (1979)

Table 5

| | |
|------------|-----|
| Disapprove | 62% |
| Approve | 34% |
| No opinion | 4% |

Question: Many refugees from Cuba have come to the US recently. Do you approve or disapprove of allowing most of these Cuban refugees to settle in the United States? (1980)

Table 6

| | |
|------------|-----|
| Disapprove | 71% |
| Approve | 25% |
| No opinion | 4% |

Question: Several hundred ethnic Albanian refugees from Kosovo have been brought to the United States. Do you support or oppose the decision to bring them here? (1999)

Table 7

| | |
|------------|-----|
| Oppose | 30% |
| Support | 66% |
| No opinion | 4% |

Sources: Gallup (Hungarians, July August 1958; Albanians, May 1999), CBS/New York Times (Indochinese, July 1979; Cubans, June 1980)

Under these circumstances, the number of refugees admitted to the United States was cut by nearly half in the first three months of the Trump administration compared with the final three months of the Obama presidency reflecting the new president’s skepticism toward immigration. According to the statistics, more than 25,000 refugees were permitted to enter and reside in the United States at the end of the Obama administration. In the initial months under President Trump, the number fell to 13,000. Furthermore, in the first three months of 2017, the arrivals were 12% lower than for the same period in the previous year. The statistics were released by the Department of Homeland Security based on information supplied by the State Department.

As a presidential candidate, Donald Trump was especially critical of the Obama administration’s pledge to take in Syrian refugees, saying in a CNBC interview, “We have no idea who these people are; we are the worst when it comes to paperwork... This could be one of the great Trojan horses” ^[11]. When elected, he announced he would drastically reduce the number of refugees allowed to resettle in the United States, bringing the number to less than half of what former President Barack Obama had proposed for the current fiscal year. An executive order signed Jan. 27 by President Donald Trump suspended all refugee admissions for 120 days and banned temporarily people from seven Muslim-majority countries. In particular, all who have the nationality of Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen would not be permitted to enter the United States for 90 days or be issued an immigrant or non-immigrant visa. It prioritized refugee claims on the basis of religious persecution, so long as the applicant would belong to a religion that is a minority in their country of origin. This means the White House did not accept Muslims but Christians from the Middle East. People who have dual nationality with a non-restricted country would not be affected, so long as they would travel on the passport from the other country. Some visa categories such as diplomats and the United Nations would not be included in the suspension.

Widows with children, the elderly and the disabled would be given priority and subjected to a thorough screening process by United States security and intelligence agencies. On the Other hand, refugees persecuted for their sexual orientation or suffering from medical crises would be in limbo, because the order made no exception besides for minority religion applicants.

President Trump said the halt on the refugee programme was necessary to give government agencies time to develop a stricter vetting system and ensure that visas were not issued to individuals posing a national security threat. “To be clear, this is not a Muslim ban, as the media is falsely reporting”, the president said in a statement released on Facebook. “This is not about religion; this is about terror and keeping our country safe. There are over 40 different countries worldwide that are majority Muslim that is not affected by this order.” Similarly, officials from the United States said that it was not a Muslim ban. The order would apply to all citizens of Iraq, Iran, Syria, Libya, Somalia, Sudan and Yemen and it would not specify

Muslims. The indefinite hold on Syrian refugees would affect both Christians and Muslims.

The former chief of White House staff Reince Priebus said the seven countries had been included because Congress and the Obama administration had identified them as “the most watched countries harbouring terrorists”. What is more, White House counsellor Kellyanne Conway pointed out on Fox News Sunday, the seven nations named in Trump’s executive order are drawn from the Terrorism Prevention Act of 2015. The “Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015” named Iraq, Iran, Sudan and Syria, while its 2016 update added Libya, Somalia and Yemen. “These are countries that have a history of training, harbouring, exporting terrorists. We cannot keep pretending and looking the other way” said Conway^[12].

Moreover, the number of refugees allowed into the United States fiscal 2017 would likely decline from 110,000 to 50,000 and the country would admit no more than 45,000 refugees in the coming year, with regional caps of 19,000 for Africa, 17,500 for the Near East and South Asia (which includes most Middle Eastern countries) 5,000 for East Asia, 2,000 for Europe and Central Asia and 1,500 for Latin America and the Caribbean. The new cap is the lowest in decades for the American refugee admission program and marks an especially steep decline from recent years. Especially, last year, then-President Obama announced the United States would take in at least 110,000 refugees, up from 85,000 in the previous year.

In the report the Trump administration sent to Congress officially announcing the number of 45,000, it promised that the State Department and the Department of Health and Human Services “will work closely with UNCHR to ensure that, in addition to referrals of refugees with compelling protection needs, referrals may also take into account certain criteria that enhance a refugee’s likelihood of successful assimilation and contribution to the United States.”

“The security and safety of the American people is our chief concern” one senior United States government official told reporters on a conference call adding that the number is “consistent with our foreign policy goals and operational capacity in light of additional security vetting procedures that we are implementing and the domestic asylum backlog that (the Department of Homeland Security) is currently facing”.

Moreover, it was said the moratorium would be largely temporary. Citizens of the seven countries named as security risks would be banned from entering the United States for the next 90 days. Refugee processing would be halted for 120 days. It would last “until such time as I have determined that sufficient changes have been made to ensure that admission of Syrian refugees is consistent with national interest” as President Trump wrote.

This is not the first time the American refugee admissions have been stopped. After the 2001 terrorist attacks, the United States largely suspended refugee resettlement for four months while security measures were examined. Trump’s order opened by citing the terrorist attack on 11th September 2001 and explained the immigration suspension is necessary to give the federal government time to strengthen its vetting procedures for people coming from terror-prone countries. In the past, Jimmy Carter banned Iranian immigration in 1980,

during a crisis over 52 Americans being held hostage in Tehran. Then, Barack Obama did indeed ban immigration from Iraq.

The rationale that Trump administration used was that the United States no longer has had an obligation to open the doors to the most vulnerable people in the world. The United States has rejected the idea of a “global refugee crisis” and has taken it for granted that countries have a responsibility for the citizens’ lives and that if those countries have failed, people who are similar to the displaced citizens ought to step up to help.

When the United States and other countries were confronted with the tragic consequences of their refusals to take European Jews fleeing Nazi Germany, they turned the sentiment of “never again” into a basic humanitarian principle: Individual nations have a moral obligation to the world’s most vulnerable, no matter where those vulnerable people are from. Refugees are not always the easiest people to integrate into a new country. Some of them are not educated and do not speak foreign languages. However, they need help finding jobs and housing and they need government funds to provide that help. That kind of assistance is justified as a matter of urgency: the imminent danger that people face under this situation creates an obligation toward them that goes beyond the obligation a country might have to its own citizens.

President Trump has expressed anxiety about Muslim Americans whose families have lived in the country for generations: “Assimilation has been very hard. It is almost, I will not say nonexistent, but it gets to be pretty close. And I am talking about second and third generation”.

In Long Island in July 2017, he said that the United States had opened its doors to criminals who pretended to be asylum seekers: “You say what happened to the old days where people came into this country, they worked and they worked and they worked and they had families and they paid taxes and they did all sorts of things and their families got stronger and they were closely knit. We do not see that. Failure to enforce our immigration laws had predictable results. Drugs, gangs and violence.”

On the other hand, in front of an international audience, President Trump is not quite as dismissive of the United States’ obligation to do something for refugees. He has claimed that he is the true humanitarian, because he wants to help refugees stay close to their home countries rather than having to resettle in faraway places like the United States. As he said, in his first speech to the UN General Assembly in September: “We especially thank Jordan, Turkey and Lebanon for their role in hosting refugees from the Syrian conflict. The United States is a compassionate nation and has spent billions and billions of dollars in helping to support this effort. We seek an approach to refugee resettlement that is designed to help these horribly treated people and which enables their eventual return to their return home countries to be part of the rebuilding process. 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.”

In his opinion, there are several concurrent regional refugee

crises, which countries and their neighbours are obligated to respond. The Trump administration believes that refugee crisis is a “regional” issue. It is based on the assumption that refugees ought to stay in their “home regions” because they will be best able to assimilate there. For example, it is easier for the government of Lebanon to integrate hundreds of thousands of Syrian refugees than it would be for the government of the United States. But these neighbouring countries –Lebanon and Turkey- are hardly in a position to support tens or hundreds of thousands of some other country’s citizens ^[13].

Interestingly, this kind of policy was blocked by courts.

On 3rd February 2017 a Seattle federal judge suspended nationwide, in response to a challenge by the Washington State attorney general, who argued that the executive order violated a clause in the US constitution that prohibits the favouring of one religion over another. Two days later, a request by Trump’s administration for an immediate reinstatement of the order was rejected by the 9th Circuit Court of Appeals in San Francisco. On 9th February, a three-judge panel in the same court ruled unanimously against reinstating the ban, after hearing arguments from lawyers from the Department of Justice and Washington State.

President Trump signed a revised executive order on 6th March that banned travellers from six Muslim-majority countries, Iran, Libya, Somalia, Sudan, Syria and Yemen, for 90 days –Iraq excluded- and locked out most refugees for 120 days. Since being introduced in March, the courts have limited the scope of the revised executive order. In particular, they have ruled that the bans violate the US Constitution and federal immigration law. The justices said in June that the administration could not enforce the bans against people who have a “bona fide” relationship with people or entities in the country, but they declined to define the required relationships more precisely. The exception granted to those with “bona fide” relationships means refugees and travellers should have had familial, work or education connections to the country, for instance parent (including parent-in-law), spouse, child, adult son or daughter, son-in-law, daughter-in-law, sibling or half-sibling, or a “step” version of any of those relationships (stepparent, stepchild, etc) job offer or acceptance at a domestic university. The 9th United States Circuit Court of Appeals mentioned that grandparents, aunts, uncles, and cousins of legal United States residents would be exempt from the travel ban ^[14]. As for the Supreme Court, it allowed Trump administration to maintain its restrictions on refugees entering the United States, agreeing to block a lower court ruling that would have eased the ban and permitted up to 24,000 refugees to enter the country before the end of October. In the meantime, the President of the United States signed another order. The third version of the ban imposed permanent restrictions on travel instead of the initial 90-days suspensions. The majority of the citizens in Iran, Libya, Syria, Yemen, Somalia, Chad and North Korea and certain Venezuelan government officials and their families were to be excluded from entering the United States, while citizens of Iraq were to face more barriers to entry ^[15].

Recently, a federal judge in Hawaii who had blocked the second executive order in March issued a nationwide decision freezing most of the third travel ban the day before it was to

take effect. In particular, the decision blocked the administration from banning people from Chad, Iran, Libya, Syria, Yemen and Somalia from entering the country. But, it did not prevent the government from barring North Koreans and Venezuelans or from subjecting Iraqis to stricter scrutiny. As for the third travel ban, Derrick K. Watson of Federal District in Honolulu wrote that it “suffers from precisely the same maladies as its predecessor”. He added that the ban “plainly discriminates based on nationality in a way that undercut the founding principles of this Nation” and that the Trump administration had not shown that the United States’ national interests would be harmed by admitting travellers from the affected countries. Generally speaking, he wrote that the executive order was “simultaneously overbroad and underinclusive”. Notably, a similar decision was handed down by Judge Theodore D. Chuang of Federal District Court in Greenbelt, who had also ruled against the original ban ^[16].

On the other hand, the government denounced the judge’s order saying that the latest travel restrictions were issued based on the worldwide security review by Homeland Security officials. According to the White House’s statement, the judge’s order undercuts the President’s efforts to keep the American people safe and enforce minimum security standards for entry into the United States. “These restrictions are vital to ensuring that foreign nations comply with the minimum security standards required for the integrity of our immigration system and the security of our nation” as it was written in the statement. Moreover, it called the ban “lawful and necessary and expressed confidence that the courts would swiftly restore its vital protections”. The Trump administration noted that non-Muslim countries were added in the order. However, it was said that the addition of North Koreans and a small number of Venezuelans did little to disguise the ban’s targeting of Muslims. In addition, a spokesman for the Justice Department, Ian Prior, said that the judge Derrick K. Watson’s decision failed to “properly respect the separation of powers” between the executive branch and the judiciary and added that the administration would appeal.

The executive order has caused reactions and protests held all over the country. Attorneys General from 16 states of the country condemned Donald Trump’s executive order banning citizens of seven Muslim-majority countries travelling to the United States. In a joint statement, the officials from California, New York, Pennsylvania, Washington, Massachusetts, Hawaii, Virginia, Vermont, Oregon, Connecticut, New Mexico, Iowa, Maine, Maryland, Illinois and the District of Columbia condemned the “chaotic situation” the order had created ^[17].

Actually, the order caused major confusion at airports as officials scrambled to enforce it and was blocked by federal courts. For this reason, Amnesty International had sent researchers to airports in New York, Washington and Los Angeles to monitor the implementation of the ban and had assisted anyone who is unfairly stopped from entering the United States. The Attorneys General pointed out that “Religious liberty has been and always will be a bedrock principle of our country and no president can change that truth”.

The move was also met with bipartisan criticism in Congress. Republican senator Chuck Grassley and Democrat Dianne

Feinstein said in a rare joint statement they were “incredibly frustrated” to have been told at the “eleventh-hour” of the administration’s decision. In immigration policy analyst David Bier’s opinion, the order was unconstitutional due to a law implemented by Congress more than 50 years ago. The expert from the Cato Institute’s Centre for Global Liberty and Prosperity cited the Immigration and Nationality Act of 1965 in an article for the New York Times, which prohibits all discrimination against immigrants on the basis of national origin.

“Mr Trump asserts that he still has the power to discriminate, pointing to a 1952 law that allows the president the ability to ‘suspend the entry’ of ‘any class of aliens’ that he finds are detrimental to the interest of the United States” he wrote in the newspaper. “But the president ignores the fact that Congress then restricted this power in 1965, stating plainly that no person could be ‘discriminated against in the issuance of an immigrant visa because of the person’s race, sex, nationality, place of birth or place of residence’”. He added that the 1965 law was designed to give Americans the freedom to sponsor family members or marry a foreign-born spouse. “If Mr Trump can legally ban an entire region of the world, he would render Congress’s vision of unbiased legal immigration a dead letter” he wrote.

What is more, it is thought that the United States has the international legal obligation based on the requirement of complying with the object and purpose of the 1951 Refugee Convention and implementing legal obligations in good faith. The duty not to return a person to a state where they may face torture or other serious harms is absolute under the United Nations’ Convention against Torture which has been signed and ratified by the United States. This means that the United States cannot ban asylum seekers from certain countries. In addition, the United States has signed and ratified a number of international treaties that forbid religious and race discrimination in the operation of legal systems and this extends to operating a migration system in line with international non-discrimination protections.

As for the issue of the national safety, it has been proved no refugees have been responsible for fatal attacks in the country since the Refugee Act of 1980 set up systematic procedures for accepting refugees. According to the rights groups, President Trump’s order targeted Muslims because of their faith, but no refugees had been convicted of terrorism-related crimes.

They also said that the recent attacks in the US were carried out by US nationals or citizens of the countries not included in the Travel ban:

- Las Vegas shooting (October 2017) A US citizen
- Fort Lauderdale airport shooting (January 2017) A US citizen
- Orlando nightclub shooting (June 2016) A US citizen with Afghan parents
- San Bernardino shooting (December 2015) A US citizen with Pakistani parents and a Pakistani citizen
- Chattanooga shootings (July 2015) A Kuwait-born US citizen
- Charleston church shooting (June 2015) A US citizen
- Boston marathon bombing (April 2013) Two Russian citizens with Chechen ethnicity ^[18].

While he signed the order, President Trump cited the attacks of 11 September 2001. Notably, none of the 19 hijackers who committed the attacks came from countries included in the suspension. They were from Saudi Arabia, the United Arab Emirates (UAE), Egypt and Lebanon. Furthermore, it was pointed out that the list did not include countries where President Trump had business interests like Saudi Arabia. This argument was dismissed by Trump administration as not related.

Migrant advocacy groups, many of whom assist in resettling refugees, are against the order. “Resettlement is only an option in the most urgent refugees’ cases” said Betsy Fisher, policy director for the International Refugee Assistance Project. “It is hard to comprehend why the administration would move to limit resettlement when the need is greater than ever. We are abandoning desperate people in life-or-death situations, including children with medical emergencies, US wartime allies and survivors of torture”.

The International Refugee Assistance Project, part of the New York-based Urban Justice Centre, condemned the order, as the United States abdicates its leadership role on humanitarian issues at a time when the number of refugees is the highest since the Second World War ^[19].

In the meantime, the Canadian Council for Refugees has called on the Canadian government to withdraw from the Safe Third Country Agreement, which was signed between Canada and the US in 2004 and was rooted in the idea that both countries are equally safe for refugees. “The US was never safe for all refugees and is now even less safe”, the CCR said in a statement. “Withdrawing from the Agreement would mean that those needing Canada’s protection could apply in an orderly way at the border, rather than being forced, as now, to cross the border irregularly, putting themselves at physical and promoting opportunities for smugglers”. Notably, Canada accepted tens of thousands of Syrian refugees in 2015 and 2016, but the refugee admissions have been reduced drastically for 2017. Canada’s current goal is to represent 10 to 12 percent of all global refugee resettlements ^[20].

Apart from the politicians and judges, famous people from Hollywood expressed their opinion. The most characteristic instance is that of Angelina Jolie. In an editorial for the New York Times, the actress, who was made special envoy for refugees by the United Nations in 2012, said that the United States President’s decision to suspend refugee intake and entrance of citizens from several Muslim-majority countries risks fuelling “more instability, hatred and violence”.

“Refugees are men, women and children caught in the fury of war or the cross hairs of persecution. Far from being terrorists, they are often the victims of terrorism themselves” she wrote.

Angelina Jolie added: “We must never allow our values to become the collateral damage of a search for greater security. Shutting our door to refugees or discriminating among them is not our way and does not make us safer” ^[21].

Evaluation section

Under these circumstances, it could be said that this order is an unacceptable move from a highly developed country. Undoubtedly, one of the most vulnerable categories worldwide is refugees. They have left their homes because of a horrible situation and try to start a new life. They need

assistance and all of us should help them. This is not only a moral commitment but also a legal obligation. Many international treaties, including the Geneva Convention, mention that the countries are obliged to support the refugees as well as protect them. The number of refugees has been the highest for two years due to the war in Syria. They tried to save themselves and their families, for this reason they travelled to West. Most of them went to Europe, mainly Germany, while the destination for others was the United States. Indeed, America has often been the most crucial country of support for all, let alone for the refugees, and they have often been for America the most visible, challenging and morally significant of newcomers. Notably, the refugee admissions were really high in the last year. What is more, recent researches have shown that refugees have contributed to the American economy. According to the data, they are not criminals. The latest attacks in the country were not carried out by refugees. Under these conditions, Donald Trump, even before he was elected, had declared he would change the policy towards the refugees. Interestingly, a great number of American people agreed with him. When elected as President of the United States, he was keeping his promises to “make America great again”. A few days after his inauguration, he signed an executive order which suspended all the refugee admissions for 120 days and banned the travellers from 7 Muslim countries the entry to the United States. The basis for this order was the national safety. The Trump administration attempted to protect the American citizens from the refugees, who have not been proven criminals, as the data have shown. It is widely thought that Islamophobia has played an important role in this move.

Notably, the order has been against the international treaties and domestic law. Refugees are vulnerable; therefore they should be protected by the states. Moreover, the discriminations on the basis, of sex, race, origin and religion are prohibited. This means that the order which banned the travellers from Muslim-countries has not complied with the international and domestic legislation. It could be said that the Trump administration has rejected the 70-year-old moral framework behind resettling refugees in the United States and the refugees’ protection has not been adequate anymore.

Conclusion

There is no doubt that refugees are some of the most vulnerable groups all over the world. In particular, refugees are the people who are forced to leave their homes due to persecution, war or violence. They should be protected, for this reason; a lot of treaties have been signed. The main legal instrument has been the Convention Relating to the Status of Refugees, known as Geneva Convention (1951). The basic principle is the refugees should not be expelled or returned where it is dangerous for their lives. The number of refugees has increased for the last years mainly because of the war in Syria. Most of them went to Europe and some travelled to the United States.

America has been the destination for refugees and immigrants for many decades, as they believed that they could find a lot of opportunities in this country. However, the situation was not always ideal. Bills which protected Jewish refugees were not passed and the American citizens were not so friendly towards

them. However, the refugees tried to integrate into their new country. Moreover, they contributed to the American economy both by making entrepreneurship and by paying taxes. As the presidential candidate, Donald Trump had claimed that he would reduce the refugee and immigrant admissions if elected. As the President of the United States, he kept his promise. He signed an executive order on 27th January, which suspended all refugee admissions for 120 days and banned travellers from seven Muslim countries from entering the United States. The Trump administration said that the order was temporarily applied and protected the country from the terrorist attacks. The lower courts blocked the order, due to the fact it was unconstitutional. But later, the Supreme Court decided that it is legal and can be applied. Under these conditions, President Trump signed a reviewed order; however, the meaning was the same. A lot of experts and rights groups were against the order because it was violated the international refugee law. Furthermore, it was a discrimination based on origin and religion. It was said that refugees are neither criminals nor terrorists. They are people who need assistance and protection and search for a better life. Legislation like this order is not step in the right direction. All of us, both authorities and citizens, are morally and legally obligated to help them.

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