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The unavoidable asylum questions

by Opinion Contributor
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Our refugee policies were written to rectify the mistake of having denied sanctuary to Jews fleeing Nazi Germany. Federal law allows people with a well established fear of persecution on account of race, religion, nationality, etc., to apply for refugee status. A refugee is running for his or her life from fear of persecution, such as the Jews. An economic migrant is moving to get a better paid job.

Asylum applicants are held to refugee standards. As increasing numbers of applicants come to Portland, attracted to the city's uniquely generous

assistance programs, the significance of this distinction between refugees and economic migrants becomes more important.

The International Monetary Fund reported in 2016 that 95 percent of global migrants move for economic reasons, looking for better jobs, better schools, modern health care, etc. We can appreciate their aspirations. But economic migrants aren't running for their lives; they aren't bona fide refugees. And our courts recognize this distinction.

With cell phones and the internet today, millions can see the advantages of moving to a new country, even when their own country makes progress. For example, Guatemala's economy has averaged a 3.4 percent growth rate for five years, and homicides have plummeted since 2009. Yet thousands of Guatemalans are heading to the U.S.

The vast majority of recent asylum applications did not meet refugee criteria. In 2016, 89 percent of asylum applicants from Mexico, 80 percent from Honduras, 43 percent from the Congo and 67 percent from Angola were eventually denied refugee status by our courts.

So why bother to come? Court backlogs exceed two years, and during that time, applicants can eventually obtain work permits, potentially receive public assistance and benefit from living here without fear of deportation. Many applicants ditch their court orders altogether, joining the illegal population at that point, and will presumably resort to the methods that illegal immigrants use to stay here: purchasing stolen identities, using fraudulent documents to get jobs, colluding with unscrupulous employers or committing marriage fraud.

The unavoidable question is: what will Congress do with the migrants whose applications failed? Will they be deported? Will Congress deport families with children, who've attended our schools, formed friendships, joined churches? And if we don't deport them, then what next? Ignore their illegality? Pass another mass amnesty?

With Gallup reporting that 1 58 million people worldwide want to move to America, and asylum applications growing by 1,700 percent in 10 years, do we want to send the message that America doesn't have the will to enforce its laws and deport people when their applications are denied?

In response to their own migrant crisis, most European countries tightened up: requiring refugees to apply in the first safe country they entered, expanding employment site raids, setting higher fines on employers, requiring economic self-sufficiency on petitions for family reunification and expanding deportations. Between 2015 and 2018, asylum applications in Europe declined by more than half.

But Congress isn't moving in that direction. Failed asylum applicants can still settle in and get jobs, in the same ways that millions of other illegal immigrants have already done. Congress could discourage economic migration, fraudulent asylum claims and the trafficking industry, by removing the jobs magnet, passing and enforcing universal E-Verify, and punishing the employers. The public has little stomach for mass deportations, but universal E-verify consistently shows strong public support, even with Hispanics.

Scholars and leaders concerned about the ethics of global migration are examining these issues, not simply from the perspective of migrants who want a new country, but also from the perspective of the sending countries.

Concerning Europe's migrant crisis, the Dalai Lama said that "from a moral point of view too, I think that refugees should only be admitted temporarily ... the goal should be that they return and help build their countries."

Luma Sims, a fellow at the Ethics and Public Policy Center, wrote in 2018 that "the more merciful answer, the truly good answer, is to do everything we can to give refugees a future and a hope in their own lands."

Economist Paul Collier wrote in 2013 that "the people best equipped to flee from societies in meltdown are their elites ... Post meltdown, the elites are needed back home.. to rebuild their countries."

Wise asylum policy requires asking the hard questions and examining all the ramifications for both receiving and sending countries.

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