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Two-year-old Syrian refugee girl in need of medical care now blocked from U.S. by the refugee ban.

## **U.S. Leadership Forsaken**

### **Six Months of the Trump Refugee Bans**

July 2017

**ON HUMAN RIGHTS**, the United States must be a beacon. Activists fighting for freedom around the globe continue to look to us for inspiration and count on us for support. Upholding human rights is not only a moral obligation; it's a vital national interest. America is strongest when our policies and actions match our values.

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## Executive Summary

The United States has long been a global leader in protecting and resettling persecuted refugees, and over the years has encouraged other countries to launch or expand resettlement programs. Resettlement is an important path to protection for a small portion of the world's most at-risk refugees. It is also a critical tool for advancing U.S. foreign policy and national security interests, supporting front-line states and allies who are hosting the overwhelming majority of the world's 22.5 million refugees.

Six months ago, on January 27, 2017, President Donald Trump traveled to the Pentagon to sign an executive order that sought to ban the resettlement of Syrian refugees indefinitely, prioritize religious minorities, slash all refugee resettlement down to a historic low of 50,000, halt refugee resettlement for at least 120 days, and suspend entry of citizens of seven predominately Muslim countries—Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen—for at least 90 days. The order, issued just days after President Trump took office, followed a presidential campaign that promised a Muslim ban and vilified refugees as supposed security threats.

After U.S. federal courts blocked parts of the order, the president signed a revised version on March 6, 2017. That order removed the Syrian refugee ban and deleted exceptions and preferences for religious minorities. Although the revised order maintained the travel ban, it removed Iraq from the list, leaving the other six countries. The order kept the provisions to suspend resettlement and cut the year's target down by over half to 50,000.

Federal courts quickly stayed these provisions. But on June 26 the Supreme Court lifted the stays to allow the travel and resettlement bans to move forward in the months before it hears and decides

the case later this year. The court, however, directed exceptions for refugees and travelers with bona fide U.S. relationships. After the Trump Administration adopted an unduly narrow interpretation of these relationships, additional litigation ensued—and continues—on the meaning of the court's exceptions.

Despite court rulings that halted the implementation of portions of these executive orders during most of the last six months, a great deal of damage was still done. In the six months since the initial January 27 order was issued, that order and its successor have had a devastating impact not only on the resettlement of refugees to the United States but also on the protection of the lives of refugees around the world, as well as on U.S. national security, foreign policy interests, and global leadership.

As detailed in this report, the Trump refugee ban orders and the administration's cuts in resettlement have led to:<sup>1</sup>

- A sharp 52 percent decline in U.S. refugee resettlement in the six months following the January 27 order. With a resettlement level of 50,000, the United States drops down to tenth place ranking in per capita resettlement globally, falling behind New Zealand, Iceland, Finland, Sweden, Canada, Australia, Norway, and Monaco.
- U.S. refugee resettlement processing around the world has essentially ground to a halt, new case referrals have largely stopped, U.S. processing staff has been laid off, and Department of Homeland Security (DHS) interviewing officers returned to the United States from overseas in the wake of the January 27 order.
- Globally, due to the U.S. decline, there is now a growing gap between resettlement needs and available spaces, with total global resettlement falling by 59 percent as of June 1, 2017. A

drastic 80 percent cut in U.S. resettlement of Syrian refugees post-January 27 as compared to the same timeframe last year, even though the revised order deleted the indefinite ban on Syrian resettlement. There has been an even greater cut in the number of Syrians resettled in the months following the March 6 order, when 40 percent fewer Syrian refugees were resettled in the three months after the order as compared to the three months after the January 27 order. The cuts in Syrian resettlement have been so deep that Syria—the country whose refugees are most in need of resettlement globally—no longer falls in the top seven countries of origin for U.S. resettlement.

- In addition, U.S. resettlement of Muslim refugees dropped dramatically in the six months since the January 27 executive order, with Muslim refugees representing just 38 percent of all U.S. resettled refugees, reflecting a 76 percent decrease in the number of Muslim refugees resettled since the order. Moreover since April, Iraq is the only Muslim-majority nation among the top six origin countries from which the United States has resettled.
- Women and children, families with multiple children, unaccompanied children from Africa and elsewhere, LGBT persons targeted for violent attacks, survivors of rape and torture, women at risk of trafficking, and other vulnerable refugees are the individuals most impacted, stranded in dangerous and difficult situations around the world, often with their resettlement cases frozen and delayed for years. In other cases they will simply never be referred for resettlement due to the cut in resettlement slots.

The Trump refugee bans have triggered the derailment or delay of resettlement for many of the most at-risk refugees as detailed in this report. These include:

- A two-year-old Syrian girl born with facial disfigurement and only one eye whose resettlement is blocked, unless an exception is made since the Trump Administration reached its resettlement cut-off on July 12;
- An Eritrean girl who was brutalized by traffickers and then raped in Egypt where she continues to be stranded in danger;
- Large refugee families from Darfur, Somalia, Syria and other countries; and,
- A gay man arrested and imprisoned in Uganda, and other LGBT refugees who fled persecution in Uganda, Syria, Iran, and Iraq and continue to be targeted for persecution.

The executive orders and the Trump Administration's cuts to resettlement have triggered a loss of over 319 jobs at U.S. faith-based and other agencies that work with the U.S. government to resettle refugees.

But the damage goes well beyond the lives of the impacted refugees awaiting U.S. resettlement and the many Americans who work with them. The orders and their damage to U.S. resettlement leadership also hurt U.S. foreign policy and national security interests. For instance, these orders and the resulting resettlement cuts have:

- Negatively impacted U.S. allies and front-line refugee hosting countries whose stability is critical to U.S. national security and foreign policy interests. For example, the number of refugees resettled from Jordan fell by 64 percent in the first five months of 2017, and will likely fall further now that the Trump Administration's resettlement cut-off goal has been met. Refugee resettlement from Lebanon has already fallen by 35 percent, and U.S. resettlement from Turkey has dropped by 79 percent in recent months.
- Alienated U.S. allies, damaged counterterrorism cooperation, threatened intelligence sharing,

and endangered U.S. troops as former national security, foreign policy, and intelligence officials have concluded.

- Contributed to the lack of sufficient resettlement opportunities globally, a deficiency that continues to fuel smuggling, trafficking, and dangerous irregular journeys.
- Delayed the resettlement of interpreters and many other Iraqis who face dangers due to their work with the U.S. military, contractors, media, or other U.S. entities. In addition to the moral duty to protect these people, efforts to recruit interpreters and other staff overseas will be thwarted if the United States does not protect those whose lives are at risk due to their work with U.S. entities. Even though Congress passed a law to ensure priority resettlement for Iraqis with these relationships, the Trump Administration has refused to interpret the Supreme Court's exception as applying to Iraqis covered by this law. The number of Iraqis resettled to the United States has fallen by 55 percent in the six months following the January 27 order, and over 50,000 Iraqis are waiting completion of U.S. processing.
- Undermined protection of refugees globally and adherence to international law.

Former national security officials and military leaders, who have served both Democratic and Republican administrations, have explained—in letters, statements, and opinion pieces—that resettling refugees advances U.S. national security interests and supports the stability of allies and partners. They have also confirmed that refugees are vetted more rigorously than any other travelers to the United States.

In May, a bipartisan group of senators described the U.S. resettlement program as a “critical pillar of our national foreign policy” that “enables the United States to fulfill key international commitments.”<sup>2</sup> The Heritage Foundation, in a

July 2017 report, concluded that the resettlement program supports U.S. interests “by enabling the U.S. to assert leadership in foreign crises, assist in the midst of intractable crises, and help allies and partners in need,” in addition to strengthening U.S. public diplomacy and alleviating human suffering.<sup>3</sup>

Resettlement is of course just one of a number of tools needed to address refugee crises. But it is a critical element of an effective and comprehensive approach to these complex challenges, along with increased humanitarian assistance, development investment, ensuring the right of refugees to work and to access protection across borders, and steps to address the root causes of human rights abuses and conflicts that force refugees to flee their homes.

The United States has long been the global leader in resettling refugees. For instance, the Reagan and George H.W. Bush Administrations saw the resettlement program's peak years, with George H. W. Bush admitting over 100,000 refugees every year of his term.<sup>4</sup> Strong U.S. leadership on resettlement has in the past, and can again, encourage more countries to launch larger resettlement initiatives.

In advance of the September 2016 refugee summits in New York, the United States pressed other countries to initiate or increase resettlement or provide other orderly routes to protection for refugees. At the U.N. Summit, the world's nations recognized the need for increased responsibility-sharing and agreed in the New York Declaration to “aim to provide resettlement places and other legal pathways for admission” on a scale commensurate with the annual needs identified by the U.N. Refugee Agency (UNHCR).

The Trump Administration must change course to restore U.S. leadership. The president should rescind the March 6 executive order. Any necessary enhancements to the refugee vetting

process can be implemented without halting or derailing resettlement and without further damaging U.S. interests. The United States should launch a strong resettlement initiative for fiscal year 2018, and in the remaining months of fiscal year 2017 it should move ahead to resettle vulnerable fully vetted refugees at levels beyond the weak goal set in the executive orders—and certainly to the level commensurate with the funding provided by Congress. A strong U.S. resettlement initiative will not only save lives, it will advance foreign policy and national security interests, and help restore American global leadership.

## Decline in Refugees Brought to Safety in the United States

In fiscal year 2016, the United States brought 84,994 refugees to safety through resettlement. Given the escalating global refugee crisis, President Obama announced an increase in the U.S. resettlement goal for fiscal year 2017 to 110,000.

However, in the wake of President Trump's executive orders and their cut in resettlement:

- Only 18,209 refugees have been resettled to the United States in the six months following the January 27 executive order. This number is miniscule when compared to the very large numbers hosted by front-line states, such as Turkey (three million Syrian refugees), Lebanon (over one million Syrian refugees), Jordan (over 660,000 Syrian refugees), Pakistan (1.35 million refugees), Uganda (over one million refugees), and Kenya (about 450,000 refugees).
- In these six months, the number of refugees resettled to the United States has fallen by over 52 percent when compared to the same period last year, and will fall by about 41 percent for the full 2017 fiscal year if the administration does not admit significantly more than 50,000 refugees.<sup>5</sup>
- The Trump Administration's 50,000 refugee resettlement limit, which it hit on July 12, represents a historic low for a program that was established 37 years ago in 1980. This limit also constitutes a 55 percent cut from the 110,000 level of resettlement set by President Obama at the beginning of the 2017 fiscal year.
- In 2016, the United States ranked fourth in per capita global resettlement behind Canada, Norway and Australia. Even at such levels, a 2016 analysis concluded that the United States had agreed to resettle only seven percent of its fair share of Syrian refugees since 2013.<sup>6</sup> But by slashing resettlement down to 50,000, the U.S. ranking would decline down to tenth place in per capita global resettlement, falling behind New Zealand, Sweden, Iceland, Finland and Monaco.<sup>7</sup>
- The U.S. resettlement program has essentially ground to a halt. U.S. Citizenship and Immigration Services (USCIS) resettlement interviewing officers returned to the United States in the wake of the January 27 order, and the referral of new resettlement cases to the United States for its consideration has largely stopped.<sup>8</sup> In addition, U.S. resettlement processing centers overseas have terminated many positions in the wake of the order. Church World Service, for example, which conducts processing in Africa, had to cut 530 overseas jobs.
- Resettlement cases that are in the process of being considered for U.S. resettlement will be delayed for years, and in some cases are essentially frozen. As these cases wait, their security checks and other processing steps will expire, requiring parts of the process to be repeated, wasting substantial government

resources and leaving refugees stranded even longer. For example, resettlement experts in Africa have reported that as a result of the cuts and resulting delays in U.S. resettlement processing, it will likely as long as five years or more, to process refugee cases for resettlement.<sup>9</sup>

The executive orders and the Trump Administration's cuts in U.S. resettlement triggered a loss of over 319 jobs in the United States as they have caused a sharp reduction in resources and staffing at U.S. faith-based and other agencies that work with the government to resettle refugees. For instance:

- World Relief, the relief arm of the National Association of Evangelicals, reported that as a direct result of the Trump Administration's decision to dramatically reduce the number of refugees resettled in the United States, it has been forced to lay off over 140 staff members across its U.S. Ministry and closed entire offices in Idaho, Ohio, Maryland, Tennessee, and Florida.<sup>10</sup>
- The U.S. Conference of Bishops and Catholic Charities USA announced that over 700 jobs across the country could be affected, and local reports indicated at least 27 lay offs and 40 positions were left unfilled in Catholic Charities affiliated offices across Tennessee, Texas, Michigan, and Ohio.<sup>11</sup>
- Other U.S. faith-based and community-based agencies have announced at least 152 lay offs in New York, Pennsylvania, Indiana, Illinois, Massachusetts, and Nebraska in the wake of the executive order and Trump Administration's resettlement cuts. As several agencies have not publicly reported the numbers of employees whose jobs have been cut, the number of lost jobs is likely significantly higher than the 319 publicly reported lay offs.<sup>12</sup>

## Decline in Resettlement Globally

The UNHCR identified about 1.2 million refugees around the world in need of resettlement in its June 2017 assessment of global resettlement needs. About 40 percent of these refugees are Syrians. In addition to Syrian refugees, many of the refugees in need of resettlement are Africans who have fled from the Democratic Republic of Congo, Central African Republic, Eritrea, Sudan, and Somalia.<sup>13</sup>

In 2016, against the backdrop of the global refugee crisis, 37 resettlement countries admitted 189,300 refugees per UNHCR's records. That number still fell far short of the global need, which was assessed at 1.19 million for that year.<sup>14</sup>

However, in the wake of the Trump refugee ban orders and the sharp U.S. decline in resettlement:

- Only 32,111 refugees departed for resettlement countries between January 27 and June 1 according to UNHCR data—a mere three percent of this year's need of 1.2 million.<sup>15</sup>
- There is now a growing gap between global resettlement needs and available spaces.<sup>16</sup> Further, resettlement places available for vulnerable refugees globally have dropped from the 189,300 resettled in 2016. With only 32,111 resettled in the first five months of 2017, total resettlement for 2017 would only reach 77,066, representing a 59 percent decrease.<sup>17</sup> The actual resettlement number will likely be lower as the United States has already hit the Trump administration's 50,000 cut-off. In any event, the resettlement of refugees globally is expected to fall by at least 30 to 40 percent in 2017 as compared to 2016.<sup>18</sup>
- Without U.S. leadership, global resettlement capacity will likely fall in 2018 as well—potentially to around 80,000 to 90,000 for the year—a level that would represent a global decline of 52 to 58 percent from 2016.



- The cuts in resettlement have not only impacted Syrian refugees (as described below), but they have also negatively affected other refugees. The resettlement of refugees from Africa has, for example, fallen sharply. While the resettlement need for African refugees was determined to be 441,523 for 2017, resettlement countries have pledged only 7000 places—far below what had been anticipated late last year. This lack of resettlement places leaves refugees stranded at a time when, UNHCR has explained, their vulnerability is exacerbated by the often-difficult environments they face in host countries and the growth of new emergencies.<sup>19</sup>
- The refugees most affected by this decline are women and children, including those who have suffered sexual and gender-based violence, as well as survivors of torture.<sup>20</sup> Half of all refugees are children, despite accounting for less than a third of the global population, and the overwhelming majority of refugees resettled to the United States are women and children.<sup>21</sup>

## Decline in Resettlement of Syrian Refugees

While frontline refugee countries host about five million Syrian refugees, a small portion of these—about ten percent—are particularly at risk and in need of resettlement to other countries. Due to the scale and nature of the refugee crisis, Syrian refugees represent about 40 percent of global refugee resettlement needs, and the vulnerability of Syrian refugees is only growing as the refugee crisis becomes prolonged and refugees' savings are depleted. In total, 478,170 Syrian refugees need resettlement from Jordan, Lebanon, Turkey, Egypt, or Iraq according to UNHCR's analysis.<sup>22</sup>

Despite the global need, and the damage of resettlement declines on U.S. interests:

- In the six months since the January 27 order was issued, the United States has cut its resettlement of Syrian refugees by 80 percent. While the United States resettled 15,479 Syrian refugees during the 2016 calendar year, reflecting an average of 7,740 for a six-month period, the United States resettled only 1,573 Syrians in the six months following the issuance of the order.
- This sharp drop occurred and persisted even though President Trump's revised March 6 executive order did not include an indefinite ban on Syrian resettlement, and despite the fact that the federal courts enjoined the resettlement provisions of both executive orders during most of the six-month period.
- In fact, the number of Syrian refugees resettled to the United States fell at an even higher rate following the March 6 order: while 1,181 Syrian refugees were resettled during the three-month period between January 28 and April 28, 2017, only 703—40 percent less—were resettled during the three months following the second executive order, from March 7 through June 7, 2017.
- Weekly resettlement of Syrian refugees has plummeted even more drastically since this time, from about 90 resettled per week in the three-month period following the January 27 order, to about 54 resettled per week in the three-month period following the March 6 order, to about 28 resettled per week thereafter (June 8 through July 25, 2017).
- The decline in U.S. resettlement of Syrian refugees has been so significant that Syria—the country with the largest global resettlement needs—is no longer in the top five countries of origin for U.S. refugee resettlement. Following President Trump's March 6 order, which removed the explicit reference to an indefinite ban on Syrians, Syrians dropped even further

on this list and no longer fall in the top seven resettlement countries.

- The decline in Syrian resettlement is disproportionately hurting young children, as nearly half (47 percent) of all Syrian refugees resettled in the United States since the civil war began are under the age of 14.
- Globally, the number of resettlement slots available for Syrian refugees has also fallen due to the U.S. decline. While 47,930 Syrian refugees were resettled to various countries in 2016, so far this year only 13,764 Syrians have departed to resettlement countries according to UNHCR data.<sup>23</sup>

Among the many refugees who have been left in limbo are some Syrian refugees represented pro bono through a project operated by the U.S.-based law firm Reed Smith LLP. These include:

- **A Syrian widow and her two children.** The family had been referred to the United States for resettlement consideration, completed interviews and extensive processing, and is awaiting medical checks. In the wake of the executive orders and the slashed resettlement numbers, the case stopped moving forward and is essentially frozen in limbo. In March UNHCR told the family's pro bono attorneys that only the highest risk cases—refugees at risk of death—can be referred to other countries for resettlement (given the lack of resettlement slots globally in the wake of the U.S. decline), and that there are very few spots available even for those cases.
- **Two Syrian children facing near blindness.** Two refugee children from Syria, currently struggling in Jordan, could have their serious vision problems corrected with surgery. However, due to the lack of resettlement options now available in the wake of the Trump Administration executive orders, resettlement is unlikely to be an available route to protection.

Unlike the vast majority of refugees, these children have pro bono lawyers who are trying to identify a way to get them the care they need.

The law firm's pro bono project also has many other vulnerable refugee clients in Jordan who had been referred to the United States for resettlement consideration and were in the midst of the long U.S. assessment process. Many of these refugees are very vulnerable and at-risk women. Now their cases are essentially frozen.<sup>24</sup>

## Decline in U.S. Resettlement of Muslim Refugees

In addition to its indefinite ban on Syrian refugees, the January 27 executive order also directed exceptions and prioritization for religious persecution cases, "provided that the religion of the individual is a minority religion in the individual's country of nationality," a stipulation that would limit admission of Muslim refugees from Muslim-majority countries. From fiscal year 2013 to 2016, only 12 percent of the Muslim refugees resettled to the United States were from a country where Islam is a minority faith, meaning 88 percent of Muslim refugees were from Muslim-majority countries.<sup>25</sup>

In fiscal year 2016, Muslim refugees represented the largest religious group resettled in the United States, making up 46 percent of resettled refugees.<sup>26</sup> Given that major refugee producing countries such as Syria and Iraq are Muslim-majority countries, a high proportion of the world's vulnerable refugees in need of resettlement are Muslim.

Of the resettled Muslim refugees, nearly 80 percent originated from the seven countries targeted for the travel ban in President Trump's initial order. Syrian refugees accounted for 32 percent of all Muslim refugees resettled to the

United States, largely due to that population's resettlement needs and a belated—and modest—U.S. resettlement initiative for Syrians launched earlier that fiscal year.<sup>27</sup>

However, in the wake of the executive orders:

- U.S. resettlement of Muslim refugees dropped dramatically in the six months since the January 27 executive order. In the six months before the executive order was issued, Muslim refugees represented 47 percent of resettled refugees, and non-Muslim refugees represented 53 percent. However, since the order this gap has widened, with Muslim refugees representing just 38 percent of resettled refugees, and non-Muslims representing 62 percent. This reflects a 76 percent decrease in the number of Muslim refugees resettled since the order, and a 64 percent decrease in the number for non-Muslims.<sup>28</sup>
- The number of refugees resettled from the seven targeted Muslim-majority countries has dropped even further—by 77 percent, reflecting a reduction that is 14 percent greater than the 63 percent decrease in resettlement from other countries.<sup>29</sup>
- The religious composition of refugees resettled to the United States has been shifting on a monthly basis, as pointed out in a July 2017 analysis by the Pew Research Center. In February 2017, just after President Trump came into office and after his January executive order, Muslims accounted for 50 percent of the 4,580 refugees admitted to the United States and Christians made up 41 percent. By June 2017, Christians amounted to a larger share—57 percent—of resettled refugees and Muslims made up a smaller share—31 percent of resettled refugees.<sup>30</sup>
- From April through June 2017, Iraq was the only Muslim-majority nation among the top six origin countries, as reported by the Pew

Research Center. As discussed below, Congress created a priority route to resettlement for Iraqis who worked with U.S. military, contractors, media, and other U.S. entities through the Refugee Crisis in Iraq Act.

## Negative Impact on U.S. Allies, Front-Line Refugee Hosting Countries

The overwhelming majority of the world's refugees are hosted by a small number of nations, including Turkey, Jordan, Lebanon, Ethiopia, Kenya, and Uganda. Countries that host large numbers of refugees face serious strains to their medical, housing, water, waste, labor, and other infrastructures.

As Ryan Crocker, former U.S. ambassador to Lebanon, Iraq, and Syria, has pointed out, the large numbers of Syrian refugees now living in Lebanon, Jordan, and Turkey are “placing tremendous strains on those countries and their critical infrastructures—water, electricity, sanitation, health care and education.”<sup>31</sup> Hosting three million refugees has also put stress on critical infrastructures in Turkey, including its economy, employment, and housing, as noted by former U.S. ambassador to Syria, Robert Ford in a June 2017 interview.<sup>32</sup>

The fragility of front-line refugee hosting states can be exacerbated by the lack of sufficient support through both aid and resettlement.<sup>33</sup>

In contrast, accepting refugees and encouraging other countries to do so advances U.S. interests by supporting allies and other front-line refugee hosting nations whose stability is critical to foreign policy and security interests. Many of the Syrian refugees admitted to the United States have been resettled from Jordan, a key ally and partner in the U.S.-led coalition against ISIS in Syria and Iraq.

Others, as the Heritage Foundation pointed out in a July 2017 report, have been resettled from Turkey, a NATO ally, and small numbers have come from Lebanon, which is hosting more refugees per person than any other country and is also fighting ISIS. Lebanon's military has received significant levels of military assistance from the United States in recent years. Resettlement demonstrates to these nations and to their people that the United States and other countries are willing to truly share responsibility, and in doing so strengthens American global leadership.

Jordan hosts over 660,000 Syrian refugees<sup>34</sup> in addition to tens of thousands of Iraqi refugees. About 72,000 refugees living in Jordan have been identified as needing resettlement, according to UNHCR.<sup>35</sup> The impact on Jordan of cuts to U.S. aid, and, as a result, global resettlement has been so substantial that it has been called the “the unintended victim” of President Trump’s refugee ban.<sup>36</sup> For instance:

- While about 19,300 Syrian and other refugees left Jordan through resettlement in 2016,<sup>37</sup> this level of resettlement has dropped sharply since January 2017. From January through May 2017, only 2,884 refugees have been able to depart from Jordan through resettlement.<sup>38</sup>
- This decrease amounts to a 64 percent cut in resettlement from Jordan in the first five months of 2017.<sup>39</sup> This will plummet further during the third quarter of 2017 as the Trump Administration met its 50,000 cut-off on July 12.
- In addition to the 72,000 refugees in Jordan in need of resettlement, thousands of other refugees have already been referred to resettlement countries but are now waiting for their processing to be completed. Those who have been referred to the United States now have their cases effectively frozen.
- The percentage of refugees resettled from Jordan that have been resettled to the United

States has dropped from 60 percent in 2016 down to 39 percent in 2017, but this percentage will likely fall during the third quarter of 2017 due the Trump Administration’s resettlement cap.<sup>40</sup>

- Department of Homeland Security refugee officers, who conduct assessment interviews with resettlement candidates, returned to the United States in February, just after the executive order was issued. U.S. interviews have largely been suspended.

The resettlement needs in Turkey, which is the world’s largest refugee hosting country, are substantial. Turkey hosts over three million Syrian refugees alone.<sup>41</sup> Over 300,000 refugees living in Turkey need resettlement according to UNHCR analysis.<sup>42</sup>

- U.S. resettlement from Turkey has fallen drastically since the January executive order. 4,529 refugees were resettled to the United States from Turkey from October 1, 2016 to January 31, 2017, reflecting a monthly average of 1,132. However, from February 1 through June 30, 2017 only 1,672 refugees were resettled from Turkey, reflecting a monthly average of 334, a decrease of 70 percent.
- The rate of decline is even greater—79 percent—in recent months, during a period that largely follows issuance of the March 6 order. From March 1 through June 30, 2017, only 947 refugees were resettled from Turkey, reflecting a monthly average of only 237.

Lebanon, which hosts over one million Syrian refugees, and where one out of every four people is a refugee, also has substantial resettlement needs. About 120,000 refugees in Lebanon need resettlement.<sup>43</sup> The impact of the executive order on refugees in Lebanon has been significant. For instance:

- While over 19,500 refugees left Lebanon through resettlement in 2016,<sup>44</sup> this level of resettlement has dropped sharply since January 2017. From January through May 2017, only 5,264 refugees have departed from Lebanon through resettlement.<sup>45</sup> This drop is particularly concerning given the already exceedingly low levels of resettlement from Lebanon.<sup>46</sup>
- This decrease amounts to a 35 percent cut in resettlement from Lebanon in the first five months of 2017.<sup>47</sup> This decline may fall further during the third quarter as the Trump administration met its 50,000 cap on July 12.

The sharp decline in resettlement triggered by the Trump executive orders also impacts U.S. allies in Europe. As outlined later in this report, the lack of sufficient resettlement places, along with other challenges, has helped push refugees to embark on dangerous journeys towards Europe. The decline in U.S. resettlement slots, and the resulting cuts in resettlement globally, means that there is even less hope that refugees can secure orderly routes to protection.

The orders' counterproductive cut in resettlement has led the United States to signal to its ally Australia that it will delay resettlement of fully vetted refugees that the United States had previously agreed to resettle to the United States. Now that the Trump Administration's 50,000 resettlement cut-off has been triggered, the United States has reportedly indicated that it will not resettle the refugees until the next fiscal year.<sup>48</sup> While Australia should simply admit these refugees itself rather than continuing to pursue rights-violating actions to prevent refugees from reaching Australian territory, the Trump Administration's attempts to flout, and now delay, the agreement undermines the credibility of the United States in the eyes of long term allies.

## **Iraqis who worked with U.S. military and U.S. entities still stranded**

Many interpreters and others who worked with the U.S. military and other American entities in Iraq have been targets of threats and violence due to their U.S. relationships. Former U.S. military leaders and officials have warned of the importance of bringing these people to safety, both as a moral and national security imperative. Veterans too have raised concerns about the risks to these U.S. allies and their families. Efforts to recruit interpreters and other support staff for operations in the future will be thwarted if the United States abandons those who put their lives on the line to work with the U.S. military and other American entities.

In an effort to protect Iraqi allies Congress passed the Refugee Crisis in Iraq Act of 2008 with bipartisan support. The act directed that a priority resettlement route be created for Iraqis who work or worked for the U.S. government, military, mission contractors, and U.S.-based media or non-governmental organizations and their families. More than 50,000 Iraqis are waiting to be processed for resettlement through this program. A second path to protection, through an Iraqi Special Immigrant Visa (SIV) program, stopped accepting applications in 2014 and has less than 700 allocated visas to issue, leading many interpreters and others who worked directly with the U.S. military to apply through this special resettlement program.

The Trump Administration's executive orders both contained provisions that sought to suspend and slash U.S. resettlement by half, moves that derail resettlement of U.S.-affiliated Iraqis as well as vulnerable refugees globally. Even though the resettlement provisions of the executive order have been stayed in court for much of the last six months, the U.S. resettlement of Iraqis has

plummeted. **Four thousand Iraqi refugees were resettled during the first six months of 2016, yet during the past six months only 1,795 Iraqis were brought to safety in the United States, a decline of 55 percent.**<sup>49</sup>

After the Supreme Court's June 26 decision allowing resettlement to proceed for those with bona fide U.S. relationships, the Trump Administration issued guidance that failed to even mention the special resettlement program for U.S.-affiliated Iraqis and later, in litigation, confirmed its view that it does not consider the U.S.-affiliated Iraqis who are afforded priority resettlement under the Refugee Crisis in Iraq Act as covered by the Supreme Court's U.S. relationships exception. It also did not include them on the list of categories of individuals that can continue to be processed for resettlement during the 120-day refugee ban. The Trump Administration has taken this approach even though U.S.-affiliated Iraqis have relationships with U.S. entities that are not only formal, documented, and formed in the ordinary course, but are so important that Congress passed a law to ensure their eligibility for priority refugee admissions due to those relationships.

Over the last six months the resettlement of many Iraqis who worked with the U.S. military and other U.S. entities, as well as their families, has been delayed, derailed or left in limbo. Some examples of these Iraqis, who are assisted by the U.S.-based International Refugee Assistance Project (IRAP) pro bono organization, include:

- **The widow of an Iraqi killed working for the United States.** An Iraqi widow fled for Turkey after her husband was killed working for the U.S. Army in Iraq. Her son, who had also served as an interpreter, came to the United States under the Special Immigrant Visa program. He now works with the U.S. Army and is a citizen. The widow's case was referred for consideration to the U.S. resettlement program,

but her case is delayed due to a backlog that has grown longer in the wake of the executive order and cuts in resettlement.<sup>50</sup>

- **Iraqi whose life is at risk because his brother helped the U.S. military.** Ali is currently living under death threat in Baghdad as he waits completion of his U.S. resettlement processing, which has been pending for two years. Ali and his family have been targeted because his brother Salam helped the U.S. military. Salam, who was a translator for a U.S. reporter in Baghdad, tipped off the U.S. military about the identities of local militia members who were killing Iraqi civilians and U.S. soldiers. As a result, militants targeted the family, killing one brother and cousin. As a result of the executive orders and cuts in resettlement, the backlogs and delays in U.S. processing have grown and Ali's wait—in very dangerous circumstances—is growing longer and longer.<sup>51</sup>

- **The sister of a man who had worked as a U.S. government security guard in Iraq.** The woman's brother had already been resettled to the United States due the dangers he faced because of his work as a security guard for the U.S. government in Iraq. The families of those who worked for the United States in Iraq are often targeted, which is why Congress provided for their protection as well. The sister was scheduled for an interview in February 2017, but that interview was cancelled because of the executive order and her resettlement is now in limbo while she waits at risk in Iraq.<sup>52</sup>

Many Iraqis who worked with the U.S. military or other U.S. entities are in grave danger in Iraq. As one veteran explained, a ban on Iraqi refugees "leaves countless thousands to be hunted for their service to the United States."<sup>53</sup>

In a March 10, 2017 letter to President Trump, a group of former U.S. officials who served under both Democratic and Republican administrations

detailed their concerns about the impact of the March 6 executive order on these U.S.-affiliated Iraqis. They wrote as follows:

*[W]e remain concerned that the Iraqis who risked their lives to work with the U.S. military, U.S. government and other U.S. organizations will be left in harm's way for even longer due to the order's 120-day suspension of the U.S. Refugee Admissions Program and overall reduction in refugee admissions. These individuals were given priority access to U.S. resettlement under the Refugee Crisis in Iraq Act, but their resettlement, like that of many other vetted refugees, will now likely be delayed as security clearances and other approvals expire, adding many more months onto their processing. The United States has a moral obligation to protect these allies.<sup>54</sup>*

### **At-Risk Refugees Stranded: Orphans, Medical Emergencies, Trafficking Victims, and Other Individuals**

As a result of the executive orders, cuts in resettlement, delays, and uncertainty, there are fewer slots for refugees at risk, and many refugees have been left in difficult and dangerous situations. Multiple aid agencies, working in different parts of the world, reported that the resettlement cases of refugees they assist are essentially frozen now and new resettlement referrals are largely blocked. The U.N. Refugee Agency (UNHCR) has, for example, warned that “a drop in quotas available in 2017, and expected in 2018, will have a serious impact on the ability to submit new cases” of refugees in Africa who are potentially eligible for resettlement consideration.<sup>55</sup>

The cuts in resettlement spaces for 2017 have significantly impacted vulnerable refugees, especially those who need urgent and emergency resettlement. An expert working with the U.S.-based Refugee Point in Senegal reported that processing for 105 refugees who were urgently in need of resettlement stopped in the wake of the orders.

The executive orders and their cuts have overwhelmingly impacted refugee children. In fact, young children and women have made up 67 percent of refugees from Iraq and Burma, and 71 percent of refugees from Somalia, Syria and the Democratic Republic of Congo.<sup>56</sup> The derailment of resettlement is also affecting the resettlement of acutely at-risk unaccompanied children as the United States has historically had the ability to resettle some of these children. Refugee Point reported the following example from Cairo:

■ **Eritrean child victim of traffickers raped while waiting in limbo.** Now 16 years-old, an Eritrean girl arrived in Egypt in April 2016 after fleeing her country to escape forced conscription. While in transit to Egypt, she was held by traffickers in Sudan. For nearly three months, she was subjected to repeated acts of sexual violence and physical abuse. In late January 2017 she was interviewed by UNHCR. The United States typically considers cases of unaccompanied children for resettlement. However, after the January 27 executive order was issued, there were no other resettlement slots available from other countries for unaccompanied children from Egypt. Since then, the child was raped again, resulting in pregnancy. The child contemplated suicide, but after receiving support from professional organizations, her mental health appears to have improved significantly. The girl still remains at risk in Egypt and has not yet been referred for resettlement consideration due to the lack of available resettlement slots for

unaccompanied children in the wake of the Trump Administration's January 27 order.

Without resettlement as an option, vulnerable children face serious threats to their physical safety and well-being. In addition, Refugee Point reported that, as with many survivors of sexual and gender-based violence that the organization assists in Egypt, a large number are targeted yet again, becoming repeat victims in the country.

Some refugees face serious medical threats and need life-saving medical treatment. However, with the sharp decrease and the delays in U.S. resettlement, these refugees are facing difficulties securing resettlement to places where they can receive the treatment they desperately require. Aid workers in Jordan who work with traumatized refugees report that refugees in need of life saving medical treatment face greater difficulties in the wake of the U.S. decrease in resettlement.<sup>57</sup>

The U.S. based law firm Reed Smith is representing, through its pro bono project, a number of vulnerable refugees whose resettlement has been derailed, delayed or otherwise impacted by the executive orders. These individuals include:

■ **A two-year-old girl in need of medical care.**

Born with only one eye and a disfigured face, Sham Aldaher just turned two years old. Her parents were teachers in Syria, and like many Syrians, fled the country in search of refuge. The family was referred to the United States for resettlement consideration. They underwent interviews, extensive vetting and cleared security checks. The little girl had to have two urgent surgeries so that she could receive an eye prosthesis. Now, even though she has completed the process, this two-year-old and her family are blocked from U.S. resettlement because the United States met the Trump Administration's 50,000 cap. This child and her

family will remain in limbo unless the orders are rescinded, stayed, or an exception is granted

■ **A rape survivor and her family.** A mother from Iraq was raped; her son kidnapped and tortured. Another son was killed, and his younger sister witnessed the attack. The family fled to a neighboring country but they are in need of resettlement given their acute vulnerabilities. The young girl is suffering from trauma due to the violence she witnessed. Despite the family's support network in the United States, their pro bono attorneys were told that the case could not be referred for U.S. resettlement consideration because the U.S. refugee program has stopped.

Large families have been particularly impacted by the suspension of the U.S. resettlement program as the United States accepts these families and works to resettle them together. A Refugee Point expert based in Egypt has interviewed many large Sudanese—mostly Darfuri—and Somali families whose cases have been on hold since last year because of the uncertainty surrounding the U.S. resettlement program and the lack of any other resettlement options. In one case for example, a Darfuri family's resettlement case was referred to the United States because another resettlement country could not resettle the large family together. But now the family will likely be stuck waiting for even longer as the United States has hit the Trump Administration's resettlement cut-off.

Aid workers who assist refugees in Jordan recently reported to Human Rights First that refugees who have been referred to the United States for resettlement consideration experience significant distress as their cases wait in limbo in the wake of President Trump's executive orders. For instance, a refugee family living in Jordan learned their resettlement case was on hold, even though they were already far into the process and had been interviewed twice. Aid workers have



reported to Human Rights First that the waiting and lack of information is agonizing and very stressful for refugees.<sup>58</sup>

A pro bono lawyer at Reed Smith reported that her firm's refugee clients face a range of hardships due to the cuts in resettlement. These include difficulties relating to inadequate shelter, lack of food, medical care, and school for children, stigma and violence against Syrian urban refugees, fear of deportation for working without papers, and exploitive labor conditions for women working in the domestic black market.

## LGBT refugees at risk without resettlement

Lesbian, gay, bisexual, or transgender (LGBT) status is explicitly criminalized in over 70 countries, including six of the seven countries whose nationals are banned from entry through the executive order. Refugees who are persecuted due to their sexual or gender identities often continue to be targeted for violence after escaping to neighboring countries. For instance, many LGBT persons have fled Uganda where gay people are brutally persecuted and same-sex relations are criminalized, only to find themselves at risk and targeted for violence again in Kenya.<sup>59</sup> LGBT persons who flee from Iran, Iraq, or Syria often remain at risk in Jordan or Turkey. In July 2016 a gay Syrian refugee was beheaded in Turkey. Prior to his murder, he had received threats and had been kidnapped and raped.<sup>60</sup>

For some LGBT refugees, resettlement may be the only durable solution that can provide adequate protection to ensure their survival, as UNHCR has explained in its recent resettlement needs analysis.<sup>61</sup> Several aid workers in Jordan told Human Rights First that some of the refugees most in need of resettlement are LGBT refugees

who cannot live safely as they continue to be targets of danger, discrimination, and violence.

A humanitarian organization that assists LGBT refugees in Turkey reported that its clients who were awaiting resettlement had become fearful and desperate in the wake of the executive order. In Turkey, as in other countries, LGBT refugees face severe risks of violence and in some cases resettlement is the only way to ensure their protection. The organization reported that several of its refugee clients attempted suicide or threatened to do so after learning that the U.S. resettlement system was "going down."<sup>62</sup> In addition, LGBT refugees in Eastern Europe are facing increasing risks of violence.<sup>63</sup>

LGBT refugees have had their cases delayed and frozen due to the executive orders. For example:

- **A gay refugee from Iran.** The man had fled from Iran where he was at risk of arrest and execution due to his sexual orientation. But he remained at risk in Turkey. As a result, he was referred to the United States for resettlement consideration. He was scheduled to travel to the United States just days after the ban was announced, but his travel was cancelled initially due to the executive order.<sup>64</sup>
- **A gay refugee from Uganda remains in danger in Kenya.** After fleeing persecution in Uganda, this refugee struggled to survive in Kenya where LGBT refugees face grave risks. He was referred by UNHCR to the United States for resettlement consideration. His resettlement interview, scheduled for February 2017, was cancelled due to the first executive order. In the wake of the second order and the Trump Administration's 50,000-resettlement cut off, his resettlement case is on hold. He remains at risk in Kenya, unable to leave his home due to risks of violence and harassment due to his sexuality. He has no idea what will happen and has only been told to wait.<sup>65</sup>

- **A lesbian refugee left at risk in Kenya.** A refugee from Uganda who fears persecution because she is a lesbian was referred by UNHCR for U.S. resettlement consideration. She has already been waiting over eight months in Kenya for an interview with refugee officers. Now her wait will be delayed much longer. While she waits, she lives at risk and in danger. In addition, despite her medical needs does not have access to doctors.<sup>66</sup>
- **A man who was arrested and imprisoned in Uganda due to his sexuality.** This refugee fled Uganda in 2014 and crossed into Kenya in search of protection. Two years later UNHCR referred him for U.S. resettlement consideration in light of the risks he faced in Kenya. He has been waiting since 2016 for a resettlement interview with U.S. officials. He cannot stay in a refugee camp due to the dangers faced by LGBT persons there. In addition, despite being ill, he does not have access to necessary medical care in Kenya.<sup>67</sup>

## Lack of Resettlement Fuels Smuggling, Trafficking and Dangerous Journeys

Effective resettlement initiatives help ensure that refugees who cannot secure protection in front-line countries have safe and orderly routes to access protection. Indeed, “[r]esettlement and other forms of admissions can play a significant role in reducing irregular and dangerous movements, and in offering a credible and safe alternative to some refugees,” as the UNHCR has explained.<sup>68</sup>

In contrast, the lack of sufficient resettlement, coupled with the lack of sufficient aid and opportunities to work legally and remain without risks in front-line countries, have driven many refugees to embark on dangerous journeys to

Europe in search of protection.<sup>69</sup> With the already limited—and now sharply shrinking—opportunities for resettlement or other orderly pathways to protection, many refugees will continue to see little alternative but to try to enter Europe through risky routes.<sup>70</sup>

The number of individuals traveling by sea from Turkey to Greece fell earlier this year, but refugees and migrants—and the smugglers and traffickers who prey on them—are now using more diverse, and often more dangerous, routes to try to enter or cross the sea to reach Europe. For instance, sea arrivals to Spain through the western Mediterranean now constitute a greater proportion of arrivals to Europe.<sup>71</sup>

Several aid workers in Jordan reported to Human Rights First that the orders and the decrease in resettlement are pushing people to look to illegal means of travel that leave them more vulnerable to exploitation and trafficking.<sup>72</sup> For refugees, “life in Jordan is like standing in quicksand” and the Trump Administration’s executive orders and reduction of resettlement are “closing even the small window of hope.” Some refugees have told aid workers that they cannot remain in Jordan where they can’t work legally and they cannot return home safely.

The cuts in the U.S. resettlement program may also be encouraging African refugees to resort to dangerous journeys to seek protection. Following the announced cuts in resettlement, there has been a significant rise in secondary movement to Libya among Somali refugees, as reported by a Refugee Point expert working with refugees in Uganda. Libya is a major departure point for refugee and migrants trying to reach Europe, with 33,235 refugees and migrants crossing the sea from North Africa to Europe in the first four months of 2017 alone.<sup>73</sup>

## Refugee Bans Undermine Adherence to International Law

After World War II the United States helped establish an international system and legal framework grounded in the conviction that people fleeing persecution should never again be turned back to face horror or death. Today 148 nations are party to the U.N. Convention Relating to the Status of Refugees or its Protocol, including the United States, which is a member of the Executive Committee of the U.N. Refugee Agency (UNHCR).

Even countries that are not party to the Refugee Convention and Protocol must comply with this prohibition on return to persecution as it constitutes a tenet of customary international law. Through Article 3 of the Refugee Convention, nations are obligated to “apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.”

In its preamble, the Refugee Convention recognizes that international cooperation is critical to support states that face heavy burdens in hosting refugees. Resettlement is one such form of international cooperation. By committing to resettle refugees, the United States and other nations can support front-line states to continue to admit refugees who flee across borders to escape persecution and to thereby uphold international law.

The United States often uses resettlement not only to save individual lives but also to support the protection of the lives and rights of the many refugees that remain in the region surrounding their home country. In last year’s report to Congress on refugee admissions, U.S. agencies reported that “in some case, the United States has been able to use its leadership position in resettlement to promote and secure other durable

solutions for refugees, or advance other human rights or foreign policy objectives.”

The report explained that U.S. resettlement initiatives in Africa, the Middle East, and East Asia had helped to energize efforts to “ensure that first asylum is maintained for larger refugee populations” and to support the promotion of local integration by front-line host states.<sup>74</sup> U.S. resettlement initiatives have helped diplomatic efforts to encourage front-line nations to uphold international law, to allow refugees to cross borders to secure protection in accordance with that law, and to extend work permission or safeguard other essential rights necessary for refugees to continue to live in these front-line countries.

The Trump refugee ban executive orders, with their steep cuts to resettlement, their targeting of refugees from Muslim-majority countries, and their impact on the world’s gravest refugee crises, have undercut the ability of the United States to continue to leverage resettlement to expand regional protection and uphold the rule of law. As a result, the executive orders—along with turn-backs of asylum seekers at the U.S. southern border and the criminal prosecution and unnecessary detention of asylum seekers<sup>75</sup>—are undermining adherence to international law. In some cases, the order has emboldened the plans of other nations to violate international law.

Some examples of the impact of the Trump executive orders on international refugee protection and law include:

- The ability of the United States and the international community to press states surrounding Syria to uphold international law is undermined by the orders and U.S. statements about refugees. By announcing an indefinite ban on the resettlement of Syrian refugees and portraying Syrian refugees as security threats, the United States has made it much more

difficult to encourage the states surrounding Syria to comply with international law and allow refugees to escape across borders. The United States has in the past used resettlement to demonstrate to states that if they comply with international law's prohibitions against returning refugees and rejecting them at borders, the international community will support them and help share in the responsibility of hosting at least some refugees. **Just a few days after President Trump signed his January 27 order, Lebanese president Michel Aoun renewed calls for Syrians to be returned to their country.**<sup>76</sup> Given the dangers in Syria, safe returns are neither possible nor lawful. But Lebanon's borders, like those of Turkey and Jordan, remain largely closed to Syrians seeking to flee their country, violating international law and leaving Syrians unable to escape from violence, persecution and terror. Many thousands of refugees are stranded in danger along Syria's borders with Jordan and Turkey. About 50,000 are in an area referred to as the "Berm" along the Syrian-Jordanian border, threatened by violence, horrendous conditions and, most recently, the approach of the Syrian military.

- **The Hungarian government has asserted that the January 27 executive order provides support for its plans to subject asylum seekers to treatment that violates international and E.U. law.** Speaking on February 7, 2017, less than two weeks after the January 27 executive order was issued, the chief Hungarian government spokesperson Zoltán Kovacs said, speaking on behalf of the Hungarian prime minister about the plan to subject asylum seekers to mandatory detention, "A change of perspective in the U.S. helped others to respect the Hungarian position." Referring to President Trump's executive order, he said, "We respect the USA's sanctions," and,

"The world is moving to a pragmatic era and we believe that the new U.S. government's approach will ease the tension" over the change to asylum policy. The Hungarian parliament subsequently passed the mandatory detention law on March 7, 2017. As a result, UNHCR publicly called on E.U. members to temporarily suspend asylum seeker returns to Hungary and the European Commission has moved forward on infringement procedures against Hungary over the new asylum law. Germany announced in April that it would no longer return asylum seekers to Hungary absent assurances in each individual case, and in June Switzerland's highest administrative court ruled that asylum seekers could not be returned to Hungary in light of the policy.<sup>77</sup>

- **The Trump refugee bans undermined efforts to ensure Kenya complied with legal obligations and did not improperly return Somali refugees to danger.** The government of Kenya has pushed for closing a major refugee camp and returning nearly 300,000 Somali refugees, despite the dangers many would face. In 2016 the United States, which had led efforts to resettle at least a small portion of vulnerable Somali refugees, helped pressure Kenya to moderate its approach, or at least its timeline. In the wake of President Trump's executive orders suspending and cutting resettlement, and his many statements labeling Somali refugees as security threats, concerns that Kenya would try to move ahead with plans to return refugees to Somalia in violation of international law mounted. A regional expert with the International Crisis Group explains, "Certain elements in the leadership in Kenya may feel emboldened by the Trump decision and there is a risk Nairobi may now escalate the pressure on [the international community] to close down the refugee camp."<sup>78</sup>

In fact, around 30,000 Somalis were already returned during the first half of 2017. There are serious concerns that many of these returns may not actually be voluntary, as claimed. In June 2017 Congressional testimony, Eric Schwartz, former Assistant Secretary of State for Population, Refugees and Migration, noted that researchers with Refugees International, the organization he now leads, had met refugees who had returned to Somalia only to flee back to Kenya in the face of violence and hunger.<sup>79</sup> While a Kenyan court has blocked the returns, finding that the Kenyan government had not shown Somalia is safe for refugee returns, the Trump Administration's ban undercut efforts to press the Kenyan government to adhere to international law.<sup>80</sup>

**Despite the Refugee Convention's non-discrimination provisions, both the January 27 and March 6 orders discriminate against refugees based on their religion and their national origin.** The first refugee ban targeted Syrian refugees for an indefinite ban and provided exceptions, and preferences, for religious minorities—an approach that would block resettlement of Muslim refugees Muslim-majority countries. Both orders included a 90-day travel ban targeting visitors from seven, and then six, Muslim-majority countries. While the March 6 order deleted the Syrian refugee ban and the religious minority preferences, the president and his advisors made clear the revised order was designed to achieve the same result. A group of former national security, intelligence, and other officials pointed out that “rebranding a proposal first advertised as a “Muslim Ban” as “Protecting the Nation from Foreign Terrorist Entry into the United States” did not disguise the January 27 Order’s discriminatory intent” and that the few changes reflected in the March 6 order “do not cure this discriminatory intent.”

Adherence to international law matters for many reasons. Not only do failures to comply with these rules leave refugees in danger—for example, blocking families in Syria despite the threats of Russian bombs, Syrian government attacks, and ISIS terror—but such failures also subvert the rule of law globally. The negative example set by U.S. resettlement, border, and detention policies will, if not remedied, undermine the global protection regime and the solidarity and responsibility-sharing necessary to address the global refugee and displacement crisis.

To truly lead, the United States should uphold and support, rather than undermine and subvert, international law. A strong recommitment to international refugee and human rights law is necessary not only to better help refugees, but also to support broader U.S. humanitarian, strategic, and national security goals.

## Harmful Impact on U.S. Foreign Policy and National Security interests

President Trump has described his refugee ban orders as necessary to protect the country from security threats. However, refugees are already more rigorously vetted than any other population of travelers to the United States, a point that has been confirmed again and again by former U.S. national security and intelligence officials and former military leaders who have served both Democratic and Republican administrations.<sup>81</sup>

Refugees are interviewed repeatedly by trained Department of Homeland Security officers and vetted as well by national intelligence agencies, the Department of Defense and by INTERPOL, a process that includes intelligence from foreign intelligence agencies as well. Their fingerprints and other biometric data are checked against terrorist and criminal databases.<sup>82</sup> Any necessary

enhancements can and should, as former intelligence and national security officials have pointed out, be implemented without halting the program.

The Trump refugee bans are not only unnecessary to safeguard U.S. foreign policy and national security interests, but have actually damaged our foreign policy and national security interests as well as U.S. global leadership. As detailed above, the refugee bans and their cuts to resettlement have impacted U.S. allies and undercut U.S. support for nations whose stability is key to U.S. foreign policy and national security interests.

For example, refugee resettlement from Jordan fell by 64 percent in the first five months of 2017 and resettlement from Lebanon fell by 35 percent. Resettlement to the United States from Turkey has dropped by 79 percent in recent months. Former national security officials and military leaders who have served both Democratic and Republican administrations have repeatedly expressed concerns that the derailment of resettlement undermines our ability to support the stability of strategically important nations, including U.S. allies.<sup>83</sup> For example:

- In the wake of the March 6 order, former officials with national security expertise wrote that “resettlement initiatives advance U.S. national security interests by protecting the stability of U.S. allies and partners struggling to host large numbers of refugees,” that the ban is “harmful to U.S. national security” and that “the order’s drastic reduction in the number of refugees to be resettled ... weakens this country’s ability to provide global leadership and jeopardizes our national security interests by failing to support the stability of our allies that are struggling to host large numbers of refugees.”<sup>84</sup>

- These concerns have been raised repeatedly over the last year and half. For example, Former CIA Director Hayden and former NATO Supreme Allied Commander James Stavridis wrote last year in the *Miami Herald*, “The global refugee crisis is straining the resources and infrastructures of Lebanon, Jordan, and Turkey, which are hosting the vast majority of Syrian refugees. By doing more to host and help refugees, the United States would safeguard the stability of these nations and thereby advance its own national security interests.” In a letter sent to Congress in December 2015, former national security and military leaders, including former CIA Directors General David Petraeus and General Michael V. Hayden; former Secretary of Homeland Security Michael Chertoff; former Secretaries of Defense William S. Cohen, William J. Perry, Chuck Hagel, and Leon Panetta; former Secretary of State Henry Kissinger; and former National Security Advisors Stephen Hadley and General James L. Jones, wrote that accepting refugees “support[s] the stability of our allies and partners that are struggling to host large numbers of refugees,” and warned that restricting acceptance of refugees would “undermine our core objective of combating terrorism.”<sup>85</sup>

The cuts, suspension, and derailment of U.S. resettlement instigated by the executive orders, along with their targeting of Syrian and Muslim refugees and travelers, has harmed national security interests in other ways as well. Some former national security, intelligence and military officials have reported that the orders are damaging counter-terrorism cooperation and related intelligence sharing:

- In a January 30, 2017 letter, former officials, diplomats, military leaders, and intelligence professionals who served in both the G.W. Bush and Obama Administrations wrote that the

January 27 order “will harm our national security” and reported that “Partner countries in Europe and the Middle East, on whom we rely for vital counterterrorism cooperation, are already objecting to this action and distancing themselves from the United States, shredding years of effort to bring them close to us.”<sup>86</sup>

- In early February 2017, a group of former officials with national security expertise concluded that the January 27 order “will disrupt key counterterrorism, foreign policy, and national security partnerships that are critical to our obtaining the necessary information sharing and collaboration in intelligence, law enforcement, military and diplomatic channels to address the threat posed by terrorist groups such as ISIL.” They reported that the executive order “has alienated U.S. allies” and concluded that the order “will strain our relationship with partner countries in Europe and the Middle East, on whom we rely for vital counterterrorism cooperation, undermining years of effort to bring them closer.”<sup>87</sup>
- In March 2017, following the March 6 order, a group of former officials with national security expertise who had worked under both Democratic and Republican administrations concluded that “the revised executive order will jeopardize our relationships with allies and partners on whom we rely for vital counterterrorism operation and information-sharing.”<sup>88</sup>
- In April 2017, a group of former officials reported that the March 6 order would disrupt national security partnerships critical to addressing the ISIL threat and in particular that the order had already “alienated allies and partners” and that “[c]ountries in the Middle East expressed disapproval and even threatened and engaged in reciprocity in response to the January 27 Order, jeopardizing years of diplomatic outreach.”<sup>89</sup>

Former U.S. national security and intelligence officials have also concluded that the executive orders undermine U.S. national security by feeding into ISIS’s narratives:

- The January 27 order “has already sent exactly the wrong message to the Muslim community here at home and all over the world: that the U.S. government is at war with them based on their religion. We may even endanger Christian communities, by handing ISIL a recruiting tool and propaganda victory that spreads their horrific message the United States is engaged in a religious war.”<sup>90</sup>
- The January 27 order “will aid ISIL’s propaganda effort and serve its recruitment message by feeding into the narrative that the United States is at war with Islam.”<sup>91</sup>
- The bipartisan group of former officials who wrote to President Trump in March 2017 explained that “To Muslims—including those victimized by or fighting against ISIS—it [the March 6 revised executive order] will send a message that reinforces the propaganda of ISIS and other extremist groups that falsely claim the United States is at war with Islam. Welcoming Muslim refugees and travelers, by contrast exposes the lies of terrorists and counters their warped visions.”
- A group of former government officials pointed out that “less than a day after President Trump signed the January 27 Order, jihadist groups began citing its contents in recruiting messages online.”<sup>92</sup>

Former military leaders, veterans, and former national security officials have detailed concerns that the refugee bans, and the resulting cuts and further delays in resettlement, will endanger U.S. troops in the field:

- In early February 2017, a group of former officials with national security expertise

concluded that the January 27 order “could do long-term damage to our national security and foreign policy interests” and “endanger U.S. troops in the field.”

- In April 2017 a group of former officials stated that the order “will endanger troops in the field.” Pointing to the refugee ban’s impact on the resettlement of interpreters and others who have assisted U.S. troops at great risk to their lives, the former officials concluded that “[b]y discouraging future assistance and cooperation from these and other affected military allies and partners, the Order will jeopardize the safety and effectiveness of our Service Members.”<sup>93</sup>
- Veterans themselves have explained that the refugee ban harms U.S. national security by abandoning the interpreters the military relies on to successfully carry out its missions around the world, stressing that “our mission, and sometimes our lives, depended on the interpreters, translators, and other local allies.”<sup>94</sup>

## Conclusion

In a Statement on America’s Commitment to Refugees, released on World Refugee Day in 2016, a group of former officials and retired military leaders—who had served under both Democratic and Republican administrations—joined together to emphasize this country’s strong commitment to protecting the persecuted:

*For more than two centuries, the idea of America has pulled toward our shores those seeking liberty, and it has ensured that they arrive in the open arms of our citizens. That is why the Statue of Liberty welcomes the world’s ‘huddled masses yearning to breathe free,’ and why President Reagan stressed the United*

*States as ‘a magnet for all who must have freedom, for all the pilgrims from all the lost places who are hurtling through the darkness.’*

The statement’s signatories included: Former Secretary of Defense and U.S. Senator William S. Cohen; Former Secretary of Defense Chuck Hagel; Former Director of the CIA General Michael V. Hayden, U.S. Air Force (Ret.); Former Director of the National Counterterrorism Center Michael E. Leiter; Former U.S. Senator Carl M. Levin; Former Commander of U.S. Army Europe General David M. Maddox, U.S. Army (Ret.); Former Director of the National Counterterrorism Center Matthew G. Olsen; Former Secretary of Defense William J. Perry; Former NATO Supreme Allied Commander Admiral James G. Stavridis, U.S. Navy (Ret.); Former Homeland Security Advisor Frances F. Townsend; and, Former Secretary of Homeland Security Michael Chertoff.

The damage done by President Trump’s refugee bans has been devastating to refugees, to refugee-hosting nations, to American allies and partners, to U.S. national security interests and to U.S. global leadership. The Trump Administration must change course, rescind the bans and launch a renewed and robust effort to lead the world’s nations in assisting, protecting, and resettling refugees. While this country has at times faltered, the U.S. commitment to protecting the persecuted has deep and strong roots.

By restoring America’s role as a beacon to those searching for freedom, this country will not only safeguard its own national security and foreign policy interests, it will demonstrate that its guiding ideals are powerful and at the heart of what makes this nation strong. As U.S. Army veteran Adam Babiker, a former refugee who fled the genocide in Darfur, recently wrote: “We are a beacon, a force for good, and a symbol to the rest of the world. We help the oppressed and welcome the victims of war.”<sup>95</sup>



## Endnotes

- <sup>1</sup> Unless otherwise noted, data on U.S. resettlement was retrieved from WRAPS (Worldwide Refugee Admissions Processing System) and a six-month timeframe post-President Trump's January 27 executive order of January 28-July 21, 2017.
- <sup>2</sup> Letter to Secretary of State Rex Tillerson and Homeland Security Secretary John F. Kelly, from Senators Shaheen, Lankford, Brooker, Flake, Brown, Lee, Carper, Murkowski, Durbin, Rubio, Gillibrand, Tillis, Markey, Markey, Murphy, Warren and Wyden (May 4, 2017), *available at* <https://www.washingtonpost.com/r/2010-2019/WashingtonPost/2017/05/04/National-Politics/Graphics/ShahenLankfordLetter.pdf>.
- <sup>3</sup> OLIVIA ENOS, DAVID INSERRA AND JOSHUA MESERVEY, *THE U.S. REFUGEE ADMISSIONS PROGRAM: A ROADMAP FOR REFORM 2-3* HERITAGE FOUNDATION (July 2017).
- <sup>4</sup> U.S. Refugee Admissions and Refugee Resettlement Ceilings, Fiscal Years 1980-2016, MPI, [https://public.tableau.com/profile/mpi.data.hub#!/vizhome/RefugeeAdmissionstotheU\\_S\\_WRAPS1980-2016/Dashboard1](https://public.tableau.com/profile/mpi.data.hub#!/vizhome/RefugeeAdmissionstotheU_S_WRAPS1980-2016/Dashboard1) (last accessed July 27, 2016).
- <sup>5</sup> From Jan. 28, 2016 to Jun 21, 2016, 38,104 refugees were resettled in the United States. From Jan. 28, 2017 to Jun. 21, 2017, 18,209 refugees were resettled in the United States. In FY 2016, the United States resettled 84,994 refugees.
- <sup>6</sup> OXFAM INTERNATIONAL, *SYRIA CRISIS FAIR SHARE ANALYSIS 7* (2016).
- <sup>7</sup> In 2016, UNHCR reports that the United States resettled 78,340 refugees and had a national population of 321,774,000. Based on these numbers, a FY2017 50,000 resettlement limit would result in one refugee resettled per 6,435 persons. UNHCR, 2018 PROJECTED GLOBAL RESETTLEMENT NEEDS 78 (June 2017).
- <sup>8</sup> Karoun Demirjian & Abigail Hauslohner, *'Refugee processing has ground to a halt': A group of senators wants to know why*, Wash. Post (May 4, 2017), [https://www.washingtonpost.com/powerpost/refugee-processing-has-ground-to-a-halt-a-group-of-senators-want-to-know-why/2017/05/04/d49aee2a-30d6-11e7-9534-00e4656c22aa\\_story.html?utm\\_term=.ded0d80a0fa1](https://www.washingtonpost.com/powerpost/refugee-processing-has-ground-to-a-halt-a-group-of-senators-want-to-know-why/2017/05/04/d49aee2a-30d6-11e7-9534-00e4656c22aa_story.html?utm_term=.ded0d80a0fa1); Email correspondence with Jayne Fleming, pro bono attorney at Reed Smith LLP, July 2017.
- <sup>9</sup> Information provided by Refuge Point.
- <sup>10</sup> *World Relief Announces the Layoff of 140+ Staff and Closure of Five Local Offices Due to the Trump Administration's Reduction in Refugee Resettlements in the U.S.*, WORLD RELIEF (Feb. 15, 2017), <https://www.worldrelief.org/press-releases/world-relief-announces-the-layoff-of-140-staff-and-closure-of-five-local-offices-due-to-the-trump-administrations-reduction-in-refugee-resettlements-in-the-us>.
- <sup>11</sup> Dennis Sadowski, *Catholic Charities agencies eye layoffs over uncertainty on refugees*, NATIONAL CATHOLIC REPORTER (Feb. 14, 2017), <https://www.ncronline.org/news/politics/catholic-charities-agencies-eye-layoffs-over-uncertainty-refugees>; Theresa Laurence, *Cap on refugees forces Catholic Charities layoffs in Nashville Diocese*, NATIONAL CATHOLIC REPORTER (Mar. 1, 2017), <https://www.ncronline.org/news/people/cap-refugees-forces-catholic-charities-layoffs-nashville-diocese>; Jessie Degollado, *Travel bans blamed for cutbacks at SA Catholic Charities*, KSAT SAN ANTONIO (Mar. 6, 2017), <https://www.ksat.com/news/travel-bans-blamed-for-cutbacks-at-sa-catholic-charities>; Sherri Welch, *Resettlement agencies face uncertain future*, CRAIN'S DETROIT BUSINESS (Feb. 5, 2017), <http://www.crainsdetroit.com/article/20170205/NEWS/170209888/resettlement-agencies-face-uncertain-future>; Afi Scruggs, *Immigration Agencies Face Cuts and Layoffs in Light of Trump's Executive Order*, WKSU PUBLIC RADIO (Feb. 17, 2017), <http://wksu.org/post/immigration-agencies-face-cuts-and-layoffs-light-trumps-executive-order#stream/0>.
- <sup>12</sup> Victoria Macchi, *Trump's Cuts to US Refugee Program Lead to 300-plus Layoffs*, VOA (Apr. 27, 2017), <https://www.voanews.com/a/donald-trump-cuts-us-refugee-program-lead-to-hundreds-of-layoffs/3826785.html>; Robert King, *Flow of Refugees into Indiana has been cut in half under Trump*, INDY STAR (Apr. 6, 2017), <http://www.indystar.com/story/news/2017/04/06/flow-refugees-into-indiana-has-been-cut-half/100071284/>; Adam Saltsman, *As I See It: Refugee ban a loss for Worcester*, THE TELEGRAM (Mar. 28, 2017), <http://www.telegram.com/opinion/20170328/as-i-see-it-refugee-ban-loss-for-worcester>; Henry Cordes, *Omaha refugee resettlement agencies lose cut jobs after Trump decreases refugee admissions*, OMAHA WORLD HERALD (Feb. 18, 2017), [http://www.omaha.com/news/metro/omaha-refugee-resettlement-agencies-cut-jobs-after-trump-decreases-refugee/article\\_b3fbf47e-f531-11e6-a40c-5bcb6e22baee.html](http://www.omaha.com/news/metro/omaha-refugee-resettlement-agencies-cut-jobs-after-trump-decreases-refugee/article_b3fbf47e-f531-11e6-a40c-5bcb6e22baee.html); Deanna Pan, *S.C. refugee resettlement agency expects layoffs in the wake of the executive order*, THE POST AND COURIER (Feb. 27, 2017), [http://www.postandcourier.com/news/s-c-refugee-resettlement-agency-expects-layoffs-in-the-wake/article\\_73e40d0c-fd08-11e6-ab6b-ffd3a4d96725.html](http://www.postandcourier.com/news/s-c-refugee-resettlement-agency-expects-layoffs-in-the-wake/article_73e40d0c-fd08-11e6-ab6b-ffd3a4d96725.html).
- <sup>13</sup> UNHCR, 2018 PROJECTED GLOBAL RESETTLEMENT NEEDS 10 (June 2017).
- <sup>14</sup> UNHCR, GLOBAL TRENDS: FORCED DISPLACEMENT IN 2016 27 (June 2017).

- <sup>15</sup> UNHCR, *Resettlement Data Finder*, <http://rsq.unhcr.org/#2yCA> (last updated May 31, 2017).
- <sup>16</sup> UNHCR, 2018 PROJECTED GLOBAL RESETTLEMENT NEEDS 9-10, 14 (June 2017).
- <sup>17</sup> The 2017 monthly resettlement average is 6,422 (32,111/5 months). Based on this average, resettlement will reach 77,064 this year (6,422\*12 months).
- <sup>18</sup> Human Rights First interview with UNHCR resettlement expert (July 7, 2017).
- <sup>19</sup> UNHCR, 2018 PROJECTED GLOBAL RESETTLEMENT NEEDS 7, 19, 22 (June 2017).
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- <sup>25</sup> Compliant for Declaratory and Injunctive Relief at 14, IRAP v. Trump, 8:17-cv-00361-TDC (D. Md. Feb. 7, 2017), available at <https://www.documentcloud.org/documents/3456733-IRAP-Complaint-2-7.html>.
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- <sup>27</sup> In FY 2016, 38,900 resettled refugees were identified as Muslim, with 30,917 (79.48%) coming from the seven travel ban countries (Libya (1), Iran (405), Iraq (7,853), Somalia (9,012), Sudan (1,146), Syria (12,486) and Yemen (14)).
- <sup>28</sup> From July 27, 2016 to January 27, 2017, 28,198 Muslims refugees and 31,818 non-Muslim refugees were resettled of a total 60,016 refugees. From January 28, 2017 to July 21, 2017, 6,846 Muslim refugees and 11,363 non-Muslim refugees were resettled of a total 18,209 refugees.
- <sup>29</sup> From July 27, 2016 to January 27, 2017, 28,202 refugees from the seven travel ban countries and 31,814 refugees from non-travel ban countries were resettled of a total 60,016 refugees resettled. From January 28, 2017 to July 21, 2017, 6,476 refugees from the seven travel ban countries and 11,733 refugees from non-travel ban countries were resettled of a total 18,209 refugees resettled.
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- <sup>31</sup> Ryan C. Crocker, Foreword, in HUMAN RIGHTS FIRST, THE SYRIAN REFUGEE CRISIS AND THE NEED FOR U.S. LEADERSHIP (Feb. 2016).
- <sup>32</sup> Metincan Suran, An Interview with Robert Ford, Former U.S. Ambassador to Syria, The Politic (June 6, 2017), <http://thepolitic.org/an-interview-with-robert-ford-former-u-s-ambassador-to-syria/>; see also UNHCR, 2018 PROJECTED GLOBAL RESETTLEMENT NEEDS 41 (June 2017) (“Given the scale of the refugee population, and as the Syrian crisis becomes protracted, the infrastructure in Turkey is under pressure making it increasingly difficult for refugees to access services.”).
- <sup>33</sup> Ryan C. Crocker, Foreword, in HUMAN RIGHTS FIRST, THE SYRIAN REFUGEE CRISIS AND THE NEED FOR U.S. LEADERSHIP (Feb. 2016).
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- <sup>35</sup> UNHCR, 2018 PROJECTED GLOBAL RESETTLEMENT NEEDS 57 (June 2017).
- <sup>36</sup> Jesse Marks, The Unintended Victim: Jordan’s Struggle Under Trump’s Refugee Ban, March 24, 2017.
- <sup>37</sup> UNHCR, 2018 PROJECTED GLOBAL RESETTLEMENT NEEDS 71 (June 2017).
- <sup>38</sup> UNHCR, *Resettlement Data Finder – Country of Asylum: Jordan*, <http://rsq.unhcr.org/#gCH5> (last updated May 31, 2017).
- <sup>39</sup> In 2016, 19,303 refugees left Jordan or a monthly average of 1608.58, resulting in a five-month average of 8,043 as compared to 2,884 in 2017.
- <sup>40</sup> In 2016, the United States resettled 11,596 refugees from a total of 19,303 refugees resettled from Jordan. In the first five months of 2017, the United States resettled 1,133 refugees from a total of 2,884 refugees resettled from Jordan. Data retrieved from UNHCR, *Resettlement Data Finder*, <http://rsq.unhcr.org/> (last updated May 31, 2017).

- <sup>41</sup> UNHCR, *Syria Regional Refugee Response – Turkey*, <http://data.unhcr.org/syrianrefugees/country.php?id=224> (last updated Jul. 6, 2017).
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- <sup>43</sup> UNHCR, 2018 PROJECTED GLOBAL RESETTLEMENT NEEDS 57 (June 2017).
- <sup>44</sup> UNCHR, *Resettlement*, <http://www.unhcr.org/en-us/resettlement.html> (last accessed Jul. 25, 2017).
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- <sup>50</sup> Declaration of Rebecca Heller, Director, IRAP, In Support of Plaintiffs' Motion for Preliminary Injunction at 8, IRAP v. Trump, 8:17-cv-00361-TDC (D. Md. Feb. 22, 2017).
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- <sup>66</sup> Information provided to Human Rights First by a humanitarian agency working with refugees, including LGBT refugees, in Kenya.
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- <sup>88</sup> Letter to President Donald J. Trump from bipartisan group of former officials (Mar. 10, 2017), *available at* <http://www.humanrightsfirst.org/sites/default/files/LetterFormerOfficialsonMarch6EO.pdf>.

<sup>89</sup> Corrected Brief of Former National Security Officials as Amici Curiae in Support of Plaintiff-Appellees and Against a Stay Pending Appeal at 17-18, IRAP v. Trump, 8:17-cv-00361-TDC (4<sup>th</sup> Cir. Apr. 13, 2017).

<sup>90</sup> Letter to Secretary Kelly, et. al. from over 100 former officials (Jan. 30, 2017), *available at* <http://www.politico.com/f/?id=00000159-f0ef-d46b-abdf-f4efdd310001>

<sup>91</sup> Letter from former national security officials 2-3 (Dec. 2015), *available at* <http://www.humanrightsfirst.org/sites/default/files/FormerNatSecOfficialsLetterRefugees.pdf>

<sup>92</sup> Corrected Brief of Former National Security Officials as Amici Curiae in Support of Plaintiff-Appellees and Against a Stay Pending Appeal at 20, IRAP v. Trump, 8:17-cv-00361-TDC (4<sup>th</sup> Cir. Apr. 13, 2017).

<sup>93</sup> Corrected Brief of Former National Security Officials as Amici Curiae in Support of Plaintiff-Appellees and Against a Stay Pending Appeal at 2, 17-18, IRAP v. Trump, 8:17-cv-00361-TDC (4<sup>th</sup> Cir. Apr. 13, 2017).

<sup>94</sup> Joe Jenkins, *After Long Battle Vets Win Fight For Afghan Allies in Washington*, HUMAN RIGHTS FIRST (May 5, 2017), <http://www.humanrightsfirst.org/blog/after-long-battle-vets-win-fight-afghan-allies-washington>; *see also* Colin Raunig, Hello, Freedom Man, VETS FOR AMERICAN IDEALS (2017), <http://www.vfai.org/blog/hello-freedom-man>.

<sup>95</sup> Adam Babiker, A New Day for Refugees in Texas, Veterans for American Ideals blog, May 2017.