US Refugee Policy: Latin America and Cold War Interests
By: Pearl Joslyn

The United States has had a complicated history regarding refugee policy, having often barred those fleeing from regimes that the United States aided while aiding those who fled regimes that opposed the US. This raises an important question: why does the United States aid some refugees fleeing from authoritarian regimes, and not others? As a subset of this question, I will analyze the impact of the Cold War and US foreign intervention on US refugee policy. I will focus on Latin American interventions to analyze how the United States mitigates the fallout following foreign intervention, and how US interests are reflected in policy decisions. I will also analyze the legacies of Cold War era, especially in relation to contemporary US immigration policy. Additionally, I will examine the impact of Cold War geopolitics on US policy toward Latin America, and Latin American refugees.

While the United States has a long history of benevolent refugee policies, these policies are often a reflection of US interests. This selective benevolence is best reflected in the ambivalent refugee policies of the Cold War era. During this period, much of US leadership viewed Latin American groups who adopted socialist ideas as an extension of Soviet power into the western hemisphere. As a result, much of US policy toward Latin America was crafted within the context of the Cold War, and thus reflected anti-Soviet interests. These national interests were frequently reflected in US refugee policy, wherein refugees from communist countries were admitted in large numbers, while those fleeing US-backed dictators were frequently turned away. These policies only began to change when US interests and Cold War strategies shifted. While refugee policy was touted as an example of the commitment on the part of the US to human rights and freedom worldwide, these policies were, in fact, usually just another strategy the US employed to win the Cold War. The legacy of these policies was carried on through the War on Drugs and in later US immigration policy.

In 1968 the United States Senate ratified the United Nations Protocol Relating to the Status of Refugees.[1] This protocol reinforced the 1951 Convention Relating to the Status of Refugees, which had created a standard definition of refugees and their rights.[2] Both of these resolutions defined refugee status within the context of human rights concerns, including fear of physical harm should those seeking amnesty be forced to return. These resolutions went against the US standard of defining refugee status based solely on nationality, and thus only conferring refugee status on

[1] Rebecca Hamlin and Philip E. Wolgin, "Symbolic Politics and Policy Feedback: *The United Nations Protocol Relating to the Status of Refugees* and American Refugee Policy in the Cold War".
[2] Gil Loescher, Mark Gibney, and Niklaus Steiner, *Problems of Protection: The UNHCR, Refugees, and Human Rights,* 1.

those fleeing communist regimes that the US had a vested interest in opposing.[3] Although the Senate had ratified the Protocol, there was little incentive for the US to actually implement the new definitions in immigration enforcement. The Protocol was interpreted and applied by US leadership in relation to US foreign policy objectives, rather than the interests of refugees. As Cold War tensions mounted, the US continued to focus foreign policy objectives on defeating the Soviets and preventing the spread of communism. As a result, strategic concerns took precedence over human rights issues, and the policy of only granting special refugee status to those fleeing communist rule continued.

The advent of the Carter administration signaled a shift in US foreign policy to a focus on human rights issues with a preference for non-intervention, and a step away from the use of force.[4] The result of this ideological shift was the restructuring of US refugee policy with the 1980 Refugee Act. The act, which was heavily debated in congress, broke decades of precedent in refugee policy. The Refugee Act made two major alterations to policy, by redefining what constituted refugee status, and transferring the power to evaluate cases from Immigration and Naturalization Services (INS) to the State Department.[5] Prior to the passage of the act, US policy strongly favored those fleeing from communist regimes. This was particularly the case among Eastern Europeans following the Second World War.[6] The preference for refugees of certain nationalities was an extension of US foreign policy strategy, and was used to undermine enemies and support strategic partnerships.[7] The shift away from this system was part of President Carter's promotion of human rights in foreign policy. Carter was concerned that the US was using Cold War strategies to allow for violations of human rights in Latin America.[8] The precedent for this policy shift had been set by the United Nations through the 1951 Convention, and the 1968 Protocol, which both established an international normative definition regarding the conferring of refugee status.

While the passage of the 1980 Refugee Act signaled a shift in refugee policy, and created a legal paradigm for refugees arriving in the US, these new standards did not always make

[3] Rebecca Hamlin and Philip E. Wolgin, "Symbolic Politics and Policy Feedback: *The United Nations Protocol Relating to the Status of Refugees* and American Refugee Policy in the Cold War".
[4] Steven W. Hook and John Spanier, *American Foreign Policy Since World War II,* 120.
[5] Stephen Macekura, "For Fear of Persecution": Displaced Salvadorans and U.S. Refugee Policy in the 1980s, 4.
[6] Ibid., 4.
[7] Odessa Gonzalez Benson, "Refugee Resettlement Policy in an Era of Neoliberalization: A Policy Discourse Analysis of the Refugee Act of 1980".
[8] Steven W. Hook and John Spanier. *American Foreign Policy Since World War II,* 112.

obtaining refugee status easier, and did not guarantee rights to all refugees in the US. Because the Refugee Act gave the State Department the power to decide who met the criteria of being a refugee and who did not, admissions of refugees in most cases continued to reflect US foreign policy interests, rather than focusing exclusively on threats to the individuals whose cases were being evaluated.[9] While the US had adopted an official refugee policy that was designed to prevent discrimination against refugees of certain nationalities, the Act was not implemented fully, and refugee policy continued to reflect national interests more than concerns for individuals. Refugee rights worsened when the Reagan Administration came to power, as Reagan adopted a more hardline approach to the Cold War, and more outwardly supported the anti-communist dictators of Latin America.

The United States had long included concerns over Latin American politics in foreign policy considerations. The Monroe Doctrine, which president James Monroe established in 1823, established Latin American interests as US interests.[10] President Monroe understood that securing the countries to the north and south of the United States was vital to ensuring national security. The main concern during Monroe's time was attack by the Western European powers. Although US concerns have shifted, the alliance with the rest of the Americas has remained an important facet of national security. The promotion of the Monroe Doctrine was strongly linked to the idea of manifest destiny, wherein it was the duty of the United States to spread US ideals across the Americas.[11] The idea of manifest destiny was carried throughout the 20th century, and eventually applied to Cold War policy in Latin America. The Monroe Doctrine was reapplied in US foreign policy toward preventing the spread of communism in Latin America, because, as proponents of containment policies believed, once communism reached any country in the Americas, it was only a matter of time before it reached the United States.

From 1959 to 1980, more than 800,000 Cuban refugees, fleeing the Castro regime, came to the US. A majority of the arriving Cubans were granted refugee status, and thus received aid from the US government.[12] The acceptance of Cuban refugees reflected US policy toward other communist countries, because the acceptance of refugees served to undermine communist regimes. From December 1965 to April 1973, the Cuban Airlifts brought about 261,000 Cubans to the United States. These airlifts were part of the

[9] Stephen Macekura, *"For Fear of Persecution": Displaced Salvadorans and U.S. Refugee Policy in the 1980s*, 3.
[10] Steven W. Hook and John Spanier, *American Foreign Policy Since World War II,* 11.
[11] Steven W. Hook and John Spanier, *American Foreign Policy Since World War II,* 12.
[12] John Scanlan and Gilburt Loescher, *U.S. Foreign Policy, 1959-1980: Impact on Refugee Flow From Cuba*, 117.

US objective of weakening the Cuban government. This objective also included trade sanctions and the rollback of diplomatic relations with the Castro regime.[13] The Mariel boatlift of 1980 sent a similar message, but had fewer political uses during the eased tensions of the Carter administration.[14] As the various waves of refugees arrived by boat and plane, the United States did little to turn them away or deter them from making the often-dangerous journey. INS did not enforce their own policies, and most Cubans gained easy entry into the US even in comparison to refugees from other communist countries.[15] The acceptance of refugees from communist countries sent a strong message about the instability of communist regimes. As refugees arrived, the US looked strong and most importantly free, while the regimes refugees were fleeing looked increasingly oppressive. These policies fit well with other US actions to contain communism, and harmed the public images of communist leaders.

Just east of Cuba, on the island of Hispaniola, Haiti had quite a different experience of refugee policy. In June of 1980, the State Department released an estimate that 300,000 to 400,000 Haitian refugees had entered the United States. These refugees were fleeing persecution by the authoritarian Duvalier regime, which repressed freedom of speech, and allowed vigilante groups to carry out reprisals.[16] As part of the policy of containment, the United States was friendly with anti-communist dictators, including Duvalier. As a result, Haitian refugees who arrived in the US were classified as economic migrants rather than refugees, and were often deported back to Haiti where they suffered imprisonment and other punishments for attempting to flee the country.[17] The United States made little attempt to clarify the plight of returned refugees, and in a 1979 investigation into the conditions of deported refugees, the State Department offered little support for the returned refugees, and interviewed them in the presence of Haitian authorities.[18] The United States government ignored the plight of Haitian refugees, while directing massive amounts of aid to their neighboring Cuban refugees, because helping Cubans served US interests. While the US celebrated support of Cubans as a humanitarian success, they ignored oppression in Haiti, as backing the Duvalier regime supported Cold War goals.

In 1954, the democratically elected president on Guatemala, Jacobo Árbenz, was overthrown in a US-backed military coup. This coup was orchestrated in response to Árbenz's adoption of socialist reform policies, including land redistribution.[19] This coup led to a protracted Civil War that

[13] Ibid., 118.
[14] John Scanlan and Gilburt Loescher, *U.S. Foreign Policy, 1959-1980: Impact on Refugee Flow From Cuba*, 118.
[15] Ibid., 118-119.
[16] Diane Russell, *Haitian Refugees*.
[17] Ibid.
[18] Diane Russell, *Haitian Refugees*.
[19] Steven W. Hook and John Spanier, *American Foreign Policy Since World War II,* 82.

created a massive refugee crisis, especially among indigenous Maya from the countryside.[20] Despite the disappearances and mass killings carried out by the government military forces, the United States openly backed the government. The bloodiest point in the Civil War came in the 1980's, when Guatemalans made up the majority of Central American refugees.[21] Many refugees fled to México, and ended up in refugee camps there while awaiting repatriation.[22] Other refugees, however, made their way to the United States in hopes of being granted amnesty status. Because the United States officially backed the Guatemalan regime, refugees were often not granted status and were deported or evaded detection and remained in the United States undocumented.[23]

In Nicaragua, the US-backed Somoza regime was embroiled in a Civil War against the Sandinista guerilla group. This led to a massive exodus of internally displaced people, many of whom made their way to the United States. In the summer of 1980 President Carter granted Extended Voluntary Departure to more than 3,000 of the over 10,000 Nicaraguan refugees who had arrived in the US over the previous year.[24] Later the same year, this same status was granted to all Nicaraguans who had arrived in the US, offering an extension of fifteen months. This was during one of the bloodiest points in the Civil War, and at a time when Carter's peace negotiations between Somoza and the Sandinistas were clearly faltering.[25] Because of this shift in relations with Nicaragua, Carter altered refugee policy toward Nicaraguans. This was the result of National Security Advisor Zbigniew Brzezinski's policy of refusing negotiations with, or concessions to the Sandinistas. Brzezinski believed that adopting a more open refugee policy toward Nicaraguans would undermine the Sandinista movement.[26] Refugee policy toward Nicaraguans only became more open when it was strategically useful in relation to Cold War geopolitics. Despite Carter's emphasis on human rights, it is clear that human rights concerns were subsidiary to concerns about containment.

In El Salvador, conflicts between the United States-backed military regime and far-left guerilla groups plunged the country into a civil war that lasted from 1979-1992[27]. The Frente Farabundo Martí para la

[20] James Loucky and Marilyn M. Moors, *The Maya Diaspora: Guatemalan Roots, New American Lives,* 3.
[21] Ibid., 35-36.
[22] Ibid., 38.
[23] James Loucky and Marilyn M. Moors, *The Maya Diaspora: Guatemalan Roots, New American Lives*, 146-147.
[24] Stephen Macekura, "For Fear of Persecution": Displaced Salvadorans and U.S. Refugee Policy in the 1980s, 5.
[25] Ibid., 5.
[26] Ibid., 5.
[27] Stephen Macekura, "For Fear of Persecution": Displaced Salvadorans and U.S. Refugee Policy in the 1980s, 1.

Liberación Nacional (FMLN) and other guerilla groups fought to overthrow the military government in a civil war that had devastating consequences for civilians. The war led over 500,000 Internally Displaced People to make their way to the US-México border in the 1980s. In 1980 the Carter administration refused to grant Extended Voluntary Departure to Salvadoran refugees and deported 12,000 Salvadorans. At the same time the administration created a military aid package that funded the government military forces.[28] Salvadorans who were deported from the Unites States faced threats of violence, and there were rumors of attacks in El Salvador that targeted refugees who had been deported. These refugees had often sold all of their belongings to make it to the United Sates, and had to rebuild their lives from nothing among the violence in El Salvador.[29]

When the Reagan administration came into power, they continued the practice of labeling Salvadoran refugees as economic migrants despite the violence they were clearly fleeing. This position aligned with US strategies regarding El Salvador. As the true conditions in El Salvador came to light among the general populace the administration reframed the exclusion of Salvadorans as a strategy for bringing the war to an end. The argument put forth by the administration was that Salvadorans needed to remain in their country to undermine the civil war and rebuild the country afterwards.[30] The Reagan administration used excuses like this to remain friendly with dictators, at a great cost to displaced Salvadorans, who often had to return to their war-torn country, or remain in the US undocumented and thus without the protections and government aid granted by refugee status.

When the Cold War ended, concerns in the United States over the spread of communism also came to an end. However, out of the turmoil of the Cold War Era in Latin America came the drug trade. This mass movement of narcotics brought with it organized violence carried out by cartels. When these drugs began to move across the United States border, the government took notice and launched its War on Drugs. This so-called war undermined the institutions that had already been weakened by the turmoil of the Cold War, by taking funding away from programs designed to rebuild the important social institutions that had been nearly destroyed during the Civil Wars. This was an important catalyst for the migrant crises from Central American countries such as Guatemala.[31] In the absence of law enforcement institutions and social programs, lawlessness and organized violence arose. Central Americans, especially boys facing coercive recruitment practices by gangs, and children seeking employment, fled

[28] Ibid., 5.
[29] John M. Crewdson, "U.S. Returns Illegal Immigrants Who are Fleeing Salvador War".

[30] Stephen Macekura, *"For Fear of Persecution": Displaced Salvadorans and U.S. Refugee Policy in the 1980s*, 2.
[31] Otto Pérez Molina, "In Latin America, we know who is to blame for our child migrant crisis".

northward to the United States.[32] The War on Drugs was met with many of the same policies as the Cold War refugee movements from Central America. These policies have since been reflected in US immigration policy regarding Latin America and in public opinion on emigration from Latin America to the United States. These contemporary migration issues are a reflection of the legacy of US Cold War policy in Latin America, and indicate how Cold War politics have had a lasting impact on localized politics and development in Latin America.

Because the primary focus of US foreign policy during the Latin American revolutionary movements was the Cold War, US policy including that toward refugees was often a reflection of US national interests. The Cold War politics that the United States applied to Latin American countries often had disastrous consequences, especially for refugees fleeing US-backed authoritarian dictators. El Salvador, Guatemala, and Nicaragua were torn apart by conflicts created by interventions on the part of the United States. Many of the refugees who fled during the Cold War were not granted refugee status, and were forced to either return to the violence in the home countries, or remain in the United States and struggle with the hardships of being undocumented immigrants. Many of the prevailing ideologies surrounding Latin American refugees during the Cold War era have remained in place and are now reflected in contemporary immigration policy and beliefs. Many of the countries the United States intervened in have never fully rebuilt from decades of armed conflict, and lack the infrastructure needed to support their citizens. As a result, these populations have continued to migrate to the United States, and have often had to do so illegally because of restrictive US immigration policies. While aspects of these conflicts were created internally, the United States exacerbated tensions and human rights abuses by supporting authoritarian rulers. The United States has failed to address their role in creating these conflicts, and subsequent refugee crises.

United States policy toward Latin American refugees functioned as a microcosm for Cold War geopolitics, in which values were compromised in the name of containment. While these decisions were specific to the Cold War era, they resulted from older political ideals and beliefs. Policies and decisions regarding intervention in Latin American political issues were in line with the precedent set by the Monroe Doctrine, which permanently bound Latin America to US interests and ideologies. These policies reflected the challenge to US primacy that the Cold War presented, and Latin America fell victim to the United States' struggle to hold on to its superpower status during the threat of the extension of Soviet influence. The United States viewed Latin American revolutionary movements as the growth of Soviet influence, rather than legitimate pro-democracy reform movements. As a result, the United States became convinced that it was necessary to maintain friendly

[32] Ibid.

relations with dictators who would help stop socialist reformers, regardless of the means by which they did so.

The United States offered outright support to refugees fleeing communist regimes, such as Cuba, while denying the same rights to refugees fleeing the dictators the United States was supporting. This policy was part of the greater strategy of containment, and was seen as necessary to protect national security. Policies toward refugees only shifted once the Cold War ended, and US security interests evolved. These alterations were miniscule however, with the advent of the War on Drugs, which saw the continuation of many Cold War policies. These policies clearly demonstrated that the commitment of the United States to human rights abroad was contingent on national interests.

Sources Cited

Articles:

Benson, Odessa Gonzalez. Refugee Resettlement Policy in an Era of Neoliberalization: A Policy Discourse Analysis of the Refugee Act of 1980. *Social Service Review* 90, no. 5 (September 2016), http://www.journals.uchicago.edu.libproxy.temple.edu/doi/full/10.1086/688613 (Accessed Dec. 10, 2017).

Hamlin, Rebecca and Philip E. Wolgin. Symbolic Politics and Policy Feedback: *The United Nations Protocol Relating to the Status of Refugees* and American Refugee Policy in the Cold War. *International Migration Review* 46, no. 3 (September 2012), http://onlinelibrary.wiley.com.libproxy.temple.edu/doi/10.1111/j.1747-7379.2012.00898.x/full (Accessed December 10, 2017).

Macekura, Stephen. "For Fear of Persecution": Displaced Salvadorans and U.S. Refugee Policy in the 1980s. *Journal of Policy History* 23, no. 3 (July 2011), https://www-cambridge-org.libproxy.temple.edu/core/services/aop-cambridge-core/content/view/7917AAAB4AF83C7F48F058102D5D4BB9/S089803061100145a.pdf/for_fear_of_persecution_displaced_salvadorans_and_us_refugee_policy_in_the_1980s.pdf (Accessed December 10, 2017).

Russell, Diane. Haitian Refugees. *Cultural Survival Quarterly* 5, no. 2 (April 1981), https://search-proquest-com.libproxy.temple.edu/docview/220537975?accountid=14270&rfr_id=info%3Axri%2Fsid%3Aprimo (Accessed December 10, 2017).

Scanlan, John and Gilburt Loescher. U.S. Foreign Policy, 1959-1980: Impact on Refugee Flow From Cuba. *The ANNALS of the American Academy of Political and Social Science* 467, no. 1 (May 1983), http://journals.sagepub.com.libproxy.temple.edu/doi/abs/10.1177/0002716283467001009#articleCitationDownloadContainer (Accessed December 10, 2017).

Books:

Hook, Steven W. and John Spanier. 2016. *American Foreign Policy Since World War II.* CQ Press.

Loucky, James and Marilyn M. Moors. 2000. *The Maya Diaspora: Guatemalan Roots, New American Lives.* Temple University Press.

Loescher, Gil, Mark Gibney, and Niklaus Steiner. 2003. *Problems of Protection: The UNHCR, Refugees, and Human Rights.* Routledge, Taylor & Francis Group.

Primary source news articles:

Crewdson, John M. U.S. Returns Illegal Immigrants Who are Fleeing Salvador War. New York Times. March 2, 1981.

Molina, Otto Pérez. In Latin America, we know who is to blame for our child migrant crisis. The Observer. August 3, 2014.