

LIMEN

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P. O. Box 155, H-1518 Budapest, Hungary
info@migraciokutato.hu

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Frontispiece: Newly arrived irregular immigrants waiting outside Yuma for Border Patrol agents to take them to the processing center.

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The Emancipation Reclamation: The Forgotten Story of the Immigration Act of 1924 and How It Propelled Black Americans into the Middle Class

Roy H. Beck

Abstract

The Immigration Act of 1924 ended the so-called Great Wave of immigration that brought over 20 million Europeans to America's shores. It also spurred the Great Migration, the movement of over six million African Americans from rural southern states to the industrialized north, and into jobs that otherwise would have gone to immigrant workers. Even many critics of the 1924 law recognize that it was instrumental in the formation of the Black middle class. In 1965, Congress began a second great wave of immigration that continues to this day, to the disproportionate disadvantage of Black Americans.

Keywords: Immigration Act, Black Americans, emancipation

Introduction

In my 2021 book, *Back of the Hiring Line: A 200-Year History of Immigration Surges, Employer Bias, and Depression of Black Wealth*, I explored a topic that is rarely acknowledged in the contemporary debates about U.S. immigration policy – that for two centuries, periodic immigration surges have effectively sabotaged Black incomes in the hiring lines of America. This isn't a story that hasn't been told before. But it is one that has been forgotten, or, rather, pushed aside by the narrative that mass immigration has always been the default policy pursued by the United States government, supported by the American people, and has had little to no negative effects on those already residing in the country.¹

¹ "Mass immigration" is used under the definition of Cornell labor economist Vernon Briggs in his book, *Mass Immigration and the National Interest*: a policy of high annual volume without regard to "prevailing economic trends and social stresses" within a nation.

After completing *Back of the Hiring Line* and reflecting on the 100th anniversary of the Immigration Act of 1924, I realized that most Americans also are unaware of how important that piece of legislation was in the making of the Black middle class, setting the groundwork for the Civil Rights movement that transformed America and that finally began to fulfill the promise of racial equality first made following the end of the Civil War a century earlier.

What follows are excerpts taken from *Emancipation Reclamation: The 1924-65 immigration reductions that propelled African Americans into the Great Migration and the middle class*, my monograph that NumbersUSA Education and Research Foundation published in September 2024. It details how the Immigration Act of 1924 reclaimed the earlier emancipation promises by doing one simple thing: It made it more difficult over the next four decades for employers to import foreign workers instead of recruiting Black U.S. citizens.

The Immigration Act of 1924 dramatically reduced annual entries into the United States for four decades. In so doing, it was the greatest federal action in U.S. history – other than the Civil War Constitutional Amendments – in advancing the *economic* interests of the descendants of American slavery, and perhaps of all American workers.

The evidence for such a sweeping declaration is strong. But few would know it because most internet – and even more-credible – sources suggest the law was tainted by racism, if not outright White supremacy. Therefore, few in recent decades have dared hold up the law as something to be emulated as a way to alleviate rising inequality and social unrest in the country. Immigration flows remain large in the United States in large part because of the success of immigration expansionists in shutting down debate by labeling restrictions as racist. This has kept most of the public from knowing the incredible benefits of the country's only long-term, deeply restrictionist immigration policy.

But the story of the 41 years in which the 1924 law was in effect provides solid evidence for a superlative conclusion: the results from the deep reductions in annual immigration should be considered on balance as supremely *anti-racist*; it helped African American citizens more than any other group of Americans, and more than at any other time of history. And the most disproportionately economically weak members of U.S. society certainly deserved that consideration ahead of all the rest of the people in the world who wanted to come. That is, if

the United States was indeed a self-determining national community and not a “colony of the world,” as former U.S. Senator from Minnesota and candidate for the Democratic presidential nomination in 1968 Eugene McCarthy entitled his provocative 1992 book.²

The Law That Transformed Black America

In early 1923, ambitious Black workers in the South were scrambling to catch trains to the North before a whole new wave of foreign workers arrived. “Negro migration is on again. It is in full swing,” Black labor activist A. Philip Randolph told his magazine’s national readership: “The revival of industry and the restrictions against immigration are making openings in the North and West for the Negro workers heretofore undreamed of.”³

The economy was heating up after a recession. Factory gates of the north had rarely opened like this for Black workers since the end of Reconstruction in the previous century. More importantly, Congress had for the first time dramatically reduced immigration numbers. But the restrictions were only temporary. If only immigration could stay low all the time, it stood to reason that economic opportunities for Black workers would continue to improve. For over a half-century, African Americans had been denied the rights they had been promised in the 1860s Civil War Emancipation, in part because few could earn incomes outside the South.⁴ No federal action since Emancipation had done more to deprive Black citizens of economic advancement than the government’s mass immigration policies. Now, a small percentage of Black southerners were able to leave homes and families fast enough to try to liberate themselves, starting at the train stations.

During the first year after passage of the short-term immigration restrictions, arrivals of foreign workers and family members had plummeted from 805,000 to 310,000. But in this second year, the law was proving inadequate to hold the numbers that low – too many loopholes.⁵ Later in 1923, ever-larger flotillas of ships would again be unloading their cargo of immigrant workers. Without

² McCARTHY 1992.

³ RANDOLPH – OWEN 1923/5.

⁴ The “Civil War Emancipation” was a collection of actions far greater than Lincoln’s Proclamation which began it. It was purchased and broadened by the blood, sacrifice, and victory of two million Union soldiers. The emancipation was then broadened further and the promises ratified in three Constitutional Amendments.

⁵ All immigration numbers in this book are from the U.S. Immigration and Naturalization Service and the U.S. Department of Homeland Security.

a new law, immigration was headed back toward old peaks. Randolph wrote of the frenetic Jobs Rush in the early months of the year:

[Northern] labor agents are active in the South. They are securing Negro laborers so rapidly that the stations in Atlanta and large Southern cities are crowded with Negroes going through to Northern cities.⁶

Black editors and other leaders across the country urgently called for deeper and permanent restrictions on foreign workers. *The Messenger*, Randolph's Black labor advocacy magazine, reported:

The Negro papers are opposing any let-down in the immigration restrictions. They are pooh-poohing any liberal sentimentality. They say self-preservation is the highest interest and they will give no quarter to 'foreigners.'⁷

The editors dared to think of a country where the gates to the entire national job market would be open to African Americans permanently – not just in rare short-term scrambles.

The editors of the Black newspapers got their wish the next year with passage of the Johnson-Reed Immigration Act of 1924. The reduction had no expiration. It didn't slash annual numbers of foreign workers as low as many of the Black editors and other leaders had desired. But the cuts were enough to give them high hopes about the future they believed the law would enable for all African Americans.

Few of the editors, however, were likely to have imagined just how dramatically the 1924 law would transform the lives of most descendants of American slavery over the next four decades. And, really, for the country as a whole. For that reason, July 1, 1924, may be the most important date in American history you've never heard of. Federal bureaucrats on that Tuesday began implementing the new permanent immigration-reduction law that reactivated the promises of the Civil War Emancipation of the 1860s. The new law kept the factory gates outside the South propped open for the descendants of slavery. Black southerners responded spectacularly in what came to be known as the Great Migration, one of the most transformative epochs in United States history. It was a triumphant moment for African American leaders who had railed against immigration's unfair competition to Black workers since Frederick Douglass lamented:

⁶ RANDOLPH – OWEN 1923/5.

⁷ Ibid.

The old avocations, by which colored men obtained a livelihood, are rapidly, unceasingly and inevitably passing into other hands; every hour sees the black man elbowed out of employment by some newly arrived emigrant, whose hunger and whose color are thought to give him a better title to the place.⁸

The 1924 law's steep reduction in annual immigration started a steady and astounding series of employment changes over the next four decades that radically changed the United States, particularly by freeing African Americans from living under the bondage of Jim Crow laws. The results were what Black leaders had for a century hoped and predicted would happen if the government stopped allowing immigration to undercut African American workers. Only a year after the 1924 law's enactment, *The Messenger* explained:

Immigration from Europe has been materially cut, which means that the yearly supply of labor is much less than it formerly was. This gives the organized workers an advantage, greater bargaining power by virtue of this limited supply.

It also gives the negro worker a strategic position. It gives him the power to exact a higher wage ... on the one hand, and to compel organized labor to let down the bars of discrimination against him, the other.⁹

Under those and other influences of the 1924 Immigration Act over the next four decades, economists and historians agree:¹⁰

- The United States became a middle-class country;
- The sustained tighter labor markets were instrumental in the fastest income growth for workers in U.S. history;
- Inequality among classes and races shrank as workers shared in the fruits of their labor as never before;
- The increased incomes nurtured the rise of a new class of Black professionals who opened the political gates for the passage of the civil rights acts of the 1960s.

The Power of Lower Numbers

The 1924 Immigration Act was the first long-term restriction on the annual level of immigration ever enacted. Foreign immigration immediately dropped by nearly

⁸ FONER 1950.

⁹ RANDOLPH – OWEN 1925/7.

¹⁰ SMITH – WELCH 1993.

60% from 707,000 in 1924 to 294,000 in 1925. Over the next four decades, it averaged less than 200,000 per year.¹¹

That led to a powerful chain of events:¹²

- 1) The labor market tightened and forced open the gates of the nation's factories to Black southerners;
- 2) Black workers and their families hit the rails and roads in the historical phenomenon known as the Great Migration in which an estimated 6 million of them left the South (Most Americans are well aware of the Migration's enormous impact. But histories have tended to omit the support of Black leaders for the immigration reductions necessary for the Migration to really take off.);
- 3) Labor unions, without the constant flow of new waves of immigrant members, began to *open* up and even seek Black members, them access to better-paying jobs previously barred to them;
- 4) In the tight-labor markets, the "real" (inflation-adjusted) incomes of White men expanded two-and-one-half-fold between 1940 and 1980. The "real" incomes of Black men expanded even faster (four-fold.);
- 5) The number of middle-class African Americans more than tripled so that nearly three-fourths of families enjoyed the independence of a middle-class lifestyle;
- 6) Eventually, nearly half of African Americans were outside the South with markedly increased incomes. And their departures from the South tightened the southern labor market enough for those remaining to see steady improvements in *their* wages and civil rights.

Black leaders were immediately impressed. Within five years of the 1924 Act's enactment, W.E.B. DuBois was writing in *The Crisis* magazine of the National Association for the Advancement of Colored People that, "The stopping of the importing of cheap white labor on any terms has been the economic salvation of American black labor."¹³ By 1924, some 25 million new immigrants had arrived since 1880. They had provided more than enough manpower for an expanding economy. Industrialists of the North and West felt they had little need of the labor of the country's 11 million Black citizens. On Tuesday, July 1, 1924, that began to change in earnest. President Calvin Coolidge had issued an Executive Proclamation

¹¹ The years in immigration data from the Immigration and Naturalization Service end on June 30 of the named year and start on July 1 of the previous year. Thus, the 707,000 immigrants who are listed as coming in 1924 entered between July 1, 1923 and June 30, 1924.

¹² SMITH – WELCH 1993.

¹³ DuBois 1929.

with instructions for starting to implement the Johnson-Reed Immigration Act of 1924 on that day.

The overwhelming bi-partisan congressional majorities which passed the law in May had several reasons for doing so. Black support, however, was laser-focused on just one – a major reduction in the number of new foreign workers each year. Keeping annual immigration at a low level eventually helped reclaim, restore, and reassert many of the rights and advantages that the Civil War Emancipation had intended and promised.

Progress was often slow. The continuing racism of many Americans and systems greatly inhibited reaching goals of full political and economic liberty over ensuing decades. But the 1924 Immigration Act liberated millions of African Americans to use their freedom of movement to pursue their own economic destinies and the political and social freedoms that could follow.

Booker T. Washington, a former slave and later famous educator and orator, and many other Black leaders at the time were contending with doubts of many Americans whether Freedmen had the natural abilities and intelligence to compete in the modern industrial economy.¹⁴ What most doubters likely didn't know was something that in-depth researchers have further established in recent decades: the ancestors of Black Americans in Africa included those with advanced skills in steelmaking, textiles, trade, and other areas that were on a par or even superior to that of European industry at the time the two continents began to interact.

That research has confirmed Washington's and others' steadfast belief that former slaves and their children did indeed have the innate abilities to compete with any European-descent Americans or new immigrants in industrial trades. Once Congress slashed immigration numbers, Freedmen were able to prove the point on their own: America didn't need European immigrants to do that work. It was the importance of Black labor and consumption to the U.S. economy during low immigration that helped create space for the rise to prominence and subsequent successes of Martin Luther King Jr. and other mid-century civil rights leaders.

¹⁴ FISCHER (1998). In-depth research into industry in West and Central Africa before contact with Europeans has found skilled African ironworkers producing steel in the 1600s sometimes superior to the technologies in Europe. Advanced textiles at the time competed on the international market. Many of the enslaved Africans came from societies with centuries of experience in complex trade systems on their own continent and with other continents. In the 1700s, Philadelphia Quaker abolitionist leader Anthony Benezet studied the cultures of local slaves and found many came from self-governing villages and small kingdoms, and were "highly skilled and industrious" with a strong educational system teaching students to read and write in Arabic.

The Great Migration and the resulting rapid rise in Black incomes spurred the increased enrollment at Historic Black Colleges and the elevated numbers of Black lawyers, physicians, clergy, and other professionals whose ranks produced the leaders of the civil rights movement. The Great Depression of the 1930s *slowed* the momentum for a while. But on July 1, 1924, it was all set in motion. Seemingly nothing could *stop* the progress -- that is, not until Congress restarted mass immigration in 1965 and quadrupled the annual flow by the 1990s.

The Track to Civil Rights

The historic 1963 March on Washington for Jobs and Freedom came near the end of the greatest era for African American *advancements* in United States history – begun and enabled by the 1924 Immigration Act. An aging A. Philip Randolph – who led the historic event he helped conceive – was the first to speak to the quarter-million marchers gathered at the Lincoln Memorial. Randolph had been on the tracks of the phenomenal economic and social changes for Black citizens through the entire period of low immigration.

At the beginning of the era, he had risen to a new prominence when he successfully organized railroad porters into the first major Black labor union in 1925. That was a year after he called for annual immigration numbers to be reduced to “nothing,” and when Congress did cut them two-thirds of the way. Randolph’s preference for low immigration was part of his lifetime strategy for building Black worker power and then leveraging it for more economic and political freedom. Over the next four decades of low immigration, his hand was constantly on the throttle of the civil rights “freedom train.” It was a slow train coming. But in the 1963 March on Washington, the movement was getting close to a prime destination: a federal guarantee of the political and social freedom that had been promised a century earlier by the Civil War Emancipation.

With the statue of the Great Emancipator in the background along with top national African American leaders, Randolph stepped to the microphone and delivered the opening speech as a revered elder statesman – some say “father” – of the modern civil rights movement.¹⁵ The historic event is widely credited with hastening the passage of the landmark civil rights acts in 1964 and 1965.

For Randolph, jobs and freedom were always linked. The Black leaders on that journey from 1924 to the 1960s had navigated through and around constant racially

¹⁵ WOODS 2013.

discriminatory obstacles. But Congress had cleared the track of one enormous barrier with its long-term reduction of annual flows of foreign labor. Mass immigration no longer was making Black labor optional. As a result, historians say, the Great Migration of Black southerners soared in volume, and pushed the civil rights cause forward. The 1924 Immigration Act slowed the immigration boats. It opened the jobs gates. It crowded the southern railroad stations and re-started the Great Migration after a couple of pilot runs. Another estimated five and a half million African Americans moved out of the South after 1924. Stanford's Gavin Wright concluded that the Great Migration so radically changed the South economically and socially that, "This change in the fundamentals of southern society ultimately made possible the success of the civil rights revolution of the 1950s and 1960s."¹⁶

By re-starting the Great Migration that had its pilot run during World War One, the 1924 Immigration Act changed the country in the grand sweep of history captured by Isabel Wilkerson in her Pulitzer-Prize book, *The Warmth of Other Suns*:

The Great Migration would become a turning point in history. It would transform urban America and recast the social and political order of every city it touched. It would force the South to search its soul and finally to lay aside a feudal caste system. It grew out of the unmet promises made after the Civil War and, through the sheer weight of it, helped push the country toward the civil rights revolutions of the 1960s.¹⁷

Just a few years before 1924, none of that appeared to be around the bend in the nation's future. The young Randolph was convinced that African Americans would have to gain a lot more economic power before achieving major civil rights gains. It did not seem inevitable at the time that Congress would renew the Great Migration by legislating a halt to the mass importing of foreign workers. How much of that would have happened *without* the 1924 Act putting a lid on annual immigration of foreign workers? History provides a fairly clear answer: the American economy would still have boomed during and after World War Two. But African Americans would not have been likely to share in the prosperity. We can assume that scenario because during every period of high U.S. economic growth *before* the 1924 Immigration Act:¹⁸

- Immigration surged;
- Employers preferred to fill their expanding number of jobs from the overflowing pool of foreign workers instead of hiring African Americans;
- Former slaves and their descendants always were left out of most benefits of the "good times;"

¹⁶ WRIGHT 1996.

¹⁷ WILKERSON 2011.

¹⁸ SPIEVACK 2019.

- Racial apartheid in the South remained secure;
- Inequality between classes and races grew.

Because of the immigration restrictions in the 1924 Act:

- Foreign immigration did *not* surge during the industrial/defense buildup of World War Two or the booming post-war economy of the 1950s. Immigration remained low;
- Expanding industries throughout the North and West could not ignore the underemployed Black labor of the South. They opened their job gates;
- The Great Migration of Black southerners quickly rose to its highest levels throughout the 1940s and 1950s;
- The South lost most of its surplus labor. (That included large numbers of underemployed White workers, as well, who joined the northward migration when they didn't have to compete with masses of new foreign workers;)
- Southern businesses could no longer rely on a loose supply of under-educated, under-skilled U.S. citizen workers in those tight mechanize, modernize, and improve education, working conditions, productivity, and wages for both Black and White workers who remained.

Southern employers watched wage rates in the North and tried to match them enough to slow down their workers deciding to leave.¹⁹ And the growing economic and political power of the remaining southern Black Americans convinced more and more owners and employers to shun segregation as “bad for business.” Meanwhile, the growing Black population in the North and West began to organize politically in ways never possible in the South. Not only did Black northerners protest their own conditions of discrimination but they also applied pressure on northern lawmakers to cease support for the southern system of racial apartheid. The change in the labor economics of the country was putting pressure on both federal lawmakers and southern businesses to end racial segregation in the South. In the changing new economy of the South, a complete domination of Black Americans based on terror no longer was essential to the ruling class, concluded sociologists Piven and Cloward: “[E]conomic modernization had made the South susceptible to *political* modernization.”²⁰

That progress was greatly delayed by the huge nationwide labor surplus caused by the Great Depression. In 1940, leaders in the South were still organizing their state governments largely around protecting White supremacy. But thirty years later, because of the economic changes wrought by the Great Migration, the southern

¹⁹ REICH 2014; ANDERSON – STEWART 2004.

²⁰ PIVEN – CLOWARD 1979.

governments were primarily focused on development as part of a national economy. To the extent that segregation policies retarded industrial development and outside investment, business leaders were open to appeals to break down racial barriers.

When Black Americans finally got federal protection for voting rights in 1965, they had already enjoyed decades of rapidly rising wages. On average, their incomes still remained well below those of White Americans. But over that period leading up to the new civil rights laws, Black workers' real wages rose almost twice as fast as the rapidly rising wages of those White workers.²¹ The 1924 Immigration Act and the Great Migration that followed had achieved far-reaching consequences, wrote historian Gavin Wright:

The out-migration of Blacks from the South after 1940 was the greatest single economic step forward in Black history, and a major advance toward the integration of Blacks into the mainstream of American life.²²

The 1924 law didn't legislate or directly create all the positive economic and political outcomes for African Americans. But it cleared immigration out of the way so that it wasn't a factor that continued to block the track toward those outcomes.

Emancipation Setback

In September of 1965, Congress terminated the Johnson-Reed Immigration Act of 1924. The new Hart-Cellar Immigration Act of 1965 restarted the mass worldwide migration of foreign workers into the United States. The era of protecting American workers' employment, wages, and incomes from unfair foreign labor competition was over. Just as all trends had seemed to be in the right direction for the nation's 20 million African Americans, Congress got rid of the law that had done so much to help make those trends possible.

For the next six decades after 1965, the federal government has allowed more than 70 million additional immigrants. (That contrasts with one-tenth as many immigrants – 7 million – who were allowed in the 1925-65 period.) As a result, nearly every aspect of life for the Black working class has been different – and not in a good direction. Annual immigration numbers doubled by 1978 and quadrupled by the 1990s. That influx is at the levels that had kept most descendants of American slavery trapped in a violent economic bondage just before passage of the 1924 Immigration Act. Employer behavior *after* 1965 imitated employer

²¹ RANDOLPH – OWEN 1925/8.

²² WRIGHT 1986.

behavior *before* 1924. Provided with overflowing pools of foreign labor, employers tended to hire the immigrants ahead of African Americans. The accumulating impact of the higher and higher annual immigrant admissions took hold by the late 1970s. Employment rates and inflation-adjusted incomes for all groups of Americans without a college degree began to stagnate and then fall. And just as Black Americans' incomes *rose* the fastest during low-immigration, their income *fell* the fastest during high-immigration.

While all Americans in the economic bottom enjoyed the biggest boosts under the Act of 1924, they have been hammered most mercilessly after the Act of 1965. For example, the Labor Department reported that the employment rate of all working-age Black men with a high school diploma was a robust 91% in 1967. But by the year 2000, the rate with jobs had plummeted to under 71%. (It has continued to fall since then.)²³ Anti-discrimination laws and policies have helped to substantially narrow the racial *wage* gap within occupations. But the overall *income* gap has grown much larger because of many trends, including the increase in Black Americans having no job income at all.

In their magisterial 2016 history of inequality, economists Peter Lindert and Jeffrey Williamson identified a handful of worldwide trends that have been key in *stopping* the wonderful narrowing of inequality most industrial nations enjoyed during the middle of the 20th century. But they found that in only a few countries has inequality gotten *worse*: the countries with high immigration. Most of the key factors they identified as having stopped the improvement in inequality worldwide – such as global financial, technological, and trade trends – are difficult to change, especially by a country on its own. The key factor of high immigration, though, is a self-inflicted wound that nations like the United States, Canada, and Australia could easily fix, as Congress did in 1924. High immigration was also a key factor in widening income disparity during the Ellis Island-era of mass immigration a century earlier. In both eras, the constant supply of new foreign workers left most American employers with little need to recruit Black labor and gave employers easy space to exercise any bias. In the 21st century, they can even meet all kinds of diversity goals with most immigrants without ever hiring an actual descendant of American slavery. Lindert and Williamson stated:

Immigration has thus been part of the story of rising U.S. inequality since the 1970s, much as rising immigration was also part of the inequality story between the 1860s and World War I.²⁴

²³ HUDSON INSTITUTE 1987.

²⁴ LINDERT – WILLIAMSON 2016.

Given the negative global trends the last several decades, Congress in 1965 certainly picked a terribly inappropriate period to be increasing the U.S. labor supply through immigration. Sixty years later, no Congress had fixed the mistake of 1965. And it *had* been a mistake. No evidence has ever suggested that the sponsors of the 1965 Immigration Act intended to restart mass immigration. They most certainly had not thought their law would erase the gains Black workers had accomplished in the previous four decades. But rising immigration and falling economic conditions for Black workers was becoming obvious just four years later when a bipartisan joint federal commission began studying the results.

The flaws in the 1965 Act could have been fixed long before much damage was done. Multiple high-level commissions and researchers over the next decades warned politicians of the declining employment rates and real wages of most African Americans. They told Congress that immigration levels needed to be much lower. Each Congress and President ignored the warnings and recommendations. Mass immigration may have originally been an unintended mistake. But from the mid-1970s onward, it was the federal government's clearly intended priority. Given a choice between helping struggling Black Americans by tightening the labor market through lower immigration or helping businesses lower labor costs through mass immigration, each Congress for the last half-century has always chosen the same priority. And it wasn't Black Americans. The sad irony of all of this was that it all began by trying to do the right thing to combat racism in how the country chose who got to immigrate here.

In 1972, the first federal commission delivered its review of the 1965 Act.²⁵ Known as the Rockefeller Commission, it did not criticize Congress for the intent behind its termination of the 1924 Act. The intent had been about ending the "WHO" portion of that 1924 immigration policy. Immigration policies in every country are primarily about two things:

- HOW MANY new workers and family members will be admitted each year?
- WHO will get the allowed visas?

No leader for the 1965 Act advocated significant increases over the HOW MANY portion of the 1924 Act. It was the WHO portion that prompted replacing the 1924 Act. The 1924 law's WHO provision was racist. Although no potential individual immigrant was blocked on the basis of their race or ethnicity, the 1924 law contained a per-country quota system that was apportioned on a racist formula

²⁵ U.S. COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE 1972.

that violated what its authors claimed to be trying to do. The main promoters of the quota system said they wanted the national-origin makeup of future immigration to be the same as the very diverse national-origin makeup of the country found in the 1920 Census. The purpose was to avoid radical shifts in the nation's culture. To do that, the government had to look through Census records and estimate what percentage of the population was from each country in the world or had ancestors from them.

Glaringly, though, the baseline of the apportionment of the quotas did not include the nation's 10.5 million citizens with African origins who had been counted in the 1920 Census! Nor did the baseline include the relatively small number of Americans from Asia. That was a blatantly racist violation of the stated intent of the quota system. It pretended Black citizens weren't Americans at all, even though the culture of the United States had been profoundly affected by their large-scale presence from well before the beginning of the country.

The 1965 Congress killed that WHO portion when it terminated the entire 1924 Act. In the spirit of the nation's new civil rights laws, the racism of the 1924 quotas had to be ended. Black leaders over the decades had uniformly condemned the WHO conditions of the Act before and after it became law. A. Philip Randolph was still fighting to remove the national-origins quotas in the 1950s. He urged the abolition of the "intolerable exclusion of American Negroes from the census for quota determination purposes."²⁶ But Black leaders from the 1920s onward did learn to live with the quotas about WHO could *come* because the restrictions in the HOW MANY portion of the 1924 law soon provided such great progress for the Black Americans already *here*.

Unfortunately, while appropriately killing the WHO portion of the 1924 Act, the 1965 Congress also killed the HOW MANY portion of the 1924 Act when it terminated the entire law. The HOW MANY part had been working just fine. It was the cause of all the improvements cited earlier. Because of the HOW MANY portion, the 1924 Immigration Act could be considered on balance as supremely *anti-racist*; it had helped African American citizens more than any other group of Americans, and more than at any other time of history.

The sponsors of the 1965 Act did not disagree. They repeatedly promised before its passage that they were creating a new law that would barely change the HOW MANY of the 1924 Act. Nobody argued for changing the law to allow *more* foreign workers each year. Polling showed U.S. citizens overwhelmingly agreed

²⁶ RANDOLPH 1952.

that they didn't want higher immigration.²⁷ When annual numbers started rising immediately, the Rockefeller Commission recommended that Congress make changes to stop that from continuing. The HOW MANY portion of the 1965 law needed to be modified to be supportive of the nation's priorities for economic, environmental, and racial justice.²⁸ The congressional leaders' response? Nothing. They ignored the already accumulating losses to working-age Black men (age 18 through 64) that were especially deep. Their rate of employment fell by 16% just between 1967 and 1980 alone. (The rate would continue to fall over the next 40+ years of Congress running mass immigration programs.)

In 1978, many Members of Congress were ready to take another look. Total immigration had gone from under 300,000 to over 600,000. Wage stagnation was becoming apparent. The long African American march into the middle class had stalled. Having decided to ignore the Rockefeller Commission, Congress created the "Hesburgh Commission," chaired by Theodore M. Hesburgh, president of the University of Notre Dame and a previous chair of the U.S. Commission on Civil Rights. The 16-member, blue-ribbon panel worked three years and reached much the same conclusions in 1981 as the Rockefeller Commission did in 1972. Furthermore, the new panel stated that immigration was now "out of control" and that the nation could not avoid dealing with "the reality of limitations."

Black workers without college degrees who were seeing their occupations increasingly flooded by foreign workers could take some satisfaction that leaders at the highest level of the nation were identifying what their daily lives were becoming. The commission urged Congress to guarantee an annual numerical cap on admissions. It suggested 350,000 a year (the Rockefeller Commission had suggested 400,000). Polls showed that a large majority of Americans agreed with the recommendation to reduce legal immigration.²⁹

Hesburgh himself warned Congress that two highly influential lobbies had gained so much money and/or influence from the unintended increases of immigration since 1965 that the nation was in danger of them having enough power to overturn the will of the American people. Congress proved him right by ignoring the second commission's recommendations.

²⁷ Despite all the promises that immigration numbers would not rise, the legislation did not enjoy popular support. A Harris Poll before the vote in 1965 found the public was opposed by a 2-to-1 margin. WAGNER 1986.

²⁸ U.S. COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE 1972.

²⁹ GALLUP 2024.

Barbara Jordan's Immigration Blueprint for Today

In the mid-1990s, nearly 30 years after Congress re-started mass immigration, Barbara Jordan presented the nation with a blueprint for limiting immigration for the sake of the nation's underemployed and undercompensated. The Black former congresswoman from Texas emerged into the thick of the debate with a voice, a delivery, and a message of economic justice as distinctive as that of Randolph's seven decades earlier. She told Congress:

Immigration policy must protect U.S. workers against unfair competition from foreign workers, with an appropriately higher level of protection to the most vulnerable in our society.³⁰

President Bill Clinton had appointed her as chair of yet another bipartisan federal commission on immigration. She had given the keynote address at the 1992 Democratic convention. There, she called for an economy "where a young Black woman or man from the Fifth Ward in Houston or South Central Los Angeles" could go to public schools and gain employment that would "enable her or him to prosper." That was more likely to happen in a time of more moderate immigration, Jordan concluded in the last act of an illustrious life of public service, with groundbreaking roles as a southern Black woman in state politics, Congress, law, and civil rights. In simplest form, the Jordan Blueprint combines the principles of the WHO portion in the 1965 Act (getting rid of de facto racist criteria for admissions) and the HOW MANY portion of the 1924 Act (keeping numbers low enough to raise workers).

Jordan died a few weeks before Congress voted on the recommendations of her commission. Many lawmakers – and the President – felt released by her death from honoring their promises to Jordan and switched their positions. Publicly and privately, they gave in to the groups that sought more money or influence by continuing high legal and illegal immigration. The 1996 Congress somewhat narrowly turned down the Jordan Blueprint to fix immigration policies back to what the 1965 sponsors had promised their legislation would do, even though it did the opposite.

Since 1996, an additional 30+ million foreign workers and family members have been allowed into the labor and housing markets of American communities. As usual, descendants of Americans who suffered under slavery and Jim Crow have suffered disproportionately from the flooded labor markets. But the Jordan

³⁰ JORDAN 1995.

Blueprint remains just as valid today as three decades ago to serve as a North Star to a more equitable future for millions of left-behind Black workers – as well as other similarly disadvantaged Americans.

For all her toughness in defense of American workers, however, Jordan reflected the generally kindly attitudes that Black leaders displayed toward immigrants a century ago. She championed programs to fully integrate immigrants into all aspects of American society. And she decried “hostility and discrimination against immigrants.” Such behavior is antithetical to the traditions and interests of the country,” she said. But kindness toward immigrants and toward those who wish to immigrate does not mean it is wrong or unkind for a country to set limits for the sake of the members of its own community, Jordan insisted:

[W]e disagree with those who would label efforts to control immigration as being inherently anti-immigrant. Rather, it is both a right and a responsibility of a democratic society to manage immigration so that it serves the national interest.³¹

Like Black leaders in the 1920s, Jordan was not going to be distracted or deterred by the fact that some supporters of lower-immigration policies had racist attitudes (just as many supporters of *high* immigration have always been motivated by racist desires to protect employers from having to depend on Black workers). Whatever might be the motivations of others for lower immigration, Barbara Jordan knew this was *her* blueprint based on *her* intentions. And the Great Migration had already proved that these policies would be supremely *anti-racist* in their benefits for Black citizens and could be supported with the highest American principles.

We *don't* know what kind of “great migration” might occur if a version of the 1924 Act's reductions were tried again. Perhaps it would be a migration of capital to communities with large pools of unengaged workers – or a migration of jobs, training programs, work facilities. Or maybe a flurry of recruiting agents just like the last time. At the very least, the Jordan Blueprint could reactivate the arc toward economic and political justice of the 1924 Immigration Act era that was so thoughtlessly bent backwards by passing the 1965 and 1990 Immigration Acts. The Black newspaper editors of the 1920s did not know exactly how or how much, but they knew for certain that deep cuts in immigration would re-open gates to major economic and social advancement because they had seen a pilot episode. As have we.

³¹ JORDAN 1994.

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The Biden-Harris Administration's Makeover of the U.S. Refugee Resettlement Program

Nayla Rush

Abstract

The Biden-Harris administration has modernized and expanded the U.S. Refugee Admissions Program (USRAP) to admit increasing numbers of refugees faster and extend the Office of Refugee Resettlement (ORR)'s benefits and beneficiaries to include non-refugees on U.S. soil. It also increased resettlement efforts for individuals from Latin America to try and discourage illegal border crossers from that region. More importantly, it changed the essence of resettlement – which is basically a life-saving endeavor – by designing the “Welcome Corps” private sponsorship program within USRAP and allowing U.S.-based “private sponsors” who can themselves be earlier refugees or other newcomers to choose their own “refugees” and future American Citizens. Sponsored individuals do not need to actually be refugees according to the United Nations High Commissioner for Refugees (UNHCR) Refugee Status Determination, let alone that subset of refugees determined by the UN to be in “need of resettlement”. They can simply be friends and family members of those who made it here before them.

Keywords: Welcome Corps, U.S. Immigration, resettlement, parole

Introduction

On World Refugee Day 2024 (June 20), the Biden-Harris administration celebrated the “rebuilding and strengthening” of the U.S. Refugee Admissions Program (USRAP) on its watch.¹ Due to its efforts, the administration brought 100,034 refugees into U.S. communities during Fiscal Year 2024, the highest refugee admissions in three decades.²

¹ THE WHITE HOUSE 2024.

² RUSH 2024a.

To get to these numbers, this administration upgraded USRAP's main technology system to ensure "it scales for unprecedented goals in resettling refugees".³ This increased functionality in global case management systems (electronic review of information, digitization of registration forms, expansion of video-teleconference interviews, etc.), has led to faster processing times. Other measures included concurrent processing, adding circuit rides, hiring new staff, opening additional U.S. Citizenship and Immigration Services (USCIS) international field offices in the Middle East, and contracting an additional resettlement agency to assist refugees upon arrival.

But beyond admitting increasing numbers of refugees at a faster pace, the Biden-Harris administration has changed the refugee program significantly. It has extended the benefits and beneficiaries of the Office of Refugee Resettlement (ORR) to include non-refugees on U.S. soil.⁴ What is more, the Biden-Harris administration has changed the essence of resettlement itself, which has always been presented as a "life-saving" endeavor.⁵ By designing the "Welcome Corps" private sponsorship program within the USRAP,⁶ this administration has created opportunities for private individuals in the United States to select their own "refugees" and future American citizens.⁷ By doing so, this administration is not resettling the most vulnerable, but rather privileging those who happen to have friends or family who made it here before them.

The Welcome Corps has also opened the door to non-refugees to be picked for resettlement by private sponsors, though USCIS refugee officers deployed overseas do eventually decide whether they warrant refugee status.⁸ In other words, people can be sponsored for refugee resettlement under the Welcome Corps even if they do not already have refugee status (from, for instance, UNHCR or the government of the country where they are located), including applicants for asylum, "parole", or Afghan Special Immigrant Visa (SIV) status. USCIS is left to determine eligibility for refugee status after review of the cases and a one-time interview with the applicant.

In short: You do not need to be a refugee to be sponsored into the United States under the Welcome Corps program, but you can claim persecution and become one to be admitted.

³ UNITED STATES DIGITAL CORPS n.d.

⁴ RUSH 2022.

⁵ UNHCR n.d.(a)

⁶ U.S. DEPARTMENT OF STATE n.d.(a).

⁷ RUSH 2023.

⁸ RUSH 2024b.

In FY 2024 (October 1, 2023, to September 30, 2024), a total of 100,034 refugees were resettled in the United States. This represents 80 percent of President Biden's announced target of 125,000. Of those 100,034 refugees admitted, a record 25,358 (25 percent) came from Latin America and the Caribbean.⁹

The top five countries of origin of resettled refugees in FY 2024 were: Democratic Republic of the Congo (19.9 percent of the total); Afghanistan (14.7 percent); Venezuela (12.9 percent); Syria (11.3 percent); Burma (7.3 percent); and Guatemala (5.0 percent).

The top five placement states in FY 2024 were: Texas (9.8 percent); California (7.6 percent); New York (6.2 percent); Florida (4.6 percent); and Pennsylvania (4.4 percent).

The Modernization and Expansion of the U.S. Refugee Resettlement Program under the Biden-Harris Administration

The Biden-Harris administration has modernized and expanded USRAP. Here is how:

Digitizing processes for greater efficiency

The Biden administration partnered with the U.S. Digital Corps to upgrade the main technology system that “supports the United States’ Refugee and Asylum programs to ensure it scales for unprecedented goals in resettling refugees”.¹⁰ The result is an increased functionality in global case management systems (electronic review of information, digitization of registration forms, expansion of video-conference interviews, etc.), leading to faster processing times.

In September 2023, the Department of State, the Department of Homeland Security (DHS), and U.S. Digital Service (USDS) shifted from paper-based processes to the full implementation of digital ones. These modern case management systems lead to more efficient and cost-effective overseas processing.

Moreover, the Department of State, DHS, the Social Security Administration, and USDS launched a new automated process that streamlines the process for Employment Authorization Documents (EADs) and Social Security cards for

⁹ REFUGEE PROCESSING CENTER n.d.

¹⁰ UNITED STATES DIGITAL CORPS n.d.

refugees.¹¹ The wait time is shortened to approximately 30 days instead of several months.

Expanding domestic resettlement network

Religious or community-based organizations, called resettlement agencies (formerly known as “volags”) have contracts with the Department of State to resettle refugees inside the United States. The Biden administration added a tenth resettlement agency (Bethany Christian Services) to the existing nine.¹² These resettlement agencies maintain nationwide networks of local affiliates to assist with the reception and placement (R&P)¹³ of refugees (and other eligible newcomers¹⁴) and provide them with services and assistance. More than 150 local resettlement offices were opened or reopened, bringing the total of local affiliates to more than 350.

Hiring more than 300 refugee officers

The size of DHS’s refugee officer corps has more than tripled. Over 80,000 refugee applicants overseas were interviewed by refugee officers in the first half of 2024. DHS also partnered with the Department of State to expand the international office footprint of U.S. Citizenship and Immigration Services (USCIS). Two additional USCIS international field offices were opened in Doha, Qatar, and Ankara, Turkey, to support the USRAP’s infrastructure in the region and increase capacity for USCIS refugee processing circuit rides.¹⁵ The opening of the Doha Field Office and the Ankara Field Office brings the total number of USCIS international field offices to 11.

Redesigning overseas processing steps

The Department of State, DHS, and USDS redesigned overseas processing by allowing concurrent steps rather than sequential ones. This new approach, first used for Afghan refugees, was later expanded to other populations. By late 2023, more than half of all refugees interviewed worldwide went through concurrent processing. This remake led to faster processing times (weeks or months instead of historically years-long ones). It also integrated refugee vetting into the National Vetting Center in an effort to simplify “the ways that DHS uses intelligence and

¹¹ U.S. CITIZENSHIP AND IMMIGRATION SERVICES 2024a.

¹² OFFICE OF REFUGEE RESETTLEMENT 2024a.

¹³ CONGRESSIONAL RESEARCH SERVICES 2017.

¹⁴ OFFICE OF REFUGEE RESETTLEMENT 2024b.

¹⁵ RUSH 2024c.

law enforcement information to inform decisions, while maintaining strong privacy, civil rights, and civil liberties protections”.¹⁶

Resolving many of the oldest cases in the program

The Biden- Harris administration has prioritized refugees who have been waiting the longest for a decision on their case. The Department of State, DHS, and USDS created new case-tracking mechanisms to process old cases. More than 32,000 refugees with cases pending for more than five years were resettled in the United States since October 2022.

Launching the Resettlement Diplomacy Network (RDN)

The Biden-Harris administration launched a high-level multilateral forum, the Resettlement Diplomacy Network (RDN), in September 2022 in partnership with Australia, Canada, Italy, New Zealand, Spain, the United Kingdom, and the European Commission. Acting as the RDN secretariat, Pathways International and the Migration Policy Institute support the U.S. chairmanship of the RDN.¹⁷

As chair, the U.S. government under the Biden-Harris administration is driving an “ambitious shared agenda around the global expansion and modernization of resettlement programs”.¹⁸

This initiative is one of many that reaffirms the Biden administration’s commitment to the Global Compact on Refugees (GCR) and “dedication to championing refugee protection and solutions”.¹⁹ Two UN global compacts, the GCR and the “Global Compact for Safe, Orderly and Regular Migration” (GCM) were set in motion following the New York Declaration for Refugees and Migrants that was adopted by UN member states (including the United States under the Obama administration) in 2016.²⁰ The Trump administration voted “no” on joining the compacts.²¹ Biden has not reversed his predecessor’s decision to stay out of the two UN Global Compacts, but is endorsing the vision contained in them.²²

¹⁶ THE WHITE HOUSE 2024.

¹⁷ U.S. DEPARTMENT OF STATE 2024.

¹⁸ Ibid.

¹⁹ U.S. DEPARTMENT OF STATE 2023a.

²⁰ UN GENERAL ASSEMBLY 2016.

²¹ RUSH 2018.

²² U.S. DEPARTMENT OF STATE 2021.

Extending ORR's benefits and beneficiaries

This administration extended ORR's benefits: the Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA) programs were increased from eight to 12 months.²³

ORR's beneficiaries were also extended to include non-refugees on U.S. soil; Afghan and Ukrainian "parolees" were recently added to ORR's list of beneficiaries.²⁴ Humanitarian parole is not a visa, it is a mere official permission to enter and remain temporarily in the United States and does not constitute a formal admission under the U.S. immigration system.²⁵ Newcomer populations other than refugees who are eligible for the same resettlement support services include asylees (individuals granted asylum in the United States), Cubans and Haitians granted entry to the United States, Afghan and Iraqi Special Immigrant Visa (SIV) holders, victims of human trafficking, certain Afghan humanitarian parolees, and certain Ukrainian humanitarian parolees.²⁶

Expanding access to resettlement

The Biden administration has opened avenues for resettlement for human rights activists and "LGBTQI+" refugees. In 2023, the Department of State designated two senior U.S. government human rights officials to identify these individuals. The administration also increased the ability of U.S. embassies to refer people for refugee resettlement, an option "previously reserved for exceptional circumstances".

The administration has also expanded NGO referrals for refugees.²⁷ The Department of State is partnering with a new consortium of NGOs to identify and refer refugees to USRAP, including "LGBTQI+" persons and certain ethnic and religious minorities.

Also expanding access to USRAP for Afghans

In August 2021, the State Department announced a special refugee designation (Priority 2 (P-2)) for certain Afghans and their eligible family

²³ RUSH 2022.

²⁴ OFFICE OF REFUGEE RESETTLEMENT 2024b.

²⁵ U.S. CITIZENSHIP AND IMMIGRATION SERVICES n.d.

²⁶ U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT 2024.

²⁷ THE WHITE HOUSE 2024.

members (spouses and children of any age, whether married or unmarried).²⁸ It is also allowing U.S. government and military officials to refer Afghans to USRAP. This designation targets Afghans “who may be at risk due to their U.S. affiliation but who are not eligible for a Special Immigrant Visa (SIV) because they did not have qualifying employment, or because they have not met the time-in-service requirement to become eligible”.²⁹

Exponentially increasing resettlement efforts for individuals from Latin America

FY 2024’s other big refugee change is that the Biden-Harris administration has significantly increased³⁰ resettlement from Latin America, ostensibly to discourage illegal border crossings from that region; in other words, offering refugee resettlement as an alternative to coming here illegally. The FY 2024 regional allocation from Latin America and the Caribbean (within the total ceiling of 125,000) was increased to 35,000-50,000, up from 15,000 spots in FY 2023. The actual number admitted from Latin America in FY 2024 was 25,358, quadruple the FY 2023 number of 6,312.

The administration also created the Safe Mobility (SMO) initiative in partnership with UNHCR and the International Organization for Migration (IOM).³¹ SMO is one of many initiatives undertaken by the Biden-Harris administration to expand “lawful pathways” to the United States for refugees and vulnerable migrants in South and Central America.³² This initiative is supposed to reduce unlawful migration and discourage individuals from undertaking dangerous journeys “in search of safety and better opportunities”.³³

Safe Mobility Offices (SMOs) in Colombia, Costa Rica, Ecuador, and Guatemala were opened to facilitate refugees’ and migrants’ access to the United States through refugee resettlement and other means, such as parole, family reunification, and labor opportunities. Since its launch in June 2023, 17,600 refugees have arrived in the United States via the Safe Mobility Initiative.³⁴ By September 12, 2024, “over

²⁸ U.S. DEPARTMENT OF STATE 2021b.

²⁹ Ibid.

³⁰ BLINKEN 2023.

³¹ U.S. DEPARTMENT OF STATE n.d.(b).

³² MOVILIDAD SEGURA n.d.

³³ U.S. DEPARTMENT OF STATE n.d.(b).

³⁴ Ibid.

245,000 individuals have applied for lawful pathways through the SMOs. Over 40,400 have been approved for refugee status”.³⁵

Since January 2021, UNHCR has referred for resettlement more than twice as many refugees from that region to USRAP as in the previous three decades.³⁶

It introduced “private sponsorships” within USRAP

Beyond admitting increasing numbers of refugees at a faster pace and undertaking all the above measures, the Biden-Harris administration has changed the purpose of refugee program significantly.

It launched the Welcome Corps private sponsorship program within USRAP, “the boldest innovation in refugee resettlement in more than 40 years”.³⁷ The program allows private individuals in the United States (including newly resettled refugees and other newcomers) to select their own “refugees” and future American citizens.³⁸ Those chosen do not even need to be “refugees” (i.e. hold refugee status per UNHCR’s determination), let alone refugees in “need of resettlement” as per UNHCR’s prioritization.

This has changed the essence of resettlement itself, which has always been presented as a “life-saving solution for the most vulnerable refugees in the world.”³⁹ With the “Welcome Corps”, this administration is not resettling those in “need of saving”, but rather favoring those who have friends or family who made it to the United States before them.

The Refugee Resettlement Program

The refugee resettlement program was set up under the auspices of the United Nations High Commissioner for Refugees (UNHCR). The UN refugee agency, established in 1950 by the General Assembly, has the international mandate to determine who is (and who is not) attributed refugee status (known as Refugee Status Determination, RSD),⁴⁰ to provide refugee assistance, and to decide who is eligible for resettlement in third countries.

³⁵ U.S. CITIZENSHIP AND IMMIGRATION SERVICES 2014.

³⁶ THE WHITE HOUSE 2024.

³⁷ WELCOME CORPS 2024.

³⁸ RUSH 2023.

³⁹ UNHCR USA n.d.(a).

⁴⁰ UNHCR USA n.d.(b).

Resettlement is the transfer of refugees from an asylum country to another country that has agreed to admit them and grant them permanent residence.⁴¹ Per U.S. immigration law, resettled refugees are required to apply for a green card one year after arrival and can apply for citizenship four years later (not five, as the five-year count for refugees starts on the day of arrival).⁴²

UNHCR's ultimate goal is to seek and provide durable solutions that will allow refugees to "rebuild their lives in dignity and peace."⁴³ There are three durable solutions available to refugees:

1. **Voluntary repatriation**, in which refugees return safely to their country of origin;
2. **Local integration**, in which refugees legally, economically, and socially integrate in the host country; and
3. **Resettlement** to a third country in situations where it is "impossible for a person to go back home or remain in the host country."

UNHCR is mandated by its statute and General Assembly Resolutions to undertake resettlement as one of the three durable solutions. Resettlement is meant to be a "critical lifeline for refugees".⁴⁴ UNHCR refers for resettlement in a third country refugees who cannot return home and who "live in perilous situations or have specific needs that cannot be addressed in the country where they have sought protection."⁴⁵

The U.S. Refugee Resettlement Program was created following the 1980 Refugee Act to provide a uniform procedure for refugee admissions and to authorize federal assistance to resettled refugees after arrival in the United States.⁴⁶ The aim was to end an ad hoc approach to refugee admissions that had characterized U.S. refugee policy since World War II.

The annual number of refugees to be admitted every year into the United States, also known as the ceiling – a target that could be unattainable – is set by the U.S. President through a "Presidential Determination on Refugee Admissions" after consultation with Congress at the start of each fiscal year. These "consultations", however, are closer to last minute notifications than they are to real deliberations.

⁴¹ UNHCR USA n.d.(c).

⁴² U.S. CITIZENSHIP AND IMMIGRATION SERVICES 2024b.

⁴³ UNHCR USA n.d.(d).

⁴⁴ UNHCR USA 2019.

⁴⁵ UNHCR USA n.d.(c).

⁴⁶ OFFICE OF REFUGEE RESETTLEMENT 2022.

The United States have traditionally relied on UNHCR for the selection of refugees to be referred for resettlement here. The UNHCR refugee designation and resettlement referral processes are far from perfect, but they fall under an internationally recognized system. While the UNHCR touts resettlement as a “critical lifeline” for some,⁴⁷ it acknowledges that it is not the best option for most refugees; of the 43.4 million refugees under UNHCR’s mandate, it says only 2.4 million are in need of resettlement in 2024.⁴⁸ And out of those 2,4 million, only a small proportion of refugees will end up being resettled, whether in the United States or other countries.

The Biden-Harris administration has rendered the selection process of refugees to be resettled in the United States even more arbitrary. Instead of abiding UNHCR referral guidelines, this administration, with its new Welcome Corps program, chose to trust and empower U.S.-based private individuals (including newcomers) with this proclaimed “life-saving lifeline”.⁴⁹

The Welcome Corps: A Private Sponsorship Program Within USRAP

The Welcome Corps⁵⁰ is a private sponsorship program within USRAP designed by the Biden-Harris administration to create opportunities for private individuals in the United States to select their own “refugees” and future American citizens. The “Welcome Corps” is described as a “transformative service opportunity for Americans inspired to **help refugees** find freedom and security. Through sponsorship, you can be a bridge to safety.”⁵¹ But this “opportunity” is not only available to “Americans”: Sponsors can also be permanent residents – including those with conditional two-year green cards.⁵² A conditional permanent resident receives a green card valid for two years. Conditional green cards cannot be renewed; one must file to remove the conditions on the permanent resident status 90 days before it expires. If the conditions are not removed before the expiry date, one will lose the permanent resident status and become removable from the United States.⁵³ This means that newly resettled refugees – who by U.S. law are

⁴⁷ UNHCR USA 2019.

⁴⁸ UNHCR 2023.

⁴⁹ U.S. DEPARTMENT OF STATE 2023b.

⁵⁰ U.S. DEPARTMENT OF STATE n.d.(a).

⁵¹ WELCOME CORPS n.d.(a).

⁵² WELCOME CORPS n.d.(b).

⁵³ U.S. CITIZENSHIP AND IMMIGRATION SERVICES 2024c.

required to apply for a green card one year after arrival – and other newcomers can also decide who in turn gets a chance to become American. Furthermore, as mentioned earlier, those who get picked under these private sponsorship programs are not necessarily those in need of saving; they could simply be randomly chosen following friends/family ties.

The Welcome Corps program started in January 2023 with phase one, known as the “matching phase”, allowing U.S.-based sponsors to be matched with refugees whose cases were already approved for resettlement under the USRAP.⁵⁴ U.S.-based sponsors could request to be “paired with someone from a particular country or who speaks a certain language”.⁵⁵

The program really got started with the move to phase two, the “naming phase”, on December 29, 2023, under which sponsors can select their own “refugees” and future American citizens,⁵⁶ “a first in the history of the U.S. Refugee Admissions Program.”⁵⁷

The Welcome Corps program saw limited success during its first, matching phase (with only some 500 sponsors signing up), but picked up under phase two, as sponsors became able to select who they want to bring to the United States. Three months into the naming phase, more than 65,000 individuals in all 50 states plus D.C. had signed up to welcome as refugees people they know or are related to.⁵⁸ By September 2024, the number of sponsors was up to 100,000.⁵⁹

As mentioned above, traditionally, the United States relied on UNHCR for the selection of refugees to be referred for resettlement here. UNHCR does have the international mandate to determine who is (and who is not) attributed refugee status, to provide them assistance, and to decide who among those deemed refugees is eligible for resettlement in a third country. This is no longer the case with the introduction of the Welcome Corps naming phase.

With the Welcome Corps, any individual of any nationality who falls within the program’s eligibility criteria can be referred for resettlement⁶⁰, but to be admitted to the United States, they need to meet the definition of a refugee under U.S. law.

⁵⁴ U.S. DEPARTMENT OF STATE 2023c.

⁵⁵ X.COM 2024.

⁵⁶ U.S. DEPARTMENT OF STATE 2023c.

⁵⁷ THE WHITE HOUSE 2024.

⁵⁸ COMMUNITY SPONSORSHIP HUB 2024.

⁵⁹ CASEY – CHEA 2024.

⁶⁰ WELCOME CORPS n.d.(c).

USCIS determines eligibility for refugee *status* after review of their cases during a scheduled interview.

When an individual abroad is referred for resettlement in the United States, the case is first received and processed by a Resettlement Support Center (RSC).⁶¹ Here's a brief sequence of the general adjudication process under the Welcome Corps' naming phase:⁶²

- Referral to an RSC by a group of private sponsors of an applicant they know (it used to be the UNHCR who referred people it had registered as refugees for resettlement based on vulnerability and eligibility assessment);
- RSC staff conduct a prescreening interview with the resettlement applicant, initiate biographic checks, enter case in the system, etc.;
- A USCIS refugee officer reviews checks, collects biometrics, conducts eligibility interview with the applicant during a circuit ride (a trip organized to interview numerous refugee applicants abroad);
- USCIS refugee officer (member of the Refugee Corps) adjudicates Form I-590 (Registration for Classification as Refugee), after reviewing admissibility and eligibility for refugee classification;
- RSC processes approved cases for travel, including medical exams and cultural orientation.

The Role of the Refugee Corps

USCIS formed the Refugee Corps within the Refugee, Asylum and International Operations Directorate (RAIO) in 2005 to adjudicate applications for refugee status overseas and determine whether refugee applicants are eligible for resettlement in the United States.⁶³

The Refugee Corps is composed of specially trained officers who spend most of their time in international refugee processing locations interviewing resettlement applicants and adjudicating refugee claims. Refugee officers not only play a key role within USRAP, but their assessment has also a “great impact on the life of the applicant”.⁶⁴

⁶¹ REFUGEE PROCESSING CENTER n.d.

⁶² U.S. CITIZENSHIP AND IMMIGRATION SERVICES 2024d.

⁶³ U.S. CITIZENSHIP AND IMMIGRATION SERVICES 2022.

⁶⁴ Ibid.

No educational requirement is needed to become a refugee officer but one must attend a mandatory paid RAIO Foundations training course. Training (conducted virtually or in-person) can last up to 12 weeks. A residential paid basic immigration officer training program (an approximately six-week course at a USCIS training facility) may also be required.

The refugee officer position requires frequent travel, including circuit rides to international locations that usually last between 45 and 60 days. Some locations “may be physically challenging and may involve working in inhospitable climates, in remote camp settings, or in environments of high security”.⁶⁵ Working conditions may be very demanding, involving “extreme temperatures, harsh working environments, austere living facilities, and long arduous travel”.⁶⁶

The Role of the RSCs

The State Department’s Bureau of Population, Refugees and Migration (PRM) funds and manages seven RSCs abroad, operated by international and non-governmental organizations.⁶⁷ The role of RSCs in the application and case processing of potential refugees under the USRAP is crucial. Under PRM’s guidance, RSCs collect biographic and other information from the applicants to prepare cases for security screening, interview, and adjudication by DHS’s USCIS. The secretary of Homeland Security has delegated to USCIS the authority to determine eligibility for refugee status under the Immigration and Nationality Act (INA) – refugee determinations under the INA are “entirely discretionary”.⁶⁸

RSC staff conduct in-depth pre-screening interviews with applicants; assist them in completing their case files, and enter their required documentation into the Department of State’s Worldwide Refugee Admission Processing System (WRAPS); and verify data and send information to other U.S. agencies for background and security checks. They also schedule USCIS refugee eligibility interviews for the applicants.

USCIS refugee officers review all the information that the RSC has collected and the results of security screening processes and conduct an in-person interview

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ REFUGEE PROCESSING CENTER n.d.

⁶⁸ U.S. DEPARTMENT OF STATE 2023c.

with each refugee applicant before deciding whether to approve him or her for classification as a refugee and deem him or her eligible for resettlement.

During the adjudication interview, the USCIS officer will ask many of the same or similar questions answered in the prescreening interview conducted by RSC staff. Applicants will need to explain again their fear of persecution in their own country. Additional questions may be asked to determine refugee eligibility. Applicants are obligated to be honest and will be asked to swear under oath that everything they say during this interview is true.

RSCs play a central role in the process of vetting potential refugees for security threats – as mentioned, they collect biographic and other information from the applicants to prepare for the adjudication process and security screening:

*U.S. national security agencies, including the National Counterterrorism Center, FBI, Department of Homeland Security (DHS), the Department of Defense, and the Department of State, as well as the intelligence community, begin screening the applicant **using the data transmitted from the RSCs.** [Emphasis added.]⁶⁹*

RSC staff (who are generally citizens of the countries they are stationed in) are entrusted with an important part of the resettlement process. Many work in difficult conditions and are citizens of unsettled countries where corruption is at times deemed an acceptable, even necessary, means of survival. Allegations of fraud, bribery, and corruption taking place within RSCs have been reported in numerous countries.⁷⁰

By UNHCR's own admission, "refugee status and resettlement places are valuable commodities, particularly in countries with acute poverty, where the temptation to make money by whatever means is strong. This makes the resettlement process a target for abuse."⁷¹

RSC staff screening and appraisals can be at best complaisant and at worst open to the highest bidder.

⁶⁹ U.S. DEPARTMENT OF STATE 2016.

⁷⁰ RUSH 2019.

⁷¹ UNHCR 2008.

Who Can Be Sponsored under the Welcome Corps?

Beneficiaries can be individuals of any nationality provided they meet the definition of a refugee under U.S. law before their application is accepted (USCIS determines eligibility for refugee status). They must also meet the following criteria:⁷²

- They must be 18 years old or, if younger, they need to be referred with a biological parent or legal guardian.
- They must live outside their home country; they must not live in the United States.
- They must live in a country where the U.S. government is able to interview them and process their cases. The Welcome Corps is currently not available for people living in certain countries following a list provided by the Biden-Harris administration.⁷³ This list is subject to revision as country conditions change.
- If a Private Sponsor Group (PSG) is applying to sponsor more than one person, all must be living in the same country and plan to live in the same household once they get to the United States.
- To be admitted into the United States, applicants must pass the U.S. government's refugee screening and vetting process. Those previously denied for resettlement to the United States through the U.S. Refugee Admissions Program cannot be sponsored under the Welcome Corps.
- If individuals have an existing case number with USRAP or the Afghan SIV program, they can be sponsored regardless of their current location.
- Every refugee listed on an application needs proof of registration or a refugee identification card to be eligible for this program (registration exemptions exist).
- Refugees of Cuban, Haitian, Nicaraguan, or Venezuelan nationality can upload a Form I-134 or I-134A (Online Request to be a Supporter and Declaration of Financial Report) already filed on their behalf by September 30, 2023, instead of proof of registration. They must have been outside their country of nationality by the time the form was filed.

To be able to be sponsored under the Welcome Corps, individuals must have one of the following registration documents (even though individuals with none of the below registration documents can still be considered for resettlement.

⁷² WELCOME CORPS n.d.(c).

⁷³ Ibid.

Registrations exemptions are allowed “on an extremely limited basis after a case-specific review”:⁷⁴

- A refugee or asylum seeker registration confirmation with UNHCR or the government where they currently live;
- A *Movilidad Segura* (Safe Mobility Initiative) Registration for individuals in Latin America; or
- A pending Form I-134 or I-134A (Online Request to be a Supporter and Declaration of Financial Report) for individuals of Cuban, Haitian, Nicaraguan, or Venezuelan nationality already filed on their behalf under the “Processes for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV)”.⁷⁵

This last one is notable. CHNV is another program designed by the Biden-Harris administration to facilitate “lawful” access to the United States in order to deter illegal entries.⁷⁶ The program allows Cubans, Haitians, Nicaraguans, and Venezuelans and their family members (of any nationality) to be released into the United States on parole (for an initial period of two years) and apply for employment authorization, provided U.S.-based supporters agree to sponsor them during their initial stay here (90 days).

Under CHNV, foreign nationals (of any nationality) who have “temporary authorization” to remain in the United States – such as on parole – can sponsor *other* foreign nationals in turn to come here on parole. Under this program, U.S.-based sponsors do not need to be U.S. citizens or permanent residents (i.e. green card holders) or even have a formal legal immigration status. Foreign nationals who are on U.S. ground under parole,⁷⁷ Temporary Protected Status (TPS)⁷⁸ (including those granted an initial TPS and have re-registered for TPS but are waiting the final approval as well as those who have TPS and are in removal proceedings),⁷⁹ Deferred Enforced Departure (DED),⁸⁰ or Deferred Action for Childhood Arrivals (DACA)⁸¹ can act as private CHNV sponsors and select who gets to follow them to the United States.

⁷⁴ WELCOME CORPS n.d.(d).

⁷⁵ U.S. CITIZENSHIP AND IMMIGRATION SERVICES 2024e.

⁷⁶ RUSH 2024d.

⁷⁷ U.S. CITIZENSHIP AND IMMIGRATION SERVICES n.d.

⁷⁸ MOSLIMANI 2024.

⁷⁹ U.S. CITIZENSHIP AND IMMIGRATION SERVICES 2024f.

⁸⁰ U.S. CITIZENSHIP AND IMMIGRATION SERVICES 2024g.

⁸¹ USA GOV 2024.

What that means is that, while their final sponsor would still have to be a citizen or permanent resident, refugees resettled in the United States under the Welcome Corps could have initially been selected (and thus have a Form I-134 or I-134A) by inadmissible aliens who are in the United States under some protection from deportation.

Conclusion

The Biden-Harris administration has changed the way the refugee resettlement program works, turning it into something more like an ordinary immigration program, rather than a life-saving humanitarian vehicle for a handful of the world's most persecuted people.

This administration opened the door to non-refugees to be picked for resettlement by private sponsors. Asylum seekers, "parole" applicants or SIVs who meet certain criteria can now have access to their own resettlement spots if chosen by friends and family members who preceded them here.

True, USCIS refugee officers are the ones who, in the end and during a one-time interview, decide whether applicants are eligible for refugee status and resettlement, but this can be a formality. A Syrian in Lebanon, for instance, who is sponsored by a Syrian green card holder in the United States (possibly himself a recent refugee) is not likely to be denied refugee status by the USCIS officer if the Syrian claims persecution and fear of return to Syria.

What's more, individuals entrusted with the initial selection of our future resettled refugees do not even need to be American citizens or green card holders; they can very well be foreign nationals who have "temporary authorization" to remain in the United States.

So, if we are now welcoming non-refugees as "refugees" and we're allowing newcomers to pick their own future Americans, who exactly are we "saving?" And, who by the same token, are we leaving behind?

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Immigration and Islam in France: how do they interact?¹

Nicolas Pouvreau-Monti

Abstract

France now has the largest Muslim population in Europe. In a few decades, a religion which had virtually no followers in mainland France rose to prominence as the second most important in the country – and may already be the first in terms of concrete religious practice among the youngest people. This dynamic of the establishment and rapid growth of Islam in France deserves to be analyzed in terms of its essential interactions with another phenomenon that has marked French society over the last half-century: immigration, particularly from outside Europe. The said interactions can be understood in terms of three different drivers: the acceleration in current inflows, many of which now come from the Islamic world; the different birth rates of the immigrant populations at stake; and the greater religious transmission within Muslim families. Moreover, through capillary mechanisms inherent in diaspora phenomena, migratory flows import the trends in Islamic observance at work in the countries of origin. They also offer a ground for foreign government interference through religious organizations.

Keywords: demographic change, religion, Islam, birthrate, interference

Introduction

There are political issues which are so intimately linked that any attempt to consider one without the other seems doomed to superficiality. There is no doubt that the issues of immigration and Islam in France belong to this category of intrinsically intertwined subjects. Demographer Michèle Tribalat sums it up this way: “In France, almost all Muslims are immigrants or the children of immigrants; the development of Islam is therefore linked to foreign immigration”.²

¹ This paper is an updated and expanded version of an article published in September 2024 by Nicolas Pouvreau-Monti in French in *La Revue des Deux Mondes*.

² TRIBALAT 2011.

The aim of this paper is therefore to understand the interactions at work between the demographic dynamics, both quantitative and qualitative, of the Muslim religion on French soil, and those of the influx of immigrants to the country – today as well as in recent decades.

The Muslim religion had virtually disappeared from Western Europe for several centuries. Then the onset and acceleration of non-European immigration from the post-war economic boom onwards set in motion a dynamic of Islamic settlement in France, which can be approached demographically by analyzing the proportion of newborn boys bearing an Arab-Muslim first name (which allows for a broad approach to this phenomenon over time): almost equal to 0% in 1950, it would exceed 21% in 2021 according to the analyses conducted by Jérôme Fourquet and Sylvain Manternach.³

In terms of religious affiliation in the strictest sense, across all age categories: Muslims represented 10% of the population of mainland France in 2020.⁴ According to the latest comparative data made available by the Pew Research Center, in 2016, the share of Muslims in the overall population of France was the highest among all countries of the European Union, apart from Cyprus (due to the historical presence of Muslim Turkish Cypriots on the island).⁵

On the basis of the most recent *Trajectoire & Origines* survey conducted by INSEE and INED (in 2019–2020), 44% of immigrants and 32% of the descendants of immigrants declare themselves to be Muslims in France – compared with just 1% of French people with no migratory background.⁶ This percentage obviously varies radically depending on the migratory origins considered, with a very high prevalence of the Muslim religion among the most numerous immigrant populations in France: 89% of immigrants from Algeria, Morocco and Tunisia claim to be Muslims – as do 65% of the descendants of immigrants from these countries. The same applies to 84% of immigrants from Sahelian Africa (77% of descendants) and 72% of those from Turkey or the Middle East (67% of descendants).⁷ While a small part of others in those immigrant groups may belong to religious minorities from the countries of origin, such as Middle Eastern Christians, the rest are mainly people who say they have no religion.

³ FOURQUET – MANTERNACH 2023.

⁴ INSEE 2023.

⁵ PEW RESEARCH CENTER 2017.

⁶ INSEE 2023a.

⁷ Ibid.

The migratory factor therefore plays a decisive role in the rapid growth of Islam's presence in France, and it would be euphemistic to describe it as 'central', since it explains almost all of it. Its impact is being driven in three different ways:

1. The acceleration in incoming flows from outside the European Union, most of which now come from the Islamic world;
2. The different birth rates in the immigrant populations in question;
3. The greater religious transmission within Muslim immigrant families.

Current immigration flows and their impact on Muslim demography in France

The annual number of first residence permits granted in France to immigrants from non-EU countries rose by 172% between 1997 and 2023 – a record year with more than 320,000 first permits granted.⁸ Since 2017, 2 million first residence permits have been granted. The main reasons for granting these residence permits have been family reunification⁹ and studying. Last year, work-related permits accounted for only 17% of the whole annual number of first permits.¹⁰

An analysis of their distribution by nationality reveals that the Islamic world is heavily represented among the recipients: of the twenty most numerous nationality groups in 2021, citizens of Muslim-majority countries accounted for 72% of the recipients of a first residence permit.¹¹ Morocco, Algeria, and Tunisia have consistently topped the list in recent years. There are also large numbers from Muslim-majority Sub-Saharan countries (Guinea, Senegal, Mali, etc.). Over a quarter of a century – between 1997 and 2021 – there was a very strong statistical parallel between the rise in the annual number of first residence permits and the rise in the proportion of newborn boys bearing a Muslim first name: a correlation coefficient of 0.95 can be calculated between these two sets of data, attesting to a very high degree of concordance between their trajectories.¹²

Another, even more dynamic area of immigration is that opened up by the current asylum system. The annual number of first-time asylum applications registered in France rose by 245% between 2009 and 2023, reaching a historic high of

⁸ FRENCH MINISTRY OF THE INTERIOR 2024.

⁹ Over the period of 2005–2020, France received the most family-based permanent immigration in all of Western Europe. See: OECD 2023.

¹⁰ FRENCH MINISTRY OF THE INTERIOR 2024.

¹¹ See OID data analysis in WAINTRAUB 2024.

¹² Ibid.

145,000 last year. Since 2017, France has received 825,000 first-time asylum applications – the demographic equivalent of a city like Marseille.¹³ In addition to the spectacular rise in the number of applications, the rate of asylum actually granted has also risen, reaching 44.7% in 2023,¹⁴ while public policy is inefficient in the return of rejected asylum seekers, turning the right to asylum into a veritable factory for illegal residents. An analysis of this flow by nationality leads to the same conclusion as for first-time residence permits: in 2022, nationals of Muslim-majority countries accounted for 61% of first-time asylum seekers in France.¹⁵ The top three countries of origin were also three Muslim countries: Afghanistan, Bangladesh and Turkey.

Different birth rates among immigrant populations

The second driving force at work is the fertility rates specific to certain immigrant populations of Muslim culture. According to a study published by INED in 2019¹⁶, based on birth data for 2014: Algerian immigrant women in France had an average of 3.69 children per woman. This was not only double of the figures for non-immigrant women, but also significantly more than for Algerian women in Algeria where the fertility rate was just 3 children per woman. The same differential applied to Tunisian, Moroccan and Turkish immigrant women, whose fertility rate was between 3.12 and 3.5 children per woman, while the fertility rate in their countries of origin was between 2.1 and 2.4 children.

Such country-based immigrant birthdate data have been lacking publicly over the last few years. However, other birthrate figures are available: the particular structure of immigration in France is reflected in the different fertility rates on French soil, which reflect the habits at work in the countries of origin. In 2019, women born outside the European Union and living in France had an average of 3.27 children in their lifetime: this was the highest fertility rate in Western Europe, and twice as high as that of women born in France (1.66).¹⁷

The public INSEE data available also show that the peak in births to immigrant women in France occurs in the first year after they settle in France – then they remain at a particularly high level for the next five years, before gradually

¹³ EUROSTAT 2024.

¹⁴ FRENCH MINISTRY OF THE INTERIOR 2024.

¹⁵ WAINTRAUB 2024.

¹⁶ INED 2019.

¹⁷ OECD 2023.

declining.¹⁸ Several hypotheses can be put forward to explain these facts: we can assume that some immigrant women postpone giving birth until they arrive in France, migration being a structuring life project; it also seems likely that the system of social care for families (whatever their nationality) encourages them to continue on this fertility trajectory.

Demographic studies indicate that the fertility rates of immigrants tend to fall in the next generation and gradually converge towards the average for native-born people. However, this convergence is slow, and its effects are greatly mitigated by the continuation and acceleration of new inflows.

A greater religious transmission within Muslim families

The third way in which immigration affects France's religious landscape is through the transmission of religious practice within the family, which is stronger in Muslim families – whatever their geographical origin – than in Christian households. The latest INSEE-INED survey on this subject¹⁹ shows that 91% of people brought up in Muslim families continue to claim their parents' religion, with peaks of 97% in families from Turkey, the Middle East or Sahelian Africa (89% for families from the Maghreb). However, only 67% of people brought up by Catholic parents actually inherit their religion. This is largely due to the strength of religious socialization in the home: 43% of Muslims say they were brought up in a family where religion was 'very important', 3 times more than Catholics (14%). Descendants of Muslim immigrants who grew up in such families are 70% more likely to say that religion plays a very important role in their lives.

Generally speaking, INSEE observes that twice as many immigrants are affiliated to a religion as people with no migratory ancestry, although there are significant differences depending on the religion concerned: immigrants from countries with a Muslim tradition are the most religiously affiliated, while those from predominantly Christian European countries or Asia declare an affiliation less often. In addition, people of immigrant origin appear to be much less affected by the secularization trend than French people of no immigrant background. The proportion of people who say they have no religion rose by 12 points among the latter between 2009 and 2020, compared to just 3 points among immigrants who arrived in France as adults; even more strikingly, it did not change among the descendants of immigrants over the same period. Furthermore, five times as many

¹⁸ INSEE 2023b.

¹⁹ Ibid.

Muslims as Catholics cite religion as a constitutive dimension of their identity (30% versus 6%). 58% of people who say they are Muslim pray at least once a week – 4 times more than Catholics (15%).

The reasons for Islam being more resilient to secularization in France than Catholicism are various. Christianity's political and social influence has been declining in Europe over the last two centuries at least, with a notable acceleration since the 1960s linked to structural changes in geographics (urbanization and rural depopulation), economics and values. Islam has not been following the same path: in its native-based homelands, its social and political role appears to have regained importance over the last few decades, after an historical interlude opened by European colonization and closed with the weakening of non-religious nationalist regimes established after independence. Muslim populations of immigrant origin in France seem to be part of this global dynamic that supports and consolidates Islam, through the cultures and habits acquired in their countries of origin.

Beyond numbers alone: the *qualitative* impacts of immigration on Islam in France

In addition to its quantitative impact on Muslim demographics in France, the multidimensional impact of migratory flows has qualitative consequences for the types of Islam claimed in our country and the nature of the religious practices associated with them. According to INSEE²⁰, the proportion of Muslim women wearing the Islamic veil has risen by half in the space of a decade (2009–2020). This increase concerns all migratory origins, for immigrants themselves – people born abroad – as well as for the descendants of immigrants. However, the extent of the increase varies greatly according to origin: for example, the percentage of Sub-Saharan immigrant women of Muslim faith who wear the headscarf more than doubled over the period. The interaction between this observation and that of the rapid Islamization of Sahelian societies is obvious: through the capillary mechanisms inherent in diaspora phenomena, migratory flows import the Islamic trends at work in the countries of origin onto French soil. The Muslim women who most often wear the Islamic veil in France today are immigrants from Turkey and the Middle East.²¹

Alongside this tangible but informal indicator, the current acceleration in immigration maintains and consolidates the concrete political control exercised by

²⁰ Ibid.

²¹ Ibid.

the governments of the countries of origin over the Muslim faith in France, with its imams and its so-called ‘representative’ bodies. The Grand Mosque of Paris is still seen as a relay for the Algerian regime in France, and the *Rassemblement des musulmans de France* as a tool in the hands of the Kingdom of Morocco. These countries see them as important levers of influence in Paris, as well as instruments for controlling the diasporas, with the aim of maintaining a bond of allegiance with the country of origin.

In this respect, the case of Turkish Islam is a paradigmatic example. The Turkish state has long supervised its official imams who report to the ‘Presidency of Religious Affairs’ (Diyanet), the equivalent of a Ministry of Worship operating in Europe under the banner of the Turkish Islamic Union of Religious Affairs (DITIB). Its equivalent in France is the Coordination Committee of Turkish Muslims in France (CCMTF), set up in 2001 to manage a network of around 280 mosques staffed by 150 imams and officials seconded directly by Ankara. As Jérôme Fourquet points out, the Turkish communities scattered across France almost systematically have their own mosques, thereby actively contributing to the maintenance of a ‘Turkish isolate’ within the ‘French archipelago’.²²

In light of all these factors, the question of how the links between immigration and Islam in France will evolve in the years to come obviously arises. This question is all the more pressing if we look at the breakdown of births in France. Between 2000 and 2022, the annual number of children born in France to two parents who were themselves born in France fell by 22%; but at the same time, births to at least one parent born outside the EU rose by 40%, and those to two parents born outside the EU rose by 72%. Almost a third (29%) of children born in France in 2022 will have at least one parent born outside the European Union.²³ The data quoted above demonstrate the major presence of the Muslim religion among immigrants from countries outside the European area who are granted residence permits, and the higher birth rate associated with migratory origins in the Muslim world.

In 2017, the Pew Research Center published a major study on the evolution of the Muslim population in Europe between now and 2050 according to different scenarios. It concluded that Muslims would certainly represent a growing proportion of the European population, and that by the middle of the century, this proportion could be at least or even higher than double what it is today. In the scenario corresponding to the realities observed to date, assuming the continuation of high levels of regular immigration and the influx of asylum seekers (whose

²² FOURQUET 2019.

²³ INSEE 2023c.

annual number received in the EU multiplied by 3 between 2013 and 2023), Pew Research estimated that France would have 13.2 million Muslims in 2050, or 18% of its population (compared with 10% in 2020 according to INSEE), with an age distribution that is necessarily younger than the overall average - a sign of further increases to come. At the European level, the combined Muslim population of the EU/UK/Switzerland/Norway would be an estimated 75 million.²⁴

Pew Research estimated that even if immigration were to be reduced to zero until 2050, the share of the Muslim population in Europe would nonetheless increase by half by that date, as a result of its differential fertility (Muslims being 13 years younger on average and having one more child per woman than the other inhabitants of Europe), with around 10 million additional people declaring an affiliation with Islam. France's population would then include 8.6 million Muslims, or 12.7% of the total - a share one-third lower than that projected on the basis of the continuity scenario mentioned above.²⁵

This scenario-based analysis, with the imponderable element inherent in every forward-looking exercise, has the merit of objectifying the decisive impact that today's political decisions can have on the religious landscape of a country tomorrow and, more generally, on its capacity for social and cultural cohesion. Political control of migratory flows and a determined drive to boost the French birth rate appear to be the two legs on which public policy can walk in this direction, in order to guarantee civil peace and enable a sense of community.

Conclusions

When it comes to Islam in France, traditional political concerns about French-style secularism and the rejection of "cultural separatism" are obviously legitimate. To avoid becoming bogged down in impotence, however, they must not ignore the concrete demographic realities that are the fundamental issue – first and foremost: immigration and its various consequences. If this question were to be dealt with politically, it would probably have to be done in two stages: firstly, by reducing France's specific attractiveness for certain types of immigration, within a constant legal framework at a European and international level; then by working to modulate this framework, which largely constrains the political treatment of large-scale immigration – in particular family immigration and asylum.

²⁴ PEW RESEARCH CENTER 2017.

²⁵ Ibid.

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Non-Interlocking Pieces: The Migration Policy Puzzle of the Scholz Government

Árpád Párducz

Abstract

Migration has been one of the most important political and public issues in Germany since 2015. Olaf Scholz's administration that came into power in December 2021 assigned top priority to migration policy. However, the parties in the tripartite governing coalition have not managed to synchronize their ideas about the issue, thus, no viable central migration policy has emerged. Meanwhile, as migration pressure increased, the coalition lost many of its supporters, and the anti-immigration Alternative für Deutschland gathered momentum to overtake all three governing parties in popularity.

Keywords: Germany, coalition, deportations, agreement on migration, modern country of immigration

Introduction

Germany features regularly in European discussions on irregular migration, primarily as one of the main destination countries. In 2021, Angela Merkel stepped down as chancellor after 16 years. Her successor was former Social Democrat vice-chancellor and finance minister Olaf Scholz. While the parties in the tripartite government that replaced Merkel's grand coalition hold divergent views on a range of policy issues, they agree that Germany needs a new direction after the routine of the past nearly two decades. Migration ranks especially high in priority among the policies that need upgrading. In their coalition program, the governing parties announced a migration policy worthy of a "modern country of immigration". However, the renewed surge in migration following the COVID-19 pandemic, coupled with the challenges posed by the Taliban takeover and the Russia–Ukraine war, have severely tested the coalition's ability to cope.

In recent years, the governing parties tried to tackle the problem of irregular migration mainly through migration agreements with the federal states and the revision of the law on deportation, but these measures failed to achieve breakthrough success. Influenced by recent British and Italian concepts, German political parties are also paying particular attention to the possibility of outsourcing migration procedures to third countries. The migratory pressures on Germany were recently summarized by Minister of the Interior Nancy Faeser as, “we are close to the upper limit of our integration capacity”.¹ The aim of this paper is to present the central elements of the current German coalition government’s migration policy through exploring the concepts mentioned above and the program of the governing parties. In addition, the study uses available data to present German debates on the outsourcing of migration procedures.

The study first offers a survey of the relevant parts of the governing parties’ election manifestos, along with the migration-related decisions of the coalition agreement. The study then presents the government’s response to two migration crises, followed by an analysis of the policies proposed.

The migration policies of the coalition parties

Following the 2021 federal elections, the Merkel-era CDU-SPD grand coalition was replaced by the so-called traffic light coalition comprised of the Social Democratic Party (SPD), the Free Democratic Party (FDP), and the Greens (Bündnis ‘90/Die Grünen). In Germany parties traditionally publish their government programs in the six months prior to the elections, setting out their positions on key domestic and foreign policy issues. The three parties in the governing coalition expressed similar views on migration, but there emerged differences among them on asylum procedures.

The SPD’s program articulated relatively few concrete proposals on migration policy. At the same time, the party stressed the importance of an asylum policy based on solidarity and humanitarianism, and it affirmed a commitment to building a Europe-level asylum system. It also wished to provide state guarantees for organizations conducting maritime rescue operations, condemning the criminalization of the practice.²

¹ KARNITSCHNIG 2024.

² SPD 2021, 58.

The Greens treated the issue of migration as a priority. The party sees the right to asylum as a fundamental right, therefore prioritized the issue of access to it. They highlighted the creation of a transparent, clear, and fast asylum system as a key objective, and they argued for an end to the random checks carried out by the Federal Office for Migration and Refugees (BAMF). They vowed to ensure that migrant minors have access to crèches, kindergartens and schools regardless of the outcome of their asylum procedure. They also wished to implement the family reunification clauses of the Dublin system.³ At the EU level of asylum policy the party proposed common registration centers in member states whose external borders are also the external borders of the EU. In addition, they argued for dismantling camps in third countries, particularly the ones operating in Turkey and Libya.⁴

Similar to the Greens, the FDP emphasized the EU dimension of migration policy in its election program. They proposed to introduce EU legislation for the procedure of granting asylum, and they pledged to support the distribution of asylum seekers across member states with funding from central sources allocated from the EU budget. The party also proposed to reduce funding for member states that refuse to take in asylum seekers. In domestic asylum policy the party advocated a new classification of asylum seekers and immigrants, under which victims of political persecution, arrivals seeking permanent residency, and refugees fleeing war would be grouped into separate categories. Members of the latter group would be obliged to return to their country of origin after the conflict ended.⁵ In sum, the Free Democrats supported migration to Germany, along with the integration of arrivals, but they wanted to impose stricter conditions on migration.

The coalition agreement and migration

During the coalition negotiations, all three parties sought to promote their own interests as best as possible, while at the same time seeking to address the broadest possible segment of society.

The coalition wanted to put the country's migration policy on a new footing, wishing to reform the Merkel approach of 16 years from its foundations. Although the 2018 grand coalition agreement already acknowledged the failures of Germany's integration processes following the 2015 migration crisis,⁶ the 2021 coalition still

³ BÜNDNIS '90/DIE GRÜNEN 2021, 185.

⁴ BÜNDNIS '90/DIE GRÜNEN 2021, 231.

⁵ FDP 2021, 57.

⁶ KOALITIONSVERTRAG ZWISCHEN CDU, CSU UND SPD 2018, 103–104.

proceeded with the concept of a “modern country of immigration”.⁷ At the time, this move was interpreted by many, especially by the CDU that found itself in opposition, as a strong shift to the left in government policy.⁸

According to the concept of the “modern country of immigration” represented by the current coalition, while illegal migration must be curbed, there must also be new channels developed to enable legal migration.⁹ To this end, the coalition would create a coherent legal, economic, and infrastructural framework, and it would promote relevant international cooperation. The amendments related to legal migration, such as the February 2024 act enabling dual citizenship and the measures facilitating the inflow of skilled labor, are serving this purpose.

There were some novel entries in the coalition agreement on the issues of integration and asylum applications. Starting from 1 January, 2022, people with no criminal record who have been staying in Germany for at least five years are able to apply for a one-year probationary residence permit. In addition, well-integrated young people under the age of 27 who have lived in the country for at least three years are able to obtain a work permit. The latter is primarily aimed at alleviating labor shortages in Germany, but it also offers the possibility of admitting low-skilled immigrants, which notion is contrary to the FDP’s ideas. The coalition agreement made no mention of the binding EU quota system proposed in the Free Democrats’ election program, but it suggested expectations of more solidarity from member states on issues of migration.¹⁰

According to an analysis by the Greens-affiliated Heinrich Böll Foundation, the coalition agreement represented an improvement on the tightened-up asylum and defensive measures introduced since 2015. The study also underlined that this could have an impact at the EU level, as all three parties prioritize the EU dimension of migration policy. The Foundation’s assessment was that the German coalition government would be able to take action against states that violate EU asylum law.¹¹

The new coalition saw France, which held the EU presidency from January to June 2022, as an ally in the reform of European asylum policy. The Paris leadership’s program aimed to strengthen the Schengen area’s external borders and improve the EU’s asylum policy. According to a January 2022 statement by German Federal

⁷ KOALITIONSVERTRAG 2021–2025, 110.

⁸ STUTTGARTER NACHRICHTEN 2021.

⁹ For more on the subject see: TÓTH 2022.

¹⁰ IBID.

¹¹ NORAIE-KIRA – SCHWARZ 2021.

Minister of the Interior Nancy Faeser, the two governments were similar in the “commitment to create a coalition of host states [...] where core countries – in this case Germany and France – can set an example to other member states in terms of accepting refugees, which would be an opportunity to break down entrenched positions.”¹²

According to Faeser, the Schengen area could be put at risk if EU member states did not agree on common rules for managing migration. Faeser warned after meeting with interior ministers from five other European states in Berlin in October 2023 that negotiations on a common European asylum system had to be concluded quickly for reforms to be completed before the 2024 European Parliament elections.¹³ The ideas put forward by the interior minister were eventually reflected in the EU’s pact on migration and asylum.

Domestic political changes

The Scholz coalition has faced migration pressures not seen since the 2015 migration crisis. Migration and its associated economic and integration problems have led a large majority of German voters to feel that the new governing coalition, while promising a change from the previous migration policy that was deemed unsuccessful, is not able to address the problem adequately.

The opposition parties, especially the Alternative für Deutschland (AfD), benefited from the coalition’s failed moves and managed to skillfully set the agenda on migration issues. By the summer of 2024, the party achieved its greatest success and became the second strongest German party behind the CDU, a prominent position it was able to maintain in the EP elections. After the elections, the AfD became the leading political force in East Germany, finishing in first place in five federal states. As the AfD gathered momentum, the parties in the governing coalition, and Chancellor Olaf Scholz himself, were repeatedly forced to react and take tougher verbal action in recent years.

In September 2023, Green Co-President Ricarda Lang criticized Social Democrat Minister of the Interior Nancy Faeser and Free Democrat Special Envoy for Migration Joachim Stamp during a press conference.¹⁴ According to Lang, the two politicians were unable to handle the issue of deportations properly. In a party

¹² SÜDDEUTSCHE ZEITUNG 2022.

¹³ BUBROWSKI 2023.

¹⁴ VON DER BURCHARD 2023.

document, Christian Lindner, the coalition's finance minister and chairman of the FDP, called for a reduction in benefits for migrants and for Morocco, Tunisia and Algeria to be declared safe countries.¹⁵ In addition, the FDP rejected the country's acceptance of irregular migrants from Italy.¹⁶ Following the 2024 EP elections, the Social Democratic state premier of Lower Saxony, Stephan Weil, admitted in response to a question from journalists, "We know that our migration policy played a role in the result".¹⁷

The first experiences

The government that took office in December 2021 was soon faced with several migration crises. First, they had to deal with the crisis arising from the Taliban takeover in Afghanistan in 2021, during which Germany facilitated the granting of refugee status to Afghan nationals working for the Bundeswehr and German federal and non-governmental organizations. The government also allowed Afghan refugees arriving in the country to stay permanently in Germany and made integration programs available to them before they were granted asylum. By 2024, a total of almost 33,000 Afghan nationals arrived in the country, 20,000 of whom had previously assisted Germany's engagement in Afghanistan.¹⁸

The biggest challenge for the Scholz administration has undoubtedly been the refugee crisis in the wake of the war in Ukraine, which began on 24 February 2022. The 1.3 million Ukrainian refugees arriving in Germany were to place a heavy burden on the refugee care system.¹⁹ Building on the experience of 2015, the Berlin leadership sought to avoid a response to the Ukrainian crisis that was not agreed on with the rest of the EU.

The influx of Ukrainian refugees had a significant impact on Germany, contributing to a 1.3% increase in the country's population in 2022, or a net increase of 1.12 million people, according to reports by the Federal Statistical Office.²⁰ This population growth was spread across all German Länder, with Berlin and Hamburg experiencing the largest increase of 2.1%. 80% of working-age Ukrainian refugees in Germany are women, half of them came with children. The

¹⁵ Ibid.

¹⁶ BASSO – PASCALE – ALIPOUR 2023.

¹⁷ KINKARTZ 2024.

¹⁸ VAN BRUNNERSUM 2024.

¹⁹ STATISTA 2024.

²⁰ AP NEWS 2023.

integration of the Ukrainian refugee community in Germany is remarkable, with three out of four refugees having mastered the German language, a key factor for their prospects of employment.

Irregular migration pressure on Germany

According to the Federal Statistical Office, at the end of 2022 Germany had 3.08 million asylum seekers, 1.14 million more than in 2021. The large increase was mainly due to the over one million Ukrainian asylum seekers. By the end of 2022, the majority of protection applicants, 2.25 million persons, were granted international protection.²¹ Migration pressure became even stronger in the following year.

According to BAMF data, in 2023 the number of asylum applications in the country increased at the highest rate since the 2015 crisis. Around 352,000 asylum applications were lodged in Germany, up by 51% from 2022.²² The authorities said a total of 92,119 irregular migrants arrived in the country, also a record since 2016.²³ In September, 21,366 people crossed the border illegally, the highest monthly figure since the record of 25,650 in February 2016, according to federal police.²⁴

In 2023, even President Frank-Walter Steinmeier expressed support for limiting the number of refugees admitted to Germany. “We must limit migration. Ultimately, this limitation can only be achieved if Germany controls the EU’s external borders in cooperation with the other European member states. In addition, it must be ensured that screening procedures are carried out at the external borders for those who have little or no chance of being granted asylum and that these people are then deported from there”, the president stressed.²⁵ Alongside Steinmeier, Chancellor Olaf Scholz also spoke out for the limitation of migration to Germany.²⁶

In response to increasing migratory pressure, on 16 October 2023, Nancy Faeser introduced temporary border controls at the land borders with Poland, the Czech Republic, and Switzerland. Border controls were simultaneously maintained on the Austrian border. Bilateral agreements with neighboring states were also expanded. An agreement on police cooperation was already reached with Switzerland in

²¹ DESTATIS 2023.

²² DEUTSCHE WELLE 2024a.

²³ DEUTSCHE WELLE 2023a.

²⁴ DEUTSCHE WELLE 2023b, BUNDESPOLIZEI 2023.

²⁵ DEUTSCHE WELLE 2023b.

²⁶ DEUTSCHE WELLE 2023c.

2022, while for the other neighboring states this was done after the announcement of temporary border controls. Following the introduction of temporary border controls, German authorities arrested 708 people smugglers and prevented the entry of 17,600 irregular migrants until mid-April in 2024. The 71,061 asylum applications lodged between January and March this year represented a 19.2% decrease compared to the same period the year before.²⁷

Irregular migration also placed a considerable burden on provincial governments. Provincial social and asylum systems were already strained by the arrival of Ukrainian refugees since February 2022, but irregular migrants created an almost insurmountable challenge. Apart from an undersupply of accommodation, the most pressing problem was the lack of resources. As of 2023, the issue of the burden and challenges created by migration became a central topic of joint meetings between the provincial leaders and the chancellor.²⁸ From January 2024, the federal government has paid a flat rate of €7,500 per year for each first-time asylum seeker to the province where they are hosted. To this end, the provinces were allocated an advance of €1.75 billion, to be accounted for in the next fiscal year. Even if the number of first-time asylum seekers were to fall significantly, the federal government would still pay a total of €1 billion a year to the federal states and municipalities to maintain the necessary infrastructure.²⁹

In February 2024, the Scholz cabinet also decided to simplify and centralize aid for irregular migrants, in agreement with the heads of state governments. The leaders of the German Länder agreed on the introduction of a new system of assistance at their meeting in November 2023. Under this agreement, 14 of Germany's 16 Länder were to introduce a "social card" in 2024.³⁰ Bavaria and Mecklenburg-Western Pomerania were working on setting up similar systems. Proponents of the card system argued that it would make the use of benefits more controllable, and it would eliminate the possibility of remittances.³¹

The issue of deportations

Since 2015, one of the main problems of German migration policy has been the stalling of deportations. Under German law, a foreign national can be deported if

²⁷ DEUTSCHE WELLE 2024b.

²⁸ For more on the subject see: FEKETE 2023.

²⁹ RBB INFORADIO 2023.

³⁰ ZEIT ONLINE 2024.

³¹ KNIGHT 2023.

he or she committed a crime or is a member of a terrorist organization. Although the federal authorities can also detain a person, it is always the responsibility of the federal state concerned to carry out the deportation. There are several obstacles to the deportation of rejected asylum seekers. In the absence of identity documents, or in the presence of mental or physical illness, the person cannot be deported. Nor can they be deported to a country where they would face physical violence or persecution. Furthermore, migrants can challenge a deportation decision in a number of forums. In the event of a favorable ruling, these forums can oblige the ministry of interior to stop the procedure.³²

Government documents show that between 2020 and 2021, 6,495 irregular migrants returned to Germany despite their expulsion. This increased the number of returnees by 74% compared to statistics of earlier years. In 2022, only about one third of the 36,282 removals ordered, or 12,945, could be executed. In addition, 248,145 (81%) of the 304,308 persons in government databases had the execution of their deportation suspended.³³

CDU home affairs spokesman Alexander Throm compared the situation in 2022 to that during the migration crisis, and he called on Chancellor Olaf Scholz to deliver on his pledge to speed up deportations, which was also enshrined in the coalition agreement.³⁴

In response to the criticisms, the government drafted a new deportation law in 2023, which was finally voted into effect by the Bundestag in January 2024. During the parliamentary debate, Minister of the Interior Nancy Faeser said that German authorities deported 27% more migrants in 2023 than in 2022, but that the law also put the coalition under severe pressure. While the CDU found the changes in the law insufficient, several Green politicians called the law inhumane and unnecessarily strict.

The new rules brought about a number of changes. Firstly, the period of detention before removal was increased from 10 to 28 days. In addition, authorities were given additional powers to search rooms other than the person's bedroom in order to establish his or her identity. Authorities were now able to search the computers, mobile phones, and other electronic devices of migrants.³⁵

³² WITTING 2023.

³³ MARTIN 2023.

³⁴ WITTING 2023.

³⁵ DEUTSCHE WELLE 2023d.

Agreements on migration

Bilateral migration agreements have become the cornerstone of the paradigm shift promised in the coalition agreement. In order to ensure the success of the negotiations, the Scholz government appointed Joachim Stamp, a Free Democrat who previously served as Deputy Prime Minister of North Rhine-Westphalia and chaired the migration working group for his party during the coalition negotiations, as Special Commissioner for Migration Agreements. Following the 2022 provincial elections, his party suffered a significant defeat and Stamp resigned from his positions in the party.

The spirit of the “modern country of immigration” concept mentioned in the coalition agreement was also applied to the migration agreements. In November 2022, the Scholz government developed the economics-focused pillars of its migration policy, which were aimed at ensuring the flow of skilled labor to Germany. The government sought to achieve this goal by simplifying visa procedures, simplifying the citizenship law, brokering migration agreements, and extending family reunification visas.³⁶ At the beginning of 2024, the German government adopted changes to the citizenship law, making previously forbidden dual citizenships available and allowing foreigners living legally in Germany to apply for German citizenship after five years (and after three years in the case of special achievements in integration).³⁷ A further change is that if at least one parent of a newborn child has lived legally in the country for five years, the child will automatically be granted German citizenship.³⁸ While opposing the possibility of acquiring German citizenship, the opposition CDU supported measures to facilitate the inflow of skilled labor.³⁹ The CDU position was hardly surprising, considering that in the previous (grand coalition) term, the party tabled the bill to facilitate the immigration of skilled labor.

Besides economic aspects, the fight against irregular migration has also become a key issue. The fight relates primarily to the deportation of irregular migrants residing in Germany without authorization. According to data available for 2023, 304,308 such persons were in the country, most of them on a ‘tolerated stay permit’ (*Duldung*). The new German government has identified the so-called “repatriation offensive” as one of the priority objectives in relation to irregular

³⁶ GRUNAU – KNIGHT 2022.

³⁷ Special achievements include good performance at school, a job, good language skills, or voluntary work.

³⁸ KNIGHT 2024.

³⁹ CDU 2022.

migration. The goal was to sign new bilateral migration agreements that would allow for the deportation of irregular migrants with whose country of origin Germany currently has no such agreement.⁴⁰

Migration agreements were identified by special commissioner Joachim Stamp as part of a larger concept.⁴¹ He believes migration agreements go beyond previous treaties that focused exclusively on irregular migration, as they offer the possibility to expand legal migration channels and take better account of the interests of origin countries. The special commissioner underlined that most asylum seekers arriving in Germany come from conflict-ridden states with which no migration agreement can be concluded. However, Stamp believes that Germany has the chance to support neighboring countries of unstable lands, thus keeping irregular migrants headed for Europe in the given region.⁴² In sum, the Scholz government would like to apply to other countries the practice that has been in place since the 2016 EU-Turkey agreement. In most cases, these countries are willing to fight irregular migration in exchange for a boost in economic relations.

Examples of an economics-centered approach to migration are the migration centers run by the German Agency for International Cooperation (GIZ), mainly in North African countries. Their primary objective is to facilitate the reintegration of irregular migrants returning from Germany and to facilitate the legal migration of skilled labor.⁴³

Of particular importance are the agreements with Morocco and Nigeria signed in October 2023, which primarily aim to combat irregular migration, coupled with limited economic cooperation. According to German data, there are 3,000 Moroccan irregular migrants in Germany, most of them with the 'tolerated' status mentioned above.⁴⁴ The importance of the agreement with Nigeria, in addition to further economic agreements, is underlined by the issue of deportations. There are almost 14,000 irregular Nigerian migrants with rejected asylum applications in Germany. Of these, 12,500 cannot be deported because they are undocumented. The new agreement also allows for the deportation of this group.⁴⁵

⁴⁰ WITTING 2023.

⁴¹ PRANGE DE OLIVIERA 2024.

⁴² Ibid.

⁴³ UWAISSU 2024.

⁴⁴ BATHKE 2023a.

⁴⁵ SCHWIKOWSKI 2023.

The agreements with India in December 2022, Georgia in December 2023, and Colombia in February 2024 are slightly different.⁴⁶ Their primary objective is to maintain the inflow of skilled labor through legal channels, while the secondary objective is to reduce the number of irregular migrants from these countries.⁴⁷

The German government attempted to conclude agreements with a combined focus on the economy and migration only with Uzbekistan. Although negotiations on the departure of skilled Uzbek workers to Germany were concluded, the agreement has not yet been formally signed. Following the stabbing in Mannheim, which shocked the German public, Chancellor Olaf Scholz promised to deport Afghan offenders. However, for human rights and security reasons, Berlin as a rule does not deport Afghan citizens. The situation is further complicated by the fact that Germany has no diplomatic relations with the Taliban leadership. To address the problem, a delegation from the German ministry of the interior travelled to Tashkent on 16 June for talks with the Uzbek leadership on receiving Afghans who committed crimes in Germany. These persons were then to be deported to Afghanistan by the Uzbek authorities. However, no agreement was reached in the end.

Germany also concluded bilateral agreements with some key European countries to tackle migration. At the end of 2022, Swiss Federal Councilor Karin Keller-Sutter and German Minister of the Interior Nancy Faeser agreed on a coordinated response against irregular immigration. At the meeting, they decided to set up joint Swiss-German police patrols to reduce migratory pressure on the Swiss-German border. The two ministers also agreed to coordinate their countries' deportation policies.⁴⁸

In November 2023, German Chancellor Olaf Scholz and Greek Prime Minister Kiriakos Micotakis held talks in Berlin. During the meeting, Micotakis said that additional resources were needed to address migration issues, as he believed that Greece could soon face another wave of irregular migration due to the situation in the Middle East. Olaf Scholz also raised the issue of secondary migration during the meeting. After landing in Greece and lodging asylum applications, a large number of irregular migrants continue their journey towards Germany in order to also apply for asylum there. In such cases, German courts rule against deportation to Greece. Both heads of government also expressed their support for the EU-Turkey agreement concluded in 2016.⁴⁹

⁴⁶ MELLERSH 2024.

⁴⁷ BATHKE 2023b.

⁴⁸ MACGREGOR 2022.

⁴⁹ WALLIS 2023.

One of the most controversial elements of German migration policy is German budget support for NGO boats in the Mediterranean. It is part of the Greens' election manifesto, and it has led to disputes between Italy and Germany. Italian Defense Minister Guido Corsetto sharply criticized the Scholz government's decision, for he believes it puts Italy at a disadvantage.⁵⁰ Green politician and Germany's Minister for Foreign Affairs Annalena Baerbock defended the idea during a joint press conference with her Italian counterpart Antonio Tajani in October 2023. Baerbock said that in the absence of a pan-European maritime rescue operation, Germany has a duty to support voluntary search and rescue missions.⁵¹ Later, a ministry spokesman confirmed that German budget support for NGO ships is guaranteed until the end of 2024.⁵²

Outsourcing the asylum process to third countries

Outsourcing the asylum process to third countries is an element of the Scholz administration's migration policy that has not been implemented yet but already has an active presence in public discourse. The idea has been floated in several EU countries following the announcement of the British Rwanda plan, but so far no proposal has reached the implementation phase, apart from the agreement between Italy and Albania.⁵³

There are three ideas on the subject circulating in German political discourse. The first is that asylum applications should be examined in a safe third country close to the EU, from where refugees can enter Germany if the outcome is positive. If the result is rejection, Germany returns the applicants to their country of origin. The idea is the equivalent of the so-called "gatekeeper countries" concept, where the EU cooperates more closely with neighboring, stable states on migration issues.⁵⁴ The second idea is that the asylum process should take place in countries neighboring or close to the conflict-ridden states, thus reducing the number of irregular migrants heading for Europe. The third option would be to implement the British Rwanda plan. Austria experimented with implementing the Rwanda plan

⁵⁰ REUTERS 2023.

⁵¹ FRANCE24 2023.

⁵² REUTERS 2023.

⁵³ Italy constructed and operates two reception centers on Albanian territory where irregular migrants rescued from international waters are taken.

⁵⁴ For further details see: MARSAT 2023.

as an EU member state, but in a letter sent to Austria the European Commission declared the plan and the Austrian idea contrary to EU law.⁵⁵

Of the parties currently in the Bundestag, only the Greens and the Left Party reject outsourcing asylum procedures as an option. The latter deem it inhumane, while the Greens would prefer to tighten German immigration laws instead. As for the rest of the parties in the coalition, the SPD invited expert assistance to consider the idea, while the FPD has lent its support to it.

Most proposals to outsource the asylum process have come from the conservative CDU, which is in opposition. The migration-related part of the party's December 2023 election program includes the possibility of transferring irregular migrants to safe third countries. According to deputy head of the CDU/CSU faction Jens Spahn, such a program would drastically reduce migratory pressure on Germany, along with the number of irregular migrants crossing the Mediterranean.⁵⁶ In addition, several CDU members articulated their own suggestions, including North Rhine-Westphalian premier Hendrik Wüst and deputy faction leader of the Bundestag Thorsten Frei.

Wüst would support North African states financially and politically, following the example of the EU-Turkey agreement mentioned above. As part of the agreement, the asylum procedure for irregular migrants heading to Europe should be conducted in the North African countries, thus only those who really need protection could reach Europe. Wüst's proposal was also supported by Christian Dürr, deputy faction leader of the FDP. According to Dürr, cracking down on people smugglers and preventing the departure of boats carrying migrants is a humanitarian step.⁵⁷

Thorsten Frei proposes that all persons who lodge asylum applications in Europe should be transferred to a safe third country that should then be responsible for the protection of asylum seekers. Frei would then set up a "coalition of the willing" from those EU member states that volunteer to take in and distribute 300,000 asylum seekers a year.⁵⁸

⁵⁵ NIELSEN 2023.

⁵⁶ KNIGHT 2024.

⁵⁷ SPIEGEL 2023.

⁵⁸ MEIER 2023.

According to Chancellor Olaf Scholz, the federal ministry of the interior is currently examining outsourcing options that are suitable for Germany, but has not yet committed itself to any of the alternatives known so far.⁵⁹

Since the 2015 migration crisis, issues of migration have been central to German public discourse in various forms. Despite trying to move away from Merkel's migration policy, the traffic-light coalition has been losing public support steadily. According to opinion polls conducted at the end of 2023, the majority of German society is dissatisfied with the country's migration policy and considers a rapid change in the relevant EU legislation unlikely. Two thirds of Germans would support a reduction in the number of asylum seekers. 73% of respondents believe that the distribution of asylum seekers within Germany is unequal, while a further 78% believe that the integration of asylum seekers into the labor market is failing. 80% of respondents believe that the authorities are unable to deport rejected asylum seekers.⁶⁰ Migration will likely be a key issue in next year's Bundestag elections, posing a major challenge for the parties of the current coalition.

Conclusions

Migration has been a central issue in German politics and elections since 2015. The governing coalition led by Olaf Scholz tried to overhaul the German migration system from the ground up, but neither the economics-focused migration agreements nor the legal amendments brought any visible change. By 2023 migration pressure reached such levels that the Berlin leadership decided to introduce temporary border controls. Following different migration policies, the three parties were not able to develop an effective system of cooperation. As a result, the party programs failed to combine into a single, workable migration policy. The governing coalition's failure to combat irregular migration has led to a high level of social discontent, bolstering the opposition CDU and AfD. If the Scholz cabinet, or a government succeeding it, implements the outsourcing of asylum procedures, another Western European EU member state after Italy will have opted for an independent national, as opposed to community, solution to migration problems.

⁵⁹ INFO MIGRANTS 2024.

⁶⁰ KINKARTZ 2023.

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Doing It Our Way

Ildikó Kaposi

Guarding the Gates of Europe: The Hungarian Approach to Migration

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Migration was forcefully brought to the fore by Europe's 2015–2016 migration crisis that offered up a fresh case for studying this contested issue. The human rights/humanitarian framework has been competing since with the security approach to offer explanatory frameworks for making sense of the events in their complexity. The long-term economic and environmental impacts of the crisis are still unclear, but its political consequences have been emerging more clearly.

State sovereignty, territorial integrity, and European identity security were among the related issues that highlighted some fundamental differences between 'old' and 'new' Europe's reactions to the crisis. Within the 'new' bloc, Hungary's approach attracted especially intense scrutiny, in part due to the country's forceful vocalization of its position, including on the perceived threats posed by the wave of migration. The Hungarian rhetoric and the defensive measures implemented early on came to be widely regarded as 'securitization', or the discursive construction of migration as an existential threat to Hungarian – and European – culture, values, and identity. The designation of migration as a threat was followed by extraordinary measures taken by the government, and by public acceptance, thus completing the successful cycle of securitization.

The Hungarian approach drew severe criticism from domestic and EU political opponents, media, and scholarship. Yet, until now, no coherent summary has been available about the events and the political, legal, and policy responses from the perspective that motivated Hungarian decision-makers. The book published by the Migration Research Institute fills this void by taking a concise, systematic look at the Hungarian approach to migration.

Chapter One discusses migration from a historical perspective to establish the claim of Hungary being a land of inclusion where newly arrived peoples have

found a home for over a millennium. Foreshadowing the chapters to come, it cites the words of the country's founder, King St. Stephen who saw foreigners as enriching additions to the kingdom due to the skills and knowledge imported with them. The chapter stresses the successful integration of new arrivals through their mastering of the Hungarian language and adoption of local culture to achieve a 'melting pot' outcome with incoming Pechenegs, Cumans, Saxons, Jasz, Jews, Romanians, and other peoples throughout the centuries. The historical account then discusses the formation of an ethnically relatively homogeneous nation as a result of the post-World War I transformation of the region with the signing of the Peace Dictate of Trianon and the dissolution of the Austro-Hungarian Monarchy. There is also a brief but helpful discussion about the local conceptualizations of 'nation' that places Hungarian understandings of the term at the intersection of French and German models to demonstrate why local discourse about minorities differs from Anglo-American or current French models.

Chapter Two focuses on migration in recent Hungarian history, from the time of the momentous political transformations of 1989–1990 to the 2015 crisis. Hungary's entry to the global migration scene is dated to the time of the transitions and attributed to geographical position. The major waves of migration experienced in the country prior to 2015 all originated from the region. The first wave involved ethnic Hungarians fleeing discrimination they suffered in Romania under the Ceausescu dictatorship. Hungarian-speakers from birth, the 34,000 people who arrived this way in 1988–1989 faced no particular difficulty with social integration and incorporation into the labor market, and their arrival found support with the majority of the population. Such support became official government policy when the first freely elected Hungarian government made preferential naturalization available for ethnic Hungarians from neighboring countries, making ethnic Hungarians from Romania, Slovakia, Serbia, and Ukraine the biggest group of immigrants to Hungary for the first couple of post-transition decades. Another distinct wave hit as the result of the breakup of the former Yugoslavia and the bloody civil war that accompanied the process. Between 1990–2001, 86,000 refugees fled the conflict to find temporary protection in Hungary. However, most of these refugees moved on to Western Europe and beyond, as did the large numbers of East Germans whom the government allowed in 1989 to cross the border to the western side of the iron curtain.

In sum, prior to 2015 Hungary served mainly as a transit country for refugees fleeing conflicts from the region and for the increasing number of non-European

migrants. The majority of people who settled down in the country were ethnic Hungarians from neighboring countries who were easily integrated into society thanks to the shared language and culture with the receiving country. This pattern was changed dramatically with the 2015 migration crisis, the topic covered in Chapter Three. The 2015 migration wave came as an unprecedented shock for which neither Hungary nor Europe was prepared. The existing Hungarian infrastructure developed for managing the flow of refugees and migrants was not able to cope with the flood of people: reception centers were filled beyond capacity, and thousands of migrants filled the streets of downtown Budapest. The chapter provides statistical evidence to demonstrate and archive news photos to illustrate the severity of the crisis which, coupled with Islamist-motivated terrorist incidents in Western Europe, led to the Hungarian government's designation of uncontrolled migration as a security threat, followed up by a communication offensive of public campaigns focusing on the risks of immigration. It is in Chapter Three that the book's narrative states the government "had no choice but to take the necessary steps", due to its obligation to safeguard public safety and honor the terms of the Schengen Code.

Chapters Four and Five detail the extraordinary measures taken by the government in response to the phenomena established as a threat. The physical border barrier became a powerful symbol of the Hungarian approach for both supporters and critics at home and abroad. Its construction is explained in great technical detail, but the most interesting parts of the chapter for lay readers is the exploration of its impact. Confirming the government assessment that migration run amok posed a security risk, the chapter describes the riots that ensued once the border fence between Serbia and Hungary was complete, and migrants found their way to the EU blocked. The effect of the closure was to redirect the flow of migration, and the countries finding themselves under siege reacted in a fashion rather similar to Hungary: they erected their own fences. A map on p. 51 provides a visual summary of the proliferation of border fences in Europe, for the practice of strengthening Europe's borders with physical barriers continued since the 2015 crisis as Russia and Belarus started applying migration pressure on the EU from 2018. To its credit, the book does not gloat, rather it presents such developments in a factual tone. The chapter's ending foreshadows a subsequent recurring theme, that of the legal and political disputes between Hungary and the EU over the approaches to migration.

Chapter Five details the steps taken by the Hungarian government to build the legal border barrier in tandem with the physical one. Declaring and extending

a crisis situation created by mass immigration, amending the Fundamental Law and the acts on asylum and state borders, as well as decreeing safe third countries were among the legal fortifications Hungary saw necessary for the management of the crisis. Crucially for the Hungarian approach, even though the repeated extensions of the state of crisis came under a barrage of criticism from local and international human rights NGOs, evidence shows that the government's moves were supported by the majority of the population. Chapter Five cites public opinion polls from 2018 and 2022 to show that just over 60% of Hungarian survey respondents felt concerned about the influx of irregular immigrants, just under 60% were satisfied with how the government handled immigration, and a whopping 79.3% agreed that the physical border barrier was justified. In other words, the majority accepted the government's designation of uncontrolled migration as a threat, along with the extraordinary measures introduced in response. Adding further proof to the factual foundations of the government position, Chapter Six details the transformation of the Western Balkans migration route since the 2015 crisis, providing statistical evidence of the continuation of pressure on the southern borders and highlighting the criminal organizations exploiting the asylum-seekers and irregular migrants as part of their lucrative business operations with the result of a state of lawlessness turning the Balkans side of the Hungarian border into a 'wild west'.

Chapter Seven tackles the disputes between Hungary and the European Union that the stringent Hungarian approach has provoked. By diverging early on in the migration crisis from the mainstream EU position, Hungary incurred the wrath of Western European establishment politicians who have criticized the country repeatedly for its approach to migration. The ideological differences driving a (further) wedge between the EU and Hungary on the issue can be summed up as clashes between the human rights- and the security-focused interpretations of migration. The differences of opinion indeed look irreconcilable, although as the chapter demonstrates, over time the tide of public opinion began to turn in Western Europe towards the skepticism that inspired Hungary's early stand against mass irregular migration. The latest issue where the disagreements resurfaced forcefully was the EU Pact on Migration and Asylum. Unlike in 2015, however, by this time the political frontlines became more muddled, with countries from the east and west, north and south of the EU forming coalitions of agreement on their rejection of the implementation of the Pact.

Migration remains a highly salient issue in Europe. The closing chapters clarify the Hungarian position beyond its rejection of much of the EU establishment's approach to the question. Chapter Eight describes the welcome Hungary extends to regular immigrant expatriates who settle down in the country, refugees such as the thousands crossing the border from Ukraine, and guest workers arriving through legal recruitment channels controlled by government policy. Chapter Nine details the Hungarian position that the problems of migration must be

tackled at their roots. According to the strategic priority of offering help locally, support is best granted in the sender countries, through military assistance in stabilization operations, scholarship programs for bringing students to Hungary to earn a higher education degree, and the aid activities of a nonprofit governmental organization. Through the presentation of these support activities, the book ends on a positive note showing the proactive ways Hungary, commensurate with its size and economic capabilities, makes major efforts to improve living conditions in crisis-ridden countries to tackle migration.

Guarding the Gates of Europe goes beyond daily political rhetoric to present an evidence-based account of the official Hungarian approach to migration. It may require the initial willing suspension of disbelief from ideological opponents, but it does invite all readers to listen to an authoritative account of why and how the government of Hungary acted, and continues to act, on issues of migration. At the very least, it serves as a good starting point for quality discussion.

About the Authors

Roy H. BECK was a newspaper journalist for two decades, and one of the first dedicated environmental reporters in the United States. In 1996, he founded NumbersUSA to promote the recommendations of two federal commissions on sustainability and economic justice. Mr. Beck is author of five books and numerous studies and articles on the impact of immigration policies on habitat conservation, population congestion, labor markets, and depression of Black employment and wealth, as well as on ethics, religion and public policy.

Nayla RUSH is a Senior Researcher at the Center for Immigration Studies, focusing on refugee and asylum policy. She is an expert in global issues related to international migration, analyzing migration's impact on the social, cultural, and economic dynamics of societies. Her main regional interests are in the United States, Europe, and the Mediterranean but she also looks beyond geographical and historical specificities for general lessons and perspectives.

Nicolas POUVREAU-MONTI is the co-founder of the Paris-based Observatoire de l'immigration et de la démographie think tank, conducting research on various aspect of immigration and integration regarding Europe.

Árpád PÁRDUCZ is a researcher at Migration Research Institute. His main areas of research include security policy in the Western Balkans and Central Europe, and the impact of organized criminal groups on security and migration. He is currently working towards his Masters degree in international relations at Corvinus University, Budapest.

Ildikó KAPOSÍ works as an editor at Migration Research Institute. She is also affiliated with the Department of Communication at Budapest Business University.



