

**Testimony of Ryan Mace
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**Hearing on “A Global Crisis: Refugees, Migrants and Asylum-Seekers”
Subcommittee on Africa, Global Health, Global Human Rights, and
International Organizations
House Foreign Affairs Committee**

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Chairwoman Bass, Ranking Member Smith, and Members of the Subcommittee, thank you for inviting us to this vital, and overdue, hearing on the challenges facing refugees, migrants, and asylum-seekers around the world. I am grateful for the opportunity to speak with you today.

My name is Ryan Mace, and I am the refugee specialist at Amnesty International USA, the U.S. section of Amnesty International, a global human rights movement with over seven million members worldwide, dedicated to the principle that everyone has human rights that must be protected, respected, and fulfilled. For the past several years, refugee protection has been one of Amnesty International’s top priorities, both globally and here in the United States.

Last November, I joined a small Amnesty delegation travelling to Jordan and Lebanon, where we had the opportunity to hear from dozens of refugees, as well as service providers, and U.N. agencies. The primary goal of the trip was to better understand what the impact of U.S. policies have been on refugees themselves.

As we struggle with how to best respond to the unprecedented increase of asylum-seekers and refugees, affecting every region of the world and on a scale that is hard to fathom, we must remember: this is a global crisis, but people are at its core. While the sheer numbers may overwhelm us, we cannot forget that every one of those numbers is a person. Refugees are human beings with human rights. Rights that are at risk. The rights of refugees and asylum-seekers are under assault from all sides, around the world and here at home.

Unfortunately, despite the global need, countries around the world have responded with restrictive, harsh policies and a complete failure to come together to offer permanent protection to refugees and asylum-seekers on a scale that would even begin to match the need. In the last two years we have seen a drastic reduction in the international community’s commitment to refugee resettlement as a vital and lasting protection for those who need it, for which the U.S. is squarely to blame. Further, our own government, and many others across the globe, are increasingly using detention to deter and punish people for exercising their human right to seek asylum.

At one time, the U.S. was both an author and a champion of refugee protection principles globally. Sadly, we are now leading this race to the bottom, devising harsh and exclusionary policies targeting refugees and asylum-seekers at home and abroad. Whether it is the Muslim, refugee, and asylum bans, a policy of separating families along the Southern border with Mexico, pushing people back from our borders or forcing them to remain in Mexico,

dramatically increasing the detention of asylum-seekers, or reportedly targeting NGO human rights defenders - the United States' policies towards refugees, migrants, and asylum-seekers can rightly be viewed as extreme, violating international law, including international human rights law, and just downright cruel. And our policies mirror many of the restrictive policies other countries have adopted around the world.

It is no exaggeration to say that the ability of people to seek safety, and enjoy lasting protection is not only at risk, it is in crisis. While there are certainly critiques to be made of how other countries have responded, we must first look to our own policies. The Trump administration is waging a deliberate campaign of human rights violations against asylum-seekers and refugees, to broadcast globally that the United States no longer welcomes refugees. Simultaneously, the Trump administration is seeking to dismantle the U.S. asylum system, including by narrowing definitions of who qualifies for protection – in violation of international law. Setting a dangerous precedent, the U.S. government's failure to acknowledge or meet its obligations under human rights and refugee law is undermining the international framework for refugee protection, grossly violating the right to seek asylum, and inviting a race to the bottom by other countries.

A Family's Life on Hold

It is important that we center the voices and experiences of impacted populations when discussing this crisis. I wish you could hear directly from some of those we met during our travels as many of their stories are by one measure heartbreaking, but by another, filled with resilience and hope.

To illustrate just how cruel these policies can be in practice, I would like to tell you about one family we had the opportunity to meet while my colleagues and I were in Lebanon. While in Beirut, we went to the bustling U.N. High Commissioner for Refugees (UNHCR) reception center where refugees go to obtain their refugee status determination, provide biometric information, ensure their case files are up to date, and receive information about how to access basic support services. There we met the Amari¹ family. With four kids ranging from age four to eleven, the family reminded me of my own sister's. All the kids had big smiles on their faces and could not wait to tell us what they wanted to be when they grew up. Three of the four wanted to go into medicine, with the middle girl confidently declaring she wanted to be a bone specialist. All of them were excited about their futures and doing exactly what any child their age should be doing – dreaming big.

Mr. Amari told us his first priority is the education of their children. While their children were able to access some level of schooling, that is not the case for all refugees we met with, nor is their future ability to go to school in Lebanon certain. Lebanon hosts nearly a million refugees from Syria, almost half of whom are school-aged children. While some can attend at least a few hours of school a day, more than half are not in any school at all. None of them are receiving the adequate levels of schooling required for their development.

¹ Name changed to protect identity.

Mr. Amari's second priority is being able to work and ensure his family can be self-reliant. They do not want to have to rely on others' generosity to get by. And they do not want to just "get by" – they want to be self-sufficient and see their children thrive.

While they did briefly recount the story of why they were forced to leave their home, what was most compelling was why they remain stuck in Lebanon.

Originally from Syria, the Amari family has been living in Lebanon since 2013. They have gone through the lengthy process of being accepted for resettlement to the U.S. and then undertaken the U.S.' significant and rigorous multi-agency security reviews. In late 2016, the Amari family was notified they were in the last steps of their resettlement case to the United States and would soon travel to their new home – a stage of the process that can take years to get to. They went through the final required steps, packed up their bags, and gave away to other refugees anything they could not bring with them. They knew where their new home was going to be – a place called Richmond, Virginia. Describing the moment when he learned his family would move to Virginia, Mr. Amari recalled: "we felt, at the time, this was our new home."

Then the dream all came crashing down. In January 2017, the first iteration of the Muslim ban was announced, banning Syrian refugees indefinitely. They would not be going to Richmond. Since that time, the Amari family has heard nothing further on their case except periodic and maddeningly vague updates that their case is under "security review." With tears in his eyes, Mr. Amari told me: "We come in peace. We are the victims. We are looking for security and safety. We are asking for your help."

Refugee Resettlement at Risk Globally

The U.S. Refugee Admissions Program is a partnership between the Federal government, local communities, and private investment, built up over decades by the hard work of dedicated Americans alongside refugees and immigrants alike. Today, it is needlessly at risk as the Trump administration slashes our refugee admissions goal and then does nothing to meet the lowered goal. This should alarm all of us.

Following the unspeakable horrors that occurred during both world wars and the resulting refugee crisis, the international community gathered together and created the 1951 Convention Relating to the Status of Refugees. The Convention was grounded in Article 14 of the Universal Declaration of Human Rights, which mandates that "everyone has the right to seek and to enjoy in other countries asylum from persecution." The 1951 Refugee Convention and its 1967 Protocol, to which the U.S. is a signatory, protects refugees from being returned to countries where they are at risk of being persecuted and gives the international community a set of guidelines, laws, and norms to ensure the protection of refugees' rights.

The U.S., for its part, implemented its obligations under international law through the 1980 Refugee Act, championed by the late Senator Kennedy, which not only codified the international definition of refugee in U.S. law, but also provided the basis for the modern U.S. Refugee Admissions Program and other vital programs that ensure that refugees have access to protection here in the United States. At its peak, the U.S. refugee program admitted over 200,000 refugees,

and during every year of the George H.W. Bush presidency the U.S. admitted more than 100,000 refugees annually.

Not even two years ago the U.S. was the world's leader in resettling refugees. That time is no more. In 2016, 126,291 refugees were resettled around the world, of which the U.S. resettled 96,874.² In 2018, that number has fallen to 55,692 refugees resettled globally, of which the U.S. resettled, 22,874. The dramatic decrease in resettlement, fueled by the U.S.'s abdication, has put untenable pressure on refugee-hosting countries around the world. Countries including Turkey, Uganda, Jordan, and Lebanon all host significant populations of refugees per capita, straining their educational, health care, and other social services programs. Further, many of these countries already have high unemployment rates. Thus, refugees, even if permitted to work in any employment sector, have great difficulty in securing steady and sustaining employment. Of course, the people most directly affected are the refugees themselves, who are forced to live for years and sometimes decades in dismal conditions and have no choice but to remain dependent on international assistance.

By dismantling the institution of refugee resettlement, the U.S. gives up not just its moral obligation towards refugees seeking lasting safety, but also the many, wide-ranging contributions that refugees bring to our communities throughout the country. Refugees and asylees work in all sectors of our economy, serving as teachers, doctors, musicians, chefs, and shaping policy as elected and public officials all over the country. We used to provide leadership to the international community on the issue of refugee resettlement; today, we leave the Amari family and their four school-aged children languishing when they could be safely settled in Richmond by now, likely thriving, with the children fully in school. We are capable of so much more.

A System Designed to Keep People Out

In recent years, many countries, including the United States, have designed policies to keep people in search of safety from ever accessing their borders. These policies violate states' international human rights and other legal obligations.

By turning away asylum-seekers at ports-of-entry or putting up barrier after barrier to keep them out, numerous states, including the U.S., are violating their right to seek asylum from persecution. While Amnesty International recognizes the sovereign power of states to regulate entry and stay of foreign nationals in their territories, migration policies and border control measures must be consistent with international human rights law and refugee protection frameworks.

The turning away of asylum-seekers violates the core principle of non-refoulement – the cornerstone of all international law on refugees. Forcing or deporting someone back to where they will be in danger, including turning away people to territories where their “life or freedom” would be threatened, is a violation of international law. UNHCR has further advised that “states will be required to grant individuals seeking international protection access to the territory and to fair and efficient asylum procedures.” Besides violating international customary law, arbitrarily

² <http://ireports.wrapsnet.org/>

closing border crossings creates new harms for people seeking safety. It increases the risks to the safety of those who are forced to wait for weeks or longer in precarious and unsafe conditions or forces them to take far more dangerous routes to continue their journey to safety.

For example, since 2016, European governments have implemented a series of measures to shut down Mediterranean Sea routes that refugees and asylum seekers have used in the past to escape, and instead outsourced their responsibilities to neighboring countries, notably Turkey and Libya, to devastating results. Our researchers have documented how refugees in Turkey live in perpetual legal limbo, fearing forced deportations to warzones and barely managing to eke out a living, much less establish a life.³ In Libya, the European Union's policies have contributed to horrific abuses: refugees are held in modern-day dungeons, and have been brutally tortured, extorted, raped, and sold in slave markets.

Closer to home, asylum-seekers have not fared much better. Over the last two years, President Trump's administration has implemented immigration policies that have caused irreparable harm to thousands of people, have manifestly violated both U.S. and international law, and appear to be aimed at dismantling the U.S. asylum system. These policies include the ban on seeking asylum for irregular border crossers, the pushbacks and metering of asylum-seekers and migrants, and the so called "remain in Mexico" policy.

Amnesty International documented the dangerous trend of pushing back asylum-seekers at the U.S. Southern border with Mexico in a recent report titled "*You Don't Have Any Rights Here.*"⁴ The report title directly quotes a Customs and Border Protection (CBP) official speaking to a Salvadoran father in California in November 2017 and to a Brazilian mother in Texas in March 2018 as they summarily separated the two parents from their children. That is the message our front-line officials are communicating to people coming to the United States in search of safety.

By turning away asylum-seekers at its ports-of-entry, the United States has grossly violated their right to seek asylum, as well as its obligation not to return asylum-seekers to places where they would face grave harm. This principle is incorporated into U.S. law, which requires border and immigration authorities to receive and refer asylum-seekers for an interview with an asylum officer and conduct individual assessments of any risk of persecution or torture that they may face upon return. Practically since the start of the Trump Administration, however, U.S. authorities have forced thousands of asylum-seekers to queue on the Mexican side of the border, where many have reported facing violence at the hands of criminal gangs, and possible detention in Mexico and forcible deportation back to their countries of origin. The practice of limiting how many can request asylum at our border is known as "metering." CBP personnel have regularly turned away Mexican nationals seeking asylum in the United States, including unaccompanied minors. In January 2019, the U.S. government further sowed chaos and confusion among asylum-seekers when it announced that individuals seeking asylum at U.S. ports-of-entry along the southern border would be expelled to Mexico for the duration of their asylum claims – a process which can take years to complete. These practices collectively constitute flagrant

³ <https://www.amnesty.org/download/Documents/EUR4430222015ENGLISH.pdf>

⁴ <https://www.amnestyusa.org/wp-content/uploads/2018/10/You-Dont-Have-Any-Rights-Here.pdf>

violations of the right to seek asylum and the U.S. government's obligations under international law not to forcibly return people to places where they will face harm.

Detention of Asylum-Seekers

Unfortunately, many migrants and asylum-seekers around the world are detained, often in appalling conditions and for indefinite periods. From Libya to Greece, to Nauru off the coast of Australia to detention centers in the United States - governments are detaining migrants, asylum-seekers, and refugees, often in appalling conditions and for indefinite periods of time.

In Libya, Amnesty International has documented that as of November 2018, nearly 6,000 foreign nationals – mostly of African origin – are being held in detention centers across the country. The detention centers where refugees and migrants are kept have no judicial oversight, meaning detainees are held without any judicial order, cannot challenge their detention and are not offered legal counsel, making their detention unlawful under international law. Torture and other ill-treatment are rife, being used by guards to exploit the detainees and extract money from their families.

In Greece, refugees have been trapped in overcrowded and squalid EU-sponsored camps on the Greek islands.⁵ Moria, and other refugee camps on the Greek islands, are dangerous for everyone, but women and girls, unaccompanied minors and members of the LGBTI community are particularly at risk. Showers and toilets often do not have locks and lighting is poor. Even simple daily tasks such as taking a shower or getting water can be stressful and risky. This will be the third winter that Moria and thousands of its inhabitants will have to endure such conditions. Not surprisingly, this coincides with the third winter of the implementation of the EU-Turkey deal, the main driver behind the inhumane conditions refugees and migrants face today on the Greek islands.

Hundreds of individuals remain trapped in offshore detention centers on Papua New Guinea and Nauru. Nauru has failed to provide refugees with the health care they desperately need, and the Nauru government has passed a law banning medical transfers based on tele-medic assessments, effectively circumventing a law passed in Australia earlier this month which allows refugees in Manus and Nauru needing urgent medical attention to be brought to Australia. Denying them medical transfers is yet another blow and demonstrates just how far the human rights of refugees have slipped down Nauru and Australia's agendas. The misery of indefinite detention is pushing increasing numbers of refugees and people seeking asylum to suicide attempts and self-harm, a report from the Refugee Council of Australia (RCOA) and Amnesty International found in November 2018.⁶

In the United States, over 40,000 people are held in detention every single day – many of them asylum-seekers. The policy and practice of indefinitely jailing individuals based solely on their migratory status constitutes arbitrary detention in violation of both U.S. and international law, including the U.N. Convention Against Torture, which the United States ratified and integrated

⁵ <https://www.amnesty.org/en/documents/eur25/9442/2018/en/>

⁶ <https://www.amnesty.org/en/documents/asa34/9422/2018/en/>

into U.S. law. Everyone, including migrants and asylum-seekers, has the right to liberty and to freedom of movement, including protection from arbitrary arrest and detention. Alternatives to detention should always be considered first and detention should be a measure of last resort.

In practice, U.S. authorities have leveraged the agony of prolonged detention to compel asylum-seekers to “voluntarily” give up their asylum claims and accept deportation back to their countries of origin where they had fled persecution. That practice constitutes forced return under international law. The anguish of indefinite detention has often been amplified by family separations and inadequate conditions of detention, including routinely substandard medical care that has contributed in some cases to asylum-seekers’ deaths in immigration detention facilities.

Further, international law also makes categorically clear that children should never be detained for immigration-related purposes, as it will never be in their best interest. Amnesty International opposes all detention of children – whether accompanied or unaccompanied – solely for immigration purposes and, calls for a presumption against the detention of asylum-seekers and other migrants to be established in law, and that immigration detention is exercised only when determined to be necessary and proportionate to a legitimate purpose and based on an assessment of the individual’s circumstances.

Many children now in the custody of the U.S. government were placed there after being forcibly separated from their caretakers and families. For example, Abel, a seven-year-old child, was forcibly separated from his mother, Valquiria, at the U.S. border in March 2018. Though Abel has since been liberated from government custody, his mother still sits in an adult detention facility in El Paso, Texas. Their story is emblematic of the enormous human costs of the U.S. addiction to detention. Separating families violates multiple fundamental human rights all at once, including the right to family unity, the right to liberty, and the right to freedom from torture and other ill-treatment. Both the prosecution of asylum-seekers for irregular entry, and the forced separation of families, is a violation of U.S. obligations under international refugee law. Children’s rights are also violated in multiple ways through family separations, including by exposing them to extreme and unnecessary trauma after being separated.

Crackdown on Defenders of Refugees and Migrants

The assault on refugees and asylum-seekers has now reached such heights that even advocates for these populations are being targeted. States have the duty to foster a healthy civic space, and to enable and protect those who operate within that space - including those who seek to advocate for refugees, asylum-seekers, and migrants – and to do so without discrimination. However, an increasing number of countries are enacting laws and policies designed specifically to limit the ability of refugee and migrant rights organizations from doing their critical work.

For example, in Amnesty International’s recently released report, “*Laws designed to silence*,” we detail how in Hungary, a recent package of laws passed in 2018 is purposefully designed to target individuals and organizations who carry out activities in support of refugees and migrants. The new law creates the criminal offence of “facilitating illegal immigration” and applies to both individuals and organizations that are accused of engaging in certain “organizational activities” that assist people who are seeking asylum and those who have entered Hungary irregularly and

are attempting to secure a residency permit. The vague terminology contained in this law could see criminal penalties imposed for a broad range of activities, including campaigning, providing legal support to migrants and refugees, or conducting research into human rights violations.

Here in the United States, asylum advocates and lawyers have described being targeted by U.S. authorities, including by having “alerts” placed on their passports and being criminally prosecuted simply for providing water to exhausted migrants in the desert along the border.

Penalizing such activities is a direct assault on the work of civil society actors who support or advocate on behalf of refugees, asylum-seekers, and migrants. This should alarm anyone who cares about the rights of asylum-seekers, and the organizations and committed professionals seeking to help them through an increasingly difficult and dangerous route to safety.

Conclusion and Recommendations

Two years later, and the Amari family is still in limbo, without a permanent home despite one waiting for them here in the United States. Advocates for their rights can be left feeling powerless. I cannot personally help move their resettlement case forward. I cannot help them go to school. I cannot help them feel safe.

But the members of this Committee have the power to change this family’s life, and to help other families like them.

To that end, these are our recommendations to this Committee:

- I. Increase our commitment to refugee resettlement:** At times of far less need, our country has done far more. The U.S. has cut its commitment to refugee resettlement to the lowest levels in the history of the U.S. refugee program and appears to be making little effort to even try and reach this lowered goal. The U.S. should restore its commitment to offering refugees who need it access to resettlement by increasing the U.S. resettlement goal to at least 75,000 refugees to be resettled every year and provide the vetting agencies responsible the resources and tools they need to meet the goal we set.
- II. Hear directly from those affected through congressional delegations and further testimony:** Today’s hearing cannot be the last time this subject is before this Committee or this Congress. We need to hear from those most directly implicated by these policies on what life is like for them, what do they need, and how U.S. policies along with humanitarian and development assistance can better help them. We also need to hear from those directly working with refugees, asylum-seekers, and migrants at all levels. I would also encourage this committee to organize bipartisan congressional delegations to see the impact of these policies, and human rights violations, firsthand.
- III. Support legislation that overturns President Trump’s damaging policies:** The 116th Congress must support and pass legislation that overturns President Trump’s destructive policies that target refugees, migrants, and asylum-seekers. This Congress must reaffirm the clear intent of the laws passed by this body that ensure the safety and wellbeing of refugees, migrants, and asylum-seekers. I encourage every Member of Congress to support and pass legislation that would:

- a. Nullify the Muslim, refugee, and asylum bans;
- b. Ban the separation and/or detention of families with children;
- c. End the policy of pushing people back from our borders or forcing them to remain in Mexico;
- d. And stop allowing the detention of asylum-seekers to be the norm both here in the U.S. and around the world.

IV. Support increased humanitarian assistance: The U.S. government has long been the single largest donor to helping displaced populations around the world and we must continue to play that role. The U.S. invests in life preserving and lifesaving humanitarian assistance that helps forcibly displaced people who lack access to the most basic necessities of life, including food, clean water, safe shelter, healthcare, and education, all of which are human rights. Further, these funds aid people displaced by natural disaster, conflict, and war. For example, funding supports efforts to eradicate famine in countries including South Sudan, Yemen, and Somalia, and address long-standing humanitarian crises in countries including Afghanistan, Somalia, and Colombia, which have caused significant internal displacement. Congress should robustly fund humanitarian assistance accounts including the Migration and Refugee Assistance, International Disaster Assistance, and Emergency Migration and Refugee Assistance accounts.

The world is rightly wondering if the United States is indeed still committed to the principles contained within the refugee convention and is still an active partner in offering protection for those who need it most. We must show them that we are. I look forward to your questions.