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# More Lessons from Vietnam: Comparing Refugee Policy in the Cold War and the War on Terror

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**More Lessons from Vietnam:  
Comparing Refugee Policy in the Cold War and  
the War on Terror**

*An Honors Thesis submitted in partial fulfillment of the requirements for  
Honors Studies in International Studies*

By  
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## Introduction

This thesis will compare the United States' refugee policy in the Indochinese refugee crisis with its policy in the ongoing refugee crises in Afghanistan, Iraq and Syria. From 1975 to 1997 the United States admitted 1,287,399 refugees for resettlement from just three countries: Vietnam, Cambodia and Laos.<sup>1</sup> These refugees fled in multiple waves from the violence arising from the end of the wars in those three countries, and from years of state repression, "re-education," discrimination and genocide that occurred after the communist victories in 1975.<sup>2</sup> The resettlement of the many refugees from this long-unfolding humanitarian crisis spanned five administrations from Ford to Clinton, but most of the resettlement was done by the Ford, Carter and Reagan administrations.<sup>3</sup> Over this period the United States was also an active participant in the formulation of and execution of multilateral solutions to the refugee crisis, including the Orderly Departure Program set up by the United Nations High Commissioner for Refugees (UNHCR) which saw would-be refugees leaving for resettlement directly from Vietnam instead of fleeing dangerously.<sup>4</sup>

In contrast, the U.S. has resettled far fewer refugees from the countries where it has become involved in the War on Terror. The country has admitted 14,947 refugees from Afghanistan since 2002, 143,383 from Iraq since 2003, and 20,966 from Syria since

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<sup>1</sup> W. Courtland Robinson, *Terms of Refuge: the Indochinese Exodus & the International Response*, London: Zed Books, 2000, 295.

<sup>2</sup> United Nations High Commissioner for Refugees, *The State of the World's Refugees 2000: Fifty Years of Humanitarian Action*, Geneva, 1 January 2000, Accessed 1 February 2018, 82-101.

<sup>3</sup> Linda Gordon, "Southeast Asian Refugee Migration" *Center for Migration Studies Special Issues* 5, no. 3 (May 1987): 156.

<sup>4</sup> Judith Kumin, "Orderly Departure from Vietnam: Cold War Anomaly or Humanitarian Innovation?" *Refugee Survey Quarterly* 27, no. 1 (January 01, 2008): 104-105. Accessed March 11, 2018.

2011, for a total of 179,326 from all three countries.<sup>5</sup> If this number is expanded to include Special Immigrant Visa admissions, which is a visa category set up for Afghan and Iraqi nationals who worked with U.S. military personnel and contractors, the number rises to 246,729.<sup>6</sup> Although the time periods are not yet the exact same length (16 ½ years for Afghanistan, 15 ½ years for Iraq and 6 ½ for Syria vs. 22 years for the post-Vietnam response period covered), the admissions numbers are still markedly lower for the War on Terror countries than they were in the Indochina refugee crisis.

Why compare these two situations at all? Much has been made by the media of the United States' open-ended and still-ongoing military engagements in Afghanistan and Iraq, and their supposed parallels to the Vietnam War. A simple Google search for "Vietnam War Afghanistan Iraq" yields hundreds of hits discussing the similarities and differences. While it is certainly true that no two historical events are exactly the same, several factors serve to illustrate that the Vietnam War and the War on Terror engagements do share several important parallels. The most commonly cited one is length, as the Afghanistan War has passed Vietnam to become America's longest foreign war.<sup>7</sup> Both conflicts were fought against insurgencies, though it is true that the Vietnam War also featured a regular army opponent that was not present in Afghanistan or Iraq

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<sup>5</sup> United States Department of State, Bureau of Population, Refugees and Migration, Refugee Processing Center, *Refugee Admissions Report January 31, 2018*, January 31, 2018, Accessed February 26, 2018.

<sup>6</sup> United States Department of State, Bureau of Population, Refugees and Migration, Refugee Processing Center, *Cumulative Arrivals by State for Refugee and SIV - Afghan FY07 -FY17 as of February 26, 2018*, February 26, 2018, Accessed February 26, 2018; United States Department of State, Bureau of Population, Refugees and Migration, Refugee Processing Center, *Cumulative Arrivals by State for Refugee and SIV - Iraqi FY07 -FY17 as of February 26, 2018*, February 26, 2018, Accessed February 26, 2018; I have chosen to consider Special Immigrant Visa recipients alongside refugees for Iraq and Afghanistan, because, though they did not exist in the Indochinese crisis, they represent a class of persons who made up a significant portion of the Indochinese evacuees: those linked to the U.S. military and government. I believe including them makes the quantitative comparison more valid.

<sup>7</sup> Adam Taylor, "These are America's 9 longest foreign wars," *The Washington Post*, May 29, 2014, Accessed March 13, 2018.

(outside of the very initial stage of the 2003 Iraq invasion). More importantly, U.S. military involvement was justified in each instance as a necessary step to curb the spread of a dangerous ideology – communism in the case of Vietnam and Islamic terrorism in the case of Afghanistan and Iraq. Furthermore, both Vietnam and the War on Terror deployments have been viewed by the American public as a mistake, according to polling data.<sup>8</sup>

Why include Syria alongside Iraq and Afghanistan in this comparison of policies? Though it is true that the violence in Syria, and thus the refugee flows it has created, are not completely the fault of the United States (though neither were the refugee flows post-Vietnam, or from Iraq or Afghanistan), U.S. involvement in the war has been significant. The involvement of ISIS in the war is partly attributable to the United States' invasion of Iraq, which helped create the al-Qaeda insurgency in that country that eventually morphed into ISIS.<sup>9</sup> The U.S. has been involved in Syria since 2013, arming groups to fight against ISIS and the Syrian government of Assad and performing airstrikes against ISIS.<sup>10</sup> The U.S. has also ramped up its efforts against the Syrian regime itself with airstrikes on Syrian bases and U.S. troops on the ground. Secretary of State Tillerson announced that this is an open-ended commitment to both combat terrorist groups and ensure the downfall of the Assad regime.<sup>11</sup> This demonstrates that Syria has become something of a great power rivalry between the United States and Russia, who supports

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<sup>8</sup> Frank Newport, "More Americans Now View Afghanistan War as a Mistake," Gallup, February 19, 2014, Accessed March 13, 2018.

<sup>9</sup> Zachary Laub, "The Islamic State," Council on Foreign Relations, August 10, 2016, Accessed March 13, 2018.

<sup>10</sup> David Sanger, Eric Schmitt, and Ben Hubbard, "Trump Ends Covert Aid to Syrian Rebels Trying to Topple Assad," *The New York Times*, July 19, 2017, Accessed March 13, 2018.

<sup>11</sup> Julian Borger, Patrick Wintour, and Kareem Shaheen, "US military to maintain open-ended presence in Syria, Tillerson says," *The Guardian*, January 17, 2018, Accessed March 13, 2018.

Assad. The Vietnam War was also a great power proxy conflict in addition to a fight against an ideology. This, combined with Syria's connection to the Iraq invasion via ISIS, justifies its inclusion in this comparison.

Taken together, the War on Terror conflicts in Iraq, Afghanistan and Syria comprise a protracted U.S. military and political campaign to contain a hostile ideology, reduce the influence of rival powers, and build regimes favorable to its own interests. This campaign takes place in an already embattled region with a complex history and unique cultural tensions and dynamics, using both direct military assets and proxies. The United States' involvement in Vietnam can fit within this description as well, so an analysis of the refugee crises attendant to the conflicts, and their respective responses, can provide a useful look into U.S. policy and the conditions that motivate it.

To facilitate this side-by-side analysis, data on U.S. refugee resettlement has been collected from UN retrospective reports and secondary sources (for the Indochinese countries) and U.S. government published statistics (for the War on Terror countries). In order to make these two situations more directly comparable, these raw statistics are presented alongside other metrics, such as percentage of refugees created by each conflict that were resettled by the U.S., and refugees resettled as a percentage of U.S. population. This forms the quantitative comparison of the two cases. Alongside this numerical approach, each policy will be contextualized and explained by examining primary sources, such as speeches, statements, departmental reports, and State Department communiqués (where available), as well as secondary sources to understand the reasons for and behind each of the policies. U.S. opinion polls on refugee resettlement will also



be considered. These two methods will elucidate the ways in which U.S. policy has been similar and different in the two cases, and why that is so.

This research will be guided by three main questions. The first is, how exactly are the policies different? This will be mostly achieved by the quantitative consideration of the resettlement policies, with the appropriate manipulation of the variables to make the two responses more comparable between time periods. The second question is, why was each policy established in the way that it was, and what factors, particularly domestic and international political ones, were most responsible for the formulation? This will be answered with the consideration of primary and secondary works detailing the political and foreign policy climate and considerations surrounding each scenario. It is likely this comparison will shed more light on the differences between the Cold War and the War on Terror, particularly their relative strengths in motivating such a hybrid of foreign and domestic policy as refugee resettlement. The third question to be answered is, what lessons can the Indochinese refugee response teach us about the current crisis? What policies changes might the nation make in light of its historical ones?

The goal of this study is not only to determine how and why the United States responded differently to these two refugee crises, but also to determine how to apply lessons from the handling of the past crisis to the current one. To that end, this thesis will conclude with policy recommendations for a future administration that will serve to improve U.S. refugee policy, for these countries and generally, both to increase effective implementation of U.S. foreign policy goals and address ongoing humanitarian crises.

## Chapter 1: Indochinese Refugee Policy<sup>12</sup>

Prior to the 1973 ceasefire brokered by the U.S., the Vietnam War created millions of internally displaced persons (IDPs) within South and North Vietnam, who moved to the relatively safer urban areas. Some of these may actually be considered refugees, since they moved from North to South Vietnam, or vice versa, but exactly how many crossed the international border during the war is unknown. During the war there was not significant movement outside of Vietnam by Vietnamese refugees, however. The U.S government recognized this increase of IDPs but, despite its deep involvement in the war, moved virtually none to safety in the United States. The only significant immigration of Vietnamese to the U.S. before 1975 was that of war brides, who numbered in the thousands.<sup>13</sup> The U.S. also recognized that there would likely be political refugees created in both North and South Vietnam as a result of the 1973 ceasefire. However, a state department official told Congress in 1973 that he “did not anticipate them coming to the United States...it would be our opinion that they could be resettled in their own country.”<sup>14</sup> U.S. admission of refugees from the Indochinese conflicts did not start until after the fall of Saigon.

The first wave of refugee acceptances by the United States took place in 1975, with 130,400 admitted, over 95 percent from Vietnam and most of the rest from

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<sup>12</sup> The U.S. Government only publishes U.S. refugee admissions data by region, not by country, for years before 2001. In order to isolate data for the specific region under consideration, the data in this section is compiled from a variety of sources, including scholarly articles from the period and retrospective UNHCR reports and books. Data tables from these sources can be found in Appendix A.

<sup>13</sup> David M Reimers, *Still the Golden Door: The Third World Comes to America*, New York: Columbia University Press, 1992, 175.

<sup>14</sup> United States Congress, House, Committee on the Judiciary, Subcommittee No. 1, *Western Hemisphere Immigration*, 93<sup>rd</sup> Cong., 1<sup>st</sup> sess., 1973, 105.

Cambodia.<sup>15</sup> These refugees were mostly “at-risk” individuals evacuated from Saigon immediately during and after the fall of the city. They included Catholics, Buddhists, government officials, landowners, and those who worked for the U.S. government, and their families. Interestingly, the U.S. government actually intended the number evacuated (and eventually resettled) from the south to be considerably higher, with President Ford’s Interagency Task Force for Indochina recommending 197,000 Vietnamese to be evacuated. Secretary of State Kissinger eventually ordered U.S. Ambassador to South Vietnam Graham Martin on April 17<sup>th</sup> to evacuate 200,000. However, Martin was stubborn and believed a last-minute deal with the North could be reached, so he did not begin the main evacuation until twelve days later, leading to a lower number of refugees evacuated and resettled than planned.<sup>16</sup>

An interesting subset of the 1975 evacuation was Operation Babylift. This U.S. government operation airlifted 2,547 Vietnamese and Cambodian orphans for adoption in the United States and other countries from April 3<sup>rd</sup> to April 26<sup>th</sup>.<sup>17</sup> It was the brainchild of Ambassador Martin who persuaded the head of the Vietnamese government to accept the program, both so that Vietnam would gain sympathy in the U.S., and to show the rest of the world Americans’ humanitarian ways. This evacuation was very popular with the American public, as a poll found that 56 percent were in favor of the move with 32 percent opposed.<sup>18</sup> The U.S. public did not extend its favor to the broader resettlement of 1975 evacuees, however. A poll conducted in May of that year showed 49 percent of

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<sup>15</sup> Gordon, "Southeast Asian Refugee Migration," 155.

<sup>16</sup> Nghia M. Vo, *Vietnamese Boat People, 1954 and 1975-1992*, Jefferson, NC: McFarland & Company, 2005, 64-65.

<sup>17</sup> United States Agency for International Development. *Operation Babylift Report (Emergency Movement of Vietnamese and Cambodian Orphans for Intercountry Adoption, April - June 1975)*. Washington, DC. Accessed March 13, 2018.

<sup>18</sup> Reimers, *Still the Golden Door*, 176-177.

Americans opposed to allowing the evacuees to stay, against 37 percent in favor and 14 percent unsure.<sup>19</sup>

The crisis was not confined to the immediate aftermath from the fall of Saigon, however. In 1977, more refugees from Vietnam, Cambodia and Laos began to leave their countries. This trickle would turn into a flood in 1978 and 1979. Vietnam forced over a million people into “reeducation” camps and collectivized agriculture, which drove hundreds of thousands to flee in boats to neighboring countries. Additional refugees fled Cambodia’s genocidal Khmer Rouge regime and the Vietnamese invasion that dislodged it. Ethnic minorities like the Hmong (who had fought for the United States against the Communist Pathet Lao during the Vietnam War), along with landholders and farmers dispossessed by Communist reforms, departed Laos.<sup>20</sup>

The United States responded to the growth of the crisis by stepping up to resettle hundreds of thousands more refugees. From 1978 to 1985 the U.S. accepted and resettled 613,400 Indochinese refugees, including 352,800 Vietnamese, 137,800 Laotians, and 122,800 Cambodians.<sup>21</sup> The U.S. government moved against popular opinion in these later waves of resettlement. Sixty-two percent of Americans were opposed to the Carter administration’s June 1979 announcement that it would resettle 14,000 Indochinese refugees per month, but admissions went on despite this disapproval.<sup>22</sup>

As the 1980s wore on, the composition of refugees changed. This third wave began to include unaccompanied minors sent by their families because of a lack of

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<sup>19</sup> Drew DeSilver, "U.S. Public Seldom Has Welcomed Refugees into Country," Pew Research Center, November 19, 2015, Accessed April 02, 2018.

<sup>20</sup> UNHCR, *State of the World's Refugees*, 82-101.

<sup>21</sup> Gordon, "Southeast Asian Refugee Migration," 155.

<sup>22</sup> DeSilver, "U.S. Public Seldom Welcomed Refugees."

economic prospects, alongside the political dissidents and those connected to the former regime that made up the earlier waves.<sup>23</sup> UNHCR established new programs that were more stringent in vetting refugees, and thus resettlements by the U.S. and other countries declined through the 1980s and 1990s.<sup>24</sup>

Including the entire period of the crisis, from 1975 to 1997, the U.S. resettled 1,287,399 refugees from the region.<sup>25</sup> Approximately 3 million refugees fled in total from Vietnam, Cambodia and Laos in the same period. Of these, 2.5 million were eventually resettled outside of the three countries concerned, while roughly half a million were repatriated or returned, either voluntarily or involuntarily.<sup>26</sup> This means the United States resettled 43% of all the refugees that fled, and 51% of all the refugees that were ultimately resettled somewhere. For further context, the population of the United States in 1975 was 215,973,199.<sup>27</sup> This means that the total number of resettled refugees, admitted over twenty years, would have constituted 0.59% of the U.S.'s population in 1975. These figures will be compared to their contemporary counterparts in the next chapter.

The very definition of refugee that the United States operated under at the beginning of the Indochinese crisis was driven by foreign policy considerations. Congress passed the Immigration and Nationality Act in 1965, which markedly departed from America's previous immigration policy. The new act abolished the system of national origin quotas, instead setting up seven categories for immigrants that mostly focused on family reunification and those with skills that would benefit the U.S. economy. The

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<sup>23</sup> Vo, *The Vietnamese Boat People*, 97-98.

<sup>24</sup> UNHCR, *State of the World's Refugees*, 101.

<sup>25</sup> Robinson, *Terms of Refuge*, 295.

<sup>26</sup> UNHCR, *State of the World's Refugees*, 99.

<sup>27</sup> "Historical National Population Estimates: July 1, 1900 to July 1, 1999," U.S. Census Bureau, June 28, 2000, Accessed February 3, 2018.

seventh category was reserved for refugees, creating for the first time a permanent refugee provision in U.S. immigration law.<sup>28</sup> The Act defined refugees in a very particular way, as those fleeing from “Communist or Communist-dominated” countries or areas, or the general area of the Middle East, and were unable to return to their homes because of race, religion, or political opinion.<sup>29</sup> This definition was still in place in 1975 at the start of the Indochinese crisis. The 1965 statute was clearly driven by the framework of Cold War politics and the constant need for America to outshine communism in general and the Soviet Union in particular. This same framework was still in place in 1975 when the crisis began, and remained a factor in the U.S. government’s refugee policy for years.

The Ford administration certainly had its hands full in the spring of 1975. Besides a lagging economy and the continuing fallout from the Watergate Scandal, Ford inherited the problem of the Vietnam War from his predecessors. By 1975 it was becoming clear that the ceasefire with the North would not hold. The North Vietnamese Army began their offensive in January and had reached the outskirts of Saigon by April. As they closed in on the city, the administration set up an Interagency Task Force for Indochina Refugees on April 18<sup>th</sup> to evaluate the government’s options.<sup>30</sup> Although the response was delayed by personnel on the ground, the direct evacuation by the government and subsequent naval pickup of thousands that had escaped in boats was still a decisive action by the administration. This evacuation was done without direct Congressional authorization (though they had been consulted, hard details were never agreed). In fact,

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<sup>28</sup> Reimers, *Still the Golden Door*, 80-81.

<sup>29</sup> *An Act to amend the Immigration and Nationality Act, and for other purposes*, Public Law 89-236, *U.S. Statutes at Large* 79 (1965): 913.

<sup>30</sup> Robinson, *Terms of Refuge*, 18.

by the time legislation was passed that allocated funds to pay for resettlement and provided legal status for the refugees, the majority of them were already on U.S. soil.<sup>31</sup>

Ford had two main reasons for the 1975 evacuation and resettlement. The first was a sense of duty and responsibility to the refugees. His executive order in May 1975 that established an Advisory Committee on the issue demonstrates this sense. He described the refugees as those who “stood by America as an ally,” and argues that Americans “must open [their] doors and [their] hearts.” He also hearkened back to America’s history as a place of refuge for victims of persecution and intolerance.<sup>32</sup> In this statement he asserted America’s moral duty to both uphold its history as a haven, and its duty to stand by its wartime allies.

Besides moral duty, Cold War political concerns motivated Ford’s claim that America must accept the Vietnamese refugees and provide them a new home. In an address to Congress, Ford reminded Americans of the Hungarian and Cuban refugees that they had accepted in the preceding two decades. He likened these to the Vietnamese evacuees, saying “Now, other refugees have fled from the Communist takeover in Vietnam. These refugees chose freedom.”<sup>33</sup> By linking the refugee admissions to America’s wider struggle against Communism, he could justify the expenditure and effort required to resettle and integrate these refugees into America.

Ford also believed that Indochinese refugee admissions could help America recover its image as a benevolent nation after the Vietnam debacle. An incident that

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<sup>31</sup> Reimers, *Still the Golden Door*, 179.

<sup>32</sup> Gerald Ford, “Executive Order 11860—Establishing the President’s Advisory Committee on Refugees,” Executive Order, Washington, DC, May 19, 1975.

<sup>33</sup> Carl J. Bon Tempo, *Americans at the Gate: the United States and Refugees during the Cold War*, Princeton: Princeton University Press, 2008, 147.

occurred on Guam in the summer and fall of 1975 highlights this fact. Guam was one of the staging areas for Indochinese refugees before permanent locations were found for them. Here, around 1,600 evacuees claimed that they had been taken from Vietnam against their will and demanded to be allowed to return. The administration initially tried to stonewall their request, as the sight of evacuees returning to the Communist nation would undercut the humanitarian image the U.S. wanted to cultivate with its resettlement program. However, after some of the would-be repatriates received media attention by beginning hunger strikes, and others set fire to buildings in a riot, the administration folded and allowed them to use a former South Vietnamese merchant vessel to return home. U.S. officials still attempted to manipulate media coverage surrounding the event, however. Kissinger requested that coverage should emphasize the “basic humanitarian nature of our effort.”<sup>34</sup> The repatriation incident serves to demonstrate the importance the Ford administration placed on Indochinese refugee resettlement as a means to rebuild image and credibility.

President Carter’s term in office coincided with the second-wave surge of boat people and land people refugees that began in 1977 and grew rapidly in the next two years. The Carter administration’s response was to admit tens of thousands of Indochinese unilaterally (and against the public’s wishes), but it also worked to involve the rest of the world in managing the crisis. The administration’s response was tied to its foreign policy, in ways both particular to Carter’s political priorities and to familiar Cold War reasoning.

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<sup>34</sup> H. M. Stur, ““Hiding Behind the Humanitarian Label”: Refugees, Repatriates, and the Rebuilding of America’s Benevolent Image After the Vietnam War,” *Diplomatic History* 39, no. 2 (2014): 223-225, 241.



The violence and trauma of the Vietnam War, both overseas and at home in the U.S., helped unravel the liberal consensus that America's moral as well as strategic imperative was to contain the spread of communism at all costs. Americans began to question whether anti-communist intervention was effective, and if it had subverted the nation's values. This reflection led some to make calls for human rights to be a new organizing principle in U.S. foreign policy. These calls found a champion in Jimmy Carter, who incorporated them into his domestic and foreign policies, and promised to have "a total commitment to the preservation of human rights, individual liberty, and freedom of conscience."<sup>35</sup>

The president's generous refugee admissions policy can be viewed as part of his framework of human rights promotion. Carter made this connection explicitly in a 1978 speech marking the 30<sup>th</sup> anniversary of the Universal Declaration of Human Rights. He stated that "Refugees are the living, homeless casualties of one very important failure on the part of the world to live by the principles of peace and human rights." He goes on to state Americans' duty, both as humans and descendants of refugees, to accept them into the country. The address continues to establish that "Human rights is the soul of our foreign policy...because human rights is the soul of our sense of nationhood."<sup>36</sup> This link from U.S. refugee resettlement policy to U.S. foreign policy, when presented in such stark terms, demonstrates the importance the former had to the latter for the United States. This connection is further borne out by State Department memos to the UN

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<sup>35</sup> Barbara J. Keys, *Reclaiming American virtue: the human rights revolution of the 1970s*, Cambridge, MA: Harvard University Press, 2014, 51, 236.

<sup>36</sup> Jimmy Carter, "Universal Declaration of Human Rights Remarks at a White House Meeting Commemorating the 30th Anniversary of the Declaration's Signing," Speech, Washington, DC, December 6, 1978, The American Presidency Project.

mission that emphasized the importance of the boat people crisis to the US and the UN's human rights work.<sup>37</sup>

Besides Carter's focus on refugee resettlement as part of the nation's human rights promotion efforts, he also used traditional Cold War logic to justify Indochinese refugee admissions. He believed the U.S. had a special responsibility to assist the boat people due to the United States' involvement in the Vietnam War that so deeply affected all three countries. He also responded to criticism of refugee admissions by describing the boat people as "persecuted by a Communist government in Vietnam, which has taken away from them their basic rights." This reassertion of anti-Communist rhetoric helped win over conservatives and neo-conservatives, who in turn supported boat people admissions.<sup>38</sup> The Carter administration's expert on Indochina, Richard Holbrooke, also pointed to the pressure that the refugees were placing on ASEAN countries like Thailand and Indonesia, allies that were important against Communism's further spread.<sup>39</sup> Even in a supposed new era for U.S. foreign policy, Cold war logic was paramount and helped make refugee resettlement less of a wedge issue.

Presidents Ford and Carter admitted these high numbers of refugees under the "parole power" provision of the Immigration and Nationality Act, which allowed the president to circumvent immigration quotas to admit foreigners in extraordinary cases.<sup>40</sup> As Indochinese refugees continued to be admitted under this emergency measure, Congress moved to normalize the process by passing the Refugee Act in 1980. It set a

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<sup>37</sup> United States Department of State, *Telegram From the Department of State to the Mission in Geneva and the Mission to the United Nations (September 7, 1978)*, Accessed January 31, 2018.

<sup>38</sup> Bon Tempo, *Americans at the Gate*, 154.

<sup>39</sup> *Ibid*, 153-54.

<sup>40</sup> Cristina Rodriguez and Adam Cox, "The President and Immigration Law," *Yale Law Journal* 118, no. 4 (January 1, 2009): 501-504, Accessed April 6, 2018.

refugee admissions ceiling of 50,000 per year, but allowed the president to increase it after consultation with Congress. The Refugee Act also changed the definition of refugee from the previous anti-Communist one, to include anyone outside their home country with a “well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.”<sup>41</sup> This put the United States in line with the UN’s language on refugee definition. The effects of this law were not felt immediately, as President Reagan initially kept admissions ceilings high, but the removal of the parole power has had an impact on future crises.

The Reagan administration, though it did not admit as many refugees from Indochina as the Carter administration before it, still resettled tens of thousands per year.<sup>42</sup> Although Reagan did not place the same emphasis on international human rights promotion as Carter did, he was a strident anti-Communist, and so the refugee policy’s important role in foreign policy continued. Refugee resettlement as a component of America’s image was even important enough to Reagan that it featured prominently in his farewell address to the nation in 1989. Reagan told the story of an Indochinese child who, when pulled from the sea by a Navy sailor, said “Hello American Sailor. Hello, freedom man.”<sup>43</sup> Reagan then used this image of America helping a refugee to represent America’s broader mission of standing for freedom and leadership in the world.

Besides its own resettlement initiatives, the United States was very involved in the process of finding international solutions to the Indochinese refugee crisis. President Carter, at a June 1979 meeting of the G7, was able to convince each of the members to

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<sup>41</sup> Bon Tempo, *Americans at the Gate*, 177-178.

<sup>42</sup> Gordon, "Southeast Asian Refugee Migration," 156.

<sup>43</sup> Reagan, Ronald. "Farewell Address to the Nation." Speech, Washington, DC, January 11, 1989. The American Presidency Project.

increase funding for UNHCR's budget and to resettle more refugees. He did this by leading from the front, with an announcement that the U.S. would increase its monthly resettlement to 14,000 refugees, in order to pressure other nations to contribute more.<sup>44</sup> The U.S. also sent vice-president Walter Mondale to chair UNHCR's 1979 international conference of 65 countries on the crisis, whose solutions involved countries of origin, countries of first asylum and countries of resettlement working together.<sup>45</sup> Later, the United States was also a member of the 1989 Comprehensive Plan of Action, which introduced stricter refugee status determination alongside another push for resettlement in a bid to end the long crisis.<sup>46</sup>

One specific international program in which the U.S. had a heavy hand is worth discussing: the Orderly Departure Program (ODP). This innovative program, which began in 1979, allowed would-be refugees to apply for resettlement from Vietnam, rather than leave their homes on a dangerous sea journey to become official refugees. Over 650,000 Vietnamese were resettled to various countries through the ODP.<sup>47</sup> 458,367 of these came to the United States.<sup>48</sup> Although it was officially set up by UNHCR, the U.S. government pushed the agency to develop the program so that it could work for U.S. interests. (Since the U.S. had no diplomatic relations with Vietnam, they could not play a direct role in the process). The ODP was used by the U.S. government to both reduce the number of refugees leaving the country (and thus help Vietnam's neighboring countries,

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<sup>44</sup> Bon Tempo, *Americans at the Gate*, 150.

<sup>45</sup> Robinson, *Terms of Refuge*, 53-54.

<sup>46</sup> W. Courtland Robinson, "The Comprehensive Plan of Action for Indochinese Refugees, 1989-1997: Sharing the Burden and Passing the Buck," *Journal of Refugee Studies* 17, no. 3 (2004): 320-21, Accessed January 31, 2018.

<sup>47</sup> Kumin, *Orderly Departure from Vietnam*, 104-05, 116.

<sup>48</sup> Robinson, *Terms of Refuge*, 294.

U.S. allies), and to secure from Vietnam those of concern to the United States, including family members of U.S. citizens and former U.S. government employees.<sup>49</sup>

The United States pursued an active and decisive policy of resettlement of Indochinese refugees during the crisis. This was primarily an executive branch activity, with Congress following behind with funding and legalization of status resolutions, which led to the 1980 Refugee Act that formalized the process. Refugee resettlement policy was used as a component of foreign policy, in order to assist U.S. allies in the region and to rebuild America's benevolent image after the Vietnam War. Cold War politics also played a huge role in motivating the policy. The U.S. participated in, and in some cases spearheaded, multilateral solutions to the crisis.

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<sup>49</sup> Kumin, *Orderly Departure from Vietnam*, 111.

## Chapter 2: War on Terror Refugee Policy

The refugee flows emanating from Afghanistan, Iraq and Syria cannot be as neatly divided as the three phases that came from Vietnam, Cambodia and Laos. While not all geographically or temporally contiguous, the refugee crises are all linked by U.S. involvement in the countries that spawned them, involvement that was and is controversial and not particularly successful in achieving American aims (as was the case in Southeast Asia).

America's long involvement in the War on Terror began in Afghanistan, which the U.S. invaded in 2001 to dislodge the Taliban government that was sheltering Al Qaeda. The United States, along with its NATO allies, established military bases and attempted to rebuild the country as a democracy, but has ended up fighting a Taliban insurgency since the invasion that lasts to this day. Seventeen years on from the initial invasion, the Taliban completely controls or is openly active in 70 percent of the country.<sup>50</sup>

The conflict has created large numbers of refugees and IDPs, though these numbers have fluctuated greatly with the conflict and many of both are unregistered, making analysis difficult. However, UNHCR reports that there were 3.6 million refugees outside Afghanistan before the invasion, and that there are currently 2.8 million located outside the country.<sup>51,52</sup> While these statistics seem positive on their face, this reduction

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<sup>50</sup> Shoaib Sharifi and Louise Adamou, "Taliban Threaten 70% of Afghanistan, BBC Finds," BBC News, January 31, 2018, Accessed April 09, 2018.

<sup>51</sup> United Nations High Commissioner for Refugees, "UNHCR Afghan Refugee Statistics 10 Sep 2001," ReliefWeb, September 10, 2001, Accessed April 09, 2018.

<sup>52</sup> United Nations High Commissioner for Refugees, "Persons of Concern," UNHCR Population Statistics, 2018, Accessed April 09, 2018.

of refugees is due not to resettlement but repatriation. This repatriation has been at times voluntary and at times coerced by Afghanistan's neighbors.<sup>53</sup> These Afghan refugees have been forced to return to a country that is still not safe by most measures, which has caused the IDP population to more than double during the long war, so it is hard to defend this repatriation as a "win."<sup>54</sup> Seventy-two percent of refugees who have returned have been subsequently displaced at least twice by continuing violence.<sup>55</sup>

The United States justified its 2003 invasion of Iraq in part by claiming that Saddam Hussein was harboring and supporting al-Qaeda, making the invasion part of the campaign to contain terrorism. The U.S. achieved its initial war aim of removing the Ba'athist government from power quickly, but the subsequent process of nation-building proved much more difficult, as in Afghanistan. The dismantling of the existing state and military led to the rise of an insurgency that al-Qaeda used to gain a foothold in the country it did not have previously. The invasion also unleashed sectarian tensions that erupted in violence between Sunnis, Shi'ites and religious minorities.<sup>56</sup>

As in Afghanistan, many fled the country to escape the violence while many others were displaced within the country. UNHCR reported that there were approximately 400,000 Iraqi refugees worldwide before the U.S. invasion, but by 2008 that figure had risen to 2.4 million.<sup>57,58</sup> This was accompanied by the creation of 2.7

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<sup>53</sup> Josh Smith, "Rights Group Says Pakistan Has 'forced' Mass Afghan Refugee Returns." Reuters. February 13, 2017. Accessed April 09, 2018.

<sup>54</sup> UNHCR, "Persons of Concern."

<sup>55</sup> Samuel Hall, "Escaping War: Where to Next? The Challenges of IDP Protection in Afghanistan," Norwegian Refugee Council, January 24, 2018, Accessed April 09, 2018.

<sup>56</sup> Joseph Sassoon, *The Iraqi Refugees: The New Crisis in the Middle East*, London: Tauris, 2011, 1-6.

<sup>57</sup> United Nations High Commissioner for Refugees, "Iraqi Refugee and Asylum-Seeker Statistics," UNHCR, March 2003, Accessed April 09, 2018.

<sup>58</sup> Sassoon, *The Iraqi Refugees*, 5.

million IDPs over the same period.<sup>59</sup> The United States withdrew its combat forces in 2011, but violence and refugee flows would continue. ISIS, which traces its lineage to the post-invasion insurgency, embarked on a campaign of bombings, territory seizure and ethnic cleansing beginning in 2014. This has prompted over 260,000 refugees to flee to neighboring countries.<sup>60</sup>

For the United States, the Syrian Civil War has become both an anti-terror conflict and a proxy conflict against rivals. The civil war began in 2011 with popular protests that were part of the Arab Spring, but Islamic terror groups including ISIS have contributed significantly to the carnage. Meanwhile, U.S. rivals Iran and Russia have supported the Assad regime throughout the conflict. American military involvement began solely to combat ISIS and other jihadist groups, but has now been expanded to directly challenge the Assad regime (and by extension, its foreign supporters). The humanitarian costs of the conflict have been astronomical, however. After seven years of war, more than 5.6 million Syrians are registered refugees (although the true number is probably higher, since Lebanon has banned refugee registration since 2015). 4.1 million of these have come since 2013, when the U.S. entered the conflict by arming and funding resistance fighters. On top of the refugees, the Syria conflict has created 6.5 million IDPs.<sup>61</sup>

The numbers of refugees the U.S. has admitted from these protracted conflicts has been a small proportion of their total numbers. In Afghanistan, the United States has resettled 14,947 refugees from FY 2002-2018. It has also admitted around three times as

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<sup>59</sup> Ibid, 5.

<sup>60</sup> United Nations High Commissioner for Refugees, "Iraq Emergency," UNHCR, December 7, 2017.

<sup>61</sup> United Nations High Commissioner for Refugees, "Syria Regional Refugee Response," UNHCR Operational Portal, March 29, 2018, Accessed April 09, 2018.



many Afghans as Special Immigrant Visa holders, 49,170 in total. From Iraq, the United States has resettled a much higher number of refugees, 143,383 since 2003, while admitting 18,167 on SIVs. Syria has seen far fewer refugees admitted to America, with only 21,062 since the start of the civil war (21,002 since 2013).<sup>62</sup>

In relative terms, this is far less than the U.S. took in during the Indochinese crisis. Iraqi refugees resettled by the United States as a percentage of the total Iraqi refugee population is 6.34 percent, which rises to 7.14 percent if SIVs are included. For Syria, the same figure is 0.37 percent. These figures are certainly smaller than the 43 percent share from the Indochinese crisis. As a proportion of U.S. population, the total refugee and SIV admissions (246,729) for the three countries for the period covered is 0.09% (using 2001 as the base year).<sup>63</sup> The corresponding figure for the Indochinese response was 0.59%.

The terrorist attacks of September 11<sup>th</sup>, 2001 had a huge impact on the Bush administration's refugee policy towards Afghanistan and Iraq. In the immediate wake of the tragedy, the president ordered the entire refugee admissions program suspended for more than two months. This included canceling admissions for refugees that had already made it through the lengthy approval process.<sup>64</sup> After the freeze, the State Department implemented stricter security checks to supplement the admissions process.<sup>65</sup> This was an understandable and justified change to the process, given the traumatic nature of 9/11.

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<sup>62</sup> See table in Appendix B for year by year breakdown and sources for this data.

<sup>63</sup> US Census Bureau, "Statistical Abstract of the United States: 2001," US Census Bureau, March 01, 2002, Accessed April 09, 2018.

<sup>64</sup> Meital Waibsnaider, "How National Self-Interest and Foreign Policy Continue to Influence the U.S. Refugee Admissions Program," *Fordham Law Review* 75 (2006): 391-426, Accessed March 10, 2018.

<sup>65</sup> Arthur Dewey, "Immigration After 9/11: The View From the United States," U.S. Department of State, April 3, 2003, Accessed April 09, 2018.

However, after refugee admissions resumed, they were at much lower levels than they had been before 9/11. The Bush administration set its admissions ceiling at 70,000 for 2002 and kept it there through 2007, raising it to 80,000 in 2008. However, the nation admitted significantly fewer than that in each of those years.<sup>66</sup> Very few refugees were admitted from Afghanistan and Iraq during these years, even as they began to pour out of Iraq following the instability caused by the invasion. President Bush did mention refugees in several statements and speeches, but it was usually to illustrate the evil regimes that were creating them. In his 2003 State of the Union he related stories of Saddam Hussein's regime that came from refugees as part of his justification for the coming invasion.<sup>67</sup> Congress also authorized the Special Immigrant Visa Program during Bush's tenure, which was intended to reward Iraqis and Afghans who assisted the U.S. government in its mission.

President Obama inherited the Afghanistan and Iraq Wars from the Bush administration in 2009, along with their refugee and IDP situations. His administration markedly increased refugee admissions of Iraqis, keeping them near or above 10,000 annually throughout his entire tenure. His second term also saw a large surge in the issuance of SIVs, which may have been due to U.S. withdrawal of troops from Iraq and a drawdown in Afghanistan.

The refugee crisis in Syria also became an issue during the Obama administration, and it responded slowly to this crisis. The U.S. admitted fewer than 2,000 refugees from Syria in the first 5 years of the war, despite the fact that millions had fled, and the U.S.

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<sup>66</sup> "U.S. Annual Refugee Resettlement Ceilings and Number of Refugees Admitted, 1980-Present," Migration Policy Institute, January 06, 2018, Accessed April 07, 2018.

<sup>67</sup> George W Bush, "Address Before a Joint Session of the Congress on the State of the Union," Speech, Washington, DC, January 28, 2003, The American Presidency Project.

was a participant in the conflict. The president eventually pledged to take in 10,000 Syrians in 2016. Critics pointed out that European nations planned to accept far more, and even Venezuela planned to accept 20,000.<sup>68</sup> Paralleling their reactions in 1975 and 1979, the U.S. public opposed this plan, with sixty percent opposed and thirty-seven percent in favor.<sup>69</sup> The administration met this goal despite the criticism, and followed it up with plans to increase the global admissions ceiling for 2017 from to 110,000. Obama made this announcement in a speech at the United Nations, and called on the other nations of the world to follow that example to increase resettlement.<sup>70</sup> This attempt echoes Jimmy Carter's attempts in 1979 to use the U.S. as an example to inspire other countries. This final policy change would prove to be mostly symbolic, however, as Donald Trump's victory in 2016 brought a drastic change to U.S. refugee policy.

Trump campaigned on a promise to cut U.S. refugee admissions, and those from Syria specifically (after a brief period when he supported Syrian admissions as a humanitarian measure). This was part of his wider promises to reduce U.S. immigration. He even called Syrian refugees "a great Trojan Horse for the U.S.," claiming they posed a giant security risk in order to play off of many Americans' continuing fears of terrorism.<sup>71</sup> Trump quickly delivered on this promise. One of his first actions as president was the so-called "Muslim ban," which blocked travel from seven Muslim-majority nations, but also suspended all refugee admissions for 120 days and banned Syrian

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<sup>68</sup> Gardiner Harris, "Obama Increases Number of Syrian Refugees for U.S. Resettlement to 10,000," *The New York Times*, September 10, 2015, Accessed April 9, 2018.

<sup>69</sup> Jeffrey Jones, "Americans Again Opposed to Taking In Refugees," Gallup.com, November 23, 2015, Accessed April 10, 2018.

<sup>70</sup> Obama, Barack. "Remarks at the Leaders' Summit on Refugees in New York City." Speech, New York, NY, September 20, 2016. The American Presidency Project. Accessed April 10, 2018.

<sup>71</sup> Joseph Tanfani, "Donald Trump Warns That Syrian Refugees Represent 'a Great Trojan Horse' to the U.S.," *The Los Angeles Times*, October 19, 2016, Accessed April 9, 2018.

refugees indefinitely.<sup>72</sup> This order, including the shunning of refugee admissions, drew criticism from many countries, including America's allies in Europe doing just the opposite. Despite that original order being mostly blocked in the courts, Trump has followed through on his promise to resettle fewer refugees, and especially fewer refugees from Syria. At the same time, he has admitted record numbers of Special Immigrant Visa holders. This may indicate the administration plans to stay strategically involved in Iraq and Afghanistan, and needs to ensure it can continue to recruit local allies.

The United States' has resettled fewer refugees from War on Terror related countries than it did in the Indochinese crisis, both in absolute and relative terms. The September 11<sup>th</sup> terrorist attacks brought a halt to all refugee admissions, and they did not rise back to pre-2001 levels until the Obama administration. Although refugee admissions were low, Congress did create the Special Immigrant Visa program to recruit and reward local Iraqis and Afghans, using refugee-like policy as a component of foreign policy. The Trump administration has continued the SIV program, but has been incredibly hostile to not just the practice of but the concept of refugee resettlement, marking a dramatic shift in U.S. policy.

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<sup>72</sup> Exec. Order No. 13769, 3 C.F.R. (2017).

### **Chapter 3: Analysis**

The legacy of America's military failure in Southeast Asia weighed extremely heavily on its subsequent refugee policy in the region. By the end of the Vietnam War, Americans had come to grips with the idea that their involvement in the region was unsuccessful, and the rapid collapse of South Vietnam confirmed this. The refugee crisis itself arose (in part) because the United States failed in its goal of containing the Communist regime in North Vietnam and would-be regimes in Laos and Cambodia. When the refugees began to flow out of the region, the United States accepted so many of them because it had accepted that its military and political vision for the region had lost out. As noted, the United States did not admit any refugees from the region prior to South Vietnam's final defeat in 1975 (admittedly most of the millions displaced during the war were technically not refugees, but IDPs). To do so would have been to admit that America and its non-communist allies were losing.

This is the biggest reason for the differing response to the refugee crises in Afghanistan, Iraq and Syria. As the United States is still in the midst of its War on Terror engagements in these countries, an acceptance of refugees on the scale seen post-Vietnam would be a recognition that America is not creating the safe, stable, terrorism-free democracies that it has aimed to create. This is especially true of the Bush administration, who began the Iraq and Afghanistan engagements, and resettled very few refugees even when the situation became dire, preferring to rely on dubiously effective repatriation. As the United States continues its long-running engagement in the region, the changing

perception of its political and military success or failure will likely have a bearing on its refugee resettlement policy, just as it did in Southeast Asia.

Another very important reason for the difference between the policies is the nature of the Cold War versus the War on Terror. The Cold War, though far from a moment of perfect agreement in American politics, did provide a measure of consensus in U.S. foreign policy. Linking a policy to the struggle against Communism provided a ready avenue to help it gain political, if not always popular, support. The Cold War dynamic also required the United States to work closely with allies and attend at least somewhat to their interests, and to pursue multilateral solutions to its problems, which was reflected in the response to the Indochinese crisis. The War on Terror, though also a struggle against an ideology deemed dangerous to America and the world, has not provided the same sort of political consensus at home. As a result, there has not been similar support for Middle Eastern refugees, even though they can be seen as victims of that same ideology. The United States has also become comparatively more unilateral in its global dealings since the end of the Cold War (e.g. the 2003 invasion of Iraq that was widely criticized by many U.S. allies). This unilateralism has manifested itself in the relative paucity of refugee crisis solutions spearheaded or supported by the U.S. in the War on Terror.

It must also be acknowledged that the statutory environment surrounding U.S. refugee resettlement has also changed, in part due to the experience of the Indochinese crisis. Gone are the days of widespread parole power admissions and ad-hoc policy. However, even under the 1980 legal framework of the admissions ceiling and consultation with Congress, the United States still pursued an active resettlement policy

and admissions numbers stayed high, at least for a time. The Reagan administration resettled 160,000 refugees in 1981 and around 100,000 in 1982, the majority of whom were from Indochina.<sup>73</sup> Thus, the legal environment, though different, is only a small part of the reason for the differing policies. Far more important to our understanding of the differing responses is the United States' appraisal of its strategic success (or lack thereof) in each situation, and the nature of the Cold War and the War on Terror as political unifiers.

Yet despite the fact that several factors have combined to create a different policy today than the U.S. employed in the Indochinese crisis, there are still lessons to be learned from the United States' past experience. The next chapter will discuss policy changes that the U.S. can enact to improve its implementation of foreign policy goals, revive its image, gather domestic support for resettlement, and better respond to humanitarian needs.

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<sup>73</sup> Migration Policy Institute, "Annual Refugee Resettlement Ceilings;" Gordon, "Southeast Asian Refugee Migration," 156.

## Chapter 4: Policy Recommendations

The first, most urgent policy recommendation is directed at the current administration. President Trump has set the FY 2018 refugee admissions ceiling at 45,000, with 17,500 of those allocated to the Near East/South Asia region that includes the countries discussed in this paper.<sup>74</sup> This is the lowest the ceiling has ever been set, dating back to the 1980 passage of the Refugee Act which established the requirement.<sup>75</sup> However, the administration is on track to admit less than half that number, based on admissions from the first quarter of FY 2018.<sup>76</sup> This markedly diminished rate comes at a time when the number of forcibly displaced people worldwide has never been higher.<sup>77</sup> The United States has previously used its position as global resettlement leader to pressure other countries into action.<sup>78</sup> Now, with the nation on track to admit only 21,000 refugees from across the globe this year, America risks losing this status. Trump's slogan may be "America First," but this is one position where America may no longer be number one. The Trump administration should move to at least admit as many refugees as the ceiling will allow.

It seems unlikely that the current administration will consider raising the refugee ceiling after slashing it so drastically. However, a future administration can and should raise it once again. There are obvious humanitarian arguments for increased U.S.

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<sup>74</sup> United States Department of State, *Proposed Refugee Admissions for Fiscal Year 2018*, October 4, 2017, Accessed April 7, 2018, 6.

<sup>75</sup> Migration Policy Institute, "Annual Refugee Resettlement Ceilings."

<sup>76</sup> "IRC: Trump Administration on Track to Miss Own Target for Refugee Admissions," International Rescue Committee (IRC), January 26, 2018, Accessed April 07, 2018.

<sup>77</sup> United Nations High Commissioner for Refugees, "Figures at a Glance," UNHCR, June 19, 2017, Accessed April 07, 2018.

<sup>78</sup> Susan Martin and Elizabeth Ferris, "US Leadership and the International Refugee Regime," *Refuge* 33, no. 1 (January 1, 2017): 23, Accessed March 10, 2018.



resettlement. But besides these, a future administration should cast resettlement in foreign policy terms to convince Congress and the American public of the necessity of increased admissions. Increasing resettlement could help the U.S. repair relations with allies experiencing refugee flows, and also help the country rebuild its international image in the wake of its unpopular War on Terror involvement. Both of these methods of reasoning were used to justify America's resettlement of the Indochinese in the 1970s and 80s, but could also prove useful in America's current geopolitical situation.

Turkey is a prime candidate for this first type of benefit from increased resettlement. It currently houses over 3.5 million refugees from the Syria conflict, and the International Organization for Migration reports that social cohesion is diminishing as tensions rise between the refugees and their Turkish hosts.<sup>79</sup> At the same time, American-Turkish relations are at a nadir because Turkey claims the U.S. abetted an unsuccessful coup attempt in 2016, and the U.S. is supporting Kurdish fighters in Syria that Turkey claims are terrorists. American officials say that relations are at a "crisis point."<sup>80</sup> If the U.S. were to focus on resettling Syrian refugees from Turkish camps, it would help relieve pressure on Turkey's government, and could be a step toward repairing relations between the countries.

The European Union has also seen a flood of asylum seekers petitioning for refugee status in the last three years. Over 3.1 million new applicants filed for this status from 2015-2017, and the top three countries of origin for these would-be refugees were

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<sup>79</sup> United Nations High Commissioner for Refugees, "Syria Regional Refugee Response – Turkey," UNHCR Operational Portal, March 29, 2018, Accessed April 07, 2018; International Organization for Migration, IOM Turkey: Social Cohesion Assessment – June 2017, UNHCR Operational Portal, March 27, 2018, Accessed April 6, 2018.

<sup>80</sup> "Tillerson Says US-Turkish Relations at 'crisis point'," Al Jazeera, February 17, 2018, Accessed April 07, 2018.

Syria, Iraq and Afghanistan.<sup>81</sup> Contemporaneously, U.S.-European relations have become strained as President Trump rails against what he sees as unfair trade practices and an unfair level of contribution to European defense. The transatlantic relationship that has underpinned the postwar order is said to be fraying. Besides the prognostications of analysts, multiple polls describe this damaged relationship.<sup>82</sup> However, one way the United States could rebuild Europeans' goodwill would be admitting asylum seekers to the U.S. from the EU once their status is determined. That way, the U.S. would be seen as shouldering some of the burden that its allies, by virtue of their proximity to the Middle East, are feeling that the U.S. is not. If U.S. authorities can accept the validity of European procedures to determine refugee status, it will even save the government time and resources in the admissions process.

Besides reassuring individual allies of its continuing commitment to their interests, increased refugee resettlement would help America improve its global image that has been damaged by its involvement in the War on Terror. Several of America's strategies of prosecuting the war, from its use of "enhanced interrogation" and black sites, to its increasingly widespread drone bombing campaign, have proved very unpopular with publics across the globe. This has translated to a loss of confidence in the U.S. as a whole, an effect that was most pronounced during the Bush years but still present during the Obama administration.<sup>83</sup> A future administration could use the

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<sup>81</sup> European Commission, "Asylum Statistics," Eurostat, March 20, 2018, Accessed April 08, 2018.

<sup>82</sup> Jacob Poushter, "How Americans and Germans View Their Countries' Relationship," Pew Research Center, December 04, 2017, Accessed April 08, 2018; Richard Wike et. al, "U.S. Image Suffers as Publics Around World Question Trump's Leadership," Pew Research Center, June 26, 2017, Accessed April 08, 2018.

<sup>83</sup> "America's Image Slips, But Allies Share U.S. Concerns Over Iran, Hamas," Pew Research Center, June 13, 2006, Accessed April 08, 2018; "Global Opinion of Obama Slips, International Policies Faulted." Pew Research Center. June 13, 2012. Accessed April 08, 2018.

increased resettlement of refugees from War on Terror conflict zones to shore up the image of the U.S. as a protector of freedom and human rights, in a similar way the Ford and Carter administrations used Indochinese refugee resettlement to rebuild America's image after Vietnam.

The American public's opposition to refugee resettlement often stems from two worries: that they will be an economic drag or a security risk. However, research has shown quite the opposite to be true. The National Bureau of Economic Research has found that refugees work at higher rates than natives, and that they contribute more in taxes than they receive in public assistance in the long term.<sup>84</sup> The Federal Reserve reports that immigrants, especially refugees, have a much higher success rate when starting their own businesses.<sup>85</sup> Here too the legacy of the Indochinese refugee policy can be illustrative. Research has found that Vietnamese immigrants (composed almost entirely of resettled refugees and their family members who entered later under the family-unification category), have higher incomes and are less likely to live in poverty than the native-born population.<sup>86</sup> Security concerns, of particular importance in the age of the War on Terror, are also overblown. The CATO Institute has found that the odds of an American dying in a terror attack by a refugee is 1 in 3.64 billion per year. All three of these deaths occurred before the 1980 Refugee Act added more security checks to the admissions process.<sup>87</sup> Should a future administration decide to increase its refugee

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<sup>84</sup> William N. Evans and Daniel Fitzgerald, "The Economic and Social Outcomes of Refugees in the United States: Evidence from the ACS," *NBER Working Papers*, no. 23498 (June 2017), Accessed April 7, 2018.

<sup>85</sup> Eileen Wolfington, "A Commentary: Immigrant and Refugee Entrepreneurs," *Bridges*, Spring 2006, 3-4, Accessed April 8, 2018.

<sup>86</sup> Jie Zong and Jeanne Batalova, "Vietnamese Immigrants in the United States," Migration Policy Institute, March 8, 2016, Accessed April 08, 2018.

<sup>87</sup> Alex Nowrasteh, "Terrorism and Immigration: A Risk Analysis," *Policy Analysis – CATO Institute* 798 (September 13, 2016), Accessed March 11, 2018.

admissions as recommended, it should also institute a public information campaign to inform the American public that refugees are not a security risk or an economic burden.

Statutory changes should accompany the increase of the admissions ceiling. Under current U.S. immigration law (Section 209 of the Immigration and Nationality Act), refugee status is only good for one year. All persons admitted to the U.S. as refugees are required to apply to have their status adjusted to legal permanent resident (LPR) after that time.<sup>88</sup> This process means more work for the Department of Homeland Security, which wastes time and money. The rigorous system now in place to vet refugees before their admission has outstripped the admissions checks that were in place in 1980, at the Refugee Act's passage. Furthermore, the differences between the factors that would cause a refugee to be denied adjustment to LPR status, and those that would necessitate deportation of an LPR, have been mostly eliminated, rendering this status adjustment process redundant.<sup>89</sup> The U.S. government should amend the admissions process to directly admit refugees as legal permanent residents. Removing the time-intensive extra step of LPR status adjustment would eliminate tens of thousands of filings per year, freeing up some of the resources needed to process more resettlement applications as discussed above. This change would also make life easier for the refugees themselves.

One other policy that should be improved is the Special Immigrant Visa Program. Despite the Trump administration continuing the trend of increasing SIV admissions, there is still a large backlog in the program. Around 14,000 applicants (solely primary

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<sup>88</sup> *Immigration and Nationality Act, U.S. Code 8 (1980), § 209.*

<sup>89</sup> David A. Martin, *The United States Refugee Admissions Program: Reforms for a New Era of Refugee Resettlement*, Washington, DC: Migration Policy Institute, 2005, 110-11.

applicants, not including family members) are still waiting on the process, and there are only 3,500 SIVs allotted for 2018.<sup>90</sup> This is especially troubling as U.S. involvement continues in both Iraq and Afghanistan, which means more Iraqis and Afghans will be needed to serve as interpreters and contractors. In Afghanistan, the military plans to increase its presence with more troops on the ground and more aircraft operations, meaning those eligible to apply for SIVs will increase further.<sup>91</sup> The tenuous position of the SIV program does not bode well for the U.S.' ability to recruit allies on the ground in these countries, and thus to achieve its military and foreign policy goals. Furthermore, a failure here will likely be remembered by potential allies in future conflicts, so there are long-term ramifications. The U.S. Congress should immediately authorize more SIVs and continue to do so until American involvement in the countries ends, and there are no more valid applicants.

As the U.S. becomes more involved in the Syria conflict, Congress should consider setting up an SIV program for Syria as well. Already there are U.S. troops in the country, fighting both jihadist groups and pro-regime forces alongside local allies. Though it is not known exactly what roles these U.S. troops are playing, it seems safe to assume that they are utilizing local Syrians as guides and interpreters. As such, it appears there is, or will be, a population of Syrians that would be threatened if they came under the sway of the Syrian regime or jihadists. If such an event does come to pass, Congress should authorize an SIV program for Syria. It does no good to operate and fully fund such a program in one or two countries if it is not implemented in another situation where

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<sup>90</sup> Alex Horton, "They risked their lives to help U.S. troops. Now they're driving for Lyft to get by." *The Washington Post*, January 3, 2018. Accessed March 13, 2018.

<sup>91</sup> Greg Jaffe, "Up to 1,000 More U.S. Troops Could Be Headed to Afghanistan This Spring." *The Washington Post*, January 21, 2018. Accessed April 6, 2018.

it is needed. However, the U.S. has also relied heavily on proxy fighters in its efforts against ISIS and the regime. These Syrians, even if they did not work directly for Americans as interpreters, would still be threatened and might wish to flee in the event of a regime victory. To maintain credibility with current and future allies, Congress should consider extending SIV eligibility to those fighters funded by or receiving supplies from the U.S. and fighting on its behalf.

The U.S. can look to its admissions and successful integration of over a million Vietnamese, Cambodian and Laotians as a high point for its engagement with the world and its promotion of human rights and humanitarian assistance. With carefully crafted policies that would assist implementation of America's foreign policy objectives, rebuild its image, and streamline its process of refugee admissions without endangering its security or economy, that high point can happen again.

## Appendix A

Chart 1<sup>92</sup>

Table 7.2. Southeast Asian Refugee and Immigrant Arrivals: 1975-1985

| Federal<br>Fiscal Year | Refugee Arrivals,<br>by Country of Nationality <sup>a</sup> |                      |         |                   | New Arrival Immigrants,<br>by Country of Birth <sup>b</sup> |       |         |                     |
|------------------------|---|----------------------|---------|-------------------|---|-------|---------|---------------------|
|                        | Kampuchea   | Laos                 | Vietnam | Total<br>Refugees | Kampuchea   | Laos  | Vietnam | Total<br>Immigrants |
| 1985                   | 19,200  | 5,300                | 25,400  | 49,900            | 147   | 148   | 4,661   | 4,956               |
| 1984                   | 19,900  | 7,200                | 24,900  | 52,000            | 170   | 161   | 4,878   | 5,209               |
| 1983                   | 13,200  | 2,900                | 23,000  | 39,100            | 123   | 108   | 2,790   | 3,021               |
| 1982                   | 20,100  | 9,400                | 42,600  | 72,100            | 69  | 80    | 2,452   | 2,601               |
| 1981                   | 27,100  | 19,300               | 86,100  | 132,500           | 73  | 41    | 1,714   | 1,828               |
| 1980                   | 16,000  | 55,500               | 95,200  | 166,700           | 120   | 114   | 4,104   | 4,338               |
| 1979                   | 6,000   | 50,200               | 44,500  | 80,700            | 162   | 124   | 6,365   | 6,651               |
| 1978                   | 1,300   | 8,000                | 11,100  | 20,400            | 71  | 123   | 1,890   | 2,084               |
| 1977                   | 300   | 400                  | 1,900   | 2,600             | 126   | 237   | 4,629   | 4,992               |
| 1976 <sup>c</sup>      | 1,100   | 10,200               | 3,200   | 14,500            | 126   | 163   | 4,230   | 4,519               |
| 1975                   | 4,600   | 800                  | 125,000 | 130,400           | 98  | 96    | 3,039   | 3,233               |
| Total                  | 128,800   | 149,200 <sup>d</sup> | 482,900 | 760,900           | 1,285   | 1,395 | 40,752  | 43,432              |

<sup>a</sup>These refugee arrival figures were compiled from mostly unpublished records maintained by the State Department, the Immigration and Naturalization Service, the Office of Refugee Resettlement, and its predecessor the Indochina Refugee Assistance Program. Exact monthly flow figures have been compiled since 1978 for the refugees as a group and since 1982 by nationality; earlier figures are estimates. All figures are rounded to the nearest hundred.

<sup>b</sup>For 1975-1977, total immigrants admitted. For 1978-1985, calculated by subtracting persons adjusting status from total immigrants admitted to avoid double counting, since 1978 was the first year in which the refugees were eligible to adjust their status. Source: INS.

<sup>c</sup>Includes transition quarter.

<sup>d</sup>The State Department reports that 56,685 of the refugees from Laos were Hmong or other highland peoples.

<sup>92</sup> Gordon, "Southeast Asian Refugee Migration," 156.

Chart 2<sup>93</sup>

| Countries of Resettlement | Appendix 2 Cumulative Indo-Chinese Resettlement Statistics, 1975–97 |   |                 |                  |                |                |                             | Total            |  |
|---------------------------|---|---|-----------------|------------------|----------------|----------------|-----------------------------|------------------|--|
|                           | Vietnamese Boat people  | Resettlement from countries of first asylum |                 |                  |                | Cambodian      | Orderly Departure Programme |                  |  |
|                           |   | Vietnamese Land people                      | Laotian Lowland | Laotian Highland | Vietnamese     |                | Cambodian                   |                  |  |
| Australia                 | 108,808   | 2,344                                       | 8,949           | 1,290            | 16,309         | 46,711         | 1,296                       | 185,700          |  |
| Belgium                   | 1,729   | 323   | 977             | 12               | 745            | 3,106          | 151                         | 7,043            |  |
| Canada                    | 100,012   | 3,118                                       | 16,301          | 973              | 16,819         | 60,285         | 4,670                       | 202,178          |  |
| Denmark                   | 4,592   | 117   | 0               | 12               | 31             | 2,298          | 20                          | 7,070            |  |
| Finland                   | 1,813   | 52  | 6               | 0                | 37             | 736            | 0                           | 2,644            |  |
| France                    | 21,421  | 5,663                                       | 26,005          | 8,231            | 34,364         | 19,264         | 4,234                       | 119,182          |  |
| Germany                   | 15,489  | 1,360                                       | 1,681           | 25               | 874            | 12,067         | 124                         | 31,620           |  |
| Japan                     | 6,388   | 86  | 1,254           | 19               | 1,061          | 1,757          | 162                         | 10,727           |  |
| Netherlands               | 7,332   | 2,234                                       | 33              | 0                | 465            | 1,980          | 58                          | 12,102           |  |
| New Zealand               | 4,476   | 483   | 1,283           | 67               | 4,426          | 1,140          | 1,469                       | 13,344           |  |
| Norway                    | 5,950   | 118   | 2               | 0                | 128            | 3,998          | 50                          | 10,246           |  |
| Sweden                    | 5,857   | 163   | 26              | 0                | 19             | 3,079          | 195                         | 9,339            |  |
| Switzerland               | 5,814   | 426   | 568             | 25               | 1,638          | 1,064          | 79                          | 9,614            |  |
| United Kingdom            | 19,329  | 96  | 346             | 0                | 273            | 4,842          | 108                         | 24,994           |  |
| United States             | 402,382   | 22,568                                      | 122,249         | 129,085          | 150,241        | 458,367        | 2,507                       | 1,287,399        |  |
| Others                    | 6,526   | 601   | 4,227           | 461              | 8,063          | 2,815          | 268                         | 22,961           |  |
| <b>Total</b>              | <b>717,918</b>  | <b>37,752</b>                               | <b>183,907</b>  | <b>140,200</b>   | <b>235,493</b> | <b>623,509</b> | <b>15,391</b>               | <b>1,954,170</b> |  |

Note: The Vietnamese total for the US Orderly Departure Program includes 39,495 Amerasians, 140,857 re-education camp prisoners and their families, and 117,520 resettled through other programmes.  
Source: UNHCR

<sup>93</sup> Robinson, *Terms of Refuge*, 295.



## Appendix B

Chart 3<sup>94</sup>

US Refugee and Special Immigrant Visa Admissions from Afghanistan, Iraq, and Syria,  
2002-2018

| Fiscal Year   | Afghanistan |        | Iraq    |        | Syria  | Yearly Total (Refugee Only) | Yearly Total (Refugee+SIV) |
|---------------|-------------|--------|---------|--------|--------|-----------------------------|----------------------------|
|               | Refugee     | SIV*   | Refugee | SIV*   |        |                             |                            |
| <b>2002</b>   | 1,683       |        |         |        |        | 1,683                       | 1,683                      |
| <b>2003</b>   | 1,453       |        | 298     |        |        | 1,751                       | 1,751                      |
| <b>2004</b>   | 959         |        | 66      |        |        | 1,025                       | 1,025                      |
| <b>2005</b>   | 902         |        | 198     |        |        | 1,100                       | 1,100                      |
| <b>2006</b>   | 651         |        | 202     |        |        | 853                         | 853                        |
| <b>2007</b>   | 441         |        | 1,608   |        |        | 2,049                       | 2,049                      |
| <b>2008</b>   | 576         | 228    | 13,822  | 538    |        | 14,398                      | 15,164                     |
| <b>2009</b>   | 349         | 775    | 18,838  | 1,557  |        | 19,187                      | 21,519                     |
| <b>2010</b>   | 515         | 108    | 18,016  | 2,000  |        | 18,531                      | 20,639                     |
| <b>2011</b>   | 428         | 101    | 9,388   | 618    | 29     | 9,845                       | 10,564                     |
| <b>2012</b>   | 481         | 109    | 12,163  | 3,203  | 31     | 12,675                      | 15,987                     |
| <b>2013</b>   | 661         | 442    | 19,488  | 1,460  | 36     | 20,185                      | 22,087                     |
| <b>2014</b>   | 753         | 7,156  | 19,769  | 3,084  | 105    | 20,627                      | 30,867                     |
| <b>2015</b>   | 910         | 6,336  | 12,676  | 890    | 1,682  | 15,268                      | 22,494                     |
| <b>2016</b>   | 2,737       | 10,220 | 9,880   | 2,049  | 12,587 | 25,204                      | 37,473                     |
| <b>2017</b>   | 1,311       | 16,866 | 6,886   | 2,455  | 6,557  | 14,754                      | 34,075                     |
| <b>2018</b>   | 137         | 6,829  | 85      | 313    | 35     | 257                         | 7,399                      |
| <b>Totals</b> | 14,947      | 49,170 | 143,383 | 18,167 | 21,062 | 179,392                     | 246,729                    |

Refugee numbers as of January 31, 2018.

SIV numbers as of February 26, 2018.

\*Special Immigrant Visa

<sup>94</sup> Compiled by the author from the following sources:

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