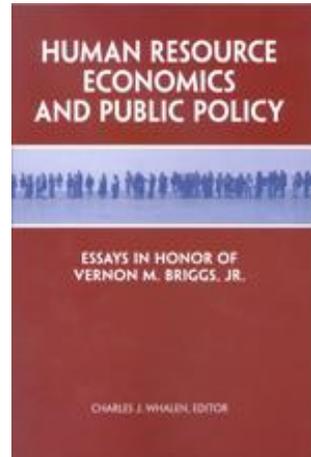

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Vernon Briggs's legacy in the landscape of U.S. immigration policy is secure. His research and writings are extensive, stretching from 1965 to today, and he is recognized as a leading national and international expert in his field. The accolades for his work, the stature of his coauthors, and the never-ending list of scholars who cite his publications, all speak to Briggs's footprint on U.S. immigration policy. This chapter, however, is not about Briggs's wide-ranging work in immigration policy; rather, it is focused on a more narrowly defined policy arena about which he was passionate—political refugee and asylee policy. In this chapter I posit that, while Briggs writes and speaks often of political refugee and asylee policy, his work in this area is ripe for extension, and yes, even debate. I am confident that Briggs will encourage and support such work, as nothing signifies Briggs's work more than discourse, debate, and lively discussion.

This confidence is bolstered by my personal experience with Briggs. In the mid 1980s, I studied at Cornell University to pursue an interest in social policy analysis. I sought knowledge about federal social policy formulation, local-level impact, and community-driven efforts to shape or modify those policies. Given this interest, Alan Hahn (my graduate committee chair) recommended I take a seminar in immigration and political refugee policy from "this fellow" over in the School of Industrial and Labor Relations.

As the seminar's first session was about to begin, Briggs shuffled into the classroom with a pile of books and well-worn notes under his arm. He placed the books and notes in front of him on the table and began to speak. I remember initially thinking, "This will be a long se-

mester.” Quickly, though, Briggs won me over. I was soon captivated by the breadth and depth of his historical and technical knowledge of immigration as well as of political refugee and asylee policy.

Briggs promoted academic dialogue and civil discourse. He encouraged students to express differing opinions and challenging questions in respectful and informed ways. He provoked an appreciation for the “unending conversation” that is central to the academic dialogue (Bruffee 1997). Critical to Briggs’s view of such dialogue was that students should understand that academic work, be it teaching, research, or writing, is merely a conduit to a conversation of persons who are, in important ways, “fundamentally disagreeing” (Bean 2001, p. 18). Anyone who has followed Briggs’s career is aware of his extraordinary ability to disagree, to state an opinion contrary to the popular view, and to do so with respect for others. For evidence of this unique ability, one need look no further than his recent public testimony, “Real Immigration Reform: The Path to Credibility,” before the Subcommittee on Immigration of the Judiciary Committee of the U.S. House of Representatives (Briggs 2007).

I experienced firsthand Briggs’s ability to encourage and support dialogue, even when there was political incongruence. In the classroom and during the years he was on my doctoral committee, it was clear that, although Briggs and I shared an interest in political refugee and asylee policy, our politics were not in complete congruence (on matters including the role of government, the position of humanitarian concerns in policymaking, and our concerns about the economy). I cringed when I heard Briggs say something to the effect that every person admitted to the United States should be first judged for her or his capacity to positively contribute to the economy. I would sometimes counter, “Even in the world of political refugee policy?” Not always, but often, Briggs, after a pensive pause, would answer in the affirmative.

His talk of neutrality with respect to political ideology and economic accountability for each U.S. entry decision sometimes struck me as cold. I came to realize, though, that our common interest in societal equity and the well-being of people seeking refuge in another country was merely constructed and expressed differently. Moreover, it was his tolerance of difference that contributed mightily to my oft-confirmed belief in Briggs as the “consummate academic.” At the core of such an

academic, in my opinion, is a willingness to nurture the expression of a varying belief held by another.

When asked to write this chapter, I first read and reacquainted myself with many of Briggs's works, including books and journal articles. I was struck by the extensive use of three considerations in his writing: economic accountability for each entry decision into the United States, neutrality with respect to political ideology, and societal equity. That threefold emphasis is the point of departure for this chapter: Can these considerations ever become the foundation for decision making in the complex arena of political refugee and asylee policy? This chapter considers that question through a review of the scholarship of Briggs and others.

HISTORY AS THE CONTEXT

Regardless of whether one is attempting to emulate Briggs or seeking to thoughtfully examine his three considerations (economic accountability, political neutrality, and societal equity), there can be only one starting point—history. Briggs, the consummate historian, started nearly each class and written piece with a historical review, particularly past policy developments. In this section, as a means of setting the foundation for a discussion of his three considerations, I present a brief history of U.S. political refugee policy, followed by a synopsis of the current state of affairs in U.S. political refugee policy.

In the historical section of his classic work, *Immigration and American Unionism*, Briggs states that issues surrounding accommodation of political refugees or asylees did not concern U.S. policymakers until the 1930s (Briggs 2001). In fact, prior to the passage of the Immigration Act of 1924, there was little need to be concerned about how the United States might respond to the needs of persons who sought to escape persecution in their homeland. In short, if they could get to the United States, they were generally admitted. The era of entrance upon arrival ended with the Immigration Act of 1924. It was not until after World War II that political refugee accommodation moved to a prominent position within the international community and the United States. In fact,

the Displaced Persons Act of 1948, which President Harry Truman first promoted in 1945, was the first-ever piece of U.S. legislation focused solely on political refugee accommodation (Briggs 2003a).

Internationally, the world of political refugee accommodation witnessed a watershed event in 1951: the United Nations Convention Relating to the Status of Political Refugees. The Status provided the now classic definition of a person seeking refugee or asylee status:¹

[O]wing to [a] well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear is unwilling to return to it. (Office of the United Nations High Commissioner for Human Rights 1951)

Providing a backdrop for the 1951 Convention was passage of the Declaration of Human Rights by the United Nations in 1948. Of the 30 articles expressed in the Declaration of Human Rights, none was more applicable to a discussion of political refugee and asylee policy than Article 14, which indicated that everyone has the right to seek and to enjoy in other countries asylum from persecution (Office of the United Nations High Commissioner for Human Rights 1948).

As the international community embraced a more rights-based and nondiscriminatory conscience for the consideration of the movement of people about the world, the United States countered with the Immigration and Nationality Act of 1952, which continued to employ a discriminatory, national-origins admission system (Briggs 2003a). Persons described as refugees continued to come to the United States in the 1930s, 1940s, and even 1950s; however, they did so at a time when the overall immigration levels were low.

After passage of the Political Refugee Relief Act of 1953, it was the parole authority of the Eisenhower administration that had the most profound impact on political refugee policy. The use of parole authority to bring refugees into the country was first used in 1956 and culminated with the admission of several hundred thousand Indochinese as part of the Indochinese Refugee Act of 1977 (Jeffreys 2007). Interestingly,

the use of the parole authority admission process for political refugees continued even after the passage of the Immigration Act of 1965, which specified 17,400 visas for political refugees worldwide (Briggs 2001).

Another document, equal internationally to the impact of the 1951 Convention, was the 1967 United Nations Protocol Relating to the Status of Refugees. This prohibited any nation from returning a person claiming to be a refugee to a country where her or his life or freedom would be threatened. The United States signed onto the Protocol in 1968 (Jeffreys 2007), and this concept of “non-refoulement” took its place in U.S. political refugee and asylee policy deliberations.

In 1978, the U.S. Select Commission on Immigration and Political Refugee Policy (SCRIP) was formed. The commission was charged with bringing some sense to the country’s admission policies. While the work of SCRIP was extensive and historically well regarded, it was the refugee-producing conditions in Southeast Asia that hurried the U.S. Congress to passage of the Refugee Act of 1980 (Briggs 2001). This Act established, at least in theory, a geographically and politically neutral adjudication standard for refugee or asylee status (Jeffreys 2007). It did so by removing the previous standard—which involved fleeing Communism or being from the Middle East—and replacing it with the persecution standard expressed in the 1951 U.N. Convention (Nackerud 1993).

The Refugee Act of 1980 essentially removed political refugees and asylees from immigration law by eliminating the refugee category declared earlier in the Immigration Act of 1965. A new system for the admission of political refugees and consideration of asylee status was thus created. Central to the new system was a consultation process between the President and Congress to determine numerical allocations and targeted geographic preferences (Nackerud 1993). The Refugee Act of 1980 was also designed to stop the use of the parole authority to admit large numbers of political refugees without numerical restriction (Briggs 2001). It also brought the United States into greater congruence with the international community, primarily through adoption of the U.N.-sponsored definition of who might be judged a political refugee or asylee (Nackerud 1993).

Briggs highlighted the fact that asylee policy was the least thought-through provision of the Refugee Act of 1980. Asylee status was

intended to apply to individual cases and no one foresaw that the United States would become a nation of first instance for massive numbers of persons who, once ashore, would seek political asylum. Within weeks of its passage, that is precisely what happened (Briggs 2001, p. 148). Over the years, particularly large numbers of asylum seekers from Cuba and Haiti would challenge the effectiveness of the 1980 Refugee Act as a policy instrument.

That Act specified the creation of the Office of Refugee Resettlement within the Department of Health and Human Services, which was charged with ensuring that persons admitted as political refugees become self-sufficient and free from long-term dependence on public assistance (Newland, Tanaka, and Barker 2007). The consultative pattern established in the 1980 Refugee Act continues to this day. Before each fiscal year, the President consults with Congress and a worldwide refugee admissions ceiling is established. Allocations for each of the six geographic regions of the world are set (Jeffreys 2007). From 1980 to 2006, 2.3 million political refugees were admitted to the United States. An additional 344,507 individuals were granted asylum from 1990 to 2005. Thirty U.S. metropolitan areas and six states, California, Texas, Florida, New York, Washington, and Illinois, received over 60 percent of all resettled political refugees from 1983 to 2004 (Newland, Tanaka, and Barker 2007).

In 2007, political refugees constituted a mere 10 percent of annual overall immigration flow to the United States, but they were more noticeable as a subpopulation because of their tendency to congregate geographically. Refugees have historically congregated in certain major metropolitan areas, such as New York, Los Angeles, and Chicago, but they are also now doing so in mid-sized cities such as Sioux Falls and Fargo, South Dakota, and Binghamton, New York. For the last seven years, the United States has set its annual political refugee admissions ceiling at 70,000, a 70 percent decline from where it was set when the notion of a numerical limit was first introduced some 28 years ago. Despite this downward trend, the United States continues to resettle more political refugees overall than any other country, although other countries, particularly the Scandinavian social welfare states, resettle higher proportions of political refugees relative to the size of their native populations (Newland, Tanaka, and Barker 2007).

Table 5.1 depicts the numerical history of refugee admissions. Of particular note are the two years following most closely in the wake of the terrorist attacks of September 11, 2001, and their historically low levels of refugee admissions (26,773 and 28,304 in 2002 and 2003, respectively).

Low levels of refugee admissions (relative to those seen before 2002) continued even after 2002 and 2003. Indeed, the total number of political refugees admitted to the United States decreased 23 percent from 2005 (53,738) to 2006 (41,150). Overall, the annual average number of refugee arrivals declined from approximately 100,000 during the 1990s to 50,000 during the 2000–2006 period. This decline is often attributed to changes in security procedures after September 11, 2001, as well as admission requirements resulting from the Patriot Act of 2001 and the Real ID Act of 2005 (Jeffreys 2007). The composition of refugees has also shifted over the years, paralleling evolving humanitarian crises around the world and often more directly reflecting U.S. foreign policy priorities (Newland, Tanaka, and Barker 2007). The political asylee applicant must meet the same definition of persecution set forth in the Refugee Act of 1980. Asylee claims have risen through the years and claims averaged just over 26,000 a year from 2004 to 2006 (Jeffreys 2007).

This history and synopsis dovetails with one of Briggs's main historical points; the initial assignment for policy interpretation and implementation regarding entry of persons into the United States was with the Department of Labor upon its creation in 1913, but the assignment has shifted over time. In 1933, responsibility was transferred to the Department of Justice, and in 2003, it was moved to the Department of Homeland Security (Briggs 2003a). In 2007, responsibility was divided among three bureaus of the Department of Homeland Security: Customs and Border Protection, Citizenship and Immigration Services, and Immigration and Customs Enforcement (General Accounting Office 2004).

Table 5.1 Refugee Arrivals, Fiscal Years 1980 to 2006

Year	Number
1980	207,116
1981	159,252
1982	98,096
1983	61,218
1984	70,393
1985	67,704
1986	62,146
1987	64,528
1988	76,483
1989	107,070
1990	122,066
1991	113,389
1992	115,548
1993	114,181
1994	111,680
1995	98,973
1996	74,791
1997	69,276
1998	76,181
1999	85,076
2000	72,143
2001	68,925
2002	26,773
2003	28,304
2004	52,837
2005	53,738
2006	41,150

NOTE: Data series began following the Refugee Act of 1980. Excludes Amerasian immigrants, except in fiscal years 1989 to 1991.

SOURCE: U.S. Department of State (2007).

THE THREE CONSIDERATIONS

Economic Accountability for Each Entry Decision into the United States

Can economic accountability for each entry decision ever become the foundation for decision making in the complex arena of political refugee and asylee policy? Even though Briggs's work in the use of economic accountability for overall immigrant entry decisions is extensive and strong, I do not believe it is in the best interest of the United States to fully overlay that consideration onto the arena of political refugee and asylee policy. In fact, I believe even some of Briggs's work on economic accountability and political refugee and asylee policy may benefit from a bit of an extension of his ideas.

If a single mantra had to be selected from the legacy of Briggs's work, then the one that most fully embodies his career and impact is the notion of linking immigration decisions and economic accountability. In almost all writings and speaking opportunities, Briggs proffers this idea. In public testimonies as recent as May of 2007, he emphasized the impact on the labor force of any change in entry policy. In Briggs's view, each entrant should be judged for: 1) their ability to bring human capital with them when they enter the country, 2) the probability that an individual entering the country will be an asset to the U.S. economy, and 3) particularly with regard to subpopulations, such as political refugees and asylees, the probability that the individual will not become or remain welfare dependent. Briggs's belief in viable economic accountability is captured in the following quote:

The United States needs to adopt an immigration policy that is consistent with its rapidly changing labor-market trends. If congruent, immigration policy can provide a valuable tool to national efforts to enhance economic efficiency and to achieve societal equity. If contradictory, immigration policy can present a major barrier to the accomplishment of either or both goals. The luxury of allowing immigration policy to continue to be determined on political criteria (i.e., to placate special interest groups) and to achieve idealistic social dreams (i.e., to pursue diversity simply for its own sake) can ill be afforded. Making immigration policy primarily a human

resource development policy would give immigration policy what it now lacks: economic accountability for most of what it does. (Briggs 2003a, p. 282)

With regard to political refugee and asylee policy, however, Briggs's economic accountability idea is open to debate. In a paper presented in 2003 before the Association for Evolutionary Economics, Briggs contended that "unexpected consequences" of immigration policy have played a significant part in the creation of poverty in the United States since 1965. Listing six of these consequences, Briggs described number five as the "extensive admission of refugees, mostly from third-world nations." Number six on Briggs's list is as follows: "The arrival of many poor persons, also from mostly the third world, who often falsely make claims for political asylum to justify their presence and then abscond before their hearing dates are held or, if they receive a negative ruling, after being ordered to depart" (Briggs 2003b, p. 328).

I believe Briggs overstates the rather complex relationship between the entry of political refugees and asylees and U.S. poverty. For example, the U.S. poverty rate fell from 12.6 percent in 2005 to 12.3 percent in 2006 (U.S. Census Bureau 2007). Considering that the U.S. population had recently surpassed 300 million people, a 12.3 percent poverty rate equates to approximately 36.9 million persons living in poverty. Even if the full allocation of 70,000 political refugees had been filled in 2006, political refugees would still only amount to 0.002 percent of the nation's impoverished persons. In fact, the actual number of political refugees admitted for 2006 was 41,150, and if one assumes that all of these people were living in poverty, then the percentage of the nation's poor attributable to political refugee admissions would represent only 0.0013 percent of the total number of poor persons for that year.

Further, the cumulative total of political refugees admitted from 1980 to 2006 is less than 2.3 million. If every political refugee admitted to the United States during this period lives in poverty (which is clearly not true), they represent only 0.076 percent of the overall U.S. population and less than 1 percent of the nation's poor. Even with the most draconian effort to estimate the impact of the nation's political refugee population, these numbers remain incredibly small. And they remain so even when the relatively small number of asylees is added to the mix.

In 1994, in *Still an Open Door?* Briggs hypothesized that the accommodation of political refugees and asylees would be a challenge to address in an overall immigration system based on economic needs. Then he and coauthor Stephen Moore made a number of recommendations for accomplishing this objective, including the following (Briggs and Moore 1994):

- A method should be instituted to expedite asylee applications and separate the legitimate claims for political asylum from claims by people who simply seek a pretext to enter the country for personal economic gain (the current process, which offers both an affirmative and defensive route to asylum, probably does some of this, see TRAC Immigration [2006]).
- Even though political refugees should represent an exception to the rules of general immigration, restrictions on political refugee levels should still be in place.
- U.S. support is critical for resettlement, repatriation, and maintenance of quality of life standards in the world's refugee camps.
- The U.S. should link its foreign aid and foreign trade policies to adherence to human rights principles in those countries that generate mass numbers of political refugees.
- Once a political refugee is admitted, one less immigrant should be admitted.

Even with these recommendations, Briggs concluded by expressing doubts about the ability to fully accommodate refugees and asylees in an immigration system based on economic accountability, and I agree. Although economic concerns will always play a major role in international affairs, there are certainly instances when foreign policy concerns or the execution of reciprocal humanitarian agreements may rise to greater prominence. In those instances, refugee and asylee accommodation, and the inclusion of a non-economic basis for entrant decision making, may assist in furthering the interests of the United States.

Indeed, one argument against strictly applying the consideration of economic accountability is that political refugees and asylees may have human capital characteristics that are much higher than gener-

ally perceived. In *Mass Immigration and the National Interest*, Briggs indicates there have been times when the human capital characteristics of political refugees (including levels of education, years of experience in the formal labor market, and language[s] spoken) have measurably enhanced the characteristics of the entire immigrant population (Briggs 2003a), but that is only part of the story.

I contend that refugees who make it to the United States for resettlement are tremendously different from their less-resilient peers. Those who get here must have the ability to flee their country with virtually nothing, migrate to a host country (most often to a U.N.-sponsored camp), convince a consortium of nongovernmental organization representatives that they qualify as a political refugee, and get accepted for resettlement into the United States. To even undertake such a journey, many refugees have already demonstrated they possess personal qualities that will promote their success in this country, including (but not limited to) risk taking, quick and effective decision making, the ability to convince others and to negotiate difficult bureaucracies, and resilience in the face of overwhelming odds. This is obviously not true of all political refugees, but it is a safe bet to say that many, if not most, political refugees who resettle in this country are likely to do well, particularly when given a chance to do so over time (see Singer and Wilson 2006).

Can—indeed, should—the consideration of “economic accountability for every entrant” serve as a foundation for U.S. political refugee and asylee policy? I do not think so.

Neutrality with Respect to Political Ideology

Briggs has often touted the need for neutrality with respect to political ideology in the development, interpretation, and implementation of immigration and political refugee and asylee policy. Can neutrality with respect to political ideology ever become a strong consideration in political refugee and asylee policy? I believe this is an unachievable goal. And if ever achieved, it would be very difficult to maintain.

Any student of U.S. political and refugee policy would do well to read Briggs’s view of how political refugee and asylee policy became politicized in the United States (Briggs 2003a, pp. 136–173). That

discussion, in a chapter titled “Unexpected Consequences,” leads the reader through the years 1965 to 1994, from President Lyndon Johnson to President Bill Clinton. Briggs carefully outlines the government’s increasingly politicized response to crises facing a diverse group of refugee populations, including Cubans, Vietnamese, Haitians, Guatemalans, and Salvadorans. He concludes this section of the book with a heading, “The Continuing Weakness of Asylee Policy” (Briggs 2003a, p. 170).

For the nation to move beyond a highly politicized policy, Briggs stresses that social goals must override political goals (Briggs 2003a). Thus, he argues that social goals, such as compassion, humanitarianism, and a desire to reduce discrimination, should take precedence over political goals, such as enhanced use of family reunification in political refugee and asylee policy. The notion appears to be in congruence with philosopher John Rawls’s view of society, which maintains, “In a just society the rights secured by justice are not subject to political bargaining or the calculus of social interests” (Keat and Miller 1974, p. 4). Without politics, however, what would give meaning to “social goals”? It is difficult to accept the suggestion that political aims would or could ever be absent in any policy arena, especially in one that involves the relationship between the United States and the rest of the world.

Is the world really a better place when a superpower like the United States fails to take an ideological stand on the many important policy questions associated with political refugee or asylee policy? The downside risk of not taking a stand is, to quote a popular country song, “If you don’t stand for something, you stand for nothing.” Since the U.S. Constitution does not spell out an entry policy, immigration and refugee policies are, as Briggs recognizes, “a purely discretionary duty of the U.S. government” (Briggs 2001, p. 5). Within this rather arbitrary discretionary duty, I believe, is the opportunity for the nation to stand for something, which includes adopting a never-wavering position on human rights (as expressed in the U.N.’s Declaration of Human Rights) and opposing totalitarian regimes. My fear is that unless a proactive (rather than a neutral) political ideology is firmly embraced in political refugee and asylee policy, it will always be chaotic and implemented with no enduring purpose except to fuel the bureaucracy of government.

We need to remember that in the case of political refugees and asylees, U.S.-based policymakers are, by default, publicly declaring that another national government cannot, or will not, protect its own citizens. In political asylee cases, policymakers are saying that it is more than reasonable to support the claim of an individual who maintains his or her life or freedom will be threatened if they are returned to their homeland (Jeffreys 2007). Few (if any) national governments wish to be deemed unable or unwilling to protect their citizens.

Perhaps an alternative approach is to slightly change the question to “How might neutrality with respect to political ideology become a meaningful contributor in political refugee and asylee policy?” With that in mind, I offer the following recommendations.

First, eligibility criteria for the status of either a political refugee or a political asylee need to be broadened. As noted earlier in this chapter, the persecution standard in the U.S. Refugee Act of 1980 is linked to an individual’s experience and a well-founded fear of persecution. However, much of the international community (as particularly noted in the definition of a refugee by the former Organization of African Unity and now the African Union, and in the Americas, as expressed in the Cartagena Declaration of 1984) sees political refugee and asylee status as more closely associated with group flight. If U.S. refugee and asylee policy is ever to become more neutral with respect to political ideology, then the U.S. standard of persecution should probably be expanded to include considerations such as conditions that caused one to flee home (not just their country), general chaos or violence in the applicant’s homeland, and flight as a member of a family or community (not just flight related to race, religion, political opinion, or nationality).

Second, the United States may need to more fully embrace the idea of participating in the development of a regional alliance with the countries of the Americas and the Caribbean. Such an alliance could help achieve a more neutral ideology with respect to hemispheric political refugee and asylee policies. At present, the countries of Latin America have varied definitions and standards in these two policy areas. The U.S. definition, while congruent with the U.N. standard, may need to be tweaked and brought into greater congruence with an overall policy in the Americas (Fischel de Andrade 1998).

Third, the use of U.S. political refugee and asylee policy to achieve “national security” in a post–September 11 world is problematic if the goal is to achieve a more neutral political ideology (Kerwin 2005). A number of policy actions supposedly aimed at helping to achieve national security, including reductions in refugee admissions, the criminal prosecution of asylum seekers, and the blanket detention of Haitians, do little to advance public safety. Indeed, they violate the rights of political refugee and asylee seekers, and they fuel, rather than neutralize, the spread of political ideology (both at home and abroad) (Kerwin 2005, p. 755). Replacing the “fear of persecution” consideration with a more easily applied standard involving “human security” could help reduce the urge to manipulate political ideology from case to case (Afzal 2006).

In short, political refugee and asylee policy cannot and should not be made neutral with respect to political ideology. Like the notion of economic accountability for every entrant, political neutrality cannot serve as the foundation for this policy, though the problems of politicization that Briggs identifies are real, and there may indeed be room for some movement in the general direction of greater neutrality.

Societal Equity

Can the consideration of social equity ever become the foundation for decision making in the complex arena of political refugee and asylee policy? I believe so. And Briggs helps us in that effort. His work is a good starting point, and extension of his ideas on this matter could come easily.

Briggs’s scholarship consistently mentions societal equity as an immigration consideration. In the foreword to *Mass Immigration and the National Interest*, for example, he makes the point with a statement from the 1994 U.S. Commission on Immigration Reform: “It is both a right and a responsibility of a democratic society to manage immigration so that it serves the national interest” (Briggs 2003a, p. v). For Briggs, linking public policy to the national interest means serving the greater good and is a powerful expression of societal equity concerns. Thus, he consistently criticizes advocates for any particular group of potential political refugees or asylees for tending to overlook the na-

tional interest and focusing too narrowly on the needs of persons in a particular group.

Briggs also highlights societal equity when he emphasizes the plight of members of less-advantaged groups in the United States. In *Chicanos and Rural Poverty*, for example, he stated that if the goal is to create a more “equitable and humane society,” then it is necessary in all policy work to keep attention on the impact of policy on disadvantaged subpopulations (Briggs 1973, p. 1). Even a cursory review of Briggs’s scholarship reveals a great deal of attention devoted to the link between policy (development, interpretation, and implementation) and its impact on low-wage workers, particularly those who are African Americans, rural residents, or agricultural workers, whom he has often referred to (lamentingly, of course) as “second-class citizens.”

Briggs is especially mindful of the often-unintended consequences of public policies and the unequally distributed negative impact of social legislation on unskilled workers. He reminds us that not all low-wage workers experience equally the benefits of the U.S. labor movement’s policy achievements, which include minimum-wage protection, unemployment insurance, workers’ compensation, and the right to engage in collective bargaining (Briggs 2001).

Briggs often cites the U.N. Declaration of Human Rights as an argument for including societal equity as a fundamental immigration consideration. He emphasizes Article 14, which (as mentioned earlier) includes the right to seek asylum in any country while fleeing persecution, and Article 28, which states that “everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized” (Office of the United Nations High Commissioner for Human Rights 1948).

Even though Briggs speaks of social equity as a consideration in political refugee and asylee policy, his work could be more valuable if clarified and extended. What should be the philosophical and conceptual foundation for a consideration of social equity? What guiding principles or criteria should be used when applying the consideration of social equity? Although Briggs does not say so directly, John Rawls’s (1971) *A Theory of Justice* appears to have influenced his thinking. If so, he would not be alone; Rawls influenced many academics and advocates whose careers were hitting their stride in the 1970s and whose

interests involved matters of social equity. Yet Rawls was a theoretician, and most of what Briggs reached for in his career was application into the world of actual policy and policy decisions. Thus, Briggs and others who extend his work may want to consider the following.

First, the United States needs to return to its position of prominence in the international community of nations that accept political refugees. If societal equity is to be considered more prominently in the U.S. political and refugee policy landscape, then the country's failure to even meet the annual allocation for political refugees must be reversed. A numerical allocation of 70,000 potential political refugees is not an untenable number, especially considering the existence of over 40 million refugees and persons displaced by violence and persecution around the world (Office of the United Nations High Commissioner for Human Rights 2007).

Second, in discussions and negotiations with the international community, the United States has often spoken with a sanctimonious voice and criticized other countries for their political refugee and asylee policies, especially in the event of uneven implementation of those policies (China is just one example). The United States can take a lofty position partly because our borders are far from most refugee-producing countries, but even we have had our problems, especially when dealing with refugees and asylum seekers from Cuba, Haiti, and Central America. If societal equity is to be a more viable consideration in U.S. political refugee and asylee policy, then that policy must reflect our geographic proximity to countries in the Caribbean and Latin America.

At the top of my reform list would be a policy that ensures complete congruence of the treatment of Haitians and Cubans. Haiti has become more peaceful since holding national elections in 2007, and Cuba continues to move closer to an economic system characterized by market exchange. Thus, we can no longer assume that all Haitian nationals are fleeing poverty and thus not generally eligible for political refugee or asylee status and that all claims by Cubans are legitimate. Under three U.S. presidents, this country has suffered incalculable embarrassment in the international community by stressing poverty too strongly as a disqualifying characteristic in the adjudication of Haitian asylee claims. Granted, fleeing poverty need not be the only standard,

but when combined with fleeing oppression or violence, it need not summarily disqualify an individual.

Briggs's work can serve as a foundation for enhancing the use of social equity as a consideration in political refugee and asylee policy, but realizing that goal requires an extension of his work in the areas and along the lines described above.

MY TRUE PURPOSE

In responding to the invitation to write this chapter, my officially stated purpose was to write an academic piece on some element of immigration policy using Briggs's work. Thus, I have focused on political refugee and asylee policy and attempted to assess Briggs's use of three major considerations—economic accountability for each entry decision, neutrality with respect to political ideology, and social equity. I hope I have done so in a manner respectful of Briggs's legacy of impressive work.

But my unofficial purpose for writing the chapter is to thank Dr. Briggs. He opened my eyes to the world of immigration in general and to political refugee and asylee policy in particular. He showed me how an interest in federal social-policy formulation, local-level impact, and community-driven efforts to shape those policies all fit perfectly within the dynamic policy arena of political refugee and asylee policy. It was Briggs who suggested I travel to Brownsville, Texas, and Matamoros, Mexico, to collect dissertation data as Central Americans fled country-based violence and streamed through south Texas in the late 1980s. It was Briggs who said go there and witness firsthand the hardscrabble reality of what had previously been only an abstract academic interest. He set me on a lifetime path as an academic. I will be forever grateful.

Note

1. Although individuals seeking political refugee or political asylee status are both seeking sanctuary, have crossed over the international border of their homeland, and must meet the definitional criteria for fleeing a “well-founded fear of persecution,” differences do exist. The major differences between the two are in the journey the person undertakes and the site from which the application for either refugee or asylee status is made. Persons seeking refugee status do so most often from within the confines of a U.N. High Commissioner for Refugees (UNHCR) sponsored camp and outside the borders of the country of desired resettlement. Persons seeking political asylee status do so after first leaving their home country and then initially or eventually entering the country within which they wish to remain. Both require a recognition by the United States federal government of a country whose federal government cannot protect its own citizens and represent one of only three areas of designation by which people can enter the United States, the other two being family reunification and labor economics.

References

- Afzal, Mehreen. 2006. “‘A Violation of His or Her Human Security’—New Grounds for the Recognition of Refugee Status: A Proposal for Reform.” *New Issues in Refugee Research*, paper no. 140. Geneva: Policy Development and Evaluation Service, U.N. Office of the High Commissioner for Human Rights.
- Bean, John C. 2001. *Engaging Ideas: The Professor’s Guide to Integrating Writing, Critical Thinking, and Active Learning in the Classroom*. San Francisco: Jossey-Bass Publishers.
- Briggs, Vernon M. Jr. 1973. *Chicanos and Rural Poverty*. Baltimore: Johns Hopkins University Press.
- . 2001. *Immigration and American Unionism*. Ithaca, NY: Cornell University Press.
- . 2003a. *Mass Immigration and the National Interest*. 3rd ed. Armonk, NY: M.E. Sharpe.
- . 2003b. “Immigration and Poverty Reduction: Policy Making on a Squirrel Wheel.” *Journal of Economic Issues* 37(2): 232–330.
- . 2007. “Real Immigration Reform: The Path to Credibility.” Testimony before the Subcommittee on Immigration of the Judiciary Committee of the U.S. House of Representatives. Ithaca, NY: School of Industrial and Labor Relations, Cornell University. <http://digitalcommons.ilr.cornell.edu/briggstestimonies/24> (accessed February 1, 2009).

- Briggs, Vernon M. Jr., and Stephen Moore. 1994. *Still an Open Door? U.S. Immigration Policy and the American Economy*. Washington, DC: American University Press.
- Bruffee, Kenneth A. 1997. "Collaborative Learning and the 'Conversation of Mankind.'" In *Cross-Talk in Comp Theory: A Reader*, Victor Villanueva Jr., ed. Urbana, IL: National Council of Teachers of English, pp. 393–414.
- Fischel de Andrade, Jose H. 1998. "Regional Policy Approaches and Harmonization: A Latin American Perspective." *International Journal of Refugee Law* 10(3): 389–409.
- General Accounting Office. 2004. *Homeland Security: Management Challenges Remain in Transforming Immigration Programs*. Washington, DC: General Accounting Office.
- Jeffreys, Kelly. 2007. *Refugees and Asylees: 2006*. Washington, DC: Office of Immigration Statistics, Department of Homeland Security.
- Keat, Russell, and David Miller. 1974. "Understanding Justice." *Political Theory* 2(1): 3–31.
- Kerwin, Donald. 2005. "The Use and Misuse of 'National Security' Rationale in Crafting U.S. Refugee and Immigration Policies." *International Journal of Refugee Law* 17(4): 755–763.
- Nackerud, Larry. 1993. *The Central American Refugee Issue in Brownsville, Texas: Seeking Understanding of Public Policy Formulation from within a Community Setting*. San Francisco: Mellen.
- Newland, K., H. Tanaka, and L. Barker. 2007. *Bridging Divides: The Role of Ethnic Community-Based Organizations in Political Refugee Integration*. Washington, DC: International Rescue Committee, Migration Policy Institute.
- Office of the United Nations High Commissioner for Human Rights. 1948. *The Universal Declaration of Human Rights*. Geneva: United Nations. <http://www.unhchr.ch/udhr/> (accessed February 1, 2009).
- . 1951. *Convention Relating to the Status of Refugees*. Adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons. Geneva: United Nations. <http://www2.ohchr.org/english/law/refugees.htm> (accessed September 20, 2009).
- . 2007. *World Refugee Day: Displacement in the 21st Century. A New Paradigm*. Geneva: United Nations.
- Rawls, John. 1971. *A Theory of Justice*. Cambridge, MA: Harvard University Press.
- Singer, Audrey, and Jill H. Wilson. 2006. *From "There" to "Here": Refugee Resettlement in Metropolitan America*. Washington, DC: Brookings Institution.
- TRAC Immigration. 2006. "The Asylum Process." TRAC Immigration Re-

port no. 159. Syracuse, NY: Transactional Records Access Clearinghouse, Syracuse University. <http://trac.syr.edu/immigration/reports/159/> (accessed February 1, 2009).

U.S. Census Bureau. 2007. "Household Income Rises, Poverty Rate Declines, Number of Uninsured Up." News release, August 28. Washington, DC: U.S. Census Bureau. http://www.census.gov/Press-Release/www/releases/archives/income_wealth/010583.html (accessed June 29, 2009).

U.S. Department of State. 2007. *Bureau of Population, Refugees, and Migration*. Washington, DC: U.S. Department of State. <http://www.state.gov/g/prm> (accessed March 2, 2009).

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