REPORT CARD

THE TRUMP ADMINISTRATION’S PERFORMANCE ON REFUGEE AND HUMANITARIAN PROTECTION

World Refugee Day 2018
SUMMARY
The United States and other governments confront enormous humanitarian challenges, with more than 68 million refugees and internally displaced people around the world. Therefore, it is important that Refugees International evaluates the Trump administration’s progress on refugee and humanitarian protection in six critical areas.

Overall, President Trump and his administration receive a failing grade. The Trump administration has undermined U.S. refugee law and longstanding U.S. humanitarian policy through the inhumane separation of families seeking asylum, weakening of the U.S. asylum process generally, and crippling of the U.S. Refugee Admissions program. Overseas, President Trump has sought to restrict lifesaving humanitarian aid, including aid to refugee women and girls, and failed in leadership to end conflicts that inflict humanitarian suffering.

TRUMP ADMINISTRATION PERFORMANCE AT HOME

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TRUMP ADMINISTRATION PERFORMANCE OVERSEAS

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SUMMARY AND INTRODUCTION

As we mark World Refugee Day 2018 on June 20, governments confront humanitarian challenges of enormous proportion, with more than 68 million refugees and internally displaced persons (IDPs) around the world. The U.S. government has long played a key role in helping meet the needs of refugees and IDPs. Thus, it is appropriate and important that Refugees International (RI) evaluates and offers a report card on the Trump administration’s progress on refugee and humanitarian protection.

We have evaluated the Trump administration in six critical areas involving performance both at home in the United States and overseas. Regrettably, as described in detail in the sections that follow, the Trump administration has received an overall failing grade for its policies and performance.

Unfortunately, over the past 17 months, the Trump administration has significantly weakened U.S. domestic refugee law and humanitarian policy. This of course includes the inhumane separation of families seeking asylum at the southwest border of the United States. But there are many other examples of this erosion of basic protection principles, including the dramatic weakening of the U.S. political asylum process generally, the crippling of the U.S. Refugee Admissions program, and the disregard of humanitarian imperatives in the application of Temporary Protected Status. In humanitarian activities overseas, President Trump has sought to roll back U.S. leadership in financial support for lifesaving assistance based on need, imposed policies that adversely impact women and girls, and failed to assert leadership in efforts to end conflicts that continue to inflict horrific humanitarian suffering.

While this is discouraging news on World Refugee Day, the good news is that there is little that prevents President Trump and his administration from changing course and substantially improving U.S. practices.

EXPLANATION OF GRADES

Key Areas in Assessing Competence and Progress

For many decades, the United States has led the international community in support for refugees and displaced persons and in upholding international humanitarian principles. This is reflected in dozens of laws, expressions of policy, generous funding, and statements by U.S. officials. In assessing the performance of the Trump administration to date, RI has set out three broad categories for review:

1. U.S. Commitment to International Humanitarian Leadership: Examples of this commitment over many decades are varied. It appears in the Refugee Act of 1980, the bipartisan legislation overwhelming enacted by both houses of Congress, in which Congress declared that it is the “historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands.” The U.S. commitment is also reflected in a strong and bipartisan willingness by the U.S. Congress to generously fund refugee and humanitarian assistance. Finally, the importance of international humanitarian leadership has been
articulated by President Trump himself. At the United Nations General Assembly last year, the
president proudly declared that “the United States continues to lead the world in humanitar-
ian assistance,” noting efforts in South Sudan, Somalia, northern Nigeria, and Yemen, as well
as on a range of health, gender, and human rights-related initiatives.

2. **U.S. Commitments to Protecting Refugees:** These are most clearly reflected in U.S. ac-
ccession (during the administration of Lyndon Baines Johnson) to the 1951 Convention Relat-
ing to the Status of Refugees and its 1967 Protocol, and include the prohibition against the
return of any individual to a country where his or her “life or freedom would be threatened on
account of his [or her] race, religion, nationality, or membership of a particular social group
or political opinion.” U.S. commitments are also reflected in the Refugee Act of 1980, which
establishes an annual process for refugee admission to the United States. This process is
in addition to U.S. asylum procedures, by which individuals already in the United States or
seeking entry at U.S. borders are considered for asylum based on a credible fear of persecu-
tion in their home countries.

3. **U.S. Commitments to Lifesaving Humanitarian Aid Based on Need:** In 1984, in justify-
ing its decision to provide humanitarian aid to famine-affected Ethiopia, the Reagan admin-
istration declared that “a hungry child knows no politics.” Indeed, U.S. officials have long
endorsed a commitment to ensure that lifesaving and life-sustaining humanitarian assistance
should be based on humanitarian need, consistent with the principle of humanity (i.e., the
belief that profound humanitarian suffering must be addressed wherever it is found).

**TRUMP ADMINISTRATION PERFORMANCE AT HOME**

**Asylum**

**GRADE: F (UNSATISFACTORY)**

Under U.S. law, asylum is designed to provide protection for individuals fleeing persecution
in their countries of origin and is a critically important safeguard against return to torture,
imprisonment, and other mistreatment. Individuals already present in the United States may
request asylum, and asylum may also be requested at ports of entry.

Through the public demonization of asylum seekers and the incarceration and criminal pros-
ecutio of those fleeing persecution before their asylum claims are considered, the Trump
administration has undermined this protection. As has been widely reported, the administra-
tion has adopted an initiative in which the U.S. government prosecutes all those who cross
the U.S. border without authorization. This is resulting in the criminal prosecution of asylum
seekers and imposition of criminal sentences prior to consideration of any claims for asylum.

It is cruel and unnecessary to prosecute asylum seekers for crossing borders without

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authorization. Moreover, under Article 31 of the 1951 Convention Relating to the Status of Refugees, to which the United States is bound by its accession to the 1967 Refugee Protocol, parties “shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened...enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.” This provision is all the more important in light of recent reports that asylum seekers and their families are unable to promptly request asylum at ports of entry due to inadequate U.S. processing capacity at the border, and the fact that asylum seekers and their families have to wait many days and nights in the border area in extraordinarily difficult conditions. Under such circumstances, those who make the decision to cross the border without authorization should be treated in accordance with – and within the spirit of – Article 31 of the Refugee Convention.

In addition, through the criminal prosecution and incarceration of asylum seekers traveling with children, the Trump administration is implementing a policy of separation of children from their parents, which risks dramatic psychological and other negative consequences for the children and their families. The policy appears designed as a deterrent to other


3. After publication of this report on June 20, 2018, President Trump issued an executive order (EO) to alter the policy of separating adult asylum seekers from their children. Under the EO, the new policy would instead incarcerate adults and children together while the adult asylum seekers are undergoing criminal prosecution. See RI’s State-
would-be asylum seekers, and it is simply unconscionable to hold children hostage to this deterrence objective.

The separation of families has appropriately been the subject of much public attention and concern, and it comes on top of a range of Trump administration measures that create unfair and unreasonable risks to asylum seekers and, in many cases, conflict with U.S. legal obligations.

For example, in February 2017, U.S. Citizenship and Immigration Services issued new guidance to immigration officials responsible for making “credible fear” determinations, the threshold determination that enables an asylum seeker to move forward in the asylum process. That guidance substantially increased the likelihood that errors will be made that contribute to the unreasonable exclusion of bona fide claimants. For example, in cases where there is reasonable doubt about the credibility of an asylum seeker, immigration officials are no longer advised to refer cases to an immigration judge for a full hearing. They are left instead to make their own final judgment before an asylum seeker has had access to legal counsel or a judge.

There also have been numerous cases in which U.S. officials are credibly reported to have turned away asylum seekers at established ports of entry along the U.S. southern border without referring them for the required protection screening. Such actions clearly constitute a violation of U.S. law and international treaty obligations and endanger the lives of individuals by putting them at risk of persecution or other abuses by traffickers or cartels.

Finally, RI is deeply concerned by the Attorney General’s recent decision overturning a U.S. Board of Immigration Appeals (BIA) ruling on the status of a Salvadoran woman who suffered domestic violence in her homeland and sought refuge in the United States. The decision will dramatically restrict asylum claims and thereby put at risk the lives of thousands of women who seek to escape domestic and gang violence. RI is also concerned that the Attorney General substituted his judgment for the considered view of the BIA, which has had considerable experience on the evolution of U.S. jurisprudence on this critical issue.

As the United Nations Refugee Agency documented in a 2015 study, Women on the Run, “particular groups of women, such as police officers, women with children, and transgender
women, face disproportionate levels of persecution.” The Governments of Honduras, El Salvador, and Guatemala have repeatedly demonstrated an inability to protect their citizens from gang violence, and, in particular, an inability to protect women who are targets of both gang-related violence and domestic abuse. All three countries have rising rates of femicide.

This was an unnecessary and unfortunate decision by the Attorney General.

The U.S. Refugee Admissions Program

**Grade: F (Unsatisfactory)**

Since passage of the Refugee Act of 1980 by huge bipartisan majorities in both the Senate and the House, the United States has successfully resettled nearly three million refugees under the Refugee Admissions Program. Under this program, the president, after consultation with the Congress, annually determines how many refugees the United States will choose to resettle from countries of temporary refuge around the world. Other countries also resettle refugees as part of an international responsibility-sharing effort.

Unfortunately, President Trump has continually articulated unmitigated hostility toward U.S. resettlement of refugees, foreshadowed by presidential campaign statements vilifying refugees and, in particular, new arrivals from Muslim countries.

Several Trump administration actions between January 2017 and February 2018 promoted misconceptions about threats posed by refugees and dramatically reduced resettlement from Muslim majority countries. These measures included two presidential executive orders in January and March 2017, which suspended the U.S. Refugee Admissions Program, a further Trump administration review of the program announced in October 2017, and new and restrictive procedures put in place in February 2018. Notwithstanding the Trump administration’s misleading statements about the program, the social and economic benefits of the U.S. resettlement of refugees are well documented, and the purported threats posed by refugees are wildly exaggerated. In fact, there have been some one million refugees resettled in the United States since 9/11. Over that time, there have been many thousands of violent incidents resulting in the death of Americans. In not one of those cases, however, has a resettled refugee been responsible for an act of violence resulting in an American death.

Nonetheless, for 2017, President Trump indicated the United States would resettle no more than 45,000 refugees, the lowest ceiling since the program began in 1980 and despite the record number of refugees worldwide. In fact, the U.S. government is on track to resettle less than 25,000 refugees in 2018, the lowest number of resettled refugees in the history of the program.

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Temporary Protected Status (TPS)

GRADE: F (UNSATISFACTORY)

Under U.S. law, Temporary Protected Status (TPS) provides humanitarian protection in the United States to foreign nationals from designated countries who are unable to return home due to conflict, natural disasters, or other extraordinary conditions.

Since taking office in 2017, the Trump administration has announced its intention to revoke TPS for more than 300,000 individuals from some of the most crisis-ridden countries in the world.\(^{12}\)

RI has studied planned revocations involving El Salvadorans, Hondurans, and Haitians, who together make up the vast majority of those for whom TPS status will be discontinued. In making its determinations about these populations, the Trump administration did not take adequate account of critical humanitarian factors. These are countries that are not only prone to recurrent, acute disasters like earthquakes and hurricanes, but also suffer from chronic political instability and rampant corruption and are plagued by extremely high levels of violence, including against women and children. El Salvador and Honduras have some of the highest homicide rates in the world due to criminal gangs.

In the case of El Salvador, where there are extraordinarily limited protection options for those being deported from the United States, the return of nearly 200,000 TPS beneficiaries risks a human rights and humanitarian disaster. In addition, beneficiaries from El Salvador and Honduras have been living in the United States as law abiding citizens for nearly two decades; their returns will impose unnecessary risks to them and to their families. Finally, some 270,000 American children have parents from El Salvador, Honduras, and Haiti who are TPS holders and who now face deportation. Many of these families will be torn apart or the parents will be forced into undocumented status.

TRUMP ADMINISTRATION PERFORMANCE OVERSEAS

Humanitarian Funding and Diplomacy to Save Lives

GRADE: D (UNSATISFACTORY, THOUGH MINIMALLY ACCEPTABLE)

The Trump administration has sought to dramatically slash U.S. lifesaving financial assistance to those around the world experiencing humanitarian crises, notwithstanding that such funding constitutes far less than one percent of the federal budget. President Trump has also unreasonably denied lifesaving humanitarian assistance to vulnerable communities around the world, and has failed to assume a strong leadership role in humanitarian crisis prevention and response.

\(^{12}\) For a listing of countries under TPS designation, including those whose designation is expected to end, see USCIS, “Temporary Protected Status,” https://www.uscis.gov/humanitarian/temporary-protected-status.
Seeking to cut lifesaving assistance: Unveiled in early 2017, the Trump administration’s 2018 budget proposals called for unprecedented cuts to international humanitarian funding for food, shelter, and related needs, as well as global health, maternal/child health, and international peacekeeping measures. The proposed cuts of about 30 percent would have dramatically reduced U.S. food aid, “zeroed out” a critical refugee emergency fund, eliminated a key fund used to support programs like UNICEF, and significantly reduced contributions to peacekeeping activities. Congress, with bipartisan support, soundly rejected these cuts, and President Trump ultimately signed the legislation that provided significant humanitarian funding. Nonetheless, the Trump administration unveiled in February 2018 proposals for dramatic cuts in fiscal year 2019 funding relating to refugee and emergency refugee assistance, disaster assistance, food aid, global health programs, and international programs that fund activities such as UNICEF.

Denying lifesaving assistance to vulnerable communities: In 1984, in justifying its decision to provide humanitarian aid to famine-affected Ethiopia, the Reagan administration declared that “a hungry child knows no politics.” This sentiment – although implemented imperfectly by U.S. administrations over the years – has nonetheless guided U.S. policymakers, and the United States has endorsed the objective that assistance to vulnerable populations should be “solely on the basis of need, without discrimination between or within affected populations.” Yet over the past year, senior U.S. officials, including U.S. Ambassador to the UN Nikki Haley and President Trump himself, have threatened to hold humanitarian aid hostage to political support from leaders of vulnerable populations in need.

13. This commitment is reflected in the “Good Humanitarian Donorship Principles,” first accepted by the Adminis-
Earlier this year, the Trump administration withheld $65 million of the planned U.S. contribution to the UN Relief and Works Agency for Palestine Refugees (UNRWA) because the administration opposed positions espoused by the Palestinian political leadership.\(^\text{14}\) The withdrawal of support is having tangible humanitarian consequences for life-sustaining assistance to children, women, and men in Jordan, Lebanon, Syria, and the West Bank and Gaza Strip. Whether it is emergency food aid, access to primary healthcare, access to primary education, or other critical support, these consequences will become increasingly dire if the cuts are made permanent.

**Failure of Presidential Leadership in Humanitarian Crisis Prevention and Response:**
The humanitarian crises currently causing the greatest suffering may be those originating in Myanmar, Syria, and Yemen. President Trump is responsible for none of them, but presidential leadership is critical to efforts to mitigate future suffering. To date, the president’s actions – and failure to act – have been extremely damaging to vulnerable populations in these countries.

Over the last 10 months in Myanmar, with the brutal expulsion of some 700,000 Rohingya and the killings of many thousands by Myanmar’s security forces, the world has witnessed...
ethnic cleansing, crimes against humanity, and abuses that are among the most egregious in modern history. Senior American officials, including Vice President Mike Pence, former secretary of state Rex Tillerson, and UN Ambassador Nikki Haley, have decried these atrocities, with the vice president invoking President Trump’s name in a call for UN Security Council action.¹⁵

But President Trump himself has been silent on the horrendous atrocities committed by the Government of Myanmar. The absence of presidential leadership undermines any international effort to convince Myanmar to create conditions that may ultimately permit return in safety and dignity.

President Trump’s decision to suspend support for recovery efforts in northern Syria is also deeply troubling. Further, his statement suggesting an early U.S. withdrawal from the north-east of the country was not responsible.¹⁶

Any precipitous U.S. disengagement will put at risk the well-being of hundreds of thousands of Syrians.¹⁷ While funding for the White Helmets, a critically important humanitarian non-governmental organization (NGO) operating in Syria, was recently released, additional money to support the progress made in northeast Syria remains frozen.

In Yemen, over a quarter of the population is at risk of starvation. Some 16 million or more Yemenis lack access to water, sanitation, and healthcare. In December 2017, President Trump publicly urged the Saudis to permit humanitarian access. However, the Trump administration has failed to check military operations by the Saudi-led coalition, which continue to exacerbate the suffering, and President Trump does not appear to have sustained strong engagement on this humanitarian issue. At this writing, an assault on the Yemeni port of Hodeida appeared underway and was expected to result in enormous additional humanitarian misery for the civilian population.

Refugee Women and Girls

Grade: D (Unsatisfactory, but minimally acceptable)

Women and girls are particularly vulnerable to significant and substantial abuses in humanitarian settings, and the Trump administration has instituted policies that threaten to roll back recent global gains for protection of women and girls. In particular, in January 2017, the administration reinstated and expanded what had been known as the Mexico City Policy, also known as the Global Gag Rule, and blocked U.S. health assistance to foreign NGOs that advocate for or provide information, referrals, or services related to legal abortion, even when


such activities are financed by private or other non-U.S. government funds.\textsuperscript{18} The State Department announced an exception to this prohibition involving humanitarian and disaster-related accounts, which is why RI has awarded the Trump administration a D rather than a failing grade. But much non-emergency funding, which has been impacted by the prohibition, builds resilience for women and girls who may find themselves in humanitarian emergencies.

In a separate action, the United States withheld funding from the UN Fund for Population Activities (UNFPA), the lead UN agency for ensuring that women and girls who have fled conflict obtain access to critical sexual and reproductive health services, as well as the services relating to prevention and response to gender-based violence. Funding from the United States to the UNFPA, which had included funding for humanitarian and disaster response, has been eliminated completely.

These measures are all the more alarming in light of recent and widespread crimes of violence against women and girls. In 2017, Rohingya women and girls in Myanmar were subjected to sexual violence that the UN has described as “a calculated tool of terror aimed at the

extermination and removal of the Rohingya as a group.”

Recent refugees from South Sudan have cited rape and sexual abuse as one of the primary reasons for flight, and nine out of every 10 Congolese women arriving in Uganda in early 2018 were said to have been raped.

Trump administration action will directly impact the abilities of the U.S. government, and the capacity of UNFPA and other aid agencies, to provide women and girls with critical sexual and reproductive assistance in the context of disasters and in rehabilitation programs.

Leadership on International Migration Issues

GRADE: F (UNSATISFACTORY)

The United States and other governments of the world have recognized the crucial importance of working closely and cooperatively on international migration issues – which impact humanitarian concerns – whether that includes counter-trafficking initiatives, anti-smuggling efforts, measures to aid migrants who are victims of criminal activities, or related measures.

Nonetheless, in early December 2017, the United States announced its withdrawal from negotiations for a UN Global Compact on Safe, Regular, and Orderly Migration (GCM), an arrangement among governments to establish common principles and approaches to deal with the growing challenges of international migration. The GCM was envisioned in a 2016 intergovernmental New York Declaration for Refugees and Migrants, of which the United States was a part. U.S. engagement has made great sense, as there are some 250 million people living outside their countries of origin, and the United States is host to the largest number of migrants in the world. In withdrawing from the diplomatic discussions around the proposed GCM, the United States has abdicated responsibility for an important document that will play a key role in developing programs of cooperation between governments, common approaches on provision of assistance, and measures to combat discrimination, among other initiatives.

While withdrawing from the world’s most important international migration discussion, the Trump administration has pressed to secure the election of its nominated candidate, Ken Isaacs, to the position of Director General of the world’s most important migration agency, the International Organization for Migration (IOM). Beyond the awkwardness of this U.S. advocacy in light of U.S. withdrawal from the GCM negotiations, the U.S. nominee has an unfortunate record of prejudiced comments against Islam, contending that the religion is not...

19. Pramila Patten, UN Special Representative of the Secretary General on Sexual Violence in Conflict, in a press conference held in Cox’s Bazaar in November 2017, as cited by Serajul Quadir, “UN official says will raise sexual violence against Rohingya with ICC,” Reuters, November 12, 2017, https://af.reuters.com/article/worldNews/idAFKBN1DC0MW.


peaceful and is linked to terror. Especially given IOM’s work in Muslim-majority countries, this nomination is not appropriate, and the candidate should not be elected.

For all these reasons, the Trump administration merits a failing grade on leadership relating to international migration issues.
Refugees International advocates for lifesaving assistance and protection for displaced people and promotes solutions to displacement crises around the world. We are an independent organization and do not accept any government or UN funding.