REFUGEE ACT (1980)

The Act is built upon the Immigration and Nationality Act Amendments of 1965. Its primary goal is to create a systematic, uniform, and unbiased procedure of refugee resettlement. As a result, it repeals discrimination on the basis of national origins and opens doors to refugees from all parts of the world who have played important roles in contributing to America’s multiculturalism.

Objectives

To achieve its goal, the legislation has five objectives regarding refugee resettlement. First, it redefines “refugee” in accordance with the U.N. 1951 convention’s definition. Prior to this legislation, the U.S. primarily categorized “refugees” as those fleeing from communist countries and repressive regimes in the Middle East. The adoption of the U.N.’s definition in 1980 repeals this discrimination and applies “refugee” to any person who are unable or unwilling to the country of nationality due to “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.” Individuals who have “ordered, incited, assisted or otherwise participated in [such] persecution” are excluded from this definition.

This definition applies to individuals who are already present in the United States under a legal designation known as political asylum, such as Vietnamese refugees and boat people who had arrived before 1980. Moreover, it authorizes granting refugee status to people in detention who may be permitted to leave their country if accepted by other governments, such as Cuban political prisoner release program. Second, the Refugee Act of 1980 raises the annual limitation on regular refugee admissions from 17,400 to 50,000 each fiscal year. Third, it provides for an orderly procedure to deal with emergencies if the number of admitted refugees exceed the regular ceiling. This provision adds flexibility to the Immigration and Nationality Act of 1965. Fourth, to ensure Congressional control, the Act requires consultation with the Congress regarding the admission of refugees and particularly the admittance ceiling. Fifth, the Act provides monetary assistance, medical benefits, and a wide range of social services to refugees to facilitate the resettlement process.

In addition to these refugee provisions, the Act explicitly permits individuals within the U.S. borders to apply for “asylum” or “restriction on removal” status because of threats to life or freedom. As with refugees, they could apply for permanent residence status after one year of living in the U.S.

Historical Context
Senator Edward Kennedy, following the work left behind by his brother President John F. Kennedy, spearheaded the legislation during the 1970s. In 1981, He publicly advocated the bill as reflecting America’s immigrant heritage of welcoming all migrants who contribute to its richness in culture and diversity, new economic vitality, and other American values.

The bill captured the attention and concerns of the American public who witnessed the massive exodus of people from Southeast Asia as well as other communist and repressive countries. This was followed the large wave of Vietnamese “boat people” who risked their lives on boats to escape communism.

While the American public was sympathetic to refugees, it also feared the opening of the “floodgates” to a large and sudden increase in the refugee population. In order to address this concern, the law established a normal ceiling of 50,000 refugees a year (which is 10% of immigration flow to the U.S.), procedures for controlling emergency cases, and Congressional supervision over the admission process.

Proponent of the legislation noted that many other developed countries were more generous in their refugee admission policies than the U.S., including Canada, France, and Australia. On September 6, 1979, the bill was unanimously adopted by the Senate. It remained intact until it was signed into law on March 3, 1980 by President Jimmy Carter.

Contemporary Context

In order to achieve the objectives of the Refugee Act of 1980, U.S. refugee resettlement programs have been working closely with key international humanitarian institutions, such as the United Nations High Commission for Refugees (UNHCR), and other countries with similar commitment to refugees. Today, the U.S. has welcomed more than 3 million refugees from more than 65 countries. In 2010 alone, the U.S. received more than 73,000 refugees and 20,000 asylum seekers.

Meanwhile, the trajectories of adaptation for refugees who arrived in earlier waves have been mixed. Some groups such as Cubans have shown sign of successful integration into the U.S. and are on their ways toward becoming “Americans.” However, other refugee populations such as Hmong and Cambodians continue to struggle on the margins of American society. Many refugees - although they may now refer to themselves as Americans of hyphenated Americans - have re-established ties with co-ethnic members in other countries and even those in their homelands. Through these transnational efforts, a number of scholars have re-categorized them as “diasporas” or “refugee diasporas.”

Bibliography


**See Also:** Refugees; Immigration Acts (1917, 1924, 1952, 1965, and 1990); Vietnamese Americans; Cuban Americans

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