

CDF-NY Summer Policy Series

September 2017

What does the travel ban mean for refugee children?

On the last day of its current term, the Supreme Court allowed portions of the Executive Order 13780 “Protecting The Nation From Foreign Terrorist Entry Into The United States,” also known as the travel ban, initially issued on March 6th. Many have outlined the repercussions of such a ban and highlighted the moral consequences of condoning religious discrimination (as the majority of the countries targeted are predominately Muslim) against innocent minorities. Nonetheless, scarce attention has been given to the high stakes refugee children face with the implementation of the travel ban. Considering that 51% of the world’s refugee population are children under the age of 18, policymakers must make the protection and well-being of children a priority in their resolutions.¹

What does the ban do?

Despite legal pushback the EO’s implementation consists of a 90-day suspension of entry to nationals from Iran, Libya, Syria, Somalia, Sudan, and Yemen. It also includes a 20-day review period during which the Secretary of Homeland Security and the President’s Office will review vetting procedures by foreign governments, and issue a 50-day time period to those nations who are “identified as deficient [...] to alter their practices.”²

The vagueness of this section is a matter of concern as it references but does not specify what constitutes as “adequate information about nationals applying for United States visas.”³ This means that the review period could be extended any time at the discretion of the President’s Office, significantly altering and/or prolonging the duration of the travel ban indefinitely. The EO also grants a 120-day suspension of refugee applications and relocation under the United States Refugee Assistance Program (USRAP); and caps refugee acceptance at 50,000 for FY 2018, a sharp contrast from the 84,995 refugee admitted last year under the Obama administration.⁴ Considering ours is a country with some of the largest economic resources in the world, and the level of desperation among the refugees fleeing violence in their own countries, the new acceptance number is shameful.

In the fall the Supreme Court will reconvene to deliberate the merits of the case and decide on the permanency of the measures. This decision may have grave consequences for refugee children and unaccompanied minors, as the countries targeted by the travel ban have the largest forcibly displaced population in the world.

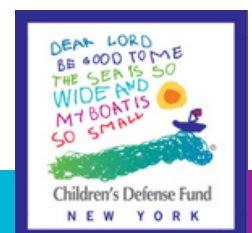
This summer CDF-NY interns worked with staff on the 2017 CDF-NY Summer Policy Series. Christina Cintora is the primary author of this paper.

¹ UNHCR> Global Trends 2016, p.2, 3. Retrieved from:
<http://www.unhcr.org/en-us/statistics/unhcrstats/5943e8a34/global-trends-forced-displacement-2016.html>

² 582 U.S. 3(2017)

³ Ibid 2.

⁴ Krogstad and Radford. (2017, January 30). Key facts about refugees to the U.S. Retrieved from:
<http://www.pewresearch.org/fact-tank/2017/01/30/key-facts-about-refugees-to-the-u-s/>



Bona fide relationship requirement puts the majority of refugee children at risk

To add to the uncertainty of this ban, the ‘bona fide’⁵ relationship or close familial ties requirement by foreign nationals wishing to enter the U.S., has changed several times since the ruling was signed. While the Supreme Court initially confirmed exceptions for immediate family members such as parents, spouses, children, and step relationships, a broader definition now includes grandparents, grandchildren, cousins, aunts, sisters-in-law and brothers-in-law. This update comes after a District Court in Hawaii required a broader definition of close familial ties.⁶ However, it is important to keep in mind that even when preliminary requirements are met, exceptions to the rule can be granted on a case-by-case basis.

The effect of this ban is that refugees with no connections to the U.S, which encompasses the *majority of cases*, will have no chance of claiming asylum. If developed nations with vast resources keep closing their doors during the worst this humanitarian crisis in the century, what will happen to the 10.3 newly displaced million families and their children?⁷ Where will they go?

The UN refugee agency, UNHCR, confirms that of the 65.6 million forcibly displaced people worldwide, only 16% have been hosted in the U.S. since the crisis started. By the end of 2016, 22.5 million were refugees and only 2.8 million obtained official status of asylum-seekers in the U.S., according to their Global Trends 2016 report.

How can we protect refugee children?

At the Children’s Defense Fund we support humane and effective policies that protect the most basic humanitarian needs of innocent children fleeing war and persecution in their home countries.

On June 20, 2017, in commemoration of Refugee Day, Secretary of State Rex Tillerson said: “we will continue to aid those who have been forced from their homes, address the root causes of their displacement, and foster long-term solutions to humanitarian crises.”⁸ With this in mind, we urge the Trump administration to examine the logic behind what has been previously advocated, and what is now being advanced through the newly approved travel ban. Preaching humanitarian leadership and compassion without effective action is a paradox that will cost millions of innocent lives.

As a country we must take concise action and push for policies that truly have the best interest of displaced children at heart. We believe that a first step in the right direction is to prioritize life over borders. This means allocating federal funds to help more refugee families in their transition and expanding health services for children facing trauma. The proposed \$52 billion increase to the Department of Defense (DOD), in the President’s federal budget for FY 2018, takes away valuable resources that could be better used by other underfunded agencies such as the United States Refugee Assistance Program, to welcome more children from war-torn countries and offer them a dignified future.⁹ The administration must respond to the fundamental necessity of such a gross investment in defense, as the humanitarian refugee crisis abroad soars and health care in our homeland is threatened.

⁵ 582 U.S. 12(2017)

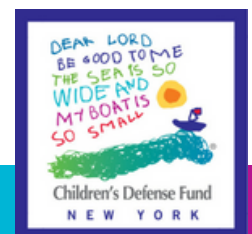
⁶ Culliford (2017, July 17). Grandmas and Grandpas from travel ban states now welcome – U.S. cable. Retrieved from: http://live.reuters.com/Event/Live_US_Politics/1018256003

⁷ Ibid 1.

⁸ U.S. Department of State, Press statement: <https://www.state.gov/secretary/remarks/2017/06/272045.htm>

⁹ The Budget for Fiscal Year 2018. Retrieved from:

<https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/budget.pdf>



Children Fleeing War

- In **Syria** there were 4.8 million internally displaced people by the end of 2016, as a result of the massive strikes led by the Syrian-Russian coalition which attacked homes, medical facilities, markets and schools, which killed hundreds of civilians. More than half of those were children.ⁱ

- **Iran** continues to punish children for minor offenses in the form of flogging. Its penal code allows judges to sentence children to death at their discretion. Amnesty International reports that “at least 78 juvenile defendants remained under death row.”ⁱⁱ

- In **Libya**, an estimated of 700 children lost their lives on the deadly journey across the Mediterranean Sea to Italy. At least a third of migrant children were unaccompanied and experienced sexual abuse, violence, and harassmentⁱⁱⁱ



- In **Yemen**, the Saudi Arabia-led coalition is responsible for “60% of the 785 children killed and 1,168 children wounded.”^{iv} Houthi and allied forces continued recruiting child soldiers, with 762 cases have been verified by the UN since 2015. Yemeni law still approves child marriage, female mutilation, and street flogging.

- In **Somalia**, the UN Security Council informs that over 6000 children were abducted to be recruited as child soldiers by the Somali intelligence agency, the army, Al-Shabab members and other groups. Due to a severe draught over 1.4 million Somali children are expected to suffer from outbreaks of malaria and cholera and experience severe food insecurity.^v

- The violence in **Sudan** between the army and Sudan’s People Liberation Movement-North, has left 190,000 displaced people in 2016 in the Darfur region alone. The Sudanese government has also been accused of using chemical weapons against its own people in the Jebel Marra region, leaving behind an estimate of 250 people, including children.^{vi}

ⁱ Human Rights Watch: Syria, Events of 2016. Retrieved from: <https://www.hrw.org/world-report/2017/country-chapters/syria>

ⁱⁱ Amnesty International: Iran, Annual Report 2016/2017. Retrieved from: <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/>

ⁱⁱⁱ Human Rights Watch: Libya, Events of 2016. Retrieved from: <https://www.hrw.org/world-report/2017/country-chapters/libya>

^{iv} Human Rights Watch: Yemen, Events of 2016. Retrieved from: <https://www.hrw.org/world-report/2017/country-chapters/yemen>

^v Human Rights Watch: Somalia, Events of 2016. Retrieved from: <https://www.hrw.org/world-report/2017/country-chapters/somalia>

^{vi} Human Rights Watch: Sudan, Events of 2016. Retrieved from: <https://www.hrw.org/world-report/2017/country-chapters/sudan>

