REFUGEE ADMISSION IN CANADA AND THE UNITED STATES: EVOLVING NUMBERS AND CHANGING RELATIONS

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INTRODUCTION

In 2016 President Donald Trump took office on what several observers described as an anti-immigrant agenda. The year 2018 saw Canada resettled more refugees than the United States thus marking the first time that the US did not lead the world in this regard. The Trump administration's anti-immigrant rhetoric raised legitimate concerns on the part of Canadians about America's treatment of refugees.

On December 5, 2002 an agreement was struck between Canada and the United States with the stated purpose to "facilitate the management of refugee claims" made in the US and Canada by citizens of other countries (it came into force on December 29, 2004). What is called the Safe Third Country Agreement or STCA required that persons who intend to seek asylum in Canada or the United States make their refugee claim in the first country of the two in which they arrive. In effect, persons fleeing their countries of origin who arrive either to the United States or Canada will only be eligible to seek protection in that country. From the outset, the STCA has been the object of some controversy owing in particular to concerns expressed by human rights groups in Canada about the 'plight' of refugees in the United States.

That which follows will look at the recent evolution in the numbers and source countries of refugees admitted in the United States and Canada. We will also look at the debate over the STCA and what it might imply by way of cooperation of the two countries when it comes to refugee admission(s).

THE NUMBERS OF REFUGEES ADMITTED IN THE TWO COUNTRIES

In the United States the number of refugees admitted for resettlement is set by the President. In 2018 the Trump administration established a considerably lower cap on the number of refugees allowed into the country than in previous years. The following year yet another cut was implemented, greatly dimming the United States' role in accepting refugees from most parts of the world (Shear and Kanno-Youngs, 2019). The administration said it would accept 18,000 refugees during the next 12 months, down from the current limit of 30,000 and a fraction of the 110,000 President Barack Obama said should be allowed into the United States in 2016, his final year in office.

The Trump administration contended that the safety and security of the American people justified the reducing the numbers adding that "...the current burdens on the U.S. immigration system must be alleviated before it is again possible to resettle large number of refugees," the State Department said in a news release (see Allyn, 2019)." When elected in 2020, the Biden administration's stated aim was to reverse the immigration policy objectives set previously. In 2021 the Biden administration established the cap for refugee admissions at 62,500. Yet, as observed in Table 1, it ended up admitting only 11,454 refugees. Undoubtedly, the pandemic curtailed refugee admissions (which is also the explanation for the reduction in such admissions in Canada in the previous year that is also observed in Table 1).

In 2022, the Biden administration further raised the cap on refugee admissions to 125,000. Just over 25 000 refugees were admitted in 2022 representing more than double that of the two previous fiscal years. Still, according to an analysis conducted by the Migration Policy Institute, at one-fifth of the total cap, the gap between the actual numbers admitted and the cap was the largest it's been in 20 years.

By contrast in Canada, the numbers of refugees remained consistent since the start of the twenty-first century. The decline emerged shortly after the onset of the pandemic as reflected in the numbers for 2020 and to a lesser degree for 2021. In the year 2022 Canada welcomed more than 47000 refugees. Hence, Canada took in nearly double what the United States allowed in 2022, the difference being by far the largest between the two countries over the course of the twenty-first century (keeping in mind that this is in real numbers and not per capita, a basis upon which Canada would vastly exceed the United States). (See Table 1)

REFUGEE SOURCE COUNTRIES IN CANADA AND THE UNITED STATES

The United States has consistently received refugees from Asia, Africa, Europe, and Latin America. From 2010 to 2020, the highest number of refugees came from Myanmar, Iraq, and Bhutan, in descending order. By comparison, in 2021, the countries with the highest number of refugees admitted to the United States were the Democratic Republic of Congo, Syria, Afghanistan, and Ukraine, in descending order.In 2017, Trump issued an executive order that temporarily prohibited the entry of nationals of seven Muslim-majority countries—Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen—and indefinitely barred

TABLE 1. ANNUAL NUMBERS OF REFUGEES ADMITTED TO THE UNITED STATES AND CANADA RESPECTIVELY, 2000-2022.

ANNUAL REFUGEE ADMISSION	UNITED STATES	CANADA
2000	72,165	30,095
2001	68,920	27,919
2002	26,785	25,118
2003	28,286	25,993
2004	52,840	32,695
2005	53,738	35,776
2006	41,094	32,501
2007	48,218	27,955
2008	60,107	21,860
2009	74,602	22,855
2010	73,293	24,699
2011	56,384	27,873
2012	58,179	23,092
2013	69,909	24,129
2014	69,975	24,068
2015	69,920	32,111
2016	84,989	37,308
2017	53,691	26,590
2018	22,405	27,790
2019	29,916	30,055
2020	11,840	9,235
2021	11,454	20,405
2022	25,465	47,530

Sources: Immigration, Refugees and Citizenship Canada "Immigration of Permanent Residents by Immigration Category", 2000-2022 and United States, Department of Homeland Security "Immigration Statistics", 2000-2022.

all Syrian refugees. (Admissions for Syrians restarted in January 2018.) The executive order also tightened visa restrictions that had been imposed under Obama on those seven countries. The Trump administration revised the order twice amid legal challenges, until April 2018, when the Supreme Court allowed the third version of the order to stand. (See Chart 1)

When considering the source countries for refugees admitted in the United States and Canada one observes below that there are marked differences over the period covered in Table 2. In the case of the United States most of the refugees came from the Democratic Republic of Congo, Myanmar and Iraq (keeping in mind that over the period 2015-2021 most of the refugees came in the period 2015-2017). By contrast, the refugees that were admitted to Canada came mainly from Syria, Afghanistan and Eritrea. (See Table 2)

CONFLICT AND COOPERATION

On 5 July 2017, Amnesty International, the Canadian Council of Churches, and the Canadian Council for Refugees announced the launch of a new legal challenge to the Safe Third Country Agreement (STCA) contending that policy and practice as regards refugees deteriorated since President Donald Trump took office. On July 22, 2020, Canada's Federal Court agreed with the applicants and declared the provisions enacting the STCA unconstitutional on the basis that it infringed the claimants' right to life, liberty, and security, under section 7 of the Canadian Charter of Rights and Freedoms. In April 2021, the Federal Court of Appeal (FCA) overturned the Federal Court's decision. The FCA held that the claimants

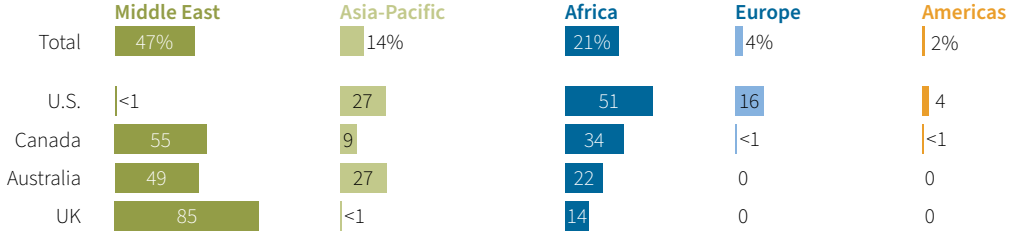
TABLE 2. NUMBERS OF REFUGEES ADMITTED TO CANADA (2015-2022) AND TO THE UNITED STATES, (2015-2021) BY SELECTED COUNTRIES OF ORIGIN.

CANADA 2015-2022 UNITED STATES 2015-2021	CANADA		UNITED STATES	
	217,06	PERCENTAGE	284,215	PERCENTAGE
Syria	85,755	39.5	23,205	8.1
Afghanistan	33,205	15.3	8,448	2.9
Eritrea	28,600	13.1	9,082	3,2
Iraq	20,960	9.6	30,945	10.9
Somalia, Democratic Republic of	9,285	4.3	24,838	8.7
Congo, Democratic Republic of the	8,710	4.0	61,882	21.7
Ethiopia	5,775	2.6	3,423	1.2
Pakistan	3,145	1.4	2,727	1.0
Sudan, Democratic Republic of	2,535	1.1	5,200	1.8
Iran	2,490	1.1	9,966	3.5
Burundi	2,245	1.0	2,916	1.0
Myanmar (Burma)	1,305	0.6	46,998	16.5
South Sudan, Republic of	1,000	0.4	5,200	1.8

Sources: Immigration, Refugees and Citizenship Canada, 2015-2022 and United States, Department of Homeland Security " Immigration Statistics", 2015-2021.
(nb. The data was made available for those defined periods in Canada and the United States)

CHART 1. WORLDWIDE, MOST RESSETTLED REFUGEES COME FROM THE MIDDLE EAST, BUT NOT IN THE U.S.

Region of origin for resettled refugees in 2018 (%).



Note: Unknown nationalities not included.
Source: Pewt Research Center analysis of United Nations Hi gh Commissioner for Refugees date, accessed June 12, 2019.

should have challenged the process by which the Canadian government reviews whether the US continues to be a safe country for refugees, not the designation itself. The FCA's decision was appealed to the highest court in Canada, which agreed to hear the case (and a decision is expected in 2023).

The Government of Canada maintains that the agreement is an important part of the country's management of its asylum system. It adds that not everyone that is turned away by the US is detained. That the treatment of refugees in the United States does not breach rights in a way that "shocks the conscience" and that there are adequate safety valves in place. It maintains that removing the STCA will result in an "influx" of asylum seekers across the U.S. border, causing "irreparable harm" to the public by impeding the "functioning of the border, the sustainability and integrity of the Canadian asylum system, and the services and resources that support claimants in Canada.

That view has been challenged by a number of observers. For their part, Arbel and Macklin contend that "...by its own terms, the STCA can only operate if both Canada and the United States qualify as 'safe' countries for asylum seekers — that is, countries that afford asylum seekers the basic protections required by international law. By that measure, the United States is often unsafe for asylum seekers, and this did not begin or end with Donald Trump's presidency" (Indeed, challenges to the STCA pre-date the Trump administration).

While the STCA is the object of ongoing political debate and legal challenge, there has been continued cooperation between the two countries in certain areas of refugee resettlement. A recent example is the cooperation around Afghan refugees which has been described by the government of Canada as reflecting a "...long and proud history of shared values and strong cooperation with the United States around refugee issues". The US State Department has referred more than 5,000 Afghan refugees seeking admission to the United States to a similar program in Canada where it noted that waiting times were shorter for refugees.

REFUGEE RESETTLEMENT IN THE UNITED STATES AND CANADA

As regards the significant gaps between the projected cap on admissions and the actual numbers admitted, the Biden administration has contended that it is largely due to the damage done to the resettlement system by the administration reflected in massive funding cuts and accompanying staff reductions. Observers remark that while the Biden administration has made some progress in rebuilding resettlement, many experts insist that the resettlement system remains critically underfunded. The government has acknowledged that reaching the goal of 125,000 refugees will be an ongoing challenge (Dhingra 2022).

By contrast the settlement sector in Canada has benefitted from consistent government support across the pandemic. The 2022 federal budget proposed robust five year funding levels for Immigration, Refugees and Citizenship Canada to "improve its capacity to respond to a growing volume of enquiries and to invest in the technology and tools required to better support people using their services" (Government of Canada, 2022).

As a government official stated "Newcomers and refugees have long been a driving force behind Canada's society and economy. Our country has a proud tradition of being an international leader in resettlement and integration... and...this success could not be achieved without vital settlement service organizations..."

CONCLUSION

Looking at the evolution of the numbers of refugees admitted by Canada and the United States over the course of the twenty-first century, from 2000 to 2017 the US admitted considerably more refugees than Canada did (though certainly not on a per capita basis). There were some exceptions in terms of the refugee admission gaps between the two countries most notably in the years 2002 and 2003 (in the years following the tragic events of September 2001).

Under the Trump administration, the numbers of refugees dropped quite significantly to the point where those admitted by Canada exceeded those admitted by the United States. in the years 2018, 2019, 2021 and 2022 with the exception of 2020 (that year especially affected by the pandemic). But as observed above, the Biden administration has not meaningfully reversed the steep declines that were implemented under the previous administration and this despite the substantial increase in the targeted numbers determined by the cap. The inability to reconcile admission numbers with targets in the United States is widely attributed to the decline in support for the organizational capacity/infrastructure needed to receive refugees in the country. That does not appear to be the situation in much of Canada where the refugee resettlement sector remains robust.

Refugee admission numbers in the two countries do indeed matter. The cooperation between Canada and the United States around refugee admission(s) has come under some scrutiny as rights groups in Canada have appealed to the judiciary to suspend the STCA insisting that protection is at risk in the United States. For its part, the Government of Canada will undoubtedly defend the agreement with the United States as being in everyone's interest and consistent with the idea that cooperation is the best course of action when it comes to the admission and settlement of refugees. This, despite the two countries apparent divergence in their respective approach to refugee admission(s).

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