Brexit or Megxit: Which is Worse?

By Kelly Ann Whelan

The British are good at coming up with fun nicknames and slogans for some difficult moments in history.

Margaret Thatcher, Milk Snatcher.

Annus Horribilus.

Megxit.

And probably even more devastating than Megxit,

Brexit.

which is the reason many citizens voted “leave.” Previous to Brexit, the UK accepted high numbers of asylum seekers and economic migrants. Now that it has left, there will be complicated implications for those seeking to immigrate to the UK, as well as for citizens who previously enjoyed free movement and permanent immigration to countries in the EU.

In this paper, we look at the implications of the UK’s departure from the EU on immigration to and from the country and its effects on the European asylum landscape.

Read this week’s full brief here.
Upcoming Meetings & Events (cont’d)

TWITTER STORM ON IMMIGRATION COURTS – FEB 19
AILA, NIJC, and Human Rights First are co-hosting a Twitter Storm on Wednesday, February 19th, at 3:00 p.m. ET. The Twitter Storm will highlight the dysfunction in the immigration court system and call for reform. For questions, including sample social media, contact Mary Cunningham (MCunningham@aila.org).

40th ANNIVERSARY OF REFUGEE ACT – MAR 17
March 17th marks the 40th Anniversary of the Refugee Act of 1980, which created the federal Refugee Resettlement Program.

REFUGEE COUNCIL USA ADVOCACY DAYS – APR 28 – 29
Join Refugee Council USA (RCUSA), refugee leaders, resettlement staff, faith leaders, business leaders, veterans, and advocates from around the country on April 28-29 in Washington, D.C. to mobilize, learn, and advocate directly to Members of Congress to protect and rebuild the refugee resettlement program. RCUSA will organize meetings for attendees with Members of Congress and their staff. If interested in participating, fill out an application here. If interested in sponsoring the event, more information can be found here.

• ICE Issues Fingerprinting Guidance for Minors in ORR Shelters
Last week, ICE issued updated guidance to its field offices regarding the collection of fingerprints of minors in ORR custody. The guidance states that ICE officers will collect fingerprints, at the shelter, from minors who recently turned 14 years of age while in ORR care, in most cases. In the remainder of cases ICE may require fingerprint collections at the local ICE field office.

• U.S. Government Settles Lawsuit for Refugees Left Behind by Refugee Ban
On February 10, the U.S. government settled in the case of Jewish Family Service v. Trump. The settlement requires the government to expedite the refugee resettlement applications of over 300 refugees affected by the ban, including all individual plaintiffs and any other refugees who had reached the final stages of processing in October 2017, but still have pending applications. The text of the settlement can be read here.

• Department of Justice Sues California, New Jersey, Washington’s King County
On February 11, the Department of Justice announced three separate lawsuits against the states of California and New Jersey as well as King County, Washington. California has banned the use of private prisons, including ICE detention facilities. In New Jersey, a state Attorney General directive limits state agencies from assisting federal immigration authorities unless required by law. King County, which includes Seattle, has a current executive order banning deportation flights from King County International Airport. Read more here.

• Guatemala Enacts Controversial Law against NGOs that “Disturb Public Order”
On February 11, the Guatemalan Congress passed law 04-2020, the Law of Non-Governmental Organizations for Development. The law institutes new reporting requirements, allows the Guatemalan executive to close NGOs that “disturb the public order” with foreign donations or financing, and includes criminal sanctions for executives of closed NGOs. All foreign-funded NGOs are affected. The UN High Commissioner for Refugees and other organizations have stated concerns that the law will be used against organizations that fight for civil and human rights as well as against government corruption. Read more here.

• Third Circuit Finds that Children and Others May Challenge Placement in MPP
On February 13, the Third Circuit found that district courts have jurisdiction to consider challenges to an individual’s placement in the so-called Migrant Protection Protocols (MPP). In the case E.O.H.C. v. Secretary of Homeland Security et al, the Third Circuit held that limitations on jurisdiction in the Immigration and Nationality Act cannot be used to prevent judicial review in some immigration cases. Read the full opinion here.

• Trump Extends “Emergency” Declaration at US-Mexico Border
On February 13, President Trump officially extended his declaration of a “State of Emergency” along the US-Mexico border. The move allows the Trump administration to reprogram defense funding to build parts of the border wall. The original emergency declaration was issued on February 15, 2019. Read more here.
USCRI Time Machine

In this week’s USCRI Time Machine, we look at the 2001 issue brief, *Afghans in Crisis*. In the brief, USCRI covered the humanitarian catastrophe in Afghanistan and neighboring countries caused by cumulative effects of decades of on-going conflict and the worst drought to have hit the region in 30 years.

Among the issues in the paper was the discussion of the more than 500,000 newly uprooted Afghans, how drought was threatening hundreds of thousands in the region, and the failure of international response to the needs on the ground. At the time of reporting, Tajikistan had likewise refused entry to some 10,000 Afghans at its border, as did Iran. It had left many former refugees returned to areas affected by conflict and drought struggling to reintegrate, and those left behind with little chance of receiving sufficient help.

USCRI’s recommendations for the situation centered around more urgent response and aid for refugees and IDPs, stating, “The overarching need in both Afghanistan and Pakistan at the moment is for substantially more international assistance…without a major international effort to assist these populations, a humanitarian tragedy could occur.” Likewise, USCRI recommended that the U.S. urge Russian authorities (whose troops control the Tajik/Afghan border) to press Tajikistan to permit Afghan refugees to enter.

Today, Afghan refugees continue to face an uphill battle. According to recent 2020 UNHCR reports, millions of Afghan refugees have been living in protracted situations for over 40 years and comprise the largest protracted refugee population in Asia—the second largest refugee population in the world. Nearly 25% of Afghanistan’s 35 million population are former refugees who have returned home in the last 18 years. Likewise, Afghans are the largest group of asylum seekers currently arriving in Europe.

Global support for the Afghan refugee situation has been on the decline and funding levels have dropped over the past several years. Underfunding continues to be an issue for Afghans in exile as well. It has severely affected efforts to educate and empower young Afghans (who comprise more than a million refugees living in Pakistan and Iran) and UNHCR notes that this contributes to “immense risks for an uneducated youth in a region prone to radicalization.”

In a recent report, Amnesty International stated that the international community has shown a “callous indifference” towards Afghan refugees and asylum seekers, where forcible returns from Europe have threatened the lives of refugees and asylum seekers. Countless humanitarian organizations have spoken out against forcible return of Afghan refugees in countries like Greece and Turkey, noting that returns result in secondary displacement, unemployment, and instability.

Global Gigabyte

A new documentary, *Midnight Traveler*, filmed by Afghan refugee Hassan Fazilli, focuses on his family’s three-year journey to seek asylum in Europe. The documentary, filmed entirely on the family’s mobile phones, shows the filmmaker, his wife, and four young children as they seek asylum in Tajikistan, Iran, Turkey, Bulgaria, Serbia, and Hungary, after fleeing persecution from the Taliban.

The film has been lauded as a beautiful and heartbreaking view of a family’s struggles to reach hope and safety. It has won awards from the Berlin Film Festival, Sundance Film Festival, and the San Francisco International Film Festival. See the trailer [here](#).

If you have any questions or comments, please contact Kelly Ann Whelan at kwhelan@uscrimail.org or (703) 310-1130 ext. 3056.