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### Unsettled Episode 6

Cristina:

Welcome to Unsettled: Immigration in Turbulent Times. I'm Cristina Rodriguez.

Alex:

I'm Alex Aleinikoff.

Hiroshi:

And I'm Hiroshi Mutomura.

Cristina:

On this podcast, we examine the legal and political moves the Trump administration is making and put them into broader context at this unsettled moment in our history.

Hiroshi:

So before we get to today's main topic, we should provide some updates on prior episodes. Episode one looked at the arrest and detention of Mahmoud Khalil, a lawful permanent resident and a graduate student at Columbia University. He was targeted by the federal government for his criticism of Israel's policies toward Gaza. And this, according to the federal government, made him deportable because his presence or activity would have potentially serious adverse consequences for U.S. foreign policy.

The government cited this ground in arresting, detaining, and trying to deport other students with either student status or lawful permanent residence. And their lawyers have blocked transfers to distant states and secured their release, with those courts citing the chilling effects on protected speech. But Khalil remains in an immigration detention facility in Louisiana, and it's been over two and a half months since his arrest. A federal district court in New Jersey is considering his case.

On birthright citizenship, a quick update since our episode aired. The United States Supreme Court heard oral argument—that was on May 15th—to consider if three separate district courts had acted properly in blocking the executive order nationwide. The court granted review and heard oral argument that focused largely on that issue, but parts of the argument seemed to shed some light on the constitutionality of the executive order in the view of the Court. Several justices voiced doubt about the constitutionality of the executive order and no justice expressed the opposite view. And in one interesting exchange, Justice Kavanaugh asked Solicitor General Sauer about the practical implications of making citizenship depend on the status of someone's parents at the time the person was born. Sauer responded that he didn't know, but that federal officials would figure it out. This question was relevant to the nationwide injunction issue, but it also called attention to the burdens on all people, including citizens, that the executive order would impose.

Cristina:

So the Trump administration's definitely keeping the Supreme Court busy. It also has had to manage a series of motions related to the Alien Enemies Act proclamation and the attempt to remove more people, Venezuelans, who are allegedly members of the Tren de Aragua gang under the proclamation.

Let's remember first that the Supreme Court has said that to challenge the use of the Alien Enemies Act, litigants had to proceed district by district through habeas litigation. And that's what's been going on since we first discussed the proclamation. We now have at least five district courts who've weighed in and to various extents blocked removals based on the AEA of people within their districts.

As we talked about last time, one judge has permanently enjoined the application of the Alien Enemies Act on the ground that the proclamation is invalid because Tren de Aragua's presence is not a predatory incursion as the Act requires. But there's also been another district court judge in the Western District of Pennsylvania that has concluded that the proclamation is valid on its face, deferring to the president's assertion that Tren de Aragua is an arm of the Maduro government of Venezuela. Even though she did find that it was valid on its face, though, she also issued an injunction saying that the plaintiff and other individuals had to be given at least twenty-one days to challenge the government's assertion that they were members of the gang. In rushing the removals, the government was violating the detainee's due process rights. And then on May 16th, the Supreme Court weighed in a second or third time to effectively stop all removals under the Alien Enemies Act until the courts of appeals and the Supreme Court itself could resolve the underlying legal question: whether the use of the Alien Enemies Act to remove members of Tren De Aragua was lawful. And so the possibility that we'll get a final answer on the merits seems to have increased.

It is very hard to keep track of all these procedural details, but the bottom line is that the government, in its rush to remove groups of targeted Venezuelans, on top of the lower courts' inaction in one of the cases in Texas, had created a real problem for the Supreme Court. It viewed that there was a threat of severe and irreparable injury to detainees' interests, that detainees would be erroneously removed to El Salvador, which we now know would make it very difficult to bring them back a reality that's been brought home by the government's inability

or refusal to bring back Kilmar Abrego Garcia, the erroneously deported man who's still stuck in a prison in El Salvador despite court orders to facilitate his return.

So the court cited that case in intervening on May 16th and is trying to keep control of the situation and prevent more egregious and irreparable injuries from occurring before it can resolve the merits of the case.

Alex:

Thanks for those updates, guys. You know, given the almost daily developments on the issues we've covered in this podcast, it seems like we can spend all our time on the updates. We're gonna move on, and this week our main conversation will be about refugees.

Hiroshi:

Or the lack of them.

Cristina:

Or at least the admission of some of them to the United States.

Alex:

Let us explain. On day one of the Trump administration, President Trump signed an executive order that suspended the U.S. refugee program under which tens of thousands of refugees enter the United States every year. The program was created by the Refugee Act of 1980, and the process works this way, is supposed to work this way: each year the president announces the number of refugees he seeks to admit to the country and from where, and then consults with Congress. Refugees who enter the country are resettled by national nonprofit organizations, Church World Service, International Rescue Committee, and others, including HIAS, used to be known as the Hebrew Immigrant Aid Society; and refugees who are resettled here are entitled to federal cash support and other benefits administered by the Office of Refugee Resettlement in the Department of Health and Human Services.

So President Biden in his final year in office set this refugee admissions number for 125,000 refugees to enter the United States in fiscal year 2026, which starts in 2025, and ends at the end of September 2026. That was a high number by historical standards. Refugee admissions have generally been about 50,000 to 70,000, although in the first Trump administration, they were reduced actually to about 15,000 by his final year in office. At the time that Biden left office, about 25,000 refugees had entered the country.

And then came the Trump executive order, which froze the admissions of what would have been another hundred thousand. And it froze admissions of thousands of refugees who are currently in the process of being approved. Some who even had plane tickets to come to the United States. And in a separate action, the administration froze federal payments to the organizations that would then pass those payments on to refugees already in the United States, people who had entered under the Biden numbers.

Cristina:

And as with many of the early actions by the administration, not surprisingly, lawsuits have followed.

Alex:

That's correct. Both refugees who were on the path to entering and the nonprofits who would have welcomed them sued the Trump administration claiming the president had exceeded his authority by in effect repealing a congressionally created program that he was in effect legislating. The resettlement agencies also challenged the cutoff in funding, and they've been partially successful in reversing the suspension, but it's complicated.

Hiroshi:

And now it appears the administration is willing to make an exception from the suspension for certain people.

Alex:

Right. Just last week, fifty-nine white South African Afrikaaners arrived in the United States admitted as refugees. According to the administration, they were fleeing racial discrimination and the threat to loss of their land under a recent South African law.

So to help us better understand the refugee process as it was, as it stands now, what it might look like in the future, and the current litigation over the administration's actions, we are joined by Mark Hetfield, who is president of the aforementioned HIAS, an organization, Mark, if I have this right, has helped resettle more than four million refugees in the United States over its long and storied past.

Welcome, Mark.

Mark:

Thank you, Alex.

Alex:

You know, let's start with this. Can you take us briefly through the refugee admissions process as it's worked since 1980, and say a little bit about how it's different than applying for asylum in the United States?

Mark:

Sure, I'm happy to, and I'll try to be brief on that because the asylum and the refugee resettlement process are both very different, but also similar in some ways. I mean, first of all, they were both established by the same legislation, the Refugee Act of 1980, and both apply basically the UN definition of a refugee, someone with a well-founded fear of persecution based on race, religion, nationality, social group, or political opinion.

Those are the basic similarities, but there are differences. Most people would say that the main difference between asylum and refugee resettlement is that asylum is applied for in the United States or at the border, whereas refugee status is applied for outside of the United States. This is an oversimplification, but this is almost always the case. To apply for refugee resettlement, you do have to be outside of the U.S. – this is important. Not just anybody can file

a refugee application. You need to basically be invited. You need to fall into a processing priority designated by the State Department.

Today, these processing priorities include refugees in need of resettlement who were referred by the U.N. High Commissioner for Refugees, by a U.S. Embassy, by an authorized NGO. And also refugees who fall into a category of special humanitarian concern to the United States. For example, one that HIAS works with are Iranian religious minorities. And also refugees with specific community or sponsorship or family ties to the United States. If you fall into one of these priorities, this won't get you refugee status. It only gets you an interview for refugee status.

If you are eligible, you go to a U.S. Resettlement Support Center.. Those are usually run by resettlement agencies like HIAS or like Church World Service, or by the International Organization for Migration and they will work to help prepare your application for refugee status. After the application is prepared, you'll be interviewed face to face with a DHS officer who works for USCIS. And it's DHS who determines whether or not you meet that refugee definition. If you do, you then undergo a multitude of security and health screenings and you'll be placed in U.S. cultural orientation classes. One of the ten resettlement agencies, including HIAS, will then take your case and assign you to one of their resettlement sites across the country. The local resettlement agency will welcome you at the airport, put you in your first US starter home, usually an apartment, acclimate you to the local community where you now live and try to find you work as quickly as possible. In fact, our success as a resettlement agency is basically judged on how quickly refugees become self-sufficient.

Like asylees, refugees are able to apply for a green card after twelve months in the US and then after five years can apply for citizenship. And as you mentioned, Alex, in the intro, there is a limit on the number of people who can come to the U.S. as refugees. That limit is set every year by the president in consultation with Congress. This is another difference from asylum where there is no limit on the number of asylees who can get asylum in the United States. And as you also mentioned, the number has been as low as 15,000 in the last year of the Trump administration, and was highest in the early years. I believe the first year of the refugee program, the resettlement ceiling was actually over 231,000 refugees set by President Carter. And as you mentioned, President Biden set the number at 125,000. So I think just to sum it up, the refugee resettlement process is a much more controlled process than the asylum process. In terms of government involvement, a resettled refugee starts interacting with the U.S. government and its partners overseas, and that interaction continues throughout the process in the journey to America and in resettlement to the new community. In contrast, an asylum seeker really doesn't interact with the U.S. government regarding his asylum claim until after he's already arrived in the United States.

Alex:

So Mark, for the folks who are resettled as refugees, what are the federal benefits that are available and how long do those last?

Mark:

Refugees receive basic cash, housing, and counseling assistance for ninety days after arrival through the reception and placement program, which is administered by the State

Department in partnership with the resettlement agencies. And they're also eligible for refugee medical assistance for their first eight months after arrival. That's administered by Health and Human Services, Office of Refugee Resettlement. And also they get case management and a number of programs also access to a number of programs also administered by the resettlement agencies with the Department of Health and Human Services, which are really designed to promote employment and self-sufficiency as early as possible.

Hiroshi:

Mark, let me ask if there are state-level benefits or local benefits that are afforded to admitted refugees.

Mark:

Sure. The states are an important partner in the program. Most states actually have a refugee coordinator, and they get federal assistance, from the federal government, again, mostly from the office of refugee resettlement, where they administer various means tested benefits that refugees are eligible for, which makes them different from most immigrants.

Cristina:

So this availability of benefits is effectively among the reasons the president cited in his executive order for suspending refugees resettlement. The order says the United States "lacks the ability to absorb large numbers of migrants and in particular refugees into its communities in a manner that does not compromise the availability of resources for Americans that protects their safety and security and that ensures the appropriate assimilation of refugees."

Mark, do you think there's any plausibility to these claims made in the executive order? And if not, what do you think is motivating the decision to suspend the admission of refugees?

Mark:

Yeah, that is not backed up by the evidence and the Trump administration absolutely knows it. You know, you just have to look back to the refugee and Muslim ban that President Trump issued back in January of 2017. And among the many things that were in that executive order was the commissioning of a study to demonstrate just how much resettled refugees cost the American taxpayer. And of course, the expectation was that refugee resettlement is very costly. What that study found was the complete opposite. And this study was undertaken by the Department of Health and Human Services under the Trump administration. What they actually found was that over a 10-year period, resettled refugees and asylees contributed 63 billion, billion dollars with a B, more in taxes to federal, state, and local governments than they took in services and assistance. So maybe in the short run there's an investment to be made, but over the long run, there's a significant benefit to the American taxpayer.

And then the Biden administration actually decided to repeat that study and looked at a fifteen year period and found that, in fact, the net fiscal contribution of refugees and asylees is \$124 billion over a fifteen year period. So it's evidence that refugees are really a blessing, not a burden to our society and in many ways, including in terms of their cost and their contributions. And I should also note that needless to say, this study that was undertaken by the Trump

administration was never finalized or released, but the New York Times did get a leaked draft copy, and you can look at it on the New York Times website. It's still up there.

Cristina:

So then what do you think is driving the executive order?

Mark:

Well, to be honest, I think this belief in more homogeneity, this idea of limiting immigration just across the board, of withdrawing and I think giving into our isolationist tendencies. I think all of these things are contributing.

Cristina:

And what can you tell us about the effects that the order is having on the ground? How is it affecting refugees who are already here? What effect is it having on the global refugee population, on international relations among the countries that participate in refugee resettlement? How have things changed as a result of the order?

Mark:

It's really devastating. You know, you have to, I have to compare this to the first Trump administration and it's, it's much different. This is not just a repeat. This is another case where the sequel is worse than the original movie.

In the first Trump administration, the Trump administration merely suspended the program and lowered the numbers significantly. This time, they not only suspended the program, but as Alex mentioned in the introduction, on January 24th they completely defunded it and started to dismantle it. So that we have far less capability to welcome refugees now than we ever have both in terms of our overseas capacity as well as our domestic capacity. That's not something we really experienced in the first Trump administration.

And the U.S. has traditionally resettled more refugees every year than other countries. That did change in the first Trump administration where even in terms of numbers in some years, Canada resettled more refugees than the United States did. And yet Canada has one-tenth of the population of the United States. So proportionally, that was a shocking retreat in American leadership in terms of refugee protection and making a contribution to solve the global refugee crisis, through our own example. And that's what we're seeing once again.

I really am gravely concerned because there are literally hundreds of thousands of refugees who were in the resettlement process to come to the United States. And now they have no place to go. And it's not like other countries can easily make up the difference. So it's gonna cause major problems for those refugees. It's going to cause major problems for the UN High Commissioner for Refugees. And, it's going to just mean that the global refugee crisis is going to be even more protracted and unsolvable than it was before.

Cristina:

So where are the refugees, Mark? At the outset, Alex mentioned that there were people with plane tickets ready to come who now are not able to come. Are they stuck in refugee camps? Are they stuck in countries that are adjacent to the ones that they fled? Where are the

people who are in the circumstances that would justify them under ordinary times being resettled in this way?

Mark:

Yeah, all of the above, really. I mean, the refugee crisis is truly a global refugee crisis. There is no continent that is not hosting a large number of refugees that were considered for resettlement to the United States and were bound for resettlement to the United States. So they're in, in Africa, refugees from the Democratic Republic of the Congo, from Sudan, from Somalia, from Ethiopia, in Asia, lots of refugees from Burma, Afghanistan, Bhutan, lots of refugees in South America from Venezuela and Central American countries, you know, there's no continent that does not host massive numbers of refugees that are, that thought they were going to the US. And of course there's Syrians, Iraqis, Iranians. It really is a global crisis.

Cristina:

You mentioned that one of the things that's different about the second administration is the defunding of the resettlement process. So what effect has that had on the refugee resettlement organizations like yours and others? And are there ways to make up for the loss of funds for the refugees who are here, who might come in the future; it seems like one of the costs of defunding these organizations now might be eliminating or severely diminishing the capacity to adjust if and when refugees do start coming back in under a different administration.

Mark:

Yeah, that's absolutely true. It really does pose an existential threat to many of the refugee resettlement agencies. HIAS is fortunate in that we do raise a substantial amount of our budget from private sources from private donors, but still 60% of our funding comes from the US government for both for settlement and other unrelated refugee protection activities. So we basically lost 60% of our entire budget overnight, with no warning, no consultation, no plan, when the Trump administration issued the stop work orders on January 24th. Other resettlement agencies are far more dependent than we are on that funding and had to immediately start to fire staff, and close offices around the country, and around the world. So, it's, it's really, devastating. We will bounce back from this. But, you know, when, when Trump leaves office, certainly, but hopefully there will continue to be a role for the U.S. resettlement program in the meantime.

We're still waiting for the plan that the executive order mentioned, that there was a plan due to the White House a few weeks ago, and no one has seen that plan—it wasn't released to the public yet—about the future of the U.S. refugee admissions program under the Trump administration. So we're all waiting to see what that looks like. You know, the real unfortunate thing here, and this is something that I've been in this work for thirty-six years now, and we always viewed the US government as being a very reliable partner. That's no longer the case. We can no longer rely on the US government at all.

And frankly, we're focused on other partners right now in terms of most of our programming and most of our funding. But the difference with the refugee program is we don't rely on the US government just for funding. We rely on the US government for refugees, right?



An absolutely essential role, obviously, in the refugee resettlement process in terms of selecting the refugees and facilitating, bringing them to safety in the United States.

Hiroshi:

Mark, let me ask you about the litigation that we've seen to push back against the executive order. Could you tell us about what's happening in court and where things stand right now?

Mark:

Sure, that's a real complicated saga, Hiroshi, but I will try. HIAS and Church World Service both joined together to bring this lawsuit against the Trump administration to challenge the executive order. It was filed in district court in federal district court in Seattle. We also had a number of individual plaintiffs and Lutheran Community Services Northwest, which resettles refugees in the Pacific Northwest for Global Refuge, another one of the resettlement agencies, is also a plaintiff in this case.

The district court initially ruled that there's a very high chance that the U S government's closure of the program was unlawful and so therefore they ordered that the US refugee admissions program be reinstated. This was appealed to the Ninth Circuit by the government and the Ninth Circuit actually said that 'No, the president has the authority at the end of the day to do what he did, but refugees who had a reliance interest in being resettled, who were expecting to be resettled and who were far along in the process, should still be able to come here'. And so we were satisfied with that.

But it wasn't [a] terribly clear order. So the US government asked for a clarification, like what did the Ninth Circuit mean by that? The Ninth Circuit said, well, any refugee with an approval notice from U.S. Citizenship and Immigration Services for refugee resettlement should be able to come. We thought that was okay. That's about 128,000 people [who] actually have approval notices from USCIS, conditional approval notices to be resettled to the U.S. The U.S. government didn't like that, so they asked for another clarification. And this time, the Ninth Circuit further clarified that the refugees had to have arranged and confirmable travel arrangements.

That would mean in our interpretation about 12,000 refugees who actually had been given plane tickets, and I should say not given plane tickets, refugees are actually required to take out a government-sponsored loan to pay for those plane tickets. But there were 12,000 refugees that had those plane tickets, had travel dates, had been sponsored and assured by resettlement agencies like HIAS, so we were then expecting it to be 12,000. The U.S. government asked for another clarification from the Ninth Circuit.

And this time, frankly, a rather confusing order came out, which muddled the waters even further. And it further narrowed this group to those who have a strong reliance interest arising prior to January 20, 2025. Now, what exactly does that mean? I don't know. And so right now, the district court has decided to appoint a special master to try to figure that out. So this is still being litigated back and forth as to how many refugees are going to be coming in as a result of this litigation. But frankly, we're just glad to help anybody that we can, to welcome anybody that we can. So no matter how low that number is, this will be a worthwhile endeavor, but we really are hoping that it will be at least the 12,000 who were scheduled to travel.

Hiroshi:

This back and forth in district court and what the order is going to be like, does this affect the scope of the preliminary injunction as opposed to addressing the merits of this case?

Mark:

That's right. This is all about the preliminary injunction. This is all about the likelihood of succeeding on the merits, but we have not actually had a merits hearing per se yet.

Hiroshi:

But in the meantime, agencies like yours have received stop work orders that actually stop operations while this litigation is going on that might result in the admission of many refugees. Is that right?

Mark:

Yes. But that's also complicated. We did receive stop work orders on January 24, which was basically a notice of suspension. We then received a notice of termination. Those were then changed to notices of suspension. And we just last week started to get suspensions of the notices of suspension. So it's really been going back and forth, but you can't run an organization like this. You can't run any business like this where they keep turning on and turning off the funding, whereas we have to employ staff, we have expenses that we have to make. You probably know already that the US Catholic Conference of Bishops, one of the very largest of all of the resettlement agencies, already called it quits and said that they can no longer participate in this program. And likewise, the Episcopal Migration Ministries made a similar decision recently.

Hiroshi:

If we have this right, the government's position, now that this case is proceeding on the preliminary injunction phase, is using the fact that there's a stop work order and termination contracts to argue against the admission of more refugees? I just want to make sure we have that right here because you said several times it's complicated. And this just adds a complication, but I think it would be useful to understand what the government's position is at this point.

Mark:

Yeah, that's ironic, but that's completely true. The government, one of the reasons the government has been saying that they can't resume resettlement to the scale that the court has ordered is because they lack the capacity. Why do they lack the capacity? They lack the capacity because they issued these stop work orders against us. We are ready, willing, and able to resume work as are most of the refugee resettlement agencies. So it really is just a lame excuse.

Hiroshi:

Let me ask you then about another dimension of this. If that's the government position about the difficulty of ramping up to admit refugees, how can we explain the rather expeditious arrangements that we've seen made for South Africans recently.

Mark:

Excellent question. And it's a question that we ourselves are asking the government because the fact of the matter is that it demonstrates that when the government wants to resettle refugees, they can resettle refugees. When the government wants to do it expeditiously, they can do it expeditiously as was certainly the case with these Afrikaaners. If, if they want to prioritize refugee resettlement, they can make this happen.

Alex:

Mark, another question about the resettlement of the South Africans. I think I've seen it reported that HIAS has said that it will assist in the resettlement and this strikes me as controversial. President Trump has made pretty outrageous claims that there's a genocide and mass murders of white South African farmers and that their land is being confiscated, but none of this appears to be true. There's no evidence cited for this. And the Episcopal Church's resettlement agency has refused to participate in the resettlement of the South Africans. Can you tell us what the HIAS position is and the justification for it is?

Mark:

I'm happy to. And first of all I want to underscore the context of what we said, which is we said we will participate in their resettlement but we do so deeply, deeply troubled by the fact that there are 128,000 other refugees who have already been approved and are now in limbo and that need to be addressed. But the thing that we are really committed to is preserving the US refugee admissions program and the values and norms behind it. I mean, that is why HIAS is one of only two refugee resettlement agencies that has sued the United States government, and taken them on in that way.

We have to acknowledge that we have a role to play as a resettlement agency and the US government has a role to play in the resettlement program. And that role has always been that the US government determines eligibility and determines refugee status. That is not our role, right? That is the government's role. Our role is to welcome those resettled refugees with compassion. And to treat them all fairly. So we are living up to our role, which is to welcome the refugees that the US government determines are refugees and resettles here in the United States. I will say that we do advocate for the inclusion of additional groups for refugee resettlement. We always have, and we always will, when there's that need. But we do not pick and choose which approved refugees we're going to resettle. That's not our role and that shouldn't be our role.

Alex:

I understand that about the division of labor here, but have you looked at any of the claims or the basis for any of these refugee claims? Do you have a sense of whether they meet the standards that have been applied for so many years in the process?

Mark:

Well, again, that's not our role, and we don't have access to that information. When we resettle refugees under any circumstances, we're not given the basis for their refugee claim. We're given any special needs that they have that need to be addressed in the resettlement process, any medical needs, but we're not told about what the actual basis is for the refugee resettlement claim. So that's, that's just not something that we, that we do.

Cristina:

Mark, if you were trying to persuade someone that this is a program that we ought to preserve and that we've lost something important and valuable with the suspension of admissions—or say, for example, you were advocating legislation for Congress to come in and set a floor that we should have every year a certain number of refugees and the president can select people above that number if he so chooses—what kinds of arguments would you make to someone who's skeptical that this has any benefit and might in fact have fiscal costs as well as costs in terms of assimilation and even public safety.

Mark:

Thanks, Cristina. All of those arguments are easily refuted. And as I said, they've actually ironically enough been refuted by the Trump administration itself in the first Trump term when it was found that refugees can make a significant net fiscal contribution to the United States. You know, one of the things that has made America a great country is because of the refugees that we welcome. They have really proven themselves to be a blessing, not a burden, over the course of decades or even centuries. They've contributed to our culture, our economy, and our security. Keeping them out will only make us poorer and weaker. It will also make the global refugee crisis even more intractable than it already is if the U.S. retreats from its leadership role in addressing the global refugee crisis through resettlement and through sharing responsibility with the very poor countries that have overwhelming responsibility for giving asylum to refugees who flee just as a matter of geographic convenience.

Cristina:

I note, Mark, that a number of the organizations that we've mentioned that participate in refugee resettlement are religious organizations or organizations with a religious foundation or background. What is it that leads so many different faith traditions to do this kind of work? And how can that be translated into a larger political appeal for the United States to shoulder its share of responsibility in resettling the global refugee population?

Mark:

That's a really good question, Cristina. And, you know, in the Torah, just for the tradition that HIAS works in from my own tradition, my own faith tradition, the commandment to welcome the stranger is reiterated thirty-six times in the Torah, more often than any other commandment. And you look at the entire history of the Jewish people, both in biblical times and in the 20th century. The importance of refuge is just such a central part of our history. And in fact, the commandment is love the stranger as yourself for we are one strangers in the land of Egypt,

right? So because it all comes from that lived experience that we've had as a refugee people and that certainly is a shared experience with all the Christian resettlement agencies. As you mentioned, seven of the ten resettlement agencies are, in fact, faith-based. And we also have very strong partners in the Church of Jesus Christ of Latter-day Saints, which funds all of us as well as through Islamic Relief USA. We don't have to question why we do it. We have to question why so many people of faith who voted for this administration don't see this as an imperative, as an American tradition as well as a tradition of our shared faith groups that we need to respect and continue as Americans.

Alex:

Mark, thanks so much for talking to us. We'll follow these issues over time. Good luck to HIAS. We know you will survive as you have for many years and hopefully be back in business and restore the integrity of a program that has welcomed so many vulnerable people to this country over so many years.

Mark:

Thank you. Thanks a lot for having me.

Alex:

I find it almost unbelievable that here Trump has halted refugee admissions based on the claim that it distracted from other immigration priorities or it was too expensive and Mark put to rest that untruth. But then he sent a team from the State Department to South Africa and they approved the claims of these white landowners in record time. It was just three months. And it usually takes a year or two under the normal process. Maybe this is the work of Elon Musk, but I think it's hard not to think it also has something to do with South Africa's case in the International Court of Justice against Israel's massive violations of human rights in Gaza, and my guess is it's of a piece with the attack on the DEI, so this is part of a larger administration set of issues and agenda.

Cristina:

I think it highlights that the refugee program has always been susceptible to the political and ideological preferences of the president because it gives the power to the president to set the number of refugees. There's always been a connection between refugee policy and foreign policy and not necessarily a commitment to admit those who are most in danger, which is not to say that those who've been admitted in the past didn't meet the definition of refugee. It's just that it's a program that allows for picking and choosing because at the end of the day, it's a pretty small number of people compared to the overall size of the population and the size of immigrant admissions, which exceeds a million people per year, and we're just talking under the Biden administration of 125,000 people, which is on the relative high end. If we think that refugee admissions are an important part of an immigration system, it might be that we need to change the means by which they're admitted so that it's not subject to these kinds of foreign policy swings or to these extreme actions—preferring a population to make a political point, which is what the most recent admissions of the South Africans seems to be doing, regardless of whether they have legitimate underlying claims.

Hiroshi:

I think that what's new here, or at least what I'm seeing as new, is that the system is structured in such a way that foreign policy has had an influence on the refugees whom we admit once they meet some basic definition. We've seen this with regard to the Soviet Union, we've seen this with regard to Southeast Asia, but this strikes me as much more—you just mentioned DEI—seems much less of a foreign policy intervention, but an intervention into domestic politics, politics inside the United States on not just DEI, but the entire narrative of, whites being either victims or having to unjustly pay in some form of whatever you want to call it: reparations, or some version of victimhood. There's a shift from foreign policy, which I think might be part of the original structure, to using refugee admissions as a weapon in a lot of domestic debates.

Alex:

And there's another set of broader issues that I think this plays into, and that's, the administration's attack on human rights in general. Human rights as a guiding principle in U.S. foreign policy is dead. It's over. We've closed asylum at the border. Trump announced in the Middle East that essentially we're going to stop criticizing other countries on their human rights record. Trump pulled the United States again out of the UN's Human Rights Council. We've sent immigrants to a notorious, human rights-abusing jail in El Salvador. So this closing the refugee program to me is not just "America first". It's America only. We're only going to worry about Americans and not care about how the rest of the world treats others.

Cristina:

I think that's right, Alex, and it also reminds me of the decimation of USAID. You think of the ending of the PEPFAR program, the program that supported medical treatment for people with HIV in Africa and the tens to hundreds of thousands of people who are going to die as a result. That's justified on the ground that we can't afford to support those kinds of initiatives abroad. We should be focused internally. But of course, those initiatives cost very little money, just as Mark pointed out that refugee resettlement is actually a very limited cost because refugees end up paying back into our system and our economy much more than the settlement assistance in the beginning. So it's all part of a retrenchment and a callousness toward concerns outside of our borders, which is not to say it's going to translate into a robust welfare state inside our borders, but it really is a putting up of the metaphorical wall alongside the literal wall that President Trump purports to want to keep building, and it's at a very real cost to the lives and rights of people around the world that this administration seems to not value at all.

Hiroshi:

Let me add, as long as we're putting things into different contexts, which I think is really important to do here, I think it's really important to connect the cutoff of refugee admissions to the denial of access to asylum. And also to the treatment of Temporary Protected Status and people who are paroled into the country. We've seen this since January and it seems to be all part of the Trump view that, I mean, he's been quoted often times as saying that asylum is a scam, really a hostility to humanitarian protection in general. And so I think this question of

refugee admissions that we talked to Mark about is very much part of the larger question of the future of humanitarian protection.

If you take not just refugee admissions but also asylum, Temporary Protected Status, parole, and similar mechanisms, there are choices that are being made in each of those programs. What's a form of protection? Does it lead to durable asylum and a path to citizenship? How is it related to labor migration? What are the implications for multinational cooperation? Are decisions being made on a group by group, country by country basis or individually? A lot of issues like that, and I think this is part of the larger context in which it's important to think about refugee admissions. It raises so many questions that are unique to that program, but I think are closely related to so many other ways that not just the United States, but countries around the world, have dealt with humanitarian protection issues.

Alex:

I think that's right, and it's very hard to understand the Trump administration's lifting of TPS and parole most recently for several hundred thousand Venezuelans who were allowed into the country. We've pointed this out in a previous episode that the mass deportation movement is not just against so-called criminal aliens, people who've committed serious crimes, but now they're now going after people who were admitted to the country in a lawful status that they now declare over and they want to move people out. And it's very hard to understand that except in the terms that you've described it, Hiroshi.

Cristina:

It's probably also worth noting that the United States is not alone in retrenching here. You now start to hear talk about rethinking the Refugee Convention altogether. Politics in Europe has obviously clearly been affected by reaction to immigration and refugee resettlement in particular. Sometimes Angela Merkel is blamed for allowing in too many Syrians in 2015 for the misfortunes of her party and problems that exist in Germany. Justin Trudeau arguably lost a lot of his credibility because he let too many refugees in too fast in Canada, standing up in contrast to the first Trump administration, but that's had knock on political consequences. And in many places, there is an interest in, if not outright eliminating refugee resettlement and asylum, dramatically limiting it in the name of the interests of domestic populations. So it's actually a global problem, but I think our country and our administration represent the most egregious form of closing our doors to people outside in need, despite the fact that we remain the wealthiest country on the planet.

Alex:

Right, and this is going to play out in another place, and that's on the climate stage where we know that tens of millions of people are going to be displaced because of climate change over the next number of years and there's been a lot of talk about expanding the Refugee Convention or finding other forms of protection for folks displaced because of climate, but given this administration's lack of interest in dealing with the climate situation at all I think we shouldn't expect anything coming out of the administration to help climate-induced migration.

Hiroshi, can you tell us about our next episode?

Hiroshi:

Our next episode will deal with the state and local government role in dealing with migration and our guest will be Muzaffar Chishti from the Migration Policy Institute.

Alex:

That's it for today. Great to talk to you guys.

Cristina:

Sobering and interesting as always.

Hiroshi:

Good to talk, Alex and Cristina.

Thank you for listening to Unsettled, Immigration and Turbulent Times. You can find more information about the podcast, its transcripts, and other relevant documents at the website of the Zolberg Institute on Migration and Mobility. Special thanks to Achilles Kallergis for composing and recording our intro and outro, to Sahil Ansari, our engineer and producer, and to Laura Plata and Robert Rios for research support.

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Alex:

So long.

Cristina:

See you later.