

Bill of Rights in Action



Constitutional
Rights
Foundation

SPRING/SUMMER 2022

Volume 37 N°3

THE GLOBAL REFUGEE CRISIS



People crossing the Simon Bolivar Bridge from Venezuela into neighboring Colombia in 2019. Some intended to gather supplies and return to Venezuela, while many others were refugees fleeing Venezuela.

*no one leaves home
unless home is the mouth of a shark
you only run from the border
when you see the whole city running as well*

- From the poem "Home" by
British Somali poet Warsan Shire

“Home” is a poem about the unthinkable hardships of the refugee experience. *Refugees* are people forced to flee their homes because they fear persecution by their government, human rights violations, or other threats against their lives. Many refugees leave their countries to apply for *asylum*, or protection, in foreign countries. Those who leave their countries for other reasons, like seeking better economic opportunities, are not considered refugees under international law. Instead, they are referred to as *migrants*.

On May 23, 2022, the United Nations (UN) High Commissioner for Refugees announced that the total refugees worldwide exceeded 100 million for the first time ever. This is a global crisis.

Many refugees are displaced people within their own countries, often because of civil war. These refugees are called internally displaced persons (IDPs). In 2022, over 50 million of the world’s refugees are IDPs. Forty-two percent of refugees are children.

World War II and Displaced Persons

Before World War II, many Jews attempted to escape Nazi Germany where they and other minorities were persecuted by the government. But other countries, including the United States, often denied them visas. During the war, millions of Europeans were forcibly displaced from their homes, and six million European Jews were killed by the Nazis in a genocide called the Holocaust.

After World War II, millions of people called “displaced persons” fled Europe. Most of these people had lost their homes, family members, and even proof of national citizenship.

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Some Future Issues of Bill of Rights in Action Will Only Be Available Electronically!

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**SPECIAL
NOTICE**

Number of people displaced across borders by country of origin, 2021



However, there is no UN enforcement of the Refugee Convention and Protocol. The whole asylum process depends on the cooperation of nations that have agreed to the Convention and Protocol. They are under no obligation to accept refugees convicted of serious crimes, or those suspected of being terrorists or war criminals.

Those nations that have agreed to the Refugee Convention and Protocol must have a procedure to fairly decide if a refugee is qualified for asylum. This usually involves court hearings, a process that can take months or years.

The Criteria for Refugee Asylum Under International Law

In 1945, the newly founded United Nations began to address the problem of displaced persons caused by the war. In 1951, most nations signed the Convention Relating to the Status of Refugees. For the first time, international law defined the criteria for refugees qualifying for asylum:

Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence is unable or, owing to such fear, unwilling to return to it.

This original Convention was designed mainly for the protection of European displaced persons after World War II. The United States was not one of the signers of this Convention. But under its own Displaced Persons Act of 1948, the United States accepted 350,000 displaced persons from Europe until the act expired in 1952.

In 1967, the UN adopted the Refugee Convention and Protocol that applied the criteria for refugees seeking asylum to the rest of the world. The U.S. has signed on to this Protocol.

The Refugee Convention and Protocol includes principles for nations to protect asylum seekers and assure their safety. For example, refugees without proper documentation should not be returned to their home country if they would be subjected to persecution or their lives threatened because of race, religion, nationality, membership in a social group, or political opinion. In addition, refugees without documents who enter a country illegally should not be deported if they present themselves immediately to immigration authorities and show cause for their illegal entry.

Once a refugee is granted asylum, the nation receiving the refugee is obligated to help with resettlement. Local governments and private groups like churches often sponsor refugee resettlement.

Examples of Refugee Crises

Some recent examples of the global refugee crisis are described below.

1. The Syrian Civil War

The Assad family has ruled the Muslim-majority nation of Syria for decades. In 2011, Syrian students began protesting the harsh and corrupt dictatorship led by President Bashar Assad. He used military force to suppress the protesters. Soon the conflict exploded into civil war, with various rebel groups fighting the Assad regime.

As of this writing, the civil war continues. The United States and Saudi Arabia have funded and armed rebel groups. Iran has provided strategic and financial assistance to Assad's forces. And the Russian air force and navy have used bombs and missiles, sometimes destroying entire rebel-held cities, and to date causing as many as 23,000 civilian deaths. The Assad regime has been accused by the UN and other international organizations of using chemical weapons, which are illegal under international law.

Millions of civilian refugees have left Syria, at first to neighboring countries, especially Jordan and Lebanon. There, Syrians face poor conditions either living in refugee camps (Lebanon) or in resource-strapped cities (Jordan). Starting in 2015, many Syrians attempted the dangerous crossing of the Mediterranean Sea to reach Europe. Thousands of men, women, and children in flimsy boats have drowned in the process.

The reception of Syrian refugees seeking asylum in Europe has been mixed. At first, Germany adopted a welcoming policy and accepted over half a million refugees, more than any other European nation. But later, some Germans reacted against the refugees.

Other countries like Hungary built walls to keep the refugees out. President Donald Trump ordered a ban on refugees from Syria and certain other countries, claiming to be barring terrorists. By mid-2021, around 5.6 million Syrian refugees had fled their country, and close to seven million were IDPs within Syria.

2. The Maduro Regime in Venezuela

Upon the death of Venezuelan President Hugo Chavez in 2013, his vice president Nicolas Maduro was elected president. Maduro continued Chavez's socialist economy and authoritarian governance. The South American nation has suffered an economic collapse with massive food and medicine shortages. Extreme poverty and starvation have caused widespread suffering.

Maduro has been widely accused of using rigged elections to stay in power. He has used his military to violently suppress protests and has jailed political opponents. The United States government does not recognize Maduro as president of Venezuela, though the United Nations does.

Large numbers of Venezuelans have fled the country, seeking asylum in neighboring countries and the United States. The UN has estimated that over four million Venezuelan refugees have fled Venezuela since 2014. Over 1.8 million of them currently live in Colombia, which the UN High Commissioner for Refugees estimates has its own IDP population of almost 8.5 million people.

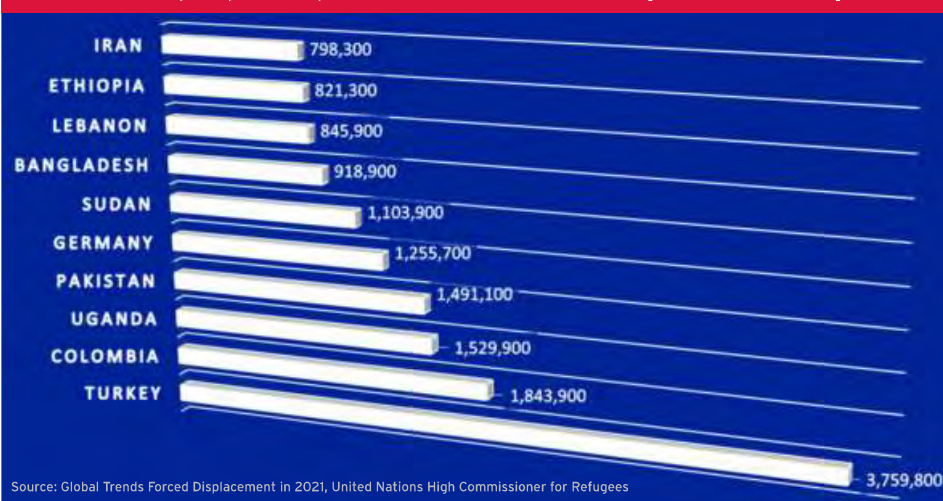
3. Wars and the Taliban in Afghanistan

The Soviet Union (now Russia) invaded and occupied Afghanistan between 1979 to 1992. U.S.-backed Afghan resistance finally drove the Soviets out of the country. But then a civil war erupted with extremist Taliban forces taking over the predominantly Muslim country.

The Taliban imposed severe religious rules on the Afghans. The Taliban also harbored Osama bin Laden, the mastermind of the 9/11 attacks. The U.S. then invaded Afghanistan in 2001 to capture or kill bin Laden, who escaped into neighboring Pakistan. In the years following the invasion, the U.S. helped replace Taliban rule with an elected Afghan government.

The Taliban launched an insurgency (armed rebellion) against the U.S.-backed Afghan government and the thousands of U.S. forces still in the country. In 2020, the U.S. and Taliban reached an agreement for U.S. withdrawal. The Afghan government finally collapsed when the U.S. left Afghanistan in 2021. The Taliban returned to power.

Number of people displaced across borders by host country, 2021



Years of warfare and Taliban rule drove many Afghans to seek asylum. By the end of 2021, the UN estimated that 2.6 million Afghans had been displaced outside their country, and 3.5 million were IDPs. In the year since the U.S. withdrawal, more than 68,000 Afghan refugees resettled in the United States, with several thousand more in the resettlement process.

4. Ethnic Atrocities in South Sudan

South Sudan, a landlocked country in central Africa, has a turbulent history. Before achieving independence from Sudan in 2011, the area experienced two civil wars, resulting in 2.5 million killed and millions more displaced inside and outside the country. Much of the violence has been among numerous ethnic groups competing for political power and control over the country's oil reserves.

After independence, a new civil war erupted between the South Sudan government and rebels. The government army's atrocities (extremely cruel acts) against rebels included the burning of villages, raping of women and girls, and killing of civilians. But in 2017, the UN Commission on Human Rights in Sudan blamed all sides for "gross human rights violations."

An uncertain peace agreement was reached in 2020. An estimated 400,000 people had been killed in this civil war. In mid-2021, the UN reported that there were over four million displaced South Sudanese persons, 2.5 million of whom were refugees seeking asylum in neighboring countries.

5. The Persecution of the Rohingya in Myanmar

Myanmar (once known as Burma) in Southeast Asia has a long history of discrimination and violence against the Rohingya Muslim minority (four percent of population) by the Buddhist majority. The Buddhist-dominated government and army have deprived the Rohingya of full citizenship, confiscated their property, and forced their labor.

In recent years, the Myanmar army has committed numerous atrocities such as mass killings, rape, torture,

and burning the homes of the Rohingya people. Thousands of them have been held in detention camps under poor conditions.

The Rohingya have lived in Myanmar for generations but have fled the country in large numbers, especially since 2017. Many have sought asylum in Bangladesh, where they mostly live in refugee camps. In mid-2021, the UN identified over one million displaced Rohingya living outside Myanmar.

A military takeover replaced the Myanmar civilian government in 2021. But the atrocities against the Rohingya have continued. In March 2022, the U.S. determined that the Myanmar military was engaged in a systematic policy of genocide of the Rohingya people.

6. Russian Invasion of Ukraine

Russian President Vladimir Putin ordered the Russian military to invade neighboring Ukraine in February 2022. Putin stated various justifications for his invasion, but many believe Putin's actual goal was to reestablish 17th century Russian emperor Peter the Great's empire, which included lands in present-day Ukraine.

The Russian military quickly adopted the same tactics they had used in Syria: bombing apartment buildings, schools, hospitals, and other civilian targets. The International Criminal Court has compiled evidence of these and other Russian atrocities.

The total number of Ukrainian civilian deaths is yet unknown, but the UN in mid-2022 documented about 4,000 killed.

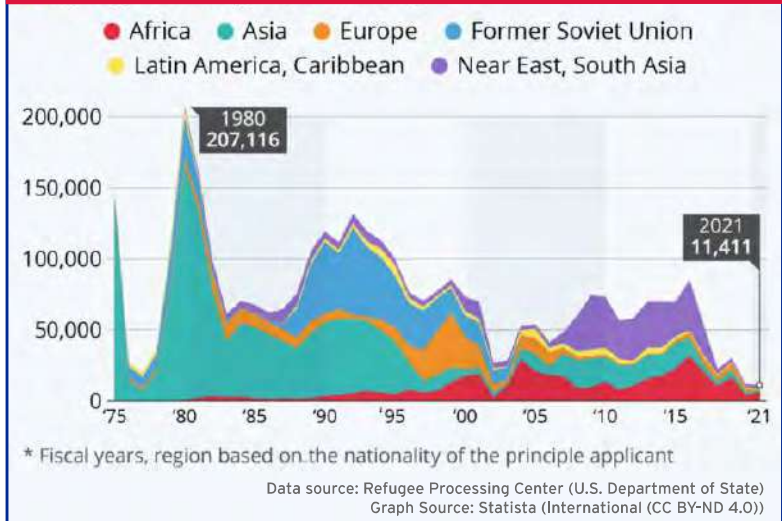
Many nations, including the United States, have condemned President Putin and Russia's invasion. Several nations have called Russia's actions war crimes and even genocide intended to destroy the Ukrainian people. By June 2022, the U.S. has supplied over \$50 billion in military and humanitarian aid to Ukraine.

According to the UN in mid-2022, over seven million Ukrainians had been internally displaced. In addition, at least 4.8 million refugees had been registered for asylum in dozens of countries, especially neighboring Poland and Hungary. These refugees have been mostly women and children. Men aged 18 to 60 were barred from leaving Ukraine so they could fight the Russians. Putin's war in Ukraine is causing the greatest refugee crisis in Europe since World War II.

Refugees and the United States

The Refugee Act of 1981 made the federal government responsible for deciding refugee asylum admissions. The official asylum screening process can take several years. The process usually starts outside the U.S. when an individual registers with the UN refugee agency that determines if he or she meets the criteria for asylum under the Refugee Convention and Protocol.

Number of individuals granted asylum in the U.S. by region of origin (1975-2021)



Those referred to asylum in the U.S. then undergo multiple interviews and security checks by U.S. officials. They take classes on American society and receive an assignment to a sponsoring American agency to help with resettlement. All this takes place before the asylum applicant is admitted to the U.S. where resettlement takes place. After five years, a refugee may apply for naturalized American citizenship.

Refugee annual quotas are set by the president and Congress. About three million refugees have been resettled in the U.S. since 1980, more than any other nation. Resettlement provides for more than asylum: resettled refugees may apply for permanent residency or even citizenship.

Undocumented Asylum Seekers

In recent decades, hundreds of thousands of men, women, and children have arrived at U.S. official entry posts along the U.S.-Mexican border without any asylum documentation. Many who illegally cross the border into the U.S. surrender to the U.S. Border Patrol. Those who attempt to avoid capture are deported when caught.

These undocumented migrants have been driven to leave their homes in Central American countries by widespread gang violence, extreme poverty, and the effects of devastating hurricanes. These people often claim asylum when they reach the United States. The practice of the Refugee Convention and Protocol is that these undocumented persons should nevertheless be processed for asylum if they show fear of persecution, which would then be determined by a U.S. immigration judge.

Past standard practice required undocumented asylum seekers at the southern U.S. border to make an argument for their case. They were then released to family members or other sponsors in the U.S. while they awaited a court date before a judge.

In recent years, the number of people encountered by border officers has been overwhelming, often over

10,000 a day. This has led to extraordinary measures taken by several presidents. Some of the undocumented were detained in camps. For a while, President Donald Trump ordered detained children and parents to be separated.

In 2019, President Trump reached an agreement with the government of Mexico known as “Remain in Mexico.” The agreement required Mexico to hold undocumented asylum seekers in their country while they waited for a hearing for their cases in U.S. courts. The backlog of cases, however, takes months if not years to be heard. Meanwhile, the asylum seekers often live in impoverished conditions subject to violence and kidnapping.

The pandemic also had an impact on asylum seekers. In 2020, the Trump administration activated a public health law, called Title 42. This allowed for the quick expulsion of most unauthorized border crossers and asylum seekers on the grounds of preventing the spread of COVID-19. This law prevents undocumented migrants from applying for asylum. Instead, they are expelled to the most recent country they travelled through (usually Mexico) or to their country of origin.

By December 2021, there was already a backlog of 1.6 million asylum cases. In June 2022, the U.S. Supreme Court ruled in favor of President Biden’s challenge to the “Remain in Mexico” policy. The court allowed Biden to end the program. The Department of Homeland Security announced, however, that it would continue to enforce Title 42.

Even with these restrictions in place, President Biden announced speeding the acceptance of 100,000 Ukrainian refugees to the United States. This led to accusations that the U.S. discriminates against refugees based on race and ethnicity, limiting refugees from non-European countries and regions in favor of those from Europe.

What do Americans think about accepting refugees seeking asylum in the U.S.? In 2018, the Pew Research Center found that 51 percent of Americans say the U.S. “has a responsibility to accept refugees into the country,” while 43 percent say it does not.

WRITING & DISCUSSION

1. Which one of the six refugee crisis examples do you think should get the most attention and aid from the U.S.? Why?
2. Do you think the “Remain in Mexico” and “Title 42” programs violate the principles of the Refugee Convention and Protocol? Why or why not?
3. Consider the role of the United States as a global superpower and especially its role in the conflicts described in the article. Should the U.S. limit the number of asylum requests it grants? Why or why not?

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ACTIVITY: Climate Refugees

Climate change resulting from global warming is having a severe impact on the refugee crisis. Millions of people have already been displaced due to drought, famine, rising sea levels, and intense storms caused by climate change. The World Bank estimates that by 2050, more than 143 million people on earth will be internally displaced in their countries due to climate issues. Tens of millions more will leave their countries.

One current example is Syria. For decades before the Syrian civil war, rising temperatures and lack of rainfall turned much of Syria’s agricultural land into desert. Hundreds of thousands of farmers lost income, and many were internally displaced. As Syria had to import its grain, food prices skyrocketed. This dire situation not only helped bring about unrest leading to the civil war, but it also has compelled millions of Syrians to become refugees.

Under international law, however, people fleeing climate change are known as “climate migrants,” not “refugees.” If they were considered refugees, they would have greater ability to legally seek asylum in other countries. The United Nations Human Rights Council (UNHCR) has begun to recognize climate refugees, but the UNHCR’s decisions are not law that UN nations must follow.

With a partner, answer the following key question:

Should the UN Convention Relating to the Status of Refugees protect people displaced because of climate change?

To answer the question, you and your partner should:

- Review the UN Convention Relating to the Status of Refugees. What refugee situations does it cover?
- Review the refugee examples described in the article. How do the circumstances of climate migrants compare to at least two of those examples?

Be ready to share your decision and your reasons with the class.

Assessment: Write a complete paragraph answering the key question.

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Standards Addressed

The Global Refugee Crisis

National World History Standard 44 (McREL): Understands the search for community, stability, and peace in an interdependent world. High School Benchmark 10: Understands the effectiveness of United Nations programs. . . .

National World History Standard 45 (McREL): Understands major global trends since World War II.

National U.S. History Standard 31 (McREL): Understands economic, social, and cultural developments in the contemporary United States. High School Benchmark 2: Understands how recent immigration and migration patterns impacted social and political issues (e.g., major issues that affect immigrants and resulting conflicts . . .)

California History-Social Science Standard 10.9: Students analyze the international developments in the post-World War II world. (8) Discuss the establishment and work of the United Nations. . . .

California History-Social Science Standard 10.10: Students analyze instances of nation-building in the contemporary world in at least two of the following regions or countries: the Middle East, Africa, Mexico, and other parts of Latin America, and China. (2) Describe the recent history of the regions, including political divisions and systems, key leaders, religious issues, natural features, resources, and population patterns.

California History-Social Science Standard 11.9: Students analyze U. S. foreign policy since World War II. (1) Discuss the establishment of the United Nations. . . .

California History-Social Science Standard 11.11: Students analyze the major social problems and domestic policy issues in contemporary American society. (1) Discuss the reasons for the nation's changing immigration policy with emphasis on how the Immigration Act of 1965 and successor acts transformed American society.

California History-Social Science Standard 12.2: Students evaluate and take and defend positions on the scope and limit of rights and obligations as + -democratic citizens, the relationships among them, and how they are secured. (6) Explain how one becomes a citizen of the United States, including the process of naturalization (e.g., literacy, language, and other requirements)

Common Core State Standards: SL.9-10.1, SL. 9-10.3, RH. 9-10.1, RH. 9-10.2, RH. 9-10.10, WHST. 9-10.10, SL.11-12.1, SL.11-12.3, RH.11-12.1, RH.11-12.2, RH.11-12.10, WHST.11-12.10.

Supreme Court Highlights

National Civics Standard 18 (McREL): Understands the role and importance of law in the American constitutional system and issues regarding the judicial protection of individual rights. High School Benchmark 2: Knows historical and contemporary practices that illustrate the central place of the rule of law (e.g., submitting bills to legal counsel to insure congressional compliance with constitutional limitations, higher court review of lower court compliance with the law, executive branch compliance with laws enacted by Congress).

National Civics Standard 21 (McREL): Understands the formation and implementation of public policy. High School Benchmark 4: Understands why agreement may be difficult or impossible on issues such as abortion because of conflicts about values, principles, and interests.

California History-Social Science Standard 8.2: Students analyze the political principles underlying the U.S. Constitution and compare the enumerated and implied powers of the federal government. (6) Enumerate the powers of government set forth in the Constitution and the fundamental liberties ensured by the Bill of Rights.

California History-Social Science Standard 12.2: Students evaluate and take and defend positions on the scope and limits of rights and obligations as democratic citizens, the relationships among them, and how they are secured. (5) Describe the reciprocity between rights and obligations; that is, why enjoyment of one's rights entails respect for the rights of others.

California History-Social Science Standard 12.5: Students summarize landmark U.S. Supreme Court interpretations of the Constitution and its amendments. (1) Understand the changing interpretations of the Bill of Rights over time, including interpretations of the basic freedoms (religion, speech, press, petition, and assembly) articulated in the First Amendment and the due process and equal-protection-of-the-law clauses of the Fourteenth Amendment.

Common Core State Standards: RH.6-8.4, RH.6-8.10; RL.8.10; WHST.6-8.10, SL.11-12.1, SL.11-12.3, RH.11-12.1, RH.11-12.2, RH.11-12.10, WHST.11-12.10.

Federal Agencies and Public Policy

National U.S. History Standard 28 (McREL): Understands domestic policies in the post-World War II period.

National Civics Standard 16 (McREL): Understands the major responsi-

bilities of the national government for domestic and foreign policy, and understands how government is financed through taxation.

National Civics Standard 21 (McREL): Understands the formation and implementation of public policy. High School Benchmark 2: Understands the processes by which public policy concerning a local, state, or national issue is formed and carried out. High School Benchmark 3: Knows the points at which citizens can monitor or influence the process of public policy formation.

California History-Social Science Standard 12.7: Students analyze and compare the powers and procedures of the national, state, tribal, and local governments. (5) Explain how public policy is formed, including the setting of the public agenda and implementation of it through regulations and executive orders.

Common Core State Standards: SL.11-12.1, SL.11-12.3, RH.11-12.1, RH.11-12.2, RH.11-12.10, WHST.11-12.10.

Indonesia Struggles for Democracy

National World History Standard 34 (McREL): Understands how Eurasian societies were transformed in an era of global trade and emergence of European power 1750-1870. High School Benchmark 3: Understands how Western culture influenced Asian societies (e.g., British policies in India compared to Dutch colonial practices in the East Indies . . .)

National World History Standard 44 (McREL): Understands the search for community, stability, and peace in an interdependent world. High School Benchmark 5: Understands the role of political ideology, religion, and ethnicity in shaping modern governments (e.g., the strengths of democratic institutions and civic culture in different countries and challenges to civil society in democratic states; how successful democratic reform movements have been in challenging authoritarian governments in Africa, Asia, and Latin America. . .)

National Civics Standard 8 (McREL): Understands the central ideas of American constitutional government and how this form of government has shaped the character of American society. High School Benchmark 3: Knows the major ideas about republican government that influenced the development of the United States Constitution. . . . High School Benchmark 10: Knows how the distinctive characteristics of American society are similar to and different from the characteristics of other societies.

California History-Social Science Standard 10.4: Students analyze patterns of global change in the era of New Imperialism in at least two of the following regions or countries: Africa, Southeast Asia, China, India, Latin America, and the Philippines. (2) Discuss the locations of the colonial rule of such nations as England, France, Germany, Italy, Japan, the Netherlands, Russia, Spain, Portugal, and the United States.

California History-Social Science Standard 12.1: Students explain the fundamental principles and moral values of American democracy as expressed in the U. S. Constitution and other essential documents of American democracy. (2) Students evaluate and take and defend positions on the scope and limits of rights and obligations as democratic citizens, the relationships among them, and how they are secured.

California History-Social Science Standard 12.9: Students analyze the origins, characteristics, and development of different political systems across time, with emphasis on the quest for political democracy, its advances, and its obstacles. (5) Identify the forms of illegitimate power that twentieth-century African, Asian, and Latin American dictators used to gain and hold office and the conditions and interests that supported them. (8) Identify the successes of relatively new democracies in Africa, Asia, and Latin America and the ideas, leaders, and general social conditions that have launched and sustained or failed to sustain them.

Common Core State Standards: SL.9-10.1, SL. 9-10.3, RH. 9-10.1, RH. 9-10.2, RH. 9-10.10, WHST. 9-10.10, SL.11-12.1, SL.11-12.3, RH.11-12.1, RH.11-12.2, RH.11-12.10, WHST.11-12.10.

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