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Trump's Executive Order: Bad Example in Protecting Asylum Seekers and Refugees

Disappointment arises from SUAKA towards Trump's Executive Order which was put forth in January 2017 regarding the changes in United States' immigration system. The order enforced was expected to counter terrorism and to increase national security in United States. SUAKA deems this order not suitable to the context at hand, as well as it's disrupting global efforts in the division of responsibilities and international protection towards refugees in dire condition, whereas the amount of refugee escaping their countries of origin to seek help has been accumulated to 21,3 million.

Trump's Executive Order is linked towards Asylum Seekers and Refugees in the following aspects: The suspension of Refugees admission into United States for 120 days and reduction of Refugees admission in 2017 from 110.000 Refugees as promised by former President Barrack Obama to 50.000 Refugees. The executive order has also stated that Refugees under the claim of religion based persecution will be prioritized, only if the religion they profess is the minority religion in their own respective countries. Recalling that Muslim Refugees who were persecuted in 7 specific countries will be excluded from the prioritized admission, namely Iraq, Iran, Syria, Sudan, Somalia, Libya and Yemen. Trump also declared that Syria's citizens are detrimental to the interest of United States, thus they are banned indefinitely to travel to United States until Trump decided to revoke this ban. This declaration is made without any evidence. Since 1980, there is no one out of more than 3 million refugees who were resettled in United States that has been participating in killing people during the terrorism act conducted in America.

"This order has failed to perceive the differences between countering terrorism and State's international responsibilities towards those who are persecuted and suppressed", said Febi Yonesta, Chair of SUAKA. Acknowledging that one of State's responsibilities is to fight terrorism, yet this order is not eligible to be the reason for a State to discriminate or even lessen its responsibilities in protecting those who are persecuted in their country of origin. Moreover, this order has violated the non-discrimination and non-refoulment principle as acknowledged in international law. The irony is that United States had ratified International Covenant on Civil and Political Rights (ICCPR) and 1951 Convention relating to the Status of Refugees, all of which recognized the aforementioned principles.

Trump's order is a bad example and must not be applied to any Country in the world. The problem of Asylum Seekers and Refugees is a global phenomenon and all Countries are liable to contribute in solving the problem. Each Country's participation in providing protection under the human rights' standard for Asylum Seekers and Refugees, as well as urging the conflict resolution in the relevant Countries are imperative.

This order certainly has direct effects towards Indonesia. By the data of United Nations High Commissioner for Refugees (UNHCR) in 2016, the amount of Asylum Seekers and Refugees in Indonesia have reached 14.405, with the details of 6.578 Asylum Seekers and 7.827 Refugees. One of the order's impact to Indonesia is that an accumulation of Refugees in Indonesia will massively stack, taking into account that they are waiting for resettlement by the Third Country, such as United States. Throughout 2016, United States had admitted the highest number of Refugees from Indonesia. 790 Refugees had been resettled to United States, followed by 363 Refugees to Australia and 95 Refugees to Canada. Indonesia is the "transit" Country for Asylum Seekers and Refugees while waiting to be resettled, since Indonesia has not ratified the 1951 Convention not the Protocol 1967.

Indonesian government must be prepared to face the impact of the executive order, as well as finding the permanent solution to this matter other than depending to Third Country resettlement. The problem of Asylum Seekers and Refugees is not merely in the resettlement process, but also the fulfillment of their basic rights during the process. Escalation of protection and aid towards Asylum Seekers and Refugees is gravely required, notably the legal uncertainty and continuous human rights violation during their stay in Indonesia. This fulfillment of their basic rights is stipulated under the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR), of which Indonesia is signatory and on top of that, they have been ratified and adopted in its domestic law.

Build upon the argumentations above mentioned, SUAKA urges Indonesian government to:

1. Guarantee the fulfillment of the rights of Asylum Seekers and Refugees in Indonesia, including providing the access to their basic rights during their stay in Indonesia;
2. Find the permanent solution to Asylum Seekers and Refugees in Indonesia, one of which is by promptly ratifying 1951 Convention relating to the Status of Refugee and Protocol 1967; and
3. Persuade and encourage all International Stakeholders (Countries), including United States to collectively solve and take responsibilities in protecting Asylum Seekers and Refugees by accentuating humanitarian principles and honoring human rights.

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