

Criticizing United States Policy Under The Trump Administration That Impacts Refugee Protection

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ABSTRACT

The problem of refugees is a very complicated problem in human civilization. The causes of displacement and the diverse responses from countries in the world to this matter have contributed to the complexity of the refugee problem. This can be seen in the practice carried out by the United States under the administration of Donald Trump with its Executive Order policies and reduction in the number of refugee admissions. This paper wants to know how International Law sees the actions and policies carried out by United States. To find this out, the researcher uses a type of normative legal research, with a legal and conceptual approach.

Keywords: Refugee protection, United States policy, Non-Refoulement

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INTRODUCTION

The problem of refugees is a very complicated problem in human civilization. The causes of displacement and the diverse¹ responses from countries in the world to this matter have contributed to the complexity of the refugee problem. This can be seen in the practice carried out by the United States under the administration of Donald Trump.

Since Trump was officially appointed President of the United States, anti-Islamic attitudes have become increasingly apparent. Trump issued a policy of prohibiting and restricting immigrants and Muslim refugees from entering and living in the United States. There are about 7 countries such as Iraq, Iran, Sudan, Syria, Libya, Somalia, and Yemen representing Arab and African tribes who were denied entry into America.² The reason for this refusal is based on the consideration that the presence of Muslims in America can threaten the security and peace of American citizens. Migrant groups that come to the United States are not a few who are considered members of the Islamic State of Iraq and Syria (ISIS) to infiltrate the United States as political asylum seekers or international refugees.³

The United States can be said to use the concept of state sovereignty as its main shield, where the state has full authority to regulate everything within its territorial boundaries with its national laws.⁴ A country is assumed to be the legal owner of sovereign rights, consisting of jurisdiction, authority to manage natural resources, including control over border areas. The style of this argument is in line with contemporary sociopolitical conceptions as expressed by David Miller, where sovereignty consists of three elements, namely legal, economic and border sovereignty. Regarding borders, a

country has full authority to supervise and regulate the flow of goods, services and people in its territory.⁵ In other words, migration flows are part of the country's sovereignty that needs to be regulated. As a result the refugees are left stranded just like that, without any protection or assistance provided by the destination country. This situation is made worse if the country is not a party to the 1951 Geneva Convention, so it has no legal obligation to be bound and apply the principle of non-refoulement (*pacta tertiis nec nocent nec prosunt*).⁶ In connection with the explanation above, the problem in this study is how international law looks at the actions and policies undertaken by the United States? Hopefully, this paper can provide critical notes on actions taken by the United States that have an impact on refugee protection.

RESEARCH METHODOLOGY

This research is a normative legal research. Normative legal research has a tendency to characterize law as a prescriptive discipline that sees law from the point of view of its norms only. The approach used is the law approach and conceptual approach.

RESULTS

1. Overview of US Government Policy

The United States has always been known as a country that offers refugee protection every year greater than the amount of refugee reception made by other countries. Nevertheless, this cannot be maintained when there is a change of government from Obama to Trump. This can be seen clearly in the reduction in the maximum number of refugees who can enter the United States.⁷

¹ Baiq Wardhani, "Nasionalisme dan Etnisitas di Eropa Kontemporer", *Global & Strategis, Special Edition*, December 2011, p. 219-233.

² Jawahir Thontowi, "Kebijakan Presiden Trump dan Respon Masyarakatnya terhadap Larangan Muslim Arab Tinggal di Amerika Serikat", *Jurnal Hukum Ius Quia Iustum*, Volume 24, Number 3, July 2017, p. 378.

³ Homeland Security Committee Report, "Syrian Refugee Flows: Security Risk and Counterterrorism Challenges", *Preliminary Finding of a House Homeland Security Committee Review*, November 2015.

⁴ David Held, "Law of States, Law of Peoples: Three Models of Sovereignty", *Legal Theory*, Volume 8, Number 2, 2002, p. 3.

⁵ I Gede Wahyu Wicaksana, "Kedaulatan Teritorial Negara: Kepentingan Material dan Nilai Simbolik", *Jurnal Masyarakat, Kebudayaan dan Politik*, Volume 29, Number 2, 2016, p. 107-108.

⁶ Joko Setiyono, "Kontribusi UNHCR dalam Penanganan Pengungsi Internasional di Indonesia", *Masalah-Masalah Hukum*, Volume 46, Number 3, July 2017, p. 279. Lihat juga Hardi Alunaza S. D and M. Kholit Juani, "Kebijakan Pemerintah Indonesia melalui Sekuritas Migrasi Pengungsi Rohingya di Aceh tahun 2012-2015", *Jurnal Indonesian Perspective*, Volume 2, Number 1, January-June 2017, p. 2.

⁷ Jens Manuel Krogstad, "Key Facts about Refugees to the U.S.", *Pew Research*, 27 September 2019.

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The United States Government has put in place new security inspection procedures aimed at refugees before they can be accepted in the country. This change was realized with the issuance of Executive Order 13769 and Executive Order 13780 "Protecting the Nation from Foreign Terrorist Entry into the United States". These policies prohibit the entry of refugees, legal residents, and individuals who have dual citizenship from seven Muslim-majority countries into the United States. The seven countries in question are Syria, Iran, Iraq, Yemen, Sudan, Somalia and Libya.⁸

As stated in Section 1, the objectives of this policy are as follows:

[...] to protect its citizens from terrorist attacks, including those committed by foreign nationals. The screening and vetting protocols and procedures associated with the visa-issuance process and the United States Refugee Admissions Program (USRAP) play a crucial role in detecting foreign nationals who may commit, aid, or support acts of terrorism and in preventing those individuals from entering the United States. It is therefore the policy of the United States to improve the screening and vetting protocols and procedures associated with the visa-issuance process and the USRAP.

Although these policies were made to protect the citizens of the United States, but turns out they actually oppose and protest these policies. There were even legal remedies made by them with the intention that this policy can be revoked or withdrawn by Trump.⁹ The action was taken because Trump's policy was considered to violate the First Amendment to the United States Constitution and discriminate against Muslims.

SHIFTING REFUGEE PROTECTION PATTERNS

In addition to the policies implemented by Trump through the Executive Order as explained above, Trump also cut the number of refugee admissions in the United States that were originally set by Obama to be 50,000 people.¹⁰ The following are the Annual Refugee Settlements Limits (ARSL) and Number of Recognized Refugees (NRR) in the United States from 1980 to 2020 according to data available at the Bureau of Population, Refugees and Migration United States Government.¹¹

Table 1. ARSL and NRR in the United States 1980-2020

Year	ARSL	NRR	Year	ARSL	NRR
1980	231,700	207,116	2001	80,000	68,925
1981	217,000	159,252	2002	70,000	26,765
1982	140,000	98,096	2003	70,000	28,305
1983	90,000	61,218	2004	70,000	52,840
1984	72,000	70,393	2005	70,000	53,738
1985	70,000	67,704	2006	70,000	41,094
1986	67,000	62,146	2007	70,000	48,218
1987	70,000	64,528	2008	80,000	60,107
1988	87,500	76,483	2009	80,000	74,602
1989	116,500	107,070	2010	80,000	73,293
1990	125,000	122,066	2011	80,000	56,384
1991	131,000	113,389	2012	76,000	58,179
1992	131,000	132,531	2013	70,000	69,909
1993	142,000	119,448	2014	70,000	69,975
1994	121,000	112,981	2015	70,000	69,920
1995	112,000	99,974	2016	85,000	84,988
1996	90,000	76,403	2017	50,000	53,691
1997	78,000	70,488	2018	45,000	22,405
1998	83,000	77,080	2019	30,000	30,000
1999	91,000	85,525	2020	18,000	
2000	90,000	72,143			

Source: MPI, 2020; and U.S Department of State, Bureau of Population, Refugees, and Migration (PRM), *Worldwide Refugee Admissions Processing System (WRAPS)*. Based on Table 1 above, it can be stated that in the policies adopted by the United States there are several years in which the number of refugees recognized and accepted by the United States Government is still far from the refugee quota in ARSL. For example, in 2002 and 2003, ARSL was 70,000, but only 26,776 and 28,304 were received. ARSL set by the United States President from year to year (as a whole) has decreased. The most significant decrease, for example in 1982 to 1983, was from 140,000 to 90,000. ARSL for 2020 only 18,000. This is the lowest limit in United States history, and this happened in the era of the Trump Administration.

If you look back ten years there was a shift in the pattern of refugee protection by governments in the United States. The shift in question is a shift in the Annual Refugee Settlement Limits. Since these ten years have been under the leadership of Obama and Trump, below will be explained the comparison between ARSL and NRR in the era of the Obama Administration (2009-2017), and Trump (2017-2020).

In the era of the Obama administration favored refugees more. Obama set the ARSL, an average of 76,000, and accepting refugees every year an average of 69,000. As for Trump, the average ARSL is 35,000, and he receives refugees every year on average 27,000 refugees. For more details, please see the following table:

⁸ See Section 5 *Executive Order 13769*.

⁹ Jawahir Thontowi, *Op. Cit.*, p. 37. Adirini Pujayanti, *Op. Cit.*, p. 6.

¹⁰ Catalina Amuedo-Dorantes, Cythia Bansak, and Susan Pozo, "Refugee Admissions and Public Safety: Are Refugee Settlement Areas More Prone to Crime?", *Discussion Paper Series*, Number 11612, June 2018, p. 2. See also Hamutal Bernstein and Nicole DuBois, "Bringing Evidence to the Refugee Integration Debate", *Research*, on programs organized by URBAN Institute, April 2018; and Nadwa Mossaad, "Annual Flow Report: Refugees and Asylees: 2017", March 2009, p. 3.

¹¹ Refugees recognized and accepted in the United States are determined by the President of the United States in consultation with Congress. See Migration Policy Institute, "U.S. Annual Refugee Resettlement Ceilings and Number of Refugees Admitted, 1980-Present", <https://www.migrationpolicy.org/programs/data-hub/charts/us-annual-refugee-resettlement-ceilings-and-number-refugees-admitted-united>, 3 February 2020.

Tabel 2. Comparison of ARSL and NRR Obama and Trump Administration

Year	Obama		Year	Trump	
	ARSL	NRR		ARSL	NRR
2009	80,000	74,602	2017	50,000	53,691
2010	80,000	73,293	2018	45,000	22,405
2011	80,000	56,384	2019	30,000	30,000
2012	76,000	58,179	2020	18,000	
2013	70,000	69,909			
2014	70,000	69,975			
2015	70,000	69,920			
2016	85,000	84,988			

Source: MPI, 2020; and PRM, WRAPS.

The shift above is based on the interests of each government. Or it can be said that there are differences in the mindset possessed by the leader regarding refugees and their problems. Obama considers that the refugee crisis is an important and serious problem that needs help from countries in sharing the burden of responsibility.¹² He said this when he led the Leader Summit on Refugees on September 20, 2016.

Obama's statement is in line with actions taken during his tenure as President of the United States. Under the Obama Administration, from the 2009 Fiscal Year to 2016 more than 611,000 refugees were resettled in the United States. Even in his last fiscal year in office, President Obama resettled 85,000 refugees in various states in the United States. Biddle even mentioned that this resettlement was the largest and the most since 1996 compared to any country through the official resettlement mechanism of UNHCR.¹³

In contrast to Obama, for Trump the unity of the United States is a top priority for his government. Trump tried his best to prevent no rebel people or groups from damaging the unity and security of the United States, such as terrorists. This was implemented with the issuance of two Executive Orders as mentioned earlier. The Executive Order is an instrument for controlling the entry of foreign nationals into the United States. How to control it is with a visa.

The visa issuance process is crucial for detecting individuals with terrorist ties, and stopping them from entering the United States. There may be no clearer example than the terrorist attacks on September 11, 2001, when the Ministry of Foreign Affairs in its policy prevented Consular officers from carefully examining visa applications from some 19 foreign countries, which then killed nearly 3,000 Americans.¹⁴ After the attack, the United States Government reviewed and changed the visa issuance process. The goal is that this process can detect terrorists properly and not give visas to them. Instead of succeeding, this step did not stop other attacks carried out by foreign nationals treated in the United States.

¹² U.S. Department of State Diplomacy in Action, "Remarks by President Obama at Leaders Summit on Refugees", <https://obamawhitehouse.archives.gov/the-press-office/2016/09/20/remarks-president-obama-leaders-summit-refugees>, 12 June 2020.

¹³ Lizzie Biddle, "Refugee Resettlement under The Obama Administration: Untangling the U.S. Refugee Assistance Program at The Federal Level", *Global Journal of Peace Research and Praxis*, Volume 2, Number 1, 2018, p. 2.

¹⁴ See Section 1 Executive Order 13769.

Conditions in certain countries which have worsened due to wars, disasters and riots have opened opportunities for terrorists to enter United States territory in any way. Therefore, Trump through his policy seeks to increase vigilance during the visa issuance process. This is to ensure that those who are approved of entering their territory do not intend to harm Americans and that they have no connection with terrorism.

2. Criticism of United States Government Policy

The practice carried out by the United States illustrates a special phenomenon. The phenomenon in question is that the United States is not a participant in the Geneva Convention 1951 and also rejects the arrival of refugees when in fact the principle of non-refoulement has been regarded as the norm of jus cogens. The actions of the United States are quite strict, in which selective refusal of some citizens to enter their territory. If you pay attention to this phenomenon, there is one particular factor which is the reason. The factor in question is national security. The question that can be asked is can national security be used by a country as a reason for refusing refugees? If you recall that non-refoulement is interpreted as the jus cogens norm then you already know what the consequences of this norm are. This norm cannot be ruled out as stated by Luhulima in his writing.¹⁵ This can be made possible if there are general international law norms that force the same character. This means that the jus cogens norm can be changed, excluded, ruled out only by the new jus cogens norm. So what is seen here is the novelty factor.¹⁶

Referring back to the question as mentioned above, and based on a search conducted by the researcher, it has been found that the national security factor can be used as an excuse to exclude the implementation of the principle of non-refoulement. The implementation of this principle in practice is not absolute as we have thought so far. This is the same as refugee protection in the relative Refugee Law system. The point is that in the Refugee Law system, there are exceptions where a refugee or asylum seeker does not get international protection for certain reasons. Or refugees or asylum seekers meet certain criteria that make it not eligible for international protection. This exception is known in the Geneva Convention 1951, namely Article 1 D, 1 E, and 1 F. These articles are known as exclusion clauses.¹⁷

The principle of non-refoulement contained in Article 33 of the 1951 Geneva Convention provides the possibility for a country to waive the principle of non-refoulement if there are certain valid reasons and based on legal

¹⁵ Hendro Valence Luhulima, "Identifikasi dan Validitas Norma-Norma Jus Cogens dalam Hukum Internasional", *Jurnal Hukum Justitia et Pax*, Volume 34, Number 1, June 2018, p. 73.

¹⁶ I Kadek Setiawan, "Inkonsistensi Pengaturan dalam Pelaksanaan Kewenangan dan Biaya Pemberian Izin Usaha Mikro", *Jurnal Legislasi Indonesia*, Volume 14, Number 3, September 2017, p. 340. A. A. A. Nanda Saraswati, "Kriteria untuk Menentukan Hak Asasi Manusia sebagai "Jus Cogens" dalam Hukum Internasional", *Arena Hukum*, Volume 10, Number 2, August 2017, p. 164.

¹⁷ UNHCR, *An Introduction to International Protection: Protecting Persons of Concern to UNHCR, Self-study Module 1*, UNHCR, Geneva, 2005, p. 58.

procedures that can be accounted for to carry out such actions. The reasons referred to, can be seen in Article 33 paragraph (2) of the 1951 Geneva Convention, namely first, that refugees and asylum seekers are considered as a danger to the security of the country where they are located; or secondly, the person concerned is convicted of a very serious crime based on a final judge's decision and constitutes a danger to the people of that country. If one of these reasons is found in refugees and asylum seekers, then the country does not hesitate to exclude the provisions of Article 33 paragraph (1) of the 1951 Geneva Convention by expelling the refugee or asylum seeker from the territory of his country. These two reasons, if seen, are more or less the same as the reasons that make refugees or asylum seekers not entitled to international protection.

The United States uses national security to refuse refugee arrivals in its territory. This is almost the same as some practices carried out by other countries, one of them is Australia. The difference between the two is that Australia has shifted refugees or asylum seekers who have been expelled to third-party countries that are cooperating with Australia as RPC.¹⁸ Whereas what happens in America is that America only refuses the arrival of refugees or asylum seekers, without any other effort to ensure that refugees or asylum seekers are accepted in other countries. In this regard, Riyanto said that a country that expels refugees and asylum seekers must pay attention to several restrictions, one of which is to ensure that refugees and asylum seekers can be accepted in a safe third country.¹⁹

Although national security can be used as a valid reason for refusing refugees, the actions of the United States cannot be justified under International Law. The reasons are as follows:

- a. The United States is very subjective in determining whether or not refugees are dangerous for the national security of their country. Expulsion actions based on national security should not be based solely on speculation, but must go through judgments and legal processes that can be accounted for.²⁰ Article 32 paragraph (2) of the 1951 Geneva Convention even explicitly states that the eviction of refugees for reasons of national security or public order will only be carried out as the implementation of a decision resulting from due legal process. This process does not exist in the case of displacement or refusal of refugees in the United States.
- b. The United States has violated its obligations to implement international treaties. Article 13 of the 1949 Declaration on Human Rights and Duties of States states clearly that each country has an

obligation to carry out in good faith its obligations arising from treaties and other sources of international law. In this case the United States has denied its stated commitment when it ratified the International Convention on the Elimination of All Forms of Racial Discrimination²¹. Article violated by the United States, namely Article 2 paragraph (1) letter c as follows:

States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and to this end: [...] c. Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination whatever it exists.

Based on the above provisions, the United States should review the Executive Order that it has issued, because these policies have had the effect of creating or preserving discrimination against certain races. Obligations and commitments that have been legalized by the state cannot be ignored just as long as the things set out in the conventions that bind it are in line with International Law and International Customary Law. Even national law from the United States cannot be used as an excuse for not carrying out obligations under the international instruments.²²

The actions of the United States have shown how much influence the concept of State Sovereignty, as introduced by Jean Bodin.²³ Indirectly this also shows that in certain cases, International Law and all the instruments incorporated in it seem unable to do much to suppress the exercise of this sovereignty. Because so far America has never been given sanctions for its actions.

Oppenheim said that international law is really law²⁴ if, for one thing, there is a guarantee of external implementation.²⁵ In other words, need sanctions. Ideally, such sanctions need to be imposed when there are violations of obligations under International Law. But when it is confronted with the problem of violating the principle of non-refoulement, law enforcement is immediately weakened. No sanctions were given, but only in the form of criticism.

There are indications that sanctions will be determined based on how much influence the country has on the survival of the international community. For example, if

¹⁸ Jane McAdam and Fiona Chong, *Refugees: Why seeking Asylum is Legal and Australia's Policies are not*, NewSouth Publishing, Sydney, 2014, p. 114.

¹⁹ Sigit Riyanto, "Prinsip Non-Refoulement dan Relevansinya dalam Sistem Hukum Internasional", *Mimbar Hukum*, Volume 22, Number 3, October 2010, p. 447.

²⁰ Sir Elihu Lauterpacht and Daniel Bethlehem as their opinion is quoted in Erika Feller, Volker Turk and Frances Nicholson, *Refugee Protection in International Law: UNHCR's Global Consultations on International Protection*, Cambridge University Press, Cambridge, 2003, p. 89.

²¹ The United States is a State Party to the International Convention on the Elimination of All Forms of Racial Discrimination signed on September 28, 1966, and ratified on October 21, 1994.

²² Article 13 *Draft Declaration on Rights and Duties of States 1949*.

²³ Sovereignty is defined as the highest, absolute and perpetual power of a republic. Alan De Benoist, "What is sovereignty?", *Telos*, Volume 119, p. 102.

²⁴ Sefriani, "Ketaatan Masyarakat Internasional terhadap Hukum Internasional dalam Perspektif Filsafat Hukum", *Jurnal Hukum*, Volume 3, Number 18, July 2011, p. 408.

²⁵ Other elements are the rule of law, and the existence of the community. See Benedict Kingsbury, "Legal Positivism as Normative Politics: International Society, Balance of Power and Lassa Oppenheim's Positive International Law", *European Journal of International Law*, Volume 13, Number 2, 2002, p. 434.

the country acts as a "captain" of the world economy, the sanctions will only be given in the form of criticism. Just stop there, and there is no further action from the criticism. In other words, the sanction in International Law is nothing more than the political contestation of the political power of international political actors (especially the state) as stated by Martii Koskeniemi.²⁶

The United States can be used as an example for the Researcher's explanation above. The United States has clearly been discriminatory towards refugees, and violates the principle of non-refoulement, but to this day it is still convenient to carry out these actions. No sanctions have been imposed on United States, for example sanctions from the United Nations as an international organization that have contributed to the protection of human rights, peace and world security. There are at least two reasons why no sanctions are given to the United States, namely:

- a. The United States has the power to control the whole world. One of them is through economic aspects. The United States is the deciding actor responsible for creating stable world economic conditions. The United States with international institutions, especially world economic institutions such as the International Monetary Fund (IMF), World Bank, and WTO are able to create economic policies that make the United States lead the world economy. In addition, the United States is also the world's largest creditor capable of providing loans or assistance to developing and lagging countries in the form of Marshall Plan. Then, the United States also provided economic assistance "Grants in Aid", which later obliged the countries it helped to return the economic assistance in the form of dollars or by buying US products. For countries that still need to develop, they will certainly be very dependent on these assistance. The more dependent these countries are on the United States, the stronger the stronghold of economic power in the United States.
- b. The United States is a Permanent Member of the United Nations Security Council (UNSC). As a Permanent Member of the UNSC, the United States has the right of veto in accordance with the interpretation of Article 27 paragraph (3) of the UN Charter, in which voting related to certain matters (non-procedural) will be determined by the agreed votes of nine members, including unanimous votes from permanent members. Thus, if there is a Permanent Member of the UNSC who uses his veto, then the decision on the matter cannot be implemented. In this connection, veto power is often misused for the national interest of the veto holder country. In the issue of violating the principle of non-refoulement, the United States cannot indeed use its veto rights or vote because the United States is a party involved in this problem, but countries that have close relations with the United States who are also permanent members of the UNSC can at any time to use this veto. In the end, actions to impose sanctions will only be discourse.

CONCLUSION

The policies and actions adopted by the United States under the Trump Administration cannot be justified under International Law as explained in the previous section. Such actions and policies are unfortunate. Whereas United States as a superpower which has a great influence should be a good example for other countries in refugee protection, not like this. This has the potential to be replicated for countries not participating in the 1951 Geneva Convention. In the end, refugee protection is only a wish that will never be realized.

REFERENCES

1. A. A. Nanda Saraswati, "Kriteria untuk Menentukan Hak Asasi Manusia sebagai *"Jus Cogens"* dalam Hukum Internasional", *Arena Hukum*, Volume 10, Number 2, August 2017.
2. Adirini Pujayanti, "Kebijakan Imigrasi Pemerintahan Presiden Donald Trump", *Info Singkat Hubungan Internasional*, Volume 9, Number 3, February 2017.
3. Alan De Benoist, "What is sovereignty?", *Telos*, Volume 119.
4. Baiq Wardhani, "Nasionalisme dan Etnisitas di Eropa Kontemporer", *Global & Strategis*, Special Edition, December 2011.
5. Benedict Kingsbury, "Legal Positivism as Normative Politics: International Society, Balance of Power and Lassa Oppenheim's Positive International Law", *European Journal of International Law*, Volume 13, Number 2, 2002.
6. Catalina Amuedo-Dorantes, Cythia Bansak, and Susan Pozo, "Refugee Admissions and Public Safety: Are Refugee Settlement Areas More Prone to Crime?", *Discussion Paper Series*, Number 11612, June 2018.
7. David Held, "Law of States, Law of Peoples: Three Models of Sovereignty", *Legal Theory*, Volume 8, Number 2, 2002.
8. *Draft Declaration on Rights and Duties of States 1949*.
9. Eka An Aqimuddin, "Hukum Internasional Netral atau Berpihak?", *Jurnal Opinio Juris*, Volume 12, January-April 2013.
10. *Executive Order 13769*.
11. Feller, Erika, Volker Turk and Frances Nicholson. 2003. *Refugee Protection in International Law: UNHCR's Global Consultations on International Protection*. Cambridge: Cambridge University Press.
12. Hamutal Bernstein and Nicole DuBois, "Bringing Evidence to the Refugee Integration Debate", *Research*, on programs organized by URBAN Institute, April 2018;
13. Nadwa Mossaad, "Annual Flow Report: Refugees and Asylees: 2017", March 2009.
14. Hardi Alunaza S. D and M. Kholit Juani, "Kebijakan Pemerintah Indonesia melalui Sekuritas Migrasi Pengungsi Rohingya di Aceh tahun 2012-2015", *Jurnal Indonesian Perspective*, Volume 2, Number 1, January-June 2017.
15. Hendro Valence Luhulima, "Identifikasi dan Validitas Norma-Norma Jus Cogens dalam Hukum Internasional", *Jurnal Hukum Justitia et Pax*, Volume 34, Number 1, June 2018.
16. I Gede Wahyu Wicaksana, "Kedaulatan Teritorial Negara: Kepentingan Material dan Nilai Simbolik", *Jurnal Masyarakat, Kebudayaan dan Politik*, Volume 29, Number 2, 2016.

²⁶ Eka An Aqimuddin, "Hukum Internasional Netral atau Berpihak?", *Jurnal Opinio Juris*, Volume 12, January-April 2013, p. 93.

17. I Kadek Setiawan, "Inkonsistensi Pengaturan dalam Pelaksanaan Kewenangan dan Biaya Pemberian Izin Usaha Mikro", *Jurnal Legislasi Indonesia*, Volume 14, Number 3, September 2017.
18. Jawahir Thontowi, "Kebijakan Presiden Trump dan Respon Masyarakatnya terhadap Larangan Muslim Arab Tinggal di Amerika Serikat", *Jurnal Hukum Lus Quia Iustum*, Volume 24, Number 3, July 2017.
19. Jens Manuel Krogstad, "Key Facts about Refugees to the U.S.", *Pew Research*, 27 September 2019.
20. Joko Setiyono, "Kontribusi UNHCR dalam Penanganan Pengungsi Internasional di Indonesia", *Masalah-Masalah Hukum*, Volume 46, Number 3, July 2017.
21. Laporan Homeland Security Committee, "Syrian Refugee Flows: Security Risk and Counterterrorism Challenges", *Preliminary Finding of a House Homeland Security Committee Review*, November 2015.
22. Lizzie Biddle, "Refugee Resettlement under The Obama Administration: Untangling the U.S. Refugee Assistance Program at The Federal Level", *Global Journal of Peace Research and Praxis*, Volume 2, Number 1, 2018.
23. Marthinus Omba, "Tanggungjawab dan Peranan Dewan Keamanan Perserikatan Bangsa-Bangsa dalam Memelihara Perdamaian dan Keamanan Internasional", *Jurnal Hukum Internasional*, Volume 5, Number 4, July 2008.
24. McAdam, Jane and Fiona Chong. 2014. *Refugees: Why seeking Asylum is Legal and Australia's Policies are not*. Sydney: NewSouth Publishing.
25. Migration Policy Institute, "U.S. Annual Refugee Resettlement Ceilings and Number of Refugees Admitted, 1980-Present", <https://www.migrationpolicy.org/programs/data-hub/charts/us-annual-refugee-resettlement-ceilings-and-number-refugees-admitted-united>, 3 February 2020.
26. Saddam Husein, "Eksistensi Amerika Serikat sebagai Kekuatan Global", *Global & Policy*, Volume 1, Number 1, January-June 2013.
27. Sefriani, "Ketaatan Masyarakat Internasional terhadap Hukum Internasional dalam Perspektif Filsafat Hukum", *Jurnal Hukum*, Volume 3, Number 18, July 2011.
28. Sigit Riyanto, "Prinsip Non-Refoulement dan Relevansinya dalam Sistem Hukum Internasional", *Mimbar Hukum*, Volume 22, Number 3, October 2010.
29. Sulbianti, I Made Pesek Diantha and Made Mahartayasa, "Hak Veto Dewan Keamanan Perserikatan Bangsa-Bangsa dalam Kaitan dengan Prinsip Persamaan Kedaulatan", *Kertha Negara*, Volume 4, Number 3, April 2016.
30. U.S. Department of State Diplomacy in Action, "Remarks by President Obama at Leaders Summit on Refugees", <https://obamawhitehouse.archives.gov/the-press-office/2016/09/20/remarks-president-obama-leaders-summit-refugees>, 12 June 2020.
31. UNHCR, 2005, *An Introduction to International Protection: Protecting Persons of Concern to UNHCR, Self-study Module 1*, Geneva: UNHCR.