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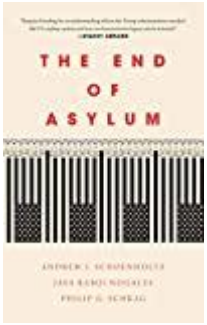
Andrew Ian Schoenholtz, Jaya Ramji-Nogales, Philip G. Schrag. *The End of Asylum.* Washington, DC: Georgetown University Press, 2021. 213 pp. $19.01, cloth, ISBN 978-1-64712-107-5.



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In his epochal *Common Sense* (1776), Thomas Paine argued that there was something special about the British colonies in the New World. They were a place of safe harbor, "the asylum for the persecuted lovers of civil and religious liberty from *every part* of Europe. Hither have they fled, not from the tender embraces of the mother, but from the cruelty of the monster." Paine's sentiments have reached deeply into the American psyche. For many, Paine's ideas have confirmed the uniqueness, indeed holiness, of the American mission. They reaffirm that idea that the United States is to be an example for all humankind, the summoner of the "birthday of a new world."[1] The US should welcome all those fleeing the tyranny of arbitrary monarchical terror.

Obviously, this founding vision is fraught with problems. Paine was writing for a people still forcibly importing West Africans, tolerating the abuse of indentured servants, stripping Native Americans of rights to their lands, denying the basic legal identity of women, and disenfranchising the propertyless. Yet Paine's idealism is not mere window dressing. There is a strain of humanity and justice attached to our creed that has persisted. It is most unashamedly articulated in Emma Lazarus's 1883 poem "The New Colossus," which famously imagines the Statue of Liberty as the "Mother of Exiles" welcoming the "huddled masses yearning to breathe free" to American shores.[2] In sum, the national story contains multiple, contradictory narratives. Americans dream of hewing to the highest of ideals, even while countenancing the most tribal of prejudices. The story of political asylum echoes this deep ambivalence.

In *The End of Asylum* by Andrew I. Schoenholtz, Jaya Ramji-Nogales, and Philip G. Schrag, we witness the United States' latest, pendulum-like lurch toward xenophobic gate slamming. In this slim and information-packed book, the three authors dissect the all-out assault on Paine's asylum dream by the recent Trump administration. The story is shocking and disheartening.

The End of Asylum is laid out chronologically, beginning with the origins of our modern asylum system, the Refugee Act of 1980. This piece of legislation, built upon the groundwork of the UN Refugee Convention of 1951, created a statutory process for granting asylum to people fleeing persecution. Though far from perfect, the Refugee Act established a legal mechanism for identifying and assisting refugees, creating "by far the most generous" resettlement program in the world. It ended up "protecting some 3 million refugees and offering them a path to citizenship" (p. 10). Between 1980 and the Barack Obama presidency, presidents and congressional conservatives regularly curtailed the Refugee Act in order to appear tough on border issues. For instance, in 1996, an immigration law passed allowing for the detention of asylum applicants. The George W. Bush administration later pushed through new procedural rules that accelerated the rate of asylum denials. Even Obama felt compelled to show he was not "'soft' on immigration" (p. 30), increasing the number of asylum seekers getting incarcerated on the southern border. Then came the election of Donald J. Trump.

Trump sailed into office on a tremendous wave of discontent. Key among his grievances was a sense that America was being "overrun" by dangerous outsiders, mainly by way of the southern border. His campaign utilized a rallying cry to "build the wall." Once in office, not only did Trump work on building a physical wall, his administration also constructed a legal one. As he explained in a 2018 tweet (recorded in this book), "We cannot allow all of these people to invade our Country. When somebody comes in, with no Judges or Court Cases, bring them back from where they came. Our system is a mockery to good immigration policy and Law and Order" (p. 40). Trump designated the "invaders" mainly to be poor nonwhites primarily from Latin America.

In six engaging and deeply informed chapters, *The End of Asylum* takes us through the myriad ways Trump's administration (with a prefatory chapter on the presidencies of Bill Clinton through Obama) virtually annihilated the apparatus with which asylum seekers are processed. The evidence presented is overwhelming and compelling. Trump challenged the laws taking into consideration the flight from domestic violence as valid, made the paperwork vastly more onerous for all asylum seekers, and rewarded asylum judges who processed refugees quickly rather than thoroughly. As one might guess, the judges he appointed were those with track records ruling overwhelmingly "against asylum seekers" (p. 42).

These factors alone would have changed the game. But Trump went much further. Basic information about asylum seekers was also compromised. Beginning in 2019, thousands of asylum applications simply went unreported (p. 45). The authors quote the Transactional Records Access Clearinghouse (TRAC) at Syracuse University, which hitherto had received data from the government on immigration court decisions. Suddenly that data was not being provided. TRAC concludes that new government-supplied statistics must be considered "suspect" (p. 45). At the heart of every functioning democracy is public access to government activity. Denying access to basic data is, to say the least, a huge step in a troubling direction.

The End of Asylum is not a "political" book. That is, it is not an ideologically motivated indictment of the policy agenda or dogma of the Trump-led Republican Party. Written by law professors at Georgetown and Temple University, this is a scholarly, nuanced work of social science. If anything, the style—short, dense chapters recounting policy changes—will limit its popularity. This is not a journalistic account chock-full of heartrending stories of individuals brutalized by a new policy regime. The authors stay firmly in the academic wheelhouse, sticking to the hard data, tracking the oft-byzantine passage of new initiatives and legal cases, and graphing the numbers of individuals affected. The advantage of this approach is that

there is little room for debate here. Clearly, the Trump administration dismantled America's asylum policy by undermining the means formerly used by refugees to legally come into our country. The disadvantage of this academic approach is that it might be harder to access for a lay reader unfamiliar with the style. The brevity of the book, and the concision with which the data is presented, however, should lower the readability barrier for a mass audience.

One of the biggest contributions of ***The End of Asylum*** is the way the authors comprehensively cover the myriad ways the Trump administration systematically dismantled America's asylum system. Amidst the whirlwind of tweetstorms and chaos that churned through the daily news cycle during Trump's time in office, many behind-the-scenes policy shifts went unnoticed. While high-profile outrages like the Family Separation Pilot Program garnered headlines, lesser-known, smaller changes in the application process and in legal interpretations accumulated, entailing a devastating onslaught to the asylum-seeking process. Similarly, as the confusion of the 2020 election kept people riveted to their TV and phone screens, many missed the fact that up until the very last minute, literally including the day of the election, the Trump administration continued to hammer through new hurdles for refugees. By placing all of these policy changes in a chronological and coherent order, ***The End of Asylum*** makes brilliantly clear the destruction wrought on the Refugee Act. This coverage makes this book simultaneously a solid recent history and a heroic act of reportage.

The authors end by offering a few concrete suggestions for fixing our besieged asylum system. This includes detaining only those refugees considered flight risks, in places with adequate ambient temperature (ending the so-called hielera, or refrigerator rooms), settling pending litigation, and repealing the wave of anti-asylum regulations. Notably, the authors argue that true reform must involve more than just one president undoing the damage of another president. After all, the next chief executive could simply follow Trump's playbook and go back on the attack. The best solution, they conclude, is for a humane, comprehensive system of asylum laws, passed by Congress. This is certainly the most democratic answer.

Notes

[1]. Thomas Paine, ***Common Sense*** (Mineola, NY: Dover Publications, 1997), 20, 51.

[2]. Gregory Eiselein, ed., ***Emma Lazarus: Selected Poems and Other Writings*** (Toronto: Broadview, 2002), 233.

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