

Hospitality or Hostility? Explaining the German and United States Responses to the Syrian Refugee

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Abstract

Since the beginning of the Syrian Civil War in 2011, approximately five million refugees have fled their homeland. By early 2016, Germany had accepted over half a million refugees from Syria, while the U.S. had allowed approximately 4000 Syrian refugees to enter. What are the factors that explain why are some countries more open to refugees than others? This article compares German and U.S. responses to the Syrian refugee crisis, placing the differing responses in their historical, cultural, political, and institutional contexts. While acknowledging that one explanation is German proximity to Syria, the authors argue that several other factors that help explain the gulf between the German and U.S. response to the Syrian refugee crisis. One key variable is the extent to which policy-making is embedded in an international context. Given the fact that Germany's refugee policy is couched within the EU, it is less volatile and more likely to reflect international norms. By contrast, U.S. refugee policy is more subject to political interests and trends. In addition, the critical juncture literature is applied to explain how the U.S. has, after the 9/11/2001 attacks, dramatically altered refugee policy to reflect public opinion and public concerns about national security.

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According to the United Nations High Commissioner for Refugees (UNHCR), as of early 2016, approximately 13.6 million people have been displaced as a result of the protracted Syrian Civil War. Many of those refugees are internally displaced, but approximately 5 million people have fled Syria since the conflict began in 2011. Most Syrian refugees are now sheltered in Turkey, Lebanon, and Jordan. Among Syrian refugees who arrive in Europe, the largest number are finding shelter in Germany; current UNHCR data indicate that about 480,000 people fleeing the war in Syria have moved to Germany since 2011. At the same time, the U.S. has “welcomed” around 10,000 Syrian refugees. In spite of its history as a nation of immigrants, the United States has, in recent years, implemented policies that are not welcoming to refugees or asylum-seekers. In fact, in the wake of the November 2015 Paris terrorist attacks, 31 of 50 U.S. governors said they would oppose accepting Syrian refugees into their states. The Republican candidate for the U.S. presidency, Donald Trump, has suggested closing U.S. borders to any Muslims. In stark contrast, Germany has exercised a relatively “open door” policy to refugees of the conflict in Syria. Garza (2015) notes that Germany planned to take in more refugees in 2016 than the U.S. accepted in the past decade.

How are these wide variations in refugee policy best explained? Why is Germany so much more open to refugees than the United States?

An obvious and parsimonious answer would point to the unequal distances from Syria. Refugees seeking shelter in the U.S. must cross the Atlantic Ocean while those seeking shelter in Europe only have to traverse the Mediterranean. After examining U.S. responses to large-scale refugee flows in the past, we conclude that proximity is one factor in explaining the gap between German and U.S. inflows of Syrian refugees, yet certainly not the only one and probably not even the most important.

Section 2 looks at the literature on comparative refugee policy for answers. We find this literature to be more descriptive than theory-driven. What is clear, however, is that refugee policy is a most difficult policy area fraught with many unintended consequences. Many relevant factors are beyond the reach of a political administration that nevertheless has to react in one way or another. As we do not want explain the development of refugee policies in general, but only the gap between the number of refugees in Germany and the number of refugees in the United States, we propose a very simple model that combines long term, intermediate, and short term factors.

This model, outlined in section 3, is anchored in historical institutionalism and includes arguments from the critical juncture literature, thus combining insights from political science and sociology. Hypotheses derived from this model are tested comparatively in section 4. This is followed by a section in which we discuss whether recent decisions in refugee and asylum policies deviate from the predicted patterns and represent a fundamental policy shift. The concluding section reflects our findings.

1. Proximity and its Limits as an Explanation

What determines where refugees resettle? The most logical and parsimonious explanation is proximity. We take it for granted that refugees prefer wealthy countries with high social standards as a destination countries. Lacking resources, refugees logically will choose the closest acceptable location to their home country. Proximity is thus a simple starting point for explaining the difference between U.S. and German acceptance of Syrian refugees is thus. With limited resources, war refugees are likely to seek asylum in the nearest countries that offer reasonable security from the epicenter of the conflict. Most refugees of the Syrian conflict who travel outside the immediate area are arriving over land via Turkey and Greece, and they do not have the resources to undertake a trans-Atlantic journey. The UNHCR reports that 4.8 million Syrians have left the country. The vast majority of these people (about 80 percent) are now in Lebanon, Turkey, and Jordan. Slightly more than one million Syrian refugees have been registered in Europe; of these people, 62 percent are in Germany and Serbia ???PLEASE CHECK???.

Thus, proximity is undoubtedly a factor in explaining the gap between German and U.S. inflows of Syrian refugees. Still, proximity alone cannot fully explain the gap. Some European states, despite their proximity to the crisis, are housing far fewer refugees. Denmark, Hungary, France, Switzerland, and Belgium have all taken in between 10,000 and 15,000 refugees from Syria (UNHCR 2015). On the other hand, Canada, as distant and difficult to reach as the United States, and has a welcoming stance toward Syrian refugees and, has welcomed more than 50,000 refugees of the Syrian conflict since 2011. Thus, proximity is not a complete explanation of refugee flows. Moreover, the definition of what is “acceptable” and what is “near” seem to have changed in recent years. As it has become easier to travel the globe, refugees (especially those with more resources) will be just as likely to travel 200 as 2000 miles, if there are strong incentives to make the longer voyage. If the U.S. was more welcoming of Syrian refugees, many Syrians would try to come to the U.S. This is particularly true for the relatives of the 140,000 Syrian-Americans already living in the United States.

Examining the U.S. response to large-scale refugee flows in the past, it is clear that policy varied with factors that were much more complex than proximity. We next examine three important instances in the past when the American administration faced a refugee crisis: the so-called boat-people, the Haitian refugees, and the current dealing with Central American refugees. The U.S. response has varied significantly in these cases but the variation was not a result of proximity.

Southeast Asian “Boat People”

The “boat people” of Vietnam refers to the large number of refugees from that region that fled during and after the U.S. intervention in Vietnam and Cambodia. Refugees fled from 1965 until well after the hostilities ended in 1975. During these years, the U.S. accepted tens of thousands of Vietnamese and Cambodian refugees. Early refugees were members of the Vietnamese

political elite who were ousted by the communist government. Later, refugees fled radical regimes that emerged at the end of the U.S. involvement in Vietnam and with the emergence of the Pol Pot regime in Cambodia in 1975. At the 1979 international Geneva Refugee Conference, the U.S. joined Canada, France and Australia in agreeing to accept more refugees from Southeast Asia in order to reduce pressure on overflowing refugee camps in Laos and Thailand. Vice President Mondale represented the U.S. at the Geneva conference. He suggested that the U.S. acceptance of Jewish refugees following World War II set a clear precedent for the Carter administration's decision to welcome large numbers of Southeast Asian refugees in the aftermath of the Vietnam conflict. In addition to removing refugees from camps, President Carter ordered the Seventh Fleet, operating in the South China Sea, to look for and pick up "boat people" who were fleeing Vietnam. The Carter administration also sought and received additional funding from Congress to help alleviate the costs of hosting more Southeast Asian refugees in the United States. Testifying before a Senate committee, Secretary of State Cyrus Vance said: "We are a nation of refugees. Most of us can trace our presence here to the turmoil or oppression of another time and another place. Our nation has been immeasurably enriched by this continuing process." In all, approximately 1.2 million Vietnamese and 200,000 Cambodian refugees entered the U.S. in the years immediately following the U.S. withdrawal from Vietnam (Campi 2005; Dalglish 1989).

Haitian Refugees

In the early 1990s, the U.S. again faced the potential of a large-scale influx of refugees. This time, large numbers of Haitians were attempting to enter U.S. waters on makeshift boats and rafts. Following a military coup d'état in Haiti in 1991, the U.S. Coast Guard rescued a total of more than 41,000 refugees who were trying to make their way to the United States. In this case, the administration of President George H.W. Bush barred the refugees from entering the United States and directed the Coast Guard to transport the refugees to the U.S. naval base at Guantanamo Bay. Eventually, the Immigration and Naturalization Service determined that more than half of the Haitians were economic migrants, not political refugees. About 20,000 people from Haiti were thus deported back to Haiti. Approximately 15,000 Haitians were allowed to enter the U.S. as refugees but hundreds of Haitian refugees that tested positive for HIV/AIDS were transported to Guantanamo Bay and held at the U.S. base for more than eighteen months. After protests by AIDS and immigration activists, and following a legal decision in the refugees' favor in June 1993, the Haitian refugee camp at Guantanamo was closed. All the Haitians who had been housed there were able to come to the United States. In the end, close to 16,000 Haitians were allowed to enter as refugees during this time, but they faced a great deal of scrutiny and many were housed in Guantanamo for nearly eighteen months. Half of those who originally attempted to enter the U.S. as refugees were simply deported back to Haiti. Clearly this was more close scrutiny and harsh treatment than the Vietnamese boat people had experienced (Gavigan 1997; Zucker and Zucker 1996).

Central Americans and the "Surge"

In recent years there have been larger inflows of Central American refugees to the U.S. via Mexico. Many of these refugees are attempting to escape violence in the “Northern Triangle” region of Central America, including El Salvador, Honduras, and Guatemala. Approximately 60,000 refugees came to the U.S. from Central America in 2014; most of them were unaccompanied minors. Most of these children declared their need for asylum at the Mexico-U.S. border. Though some of these may be economic migrants seeking jobs in the U.S., a large number are leaving their countries of origin to escape crime, violence, and gang activity. Organizations such as the Immigration Policy Center reported on the strong relationship between gang violence, crime victimization, and migration intents in the Northern Triangle of Central America.

There are also many unaccompanied children from Mexico entering the U.S., including 18,754 in 2013. Most of these Mexican teenagers were promptly returned to Mexico when apprehended while the children from El Salvador, Guatemala and Honduras were moved to temporary detention centers. President Obama sought support from Congress to cover the costs of housing and providing these young people with legal representation, but Congress could not agree on a funding allocation (Marcos 2014). Some states have housed the approximately 65,000 unaccompanied minors (aged 0-17 years), and some were moved to facilities in Texas, Oklahoma, and New Mexico. The American Civil Liberties Union (ACLU) filed a brief arguing that these facilities “do not offer services compatible with due process” (Preston 2015).

The Central American highlights the debate about whether the young people coming to the U.S. should be considered “economic migrants” or whether many are more accurately characterized as “political refugees.” In spite of the violence in their countries of origin, the U.S. government has consistently argued that the vast majority of Mexicans in the U.S. are economic migrants. The Immigration and Naturalization Service tries to stem the tide of Central Americans to the U.S. by highlighting the risk associated with this migration via its “danger awareness” campaign.

In 2016, the Obama administration was again preparing for a surge of refugees from Central America. In April 2016, Reporter Daniel Gonzalez noted that murders in the “Northern Triangle” countries totaled more than 17,000 in 2015, up 11% from the year before. Border patrol enforcement had increased substantially in early 2016, it was also reported. It is important to note that the U.S. response to what Pope Francis has called a “humanitarian tragedy” has been to prevent refugees from entering and to deport or detain those who enter the country illegally (Burke 2016).

In sum, the U.S. has offered a variety of responses to refugee crises in the recent past. In the aftermath of World War II, the U.S. generously permitted European refugees to resettle in America. This generosity extended to the Vietnamese and Cambodians who were displaced and persecuted in the 1970s during and after the protracted U.S. intervention in Southeast Asia. Twenty years later, however, the first Bush administration was not as charitably inclined toward refugees from Haiti. The proximity argument would suggest the U.S. would be willing to accept Haitian than Vietnamese refugees, but the political climate, administration in power, and the

history of U.S. intervention in the region reversed the proximity argument. With regard to the Central American surge, it is clear that proximity to U.S. borders is causing the government to crack down on rather than open up to refugees. There have been concerted efforts to detain and deport thousands of teenagers who have fled violence in Central America. The Obama administration has consistently rejected the notion that many of these teenagers are refugees, and they have used intimidation and enforcement to prevent the borders from “leaking.” This is clearly related to a political climate in which many Americans feel the U.S. needs to reduce the immigrant/refugee flow into the country. Thus we see that, in addition to proximity, a variety of factors influence refugee flows.

2. Comparative Refugee Policy and Theory

The existing literature on comparative refugee policy does not adequately address the factors that determine host country refugee policy. Researchers have studied refugee policy from a variety of perspectives – historical, ethnographic, and administrative, but these analyses do not adequately establish how refugee policy reflects differences among potential host countries’ institutions and international obligations. The extant literature offers several different loci of analysis, including refugee law (Musalo et al 2011), refugee adaptation, and refugee right of return. Tracing the history of fifty years of refugee studies, (Black 2001) notes the development of comparative refugee theory has been hampered by the tendency of refugee studies to be normative, policy-based, and prescriptive. In addition, Black notes that there is a distinct difference between refugee studies and refugee policy studies, and that refugee policies studies have a “high degree of policy relevance” (71). With a few exceptions, however, existing studies of comparative refugee policy do not adequately consider the root causes of refugee policy, including host governments’ domestic and international political constraints.

Studies of individual refugee movements or individual recipient countries exist, but they fail to compare policies made across time or cases. Examples of these more limited studies include specific analysis of refugees exiting from Vietnam (Smith 1988; Robinson 1993), Kosovo (Van Selm 2000) and Liberia (Outram 1998). These are each case studies of the resettlement of refugees of a specific group of refugees in one host country.

As noted by Black (2001), one important source of information about refugee policy is more policy-oriented and normative than analytical or academic (Lesser et al 2015). The intersection of policy and analysis is exemplified by refugee studies programs such as the Oxford Refugee Studies Centre and the Harvard Immigration and Refugee Clinic (HIRC). In 2013, for example, the HIRC provided legal services to refugees and also published a comprehensive report on U.S. and Canadian refugee policy. Entitled, “Bordering on Failure: Canada and U.S. Border Policy and the Politics of Refugee Exclusion,” this study advances our understanding of how refugee policies in these countries violate international law and advance anti-refugee political agendas in both countries. However, this study and others like it do not consider the causes of policy variation among potential host countries.

Bloemraad (2006) examines the differences between Canadian and U.S. refugee and immigration policy with an emphasis on how refugees fare once they have arrived in a host country. She finds that, in spite of its reputation, the U.S. is far less welcoming than Canada. Bloemraad relies on demographic information and interviews with refugees to assess their “differing trajectories” in their adopted homes. She contends that U.S. refugee policy is more hostile to asylum-seekers and less supportive of refugees once they are admitted. Bloemraad suggests that this is partly a function of the poor representation of immigrants and refugees in the U.S. Congress, in contrast to the Canadian Parliament.

Ostrand (2015) provides an analysis of the costs and burden-sharing among four states: the United States, United Kingdom, Sweden, and Germany. The author considers the relative burden that refugee assistance places on states and suggests methods to move towards more equitable cost-sharing. However, Ostrand does not attempt to explain the causes of policy variability among these states. Rather, she describes the current policies of the four states and provides recommendations for a more equitable and humanitarian approach. She writes, “The reasons for the difference in raw numbers among these states is complicated and difficult to determine. A range of factors could account for the variance, including political policies and objectives, refugee friendly reputations among asylum seekers, family ties, ease of access and location, and procedural constraints” (Ostrand 272).

In a few cases, comparative studies examine how differing governments respond to similar refugee challenges, much as we do in this case. Schuster (2000) has included seven countries in her comparative analysis of asylum policy in European countries. She considers the extent to which national refugee policy is dictated by the EU and its most powerful members. As the Dublin Agreement has been renegotiated, EU states are gradually moving toward a more unified refugee and asylum policy. However, Schuster demonstrates that states are keenly aware that control of refugee flows across borders is essential to their sovereignty. Schuster’s argument is that in spite of ideological changes, including the growth of far right parties, refugee policy has not undergone significant revision because of EU embeddedness. That finding is reinforced in our analysis.

One notable exception to the paucity of literature developing comparative refugee theory is a 2016 manuscript that compares refugee policy made in Australia and Italy since the early 1990s. Glynn (2016) notes that although Australia and Italy faced similar dilemmas in the handling of refugee boat people, their policy choices differed. Glynn argues that the divergence between Swedish and Italian responses to the boat people was a result of the differing nature of political debate on the issue, the types of strategies introduced, and the effects that policy changes had on the refugees. Using an in-depth historical case study of the diverging refugee policies, Glynn argues that the two countries’ disparate political values and varying international obligations best explain the different approaches taken by Australia and Italy. In fact, there are some important parallels with the current Syrian refugee crisis and the contrasting German and U.S.

responses. In the case of the boat people, Italy faced constraints and obligations as a result of its membership in the EU; we also see this shaping Germany's policy today.

In addition to Glynn's historical approach, some comparative refugee studies take a more ethnographic approach. Hamlin (2014) compares the refugee status determination (RSD) regimes of three key refugee destinations: the United States, Canada, and Australia. Refugees arriving in these host countries have very different experiences, including important differences in their likelihood of being designated as refugees. Hamlin's ethnographic research includes fieldwork and in-depth interviews of policy-makers and asylum-seeker advocates in the three host countries. She finds that policy differences depend on how insulated administrative decision-making is from either political interference or judicial review. Following Hamlin's lead, we are suggesting that U.S. refugee policy is subject to political pressures. However, Hamlin's study is exclusively focused on the administrative state and host country politics. Our study also contends that host country policy shifts with the refugees' country of origin.

Mathews (2013) considers refugee policy as, "a highly charged political issue." She demonstrates that politicians are, "fanning the flames of xenophobia and racial prejudice" in Europe to help build support for anti-immigration policy. Mathews notes that, in 2012, the Council of Europe passed a resolution to reduce the possibility refugees being used as political pawns during election campaigns. She notes that in Australia and other potential host states, "refugees and asylum seekers have come to represent a whole gamut of fears and insecurities including threats to cultural identity, threats to immigration control, threats to jobs, and threats to nation-state sovereignty." This research calls attention to the important linkages between refugee policy and the domestic political climate. The Council of Europe resolution restricting the portrayal of refugees in campaign season is an excellent example of how Germany's adherence to EU policy limits political impact on refugee policy. In the U.S. these limits are not in place.

Like Mathews, Avdan (2014) studies the nexus between asylum policy and host country security threats. Avdan evaluates the impact of terrorism on asylum granting among EU and Schengen member-states from 1980-2007. She finds that, in these countries, humanitarian-based asylum principles have not been eroded by terrorism and its related security threats. Avdan's study raises important questions for our own analysis. First, does U.S. refugee policy react more to terrorism because it is not made within the context of the EU? And second, would a more recent analysis have the same results? Does the fact that recent refugees are from Syria impact the outcome? These are questions we consider below.

Taken together, the existing literature on comparative refugee policy provides us with an informed yet incomplete picture of how refugee policy reflects domestic and international political constraints. Though many studies are contributing to the accumulation of theory, none have been comprehensive enough to fully explain the origins of the gap between German and U.S. inflows of Syrian refugees during the current crisis.

3. A Path-Dependency cum Critical Juncture Model

I WILL NEED TO ADD MORE REFERENCES

In the aftermath of World War II, the United Nations High Commissioner on Refugees (UNHCR) was created by the UN General Assembly. The mission of the UNHCR is to protect and find solutions for refugees. The activities of the UNHCR are guided by the Universal Declaration of Human Rights (1948) and the Geneva Conventions (1949). Specifically, Article 14 of the Universal Declaration states that, “Everyone has the right to seek and to enjoy in other countries asylum from persecution.” The 1951 Convention Relating to the Status of Refugees (later amended by the 1967 Refugee Protocol) expands upon Article 14 of the Universal Declaration countries, and defines a refugee as, “a person who has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion...” At this time, the UN High Commissioner for Refugees assumed responsibility for the protection of refugees worldwide. The Refugee Protocol also protects refugees from forcible return to their place of origin or “refoulement.” Both Germany and the U.S. are signatories to the 1967 Protocol and, as such, they agree to protect refugees that are on their territory. They paid heed to international asylum regulations in quite different ways, however.

Refugee and asylum policy are not at the center of public attention in normal times. In both countries it is institutionally not anchored in the government through an own ministry but dealt with through specialized bureaucracies, even though in Germany, the Ministry of Interior, Ministry of Justice, and, sometimes, the Foreign Office, share responsibilities. In the U.S., Refugee Admissions Program (USRAP) is comprised of joint representatives from three government agencies: the U.S. Citizen and Immigration Service (USCIS) in the Department of Homeland Security, the Bureau of Population, Refugees and Migration in the Department of State, and the Office of Refugee Resettlement in the Department of Health and Human Services. According to political science approaches (such as the Multiple Streams Approach or Punctuated Equilibrium Theory), as well as sociological approaches to public policy (such as Institutional Approaches or the Sociology of Social Problems), we would expect the processing of refugee and asylum applications to follow country-specific rules of the game that reflect existing policies and practices.

This explanation of the national mode of decision making focuses on long-term political factors which derive from each country’s history, institutions and practices. With specific regard to refugee and asylum policy, we note that there are two particularly important dimensions to consider: (a) the baseline policy process of the political systems in question, and (b) the degree of international and supranational embeddedness.

Germany’s political system has been aptly described as a “Policy of the Middle Way” (Schmidt 2016). Coordinated federalism, the exceptional place of parastatal institutions, a plethora of veto-players, a political culture of compromise, and a consensus undergirding party competition – all these features support the idea that Germany’s refugee policy will not vary

significantly with the onset of the Syrian refugee crisis. In other words, even though the Syrian refugee crisis points to important changes in the refugee context, the means of addressing the problems do not change. Ultimately, we expect more of the same.

Two features deserve special mention: Germany’s supranational embeddedness, including its pivotal role within the European Union which moreover points to problems of collective action within international alliances. This embeddedness in the EU helps to explain Chancellor Merkel’s September 2015 decision to open the borders for Syrian refugees. Moreover the strong enshrinement of human rights in the constitution, partly as a consequence of the Nazi past, together with the legal tradition of the code law and an extensive system of administrative court jurisdiction, gives any refugee, once in Germany, many opportunities to seek legal remedy against possible deportation. Thus, refugee policy made in Germany strongly reflects its history, its legal traditions, and its institutional embeddedness in the EU.

In contrast to Germany’s “semi-sovereignty” in the sense of muting the force of ideological conflict through enforced coordination among various political agents (Green/Paterson 2005), U.S. refugee policy reflects a very different political and institutional climate. First and foremost, U.S. policy is not embedded in a supranational institutional body with any comparability to the EU. Thus the U.S. is freer to act without regard for the potential limitations of critical alliance partners. Second, U.S. is characterized by a much lesser degree of coordination among various political institutions and agents, with power shared among multiple branches, levels, and agencies. Third, with reference to foreign policy, public knowledge is weak and thus relatively easily influenced by elites and interest groups. Finally, the U.S. system is characterized by a winner-take-all political system that focuses attention on specific political candidates and reduces party influence and coherency. Taken together, this system is subject to wider degrees of policy fluctuation in response to events, interests, and individual politicians. Such a system will not facilitate incremental change, but instead stimulates intermittent recurrences of accelerated change and political gridlock.

In a nutshell, the baseline policy process is incremental in the German case, and more volatile in the U.S. case. The degree of embeddedness is high in the German, and low in the U.S. case (figure 1).

Figure 1

		Embeddedness	
		low	high
Policy process	Incremental		Germany
	volatile	USA	

Several hypothesis derive from this model:

H1: The number of accepted refugees is more volatile in the U.S. than in Germany.

H2: Legal entitlements for refugees are stronger in Germany than in the U.S.

This hypothesis will be tested in the next section. But what about U.S.' ungenerous reaction to international calls to take in more Syrian refugees and Merkel's September 2015 decision to open Germany's border? Is Germany's intake of Syrian refugees still an outcome of its strong path-dependency even in the face of exogenous shocks and a changing intentional context? We will discuss in section 5 whether these reactions be described as a "critical juncture."

4. Contemporary Refugee Policy Evolution

In the following section, we present important milestones in the development of refugee policy in our two country cases with a particular focus on their reactions to the unfolding Syrian refugee crisis. Do their responses fit our model?

4.1. Germany

Postwar Germany had several immigration waves: the large flow of German expellees and refugees at the end and following World War II, people resettling from East Germany until the building of the wall, the recruitment of guest workers after 1955, the influx of ethnic Germans from Eastern Europe reaching a peak in 1990, significant numbers asylum seekers since the 1980 and immigrants from EU countries since the eastern enlargement and accelerating in the aftermath of the financial and Euro crisis.

From all the contracts on worker recruitment, the agreement with Turkey was the most consequential. From the very beginning German officials were keen to avoid permanent immigration. The idea was that after a two- or three-year stay the "guest workers" would return to their home countries to be substituted by fellow workers. Actually we know that most "guest workers" did share the expectation that their migration would only be temporary. This expectation did not materialize. One factor were interventions by the employer's organization who found it unpractical to send productive workers home after they had been trained and replace them with new worker who would have to be trained anew. But there is another reason which becomes clear if we compare the German to the Swiss situation. Switzerland did indeed send foreign worker forcefully back to their original countries (Schmid 1995) whereas Germany planned but never implemented an obligatory mechanism for ensuring the consistent rotation of foreign workers. In in line with our model it can be argued that compulsory rotation could not have been reconciled with West Germany's post-war identity as a liberal democracy, supportive of human rights and the rule of the law (Triadafilopoulos & Schönwälder 2006).

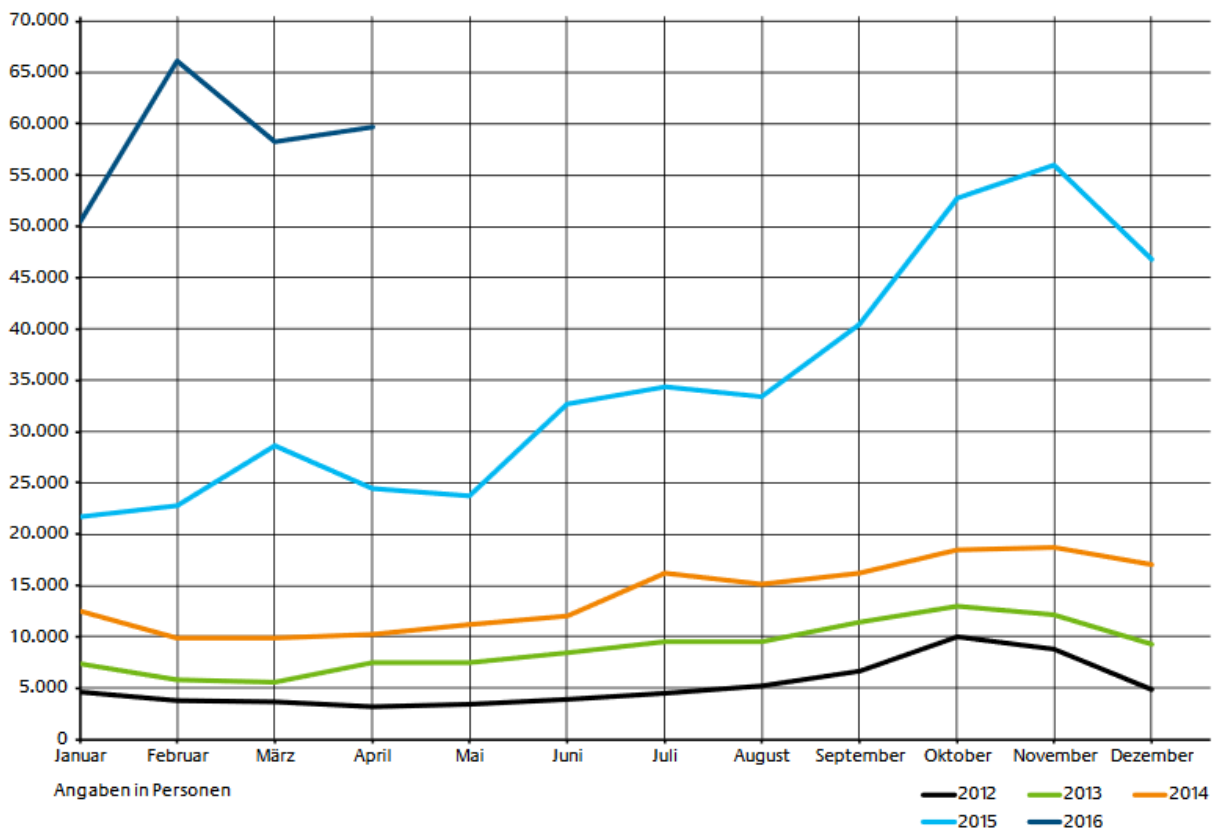
The economy crisis of 1973/74 brought the recruitment system to a halt. This recruitment stop is a perfect example of contra-intentional consequences of a policy. Meant to reducing the proportion of the foreign workforce it actually increased the foreign population. As non-EU workers were afraid to be denied re-entry into Germany upon their going-back, they decided to stay in Germany, at least until it was feasible again to commute back and forth. As a consequence the urge to bring in their families grew. As German constitutional law places a high premium on the integrity of the family, "guest worker", could not be deprived of their right of family reunion. As a result, family reunion took the place of worker immigration and permanent immigration was consolidated. It became clear that major parts of the former guest workers and their descendants were going to stay. Still, many immigrants remained mentally undecided to commit their plans to a future to Germany. Neither was the public ready to accept Germany as multicultural society even as at the beginning of the 90s it was by far the most sought after country for immigration in the industrialized world, a situation it was mentally not prepared for.

The political transformation in Eastern Europe and the break-down of the Soviet Union suddenly allowed ethnic Germans to leave in huge numbers. Upon their arrival in Germany they immediately could claim German citizenship and certain other rights. Another stream immigration was war refugees from Iran, Lebanon and the former Yugoslavia countries. The nineties saw an increase in the vote for right-wing parties and an outburst of violence against asylum seekers. Because of its Nazi past, when German refugees fleeing Hitler were turned away from many borders, democratic, Germany had the most liberal Asylum law in the world. It was even part of the constitution. Any migrant could claim asylum thereby triggering a lengthy legal process. Even if turned down, he or she was in most cases not sent back. This law was made to deal with individual cases, not with the sudden increase of applications from a few thousands to almost half a million in 1992. It was not before 1993, when the two largest parties, the conservative Christian Democratic Union and the Social Democratic Party, agreed on reforming the asylum law, the situation began to calm down. The reform reversed the former liberal law into making it almost impossible to claim asylum in Germany. The new Safe Third State Principle precluded the recourse to the right of asylum in the case of applicants arriving from safe third states which obviously included all neighboring of Germany. They two parties also put a lid on claims of ethnic Germans in Eastern Europe to immigrate to Germany.

This constitutional change in addition with the Dublin Regulation of the European Union did put Germany in comfortable position for quite some time. The Dublin system was agreed upon in 1990 and came into force on 1 September 1997. It determines the EU Member State as responsible to examine an application of asylum seekers seeking international protection under the Geneva Convention in which the asylum seeker first applies for asylum. The problem of the Dublin system became obvious, however, when the coastline EU countries were increasingly overburdened by asylum applications while the other EU countries are unwilling to burden share. With an increasingly violent Syrian civil war and deteriorating humanitarian conditions in the neighboring countries, a growing numbers of refugees crossed into the EU. The number of

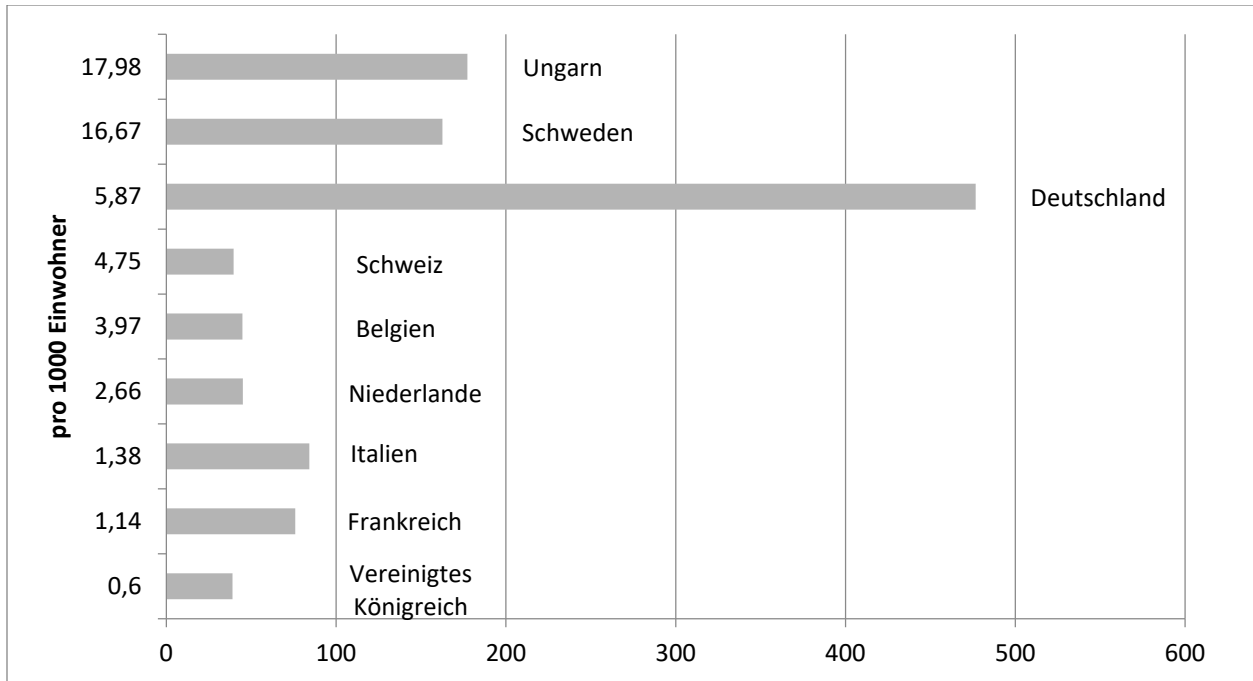
asylum seekers began to rise again, slowly first, and then exponential (Figure 2). Despite Dublin obligations, the EU frontier members and the Balkan countries were more than willing to either assist the refugees in their passage to their exit point or at least look the other way. It became obvious that Dublin was no longer stopping refugees coming to Germany. In 2015 Germany became the EU country with the largest number of applications in numbers though not in proportion (Figure 3). The numbers of refugees that made across the then open border (see section 5) into Germany was much higher than the number of asylum application that could be handled creating a huge backlog.

Figure 2: Annual comparison of first-time applications for asylum in Germany (2012 - March 2016)



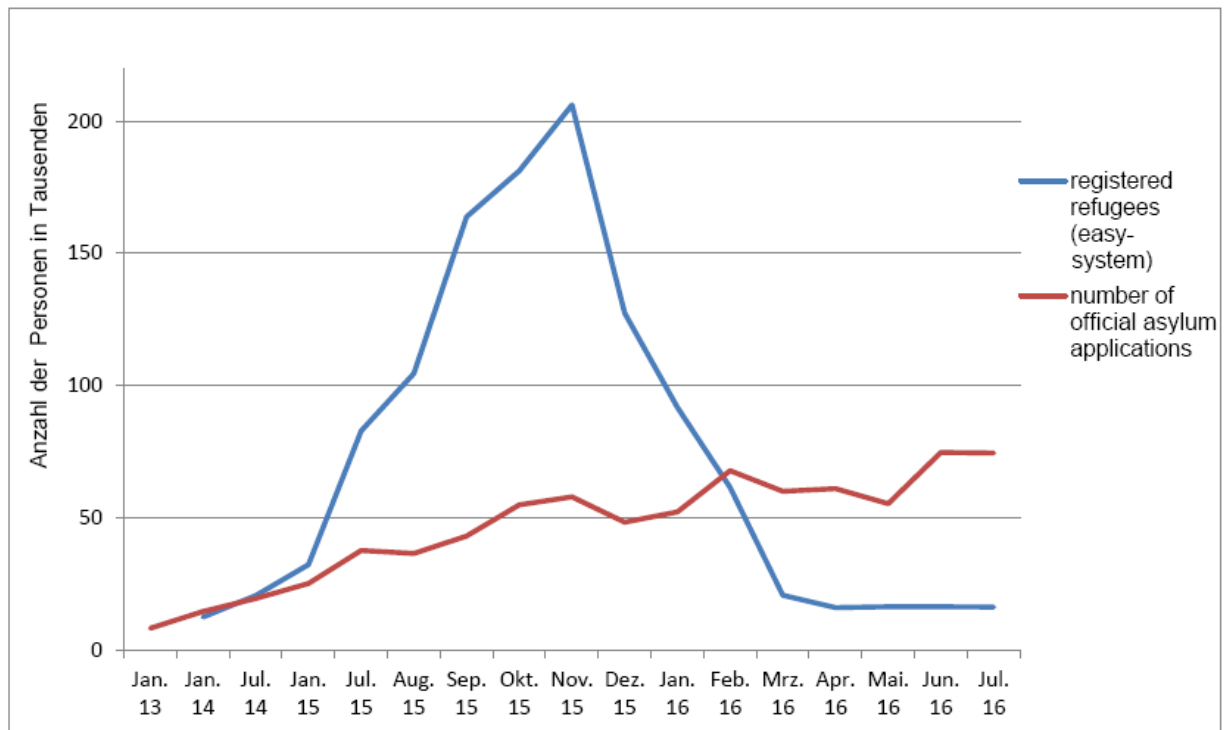
Source: Asylgeschäftsstatistik für den Monat April 2016

Figure 3: Application for asylum in selected EU countries on 2105 (in thousand)



Source: Own compilation from EU statistics, selected countries only

Figure 4: Asylum seekers in Germany (in thousands, 2013-July 2016)



Source: Own compilation from BAMF statistics

Note: The easy-system includes possible double counts

We take it for granted that Germany as wealthy and as a country with high social standards is a favorite destination country for refugees. According to our argument of continuation and incremental change, the country's reaction is expected to be akin to the one when asylum numbers climaxed for the first time in the 1990s even though the number numbers of refugees was even higher in 2015. The constitutional change in the asylum was of no help to bring down the number refugees entitled to protection. Even if, after a lengthy legal procedure, the right to political asylum was denied, the applicant could be entitled to a refugee status according to the Geneva Convention. And even if not qualified as a refugee, the status of subsidiary protection can be awarded if the applicant is deemed to face the risk of serious harm in the country of origin. There are several EU Directives that spell out such risks, and, contrary to a widespread view, EU co-operation on asylum matters has actually led to a rise in the legal standards applicable to asylum-seekers and refugees (Kauerner & Léonard, 2012). Finally, both the Safe Third State Principle Article of the 1993 amended asylum article and the Dublin principle on the EU Member State responsible for examining an asylum application proved either to be unenforceable or haven been struck down by courts. Ruling by German courts have banned authorities to send back refugees back to a EU member country like Hungary on the grounds that this policy does not meet minimum EU asylum standards. The European Court of Justice ruled that refugees should not be returned to the Greek authorities because they would face the risk of degrading treatment. This has to lead migrations experts to the conclusion that it may be hard to get to Germany, but once in, deportation is very unlikely (Luft, 2016).

4.2. U.S.

In contrast to German refugee policy, U.S. policy is more volatile and less embedded in international institutional norms. The willingness to welcome refugees seems to vary with the country of origin and the political climate in the U.S. For example, during the years immediately after World War II, the U.S. demonstrated sympathy toward European refugees who were seen as fleeing persecution and "desirable." In 1948 and 1953, the U.S. passed legislation that permitted the admission of more than 400,000 refugees displaced by the war (Rothman 2015). However, the U.S. did not sign the 1951 United Nations Refugee Convention and U.S. refugee policy clearly discriminated against people from Asia or Africa at that time. By the 1960s, however, U.S. refugee policy reflected evolving political attitudes and the growing public opinion against racial discrimination. In 1965, the U.S. passed the 1965 Hart-Celler Act, removing quotas that favored Europeans over Asian and African migrants and refugees (Congressional Digest 2016).

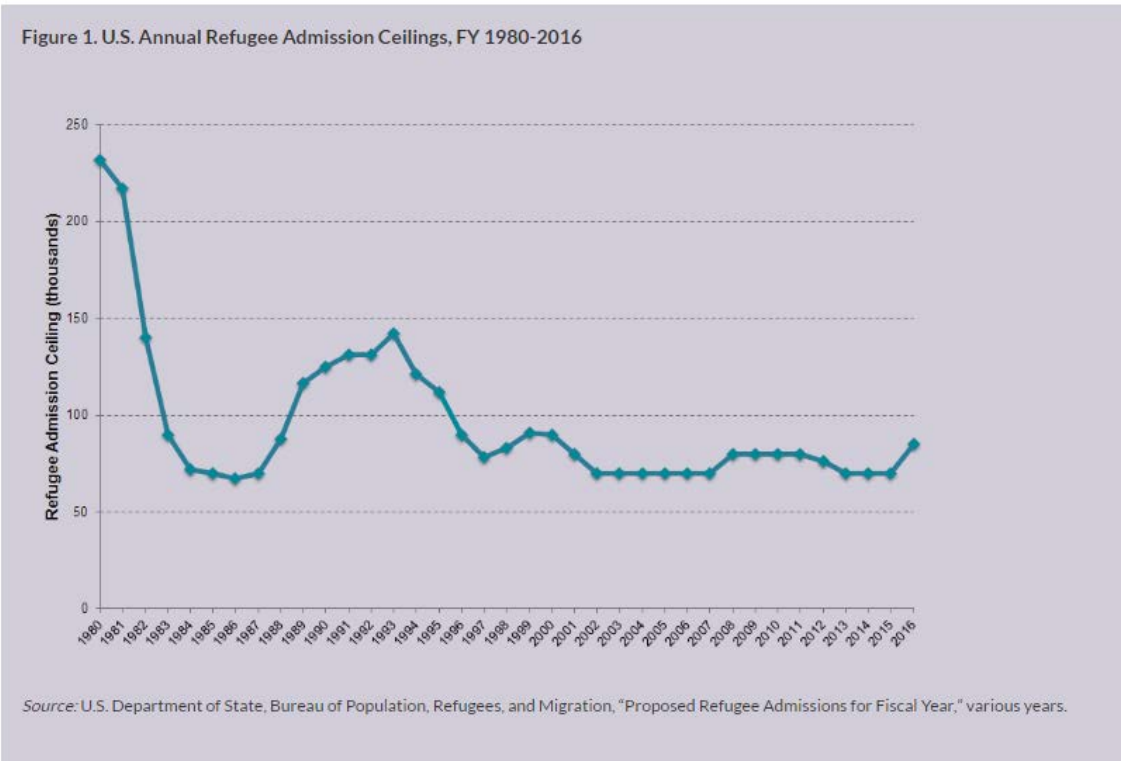
In the aftermath of the Vietnam War, U.S. refugee policy again responded to changing domestic political trends. Following public opinion and collective guilt for the extended intervention in Vietnam, the U.S. affirmed its commitment to welcome the South Asian boat people in large numbers. Bellinger (2000) documents the evolution of U.S. refugee policy to accommodate large numbers of refugees from both the Korean and Vietnam conflicts.

In 1980, the U.S. passed the U.S. Refugee Act, providing legal adherence to the Geneva Protocol for Refugees. The Refugee Act specifies that any noncitizen who is physically present in the country or at a port of entry to the U.S. may apply for asylum by informing an inspection officer that he or she is fleeing persecution or seeking refuge. The individual is then referred to an asylum officer for a “credible fear interview” to ascertain whether he or she has a realistic fear of persecution. During the interview, an asylum officer determines whether the applicant meets the definition of a refugee. If the claim is denied the individual is subject to removal or detention. A Board of Immigration Appeals is also established by the 1980 Act.

While the 1980 Refugee Act seems to adhere to international standards, there are also aspects of the legislation that enable U.S. political interests to undermine international law. For instance, the act establishes the practice of fixing a number of refugees that will be allowed into the country each year. Each year the U.S. president is required to send to Congress a request for their approval of this “refugee ceiling.” As its name suggests, this number sets the maximum number of refugees that the U.S. will admit during the following fiscal year. The target number is the subject of substantial lobbying by interest groups who support and oppose refugee and immigrant populations that attempt to enter the country. It is important to note that the notion of a “refugee ceiling” contradicts the right of asylum specified by the 1967 Refugee Protocol (which the U.S. signed). The contradiction between the international law and the existing “refugee ceiling” is significant since the number of people trying to enter the U.S. far exceeds the refugee ceiling every year. In contrast to Germany, the U.S. provides itself with the ability to regularly set refugee limits in keeping with domestic political conditions. Waibsnaider (2006) demonstrates that the U.S. refugee admissions program consistently reflects national self-interest and contradicts the international objectives of the 1980 Refugee Act and 1967 UN Protocol on the Status of Refugees.

Historical data from the State Department Refugee Processing Center indicate that the annual number of refugees processed varies substantially, as does their country or region of origin. As a result of the lifting of restrictions against non-European immigrants, a large-scale inflow of refugees from Southeast Asia accompanied the Vietnam War. From 1980-1995, the “refugee ceiling” averaged around 100,000 refugees per year. This ceiling was met primarily by admitting people who faced violence and persecution in Vietnam and Cambodia. In total about 800,000 Vietnamese and Cambodia refugees came to the U.S. during this period (Rosenthal 2015).

Figure 1. U.S. Annual Refugee Admission Ceilings, FY 1980-2016



During the period immediately following the break-up of the Soviet Union (1995-2000), the largest number of refugees admitted to the U.S. were from former Soviet states. During this period, the “refugee ceiling” averaged about 90,000 per year.

Political attitudes toward refugees shifted dramatically in the aftermath of the 9/11/2001 terrorist attacks in the United States. In the first year after these attacks, the U.S. processed only 26,000 refugee applications. As further evidence of U.S. volatility on refugee issues, the U.S. passed the USA Patriot Act in late 2001. This legislation amended U.S. immigration and refugee policy to broaden the categories of people who are ineligible for admission or deportable as part of the general anti-terrorist measures. Since 2008, the refugee ceiling has averaged 75,000 each year. The largest number of refugees have entered the U.S. from South Asia and the Near East. UNHCR and U.S. data indicate that in the past decade, the largest number of refugees in the past decade have come to the U.S. from Burma, Iraq, Democratic Republic of Congo, and Somalia.

Table 1. Top Ten Origin Countries of Refugee Arrivals, FY 2013-15

2015			2014			2013		
Country	Number	Percent	Country	Number	Percent	Country	Number	Percent
Burma	18,386	26.3	Iraq	19,769	28.2	Iraq	19,488	27.9
Iraq	12,676	18.1	Burma	14,598	20.9	Burma	16,299	23.3
Somalia	8,858	12.7	Somalia	9,000	12.9	Bhutan	9,134	13.1
Dem. Rep. Congo	7,876	11.3	Bhutan	8,434	12.1	Somalia	7,608	10.9
Bhutan	5,775	8.3	Dem. Rep. Congo	4,540	6.5	Cuba	4,205	6.0
Iran	3,109	4.4	Cuba	4,062	5.8	Iran	2,578	3.7
Syria	1,682	2.4	Iran	2,846	4.1	Dem. Rep. Congo	2,563	3.7
Eritrea	1,596	2.3	Eritrea	1,488	2.1	Sudan	2,160	3.1
Sudan	1,578	2.3	Sudan	1,315	1.9	Eritrea	1,824	2.6
Cuba	1,527	2.2	Afghanistan	753	1.1	Ethiopia	765	1.1
All other countries, including unknown	6,870	9.8	All other countries, including unknown	3,182	4.5	All other countries, including unknown	3,302	4.7
Total	69,933	100.0	Total	69,987	100.0	Total	69,926	100.0

Source: MPI analysis of WRAPS data.

Many people attempt to enter the U.S. every year without proper documentation. When they arrive at a border or airport checkpoint without preapproval for asylum, refugees will have one of three things occur. First, they may be able to enter illegally across the long and porous U.S. borders with Canada and Mexico. Second, they can be deported immediately from the point of entry back to their point of origin. Or third, they can be transferred to a U.S. detention center. The vast majority of non-Americans in the U.S. today are illegal immigrants who entered through the border with Mexico. The majority of these 11.3 million illegal immigrants in the U.S. are not considered to qualify for refugee status and are considered “economic migrants.” The division between political refugees and economic migrants, however, is not always clear, and some critics charge the U.S. government with overstating this distinction to reduce the number of people allowed in to the country (Renwick, 2015). Certainly the distinction between economic and political migration is imprecise, and many migrants are fleeing both political turmoil and lack of economic opportunity.

As noted earlier, refugees and asylum seekers who are not accepted into the U.S. are either deported to their country of origin or held in detention centers. In 2003, the U.S. Immigration and Customs Enforcement agency (ICE) was created under the Department of Homeland Security. ICE enforces the United States’ immigration laws, uses investigative techniques to apprehend and detain those suspected of violating them, and then deports or retains many of these individuals. According to the Global Detention Project, the United States annually expels between 600,000 and 700,000 individuals. Others are transferred to detention centers. The

Global Detention Project reports that the U.S. possesses the largest immigration detention system in the world with more than 30,000 individuals (refugees and illegal immigrants) currently held at fifteen detention centers, in state and local jails, in juvenile detention centers, and in shelters. It is not clear what percent of the detained and expelled would qualify for refugee status, but experts agree that many would under more qualify if the refugee ceiling were not strictly enforced. Also worth noting is the fact that many detention centers are run by for-profit organizations under contract with the U.S. government. The largest detention centers are owned and operated by the Corrections Corporation of America, a private company with revenue that exceed \$1.7 billion in 2012 (Frontline). Human rights organizations criticize the policy of housing immigrants and refugees in these detention centers. In its 2009 publication "Jailed without Justice," Amnesty International notes that detention centers are occupied by, "asylum seekers, torture survivors, victims of human trafficking, longtime lawful permanent residents, and the parents of US citizen children." In spite of this report, the ICE detention centers continue to incarcerate migrants and refugees who arrive in the U.S. without proper documentation.

5. Critical Junctures?

5.1. Germany's open borders policy

We have described the German political system as favoring incremental policy change. This does not preclude rapid policy change under all circumstances (Rüb, 2014). The dramatic decisions of late August and early September 2015, when Germany promised to shelter an unlimited number of war refugees, have been described as a policy shift that changed German history (Spiegel Staff, 2016). Does this chain of events qualify as a critical juncture (cf. Capoccia, 2015)? And does it matter if it would?

We have seen that the numbers of refugee arriving in Germany were already picking up 2014. The Dublin rules had ceased to shield form the brunt of the refugee crisis. But the most dramatic events unfolded in August 2015 as more and more refugees stranded the Budapest Keleti train station when Hungarian authorities, in compliance with the Dublin rules, prevented them from moving on to Germany and other countries to the west. The Hungarian government, was harshly criticized, by Germany and Austria in particular, for its treatment of the refugees, even more so after it began building a fence to close the Balkan route. Finally, the German government announced that it would deal with Syrian asylum applications regardless of where the migrants first arrived in the EU. In a tweet sent on August 25 the Federal Office for Migration and Refugees (BAMF) confirmed, "We are at present largely no longer enforcing Dublin procedures for Syrian citizens." From that moment on, a Serbian border police officer recalled, all refugees were Syrians (Spiegel Staff 2015). In a press conference August, 31 2015

chancellor Merkel announced that Germany would rise to the challenge of the unprecedented numbers of refugees ("We can do it"). When Hungary announced to dispatch the refugees by bus and train to the Austrian border on September 3rd, chancellor Merkel and Austrian Chancellor Faymann agreed to allow the entry. The Balkan Route was completely open. From now on, until the partial closure of Balkan route took hold in March 2016, every day 6,000 to 8,000 refugees came to Germany.

The suspension of Dublin was justified on humanitarian grounds. Interestingly enough it was called "exceptional", and not as "one-time". In comparison to the financial crisis, when the Merkel government carefully minced its words in order not to unsettle "the markets", it did not pay as much attention to choice of words. This is obviously not say that contradictory statements from the German government triggered the flood of refugees arriving in Europe. It is equiprobable not reasonable to assume that refugees do not react to such statements. There are many speculation what was driving Merkel's decisions to maintain the open door policy. Meanwhile we have a clearer, even if far from complete picture provided by journalistic reconstructions of the decision-making processes around September 13, when the German government decided not to close the border with Austria (Spiegel Staff, 2016; Blume et al., 2016; Löwenstein/Lohse, 2016). What the minutes demonstrate in the first place is extreme time pressure. Pressure from the Hungarian government, live media pictures of the plights of the stranded refugees, refugees on the march along a Hungarian highway threatening to storm the Austrian border and holding pictures of Angela Merkel coalesced into a crisis situation. This is well captured by the Multiple Streams Approach under the rubric of "problem stream" (cf. Zahariadis, 2014: 32f.). According to this approach, two other streams need to be present to opening up a window of opportunity for policy entrepreneurs, the policy and the politics stream (for a German case study see Zohlnhöfer, 2016).

The "national mood" as an important part of the politics stream (Kingdon, 1995: 145-64) certainly was favorable. In comparison to the 1990s when the refugee numbers had peaked before, Germany's climate for immigrants had become much more welcoming. After decades of crucial non-decisions and the contra-factual emphasis on Germany not being an immigration country, political debate and public sentiment began to change. This was accompanied by legislation through which residence criteria replaced preferential treatment for German ethnicity (Green 2013). At the high points of the welcome-culture refugees were greeted with cheers, food, and toys on their arrival in Germany. Media coverage contributed to the narrative of the *Willkommenskultur* (welcome culture). Even the important conservative tabloid *Bild* vividly supported Merkel's course of action. As a matter of fact, a recent study seems to indicate a complaisant media coverage up to late 2015 (Scheer, 2016), later contributing to allegations of a "Lügenpresse" (press liars) of right-wing and far-right groups. The empathically pro-refugee public mood could not sustain. One turning point were the mass sex attacks on New Year's 2016 in Cologne and other cities when the majority of suspects were of Algerian, Tunisian or Moroccan descent. But even in March 2016, a clear majority favored admitting refugees and those fleeing political persecution (Gerhards et al., 2016).

What about the policy stream consisting of various viable problem “solutions” involving major policy change? While there is obviously no single “solution” to the refugee crisis, a dearth of preparation for different policy reactions seems to show in the Minutes of the Merkel administration as uncovered by journalists (Spiegel Staff, 2016; Blume et al., 2016; Löwenstein/Lohse, 2016). Biding time and ducking the issue is quite understandable as refugee policy is hardly a winning issue. But already by May 2015, the flow of refugees had become so large that the federal police were no longer able to take all 10 fingerprints from each refugee. Many were entering the country, without the authorities knowing who they were or where they were going. If sending back the refugees according to the Dublin procedures was not a viable option, imposing strict border controls was one option to think through. The Federal Police may have been not in a position to entirely close the border but the effort would have helped to seriously slow down the flow of migrants into northern Europe as later demonstrated by the closing of key routes by a number of Balkan states. This could have been accompanied by an air bridge into war refugee camps. Such an air bridge would have thwarted human trafficking and allowed for a prior examination of the applicants.

Closing the border was not considered because of three reasons. First, having strict border controls was feared to deliver a blow to the Schengen agreement of a single external border which is a cornerstone of EU integration. The Schengen rules, however, permit border controls in certain instances. Second, border restrictions would trigger a domino effect to jeopardize a country like Greece that had been saved, for the time being, from the brink of bankruptcy. This happened later anyway when, in fully reversing earlier positions, Austria started to build fences. Third, and perhaps most importantly, it was feared that refugees at a fence or in confrontation with German border police would produce media footage no one would have been able to bear.

It seems that the Chancellor Merkel was betting on intra-European solidarity and a common asylum and refugee policy in the long run. This was far from being a sure bet from the outset. Several EU plans to redistribute refugees had failed already. In contrast to the Euro crisis, in which financial emergencies pushed governments to a common response despite their initial resistance, European leaders have less incentive to spread the burden of refugees more evenly across the bloc. While Germany was in a strong position during the debt crisis, this time the less wealthy EU countries may think to be better off alone rebuffing what they perceive as Germany’s moral lecturing. Germany’s bilateral decision of September helped the Eastern EU countries to shirk the burden sharing by portraying asylum seeking as a German problem.

It was not before October when a practical plan regarding Schengen's external border protection was presented to the public. This plan, called the Merkel-Plan, in March 2016 turned into a controversial EU-Turkey Agreement to curb irregular migration from Turkey to the EU, was not even developed within the Merkel administration but came from Austrian Sociologist Gerald Knaus from the small Brussels think-tank ESI (Lau, 2016). Mrs. Merkel personally negotiated this deal with Turkish President Erdoğan. It involves a one-for-one swap: a Syrian in

Greece will be sent to Turkey in exchange for a Syrian in Turkey who qualifies for asylum somewhere in Europe. Together with the, more significant, closure of the so-called o-called Balkan Route across Eastern Europe, it contributed to the fall in arrivals of refugee.

In a nutshell, we do not see Germany's maintaining its open door policy in September 2015 as a fundamental policy change. Consistent with our argument, the decision to keep Germany's borders open was seen as the only way to keep the European Union together. It was thought to buy time to work on a plan for a European solution to reduce the number of refugees flowing into Europe. If Germany history should have been changed on those early summer days in 2015, it will not because of an orchestrated policy change, but because of expectations disappointed and consequences not intended. The European Union is more in disarray then before and the rising of the right-wing populist party Alternative for Germany (AfD) is threatening to alter the German party system for sure. Not to speak of the dropping popularity figures of the chancellor herself.

5.2 Current U.S. Syrian Refugee Policy

As of August 2016, the protracted conflict in Syrian has caused approximately 5 million Syrians to seek asylum outside their country of origin. Only a tiny fraction of that number have thus far been permitted to enter the U.S. According to the Migration Policy Institute, between 2011 and 2016, the U.S. resettled approximately 10,000 Syrians refugees into 36 U.S. states. In September 2015, President Obama proposed increasing the U.S. refugee ceiling to 85,000 for year to follow. This proposal was met with substantial partisan criticism. The most salient source of reproach is from anti-immigration groups which fear that terrorists could infiltrate the refugees. The rancor surrounding this issue has been exacerbated by the 2016 election season as Donald Trump has repeatedly attempted to link Syrian refugees to terrorism. This notion that was especially influential among his poorly educated and nationalist/racist following.

What explains negative attitudes toward Syrian refugees? First, and foremost, the 9/11/2001 terrorist attacks in the U.S. created a climate of anxiety towards people from predominantly Muslim countries. With a very poor understanding of the geography and culture of the Middle East and South Asia, many Americans are ignorant of the relationship between the 9/11 attacks, the Islamic State (IS), and the wars in Iraq, Afghanistan, and Syria. Understanding that the 9/11 attacks were carried out by immigrants from the Islamic world, many Americans are worried about populations flows of any Muslims into the U.S. They fail to understand that many Syrian refugees are themselves fleeing IS terrorism in Syria.

Thus, 9/11 represents a "critical juncture" in the history of U.S. refugee policy. The attacks created a turning point in attitudes towards refugees. It is important to note that U.S. attitudes toward refugees vary with their point of origin. While the U.S. was historically open to refugees from Eastern Europe and Southeast Asia, the many people in the U.S. are now very suspicious of any Middle Eastern peoples in the U.S. Clearly, negative attitudes toward Syrian refugees

seem to reflect the fact that they are from the Middle East and, for the most part, Muslim. Recent polling indicates a relatively negative attitude towards Syrians, but not toward unidentified refugees. A November 2015 NBC News poll found that 56% of Americans disapproved of increasing the number of Syrian refugees allowed to enter the United States. Respondents were sharply divided along party lines with 81% of Republicans and 31% of Democrats disapproving of increasing the numbers of Syrian refugees allowed into the U.S. (Kopicki et al 2015). This anti-refugee sentiment is clearly related to Syria as a country of origin, however. In an April 2016 poll commissioned by Amnesty International and conducted by GlobeScan, 63% of Americans said the U.S. government should do more to help refugees and just 22% of Americans said the U.S. should refuse refugees entry into the country. This poll used the generic word “refugees” and did not identify the home country. Islamophobia and fear of Syrian immigrants is demonstrated by the fact that when the refugees are not identified as Syrian, they are more acceptable to Americans.

Although Americans were much more positively disposed to refugees in this poll in which the home country is not specified, the response of Germans in the same poll was even more positive. Almost all Germans (96%) said they would accept more refugees into their country and 76% wanted their governments to do more to help refugees. Using this data, Amnesty International has created a “Refugees Welcome Index” score for each of the 27 countries where data was gathered. Germany had the second highest score (84) and the U.S. was ninth (60). Thus this poll demonstrates that both while populations of both states are positively predisposed to help non-specific refugees, and that Germany is clearly more welcoming (Amnesty International 2016).

There is evidence that two important characteristics of Syrian refugees make them particularly unappealing to Americans. After 9/11/2001, many U.S. citizens started to associate Islam and Middle Eastern countries with terrorism. Of course, the refugees fleeing Syria are innocent victims of war and terror themselves, but swaths of population in the U.S. believe that allowing Syrians into the country will increase the risk of a terrorist attack. The World Values Survey (Wave 6, 2010-2014) indicates that Americans are much more worried about terrorist attacks Germans are. The data indicates the 53% of Americans but only 25% of Germans say the worry about a terrorist attack “very much” or “a great deal.” Since the 9/11/2001 attacks, U.S. mainstream media attention and government pronouncements about the Global War on Terror have created these associations among the general public.

Prejudice against Islam is prominent in U.S. culture. For some Americans, Syrian refugees are immediately suspect simply because of their religious affiliation. Recent Gallup polls demonstrating the degree to which anti-Muslim attitudes characterize thinking in a number of western countries. Comparing data from Germany and the U.S., we find stronger anti-Muslim sentiment in the U.S., across every measure and poll reported. For example, a 2011 poll reports that among Muslim respondents, 34% say Germans do not respect Muslims and 52% say Americans do not respect Muslims. Polling Americans, the Gallup (2016) results indicate significant U.S. prejudice toward Muslims and recognize it among other Americans as well. Political pronouncements among prominent U.S. leaders have contributed to these

impressions. In September 2015, three Republican members of Congress wrote to National Security Advisor Susan Rice warning of security risks from letting in Syrian refugees. “The resettlement of such a high number of Syrian refugees raises serious national security concerns,” they wrote. “We are concerned about the possibility of groups like the Islamic State of Iraq and Syria (ISIS) exploiting the refugee resettlement process to mask the deployment of operatives into the West.”

When IS-affiliated terrorists killed 130 people in Paris in coordinated attacks on November 13, 2015, a tidal wave of anti-immigrant, anti-Islamic sentiment was released in the U.S. Public opinion was affected and politicians took the opportunity to connect the disaster in Paris with the President’s plan to allow Syrian refugees into the country. Three days after the attacks, Berman (2015) wrote in *The Atlantic* that, “The rapidly-escalating political fight over resettling Syrian refugees has already reached the halls of Congress, where senior Republicans want to ... force President Obama’s hand.” GOP leadership held up all government funding as a means to prevent the President’s plan to welcome just 10,000 Syrian refugees into the U.S. At the state level, 31 governors issued statements that they would take no refugees from Syria in their states. Other politicians, including Donald Trump, suggested that the U.S. begin to accept only Christian refugees from Syria. However, President Obama argued that a “religious test” for refugees was “shameful” (Fantz and Brumfeld 2015). Ted Cruz and Marco Rubio, Republican presidential candidates in 2016, also openly opposed immigration, despite the fact that they both are children of immigrants from Cuba.¹

As with other policy outcomes, refugee policy in the United States reflects the institutional context in which it is made. U.S. policy is made today in a deeply polarized two-party political system. Thus, each party is repeatedly attacking one another’s initiatives. In addition and in contrast to Germany’s parliamentary system, the U.S. president is not necessarily the same party that controls one or both houses of Congress. The 2014 elections gave Republicans control of both the Senate (54-46) and the House of Representatives (247-188). In this situation, policy-making becomes more contentious and more incoherent. Nearly any policy initiative from President Obama is met with opposition from the Republican-dominated Congress, and opening the U.S. to additional Syrian refugees is no exception. Thus, the institutional structures contribute to policy differences.

Finally, the placement of immigrant and refugee policy within the U.S. Department of Homeland Security (DHS) is also important. Following the shock of September 11, 2001, the U.S. established this new cabinet level agency in 2002 to focus on keeping U.S. borders secure. According to its mission statement, the core purposes of the DHS are to “prevent terrorism and enhance security” and “to secure and manage our borders.” The over-arching emphasis of DHS

¹ Although security concerns are natural, it is important to note that Syrian refugees are thoroughly vetted by both the United Nations and the U.S. before they are allowed to enter the U.S. for resettlement. The asylum process is lengthy and cumbersome. If a terrorist wanted to enter the U.S. and precipitate an attack, applying for asylum and waiting for resettlement would not be the chosen route.

is to ensure U.S. security from terrorism and other threats. By placing agencies authorized with migration and refugee policy inside Homeland Security, the U.S. ensures that refugees will be viewed through the lens of “security objectives” rather than “humanitarian objectives” of U.S. foreign policy. This leads to a situation in which, as Frontline suggests, asylum detention officers are scrambling to meet quotas for immigrants and refugees detained and deported, rather than seeing care and concern for refugees as the agency’s primary function.

Conclusion

A few European countries face the largest influx of migrants since the aftermath of World War II. Contrary to public perception, proximity does explain refugee acceptance much less refugee resettlement. In the case of the U.S., refugees have come from points of origin both near (Haiti) and far (Vietnam). U.S. authorities have a wider margin of discretion, but at the same origin and number of accepted refugees are much more coupled with political contention than in Germany. There is a huge variation over time which groups are seen as respectable and legitimate refugees. The outright rejection of civilians requiring humanitarian assistance is much less possible in Germany provided they reach German soil.

In the case of the Syrian refugees, limits on inflows are related to specific negative associations with their religion and their point of origin. In the wake of 9/11/2001, anxiety about people arriving in the U.S. from predominantly Islamic countries has heightened to such an extent that we are rejecting Syrian refugees. Germany, in contrast, decided in September 2015 to keep its borders open. This decision had many ramifications but followed from the established logic of incrementalism and embeddedness.

PLEASE ADD (a) summarize our findings in light of our model and also bring the readers up to date with policy/politics as of September 2016, using that to segue into questions about the future of our analysis.

References

- Abramovitz, Alan I. and Steven Webster. 2016. The rise of negative partisanship and the nationalization of U.S. elections in the 21st century. *Electoral Studies* 41:12-22.
- Akrap, Doris. 2015. Germany’s response to the refugee crisis is admirable, but I fear it cannot last, in The Guardian. <http://www.theguardian.com/commentisfree/2015/sep/06/germany-refugee-crisis-syrian>. Accessed 15 June 2016.
- Amnesty International. 16 May 2016. Refugees Welcome Index shows government refugees policy out of touch with public opinion. <https://www.amnesty.org/en/latest/news/2016/05/refugees-welcome-index-shows-government-refugee-policies-out-of-touch/>. Accessed 25 September 2016.
- Amnesty International. 2009. Jailed without Justice: Immigration Detention in the U.S. <http://www.amnestyusa.org/pdfs/JailedWithoutJustice.pdf>. Accessed 15 June 2016.

- Anker, Deborah E. and Efrat A. Arbel. 2013. *Bordering on Failure: Canada and U.S. Border Policy and the Politics of Refugee Exclusion*. Report Released by the Harvard Immigration and Refugee Clinic (HIRC). <https://www.amnestyusa.org/pdfs/JailedWithoutJustice.pdf>. Accessed 25 September 2016.
- Avdan, Nazli. 2014. Do asylum recognition rates in Europe respond to transnational terrorism? The migration-security nexus revisited. *European Union Politics* 15(4):445-471.
- Bellinger III, John. 2010. Obama, Bush and the Geneva Conventions. *Foreign Policy*. <http://foreignpolicy.com/2010/08/11/obama-bush-and-the-geneva-conventions/>. Accessed 17 June 2016.
- Berman, Russell. 16 November 2015. "Congressional Republicans Pick a Fight Over Syrian Refugees." *The Atlantic*. <http://www.theatlantic.com/politics/archive/2015/11/the-fight-over-syrian-refugees-reaches-congress/416256/>. Accessed 26 September 2016.
- Bershidsky, Leonid. 2015. German Response to Refugees Puts the US to Shame, *Bloomberg Review*. <http://www.bloombergview.com/articles/2015-11-17/german-response-to-refugees-puts-u-s-to-shame>
- Black, Richard. 2001. Fifty Years of Refugee Studies: From Theory to Policy. *Immigration Migration Review* 35(1):57-78.
- Bloemraad, Irene. 2006. *Becoming a Citizen*. University of California Press.
- Blume, Georg et al., 2016: Grenzöffnung für Flüchtlinge: Was geschah wirklich? *DIE ZEIT* Nr. 35/2016, 18. August 2016 [<http://www.zeit.de/2016/35/grenzoeffnung-fluechtlinge-september-2015-wochenende-angela-merkel-ungarn-oesterreich/komplettansicht>]
- Burke, Daniel. February 18, 2016. At Mexican-U.S. border, Pope delivers a stinging critique of both countries. <http://www.cnn.com/2016/02/17/world/pope-francis-border-mass/>. Accessed 20 June 2016.
- Campi, Alicia. 2005. From Refugees to Americans. The Immigration Policy Center. <https://www.ilw.com/articles/2006,0313-campi.shtml>. Accessed 22 September 2016.
- Capocchia, Giovanni. 2015. Critical Junctures and Institutional Change. In *Advances in comparative-historical analysis*, eds. James Mahoney and Kathleen A. Thelen, 147–179. New York: Cambridge University Press.
- Congressional Digest. January 2016. *Refugee Resettlement: Weighing Humanitarian and Domestic Security Concerns*. <http://congressionaldigest.com/issue/refugee-resettlement/history-of-refugee-resettlement-in-america/#gsc.tab=0>. Accessed 22 September 2016.
- Dalglish, Carol. 1989. *Refugees from Vietnam*. New York: Palgrave-MacMillan.
- Department of Homeland Security (DHS). 2016. Mission Statement. <https://www.dhs.gov/our-mission>. Accessed 25 September 2016.
- DeSilver, Drew. 2015. U.S. public has seldom welcomed refugees. <http://www.pewresearch.org/fact-tank/2015/11/19/u-s-public-seldom-has-welcomed-refugees-into-country/>. Accessed 20 June 2016.
- Fantz, Ashley and Ben Brumfield. 11/2015. More than half the nation's governors say Syrian refugees not welcome, CNN News. <http://www.cnn.com/2015/11/16/world/paris-attacks-syrian-refugees-backlash/>. Accessed 30 August 2016.
- Frontline. 2011. *Lost in Detention*. Public Broadcasting Service Video.
- Gallup Polls. 2016. Islamophobia: Understanding Anti-Muslim Sentiment in the West. <http://www.gallup.com/poll/157082/islamophobia-understanding-anti-muslim-sentiment-west.aspx>. Accessed 25 September 2016.
- Galston, William. 2015. Brookings Institution Report: *What Americans think about the Syrian Refugee Crisis*. <http://www.brookings.edu/blogs/markaz/posts/2015/09/30-american-voters-syrian-refugee-crisis-galston>. Accessed 20 June 2016.
- Gardner, Harris, David E. Sanger, and David NM. Herzenhorn. October 2015. Obama Increases Number of Syrian Refugees for U.S. Resettlement to 10,000. *The New York Times*. http://www.nytimes.com/2015/09/11/world/middleeast/obama-directs-administration-to-accept-10000-syrian-refugees.html?_r=1. Accessed 20 June 2016.
- Garza, Frida. 2015. Germany is taking in more refugees in 2015. <http://qz.com/567469/germany-is-taking-in-more-refugees-in-2015-than-the-us-has-in-the-past-10-years/>. Accessed 20 September 2016.
- Gavigan, Patrick. 1997. Migration Emergencies and Human Rights in Haiti. Organization of American States. <http://www.oas.org/juridico/english/gavigane.html>. Accessed 20 June 2016.

- Gerhards, Jürgen, Silke Hans and Jürgen Schupp. 2016. Einstellungen der BürgerInnen in Deutschland zur Aufnahme von Geflüchteten. *DIW-Wochenberich: Wirtschaft, Politik, Wissenschaft* 83 (21): 467–473.
- Global Detention Project. July 2012. Global Detention Project Special Report: A Survey of Private Contractor Involvement in U.S. Facilities. <http://www.globaldetentionproject.org/publications/survey-private-contractor-involvement-us-facilities-used-confine-people-immigration>. Accessed 20 June 2016.
- Glynn, Irial. 2016. *Asylum Policy, Boat People and Political Discourse*. London: Palgrave MacMillan.
- Green, Simon. 2013. Germany: A Changing Country of Immigration. *German Politics* 22 (3): 333–351.
- Green, Simon/Paterson, William E. (eds.) (2005). *Governance in Contemporary Germany: The Semi Sovereign State Revisited*. Cambridge: Cambridge University Press.
- Hamlin, Rebecca. 2014. *Let Me Be a Refugee: Administrative Justice and the Politics of Asylum in the United States, Canada, and Australia*. Oxford: Oxford University Press.
- Hecht, Daniel. 2015. Germany shuts its open door to refugees, at: <http://observer.com/2015/11/germany-shuts-its-open-door-to-refugees/>. Accessed 20 June 2016.
- Jahn, Egbert. 2015. We will (not) succeed! The helplessness of German and European refugee policy. *Political Issues from a Contemporary Historical Perspective*, 47-48.
- Kaunert, Christian and Sarah Léonard. 2012. The development of the EU asylum policy. Venue-shopping in perspective. *Journal of European Public Policy* 19 (9): 1396–1413.
- Kingdon, John W. 1995. *Agendas, Alternatives, and Public Policies*. 2nd ed. New York, NY: Longman.
- Kopicki, Allison, John Lapinski and Hanna Hartig. 18 November 2015. NBC News Poll: A Majority of Americans Oppose Accepting Syrian Refugees. <http://www.nbcnews.com/politics/politics-news/poll-majority-americans-oppose-accepting-syrian-refugees-n465816>. Accessed 20 September 2016.
- Kuo, Didi. 2015. Polarization and Partisanship. *The American Interest* 11:2.
- Lau, Miriam. 2016. Dieser Mann hat für Angela Merkel den Flüchtlingsdeal erfunden. *ZEIT ONLINE*, 7. Juli 2016. [<http://www.zeit.de/2016/27/gerald-knaus-fluechtlinge-eu-tuerkei-abkommen>]
- Lee, Michelle Le Hee. 8 July 2015. Donald Trump's false comments connecting Mexican immigrants and crime. *The Washington Post*. <https://www.washingtonpost.com/news/fact-checker/wp/2015/07/08/donald-trumps-false-comments-connecting-mexican-immigrants-and-crime/>. Accessed 15 June 2016.
- Lesser, Ian. September 2015. The Refugee Crisis: Perspectives from Across Europe and the Atlantic. Policy Brief. Washington, DC: German Marshall Fund. <http://www.gmfus.org/file/6684/download>. Accessed 20 September 2016.
- Löwenstein, Stephan & Lohse, Eckart, 2016: Überollt. *Frankfurter Allgemeine Zeitung* vom 3. September 2016, p. 3.
- Luft, Stefan. 2016. Steuerung und Begrenzung? Warum sich liberale Rechtsstaaten schwertun, Migration zu regulieren. p. 122-133 in: Marianne Heimbach-Steins (Hg.): *Begrenzt verantwortlich? Sozialethische Positionen in der Flüchtlingskrise*. Freiburg: Herder.
- Marcos, Cristina. 21 July 2014. House Pulls Border Vote. *The Hill*. <http://thehill.com/blogs/floor-action/house/213948-house-gop-delays-border-bill-vote>. Accessed 20 September 2016.
- Mathews, Julie. 2013. Refugee Policy: A Highly Charged Political Issue. *Social Alternatives* 32(3):3-6.
- Musalo, Karen, Jennifer Moore, and Richard A. Boswell. 2011. *Refugee Law and Policy: A Comparative and International Approach*, 4 ed. Durham, NC: Carolina Academic Press.
- NBC News. September 17, 2015. Trump: Build a 'Safe Zone' in Syria. <http://www.nbcnews.com/video/nbc-news/57878522#57878522>. Accessed 20 June 2016.
- Olson, Mancur. 1965. *The Logic of Collective Action*. Cambridge, MA: Harvard University Press.
- Olson, Mancur and Richard Zeckhauser. 1966. An economic theory of alliances. *Review of Economic Statistics* 48(3): 266–79.
- Ostrand, Nicole. The Syrian Refugee Crisis: A Comparison of Responses by Germany, Sweden, the United Kingdom, and the United States, *Journal on Migration and Human Security* 3(3):255-279.
- Outram, Quentin. 1998. The Lessons of Liberia: An Analysis of the Liberian CPE 1989-1997. A Report Commissioned by the Department for International Development. London: DRID.

- Preston, Julia. 14 June 2015. Hope and Despair as Families Languish in Texas Immigration Centers. *The New York Times*. <http://www.nytimes.com/2015/06/15/us/texas-detention-center-takes-toll-on-immigrants-languishing-there.html>. Accessed 20 September 2016.
- Renwick, Danielle. February 2015. The U.S. Immigration Debate, *Council on Foreign Relations Backgrounders*, <http://www.cfr.org/immigration/us-immigration-debate/p11149>. Accessed 15 June 2016.
- Robinson, Vaughn. 1993. British Policy towards the Settlement Patterns of Ethnic Groups: An Empirical Evaluation of the Vietnamese Programme, 1979-1988. *The International Refugee Crisis: British and Canadian Responses*, V. Robinson, ed. Basingstoke: Macmillan, 319-353.
- Rosenthal, Max J. September 2015. American Once Accepted 800,000 War Refugees. Is it Time to Do that Again? *Mother Jones*. <http://www.motherjones.com/politics/2015/09/syria-refugees-europe-vietnam>. Accessed 15 June 2016.
- Rothman, Lily. 2015. The U.S. Can Handle Much More than 10,000 Syrian Refugees. *Time Magazine*. <http://time.com/4034925/vietnamese-refugees-united-states-history/>. Accessed 20 June 2016.
- Rüb, Friedbert W., ed. 2014. *Rapide Politikwechsel in der Bundesrepublik. Theoretischer Rahmen und empirische Befunde*. Baden-Baden: Nomos.
- Scheer, Ursula. 2016. Flüchtlingsberichterstattung: Apropos Willkommenskultur. *Frankfurter Allgemeine Zeitung*, 10.08.2016 [http://www.faz.net/aktuell/feuilleton/medien/studie-wie-ueber-fluechtlinge-berichtet-wurde-14378135.html]
- Schmidt, M. G. 2016. *Das politische System Deutschlands: Institutionen, Willensbildung und Politikfelder* (3., aktualisierte Auflage). München: C. H. Beck.
- Schuster, Liza. 2000. A Comparative Analysis of the Asylum Policy of Seven European Governments. *Journal of Refugee Studies* 13:118-132.
- Smith, J.C. 2008. *The Hmong: An Annotated Bibliography, 1983-1987*. Minneapolis: Southeast Asian Refugee Studies Project.
- Spiegel Staff, The Makings of Merkel's Decision to Accept Refugees. *Spiegel Online International*, August 24, 2016 [http://www.spiegel.de/international/germany/a-look-back-at-the-refugee-crisis-one-year-later-a-1107986.html]
- Tylor, E.B. 1974. [1871]. *Primitive culture: researches into the development of mythology, philosophy, religion, art, and custom*. New York: Gordon Press.
- United Nations High Commissioner for Refugees (UNHCR). 2015. *Children on the Run*. <http://www.unhcr.org/56fc266f4.html>. Accessed 20 June 2016.
- United Nations High Commissioner for Refugees (UNHCR). February 2016. *Syrian Refugee Regional Response Report*. <http://data.unhcr.org/regional.php>. Accessed 24 June 2016.
- Van Selm, Joanne. 2000. *Kosovo's Refugees in the European Union*. London and New York: Pinter.
- Violet, Joyce. 2000. U.S. Refugee Admissions and Resettlement Policy: Facts and Issues. *Migration World Magazine* 28(1/2):14-18.
- Waibsnader, Meital. 2006. How National Self-Interest and Foreign Policy Continue to Influence the U.S. Refugee Admissions Program. *Fordham Law Review* 75(1):391-426.
- Yaron, Hadas, Nurit Hashimshony-Yaffe, and John Campbell. 2013. 'Infiltrators' or Refugees? An Analysis of Israel's Policy towards African Asylum-Seekers. *International Migration* 51:144-157.
- Zahariadis, Nikolaos. 2014. Ambiguity and Multiple Streams. In *Theories of the policy process*, eds. Paul A. Sabatier and Christopher M. Weible, 25-58. Boulder, Colo.: Westview Press.
- Zohlnhöfer, Reimut. 2016. Putting Together the Pieces of the Puzzle. Explaining German Labor Market Reforms with a Modified Multiple-Streams Approach. *Policy Studies Journal* 44 (1): 83-107.
- Zong, Jie. November 2015. Profile of Syrian Immigrants in the United States. Migration Policy Institute. <http://www.migrationpolicy.org/research/profile-syrian-immigrants-united-states>. Accessed 15 June 2016.
- Zucker, Norman L. and Naomi Flint Zucker. 1996. *Desperate Crossings: Seeking Refuge in America*. Routledge Press.

