



7. Refugees, Security, and the Task of Government

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The most meaningful Easter service of my life (Stephanie) was held in Thai, Burmese, and English, in an inner-city parish in New York's capital city. Alongside the proclamation of Christ's resurrection, dozens of refugees and refugee families were baptized into new life in Christ. Most of the baptized were physically tired-- their prior work weeks had been filled with days of manual labor in restaurants and the area mattress factory-- but we were all jubilant during and following the worship service as we celebrated their newfound freedom in Christ. As well, we celebrated their freedom from persecution and violence, freedom they experienced as a result of the US government making it possible for a local parish to resettle them in Albany.

There has never been a time when the world has been without the tragedy of people fleeing their countries due to fear of persecution because of their race, religion, ethnicity, political opinion, or membership in a particular social group. In the Middle Ages, thousands of Ashkenazi Jews were forced to move from Western Europe to Poland and Lithuania to escape predatory laws and persecution. Approximately 250,000 Belgians fled to Great Britain as World War I ravaged their country. Millions of people were forced to leave Germany, Italy, and other European countries in the 1930s and 40s as fascism grew and World War II exploded across the continent. At the end of World War II, some five million Germans had to flee from Poland as Soviet forces pushed east through Poland and thousands of Sudeten Germans were forced out of Western Czechoslovakia. These are just

a few of the many episodes of forced migration that have long since faded into history and from our memories.

Although refugees come from every corner of the world, many currently come from a broad area of instability that stretches across North Africa through the greater Middle East to Pakistan and south into sub-Saharan Africa. For thirty-eight years, Afghanistan has been the greatest source of refugees in the world. Most Afghan refugees have been displaced as a result of almost continuous warfare in their country since 1979, and nearly all Afghan refugees are located in Pakistan and Iran. Since 2011, the civil war in Syria has produced approximately 13 million refugees—about 6 million internally displaced persons (IDPs), who are stranded within Syria, and about 4.8 million refugees who have fled the country. Turkey, Lebanon, and Jordan have taken in the largest number of refugees from Syria, who now live in refugee camps or cities, without the legal standing to work or attend school in these countries.

Initially, virtually every country in Europe opened its borders to receive Syrian refugees (and some from Iraq and Afghanistan). Germany has processed almost one million refugees and Sweden is close behind. More recently, however, Europe's borders have been closing rapidly. The first blush of charity and sympathy has cracked under the strain of absorbing so many refugees. Fences have gone up along the Hungarian border, anti-refugee political parties have been gaining supporters by the thousands, and every European country—including Germany—has drastically reduced the number of refugees it will take in. The decision by Britain to leave the European Union (EU) was driven in part by a strong antipathy to refugees and immigrants. This issue has fostered a wholesale “renationalization” of politics throughout Europe as governments rebel against the collective rules of the EU, threatening the viability of the union. The United States has accepted far fewer Syrian refugees, receiving only about 15,000 in 2016, and the number is certain to decline during the Trump administration, particularly with the recent (and revised) Executive Order affecting immigration and refugees.

These days, we see harrowing pictures of thousands of refugees fleeing war and violence on TV, in newspapers, and on social media. With record numbers of displaced people, the current refugee crisis is the most serious refugee problem since World War II. Their pictures press on our consciences, and the crisis raises substantial political, legal, and ethical questions about what our response should be.

Thus far in the series, we have looked at the various responses to the crisis from churches, citizens, and non-governmental organizations. In this article, we turn finally to the role and response of government. The Center for Public Justice has developed a useful series of Guidelines for Government and Citizenship that illustrate how CPJ's vision of public life addresses the task of government and how it applies to key policy areas. In particular, the Guideline for Security and Defense, which supports the Geneva conventions on war and the application of the “just war doctrine,” has relevance here. The guideline would support specific care for refugees, as they are illegitimately displaced by war or other types of violence. The guideline also demonstrates the increasing and complicated dangers of our “shrinking” globe and, among other things, endorses fidelity to international law and

institutions and global cooperation. These CPJ guidelines can help us frame our discussion of the particular task of government in upholding public justice for refugees.

US and International Refugee Policy

Any serious attempt to address the current refugee crisis must take into account two important points about the history of US and international refugee policy. A clear understanding of a) the *context* for the development of US and international agreements and b) of the intended *scope* of these agreements is critical to a robust and helpful response to today's refugee crisis.

The context for the development of refugee policy is the aftermath of war. More specifically, the considerations of just war thinking characterized the first domestic and international efforts by governments to articulate their responsibilities to the citizens of other nations in light of war. The first consistent, broad-based, systematic efforts at home and abroad to address refugee realities occurred during the aftermath of World War II. The US Congress enacted the Displaced Persons Act in 1948, and the United Nations debated for several years before agreeing in 1951 on a hopeful solution to protecting refugees.

The 1951 Convention, grounded in Article 14 of the 1948 Universal Declaration of Human Rights, has been almost universally accepted, if not universally applied. The 1951 Geneva Convention and 1966 Protocol Relating to the Status of Refugees provide the most definitive and explicit explanation of international law concerning refugees. At the core of these agreements is a commitment to “non-refoulement,” defined as not forcing refugees to return to a country where they face serious threats to their life or freedom. Once the 1951 Convention and 1966 Protocol were adopted, they formally became part of the Geneva system of treaties and protocols governing the conduct of war among the signatories.

In the aftermath of war, the US and international community sought to uphold the primary responsibilities of government regarding both the just use of force and the protection of citizens from the unjust use of force in domestic and international agreements regarding refugees. As articulated in the Center for Public Justice's Guideline on Security and Defense, “Government's responsibility, under law, entails the protection of the political community from those who threaten life, property, and public peace.” Both US law and UN agreements made in the context of war recognize and demonstrate this commitment to the protection of citizens from the unjust use of force. The international commitment to “non-refoulement” rightly recognizes that regardless of where citizens have come from, they ought to be protected from the unjust use of force, and in the case of refugees, the unjust use of force that may occur if they were to be returned to their own nations.

Similarly, it is important to understand that the scope of the 1951 Convention and 1966 Protocol is limited to refugees. These first domestic and international efforts by governments to articulate their responsibilities to the citizens of other nations in light of war are distinct from policies regarding

other types of migrants. The UN agreements specifically do not include economic migrants, for example, as they are covered by different laws and customs.

This distinction receives little attention in the current policy debates in the United States and other nations regarding refugees. But this distinction is important, because the primary objections raised against refugee resettlement are, in reality, objections to other types of immigrants, primarily those who are economic migrants. A more constructive approach in nations where government has abdicated its responsibility to provide a working system for economic migration is for citizens to press their governments to fulfill their responsibility in this area. But at the same time, we must work to disaggregate legitimate concerns about economic migration and failed immigration policy and enforcement from the discussion about refugees, who cross international borders to seek protection from persecution, war, and violence.

Throughout the years—especially early in our history—the United States generally was open to refugees. As a country born of the violence of revolution, the United States had sympathy to others facing what was deemed the persecution of autocracy. Nineteenth-century Americans were especially sympathetic to victims of religious and political oppression. There was a significant uptick in refugees to the United States before and after World War II, especially from Eastern Europe, as the Iron Curtain cut the continent of Europe in two and the Cold War defined the international arena.

This is not to say that refugees were always welcomed with open arms. Refugees and immigrants in the United States have always faced some level of discrimination, especially in cases where the nationalities and religious affiliations of new arrivals did not fit the profile of the American communities they moved into. But with the rise of terrorism and the protracted wars in the Middle East, the acceptance of refugees here has become exceptionally controversial.

Future Forward

In light of the historic context and scope of policymaking regarding refugees, let us consider how recent policy changes and discussions reflect an adherence to or departure from the God-given task of government to uphold public justice.

Many US citizens share with our European counterparts fears that refugees are a source of crime and terrorism, that they will alter American culture, and that they have a negative economic impact, described as "taking jobs and social benefits" by one Pew study.

In terms of the economic concerns, two key policy efforts mitigate the potential for these fears to be borne out in fact in the United States. First, US government restrictions on refugee use of government-provided social services leads to better integration into American society. Unlike European nations where government-provided services are generous, our resettlement policy limits their use. Second, unlike European nations that prohibit refugees from holding jobs, refugees to the

United States are eligible to work, and overall, a greater percentage of refugees are employed than is true of the US-born population, most often in the kinds of jobs Americans are unwilling to do. Both the limits on government-provided social benefits and the access to work lead to societal integration, without a negative economic impact for the US-born population.

One major difference between the United States and Europe that also augurs well for developing a more just refugee policy along these lines is the difference in how diversity is viewed. According to Pew, European countries have a primarily negative view of diversity, while US citizens do not. This is a hopeful point on which to build in the discussion of refugee policy in the United States. Research indicates that the average American will embrace diversity more readily than his or her European counterpart.

On the issue of terrorism, many Americans voice their concerns that refugee inflows will increase the likelihood of terrorism. The current approach by advocates for refugees is to try to allay these concerns by citing data that conclusively show there is no known terror activity conducted by refugees, and at times presenting these data alongside data documenting terror acts committed by US nationals and immigrants who did not enter the United States as refugees. While these data are accurate, they are not sufficient to dispel fears of future terrorist activity.

In the debate about refugee resettlement, we must press government to address legitimate fears of terror. Government indeed holds the primary responsibility for the safeguarding of its own citizens from unjust violent acts. That might lead one to argue then, as the current administration has done, that government ought to protect its citizens by stopping or severely curtailing refugee resettlement. However, there is a strong counterargument, namely that government *expanding* the resettling of refugees is a legitimate national security investment that protects US citizens *from* future acts of terror.

As Stina Kielsmeier-Cook showed in her article earlier in this series, the US government currently conducts an extremely thorough vetting process for refugees prior to entry that addresses these national security concerns. However, every day a refugee awaiting resettlement languishes in a camp is one more day that refugee is unprotected from exposure to warped, anti-pluralist ideologies that can lead to the commitment of terrorist acts. US citizens with concerns about future terror activity should urge the administration to expand, rather than contract, the US refugee resettlement program as a legitimate upholding of government's responsibility to provide for the security of American citizens

Conclusion

As we consider the task of government in this matter, and our role as citizens holding it accountable, we hope it has become clearer that advocating for the false choice between “open doors” *or* “higher walls,” as Matthew Kaemingk described it in his article earlier in the series, is insufficient to the

complexity of the responsibilities held by government to uphold public justice. The security of persons, whether citizens or refugees, should not suffer one at the expense of the other. We must encourage our government to address two of its important responsibilities simultaneously: that of providing for the security of the nation's citizens *and* for the protection for those whose own citizenship -- abridged by violence and persecution -- must begin afresh elsewhere. We believe that fulfilling both of these responsibilities can be accomplished by careful policymaking that expands refugee resettlement in the United States.

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