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Congressional Briefing

History of US Refugee Policy

Monday, October 1, 2018 at 9:00am

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The United States has provided a haven for refugees from other countries since it was created. Yet their arrival has often provoked political controversy and spurred calls to close borders. What has driven past waves of refugees and how has the federal government responded? How can the history of US refugee and asylum policy inform our understanding of current debates over refugee admittance and protections?

Maria Cristina Garcia is Howard A. Newman Professor of American Studies at Cornell University. She is the author of multiple books on immigration and refugee migration including *Havana USA: Cuban Exiles and Cuban Americans in South Florida, 1959-1994* (1996), and *Seeking Refuge: Central American Migration in Mexico, the United States, and Canada* (2006). Her most recent book is *The Refugee Challenge in Post-Cold War America* (2017), a study of the actors and interest that have shaped US refugee policy in the Post-Cold War and post 9/11 era.

Carl Bon Tempo is associate professor of history at the State University of New York at Albany. He is the author of *Americans at the Gate: The United States and Refugees during the Cold War* (2008), and co-author of *Immigration: An American History* (forthcoming). He is also the author of numerous articles and papers that explore American foreign policy and the history of immigrants in the US. He is currently working on a book entitled *Human Rights at Home: The United States and Human Rights in the 1980s*.

Alan Kraut is University Professor and Professor of History at American University. He specialized in US immigration and ethnic history, as well as the history of medicine in the US and the American Civil War. He is the author or editor of nine books. Most recently he has co-edited *Ethnic Historians and the Mainstream: Shaping the Nation's Immigration Story* (2013). He is also the author of *The Huddled Masses: The Immigrant in American Society, 1880-1921* (2001) and *Silent Travelers: Germans, Genes, and the "Immigrant Menace"* (1994), among others.

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Historically, Americans have used the term “refugee” in a variety of contexts, but the term has a precise definition in US law and this legal meaning limits those eligible for refugee resettlement in the United States.

Cold War Period

- With the Cold War dominating US foreign policy in the decades after World War II, the United States made a commitment to refugee admissions, especially from communist bloc countries. These included:
 - o Persons fleeing the Eastern bloc, such as Hungarians after their failed uprising.
 - o Cubans escaping Castro in the 1960s
 - o Indochinese fleeing the chaotic aftermath of the Vietnam War
- During the Cold War, policymakers used terms like “defector,” “escapee,” “refugee,” and “parolee,” interchangeably
- Domestic politics such as electoral considerations and events like the civil rights movement shaped who the United States considered a refugee and worthy of admission

The 1980 Refugee Act is the legal foundation of our current refugee policy. The law draws on the U.N. definition of a refugee: *a person outside of their country of nationality or habitual residence, who cannot return because of a well-founded fear of persecution on account of race, religion, nationality, membership of a particular social group or political opinion*

Post-Cold War Period

- Since the end of the Cold War, policymakers have considered a wider range of populations as potentially eligible
- The post-Cold War period has presented federal authorities with a number of challenges
 - o How do we reconcile our humanitarian obligations with domestic concerns about national security?
 - o How do we respond to the growing number of people who, since the 1980s, have petitioned for asylum on US territory?
- Refugees come from a wider range of countries than ever before
- In the aftermath of 9/11 there is a great fear of accepting refugees from certain parts of the world
- Refugees resettled in the US are among the most vetted immigrants
 - o In addition to proving a well-founded fear of persecution, applicants must provide proof of: identity, civilian status, and lack of criminal record
 - o They must have crossed an international border and must provide compelling evidence that they could not find safety elsewhere
- The vast majority of today’s refugees are never resettled in countries the United States, Canada, and other top refugee resettlement nations

American refugee admissions have been deeply embedded in social, foreign policy, cultural, and economic currents, at home and abroad. Those admissions came about only through debate in the larger political and cultural arenas, high policy discussions in Capitol Hill and the White House, and the efforts of citizen groups.