

# Human Rights First

## Discrimination, Detention, and Deportation: Immigration & Refugees

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Two major summits slated for September 2016 present opportunities for the United States to lead, and advance key components of, a comprehensive initiative to address the global refugee crisis and champion the protection of the human rights of refugees and migrants. On the 19<sup>th</sup> the United Nations will hold a High Level Meeting on Refugees and Migrants, and on the 20<sup>th</sup> President Obama will convene a Leaders Summit on Refugees. In addition, the U.N. Secretary General has called on the world's nations to develop two agreements to better address the needs and safeguard the human rights of refugees and migrants: the Global Compact on Responsibility-Sharing for Refugees and the Global Compact for Safe, Regular and Orderly Migration. In the wake of the failure of states to agree to an ambitious outcome document for the September 19 High Level Meeting, it is more important than ever for the United States to ensure that these opportunities are effectively leveraged to reinforce respect for human rights and the securing of solutions.

The number of refugees in the world has risen steeply in recent years and now exceeds 21 million. Nearly one in four has fled Syria; the number of Syrian refugees grew from about 20,000 in February 2012 to 4.8 million in 2016. Seventy-six percent of the global refugee population comes from just ten countries: Syria, Afghanistan, Somalia, South Sudan, Sudan, the Democratic Republic of Congo, Central African Republic, Myanmar, Eritrea, and Colombia. And ten countries—Turkey, Pakistan, Lebanon, Iran, Ethiopia, Jordan, Kenya, Uganda, the Democratic Republic of Congo, and Chad—host 58 percent of refugees. Several of these countries also host large numbers of Palestinian refugees. In many cases displacement has become protracted, the estimated duration of refugee situations now reaching 25 years on average up from 17 in 2003. For example, many Afghans have been displaced for decades and a third generation of Somali refugees is growing up in camps.

For the United States, resolving this global crisis is both a moral and national security imperative. In a June 2016 Statement of Principles on America's Commitment to Refugees, a bipartisan group of former national security officials stressed that, Accepting refugees, and encouraging other countries to do so, advances U.S. interests by supporting the stability of our allies struggling to host large numbers on their own. In a December 2015 letter to Congress, a bipartisan group of former national security advisors, CIA directors, secretaries of Defense, Homeland Security, and State, said, Resettlement initiatives help advance U.S. national security interests, noting that refugees are vetted more intensively than any other category of traveler.

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

Over the years the United States has often lived up to its ideals and its obligations, providing substantial levels of humanitarian aid and resettling more refugees than another country. Yet in the face of the current crisis, the country has fallen short. It has not launched and led a strong Syrian resettlement initiative to effectively support the frontline states surrounding Syria. Meanwhile at home, it has implemented a detention-and-deterrence-based approach at its southern border—an approach that violates principles central to the global refugee protection system. During the negotiations on the outcome document for the September 19 High Level Meeting the United States

proposed revisions to draft language on the detention of children that ran contrary to global human rights standards recognizing that detention is never in the best interests of children. When the United States falters in its obligations to refugees, it sends the wrong signal to other nations, encouraging rights-violating policies that exacerbate the global crisis. As U.N. Secretary-General Ban Ki-moon has pointed out, This is not just a crisis of numbers it is also a crisis of solidarity.

The international community should work harder to resolve the conflicts, human rights abuses, and violence that are causing displacement. Tackling the root causes should be a priority for this administration and the next, and for Congress. However, there is much that should be done to help refugees now.

This paper lays out key steps that the United States should take to lead a comprehensive effort to address the global refugee crisis. While the paper does not include every important action that the U.S. government should take to address the plight of refugees and migrants globally, it focuses on areas where U.S. action is vital. Most critically, the United States should champion the human rights of refugees. If basic human rights are not secured including the rights to protection from return to persecution, the ability to work legally, and freedom from deprivations of liberty and arbitrary detention refugees will continue to die, suffer, and struggle to rebuild their lives.

To truly lead by example, the United States and other nations should comply with international law. Like efforts to block Syrian refugees from crossing borders and the procedural and physical barriers erected by European states to impede and deter asylum seekers, the U.S. policy of holding families and others seeking asylum in detention facilities undermines the international refugee protection system and encourages other countries to evade their responsibilities. A strong recommitment to international refugee and human rights law is necessary not only to better help refugees, but also to pursue broader U.S. humanitarian, strategic, and national security goals.

The United States, as the single largest global humanitarian donor, is particularly well placed to work with other nations to advance U.S. goals for the Leaders Summit with respect to increased humanitarian aid, development investment, support for education, and initiatives to increase the number of refugees granted legal permission to work. The United States should also lead rather than lag on the resettlement of Syrian refugees. While the specific U.S. goals for the Leaders Summit have been narrowly defined, the United States should seize the opportunity to advance a more ambitious initiative to address the global refugee crisis, one that centers on securing state compliance with human rights and refugee protection legal obligations as well as solutions for all refugees.

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