As Syrian nationals flee the violence of a civil war and terrorism, the commitment of the United States to international refugee law has been called into question. The United States has done little to help overcome the crisis so far–having accepted relatively few Syrian refugees. The Pew Research Center notes that the US admitted 12,587 Syrian refugees in 2016, out of a total of 84,995 admitted that year, with Burmese refugees accounting for the largest group, a total of 159,692 over the past decade. This is in stark contrast to international need; according to the United Nations High Commissioner for Refugees (UNHCR), 4.8 million have fled to Turkey, Lebanon, Jordan, Egypt and Iraq, and 6.6 million are internally displaced within Syria. President Trump's January 27, 2017 executive order threatens to halt even those minimal efforts.

Under international and domestic law, the United States has various legal responsibilities in regards to the acceptance and resettlement of Syrian refugees. Unfortunately, the nation's international and domestic legal obligations directly conflict with recent executive actions. The impropriety of these actions is further illuminated by a comparison with President Obama's 2011 Executive Order relating to refugees.

In the wake of Trump's executive order, refugees, namely, Syrian refugees who wish to file claims for refugee statute in the United States, face new obstacles and Trump's Executive Order has several mandates particularly relevant to this discussion. First, Trump's order denies entry to immigrant and nonimmigrant visa holders from Iraq, Iran, Libya, Somalia, Yemen, Sudan and Syria from coming to the United States for 90 days, and also calls for a 120-day suspension of the United States refugee program. The executive order specifically declares Syrian refugees as "detrimental to the interests of the United States", and suspends their entry until the administration has "determined that sufficient changes have been made to the USRAP to ensure that [their] admission... is consistent with the national interest."[1] Finally, Trump's order goes on to limit the number of refugees allowed to enter into the United States in 2017 to only 50,000!

Trump's actions significantly contravene the United States' legal obligations in regards to the acceptance and resettlement of refugees, which flow from numerous legal sources, namely the 1951 Refugee Convention Relating to the Status of Refugees, and the 1967 Protocol[2] that extends its mandate by deleting the clause that indicates that only those affected by events preceding 1951 are eligible for status. Under these instruments, which are integrated into the 1980 Refugee Act (Public Law 96-212), the United States has an obligation not to expel or return a refugee to a country where his or her life or freedom is threatened.[3] This principle, known as *non-refoulement* is considered a universal human right and part of customary international law, is also stated in Article 3 of the Convention against Torture, which was signed and ratified by the United States in 1994.[4].

According to the Convention, a refugee is someone outside his or her country who has a well-founded fear of persecution on account of his or her "race, religion, nationality, membership of a particular social group or political opinion."[5] Most Syrian refugees escaping the country likely qualify as refugees fleeing out of fear of persecution (96.1% of all asylum seekers from

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[1] Executive Order Sec. 5(c).
[2] The United States has ratified the 1967 Protocol and adopted the 1951 Conventions definition of refugees in the Refugee Act of 1980; *See* 8 U.S.C. § 1101(a)(42).
[3] *See* 1951 Convention relating to the Status of Refugees, art. 33 (1).
[4] *CAT: Convention Against Torture*, US Human Rights Network, available at http://www.ushrnetwork.org/our-work/project/cat-convention-against-torture.
[5] *See* 1951 Convention relating to the Status of Refugees, art. 33 (1).

Syria received status, for example[6]); yet these individuals will nonetheless be rejected entry into the U.S. as Trump's order places a complete prohibition on all Syrian nationals. While the United States may lawfully expel a Syrian refugee for compelling reasons of national security or public order,[7] Trump's order amounts to a complete rejection of all Syrian nationals without an individual determination of their eligibility. This is a direct violation with the country's legal obligations under international law and domestic law.

Attempting to defend his order, Trump compared his action to one taken by the President Obama in 2011; however, this analogy is not accurate, as there are several key differences between the two orders.[8] Obama's 2011 executive order implemented an enhanced vetting process of Iraqi refugees, which significantly slowed the number of visas granted, but did not amount to an outright ban. In contrast, Trump's order imposes a total (temporary) halt on refugees from the country (Syria), and puts a stoppage on non-refugee visas held by nationals. While Obama's action was limited to one country and in response to a specific identified threat, Trump's ban is wider reaching and fails to identify a specific threat.

Offering resettlement to Syrian refugees is essential to help alleviate the burdens associated with hosting refugees in other countries and to aid the fleeing individuals' urgent need for protection. Nevertheless, the Trump executive order exemplifies the new administration's decision to sadly ignore the international crisis along with the country's longstanding legal commitments to resettle refugees.

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[6] https://www.worlddata.info/europe/germany/asylum.php

[7] *See* 1951 Convention relating to the Status of Refugees, arts. 32, 33.

[8] Trump, Donald J. (2017, Jan. 29). My policy is similar to what President Obama did in 2011 when he banned visas for refugees from Iraq for six months [Facebook status update]. Retrieved from https://www.facebook.com/DonaldTrump/posts/10158567643610725.