

*Letter from the editor***Asylum should be *Temporary***

Refuge and asylum are the hardest parts of the immigration policy question. One wants to be generous, but not be taken advantage of.

In theory, refugees have the most pressing cases and are the most in need of relief. I once proposed that they have first claim on immigration slots. An older and wiser colleague opined, "If only refugees can come, then everyone will be a refugee." He proved more right than I care to admit, for refugee and asylum claims have become another door to migration. If one door is closed, try another!

There are something like 20 million persons registered as refugees with the U.N. High Commissioner for Refugees. These are (by definition) people living outside of their country of origin, and hoping for admission to a third country (not the one they are currently in). The U.N. says another 40 million persons are internally displaced within their own countries, technically not refugees. Finally, there are asylees: persons who have made it (often illegally) from their own country into another where they are applying for residence. Obviously there are limits to how many our — or any — country can take.

When, in 1979, Senator Ted Kennedy introduced what became the Refugee Act of 1980, the immigration reform movement was still just a-borning. The Federation for American Immigration Reform had just been organized and had neither the strength nor resources to play a significant role in the debate. None of today's other reform groups existed.

In this vacuum, Congress proceeded to adopt the U.N. definition of a refugee as someone fleeing because of "persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." There was no concept in the legislation that the social, political, economic or environmental disruptions that made people flee might be temporary, after which they could return home; no notion that in returning home they might help to address the disruptive conditions there; nor was there any concern about those left behind to live with the conditions that the refugee might have helped to change.

Another essential concept is that our policy of high *legal* immigration is one of the major causes of

growing claims for asylum and refuge. With high numbers of green-card holders there is a huge flow back to the country of origin — away from us, and hence not easily visible — of remittances, photos of the new clothes or car, offers of housing while seeking a job, etc. All of these encourage others to come — legally if there is a spot, but if not, illegally — or under the "third pathway" which we highlight in this issue of our journal: via a claim for asylum or refuge.

Our immigration policies have led us to the corrupt system that several authors describe in our opening section on the abuse of asylum and refugee status. A number of reforms are possible, but one of the most effective would be to make all grants of asylum and refuge *temporary*, and not convertible to permanent status. The understanding from the outset would be that when things settle down sufficiently for a safe return, individuals would go home to help their own countries and societies make progress. The State Department could make these status determinations. This, in fact, would be consistent with the U.N. policy on refugees: that the main feasible solution, given the numbers involved, is repatriation.

Under this concept, instead of admitting asylees and refugees and all of their offspring onto the thousandth generation, we would help for the short term, and then free up the spot for someone else who needs temporary succor. This would help more people in the long run and at the same time discourage the illegitimate use of this "third pathway" to migration.

In the bigger picture and in the longer run, we need to think of Lech Walesa and Vaclav Havel as examples. Either of them would have been readily accepted as an asylee or refugee, and perhaps even feted with a tickertape parade to congratulate ourselves on our magnanimity. But they chose to stay and fight for what they believed in, and made a better life for themselves and their countrymen in this and future generations. They should be our role models.

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