

The Long Shadow of the 1980 Refugee Act

WAYNE LUTTON

In the spring of 1980, the 96th Congress passed the United States Refugee Act (Public Law 96-212). Sponsored by Sen. Edward Kennedy (D-Mass.), the law amended the Immigration and Nationality Act of 1965 and the Migration and Refugee Assistance Act of 1962. It passed the Senate by unanimous vote and was signed into law by President Jimmy Carter on March 17, 1980. The law went into effect on April 1 of that same year.

Prior to the 1980 Refugee Act, the United States tended to deal with refugees on a case-by-case basis. After World War II, Congress passed the Displaced Persons Act of 1948, followed by the Refugee Relief Act of 1953, and the Refugee-Escapee (from Communism) Act of 1957. The new law represented another manifestation of America's post-Vietnam War guilt. The U.S. now accepted the United Nations' definition of a refugee as "any person...unwilling or unable to return to their country of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."

The Act created the office of U.S. Coordinator for Refugee Affairs and the Office of Refugee Resettlement, responsible for funding and administering federal programs for placing refugees in U.S. communities. The Office is charged with helping refugees to become economically self-sufficient. They are to consult with state and local governments about the sponsorship and distribution of refugees throughout the U.S. At the end of each fiscal year, the director is required to submit a report to the House and Senate Judiciary Committees concerning how many refugees have been admitted, where they are located, their employment status, and any problems that had arisen with the program. The director is also to make suggestions for alternative resettlement strategies.

Passage of the Refugee Act was hailed as a humanitarian gesture. The Act's immediate beneficiaries included Vietnamese boat people and citizens of

the Soviet Union who were allowed to leave (many of whom first went to Israel before deciding to come to the U.S.). Despite admirable goals on its surface, in fact it left the door wide open to fraud and abuse. Over its thirty-seven-year history, it has become another mechanism for allowing people who share little or no language, culture, or religion with the vast majority of Americans to settle in the U.S.



Cuban Dictator Fidel Castro and President Jimmy Carter.

Less than two months after Congress passed the Refugee Act, 125,000 Cubans, including criminals and inmates of mental institutions, were released by Cuban dictator Fidel Castro. They embarked for the U.S. in a huge flotilla of small boats. Since they did not fit into any defined refugee category, President Carter designated them "special entrants" and welcomed them with "open arms" instead of returning them to Cuba as the law demanded.

Carter, like so many presidents before and since, used immigration policy for political purposes. Finding himself in an election year, he did not want to offend the powerful Cuban-American voting bloc, which held the balance of power in Florida politics. As Jack Watson, the Carter administration's assistant for Intergovernmental Affairs, explained, "We decided that it would be counterproductive to enforce the laws." President Ronald Reagan later granted them refugee status.

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U.S. ASYLUM SYSTEM

The Act also created the U.S. asylum system, whereby people who arrive on our shores and then claim need of protection can stay deportation proceedings and remain in this country. As asylum adjudications often take many years to complete, petitioning for asylum has become a popular method to gain residency. In addition, aliens are routinely granted permission to work while their cases are undergoing review. Some marry Americans, thus gaining by this means the right to stay permanently. There are no limits to the number of persons who may be granted asylum in a given year.

ECONOMIC REFUGEES

Nowhere in the 1980 Refugee Act is it stated that those fleeing adverse economic conditions, the primary reason for most of the world's emigration, should be granted refugee status or asylum. Yet time and again Congress has made exceptions. For example, between 1980 and 1990, hundreds of thousands of Salvadorans moved to the U.S. According to the El Salvador Department of Statistics and Censuses, by 2010, 19.1 percent of the country's population had migrated to the U.S. More than half reside in just two states, California and Texas, with further concentrations in New York, Maryland, Virginia, and the District of Columbia. The Migration Policy Institute reports that 70 percent of these immigrants "were limited English proficient" and more than half of Salvadoran foreign-born adults did not have a high-school education. It is estimated that around 50 percent of these Salvadoran males work in construction and transportation, while nearly half of employed Salvadoran females work in services, such as hotel staff. Notoriously, Salvadoran criminals founded the notorious *Mara Salvatrucha* or MS-13 gang, which has spread from the greater Los Angeles area across the U.S. to Georgia, the greater Washington, D.C. area, and greater New York. All told,

according to the FBI, MS-13 is active in 42 states, Canada, Mexico, and Central America.

In a major omission, the 1980 Refugee Act does not require our government to seek the cooperation of other nations in the resettlement of refugees truly in need of assistance. Congress set no firm limits on refugee admissions, leaving the President to establish an admissions number annually after *pro forma* "consultation with Congress." As a consequence, today, in most years, the U.S. accepts more refugees for permanent resettlement than the rest of the world combined and more than twice the 50,000 base number set in the Act.

"REFUGEE" DIVERSITY

Without actually consulting the American public, special pleaders began lobbying for the admittance of a host of people who had little or no historic ties to the U.S. or who did not fit the generally accepted definition of what constituted a "refugee." So, from the 1980s-on, Middle Easterners started to arrive in ever-larger numbers. As noted above, Central Americans came to escape economic conditions. Instead of outright refugee status, many, such as citizens of El Salvador and Haiti, were granted Temporary Protected Status, and have yet to be repatriated. The first group of Tibetans arrived in 1993, sponsored by the Tibet-U.S. Resettlement Project. They regarded themselves as "the advance guard," with Dhondup Gonsar, then executive-director of the Tibetan Resettlement Project-Chicago, saying that they considered it "vitally important" to try to resettle in the U.S. in order to "preserve traditions and language."

By the 1990s, political asylum and refugee status were extended to include homosexuals and people claiming they are against their native land's traditions and customs. Historian Otis Graham, Jr., discusses how the number of refugees has been "easily multiplied many times" by including "persecution" of cultural dissidents:

Cooler
Highs in the low 80s. Lows in the low 60s on the coast and the mid 60s inland. Winds west-northwest 15 knots. Seas 3 feet. Bay, choppy.
Complete weather. 24

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New Cuban exodus due here

Graham declares state of emergency for Dade, Monroe

HEATHER DEWAR and ANA VECIANA
Miami News Reporters

KEY WEST — Weary immigration officials here are bracing for what could be the largest wave of Cuban refugees yet.

After rough seas halted the refugee boatlift for two days, Cuban authorities reportedly gave the go-ahead last night for boats to leave the port of Mariel again.

That would mean the two-day backlog of overloaded shrimp boats, cabin cruisers, skiffs and other small craft would arrive in Key West late today. Officials expect the quota of 3,500 Cuban refugees set by the State Department will soon be shattered.

"Frankly I haven't the foggiest notion what will happen then," said a high-ranking immigration official here. "We're waiting for word from Washington. We haven't heard anything yet."

While Miami and Dade county administrators continued pressing Washington for immediate help to deal with the 3,250 Cubans who've already arrived and the thousands more expected, the nation's top refugee official pledged the federal government "would do its share."

But Metro Mayor Steve Clark warned yesterday that four out of five of the refugees arriving here have no local relatives and need federal help.

"For every person who has a relative here that is coming, Castro is sending four more, from what background we don't know, destitute, with no friends or relatives, not even a telephone number. We need federal assistance," Clark said.

Miami Mayor Maurice Ferre said the Cuban president was using the Freedom Flotilla to get rid of some of his social misfits.

"How long is Uncle Sam going to keep his head in the sand?" said Vincent Grimm, a city of Miami assistant administrator. "The city's already at the breaking point."

Gov. Bob Graham yesterday declared a state of emergency in Dade and Monroe counties and released \$50,000 in state aid for such things as trucking water to Key West and renting emergency medical facilities, portable toilets and buses to transport the refugees.

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See BOATLIFT, 4A

“The category of ‘refugee’ thus has proved elastic and potentially infinitely expandable” (“Mass Immigration Builds Momentum: Refugees Unlimited,” *Unguarded Gates: A History of America’s Immigration Crisis*, 2004, pp. 99-101).

GROWING NUMBERS

The United Nations High Commissioner for Refugees (UNHCR) stated there were 8 million refugees world-wide in 1980. As of June 2017, UNHCR asserted that an estimated 65.6 million people were uprooted from their homes by conflict at the end of 2016 and that 22.5 million of them were seeking safety across international borders.

According to Freedom House, 25 percent of the world’s population lives under conditions that they describe as “not free,” and another 30 percent live under “partially free” circumstances. Thus, 55 percent of the world’s population of 7.5 billion (September 2017 UN estimate) could conceivably be regarded as potential candidates for admission to the U.S. as refugees.

A NEW APPROACH TO REFUGEE PROBLEMS

The hard reality of surging Third World populations, political repression, and poverty dictates the need for a whole new approach to refugee problems.

Genuine refugees are supposed to be individuals “who are in immediate danger of loss of life and for whom there appears to be no alternative to resettlement in the United States.” Clearly, by this standard, relatively few of the hundreds of thousands of people admitted as “refugees” over the past 37 years actually qualify. Don Barnett, who has long worked on refugee issues, points

out that “Refugee admission to a large degree is simply immigration by another name where costs, normally incumbent upon the immigrant and his sponsor, have been shifted to the U.S. taxpayer.”

Moving a relatively few of the world’s less fortunate to this country may salve the conscience of some involved in refugee services. But it fails to address the underlying demographic, political, and economic causes that foster the desire to emigrate.

Paradoxically, those who leave are most often the very people who best understand the language, culture, political, and economic systems of their home countries and are best qualified to help resolve their problems.

We need to completely revise our refugee policy, changing it to *temporary* haven in refugees’ country of first asylum with eventual repatriation. The limited refugee funds available are better spent on the much less expensive per capita maintenance of refugees in their region of origin. This is best illustrated with the question of what to do about Syrian and other Middle Eastern refugees. A Center for Immigration Studies backgrounder argues that “Our best estimate is that in their first five years in the United States each refugee from the Middle East costs taxpayers \$64,370 — 12 times what the UN estimates it costs to care for one refugee in neighboring Middle Eastern countries.” [Steven A. Camarota and Karen Zeigler, “The High Cost of Resettling Middle Eastern Refugees,” Center for Immigration Studies, November 4, 2015].

The U.S. government should use all of the diplomatic and economic pressure at our disposal to insist on the changes required in source countries to reduce the push for migration elsewhere. ■

