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DAS 400

15 December 2017

The Syrian Refugee Crisis and Executive Order 13769: A Theoretical Approach to Habeas Corpus

With the current state of the Syrian Refugee crisis, it has become important to have debates on the United States' response to this crisis. However, on January 27th, 2017 President Trump issued Executive Order 13769 titled, "Executive Order Protecting the Nation from Foreign Terrorist Entry into The United States." As a response to the crisis, the Executive Order indefinitely barred Syrian refugees, suspended the U.S. Refugee Admissions Program, and restricted travel from seven Middle Eastern and African countries. Many have debated the legality and ethicality of this Executive Order. However, these debates have not addressed the larger question of what our responsibilities are to refugees. To continue this ongoing debate, I employ Thomas Nail's *The Figure of the Migrant* and Alexander Weheliye's *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human*, in order to offer one answer to how the law and the United States writ large should address refugees. Using this theoretical lens to consider the current political moment, I will argue for a conceptualization of the refugee as someone who is not granted the traditional writ of Habeas Corpus. Secondly, I will argue that Executive Order 13769 is a denial of Habeas Corpus to the refugee. Lastly, I insist that we look at Law as something that includes some individuals, yet excludes others. This project, by closely examining Executive Order 13769, helps shed new light on the debates surrounding the Syrian refugee crisis.