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MIGRANT'S RIGHTS: *War, Terrorism, and National Boundaries.* By Lindsay Wall, UNC-CH

There are currently over 150 million migrants in the world today, with the US receiving less than 2% annually.

There are around 20 million refugees in the world today.

Over 35 million people work overseas; Asian women are the fastest growing group of foreign workers.

In 1991, foreign workers sent \$71 billion in remittances home.

Between 1980 and 2004, 9.9 million applications for asylum were submitted in 39 European, North American, Oceanic and Asian countries.

As many as 30 million people are currently displaced within their own country.

The past two millennia have seen multiple waves of human migration, both voluntary and involuntary. People migrate for political, economic, environmental and cultural reasons. The effects of migration range from population redistribution, economic results that can be beneficial to budding and expanding economies, and interaction between different cultures and ethnicities, which sometimes cause tensions to develop over religious and racist issues. These mass movements of peoples of the world have created serious concerns to the rights of both indigenous and migrant persons.

MAJOR HISTORICAL WAVES OF MIGRATION

- The Crusades are one example of Europeans migrating to the Middle East in waves to attempt to produce the presumed benevolent effect of the spread of Christianity. In reality, the Crusades were violent and resulted in only minimal religious toleration, a significant massacre of Jews, and ill treatment of Orthodox Christians in the East.
- In 1620, the first English colonists set out for the Americas initiating what is believed to be the beginning of “planned European migration.” When European countries discovered the idea of colonization, the slave trade was not far behind. Colonialism saw a permeation of the European presence and ideology throughout the world. Colonies were established in Africa, Asia, and the Americas. The slave trade began as a by-product of colonialism and Africans were involuntarily forced to migrate to various regions in the world, to include Europe, the Americas, and the Caribbean. During this period, countless millions of Africans were sold and transported through the Triangular Trade system. Remnants of this still echo throughout societies around the world as struggles over racism persist.
- Industrialization in the 19th and 20th centuries precipitated mass transnational migrations to industrialized areas, reaching a peak of 3 million per year. The United States was a large recipient of many of these migrants.
- World War II saw the relocation of Jewish people outside Europe to modern day Israel, the expulsion of some 16.5 million Germans living in Eastern European Countries to Germany, and the dislocation of millions of Poles.

“ In the Universal Declaration of Human Rights (December 1948) in most solemn form, the dignity of a person is acknowledged to all human beings; and as a consequence there is proclaimed, as a fundamental right, the right of free movement in search for truth and in the attainment of moral good and of justice, and also the right to a dignified life. ”

-Pope John XXIII, 1963

CHRONOLOGY: EFFORTS BY NATIONS

- 1790, the US Congress passes the Naturalization Act, which limits naturalization to US citizenship to “free white persons.”
- 1807, the US outlaws the importation of Slaves.
- 1815, the Congress of Vienna condemns the Slave Trade.
- 1830, the US Congress passes the Indian Removal Act, which forces 70,000 Native Americans to relocate through the “Trail of Tears.”
- 1907, the Central American Peace Conference allows aliens to appeal to courts where they reside.
- 1921, The Quota Act limits European immigration to the US.
- 1924, The Oriental Exclusion Act restricts most Asian immigration to the US.
- 1940, The US passes the Alien Registration Act, requiring registration of aliens.
- 1942, the US government forces 120,000 Japanese-Americans into detention camps, an internment which lasted 3 years.
- 1943, due to an alliance with China, the US repeals the Chinese Exclusion Act.
- 1948, the UN General Assembly adopts the Convention on the Prevention and Punishment of the Crime of Genocide.
- 1949, Universal Declaration of Human Rights, of which article 15 declares the right of persons to have and change their nationality, is adopted by the UN General Assembly.

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- 1950, the Convention for the Suppression of Traffic in Persons and Exploitation and Prostitution of Others is adopted by the UN and the US passes the Internal Security Act, restricting immigration of foreign communists.
 - 1951, Convention Relating to the Status of Refugees is adopted by the United Nations.
 - 1952, the US passes the Immigration and Naturalization Act which ends the last ethnic and racial barriers to naturalization for aliens residing in the US.
 - 1953, the General Assembly of the UN adopts the Protocol Amending the Slavery Convention.
 - 1955, the UN holds the Convention Relating to the Status of Stateless Persons.
 - 1957, the UN adopts the Convention on the Nationality of Women. The celebration or dissolution of a marriage shall not affect the nationality of the spouse.
 - 1957, the General Conference of the International Labour Organization adopts the Abolition of Forced Labor Convention, which disallows any form of forced or compulsory labor.
 - 1962, United Farm Workers of America is established by Cesar Chavez to protect migrant farm workers.
 - 1986, the Immigration Reform and Control Act, which accorded amnesty to 3 million undocumented immigrants, but also imposed the first employer sanctions, authorized major increases in border militarization, and introduced tough laws to prevent marriage fraud in the US.
 - 1990, the General Assembly of the UN adopts the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which also establishes the Committee on the Protection of the Rights of All Migrant Workers and Members of the Families.
 - 1992, the UN Security Council adopts a resolution which condemns “ethnic cleansing” in Bosnia and Herzegovina.
 - 1992, the UN adopts the Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.
 - 1994, the UN Security Council adopts a resolution that re-emphasizes that “ethnic cleansing” is a violation of international humanitarian law.
 - 1996, the US passes the Illegal Immigration Reform and Immigrant Responsibility Act which tightened borders, limited political asylum, makes family reunification and defense against deportation for long-term residents more difficult.
 - 1996, the US also passes the Anti-Terrorism and Effective Death Penalty Act which combines laws regarding immigration and terrorism.

POST 9/11 CRACKDOWN

Post 9/11 Shift in Regulations and Policies

- Closed immigration hearings and a refusal to disclose basic information on detainees
- Hold non-citizens in jail indefinitely without charges
- Keep non-citizens jailed even after an immigration judge has found them eligible for release
- Deny bond to whole classes of non-citizens without individual case consideration
- Enter certain immigration status violators into a criminal database and exempt the data from accuracy requirements of the Privacy Act
- Implement a discriminatory “special registration” policy
- Institute “reforms” that severely undermine due process rights for immigrants appearing before the BIA

Patriot Acts of 2001, 2003, 2005 – These acts made immigrants subject to summary deportation without charges or evidence if the Attorney General merely suspects an immigrant to be a risk to national security.

REAL ID Act of 2005 – This establishes a higher standard for proving past persecution, that persecution must be the central motive of persecutor, rather than a motive, expedited removal and detention, and credibility determinations can be based on demeanor.

WHAT ABOUT REFUGEES?

Today, about half of the world’s refugee populations are under the age of 18, and almost 5% of these are unaccompanied minors. Child refugees can be found in prisons and detention centers. In addition, there are also about 25 million Internally Displaced Persons and about 18 million of these are in Africa.

The attitude of the US toward refugees is influenced by terrorism. In the 1920’s, anti-immigration legislation came about as a result of violent labor strikes and mail bombs, which were blamed on foreign anarchists. US foreign policy also affects these attitudes. During the 1943 wartime alliance with China, the US shifted their view on Chinese immigration. In the 1980’s, refugee admissions were also linked to whether the refugee was fleeing a government that the US opposed or supported.

In the 1980s, the number of refugees worldwide rose from 10 million to 17 million. Political upheavals in Africa, Asia and the Middle East created a stream of refugee arrivals by plane, truck, and boat. Many of these resorted to illegal channels of transportation such as smugglers and traffickers.

Since 9/11, the attitude towards refugees has shifted. Before, the protection of refugees was linked to international security, and now refugees are met with less than open arms. They are often seen as a threat and smuggling and trafficking routes are viewed as “routes for international terror.” It is consequently, more difficult for a genuine refugee to seek asylum.

For more information, please visit: <http://nchumanrights.org> <http://amnesty.org> <http://un.org>