Immigration, refugees, and foreign policy Michael S. Teitelbaum

The mass movement of people across international boundaries, whether voluntary or forced, is appearing with increasing frequency on the agendas of international affairs. The sweep of the issues involved is breathtaking. They range from matters of war and peace, through the complexities of international economics and finance, right across the divisive fissures of “North-South” and race/ethnicity, and as far as competing philosophies on the rights of the individual against those of the state.

There is certainly nothing new about the phenomenon of human migration, which has characterized the species for millennia. But international migration on a large scale required two developments of relatively recent origin: the worldwide establishment of the nation-state system and the growth of human population to very high levels. Aristide Zolberg describes “deliberate action” in regulating immigration as fundamental to the nation-state system: “It has been universally acknowledged ever since the state system arose in its modern form that, under the law of nations, the right to regulate entry is a fundamental concomitant of sovereignty.” Other analysts see large-scale international migrations as beyond the control of nation-states, perceiving them either as inevitable consequences of immutable historical trends in the world system or as the results of overwhelming economic forces not susceptible to state regulation.

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1. The multiplicity of forms characterizing international migration makes it appropriate to keep in mind four categories of such movement throughout this article: legal permanent immigration; legal temporary migration; illegal or undocumented immigration; and refugee flows (including asylum).

In this regard, one simple empirical fact is worth noting: the mass of the world’s population does not move across borders. In only a few settings does outmigration involve as much as 10 percent of the population, and in only a few small countries of destination do international migrants comprise large fractions of the populace. The exceptions occur in cases in which receiving societies do not regulate entry (e.g., Puerto Rican migration to the mainland United States) or regulate it poorly (e.g., Mexican migration to the United States, Bangladeshi migration to the Indian state of Assam), or when violent convulsions drive large masses from their homelands (e.g., recent Afghanistani migrations to Pakistan and Iran). Nevertheless, even a small percentage of a large population represents many millions of people. While the image of footloose masses roaming uncontrollably across borders tends to understate the considerable degree of state regulation in effect, the absolute numbers involved in international migration are now very large and growing apace.

The linkages of such movements to foreign policy, in both its ideological and pragmatic aspects, are also hardly new. One clear example of the ideological component appeared in the very definition of a refugee that prevailed in American law from 1952 to 1980. A refugee was defined as a person fleeing “from a Communist-dominated country or area, or from any country within the general area of the Middle East.” During this important period, refugee issues in the United States obviously were perceived, in substantial part, through the foreign-policy lenses of the Cold War.

U.S. law was changed in 1980 to conform to the less ideological definitions of international law. It now defines a refugee as:

any person who is outside any country of such person’s nationality . . . and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. . . .

In practical terms, notwithstanding this change in ideological tone, most of the persons admitted as “refugees” or granted similar status since 1980 have come from Communist countries such as Cuba and Vietnam.

Foreign-policy criteria have also guided the refugee policies of many other countries: for example, the openness of Sweden and several other countries to political refugees from post-Allende Chile, and the centrality of East European refugees to the Östpolitik of the Federal Republic of Germany. The large-scale temporary worker policies with which North American and Western European countries have experimented also involved bilateral treaties and other instruments of international relations.

But if the connections between foreign policies and immigration and refugee

3. Immigration and Nationality Act, Section 203(a)(7) (repealed).
4. Immigration and Nationality Act, Section 201(42).
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policies are not new, they have surely taken a quantum leap in importance for Western diplomacy in recent years, for at least two reasons. The first is the gradual—but by now dramatic—transformation in the size and nature of such international movements. The second is a series of international events over the past five years, often termed "crises," that have served to bring these transformed patterns into clearer focus.

The fundamental transformation has been in the size and direction of international migration flows over the past ten to fifteen years. From the 1920s to the 1960s (excluding the World War II period), most such movements were of modest size, were regulated by the laws of the receiving countries, and were principally from Europe to the New World or to European colonial outposts.

Since the 1960s, the pattern has been overwhelmingly one of large-scale movement, often in violation of the laws of the receiving countries, and typically from developing countries to the West. The movements of immigrants and refugees between Third World countries and of temporary workers to oil-exporting states have also increased dramatically.

The numbers involved in recent migrations have been so large, and so frequently destabilizing, that they have perforce seized the attention of high-level policy makers. Examples include:

the long-festering problems of the Middle East, with 1.9 million persons now officially designated as Palestinian refugees by the United Nations Relief and Works Administration, the migration of 750,000 Jews from predominantly Arab countries to Israel, and the departure of several hundred thousand Lebanese to the Gulf States, Europe, and North America;

the 300–500,000 Polish nationals who are residing outside Poland and unwilling to return, with larger flows widely predicted;^5^ the one to two million refugees produced by the Ethiopian civil war and the Ethiopia-Somalia conflict over the Ogaden;

the increasing flows of migrants from troubled nations of Central America such as El Salvador and Guatemala, many of whom simply migrate illegally and never seek or obtain refugee status;

and the longstanding and predominantly illegal migrations of several million Colombians to Venezuela and the United States. Many other examples are discussed in greater detail below.

The reasons for this rapid growth of international movement from developing countries seem fairly clear: political instabilities, erratic and unequal economic growth, and rapid demographic increase in much of the Third World since 1945, coupled with growing differentials in earnings and employment prospects between developing and industrialized countries. In ad-

dition, industrialized countries have actively recruited "temporary" labor during several economic boom periods, and international transportation and communication have seen widespread improvements.

These basic trends have been highlighted by a series of important international "crises" over the past five years in settings as different as Asia, the Caribbean, Africa, Europe, and the Middle East. In Asia, the past few years have seen the Indochinese "boat people" crisis, highlighted by the internationally televised spectacle in 1978–79 of Malaysian officials pushing unstable boats full of people back out into the South China Sea. The Soviet intervention in Afghanistan in 1980 led to the flight of 2.5 to 4 million people (nearly 20 percent of the country's population) to Pakistan and Iran. And the decade-long and mostly illegal migration of several million Bangladeshis to the northeast Indian state of Assam led to serious internal instability and sectarian strife, including gory massacres in 1983.

In the Caribbean, the mass migration and "pushout" of some 130,000 Cubans to the United States occurred within a few months in 1980, following the siege of the Peruvian Embassy in Havana by 10,000 Cubans. Among them were a minority with serious psychiatric, health, and criminal problems that made them legally inadmissible to the United States; but the Cuban government refused to allow their return to Cuba. Much of this, too, was broadcast by satellite around the world. The same general period saw a rapid acceleration of migration by poor Haitians to South Florida, much of it by small fishing boats that made clandestine landings on beaches, with some resulting in tragic mass drownings.

In Western Europe, raucous political ferment has recently arisen from the realization that "temporary" worker programs have produced a permanent (and, if anything, growing) foreign resident population of over 13 million persons, many from developing countries such as Turkey and Yugoslavia. Over the same period, the huge growth in claims for political asylum in West Germany became a heated political issue, and the dramatic political and economic crises of Poland raised the prospect of many more such claims.

In Africa, literally millions of refugees have been generated by internal and international strife, and 1983 saw the abrupt and destabilizing mass expulsion by Nigeria of one to two million illegal aliens attracted by Nigeria's oil-fired economic boom. Meanwhile, in the Middle East, the traumas of civil war and invasions in Lebanon have generated large numbers of new migrants and have underlined the dangers posed to internal and international stability when refugee problems are allowed to fester over several decades.

All of these recent experiences, widely perceived as crises, have focused unprecedented domestic and international attention upon immigration and refugee issues, and in some important cases upon their foreign-policy dimensions.
A broader range of connections

Some of the most recent episodes of mass international migrations have been extraordinarily dramatic. However, the interconnections between foreign policies and immigration policies are no longer merely episodic dramas; instead, they have become continuous and multidirectional in form. Three main types are worthy of consideration.

1. Foreign policy as it affects international migration

Foreign policies have frequently served (often unintentionally) to stimulate international migrations. In particular, foreign military or political interventions, or internal or external responses to intervention, often result in mass migrations. Foreign-policy makers rarely evaluate such effects seriously when considering intervention. Instead, they perceive the possible refugee consequences (if they consider them at all) more as a problem for “others,” if the flow is to other countries, or alternatively as an obligation that the intervenor owes to local collaborators, if the intervention proves unsuccessful. Importantly, the intervening power does not necessarily see even the possible future need to admit such dependent populations as refugees as a serious cost of policy failure. Refugees, once admitted, are usually regarded as responsibilities of domestic organs of government, often at local rather than national levels. The balancing of foreign and domestic goals usually takes place at higher levels of government and, frequently, after the fact. Hence the possibility of future refugee flows need not loom large in the calculus of foreign policy.

Of course, not only such active foreign-policy interventions produce immigrants and refugees. The absence of such policies may also do so when foreign intervention (direct or indirect) might serve to restrain mass outmigration. Such conditions may arise when domestic economic or political conditions deteriorate into economic desperation, large-scale internal repression, or the rise of totalitarian governments. The most obvious cases are provided by Europe before World War II and Uganda upon the rise of Idi Amin. In both cases, self-destructive internal processes, which prevailed in the absence of external intervention or pressure, generated large numbers of refugees.

Poland, Central America, and Afghanistan have recently exhibited the attributes of both external intervention and internal deterioration. The general pattern is one of internally generated economic or political instability, or both, followed by externally induced pressures or intervention intended either to exploit or to reverse that growing instability. Together, these internal and external factors stimulate large-scale outmigration.

Foreign policy may also be directly employed to facilitate or to restrain existing refugee outflows. Diplomatic pressures, economic sanctions, and
direct military intervention have all been employed to such ends, which four examples illustrate. The first is the decisive military intervention by India in the Pakistani Civil War of 1971. Nearly 10 million refugees flooded into India from East Bengal, and when diplomatic efforts failed, the government of India "considered the threat to her economy and general stability posed by the humanitarian flood from Pakistan to be a casus belli" (although it is likely that other strategic concerns related to Pakistan were more important).6 The second example is American trade pressures on the USSR, such as the Jackson-Vanik Amendment, to facilitate the exit of Soviet Jews and other dissidents.7 The third is the multilateral pressures exerted on Vietnam to restrain the outflow of "boat people"—pressures that took their most visible form in the 1979 Geneva Conference on Indochinese Refugees. A fourth example is provided by the bilateral negotiations between the United Kingdom and the People's Republic of China concerning the future of the British Crown Colony of Hong Kong. Among many British goals in these negotiations is the prevention of changes that might stimulate outmigration by millions of Hong Kong residents holding British passports. (Such concerns also contributed to recent controversial changes in British citizenship law.)

It is interesting to note that former U.S. Secretary of State Alexander Haig sought to justify U.S. foreign-policy interventions in Central America and the Reagan administration's Caribbean Basin Initiative by reference to their argued effects in preventing population outflows to the United States. In a 22 February 1982 speech to the National Governors Association that gained the lead headline in the New York Times ("Haig Fears Exiles from Latin Areas May Flood the U.S."), Haig asked his audience to "Just think what the level [of undocumented immigration] might be if the radicalization of this hemisphere continues, with the only alternative a totalitarian model in one state after another. . . . Why it would make the Cuban influx look like child's play." He added that to keep the flow down, "the Americans have an important responsibility to deal with the social, economic and humanitarian aspects of the crisis as well as the security aspects."8

More recently, Haig's successor, Secretary George Schultz, gave a similar rationale for the Caribbean Basin Initiative. Indeed, of the four examples he presented to demonstrate the closeness of U.S.-Caribbean linkages, two related to immigration (the other two concerned the security of the sea lanes and the $7 billion market for U.S. exports in the Caribbean):


7. The Jackson-Vanik Amendment to the Trade Act of 1974 requires that most-favored-nation treatment may not be granted to a "nonmarket economy country" that limits the rights of its nationals to emigrate. This provision, intended to facilitate Jewish emigration from the USSR, has unintentionally served to complicate relations with other nations of great U.S. foreign-policy interest, such as the People's Republic of China and Romania.

Second, many of our people have roots in the area. One out of five people alive today who were born in Barbados live in the United States; the same is true for one out of six Jamaicans, and one out of ten Salvadorans.

Third, given proximity and existing ties, the United States is a natural safe haven for those fleeing social and economic pressures in the basin. These pressures create illegal immigration, itself a great problem for us. The basin area is now the second largest place of origin of illegal immigration.\(^9\)

In June 1983, President Ronald Reagan stated that if the United States were to acquiesce in the establishment of a “string of anti-American Marxist dictatorships” in Central America, “the result could be a tidal wave of refugees—and this time they’ll be feet people, not boat people—swarming into our country seeking a safe haven from Communist repression to our south.”\(^10\)

The movement of temporary migrants (legal or illegal) may also be stimulated, restrained, or regulated through the instruments of foreign policy. Such measures have been employed by most of the industrialized countries that at one time or another have decided to seek temporary labor from labor-surplus countries. West Germany and other European countries, for example, negotiated treaties with source countries for the admission of “guest workers” during the 1960s and early 1970s. The earlier bilateral treaties between the United States and Mexico provided temporary Mexican labor during World War I and World War II, with the latter case later expanded by bilateral agreement into a large-scale bracero program that continued until 1964.

It is now generally accepted that the bracero program was important in stimulating the large-scale illegal immigration from Mexico that accompanied it and that has continued since its termination in 1964.\(^11\) Thus, the foreign-policy/migration connections came full circle. American foreign policy (i.e., World War II) led to domestic pressures from employers seeking Mexican labor; these pressures were resolved in foreign-policy initiatives that sought the best terms for the provision of temporary labor; and they in turn stimulated what has become one of the most sensitive foreign-policy issues between the United States and Mexico.

Foreign-policy instruments have also been employed to facilitate existing streams of permanent migration (both legal and illegal), though often less explicitly than in the case of temporary migration. A prominent recent example is provided by the diplomatic initiatives undertaken by several Commonwealth states after Britain began to restrict Commonwealth immigration

\(^9\) Statement by the Secretary of State before the Senate Committee on Finance, 2 August 1982, Department of State, *Current Policy* 412, p. 1.

\(^10\) Speech before a Republican Fundraising Dinner, Jackson, Mississippi, 20 June 1983.

in the 1960s. Such concerns were most obvious among island nations in the Caribbean that had learned to depend upon outmigration as a "safety valve" for unemployment and poverty. (These changes in British law led to a redirection of British Caribbean migration toward the United States and Canada, though it is doubtful whether the British, American, or Canadian governments anticipated such effects.)

The United States has felt similar diplomatic pressures from sending countries to facilitate outmigration, often from the foreign ministries of the same Caribbean nations, as well as from Mexico, the Philippines, and elsewhere. These pressures usually oppose American proposals to restrain illegal immigration, such as more stringent controls on the issuance of frequently violated visitors' visas to nationals of the Philippines or the Dominican Republic, or measures to limit illegal entry across the U.S.-Mexico border. Such diplomatic pressures typically place American ambassadors in an awkward relationship to their host countries. One frequent outcome is ambassadorial pressure upon the embassy's consular officers to relax their scrutiny of visa applications, in the interest of maintaining cordial diplomatic relations and encouraging tourism. Hence the predictable pressures of day-to-day ambassadorial life often lead to actions that run counter to official policies with regard to regulating illegal immigration.

ASEAN nations exercised a more open form of diplomatic pressure during the Vietnamese "boat people" crisis. Diplomats from Malaysia, Thailand, and other countries made it abundantly clear that their willingness to provide first asylum depended entirely upon firm commitments by the United States and other countries to resettle Vietnamese boat people outside the region. The heavily publicized actions by Malaysia in refusing to allow 2,500 Vietnamese to disembark from a chartered freighter served to underscore the seriousness of this demand and resulted within two weeks in a doubling of U.S. resettlement commitments by President Carter.\(^\text{12}\)

Guest-worker source countries such as Turkey have also exerted diplomatic pressures on West Germany, especially when the German government decided to terminate recruitment in the early 1970s. Germany largely ignored these pressures at the time, but more serious international ramifications cannot now be dismissed so easily. They involve the tentative agreement for Turkish entry to the European Economic Community in 1986. While the free movement of labor within the Community has long been a principal provision of the Rome Treaty, West Germany has made it clear that it cannot agree to Turkish entry if the Turks insist on this right. This issue, presently under active diplomatic negotiation, may lead either to an important roadblock to Turkish integration with Europe or to a compromise deferring the free movement of labor into the next century.

Finally, international migrations have been regulated by several highly codified foreign-policy instruments (including formal treaties, understandings, conventions, protocols, and other international agreements). Such instruments are especially prominent in regulating the treatment of refugees. The most recent and comprehensive is the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol, to which more than ninety nations have now formally subscribed. These international agreements seek to establish the criteria by which claims to refugee status should be decided and the obligations of nation-states in the treatment of refugees.

Perhaps the most fundamental obligation is that of non-refoulement—the provision that persons shall not be returned to their homelands unwillingly if they have a "well-founded fear of persecution." This provision clearly restricts the otherwise well-recognized right of a sovereign state to exclude or deport noncitizens it does not wish to admit. Non-refoulement provides the principal protection for bona fide refugees fleeing persecution—but also the main incentive for ineligible immigrants to claim refugee status, in order to halt exclusion or deportation actions.

Multilateral agreements have also regulated temporary worker migrations. They include the ILO Convention Concerning Migration for Employment, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and a series of accords and treaties between France and fifteen francophone African countries. These agreements usually concern criteria for recruitment; protection for the employment, social, and family rights of the temporary workers; economic agreements between the sending and receiving countries regarding remittances sent home and other flows from receiving countries; conditions for renewal of work permits; and other related legal guarantees. Currently, a group of labor-exporting and Scandinavian countries is sponsoring an initiative in the UN General Assembly to elaborate a new "International Convention on the Protection of the Rights of All Migrant Workers and Their Families."

2. International migrations as tools of foreign policy

Both sending and receiving countries have employed mass migration movements as tools of their foreign policies. There is, first, what might be termed "mass migration for unarmed conquest or assertion of sovereignty." Generally stated, this policy involves governmental encouragement of civilian rather than military movement into claimed territories for the purposes of establishing effective control or sovereignty.

In 1975, for example, King Hassan II of Morocco organized and led the "Marche Verte" or "peaceful 'march of conquest'" by 350,000 unarmed

Moroccan civilians into the disputed territories of the Spanish Sahara. Earlier examples of such actions included the movement of U.S. nationals into the Mexican territory now comprising Texas; Britain's efforts to populate its colonies in North America and Australia through forced migration of convicts; Israel's settlement policy in the West Bank; and several such mass movements throughout Russian history. As recently as 1982, the government of Argentina was insisting upon the right of free immigration of Argentine nationals to the thinly populated Falkland/Malvinas Islands as a condition of removing occupying Argentinian troops. Indeed, this demand is rumored to have been one of the main stumbling blocks in the failed negotiations that preceded the undeclared war over the Falklands.

More subtle are the uses made of migrant groups for foreign-policy purposes. On the sending side, there is reason to believe that mass expulsions have been employed as tools to destabilize or embarrass foreign-policy adversaries. High officials of Malaysia, Thailand, and Singapore have made claims of such foreign-policy intent regarding the apparent expulsion of hundreds of thousands of Vietnamese nationals of Chinese origin by the Democratic Republic of Vietnam. In addition, the same mass outmigration has sparked fears of directly subversive intent and claims that "among the refugees are a heavy sprinkling of communist spies and deep-cover penetration agents." The official newspaper of the Chinese Communist party, the People's Daily, said that Vietnam is exporting refugees for three reasons: to extort money from them, to create social and economic problems in Southeast Asia, and to infiltrate agents into ASEAN nations.

Similarly, it seems quite likely that the Cuban government's actions in expelling criminals, psychotics, and seriously ill people during the 1980 Mariel "boatlift" to South Florida were guided in part by a desire to discomfit the United States. There have recently been claims that the East German government has been facilitating the illegal entry of Turks, Pakistanis, and others into West Berlin, in the full knowledge that they intend to claim asylum in West Germany and that the West German political and judicial systems are ill-prepared to deal with such mass asylum claims.

Outmigration may also be encouraged for foreign-policy goals of a more positive character. In the Middle East, the governments of Pakistan and India may see the large-scale movement of temporary workers to the oil-rich Gulf states not only as a temporary expedient to reduce unemployment.

and generate foreign exchange but also as a means of solidifying and deepening their diplomatic and economic relations with these oil-rich states.  

From the perspective of receiving countries, refugee admission policies have been guided in many important cases by the belief that refugee outflows serve to embarrass and discredit adversary nations. Such a belief has surely been central to U.S. policies toward migrants from Cuba, Vietnam, and the Soviet Union. In his acceptance speech at the July 1980 Republican National Convention, presidential candidate Reagan expressed this perspective in evocative religious images:

Can we doubt that only a Divine Providence placed this land, this island of freedom, here as a refuge for all those people in the world who yearn to breathe freely; Jews and Christians enduring persecution beyond the Iron Curtain, the boat people of Southeast Asia, of Cuba and of Haiti, the victims of drought and famine in Africa, the Freedom Fighters of Afghanistan, and our own countrymen held in savage captivity.  

Strangely enough, some critics of U.S refugee and foreign policies use the same form of argument. For example, opponents of current U.S. policies toward Haitians and Salvadorans claiming asylum argue that the U.S. government’s unwillingness to recognize the validity of such claims is based on foreign-policy considerations, in that such recognition would serve to embarrass governments with which the United States has close political ties and would also encourage domestic opposition to these ties. A typical example of this argument appears in a 1982 memo from the Central American Refugee Center in Washington, sponsored primarily by Salvadoran exiles resident in the United States.

The United States is the only nation in the world which does not recognize Salvadorans as legal refugees and thus will not grant them political asylum [sic]. There are two major reasons for this. One is that granting political asylum to Salvadorans communicates world-wide that the government of El Salvador violates the human rights of its citizens. Since the U.S. aids and supports the government of El Salvador, it does not want to communicate this message. Also, granting asylum to the estimated 500,000 undocumented Salvadorans in this country would open up a large sector of voiced opposition to U.S. policy maneuvers in El Salvador. This group of dissent can be kept silent through forcing them to live underground in fear of deportation to the threat of persecution and death in their own country.  

Whatever the validity of such assertions, the important point for our purposes is that both proponents and opponents of U.S. foreign policy see refugee or asylum admissions as important tools.

Foreign-policy interests have also motivated responses to refugee influxes across the borders of Pakistan, India, Somalia, Thailand, Angola, and many other nations. The typical pattern is one in which refuge is willingly provided to persons fleeing an adversarial neighboring regime, in part as a means of maintaining a reservoir of opposition that often expresses itself in the form of cross-border guerilla activities. These incursions, in turn, frequently lead to actual or threatened cross-border military attacks against refugee camps by the other country. Sometimes, as in the case of Thailand, the refugees are seen as providing a buffer against hostile incursions from neighboring powers. In African settings, in particular, the refugee populations frequently are ethnically similar to those in the receiving areas and may be caught up in long-term territorial disputes concerning colonial boundaries that arbitrarily divided tribal or ethnic populations.

Refugees have also been used as tools of what might be termed "private foreign policies." Such use arises when nongovernmental groups opposed to particular foreign regimes see mass exodus from those countries as a weapon to dramatize the reasons for their opposition. Some of the most active advocates of Haitian migrants to the United States (especially those who are themselves Haitian exiles) appear primarily concerned with the discrediting and ultimate overthrow of the Duvalier regime rather than with the plight of the migrants themselves. To this end, they seek to maximize the attention of the American media on Haitian migrants, by advising them to claim to be fleeing direct persecution when this may not be the case (it seems to be for some, but not for many others), by organizing hunger strikes and letter-writing campaigns in detention camps, and by frustrating efforts to disperse the Haitian "entrant" population outside South Florida even when formal offers of sponsorship and employment exist. 23

There are, of course, many other reasons for concern about Haitian migrants, including general humanitarian concern, ethnic solidarity, and perceptions of government abuse of civil liberties. Such matters are central to the interests of many of the religious groups involved in the debate, but some advocates, particularly expatriate Haitians, are quite explicit about the foreign-policy dimension to their concern. Indeed, the policies of the Duvalier regime figured centrally in a federal court battle over which Judge James L. King of the Southern District of Florida presided. After acknowledging that migration from Haiti is substantially economic in origin, King found that the poverty of Haiti "is a function of the political system" and that therefore

23. In the off-the-record words of one participant, "The refugees shine the only spotlight we have on the evils of the Duvalier regime. The American press pay attention to this kind of thing" (Miami, 21 August 1980).
the Haitian migrants' "economic situation is a political condition," which
in his view qualified them as "refugees" under the definition of the Refugee
Act of 1980. Judge King's findings directly contradicted those of the State
Department and thereby raised the issue of intervention by the federal ju-
diciary in foreign policy (conventionally one of the major areas of executive
primacy in the American political system).

3. Foreign-policy impacts of past migrations

The formulation of foreign policy is also affected by the presence of sub-
stantial numbers of refugees and immigrants. Not only do they naturally
affect the receiving country's policies toward the sending country, but often
the sending country seeks to mobilize its expatriate population in support
of its own positions in dealings with the receiving country.

Domestic ethnic pressures on foreign-policy formulation loom large in the
United States, affecting foreign policies toward settings as diverse as Northern
Ireland, the Turkish-Greek conflict, the Middle East, Cuba, Mexico, Haiti,
and Poland, to name only a few of the obvious cases. In a recent article in
Foreign Affairs, Senator Charles Mathias (R-Md.) described as "plausible"
the argument that immigration was the "single most important determinant
of American foreign policy." Similar pressures are also apparent, if to a
lesser degree, in other countries that have experienced large-scale immigration
in the past, among them Argentina, Canada, Australia, and Israel.

Such domestic political effects of international migration represent expres-
sions of the political views of migrants in conventional political forms. But
more unorthodox and potentially violent examples should also be noted.
There is widespread concern in the oil-rich Gulf states, for example, con-
cerning the destabilizing political activities of temporary workers from else-
where in the Middle East, especially Iranians and Palestinians. In Kuwait,
for instance, concern about the political militancy of Palestinian guest workers
(who comprise as much as 20% of the population of Kuwait) and their
Kuwaiti supporters led Amir Sabah in 1976 to suspend the constitution and
prorogue the assembly.

As a result of such concerns, it appears, the Gulf states have decided both
to restrict the growth of foreign worker populations and to give preference

Refugee Center v Smith, 676 F 2d 1023 (5th Cir. 1982). See also New York Times, 3 July
1980.
25. Charles McC. Mathias Jr., "Ethnic Groups and Foreign Policy," Foreign Affairs 59 (Summer
26. In the case of Israel, it is now conventional political wisdom to explain that country's
domestic political shift toward the more aggressive foreign and military policies of the Begin
government in terms of the preceding decade's large-scale influx of Oriental Jews, many of
whom fled under pressure from predominantly Arab countries.
to those from the non-Arab states of South Asia and even East Asia. These latter groups are considered lesser threats in that they generally cannot establish connections with the indigenous population, due to language barriers, and are easily recognizable and deportable. Moreover, deportations of Indian and Korean workers have fewer foreign-policy repercussions than do deportations of fellow Arabs. As a result of such considerations, Kuwait, Saudi Arabia, and other Gulf states now have large and growing Indian, Pakistani, Filipino, and Korean populations.28

A second example is provided by the large gastarbeiter populations in West Germany, especially those from Yugoslavia and Turkey. The recent past has seen violent conflicts between Croatian nationalists and supporters of the Yugoslavian government, and now there is considerable evidence of active political organization within Germany on the part of both right-wing and left-wing Turkish groups opposed to the present Turkish government. Since the imposition of military rule in Turkey, Germany may have become one of the most important locales for the organization of violent Turkish political action. The government of Turkey has already lodged formal protests regarding the German refusal of extradition requests for persons wanted as terrorists in Turkey. (The existence of the death penalty in Turkey prevents such extradition under German law.)

The revolutionary activities of Iranian exiles granted refuge in France provide a further example. The Ayatolla Khomeini directed the Islamic Revolution in substantial measure from his suburban Paris villa—perhaps the first mass revolution directed over international telephone circuits and by means of tape cassettes. The French government now provides refuge for Khomeini opponents, such as former Prime Ministers Bahktiari and Bani Sadr, though their political activities are far more severely constrained than were those of Khomeini and his associates.

Finally, U.S.-Cuba relations have generated and have in turn been profoundly complicated by the movement to the United States of over a million implacable opponents of Fidel Castro since 1959. For reasons described earlier, the U.S. government has long welcomed Cuban migration as demonstrating the unattractiveness of Castro's Cuba. For whatever reason, so substantial was this flow that by 1980 nearly 10 percent of those born in Cuba were resident in the United States. Yet the presence in the United States of organized and vocal anti-Castro movements surely complicates any efforts by U.S. foreign-policy makers to normalize relations with Cuba.

Moreover, the 1980 boatlift experience, itself facilitated by the actions of such Cuban-American groups, has raised further barriers to a relaxation of tensions. The expulsion of thousands of criminals and mental patients during

the boatlift was particularly damaging, even though they constituted only a small fraction of the total flow of about 130,000 persons. From the Cuban perspective, these social undesirables (termed *escoria* or “scum” by Premier Castro) left Cuba without exit visas and were transported to Florida by Americans, and hence are not Cuba’s responsibility. From the American perspective, they are clearly Cuban nationals who are excludable under American law, and hence Cuba under international law must accept them back. It is highly doubtful whether any significant improvement in bilateral relations between Cuba and the United States can occur until these profoundly different perspectives are somehow reconciled.

**U.S. foreign policy choices and conflicts**

The United States now faces foreign-policy choices about immigration and refugees that are complex, emotional, and deeply intertwined with domestic concerns. The complexity and emotion arise in part from conflicts among the several U.S. national interests that are at stake.

The *strategic and security interests* of the United States relate principally to the effects of mass migrations on the stability of both sending and receiving countries. There is no doubt that the influx of hundreds of thousands (or even millions) of desperate people into politically or economically fragile developing countries can pose severe threats to stability. This is especially true in regions that are already densely populated (i.e., in Asia more than in Africa), and particularly when the receiving and migrating populations have a long history of ethnic tensions.

Such were the security concerns of nearly every ASEAN nation about the flow of hundreds of thousands of Vietnamese to their shores. Although there is reasonably clear evidence, by the standards of such things, that the outflow of boat people was encouraged and even organized by the Vietnamese government, the United States and its allies had little leverage on that long-time adversary. The foreign-policy choices facing the United States therefore resolved to essentially three options. The first was to allow the boat people to be pushed back out to sea as a deterrent to future flows, thereby violating U.S. humanitarian concerns and the American sense of national obligation to the sequela of the Vietnam war. The second was to employ intense diplomatic and economic pressure on friendly ASEAN nations to persuade them to allow entry by Vietnamese boat people against their best judgment, thereby accepting the strategic risk of the political instability predicted by these countries if they agreed. The third was to provide firm assurances to ASEAN allies that all Vietnamese migrants would be resettled permanently in third countries, by seeking to internationalize resettlement in the first instance and by promising U.S. resettlement as a “last resort” if alternatives could not be found. Obviously, the United States chose and acted upon the
last of these options, in part for strategic reasons and in part out of humanitar-
ian concern.

Similar strategic reasoning has long affected U.S. policy toward illegal immi-
gration from Mexico and other Caribbean countries. The security concern, stated simply, is that restraint on such illegal movements would remove the "safety valve" of large-scale outmigration that is important for the stability of the fragile economies and political systems of these strategically important nations. Such concerns, combined with the economic interests of employers of such migrants, have until recently sufficed to thwart efforts at policy reform or even serious enforcement of existing law.

This point brings us to the national economic interests of the United States, especially with regard to illegal immigrants. Illegal foreign workers constitute only a small minority of the U.S. labor force (perhaps 5% at most). But two decades of ready access to such compliant labor has generated numerous employers and subsectors in certain industries in a few regions (e.g., fruit and vegetable producers in the Southwest) that are heavily dependent upon the effective subsidy that such labor provides. It is no surprise that, like all subsidized sectors, these employers feel that their vital economic interests would be threatened if the United States were to enforce its immigration laws. Consequently, they have organized vigorously to block such measures, claiming that they would not be in the economic interests of the United States.

The vital economic interests of a regional subsector should not, of course, be confused with the vital interests of the nation as a whole. It is particularly difficult to find convincing national-interest arguments for large-scale labor importation during a decade of high national unemployment (over 8% at this writing) and low economic growth. Like the European guest-worker policies, most of which started in the late 1950s and terminated about fifteen years later, such a policy may provide short-term subsidies to certain sectors at the expense of others, only to retard the gradual, long-term adjustment of a mixed economy toward higher labor productivity. Indeed, Philip Martin has recently argued that the continued importation of cheap labor "spells disaster in the long run" even for its advocates among fruit and vegetable growers, since such dependence would retard mechanization needed to compete internationally:

Without mechanization the U.S. must both accept an isolated, alien-
dominated labor force for seasonal handwork and erect trade barriers to keep out produce grown abroad at even lower wages. If farmers successfully oppose the immigration reforms that could begin to alter this picture, they may win the short-run battle over labor but will lose the

29. For a discussion of the economic consequences over the short and long terms of the European guest-worker programs, see Miller and Martin, Administering Foreign-Worker Programs.
long-run war for survival in the increasingly competitive international fruit and vegetable economy.\textsuperscript{30}

The ideological interests of the United States also motivate various perspectives on immigration and refugee policies. In their crudest form, these interests underlie the long conventional but now waning political view that outmigration from Communist countries demonstrates the bankruptcy of the Communist system. As discussed earlier, the ideological (if antagonistic) twin to this perspective sees U.S. refusal to admit refugees and asylum-seekers from Haiti and El Salvador as based upon ideological support for the anti-Communist governments of those countries.

The final set of U.S. national interests is in part related to ideological issues—that of U.S. humanitarian concerns. The power that such concerns exert on U.S. public and political opinion should not be underestimated. President Carter's human rights policy, however poorly implemented it may have been in the eyes of its critics, surely struck a responsive chord in the general public and in the Congress. The notion that the United States should offer succor to the persecuted and the oppressed goes back to the founding of the Republic. Supportive images (and sometimes myths) remain powerful, from the high school civics text to the Statue of Liberty. The coming of age of satellite television has globalized this concern, to the point that film clips of overloaded boats being pushed out into the South China Sea may have caused more concern in the United States than in Malaysia.

Having said this, it does not follow that the sole test of such humanitarian concern is the willingness of the United States to continue to admit very large numbers of desperate people for permanent resettlement. It may indeed be true that the nation is suffering from what Senator Alan K. Simpson (R-Wyo.) has termed "compassion fatigue." But Simpson does not claim that such fatigue extends to the provision of emergency relief \textit{in situ} to refugees in countries of first asylum or to generous assistance over the long term, as in the case of Palestinian or Somali refugees. Moreover, the "quantity" of humanitarian assistance that the United States can offer may in practical terms be maximized by such direct assistance, since it is far less expensive in economic terms to provide the means of subsistence to a rural refugee in a rural area of a neighboring country than to the same person in an urban American environment.\textsuperscript{31} With limited resources, it makes good humanitarian sense to consider how available funds can best be stretched to assist the maximum possible numbers of refugees.

Such an approach may well conflict with those focused on strategic or security interests, or those that still see international migration in ideological


\textsuperscript{31} Of the $2.1 billion in U.S. assistance to the world's 10 million refugees in FY 1981, over 75% went toward the resettlement of only several hundred thousand in the United States.
terms. But such conflicts are characteristic of the subject matter and illustrate well why concerted and coherent policy is difficult to fashion.

More difficult still are the conflicts that arise between the various threads of foreign policy and those of domestic policy and politics. Here the pressures of diverse ethnic groups and economic interests coalesce into political support for one or another migrant group—Haitians, Mexicans, Soviet Jews, Ethiopians, Italians, Poles, illegal alien workers from various countries, temporary workers, Basque sheepherders, Québécois timbermen, and so on. In the tapestry of American domestic politics, each interest group presses for admission of its preferred category, and the absence of any overall numerical limit allows the formation of alliances and coalitions without requiring difficult tradeoffs.

Meanwhile, the prospects of U.S. international assistance and trade policy being directed toward the long-term economic development of major source countries are subject to substantial control by the economic and regional interests (both business and labor) that would be most directly affected. This proposition includes not only direct tariff and similar barriers but also nontariff barriers such as “orderly marketing arrangements,” import quotas, price supports for certain commodities, and similar instruments of the U.S. government’s economic apparatus. Of course, it is hardly reasonable to expect a U.S. industry to embrace low-wage countries’ imports that would make it uncompetitive, even if the encouragement of such labor-intensive industries might be in the best interests of both the developing countries concerned and of the United States in the longer term.

To summarize briefly, decisions about immigration and refugee policies raise quite fundamental and divisive conflicts among important national interests. No objective calculus exists to tell us which option should be selected from those available. As in many other issues of national and international importance, where one stands often depends upon where one sits.

Lessons from recent experience

Conventional American foreign-policy perspectives on migration now present growing foreign-policy risks. In the past decade, mass outmigrations such as those from Vietnam, Cuba, and Mexico well have illustrated those risks. Several lessons should have been learned from those experiences.

The first lesson is the need to revise two now outdated but widely held views: that admission of large numbers of refugees from Communist countries is a useful tool of American foreign policy, and that temporary migration can be started and stopped as desired, like the importation of any other factor of production.

The use of refugee admissions as a tool of foreign policy is an increasingly dangerous game. It can backfire badly, in both domestic and foreign-policy
terms, if the sending country’s leadership is sufficiently cynical to exploit the situation to rid itself of “undesirables” (as in the 1980 Cuban boatlift). Moreover, foreign-policy considerations that lead to differential treatment for similar migrants from different countries (as in U.S. treatment of Haitian and Cuban migrants in 1980) can stimulate divisive political protest.

Real peril also results from allowing a temporary migration stream to become established, unless a large and long-term influx is welcome. Mexican commentators are quick to point out, quite correctly, that the illegal migration streams now of such great concern in the United States were initiated by such American policies as the \textit{bracero} program of 1942–1964. This experience, coupled with that of European guest-worker policies, offers strong evidence that migration flows are harder to stop than they are to start. Even if notionally temporary, such movements establish deep migration “pathways” based on social and family networks. They also foster a dependency on continuing inflows among the principal employers of immigrant workers, who have in effect become beneficiaries of a “labor subsidy” of substantial proportions. Like any subsidized group, such employers have powerful economic interests in the continuation of the subsidy and can be expected to lobby fiercely to this end.

The second lesson is that American measures to restrain illegal immigration can be expected to incur some foreign-policy costs in the short term. International migration has traditionally been visualized as under the control (in both legal and practical terms) of the receiving country, with the role of the sending country a passive one. It now appears, however, that sending countries may have more control over outmigration than was previously thought and indeed may visualize it as a kind of “national resource,” to be managed like any other.\textsuperscript{32}

Outmigration may be encouraged to improve or stabilize domestic economic or political conditions, thereby providing what is known as the “safety valve” of emigration. Meanwhile, remittances sent home by those working abroad may comprise an important component of total foreign currency inflows and may thereby facilitate expansionary economic policies at home.\textsuperscript{33}

Emigration may also be encouraged to remove political dissidents (as in


\textsuperscript{33} According to the World Bank, remittance inflows in 1978–79 accounted for 89\% of Egypt’s merchandise exports; 77\% of Turkey and Pakistan’s; 69\% of Portugal’s; 60\% of Upper Volta’s; and 51\% of Morocco’s. The Bank presents no comparable data for Latin America, presumably because much of the remittance flow to countries such as Mexico and Colombia is sent through unofficial channels by nationals illegally resident in other countries. See International Bank for Reconstruction and Development/World Bank, \textit{World Development Report} 1982 (New York: Oxford University Press, 1982), p. 13. The economic significance of such remittances for labor-exporting countries has been greatly increased by the foreign-currency drain and economic dislocations caused by the sharply increased prices for energy imports during the 1970s.
Cuba, Vietnam, Haiti, East Germany until 1961, and possibly Poland), or as a means of capturing the assets of the departing migrants (as in Vietnam, Haiti, Uganda, and possibly Cuba). Finally, and most malevolently, governments may coerce the departure of a despised ethnic or religious minority, or of a "politically undesirable" social group or class (as in Uganda, Vietnam, and Cuba).

Countries favoring outmigration, for whatever reasons, can be expected to oppose efforts by the countries of destination to regulate the entry of their nationals. Such opposition may be expressed through diplomatic channels, through criticism in the domestic or international media, through retaliatory measures, or even through support for certain political groups in the receiving country.

Any government must, of course, be circumspect in asserting that its nationals have a right to migrate to another sovereign state, for to do so openly would be to deny its own sovereign right to control entry across its own borders. Hence, such assertions may be couched obliquely in terms of "historical patterns," colonial vestiges, or an argued universal right to seek employment. But however such governments characterize their views, they resolve to assessments that their national interests are best served by the emigration of their citizens.

Real foreign-policy costs therefore attend the reform of receiving countries' immigration laws to regulate undocumented immigration. However, these costs are likely to be short-lived, and in the longer term such reforms might actually serve to deepen and improve international relations. Once sending countries realize that continuation of the status quo is not sustainable, they will have strong incentives to focus on economic development policies aimed at the rapid creation of jobs, policies that are far more appropriate to their needs in the long term. Meanwhile, such reforms may eliminate one of the most corrosive issues between certain sending countries and the United States—the exploitation and abuse experienced by undocumented migrants whom the law does not protect.

For the United States, the most obvious case is that of undocumented Mexican migration, which accounts for perhaps half of all illegal immigration. For the reasons indicated above, the government of Mexico has traditionally been reluctant to state a public preference for the status quo, while Mexican political commentators of all political persuasions have made a major theme of the abuse and exploitation experienced by undocumented Mexicans residing in the "Colossus of the North." A fairly standard Mexican response to American enquiries has been that of course immigration policies are the prerogatives

34. The hundreds of thousands who were "encouraged" to leave the Socialist Republic of Vietnam in 1977-79 were heavily of Chinese ethnic origin and were apparently forced to pay departure fees amounting to several thousand dollars (in gold or hard currency) per person. See Far East Economic Review, 15 June 1979.
of a sovereign state, but it would be hoped that the human rights of Mexican migrants and the views of a friendly neighbor would be taken into account.

Given this history, a recent resolution of the Mexican Senate is of particular interest. It arose in the final stages of consideration in the U.S. Congress of the Immigration Control and Reform Act of 1982 (also known as the Simpson-Mazzoli Bill). Most Mexican observers had believed that the bill had no chance of passage; they expected it to be blocked by an unlikely coalition of employers of undocumented aliens, Chicano activist groups, and civil libertarians. But when the bill passed the U.S. Senate by an overwhelming 80–19 margin and then was brought to the House floor in the 1982 lame-duck session, the Mexican Senate quickly adopted a strongly worded resolution on “this grave matter that negatively affects our good neighbor relations,” which expressed its “alarm and concern for the repercussions which will impact both countries if the Simpson-Mazzoli legislation is passed.” The Senate resolution described undocumented Mexican migration as a “transcendent matter [that] should not be considered from a unilateral perspective, but rather should be treated from a bilateral and even multilateral perspective.” To this end, it referred the matter to the Foreign Relations Committee of the Mexican Senate, to the next meeting of the Mexico-U.S. interparliamentary conference, and to three multilateral institutions.

This Mexican Senate resolution is to date the most forthright formal assertion by a competent governmental organ that the regulation of migration should no longer be considered a matter for unilateral action. Similar arguments by sending countries can be expected to proliferate in the coming years at various international forums, and they will require careful scrutiny and balanced response by American foreign-policy makers.

A third lesson should be learned from the coerced emigration seen most recently in Vietnam and Cuba: that American foreign policy would be well served by the preparation of contingency plans aimed at deterring such actions. As demonstrated by the 1980 Cuban boatlift, a lack of forward planning can be highly damaging in terms of both domestic and foreign policy. Such contingency planning should be wide-ranging, involving elements of both humanitarian concern and realpolitik. The principal goal should be to deter or reverse any policy of expulsion adopted by any government, of the right or of the left. To this end, quiet preparations should be made for prompt employment of the full array of diplomatic instruments, such as bilateral pressures, initiatives through third countries, and mobilization of the organs of the United Nations, including the Security Council. At the same time, the United States should be prepared to provide emergency humanitarian assistance to the victims of such expulsions, while standing ready if necessary to employ appropriate police measures to interdict subsequent expulsions.

The fourth and most general lesson is that new realities now demand that American foreign-policy makers factor into their calculations the possibility of mass international migrations. In the short term, proposed military or political interventions must be considered in the light of their potential to stimulate or restrain such movements toward the United States or its allies. In the longer term, the importance of labor-intensive economic development in the developing countries takes on new significance for American foreign policy once it is recognized that nationals of such countries are increasingly able to migrate internationally.

In the future, responsible foreign-policy professionals will have to focus more seriously upon immigration and refugee issues than they did in the past, much as in the 1970s they found new realities pushing energy and international economics higher on the foreign-policy agenda. Meanwhile, those concerned about immigration and refugee policies must consider foreign policy as central to their concerns. The recent changes in the scale, character, and even the “uses” of international migration have transformed these issues—probably irreversibly—into matters of the highest domestic and foreign concern.