



University of Dayton

**Human Rights
Studies Program**

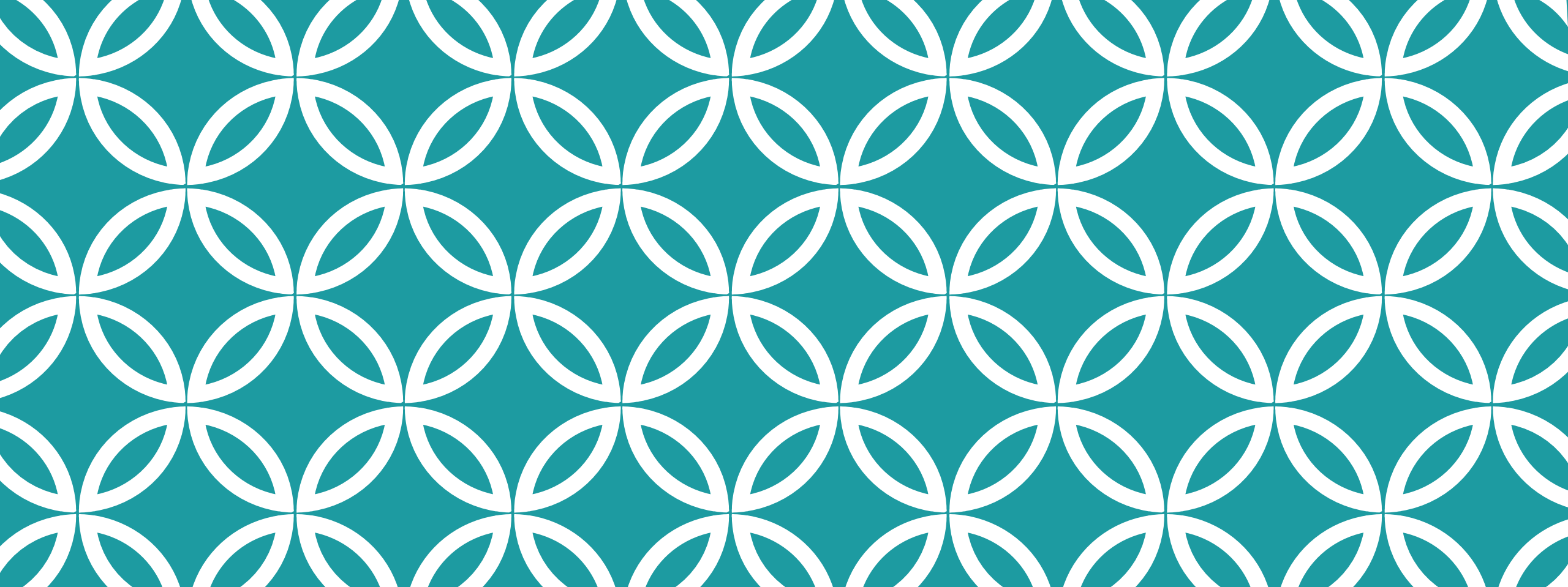
ASYLUM AND SANCTUARY YESTERDAY AND TODAY

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HISTORICAL CONTEXT

What is ASYLUM and why does it exist?

A Brief History of Immigration in the United States

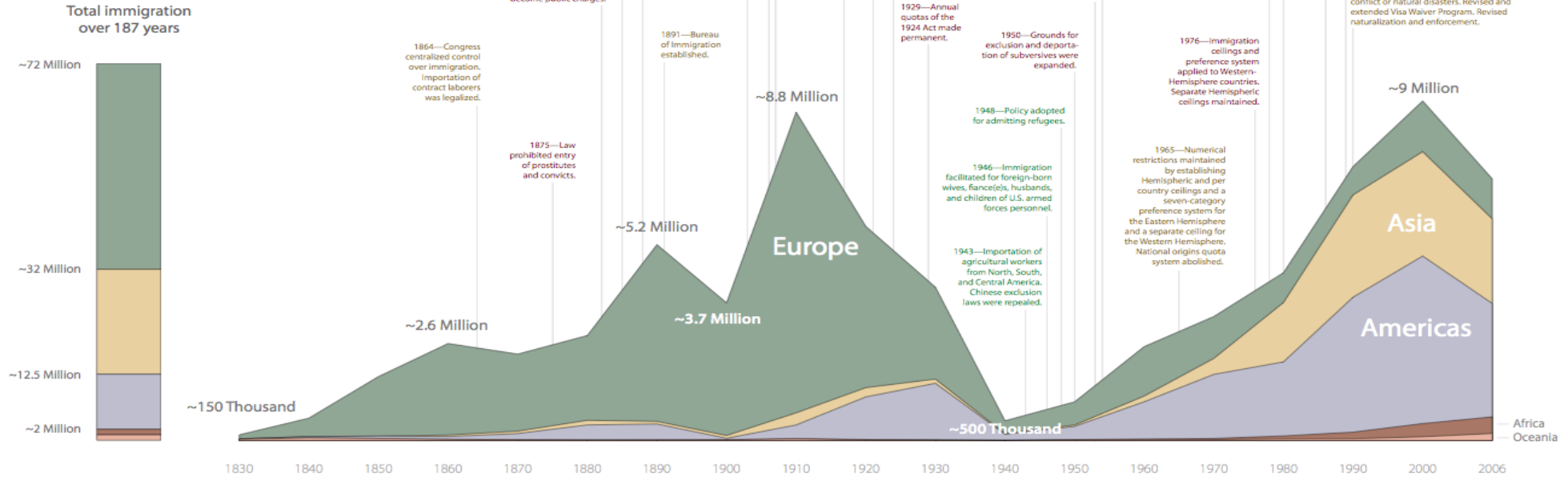
1790—Uniform rule for naturalization sets residence requirement at two years.

1819—Congress enacted first significant federal legislation relating specifically to immigration.

Please note: U.S. immigration policies are drawn in three colors: Red suggests the main intent of the policies in this year was to restrict immigration. Green suggests the intent may have been to increase immigration. Yellow denotes neither or both. Feel free to disagree.

Numbers have been rounded for ease of comprehension. ~2 Million is easier to make sense of than 72,066,614. If you prefer more specific numbers, please treat yourself to the original source: http://www.fairus.org/site/PageServer?pagename=research_research9c29

Finally, immigration laws do not tell the whole story about immigration. Consider what effect an immigration World War I, World War II, the Great Depression, hyperinflation in foreign countries, or relative differences in per capita income may have.



POLICY TIMELINE

1920s - Border Patrol invented, quota acts, and strong anti-immigrant feeling during the “Great Wave”

1921 The Emergency Quota Act

1924 Johnson-Reed Act

- National Origins Act (quotas)
- Asian Exclusion Act

1924 - Border Patrol established

DISCRIMINATION AGAINST IMMIGRANTS IN EARLY 20TH CENTURY



The Irish, Italians, Greeks, and many eastern Europeans (especially Jewish migrants) faced discrimination and were seen by some as biologically inferior, “naturally” violent, etc.

While they were never denied the right to become citizens, like immigrants from Asia or Africa, in the 1920s new reforms were put in place that restricted the numbers that could come from these countries by setting immigrant quotas based on the 1870 census



1880S-1940S:

THE RACIAL CLASSIFICATION CASES

Naturalization Act of 1906

- Requirement to be “white” or “of African descent” to naturalize

1917 The Asiatic Barred Zone Act

Over the course of a half century, about 52 “racial prerequisite” cases were heard before the Supreme Court to determine whether you were white if you were from a particular country like the Phillipines (not white!) or Syria (white!)

1922 Ozawa and Thind cases

1939 THE REFUSAL OF THE *ST. LOUIS*

A boat full of people fleeing Hitler's Germany, mostly Jewish, seeks asylum in Cuba, the U.S. and Canada

Vast majority are turned away and return to Europe— discrimination against Jewish immigrants probably played a role

Nearly 300 of the 937 passengers die in the war, most in Auschwitz and Sobibor



1951 REFUGEE CONVENTION + CIVIL RIGHTS REFORMS IN U.S. IMMIGRATION LAW

In the aftermath of World War II, the international community recognizes the problem of refugees and stateless people as a special issue requiring international cooperation and commitment

United Nations agreement

- Defines a refugee as someone with a well-founded fear of persecution based on the social group they belong to or a political opinion they hold
- States that every country signatory to the Convention is obligated to take in people in this circumstance (including the United States)

1950s and 1960s: major reforms end racial bans in immigration policy, and base the new policy on 3 major pathways while providing equal “caps” for all countries of origin

- Employment sponsorship
- Family reunification
- Refugee status (very limited number)

1965 IMMIGRATION REFORMS

In the shadow of the Statue of Liberty, President Johnson criticized the old policy at the signing ceremony:

"This system violates the basic principle of American democracy -- the principle that values and rewards each man on the basis of his merit as a man. It has been un-American in the highest sense, because it has been untrue to the faith that brought thousands to these shores even before we were a country." (Johnson, Lyndon B., *Public Papers of the Presidents of the United States*, U.S.

Government Printing Office, Washington, D.C., 1966, pp. 1037-1040.)

Ends racial/national origin preferences and forms a new system based on skills and family reunification.

POLICY TIMELINE

1948 Displaced Persons Act

to allow admission of 200K refugees from Nazi Germany

1952 McCarran-Walter Act

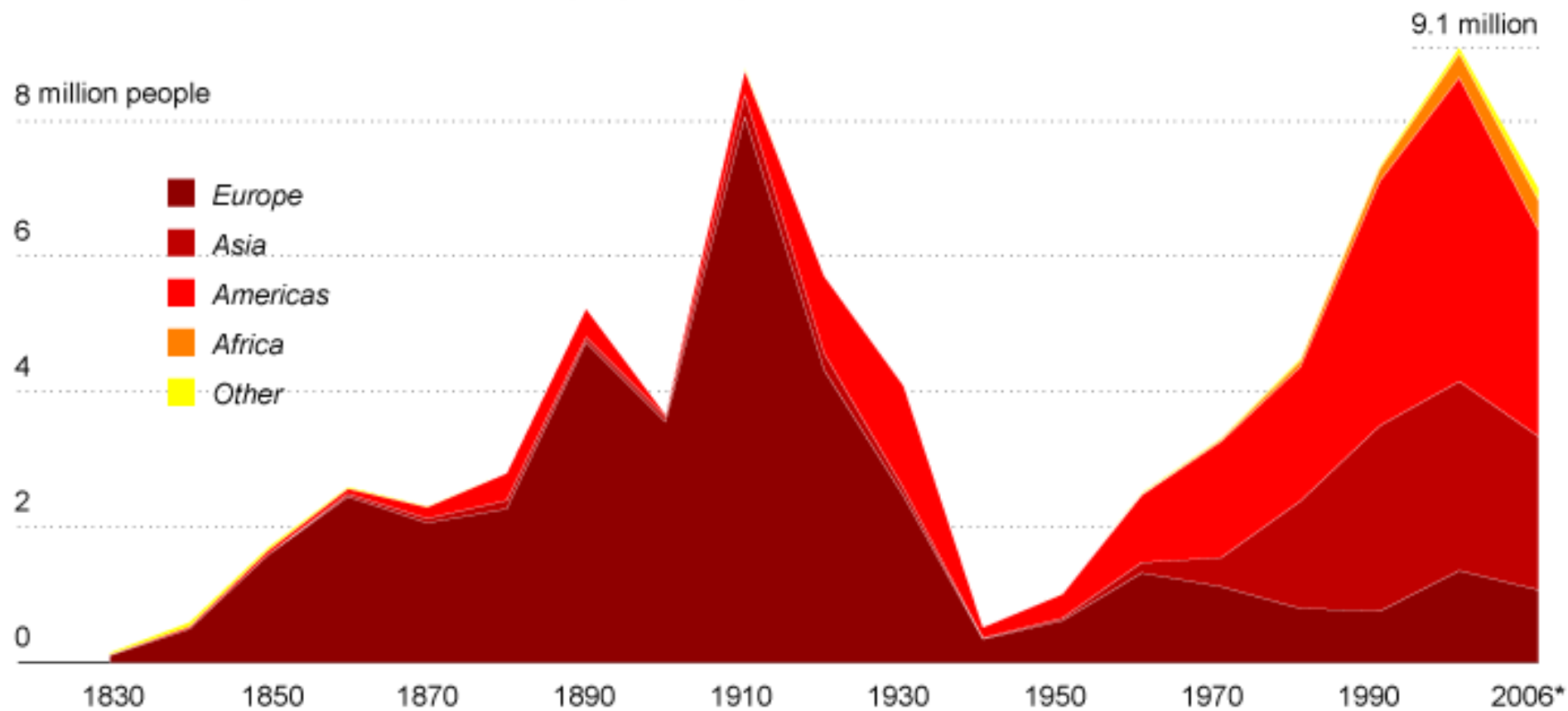
- Ends bar against Asian countries and establishes quota for them

1965 - Hart-Celler Immigration Act

- Eliminates the ban on immigration from Asian countries as well as the “national preference system” that allowed in more immigrants from Northern and Western Europe than other countries

Immigration to the United States

From 1820 through 2006, over 72 million people immigrated to the U.S.



CLAIMING PUBLIC SPACE:

BLACK & BROWN POWER MOVEMENTS, 1960S-PRESENT





AFTER 1965: THE NEW WAVE, ETHNIC POLITICS, BORDER MILITARIZATION

- Ethnic pride and ethnic power movements
- Pluralism and multiculturalism as the new hegemony
- Anti-immigrant sentiment
- Border securitization

THE “PUNITIVE TURN”

The spike in **legal** migration at the turn of the 20th→21st century has been accompanied by a “punitive turn” in the nation’s way of framing and dealing with our immigration policies

- Emphasizing transgression and punishment...
- ...rather than the processes of physical mobility, legal processing, and social integration that cross-border migration entails.

The shift in mass media, political, and popular rhetorics and discourses around immigration in the late 20th century laid the groundwork for politicians to build “the detention and deportation regime”

- Within the context of mass incarceration and the “punitive turn” in racialized social control

WHITE IDENTITY AND RESPONSES



Houston Chronicle / Johnny Hanson

Anti-immigrant sentiment reflects...

- Cultural hierarchies asserting that some languages and ethnicities are “more American” than others
- Belief in the assimilation paradigm
- Belief that Latino and Asian immigrants are not able or willing to assimilate

The anti-immigrant movement has been absolutely central to the revival of **white nationalism** as a part of public political discourse in the 21st century.

POLICY TIMELINE

1986 - Immigration Reform and Control Act (IRCA)

- Legalization of undocumented immigrants
- Working (while illegally present) becomes illegal

1996 - Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)

- PRWORA (same time period) took public welfare rights from legal immigrants
- IIRIRA established more enforcement funding to deport undocumented, higher penalties, 287(g) program

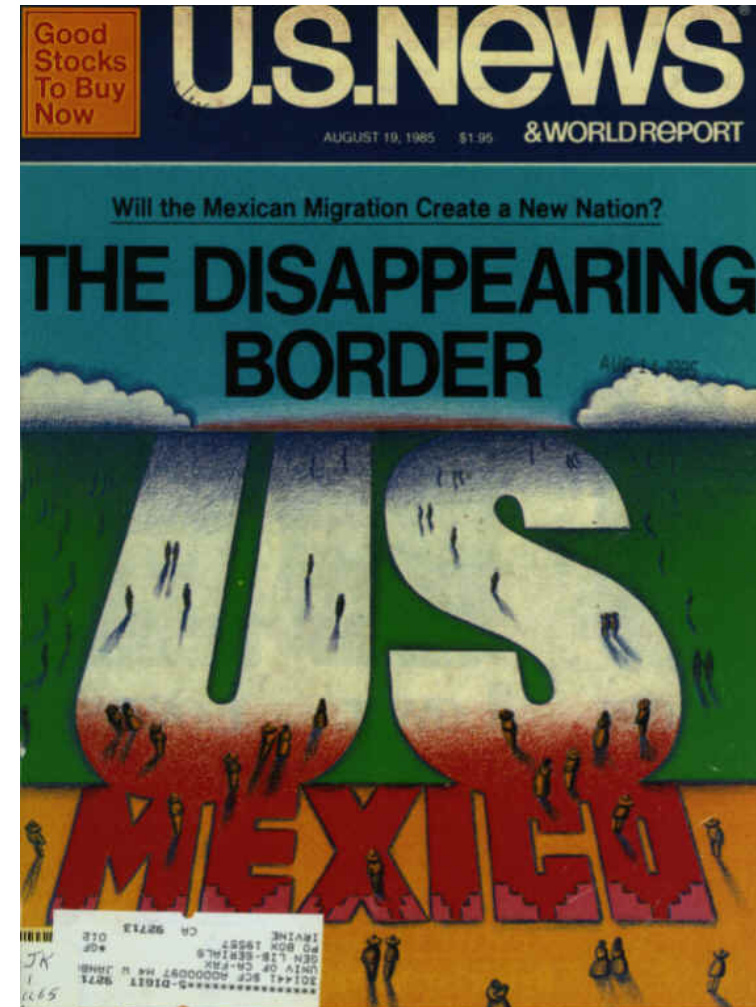
During the 1990s and 2000s: more activism on the part of recent immigrant communities, claiming rights as human beings, as workers, and as migrants

21ST CENTURY: SECURITY STATES AND THE POWER OF “CRIMINALIZATION” AND RACIST STEREOTYPES

Immigrants are portrayed as a security threat (and economic drain) by many

- It's NOT TRUE! (research says)
 - Immigrants are *less likely* to commit crimes than US-born people
 - Immigration typically has a positive economic impact
- Perception of danger and foreign status is extended to all Latino/as, and many other immigrant groups

Current situation: many activities that used to be legal have now been made into crimes for undocumented people (working, having a driver's license, etc.)



THE “SPECTACLE OF ENFORCEMENT”



Peter Andreas (political scientist)- 2010 book
Border Games

Joseph Nevins (geographer)- 2009 book
Operation Gatekeeper

Funding for border security quadrupled from
1990-2010

Militarization of border technology

Construction of 650 miles of walls/fences on
the border

Shifts in the assumed paradigm of
enforcement

SOLIDARITY AND RIGHTS MOVEMENTS FROM SANCTUARY TO #NOTONEMORE



THE PUNITIVE TURN: EARLY 21ST CENTURY

UNDER OBAMA

Record levels of deportations

Expansion of funding to Border Patrol

Increased numbers of detainees

“Secure Communities” police/ICE info sharing

Oversaw construction of more border wall

Southern Border Plan with Mexico

Sent National Guard to border, 2010

But...

Reduced internal enforcement

Signed DACA

Normal refugee admissions

Softer rhetoric

UNDER TRUMP

Less total deportations, but vastly increased interior enforcement and deportation and detention of residents who have been here longer, and for minor reasons

Executive Orders (next slide)

Stripped residents of legal permits (DACA, TPS)

Propose cutting legal immigration by 50%

Cancelled a program that allowed Central American parents to apply for asylum for their children

Sent National Guard to the border

Separated children who crossed with parents

Strong and alarming rhetoric and violent policies against immigrants

- Muslim immigrants and refugees
- Central American asylum seekers

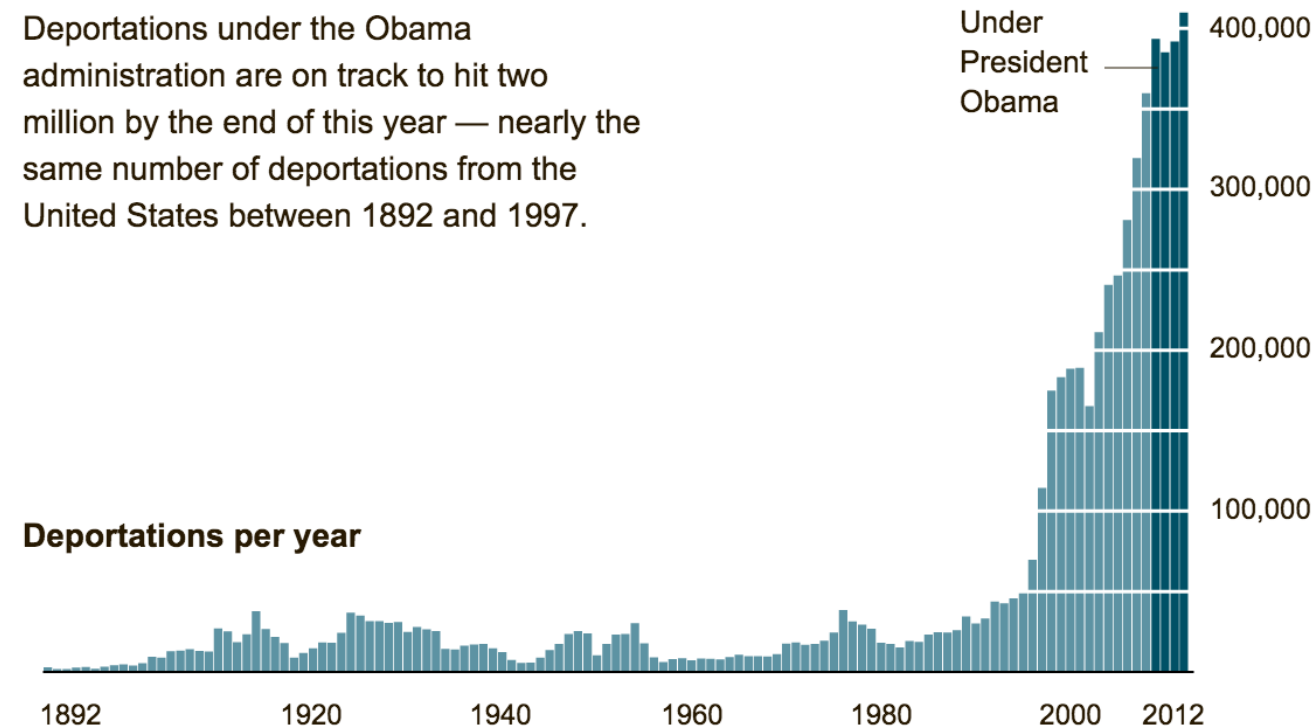
DEPORTATIONS UNDER OBAMA

Published: February 22, 2013

Growth in Deportations

[Related Article »](#)

Deportations under the Obama administration are on track to hit two million by the end of this year — nearly the same number of deportations from the United States between 1892 and 1997.



EXECUTIVE ORDERS, JANUARY 2017



Expand imprisonment of immigrants

Reduce opportunities to apply for asylum

Reduce refugee admissions

Hire 10K more ICE agents and 5K more
Border Patrol agents

Attempt to punish “sanctuary” cities

Ban entry from 7 countries (later 6)

Initiate study of how to build a 2000 mile
border wall

HUMAN RIGHTS CRISIS

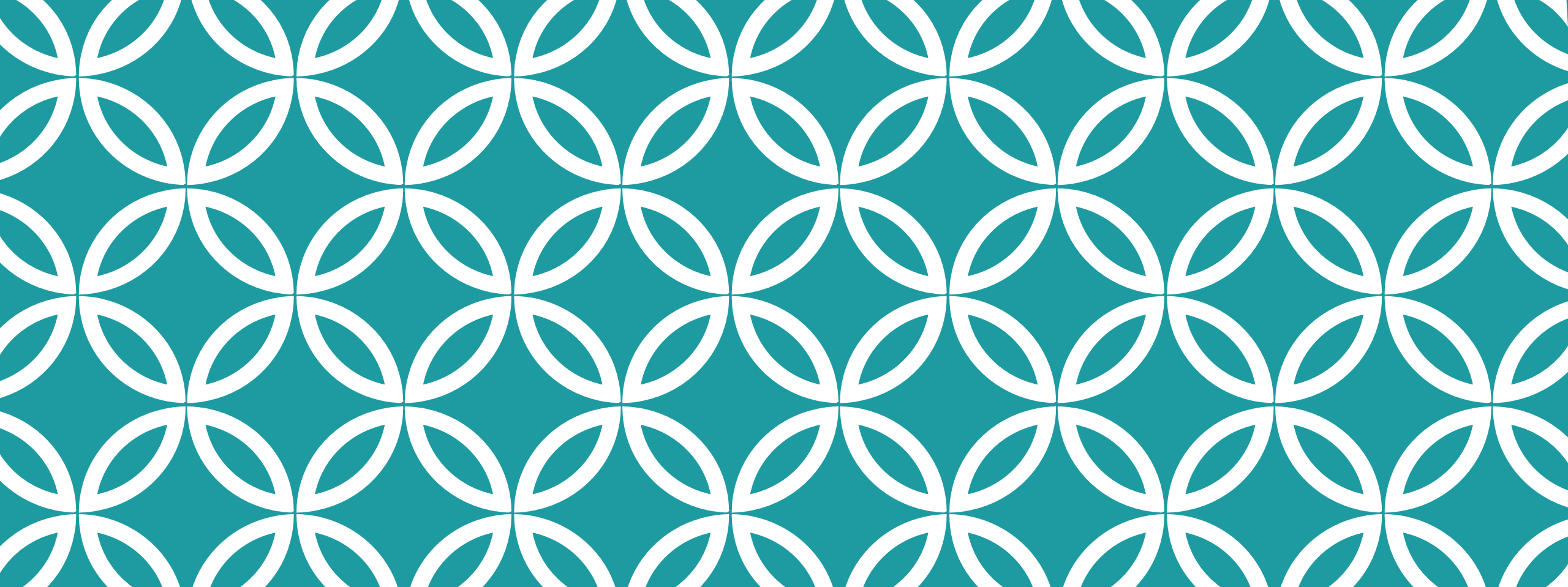
The backlash in the U.S. has caused a human rights crisis

A harder border means:

- More professional smugglers and criminal organizations involved
- Higher costs and higher risks for immigrants
- Circular labor migration less likely, permanent settlement more likely

Migrant death and suffering

- On the trail
- In immigrant detention



CURRENT CRISIS

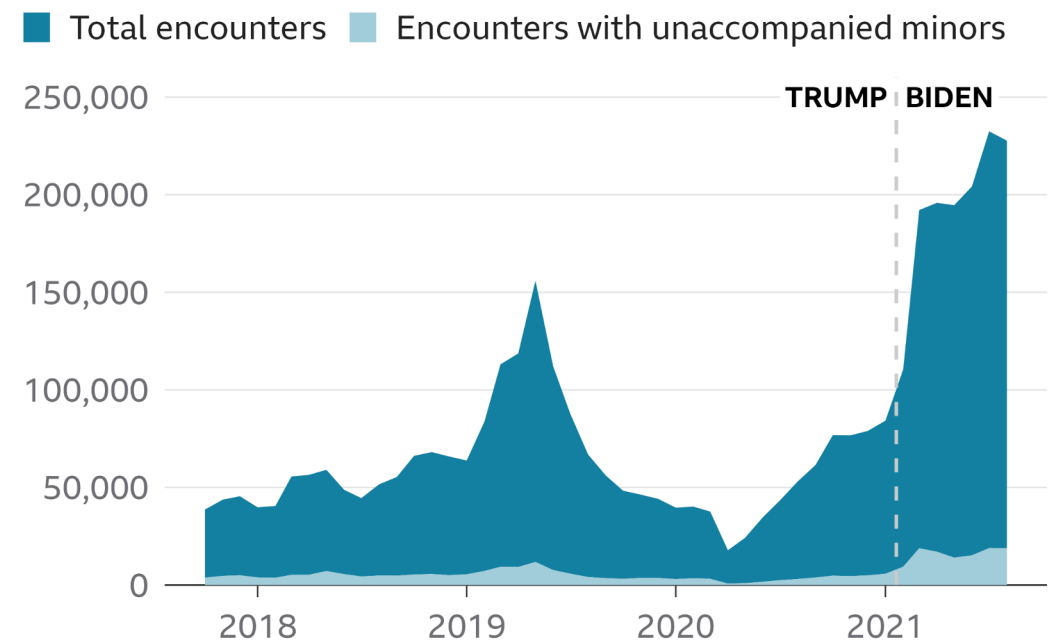
What are things like
under the Biden
administration?

BIDEN ADMINISTRATION

- Title 42 began March 20, 2020 and continued into Biden administration
- Asylum metering continues
- Reopened/overcrowded detention centers



US-Mexico border has seen a sharp rise in migrants in recent months



Source: US Customs and Border Protection Agency

POLITICS >

U.S. shelters received a record 122,000 unaccompanied migrant children in 2021

BY CAMILO MONTOYA-GALVEZ

DECEMBER 23, 2021 / 9:15 AM / CBS NEWS



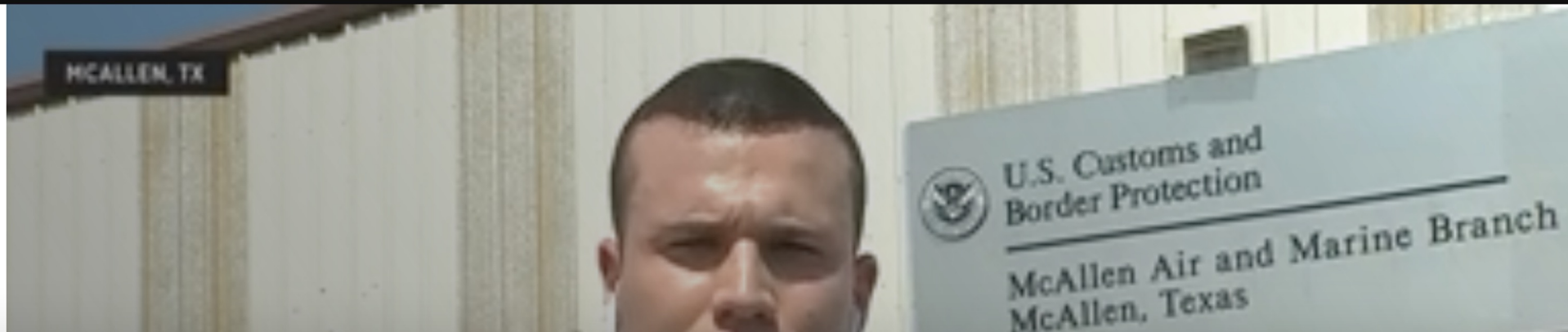


U.S. >

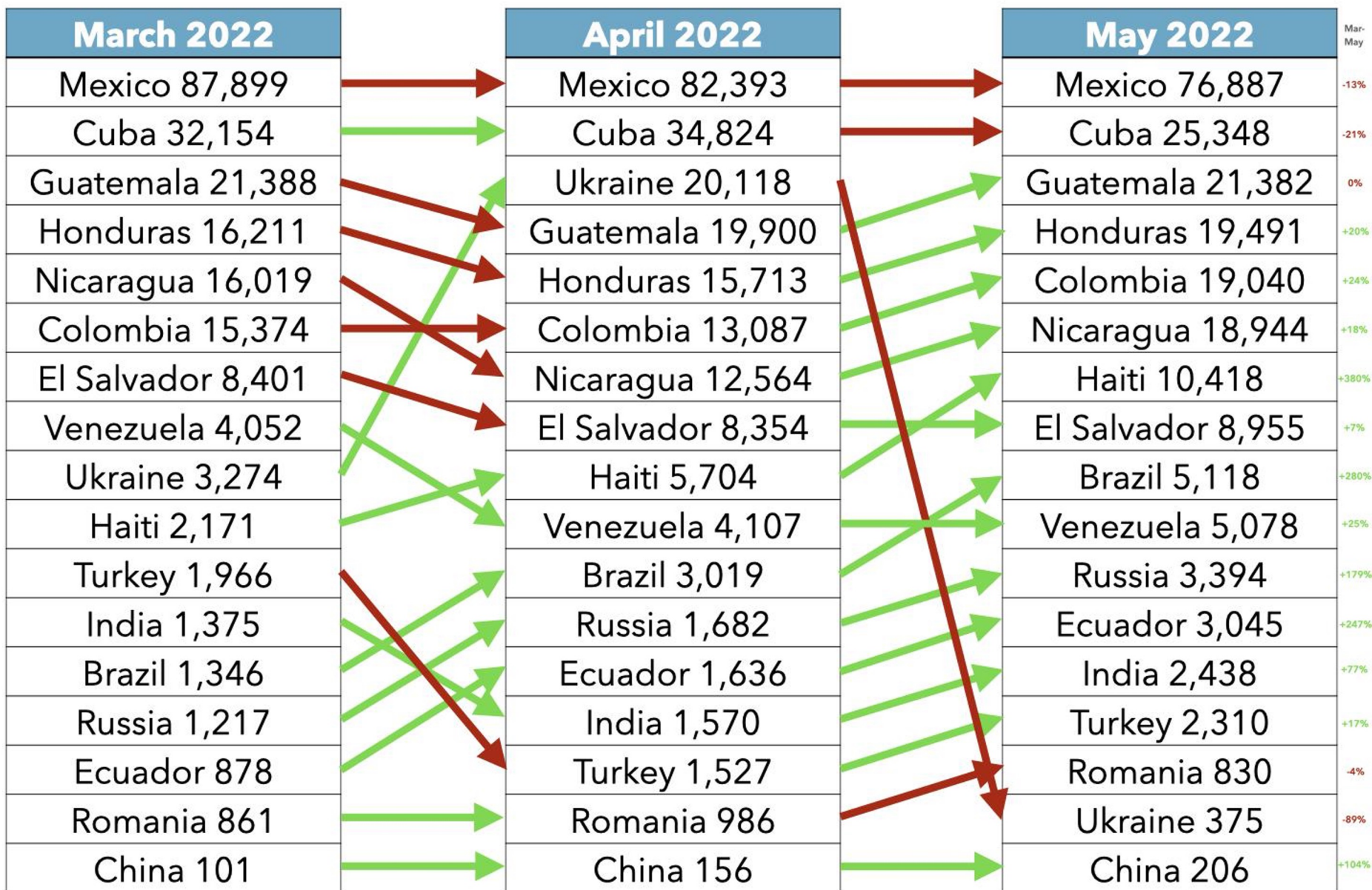
12,212 migrant children reentered U.S. border custody alone in 2021 after being expelled

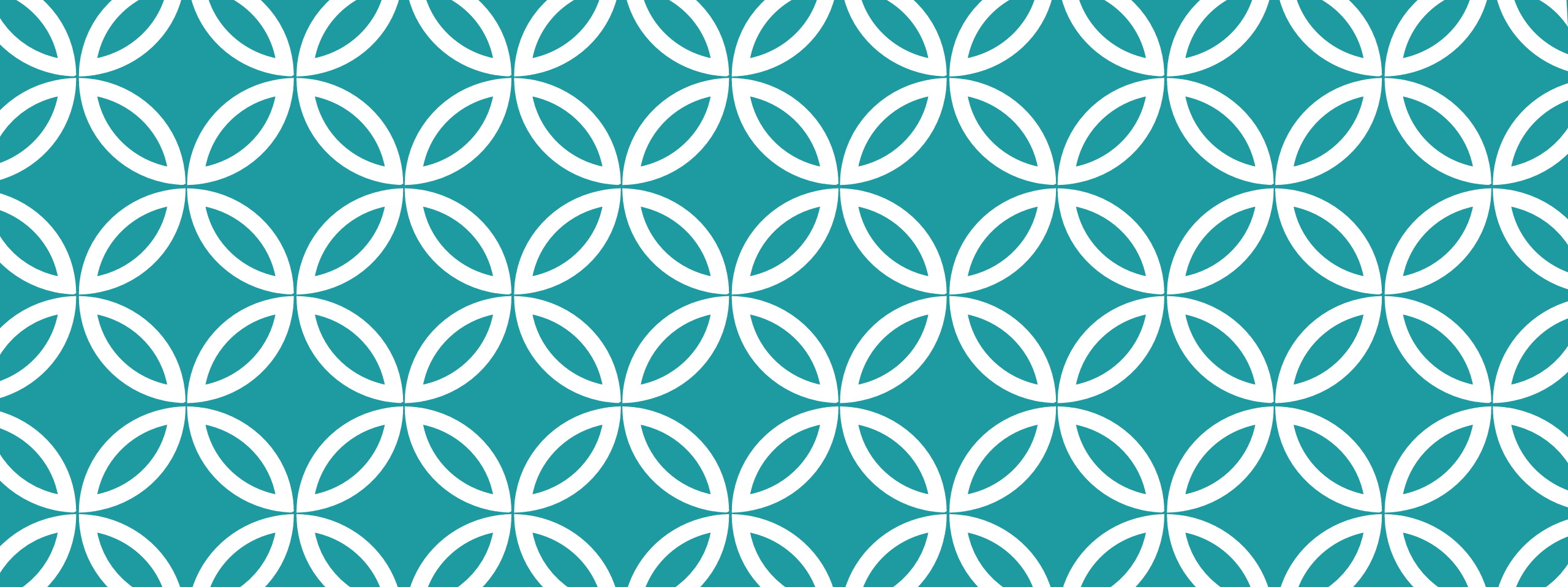
BY CAMILO MONTOYA-GALVEZ

UPDATED ON: MAY 20, 2022 / 8:53 PM / CBS NEWS



CBP Migrant Encounters at the U.S.-Mexico Border, by Country of Origin





OHIO IMPACTS

How is this affecting
our neighbors?

