

Timeline of Major Asylum Laws and Policies

1951 The U.N. Refugee Convention defined the term refugee and specified refugees' rights as well as the legal obligations countries had to protect them. The key legal principle established was that of "non-return," which meant that refugees should not be forced to return to a country where their life or freedom is threatened.

1952 The Immigration and Naturalization Act (INA) maintained a controversial quota system in U.S. immigration law, which critics argued discriminated against those not of Western European descent. The law did not include specific provisions for refugees, requiring Congress to approve specific programs in response to global crises. Over the next decades, laws and programs providing non-quota immigrant visas were periodically approved, especially during the Cold War for people fleeing Communist countries.

1967 The 1967 Protocol Relating to the Status of Refugees expanded the 1951 U.N. Refugee Convention, which focused on protecting European refugees after World War II. The U.N. expanded legal protections in the 1967 Protocol as concern spread about other displaced people around the world. The United States signed this international treaty in November 1968.

1980 The Refugee Act was prompted largely by the arrival of more than four hundred thousand refugees from Southeast Asia between 1975 and 1980. The legislation sought to create greater consistency in refugee policy by allowing for both a regular flow of refugees and emergency admissions. The law gave the president, in consultation with Congress, the power to establish the number of refugees who could be admitted each year. The law's language also formally adopted the U.N.'s definition of the term "refugee."

1996 The Illegal Immigration Reform and Immigrant Responsibility Act grew out of economic troubles in the early 1990s. In its original form, it would have reduced overall annual immigration to 535,000 (including refugees and asylum seekers) and strengthened border control efforts. By the time the bill became law, the economic outlook had brightened and Congress had narrowed the focus of the act to curbing illegal immigration. The 1996 act increased the number of Border Patrol agents and streamlined procedures for deporting undocumented immigrants and rejecting asylum claims. The number of deportations doubled as a result. Critics warned that the law placed too much power in the hands of government agencies and denied legitimate refugees a fair hearing.

1997 A settlement was reached in a 1987 lawsuit, *Flores v. Reno*, which required the government to provide a certain standard of care for children in immigration detention, limit their time in detention (later modified to no longer than 20 days), and release them without delay to parents, other adult relatives, or other licensed programs.

April 2018 U.S. Attorney General Jeff Sessions announced a "zero-tolerance policy" that would criminally prosecute individuals who sought to cross the U.S.-Mexico border illegally (between official ports of entry), including asylum seekers. The policy resulted in the separation of parents (held in immigration detention) from children (held in shelters until released to relatives or sponsors). Facing lawsuits and public outcry over the policy, President Trump issued an executive order in June 2018 that ended the family separation policy, replacing it with family detention.

June 2018 U.S. Attorney General Jeff Sessions issued a ruling that narrowed the types of asylum claims allowed. He wrote that asylum seekers' applications would generally be disqualified if they claimed persecution or torture based on what he termed "private violence," such as domestic violence or gang violence.

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November 2018 President Trump issued a proclamation that prevented individuals from seeking asylum who entered the United States from Mexico between official ports of entry. A federal judge issued a temporary restraining order to prevent the new policy from going into effect. The Trump administration appealed that order to the U.S. Supreme Court. In a 5-4 decision, the U.S. Supreme Court upheld the lower court's ruling.

December 2018 Department of Homeland Security Secretary Kirstjen M. Nielsen announced in a memo a new policy called the Mexican Migration Protocols. Under the new policy, individuals caught entering the United States from Mexico without proper documentation or between official ports of entry may be returned to Mexico while they wait for an immigration hearing. Immigrant rights advocates sued, charging that the policy violates protections guaranteed by U.S. and international law. After a legal challenge, a federal court blocked the policy from going into effect. The Trump administration appealed, and the U.S. Court of Appeals for the 9th Circuit ruled the policy can continue until the Court hears the full case.

February 2019 President Trump declared a national emergency at the southern border of the United States, which gave him the authority to deploy active duty troops to the U.S.-Mexico border and to use federal funding originally designated for other projects, such as Defense Department construction projects, for expanding the border wall.

April 2019 U.S. Attorney General William Barr announced a policy that would go into effect after 90 days that would prevent some asylum seekers from being released from detention while they await their immigration court hearing. The new policy would affect migrants who did not enter the United States legally but passed an initial screening and were found to have a credible fear of persecution or torture. The policy would not affect those who request asylum at an official port of entry, migrant families, or undocumented children. Critics of the new policy are expected to challenge it in federal court.

April 2019 President Trump wrote a memo giving administration officials 90 days to prepare new regulations that would require asylum cases already in the system to be settled within 180 days (the average wait for the backlog of more than 800,000 cases is about 2 years), charge a fee for asylum applications and work permits, and restrict work permits available to asylees while they wait for their cases to be heard. Critics of the new policy are expected to challenge it in federal court.