

U.S. Refugee Admissions Program For Fiscal Year 2004

Recommendations of
The Refugee Council USA



May 2003

Acknowledgments

The Refugee Council USA presents this publication in support of its annual consultation with the State Department regarding the admission of refugees to be resettled in the United States in Fiscal Year 2004.

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The following agencies endorse the Refugee Council USA's Recommendations for U.S. Refugee Admissions for FY 2004.

Center for Victims of Torture
Church World Service/Immigration & Refugee Program
Episcopal Migration Ministries
Ethiopian Community Development Council
Hebrew Immigrant Aid Society
Immigration & Refugee Services of America/U.S. Committee for Refugees
International Catholic Migration Commission
International Refugee Research Institute
International Rescue Committee
Jesuit Refugee Service/USA
Kurdish Human Rights Watch
Lutheran Immigration & Refugee Service
Migration & Refugee Services/United States Conference of Catholic Bishops
Southeast Asia Resource Action Center
Women's Commission for Refugee Women & Children
World Relief

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Executive Summary and Selected Recommendations

The U.S. refugee program is at the most critical stage of its history, with only 27,508 refugees, the lowest in 25 years, having been resettled in the United States in Fiscal Year (FY) 2002. Post-September 11 security measures are having an unintentional and disproportionate impact on those who are the weakest and most vulnerable. With 13 million refugees in the world, U.S. resettlement capacity is vastly exceeded by world-wide resettlement needs. It is thus critical that the United States ensure that none of its resettlement places go unused.

Security and anti-fraud mechanisms have made timely refugee processing more challenging. The failure to make more use of Priority Two processing (which would allow application for refugee status without a time-consuming UN referral) is an additional factor in the slowdown. Further, opportunities for refugees with family in the United States to apply for refugee status (through Priorities Three and Four) are going unused, in spite of the strong anti-fraud mechanisms that the newly-created Department of Homeland Security (DHS) has now put in place to verify family relationships.

In the security area, we ask the Administration to ensure that security assessments for refugee interviewing sites are conducted more quickly, and that Security Advisory Opinions (SAOs), the security clearances required for certain refugees, be processed without unnecessary bureaucratic delays. We also urge that adequate resources be applied to the verification of family relationships and to facilitate reunion for refugee families who have been torn apart. Moreover, anyone who meets the refugee definition with a close relative in the United States should be eligible for refugee status—not just members of designated nationalities.

While refugees in need of immediate protection should receive priority in resettlement, *refugees who have been “long-stayers” in refugee camps and who have no realistic hope of returning home should also be permitted to utilize refugee admissions slots that would otherwise remain unused each fiscal year. These refugees should be identified in groups by the United States and the UN High Commissioner for Refugees (UNHCR) each year, obviating the time- and resource-intensive paperwork required for individual resettlement referrals. The State Department has doubted the value of this proposal, fearing that long-staying refugees would not be able to articulate the “well-founded fear of persecution” necessary to qualify for refugee status. We strongly disagree with this assumption, and urge that the Bureau of Citizenship and Immigration Services (BCIS) and UNHCR sample potential groups to assess whether a majority among them would be able to pass a refugee interview.*

We welcome the State Department’s launch in February 2003 of a pilot program in Nairobi, Kenya, to enhance access to U.S. resettlement through referrals by nongovernmental organizations (NGOs) working in the field. *We hope that this pilot program can be further developed, increasing its potential for success and replication. We were thus pleased that the State Department conducted an NGO training session in Nairobi where there was established a mechanism to facilitate NGO referrals of protection cases, and we urge that the Department now work closely with NGOs to build on this initiative. Finally, we believe the Administration’s declared intention to create a dedicated “refugee corps” within DHS may promote more efficient management of the U.S. program and help in attaining resettlement targets.*

As part of our common effort to strengthen UNHCR, *we ask the State Department to resist the increasing tendency to restrict NGO participation in meetings and discussions in which we previously enjoyed a wider role, and to encourage UNHCR to be active in referring refugees for resettlement when it is an appropriate durable solution.*

Among the “Special Refugee Groups and Issues” that this report highlights are refugee women at risk and the need to put them high on the list for U.S. resettlement. For separated refugee minors, we urge “best-interest assessments” to determine which durable solution, including resettlement, best fits their needs. To end the ordeal of “long-stayers,” refugees who have spent years in camps, we urge the State Department and UNHCR to adopt a two-track system, one for individual protection cases and another, much less bureaucratic system

for refugee groups so that valuable resettlement places do not continue to go unused. Urban refugees remain a neglected, unprotected group, and we urge much greater use of our expedited resettlement procedures on their behalf. Finally, refugee victims of torture need continued help, and we ask Congress to reauthorize the Torture Victims Relief Act (TVRA) (which expires at the end of FY 2003) at increased authorization and appropriation levels.

During the last two years, the United States has essentially closed its doors to refugees from Iraq, even to the 300 Iraqi refugees in Lebanon who were interviewed and approved by U.S. interviewers and cleared throughout the SAO process, but never allowed to travel. Similarly, the United States refused overtures by UN High Commissioner Ruud Lubbers to take part in a plan to resettle the remaining Iraqi refugees out of Rafha Camp in Saudi Arabia. Given the significant changes now occurring in Iraq as a result of the military intervention, we hope voluntary repatriation will now be a viable option for many Iraqi refugees. *Those who have been too seriously traumatized by their past persecution to return to Iraq, however, should be eligible for resettlement to the United States.*

In Africa, UNHCR should accelerate its efforts to identify and refer refugees in need of resettlement protection, and the following groups should be allowed to apply directly to the U.S. program under Priority Two: Long-staying Liberians in the Kissidougou camps in Guinea; Liberians trying to survive the chaotic upheaval in Côte d'Ivoire; Congolese and Burundians in Mozambique; Christian Ethiopians in Yemen; Sudanese refugees in Ethiopia of the Uduk, Shilluk, Nuba and Equatorian groups; and Eritrean ethnic minority refugees in northern Ethiopia who are unable to return to Eritrea. We also hope that the 12,000 Somali Bantu, one of the few groups designated in recent years for Priority Two processing, arrive in the United States this calendar year.

In Asia, a durable solution strategy for the 300,000 North Koreans in China must be sought that includes the possibility of third country resettlement. We also recommend specific steps to assist refugees from Vietnam who were previously unable to access the U.S. program. The United States and UNHCR should expand their resettlement efforts in Thailand for Burmese refugees, particularly for student activists now along the Thai border and members of the Karen ethnic minority in the camps; and should urge the Thai authorities to drop restrictions to resettlement for camp populations and to include urban caseloads as well. As human rights groups have charged, UNHCR has been unfair in rejecting the refugee claims of many Burmese Rohingya refugees who are now in Malaysia and Bangladesh, and the United States should offer them alternative access to resettlement, such as through a Priority Two designation.

In Europe, direct, Priority Two access to U.S. resettlement should be accorded to the nearly 3,000 Roma refugees from Kosovo who remain in precarious circumstances in Macedonia. In Austria, the United States should offer humanitarian parole to the approximately 600 members of Iranian religious minorities who arrived in Austria to apply to the United States for refugee status, but who INS ruled did not have strong enough persecution claims to warrant acceptance. Christian religious minorities and Jews continue to suffer from anti-Semitic intimidation in the former Soviet Union (FSU), and should continue to have access to the U.S. program. We ask BCIS to explain the basis for the recent increase in refugee denials for this population, as is required under the Lautenberg-Specter Amendment. Similarly, we urge the State Department to provide a Priority Two designation for a persecuted and stateless Muslim religious minority, the Meskhetian Turks in Krasnodar Krai.

In Latin America, Colombia is by far the largest generator of refugees and displaced persons, with human rights activists and religious workers at greatest risk. These groups merit Priority Two designation, both in-country and regionally (for Colombians in Ecuador, Panama and Costa Rica). The continued persecution of similar groups within Cuba justifies the continuation of Priority Two processing of Cuban refugees in-country. Haitian refugees, however, continue to be denied access to U.S. resettlement, in spite of increasing instability in that country. They should be accorded Priority Three access to promote family reunification, and interdicted Haitians should be permitted to apply for the U.S. program on dry land, in such countries as the Dominican Republic and the Bahamas.

We recommend a Priority Two designation for those ethnic Nepalese refugees in Bhutan who have languished in Nepal for over a decade, and for whom neither remaining in Nepal nor returning to Bhutan is a safe or viable

option. In India, UNHCR has been referring only small number of refugees for resettlement, despite the fact that many refugees there have no legal status and little protection. The United States should create a Priority Two designation for specific, vulnerable and identifiable refugee groups in India, such as the Burmese Chin. In Pakistan, we urge the United States to continue to work with UNHCR to accept referrals of Afghan refugees, particularly vulnerable women and ethnic minorities, for whom safe repatriation is not an option.



II Introduction

The U.S. refugee program is at the most critical stage of its quarter-century history. The refugee crisis of 2002, which was expected to abate as new, post-September 11 security procedures became routine, threatens to destroy resettlement prospects for many tens of thousands of the world's persecuted again in 2003. It is no exaggeration to say that, of all the groups of foreign entrants to the United States, the greatest impact is being felt by refugees—those who are already the most vulnerable, who need our help the most, and *who in many cases have fled terrorism themselves*. Worse, there appears no end in sight.

In FY 2002, only 27,508 refugees out of an approved ceiling of 70,000 were welcomed into our country, the lowest number in 25 years. Given the trend so far in FY 2003, this year will be no better. And unless every effort is made in FY 2003 to build a strong pipeline of approved resettlement applicants for FY 2004, matters will not have improved even then.

Why, when their need is greatest, is the heaviest burden falling on the most vulnerable? Why, when our legitimate anger as a nation is directed against the countries and movements that sponsor and practice terrorism, are we unintentionally and disproportionately penalizing those who are the most pitiful victims of governments that support terrorism and of other failed regimes?

It is as though our great country, with its proud humanitarian history, finds itself so focused on ensuring its own security that it is unable at the same time to continue accepting refugees at even a minimal level. Despite our enormous technological and managerial capacities, an outside observer might conclude that we have begun to see refugee resettlement as a luxury that, in these dangerous times, we can no longer afford.

We do not believe that any of us involved in the larger refugee-assistance partnership—whether we be government officials, Members of Congress, opinion leaders, or refugee agency staff—subscribe to that pessimistic vision. We believe that we are confronting not a failure of will, but a test of our ability to take a complicated process and make it work. This annual report, therefore, is written in the conviction that all of us want our refugee program to succeed. If that is so, more collaboration than ever before is necessary to overcome the new bureaucratic and security challenges that threaten it.

That said, our report will descend into the details of the refugee-resettlement enterprise, often repeating what we have said before. This year's document gives our views on the need to streamline refugee security checks and cope better with fraud. We address the lamentable demise of family reunification as a guiding principle of the U.S. program and urge that the United States act to reunite refugee families on a universal basis. We discuss proposed changes in our refugee admissions processing priorities, including provision for refugees who have languished for years in camps. We will put forward for State Department consideration for Priority Two (P-2) designation a number of new groups that could be added to those who already belong to this category. We will repeat our support for the wider use of private agencies in the identification of refugee candidates overseas. And we will both describe refugee situations around the world and pinpoint groups that especially need resettlement in a third country. Early in the report, under "Special Refugee Groups and Issues," we identify particular kinds of refugees whose need for a solution to their current situation is urgent.

The refugee resettlement agency members of the Refugee Council USA and their affiliates across the country are grateful to the U.S. government for support this past year that has allowed the agencies to maintain America's national refugee resettlement capacity, the capacity that has provided for the successful integration of more than two million "new Americans" over the past quarter century. This support helps ensure that this great national resource of refugee resettlement will survive into the period, hopefully near, when refugee admissions into our country will again attain a higher level.

The Public/Private Partnership

The longstanding partnership between private and government agencies in the area of refugee admissions has made the United States the world leader in an activity that saves lives, eases tensions among nations, and strengthens our country. This collaboration is today more crucial than ever.

A. Unblocking Resettlement—The Unintended Consequences of Heightened Security Measures

The principal cause of the ossified state of refugee admissions processing overseas are additional security measures following the terrorist attacks of September 11, 2001, including procedures adopted to combat fraud, especially in Africa. We support these necessary initiatives, but they have had severe unintended consequences for the U.S. refugee program. As a result, we and our government partners must now overcome formidable managerial and resource challenges if the program is once again to function normally.

The Safety of Refugee Interviewing

Even though we are mindful that the most vulnerable refugees are often forced to flee to precarious areas, refugee interviewing by officers of BCIS, it goes without saying, must be conducted at sites that are safe. (The new BCIS took over most of the adjudication functions of the Immigration and Naturalization Service [INS] on March 1, 2003.) Understandably, assessments have had to be made of local security conditions, whether in camps or in U.S. embassy-owned buildings. Unfortunately, such assessments have proceeded slowly, undoubtedly owing to resource constraints. And when assessments have turned out negative, alternative solutions, such as video-conferencing, have not been pursued. We urge a continued focus on this important constraint to the resettlement effort.

The Security Name Checks

The need to conduct security checks in the form of SAOs on certain refugee applicants and submit the names of all applicants to the State Department's Consular Lookout and Support System, also causes delay. As of early 2003, many refugees had been waiting almost a year and a half for their security clearances to be completed. On a recent trip to West Africa, a delegation from one member agency was informed repeatedly that background checks conducted by the U.S. government were inordinately slow. We are fully aware of the need for vigilance, and the consequent measures that must be taken. We hope, however, that ways can be found to perform these checks more quickly, including streamlining procedures and procuring the additional resources that this effort clearly needs.

The Anti-fraud Effort

We believe that fraud in resettlement contexts owes much to refugees' desperation, and that broader resettlement opportunities will in themselves serve to reduce misrepresentation. We are also convinced that the recent high incidence of fraud highlights the need for efficient and reliable systems for the identification, registration and referral of refugee candidates. This said, we cannot condone fraud in the U.S. refugee program and agree that measures must be taken to combat it. We particularly deplore the fact that fraud involving family relationships, and the need to root it out, is endangering family reunification as a major objective of the U.S. program.

In late 2001, the INS instituted its Refugee Access Verification Unit (RAVU), dedicated to the verification of refugee family relationships. We are pleased at reports, as of early 2003, that its work in terms

of reviewing the backlog of family-reunification cases, a major cause of resettlement delay, is almost done. We hope that this will end, or greatly reduce, these delays. Since we also hope that family reunification can be opened to many more refugees than is currently the case, we urge that BCIS be prepared to devote more resources to these verifications in the future.

Positive Measures That Could Increase Refugee Arrivals

There are in our view a number of positive expedients that could contribute to resolving the current resettlement impasse. They include designation by the State Department of new groups for P-2 status, which would allow many more candidates to be interviewed for resettlement relatively quickly. We have made a number of P-2 recommendations in recent years, and many are to be found in this report. Other changes include acceptance of P-3 eligibility for all refugees, allowing persons in the United States to be reunited with close refugee family members overseas, and a new priority for long-staying refugees. Private-agency assistance in identifying refugee candidates, an idea the State Department is in the process of moving forward, should also contribute to faster resettlement overall. So should the establishment of more regional resettlement hubs, such as those that UNHCR has just set up for East and West Africa. These hubs can encourage and support resettlement initiatives in asylum countries through such activities as planning, directing, financing, monitoring and evaluating local UNHCR resettlement efforts. Similarly, the State Department could be searching for new and creative ways to engage UNHCR in such efforts as planning annual resettlement strategies, agreeing on joint ways to identify refugees in need of resettlement, collaborating on how to refer cases for U.S. consideration with fewer bureaucratic requirements, and refining camp registration procedures with a view toward laying the basis for faster resettlement interviewing with less fraud.

B. Homeland Security and the Refugee Corps

While we have serious concerns that immigration services and refugee protection have been buried within the huge enforcement-focused bureaucracy of DHS, we welcome the announcement that the Administration intends to create within DHS a new "Refugee Corps." The establishment of the Refugee Corps would help prevent refugee protection from becoming lost in the new DHS bureaucracy; in fact, refugee protection may actually improve. For years, the refugee resettlement program overseas has been administered by INS District Directors in Bangkok, Mexico City, and Rome who had many enforcement priorities that competed with INS's mission to protect refugees. With the creation of the Refugee Corps, refugees will no longer be at the mercy of these conflicting priorities. We are hopeful that the Refugee Corps will establish a clear line of authority from headquarters to the field, and be staffed by a team of individuals dedicated only to enhancing refugee protection through resettlement. With this new structure in place, the United States may be in a better position to deliver on its commitment to resettle 70,000 of the world's refugees.

We are concerned that, while the timely establishment of the Refugee Corps could have facilitated the March 1, 2003, absorption of refugee adjudications into DHS, as of this writing the Refugee Corps continues to exist only on paper.

The mission of the DHS is to "to develop and coordinate the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks." Consequently, while we are encouraged by the creation of the Refugee Corps, and fully comprehend the importance of the DHS mission, we remain concerned that refugee resettlement, together with other vital humanitarian functions such as asylum and parole, will receive little attention within the massive DHS bureaucracy. To ensure that humanitarian priorities are not lost sight of, we urge DHS to establish an office for humanitarian coordination, reporting directly to the Secretary.

C. Using the Processing Priorities to Expand the Program's Reach, Reunite Families, and Help Long-stayers

The criteria for accepting refugees into the United States are crucial if we are to give preference to those most in need and otherwise run an effective program. Currently, these are embodied in five State Department initiated "processing priorities," which can briefly be described as refugees individually referred by a U.S. embassy or by UNHCR because of specific protection needs or because they lack a durable solution (P-1); refugees of special concern to the United States (P-2); refugees who are immediate relatives of family members who legally reside in the United States (P-3); less immediate refugee relatives such as grandparents (P-4); and refugee relatives who are more distant, such as aunts and uncles (P-5). (*See Appendix 1*)

These processing priorities, whose basic structure was introduced in 1994, are no longer fully relevant, and should be modified. Reforming them would expand the ability of the U.S. program to reach refugees in need, an especially important goal in a period when our program is operating far below its capacity. It would reunite more refugee families, redressing the de-emphasis of family reunification that has crept into the program in recent years. And it would direct long overdue resettlement attention to refugees who have been condemned to years in squalid camps without hope of betterment, the people we now call "long-stayers."

Since the proposal of a new priority category for long-stayers came under question after we put it forward, we asked a leading law firm, on a pro bono basis, to examine it. The firm concluded that formulating a separate long-stayer priority was an Executive Branch prerogative, and required no new legislation. To an objection that refugees in Africa were covered by the 1969 Organization of African Unity (OAU) convention, which uses a broader definition of refugee than that applied by the United States, it was noted that many long-staying African refugees would also meet our definition (past persecution or a well-founded fear of persecution) and would thus be eligible in that respect for the U.S. resettlement program. In short, we found no legal barriers to the turning of our attention, finally, to these long-suffering refugees.

To recapitulate, we suggest the following reforms in the U.S. refugee priority system:

- Expand the utilization of Priority Two (groups of special concern) beyond its current use, to include women at risk and other new groups of refugees from countries such as Bhutan, Burma, Eritrea, Ethiopia, the FSU, and Sudan;
- Extend access to the Priority Three immediate-family reunion category to refugees of all nationalities, and extend the definition to less immediate family members of separated minors when a best-interest assessment indicates this is appropriate; and
- Designate a new priority category for "long-stayer" refugees. These could include those who: a) do not have fully guaranteed legal status or stable physical security in the place of asylum, b) do not have full freedom of movement, and c) are officially denied the right to work, or prevented from meaningful employment, as compared to the local population. UNHCR and the United States should develop procedures to allow access under this long-stayer category either through a group designation by the State Department or through a "group referral" by UNHCR that would not require individual "resettlement registration forms" for each case. Among the groups of refugees who should be strongly considered for this new category are refugees from Bhutan, Burma, Burundi, Congo (Kinshasa), Ethiopia, Liberia, Somalia and Sudan.

D. Enlisting Private-Agency Help to Find the Refugees Most in Need of Protection

The Refugee Council USA has long asserted that the United States should utilize NGOs to refer refugees for resettlement. NGOs operating in the field are uniquely positioned to identify urgent protection cases, as well as groups in need of resettlement as a durable solution. We are therefore pleased that in February 2003 the State Department conducted an NGO training session in Nairobi where there was established a formal, albeit modest, mechanism to facilitate NGO referrals of protection cases.

In the coming year, we urge the State Department to work closely with NGOs to build on this initiative. Specifically, we would ask for the development of (1) criteria for the types of cases to be referred; (2) an infrastructure to accommodate NGO referrals from all parts of the globe, with appropriate safeguards to ensure the referrals' efficiency and integrity; and (3) criteria and procedures for the referral of refugee groups in need of a durable solution, not just individual protection cases. In doing this, the State Department should draw upon the lessons learned from the International Rescue Committee-UNHCR referral project in Pakistan and the independent Hebrew Immigrant Aid Society Refugee Trust referral project in Kenya.

E. Using the Partnership to Strengthen UNHCR

The Refugee Council USA and the State Department share a common objective in the support and strengthening of UNHCR, the UN organization responsible for refugees world-wide. The United States is the largest backer of UNHCR among its members, contributing about a quarter of its budget. In addition, the United States is a major intellectual and policy supporter of UNHCR, an effort in which we private agencies participate through our involvement in meetings such as those of the Executive Committee, the Standing Committee, and the Annual Tripartite Consultation on Resettlement as well as through letters to and meetings with UNHCR officials. Our collaboration with the State Department is evidenced by our inclusion each year on the official U.S. delegation to the Executive Committee meeting as well as the holding of consultations between State Department officials and ourselves in advance of that gathering and others.

Refugee Council USA also cooperates directly with UNHCR. In 2002, we coordinated ten meetings in Washington for visiting UNHCR officials on funding shortfalls, resettlement, refugee women and children, and other topics. Our members contributed to the UNHCR *International Handbook to Guide Reception and Integration*, now on the UNHCR website. Moreover, we helped develop new chapters for the UNHCR *Resettlement Handbook*.

Despite these activities, we are concerned about an increasing tendency to restrict NGO participation in meetings and discussions in which we previously enjoyed a wider role. We note the exclusion of NGOs from UNHCR Working Group meetings, the restriction in size of delegations, and the increased use of bilateral discussions at the expense of tripartite discussions. This diminished recognition of the NGO role is of particular concern as new initiatives, such as Convention Plus and UNHCR 2004, get under way within the UN system, with huge implications for the future of global refugee protection policy.

We ask that the State Department use its considerable weight within UNHCR to move matters in a more inclusive direction. This will preserve our ability to give UNHCR the benefit of our views both in the area of refugee policy and in the more practical aspects of refugee resettlement and protection.

We also ask the State Department to persevere, with us, in encouraging UNHCR field staff to be active in referring refugees for resettlement when it is an appropriate durable solution. This could include promoting additional resettlement-related training for UNHCR officers.

F. Preserving U.S. Resettlement Capacity

The near-stoppage of the U.S. resettlement program after September 11, 2001, has had a brutal impact on many refugees. It has also badly affected our resettlement-agency members and their ability to maintain the staff and other infrastructure that for years have been instrumental in welcoming refugees to this country and that are necessary if we are to be able to do so again in heightened numbers. The largest of our resettlement agency members has told its nation-wide resettlement staff to expect an average cut this year of 30 percent. The other agencies are similarly affected. Given this serious situation, we are thankful to the State Department's Bureau of Population, Refugees and Migration (DOS/PRM) and to the Office of Refugee Resettlement (ORR) of the Department of Health and Human Services for the financial-assistance formulas that have allowed our agencies to carry on during this period when our capacity to do our work is threatened.

IV Admissions Recommendations

A. Special Refugee Groups and Issues

Refugee Women at Risk

UNHCR considers women at risk “those refugee women...who have protection problems and find themselves without the support of traditional protection mechanisms. Special needs of refugee women in such circumstances could derive from persecution as well as from particular hardships sustained either in their country of origin, during their flight, or in their country of refuge.” (*Note on the Women-at-Risk Resettlement Criteria*, UNHCR, June 5, 2000). Because of their gender, women and girls often face unique problems that hinder their ability to access the refugee determination and resettlement systems. These barriers include ambiguity in the way in which gender persecution is addressed during the status determination process; failure to provide gender-sensitive interviews; and cultural considerations that make it difficult for a woman to discuss gender-related abuses.

Some countries, such as Canada, have formally adopted women at risk resettlement programs to address these needs. While undoubtedly a certain number of women at risk are resettled in the United States, our resettlement program fails to identify them as such. Although we are pleased that women at risk are included within the P-1 category, the difficulties for such women in gaining access to protection demand that the United States adopt measures to ensure that women who have experienced particular protection problems are adequately identified, have full access to the resettlement system, and have their confidentiality respected. Special attention should be given to providing access to women in extremely vulnerable situations such as victims of trafficking and other forms of gender based persecution. The State Department should also ensure that its reception and placement function is sensitive to the needs of women at risk, including single women with children, and that such women receive appropriate services beyond their initial reception and placement in the United States.

Several recent events have highlighted the severe protection gaps that jeopardize the lives and safety of refugee women and girls. The allegations of widespread sexual exploitation of refugee women and girls in West Africa dramatically underscore the unique risks faced by women and girls in camp settings. Similar allegations have been raised regarding sexual exploitation of Bhutanese refugee women and girls. Afghan women and girls who have returned to their homeland continue to face severe gender persecution, resulting in the secondary displacement of some of these women. It has also been recently documented that Burmese minority refugee women and girls have been systematically raped by the Burmese military, continuing to be the objects of rape as a weapon of war.

For many such women, resettlement may be the only option if they are to resume their lives in safety and dignity. As the world’s leader both in refugee protection and the defense of women’s rights, the United States must make it a priority to identify women at risk and put them high on the list for resettlement.

Separated Refugee Minors

Increased international attention is being paid to the plight of “separated children,” both those who are completely alone (unaccompanied) and those who are separated from parents and other customary caretakers but attached to their extended family or other adult caregivers (separated). Though frequently categorized differently, unaccompanied and separated children face similar care and protection needs as well as the need for stability and permanence. Both groups are among the most vulnerable of refugees and the least able to advocate for themselves. Despite this, unaccompanied and separated children continue to languish in refugee camps, seeing their critical developmental years squandered.

As if the plight of these children were not unfortunate enough, they are also susceptible to various kinds of coercion. Both boys and girls are impressed into military and militia forces, either as “child sol-

diers” or as “service girls.” The latter become unwilling sexual partners and domestic help. Recent wars in Africa are testimony to these practices.

We are also aware that many of the children trafficked into the United States for sexual purposes are from countries and ethnic groups from which refugees come or might come. It is no coincidence in our view that, as refugee protections, including resettlement opportunities, erode, trafficking of children increases.

Another vulnerable yet underserved group are child-headed households. Often overlooked for special services within camps, these children face the same protection and permanence needs as unaccompanied and separated minors. A recent report by one of our member agencies documents this phenomenon among Sudanese and Ugandan refugee adolescents in northern Uganda. Like unaccompanied children, children heading households lack adult protection while carrying out adult responsibilities in abnormal circumstances.

A critical step in seeking durable solutions for any unaccompanied or separated child is a “best-interest assessment,” a process implemented with children in Kenya’s Kakuma refugee camp in 1999–2000. The effort has continued with deployments to Ethiopia in 2002–2003. The United States should work with UNHCR to ensure that all unaccompanied and separated children in refugee camps have best-interest assessments shortly after arrival in camp and at least annually thereafter. Tracing a child’s parents should begin at the earliest possible opportunity, and sufficient resources must be devoted to it. If after two years, however, it is clear that tracing cannot be expected to produce a successful outcome, other solutions should be actively pursued, including return, local integration, continued family tracing, and resettlement.

The UNHCR sponsored International Conference on the Reception and Integration of Resettled Refugees (ICRIRR), held in Stockholm in April 2001, underscored the fact that the United States is the only resettlement country that welcomes and accords specialized treatment to unaccompanied refugee minors on an on-going basis. The United States should continue this admirable tradition and strive to resettle at least 500 unaccompanied minors in FY 2004.

Unfortunately, UNHCR does not have adequate staffing to identify more than a relatively small number of unaccompanied refugee minors in need of resettlement. The U.S. refugee program could assist UNHCR in FY 2003 by establishing trained and ready teams of child welfare professionals to conduct best-interest assessments for children languishing in refugee camps. These teams could build on the experience of the Kakuma processing effort as well as the UNHCR resettlement deployee program.

Several groups of concern are already known to the U.S. refugee program. These include:

- Remaining unaccompanied minors, both girls and boys, in Kenya’s Kakuma refugee camp for whom best-interest assessments were completed but no durable solution determination was made by UNHCR; those who meet the resettlement criteria but were missed by the resettlement initiative in FY 2001; and the remaining siblings in camp of Kakuma children and youth already resettled in the United States.
- Similarly situated Sudanese unaccompanied minors who have lived in camps in Ethiopia for 8–10 years and for whom local integration and return are not feasible.
- Oromo children who fled forced conscription in Ethiopia and have been living a precarious existence for the past several years in Yemen. If returned, they would be treated as deserters. Local integration is not feasible.
- Burundian unaccompanied minors in western Tanzania who have been living in refugee camps since at least 1994, and for whom other durable solutions are untenable.

- Afghan children left orphaned and destitute by decades of conflict in Afghanistan. While many Afghans are returning home, unaccompanied children remain in the streets or outside the mosques in Pakistan and other countries around Afghanistan. If it is not feasible for them to return safely, they should be given an opportunity to resettle.
- Unaccompanied and orphaned children living in Guinean refugee camps for more than two years for whom tracing efforts have failed. Sierra Leonean children may have the opportunity to repatriate with their foster families, and best-interest assessments should be conducted to determine the conditions for their return. The Liberian children in Guinea should also have best-interest assessments completed. Where tracing efforts have failed, resettlement should be considered for this group, as well.

In resettling Sudanese children and young adults out of Kakuma, the U.S. refugee program wisely used refugee foster care programs for placement purposes. These same programs should be made available to similar cases of other nationalities.

All agree that family reunion possibilities for unaccompanied or separated children should be emphasized. Unfortunately, those with non-parental relatives in the United States are unable to reunify with those relatives under the U.S. priority system as currently set up. Similarly, unaccompanied children in the refugee foster care program in the United States are unable to be reunited with siblings who are located via tracing in refugee camps overseas, since siblings are not a priority category. The State Department should adjust the current priority categories to facilitate U.S.-based family reunion for such unaccompanied and separated minors when a best-interest assessment indicates this is appropriate.

The United States has over the years provided critical international leadership and precedent in the care and protection of unaccompanied and separated minors, and we urge the State Department to continue this important role in FY 2004.

Long-stayer Refugee Populations

Under the previous Administration, the State Department announced a strategy to shift resources away from resettling its traditional, “Cold War” refugee populations and toward the resettlement of refugees with “immediate protection needs.”

In carrying out this decision (in collaboration with UNHCR), the U.S. refugee program has, in fact, rescued more diverse groups of refugees facing personal insecurity or other threats in their countries of first asylum than ever before.

Meanwhile, the State Department appears to have decreased significantly the number of refugees considered for U.S. admission. Indeed, notwithstanding ever lower refugee admissions targets, the United States has fallen further and further short of these targets. In FY 2002, our country experienced its largest refugee admissions shortfall ever, with 44,000 fewer entrants than the already modest ceiling of 70,000 would have allowed.

At the same time, the UNHCR has waged a campaign to increase the number of resettlement countries, asserting that the “number of refugees in need of resettlement far exceeds the number of available resettlement places.” Ironically, U.S. resettlement places are available; they just aren’t being used.

Refugee resettlement places in the United States are a perishable commodity each year, with a September 30, end-of-fiscal-year expiration date. Millions of refugee men, women and children have been confined for years as unwelcome and hungry “guests” in refugee camps, or have been trying to survive as illegal aliens in urban areas. Many of these refugees may not be “protection cases” in immediate danger, but they—and their children—are systematically denied fundamental human rights and further reduced in dignity year after year. Under such circumstances, to have a single refugee number

expire unused is a tragedy for the person who could have used it. To have 44,000 expire unused is to have missed a humanitarian opportunity of genuine magnitude.

We would like to see the State Department and UNHCR change their approaches to resettlement. UNHCR resettlement procedures, typified by the agency's "resettlement registration form," are geared toward the labor-intensive process of referring refugees for resettlement with individualized protection needs. For protection cases, these procedures may be sound. But for larger groups, which may number in the tens of thousands, the procedures are impractical and unworkable.

A two-track system is needed, with one track for individual protection cases and another for refugee groups in need of protection or a durable solution. In principle, the U.S. government has such a system in its Priorities 1 and 2, although the latter, in particular, does not work well (*see page 7*). UNHCR procedures, on the other hand, have no counterpart to the Priority 2 mechanism; as such, they are too labor-intensive to identify and process refugee groups efficiently.

UNHCR headquarters in Geneva has already made progress in this area, having developed a "learning program" to map out refugee populations and identify durable solutions on a group basis. This must now be developed into policy and implemented in the field. UNHCR must instill confidence in its field offices that refugee resettlement can be an effective durable solution for chronic refugee populations. It should be made clear to the field that groups in need of resettlement as a durable solution need not undergo the same resource-intensive referral process necessary for individualized protection cases. UNHCR field offices should understand that it is unacceptable that refugees under their care should waste away while tens of thousands of refugee admissions slots go unused.

The United States should promote the establishment of UNHCR "group referrals" for long-stayers. This so-called "long-stayer priority" would function like a "group P-1" referral, allowing expedited access to the refugee program for groups of refugees without requiring that UNHCR spend hours on each case filling out individual "Resettlement Registration Forms." This approach would be preferable to P-2 designations for such groups, since establishing a new P-2 group currently requires that the State Department first obtain "sign-offs" within various federal bureaucracies. Since the U.S. resettlement admissions are already subject to numerical, geographical and legal parameters set in consultation with the Executive Branch, Congress, and the NGO community, and since UNHCR referrals are already permitted within that framework, there are already sufficient controls to permit a more efficient "group referral" alternative to P-2 designations.

U.S. government officers are skeptical about creating a special process for durable solution cases. They contend that the P-2 process is already a sufficient mechanism, and that refugees in need of resettlement as a durable solution have often fled generalized (not individual) violence or have been in camps for so long that they may not be able to articulate a "well-founded fear of persecution," as required by U.S. law.

We take issue with both of these arguments. First, the annual shortfalls in the refugee admissions ceiling, and the years that pass before most P-2 designations are created, show clearly that the current P-2 system is unresponsive. Second, refugees in need of resettlement as a durable solution are, by definition, already living outside of their country of persecution due to political, ethnic, or religious upheaval, and are unable to return home. The majority will likely be able to articulate the fear of persecution that prevents them from repatriating. When in doubt, there should be ways of sampling a given population to determine whether a majority would meet U.S. criteria.

Most refugees in need of resettlement as a durable solution are referred to by refugee advocates as "long-stayers." The very name is a reproach. UNHCR asserts that a refugee without local integration prospects should be referred for resettlement as soon as it is evident that resettlement is the best, if not the only, foreseeable durable solution. A refugee without hope of returning home or integrating in the

country of first asylum should not be forced to waste years of his or her life before being considered for resettlement.

The current systems, however, do not promote resettlement as a durable solution for long-stayers, let alone for refugees without local integration prospects. With tens of thousands of unused refugee admissions numbers expiring each year, we must not allow “business as usual” to continue.

Urban Refugees

Urban refugees in the developing world are consistently among the most neglected of refugee groups. UNHCR has not geared its policy toward their assistance or protection, and tends to view their presence in cities as improper or irregular, especially when they may have been forced to move from a previous host country or where the host government has policies requiring that refugees reside in camps. In Nairobi and Kampala, for example, thousands of refugees struggle for survival without legal status, and few relief agencies are able to supply them with food, shelter or medical treatment. Even after their refugee status is recognized, they often suffer extortion, harassment, beatings, arbitrary arrest, detention, and/or sexual violence at the hands of local police or military. In both cities, many refugees are also trailed, threatened, or assaulted by agents from their home countries, and there is little help or redress available from the host authorities. Such refugees are left with only one hope: resettlement.

In addition, urban refugees in countries with their own asylum procedures do not always receive the protection to which they are entitled under international—or even domestic—law. This is particularly true in most of the republics of the FSU (*see page 31*), where refugees and asylum-seekers from Africa, Afghanistan as well as “Soviet” refugees are often denied a fair and effective asylum procedure.

In such situations, resettlement can be necessary to secure protection and a durable solution. It can, moreover, also be part of a long-term strategy to encourage countries to take their asylum responsibilities more seriously, given that resettlement of new groups to the United States often attracts media and political attention to previously ignored conditions in countries of failed first asylum. For that reason, we have been particularly pleased with the recent increase in resettlement activities by both UNHCR and the United States throughout the FSU, as well as P-2 designation for Baku Armenians in Moscow. We remain hopeful that the U.S. refugee program will also accord P-2 status to another urban caseload in need of protection and a durable solution—Meskhetian Turks in the Krasnodar Region of Russia (*see page 33*).

Meanwhile, in East Africa, problems related to the corruption scandal uncovered in 2001 have plagued resettlement, putting refugees’ lives at further risk. Even urgent cases were stalled because their files were viewed as “tainted.” The freeze on regular resettlement referrals from UNHCR’s Nairobi office created a large backlog that includes people who resisted the corruption. Hopefully, this phase is behind us (*see page 21*). In Kampala, meanwhile, Sudanese refugees, recognized on a *prima facie* (group) basis, are frequently denied access to the resettlement system, even when remaining in Uganda puts them at individual risk. Normally they are sent back to the camps without any prior assessment of the security threats they face there.

Additional checks imposed after September 11 have only worsened these administrative delays and obstacles. The expedited resettlement procedures of the United States have been underutilized (as of November 2002, only five cases from the entire African continent had been resettled using the U.S. guidelines for rapid processing). The specific risks facing urban refugees, particularly woman and children who must sleep on the streets, are not sufficiently considered.

In Kampala and Nairobi, the United States and other resettlement governments should accept resettlement referrals from NGOs and deal with such cases expeditiously; designate embassy personnel or deploy appropriately trained staff to re-vet the cases caught in the Nairobi office backlog; and allow more urban refugees who are at high risk to take advantage of expedited referral procedures. Urban

refugees elsewhere in the world, such as Bangkok, Cairo, Moscow, Nairobi, and New Delhi, should be treated similarly.

Refugees and Asylum-Seekers Who Are Victims of Torture

A significant percentage of refugees and asylum-seekers entering the United States are victims of torture. The U.S. Consortium of Torture Treatment Programs reports receiving torture victims from more than 100 countries, with the highest numbers coming from Bosnia, Sudan, Iraq, Ethiopia, Cameroon and Somalia. Because of their traumatic experiences, they often require extensive mental health services along with physical health, social and legal services. The Consortium reports the length of treatment ranges from 6 to 20 months. With treatment they can become productive members of their communities. In 1998, Congress recognized this need in adopting the TVRA (PL105-320), which, beginning in FY 2000, enabled the ORR to help treatment centers and other service-providers to assist victims of torture, regardless of nationality. However, the limited funding provided to ORR (\$10 million in FY 2002) means that many torture victims in the United States do not receive the assistance they need and deserve. For this reason we urge Congress to reauthorize the TVRA (which expires at the end of FY 2003) and at increased authorization and appropriation levels.

Large proportions of refugees who remain abroad are also torture victims, and also need specialized care. We encourage the State Department to be sensitive to this need, and commend its support for relevant programs in Guinea (for traumatized victims from Sierra Leone and Liberia) and in Sierra Leone, as well as for similar programs in the Balkans. The TVRA also authorizes the U.S. Agency for International Development to support foreign treatment programs, and it now supports 45 of them in 26 countries. Finally, TVRA authorizes the State Department to contribute to the UN Voluntary Fund for Victims of Torture. In 2002 the UN Fund assisted 169 projects in 60 countries. Reauthorization of TVRA is essential to maintain these programs as well.



B. Regional Recommendations

Africa

Africa continues to face new emergencies, setbacks and disappointments. A number of longtime conflicts remain unresolved. The war in Liberia shows no signs of ending. In the Democratic Republic of Congo (DRC), where long-term prospects for peace actually look much improved, there has been no respite for some 2.7 million Congolese still displaced by fighting. Once-stable Côte d'Ivoire plunged recently into its own civil conflict, leading to the displacement of hundreds of thousands of people and threatening the security of many more. Across West Africa, local populations and governments have become increasingly concerned about the potentially destabilizing effects of large influxes of new refugees over the past two years. Armed conflicts in different parts of Africa now leave some 13.1 million people uprooted and endanger resettlement prospects for many thousands of unprotected refugees, including urban refugees and long-stayer refugees in camps. Meanwhile, the World Food Program (WFP) reported in February 2003 that more than 1.2 million refugees across Africa risk having their already meager food rations drastically reduced if new donor funds are not received quickly.

Amid such negative developments, Africa is also witnessing some positive trends. During 2001, the number of people "of concern" to UNHCR decreased from 5.3 million to 4.2 million, including 3.3 million refugees, 500,000 internally displaced or recently returned displaced people, and 267,000 former refugees who recently returned home. UNHCR reports that refugee figures have continued to decrease in 2002 and 2003, undoubtedly due to some major advances toward peace in different parts of the continent. The government of Angola has signed a ceasefire with armed rebel forces there, ending a 27-year civil war. In Sierra Leone, the head of state declared an end to that country's 10-year war in the presence of the main contenders. In the Great Lakes region, occupying forces from Rwanda, Uganda, and elsewhere departed the DRC, and an internal agreement was reached among the warring Congolese parties to collaborate in a new transitional government.

Meanwhile, many African refugees were able to return home, including about 100,000 Eritrean refugees from Sudan, according to UNHCR sources. UNHCR also assisted Sierra Leonean and Somali refugees to repatriate, and thousands of Angolan refugees and others have gone home on their own. Repatriations have also occurred to Burundi, Rwanda, Angola, Ethiopia and Sudan. There were also major returns of internally displaced people to their places of origin, including more than one million in Eritrea and 42,000 in Burundi.

West Africa

Liberian Refugees in Guinea, Sierra Leone, and Ghana

While peace took hold in Sierra Leone in 2002, neighboring Liberia remained in turmoil, jeopardizing the stability of the entire region. Intensified fighting between government forces in Liberia's northern and eastern districts displaced 50,000 and, by mid-2002, drove thousands more into neighboring Sierra Leone (30,000), Guinea (over 17,000), Côte d'Ivoire (almost 16,000) and Ghana (3,000). Since the armed conflicts in Côte d'Ivoire began in September 2002, however, a total of 70,000 persons have fled *back into Liberia*, including close to 40,000 Liberians.

Because of the renewed fighting in Liberia, Liberian refugees in Guinea have not decreased, but grown. Many of those fleeing the conflict in Côte d'Ivoire are also arriving in Guinea. As of January 2003, Liberians in Guinea numbered 116,000, mostly in refugee camps in Kissidougou. Finally, a number of Liberian refugees are now making their way to other countries in the region, particularly Ghana, which already hosts more than 42,000 mainly Liberian refugees.

There is no reason to believe that any of these Liberian refugees will be able to go home in the foreseeable future. In view of this reality, and to alleviate the refugee situation in Guinea, we recommend that Liberian refugees registered in the Kissidougou camps before a certain date, to be agreed upon in consultation with UNHCR and other actors, be given P-2 status.

Liberian Refugees in Côte d'Ivoire

The conflict in Côte d'Ivoire has severely affected those refugees, mostly Liberians, who were seeking asylum in the country. The impact has been most severe in the west, where insecurity has centered on the *Zone d'Accueil des Réfugiés* (ZAR), near the Liberian border. In November and December of 2002, this region suffered violent clashes between rebels and government troops. In December fierce fighting in the towns of Danane, Man and Toulepieu left hundreds dead and caused many tens of thousands to flee. As of February 2003, according to UNHCR, some 43,000 Liberians, not necessarily all registered refugees, had been forced back into Liberia, along with 35,000 Ivorians and 10,000 other nationals who took refuge in Liberia as well. However, about 37,000 Liberians remain in Côte d'Ivoire, including 5,000—8,000 at Nicla camp who are particularly vulnerable because of their ethnic background and who cannot return to Liberia. UNHCR appealed to regional governments in December 2002 to grant temporary asylum to these desperate refugees, but with no success. We strongly recommend that this group be considered for a P-2 designation.

Voluntary Repatriation to Sierra Leone

After 11 years of war, Sierra Leone is returning to normal and, despite a lack of resources, the government, with international help, has welcomed back some 200,000 of its people who had been refugees in Guinea, Liberia, Côte d'Ivoire and other West African countries. This still leaves more than 100,000 Sierra Leonean refugees scattered around the region, including some 73,000 in Guinea, mostly in camps in Kissidougou in an isolated area near the Liberian border. UNHCR has plans to assist as many Sierra Leoneans as possible to return home this year, 2003.

Separated Refugee Minors in Guinea

There is an acute need to conduct tracing and durable solution best interest determinations for separated children in asylum countries. In Guinea, the obstacles in conducting such work are formidable. Many refugees live outside the structured camps and identifying separated children within the larger refugee community is very challenging. Tracing efforts are underway throughout the country. For some children though, tracing efforts have been unsuccessful. Indications are that very few durable solution best interest determinations have been conducted on separated children when family tracing has proved unsuccessful. UNHCR should take aggressive steps to inform its staff of the resettlement option for those refugee children in cases where tracing of relatives has failed or resettlement is otherwise in the child's best interest. UNHCR should immediately establish a systematic case review mechanism to determine and pursue the optimum durable solution for every separated child. Such a mechanism could be a Separated Children's Review Committee, comprised of NGO and UNHCR members that would ensure that decisions were taken.

Mauritanian Refugees in Senegal

Ethnic conflicts in 1989–1990 resulted in an exodus of Mauritians to neighboring countries. The Mauritanian government refuses to recognize these refugees as Mauritanian nationals, so their chances of repatriation remain poor. At the same time, requests for naturalization in Senegal are hindered by the lack of a legal framework. UNHCR estimates that some 20,000 Mauritians remain in Senegal, with no solution in sight. Although the majority of this group would favor a local solution to their plight, resettlement may be appropriate for some.

The Great Lakes/Central Africa Region

Voluntary Repatriations to Rwanda

UNHCR is engaged in an effort this year, 2003, to promote the return to Rwanda of some 60,000 Rwandan refugees in other countries, and in January signed a return agreement with Rwanda and Zambia for the repatriation of 5,000 Rwandans living in camps in Zambia. (Agreements with other states in southern, central and East Africa, including Malawi, Zimbabwe, Namibia, the Central African Republic, the Republic of Congo and Uganda, are also under negotiation.) Properly, UNHCR is launching an information campaign in the camps so refugees can make an informed decision on whether to return to a country that many left in the wake of the 1994 genocide. It is clear, however, that there will be a significant number of Rwandans who will continue to harbor genuine fear of return; indeed, asylum-seekers continue to leave Rwanda. Individual Rwandan refugees, therefore, should be considered for resettlement, whether as P-1s or under our proposed long-stayer category, to assist countries of asylum in the region to protect a residual caseload that will be unable to repatriate. This approach might also help to ensure the voluntary nature of the repatriation operations; the first operation, in Tanzania, was marked by serious allegations of forced return and fresh flight from Rwanda. Finally, it is important to note that within the next two years invocation of the “cessation clause” may be considered for this group.

Burundian Refugees in Tanzania

Tanzania is home to the largest number of refugees in Africa, including nearly 540,000 refugees from Burundi, of whom nearly 370,000 are assisted by UNHCR. Since March 2002, UNHCR has maintained a policy of assisting returns only to the north of Burundi due to continuing concerns for security in areas such as Ruyigi and Makamba, where the majority of the registered refugees would like to return. More than 5,000 Burundian refugees have repatriated from camps in western Tanzania since March 2002, when UNHCR began organizing convoys to facilitate their return. Nearly 60,000 refugees living in camps in Tanzania’s Ngara, Kibondo and Kasulu provinces have registered, representing more than 16 percent of the Burundian refugees living in Tanzania.

Meanwhile, sporadic fighting in Burundi continues to generate more refugees. Since October of 2002, more than 17,500 Burundian refugees have entered or returned to Tanzania.

We urge UNHCR and the resettlement countries to assess the situation and provide resettlement to those who are not able to return to Burundi and for whom resettlement is needed for their protection or is the appropriate durable solution.

The Horn of Africa and East Africa

Ethiopian and Other Refugees in Yemen

In addition to some 65,000 Somalis, Yemen hosts about 2,000 refugees from Ethiopia (1,500), Eritrea, and Sudan. Living in miserable urban settings, these refugees have no hope but resettlement.

Christian Ethiopian Long-stayers

We recommend that the U.S. government consider as a P-2 group in need of U.S. resettlement about 2,500 mostly Christian Ethiopians who are long-stayers in Yemen. This number includes dependents. It is a finite caseload, registered by UNHCR, for whom resettlement will not create a pull factor. By identifying this as a group in need of resettlement, the U.S. government could finally resolve the ongoing problem of Ethiopian refugees in Yemen, and bring to a close this tragic chapter. It would be a helpful demonstration of humanitarian solidarity with Yemen at a time of strained relations. We consider this small population to be refugees in need of resettlement both as a protection

need and as a durable solution. We recognize that, given the security situation in Yemen, these refugees might have to be taken outside that country for their resettlement interviews.

These are Christian Ethiopians who arrived between 1991 and 2002. Some of them are located at the Al-Kharaz camp near Mokha on the outskirts of Ta'iz city.

Others are known as the "Navy group." These refugees (no longer combatants) were mostly naval officers who fled their country for Yemen after the fall of the Menghistu regime in 1991. For many years, they lived in the Najd Kussaim Camp. The government withdrew assistance to that camp in 1996. For the next five years, most of the refugees continued to reside there. Largely for security reasons, however, they were dispersed from the camp in 2001 and now live as urban refugees in Ta'iz and Sana'a.

In correspondence with one of our member agencies, these refugees strongly identify themselves as Christians who are having protection problems in overwhelmingly Muslim Yemen. They cite persecution of certain of their members. Among others, they cite the case of an Evangelical Christian who attempted to evangelize while in Yemen. They report that the Yemeni authorities arrested him on February 17, 1997. He was imprisoned from 1997 to 1998. UNHCR recognized him as a refugee, and referred him to the United States for resettlement. He was not resettled, however, and the UNHCR office in Yemen lost contact with him. International Christian Concern reports that he was expelled from the country and his status is unknown.

The recent warming of relations between Yemen and Ethiopia is a cause for concern among these refugees. At the end of 2001, the two countries signed a security agreement. During the visit of the Ethiopian Prime Minister in February 2002, refugees say that some of their members were arrested and detained as a precautionary measure.

The Ethiopian refugees also allege that members of their group have been killed by poisoning or beaten to death. They report that "the indigenous people, mainly the youngsters, harass and beat our fellow refugees, especially when they come from their place of worship." The refugees have filed legal proceedings against their attackers, but the courts have not offered protection. "Consequently," they write, "we are in the state of constant fear, as we do not know what would come to us next." Repatriation to Ethiopia is not an option for them. "The regime at home has decided long ago to do away with those refugees abroad and such disappearance and killings had been done and are being done to Ethiopian refugees especially in the Horn of Africa." They say that they have reported to UNHCR the disappearance of 34 refugees.

African Refugees in Ethiopia

The UNHCR 2003 Global Appeal counted almost 130,000 refugees residing in Ethiopia, including 92,000 Sudanese, 32,000 Somalis, and 5,000–6,000 Eritreans, plus about 550 urban refugees of different nationalities. Some camps experienced ethnic conflicts in 2002, and 107 Sudanese refugees were killed. Given looming famine in the country, these refugees will be subject to even worse hardship.

Sudanese

Ethiopia's Gambella region is home to about 85,000 Sudanese refugees in five camps. Violent ethnic conflicts there have resulted in the deaths of many Nuer, Dinka and Anuak, Sudan's dominant tribes. As of February 2003, UNHCR was relocating 23,000 Nuer and Dinkas to Odier, in western Ethiopia, for their own protection, a move these refugees favor.

Also affected by such fighting were a number of people from the minority Shilluk, Nuba and Equatorian ethnic groups, who were relocated to Bongo camp, where Sudanese Uduk ethnic groups are sheltered. The Uduk, from northern Sudan, are related to the southern Sudanese Nilotic groups. Like the Somali Bantu, the Uduk are unlikely to be able to return home in the foreseeable future, and they, too, constitute an unprotected minority. Like the Shilluk, Nuba, and Equatorian

refugees, the Uduk should be accorded P-2 access. We also urge that UNHCR be active in making P-1 referrals when warranted, including referrals of vulnerable Sudanese such as women and unaccompanied minors.

Eritreans

Eritrean refugees numbering 5,000–6,000 live in camps in northern Ethiopia, a few miles from the border with Eritrea. They are predominantly from the Kunama ethnic group, but also include the Tigrinya (about 11 percent) and the Saho and others (less than 1 percent). Though UNHCR decided in December 2002 to end automatic refugee status for Eritreans around the world, the Eritrean Kunamas and other minority ethnic groups in the camps are still viewed with suspicion by the Eritrean regime and are victims of the recent border conflict between Ethiopia and Eritrea. There is also a continuing influx of refugees into Ethiopia, including students, due to human rights violations. Many have decided to remain in Ethiopia because of conflict between them and the regime in Eritrea. We concur with UNHCR's decision to exempt the Kunamas from the blanket withdrawal of refugee status for all Eritreans, and ask that the United States consider them, as P-2 for resettlement. We note with satisfaction that the State Department is already considering the addition of Kunama Eritreans at Walanibhy Camp to the list of P-2 groups.

Urban Refugees

Ethiopia's urban refugees are small in number, comprising, in a recent count, 52 Congolese, 52 Rwandans, 34 Ugandans, 20 Sudanese, and 15 Burundians as well as smaller numbers from elsewhere. Many have strong reasons to fear return home. We urge UNHCR to review their cases for possible P-1 referral to the U.S. program.

Eritreans in Sudan

UNHCR ended refugee status for the estimated 223,000 Eritreans in Sudan at the end of 2002, and about 100,000 have applied to remain in Sudan as refugees. (More than 100,000 Eritreans have already returned home, and 32,000 others have registered to repatriate and are waiting for the return operation to resume.) Some of those applying say they cannot go back to Eritrea for fear of persecution due to their political affiliations or religious beliefs. Others cite their marriages to non-Eritreans, particularly Ethiopians. We recommend that UNHCR assess their individual claims and refer for resettlement those who fulfill the requirements, and that the United States accept such refugees for resettlement.

Refugees in Kenya

Kenya finds itself at the vortex of a regional conflict, and hosts over 220,000 refugees from neighboring countries. Although Kenya is signatory to the 1951 Refugee Convention and its 1967 Protocol, it has no national implementing legislation. In its absence, the country confines most refugees to Kakuma and Dadaab camps in harsh, semi-arid areas of the north. Located near the borders of the refugees' countries of origin, the camps lack adequate security: invasions by armed militiamen have often been reported, and abductions, kidnapping, murder and other crimes are common. Nor can refugees engage in normal economic activity, since they are not issued the identity cards that would allow gainful employment. The waste of human potential is on a grand scale.

Refugees are permitted to reside in urban areas only on a highly exceptional basis. Some refugees with protection problems, for example, are moved to Nairobi, the capital, or placed in accommodation centers, where they have still been the subject of violent attacks. Prospect for local integration are *nil*, and repatriation in safety and dignity is not an imminent possibility.

Added to the dangers refugees face is the low level of international support for UNHCR and the other agencies on which they depend for support, the result of donor fatigue. In sum, the refugees' situation in Kenya is truly deplorable.

Now, after nearly two years in which UNHCR resettlement referrals have been virtually frozen in the wake of resettlement corruption scandals, UNHCR has once again begun to refer protection cases for resettlement out of Kenya. The scale of UNHCR activity, however, is not commensurate with the protection or durable solution needs in Kenya. We, therefore, urge both UNHCR and the United States to reinvigorate resettlement efforts out of Kenya significantly, including the initiation of a timely group-referral process for long-staying refugees without local integration prospects.

Sudanese Refugees at Kakuma Camp

Kenya hosts approximately 50,000 refugees from Sudan, most of whom are encamped in Kakuma. In spite of talks to end Sudan's 20-year civil war, it is not foreseeable that most Christian Sudanese refugees will be able to return home within a reasonable time frame. Within Sudan, common human rights violations include the enslavement of women and children, the killing of men, kidnapping, forced conversion of boys and induction into the regime's military, and the annihilation of entire communities or their relocation into concentration camps called "peace villages" where "convert to eat" policies are enforced. Individual Christians, including clergy, have been imprisoned, flogged, tortured, crucified, and assassinated for their faith. In 1993, an edict declared the persecution of "apostates," licensing the persecution of Muslims, too, who oppose Khartoum's political policies. Tens of thousands of southern women and children have been taken as slaves and sent to the north as concubines and laborers. Many have been raped by government militiamen.

The 50,000 Sudanese refugees in Kenya amount to the rough equivalent of the United States' admissions shortfall for last year and, probably, this year. Given the lack of local integration prospects and the gross human rights violations they would face if returned to Sudan, Christian and other minority religious refugees from Southern Sudan should be considered for processing as P-2 or long-stayers.

A subgroup of these Sudanese—the 3,800 Sudanese youth from Kakuma camp who arrived in the United States starting in 2001—have been well received and cared for, and are generally doing well in their new environment. These are the so-called "Lost Boys," Sudanese children who made their way alone from Sudan to Kenya and then spent years in a refugee camp. The effort now to offer a solution to the unaccompanied Sudanese girls at Kakuma, including resettlement when that is appropriate, has become more complex as the years have elapsed. Most of these girls are now young women, i.e., over 18 years old. Some have "married" and have children; others, taken in by foster families in the camp, are being kept for their potential to attract a dowry.

Offering them a proper durable solution at this point, therefore, is now a more sensitive matter than it would have been had their cases been dealt with in a timely way. A solution must still be found, however. We urge that UNHCR work speedily with the resettlement countries to find durable solutions, including resettlement, for the remaining unaccompanied minors, both girls and boys, at Kakuma camp for whom best-interest assessments were completed but no durable solution determination was made; those who meet the resettlement criteria but were missed by the resettlement initiative in FY 2001; and the remaining siblings in camp of Kakuma children and youth already resettled in the United States.

Somali Bantu at Kakuma Camp

The 12,000 Somali Bantu at Kakuma Camp, moved there from Dadaab Camp in Ethiopia for their protection, are finally being interviewed for resettlement in the United States after two years of delays. This is a welcome development. The Somali Bantu refugees are the most vulnerable of all Somali refugee populations within Kenya, and none can return home until there is a central government in Mogadishu that is able to end the rule of the warlords who dominate the country and stop the violence.

Other Somali Refugees in Kenya

There are about 130,000 Somali refugees in Kenya, most living in Dadaab camp and in urban centers. As clan conflict continues in Somalia, many refugees feel it unsafe to return, and they continue to live a subsistence existence. We recommend that UNHCR, the United States, and other resettlement countries consider for resettlement those with compelling claims.

Ethiopian Refugees in Kenya

The recent experiences of the Sidama people, as one of the many ethnic and tribal groups living in Ethiopia, are illustrative of the human rights violation which makes voluntary return unfeasible for so many, and of the reasons why Ethiopian refugees have not yet stopped arriving in Kenya. During the past year, the Sidama have been subject to mass arbitrary arrests and a massacre in which police opened fire upon 7,000 peaceful demonstrators protesting proposed administrative changes expected to decrease Sidama influence in the local government of Awassa. Following that May 2002 incident, the Ethiopian Human Rights Council published the names of 25 killed and 26 wounded, but Sidama opposition forces claimed there were many more victims. The following September, the European Union (EU) sent an investigatory mission to Awassa, as well as to Tepi, another town in the region that has been the scene of numerous killings. The EU subsequently condemned the killings and has been pressuring Ethiopia to conduct an impartial inquiry; instead, it had been detaining, without charges, suspected organizers of the peaceful demonstration. According to some reports, moreover, government officials were involved in issuing the order to fire upon the demonstrators.

The Oromo people of Ethiopia continue to be marginalized in their own country despite their large numbers, and many have fled to Kenya, where about 20,000 now reside. They cannot return safely to Ethiopia because the Ethiopian government targets Oromo civilians as part of its struggle against the Oromo Liberation Army. As often occurs in Africa, civilians bear the brunt of the violence. These civilian Oromo refugees in Kenya should be considered for resettlement as long-stayers under our proposed new category.

Two additional groups for resettlement consideration, and potential P-2 designation, are people whom the Ethiopia-Eritrea war has rendered unable to go to either country, including 1) persons of mixed heritage from the two nations, who are treated with suspicion by each country; and 2) those Eritreans who lived in Ethiopia and as a result cannot now return in safety or dignity to Eritrea. Persecuted politically by the countries where they reside and unwanted by their countries of origin, many of these people, whose numbers are unknown, have ended up in asylum countries, including Kenya.

Finally, in April 2001, Ethiopian police cracked down on university students who were peacefully protesting their government's education policy, arresting and detaining suspected student ringleaders. About 50 of these fled to Kenya. We recommend their cases be reviewed by UNHCR and referred to the U.S. program, whether as P-1s or a small P-2 group. (Another 50 of these students escaped to Djibouti, and now live as refugees among that country's majority Somali Muslim population. They have no access to education, and survive under deplorable conditions. Unprotected, many feel doubly unsafe because of Djibouti's proximity to Ethiopia, and claim they are subject to segregation. They should be referred to the U.S. program in the same way as the ex-students who went to Kenya.)

Refugees in Kenya from the Great Lakes Region

Other groups of refugees in Kenya, both in urban areas and at Kakuma Camp, include Burundians, Rwandans, and Congolese (DRC). Repatriation of these groups is being hampered by renewed deterioration of security conditions in eastern Congo. Moreover, among all these populations there are serious protection cases that will be able neither to return home nor to integrate into Kenya. For that reason, the United States should process refugees with protection needs from these countries

for resettlement, as well as those for whom repatriation is not foreseeable, using both UNHCR and NGOs who have just undergone refugee-referral training in Nairobi to identify deserving refugees and make referrals.

Northern Africa

Refugees in Egypt

Egypt hosted about 75,000 refugees at the start of 2002, including 50,000 Palestinians, 18,000 Sudanese, 4,000 Somalis and 3,000 of other nationalities. A small number of the African refugees were under UNHCR protection; they included almost 6,500 Sudanese, almost 1,500 Somalis, and small numbers of refugees from Ethiopia, Eritrea and some West African countries. A huge additional caseload awaited UNHCR determination of their status.

Egyptian security authorities are taking an increasingly less tolerant attitude toward the refugees. Egyptian law bars refugees from government-subsidized health care, and refugee children have no access to public schools. Few of the protected refugees receive UNHCR assistance, and that is very limited; most survive on meager aid from local churches. As of early 2003, police raids are ever more frequent, and even UNHCR-recognized refugees sometimes fall victim to local officers do not recognize the UNHCR identification card. Asylum-seekers with case determinations pending are in even worse straits, since they are issued no card at all to verify their legal status in the country. On January 28 and 29, 2003, a number of African asylum-seekers, including about 300 southern Sudanese, were arrested, beaten and detained by the Egyptian authorities, according to Human Rights Watch. We urge the government of Egypt to prosecute those responsible for these injustices. We ask that UNHCR continue and accelerate its P-1 referrals of refugees in Cairo, and that the United States continue to accept them. We recommend, too, that the United States engage in more vigorous family reunification for Sudanese refugees, including the granting of P-3 status.

Southern Sudanese Former Students Stranded in Egypt

Among the Sudanese in Egypt, about 400 are former southern Sudanese students and their families who have been stranded in Egypt since the mid-1990s and are unable to return to Sudan for fear of persecution due to their opposition to Sudan's Islamic fundamentalist regime. They also fear forced recruitment into Sudan's Popular Defense Force and deployment to the south to fight against their own people.

Though a significant number of these refugee ex-students were able to resettle in third countries, many remain in Egypt with expired documents, without protection, and in deplorable conditions. Despite their residence in Egypt for an average of 15 years, cultural and religious differences prevent their integration into the local society. We recommend that this small, easily distinguished group be given P-2 status.

Saharawis in Algeria

In camps in Tindouf, in the southwest corner of Algeria, a particularly inhospitable part of the Sahara Desert, nearly 200,000 Western Sahara, or Saharawi, refugees are in their 28th year of forced exile. The Saharawis in these camps, located just across the border from their homeland, are more than 80 percent women and children. Although the UN and other bodies recognize the right of the Western Sahara people to independence, Morocco has refused to relinquish its claim to their territory. A five-year effort by former Secretary of State James Baker to mediate this dispute has so far not succeeded.

Meanwhile, the Saharawis, granted asylum by Algeria, continue to endure temperatures that reach 135 degrees Fahrenheit in summer and go below freezing in winter. Sandstorms, called *siroccos*, rip

through the refugee camps without warning, and flash floods wipe out entire tent neighborhoods. The WFP says that food for more than 155,000 of these refugees is expected to run out in April 2003 if new donations are not received.

The Saharawi refugees need protection, assistance, and a durable solution. With every intention of returning to Western Sahara, they are not interested in resettlement to another country. The United States should continue to encourage a political solution that involves their repatriation while maintaining its food assistance to this long-suffering group. Meanwhile, we urge UNHCR to be attentive to the possibility that individuals or groups within this very large number of people might be candidates for resettlement, and to make the appropriate referrals.

Southern Africa

Mozambique

There are approximately 5,000 refugees in Mozambique, most from the Great Lakes region. About 3,000 are from the DRC, 1,000 from Burundi and 1,000 from Rwanda. The majority are in the Marratane camp in the northeast province of Nampula. There is also a smaller camp, Bobole, near the capital, Maputo, which the government has threatened to close. The remainder of the refugees are urban refugees.

The refugees in the camps have been registered with the Mozambican government and recently the International Organization for Migration (IOM) has begun another registration process for all the refugees in the Maputo area. However, little progress has been made in resolving the crisis they face.

Except for a select few, local integration is highly unlikely. Mozambique is one of the poorest countries in the world. As is the case in many other refugee-hosting countries, the Mozambican authorities are reluctant to accord refugees property rights, employment rights, freedom of movement, or asylum access. Most asylum applications are kept pending indefinitely—neither approved nor denied. Without approved asylum petitions, the refugees are unable to find legal employment. The government is currently seeking to move all refugees away from the Maputo area, which is by far the most promising area of the country for refugees seeking employment or business opportunities. The proposed relocation area in the far north would preclude most options except subsistence rain-fed agriculture—a precarious existence for refugees who are cut off from their extended families and community support networks.

Although the refugees in and around Maputo have been offered the chance to move to the Marratane camp and be allocated land on a former leper colony, these offers have in the past not resulted in land ownership, but only temporary permission to exploit the land. The refugees remain at the mercy of the government authorities, without permanent status, and subject to eviction at any time. The isolation of the Marratane camp would suggest that local integration is not in fact the primary objective of the relocation package.

Most of these uprooted people in Mozambique have legitimate refugee claims. For those for whom repatriation or local integration is not possible, resettlement should be given serious consideration. We recommend that this group be designated as a P-2 for resettlement in the United States.

Refugees in South Africa

South Africa has a large number of asylum-seekers in various categories. UNHCR reported in June 2002 that South Africa had received over 66,000 asylum-seekers in 2001, of whom 18,672 were accepted and 36,913 were rejected. As of September, over 40,000 applications were awaiting determination of their status. Of the refugees, there were some 7,000 Congolese, over 6,000 Somalis,

more than 1,500 Burundians, about a thousand Rwandans and the same number from Congo-Brazzaville as well as Eritreans, Ethiopians, and Sudanese.

Many of these asylum-seekers live in appalling conditions and lack protection. Deportations and arrests of these and other immigrants are frequent occurrences. The people who come to South Africa are not only those on the continent fleeing conflict; many are political and human rights activists who are not safe in their home countries. Though UNHCR is working with the South African government to bring refugee assistance into conformity with international standards, the backlog of unprocessed cases represents a very large group of asylum-seekers who enjoy neither assistance nor protection.

Given the political unrest in Zimbabwe and the extent and severity of the famine that looms in that country and others in the area, South Africa could easily confront a new and massive influx of refugees in the near future, a situation the country may not be prepared to face adequately. This lends urgency to our recommendations that UNHCR refer refugees with compelling claims to the U.S. resettlement program.

East Asia

Burmese in Thailand

There are currently more than 130,000 Burmese refugees living in official camps situated along the Thai border, as well as approximately 1,400 Burmese refugees individually recognized by UNHCR living outside of the camps. Thailand has always prohibited the resettlement of almost all Burmese refugees in the country, but, until recently, it did permit the resettlement of a few thousand so-called “student activists” residing in Maneelay camp west of Bangkok. The Thai government finally closed Maneelay in December 2001, and transferred the remaining refugees to Tham Hin camp, near the border. There are currently about 280 former Maneelay residents living in Tham Hin. At a minimum, the United States should resettle this group.

In addition, we urge the U.S. government to initiate a resettlement program for other Burmese refugees living in the border camps. Given the continued stalemate of the political situation in Burma and the fact that human rights violations continue unabated, the international community must find a durable solution for this vast refugee population, some of whom have been living in camps for 15 years. We support the UNHCR referrals of small numbers of Burmese each year, and urge the State Department to take a share of these. We also support the State Department’s consideration for resettlement of mostly Karen ethnic minority refugees in camps along the Thai-Burma border.

In addition, tens of thousands of *bona fide* Burmese refugees are not permitted to live in the established camps. Yet despite their status as persons of concern to UNHCR, these refugees are frequently harassed, exposed to dangers that include trafficking, unable to find employment, and subject to the risk of *refoulement*. The United States should strongly urge the Thai authorities to permit these vulnerable refugees access to resettlement, and accept referrals from UNHCR accordingly.

Burmese Rohingya in Bangladesh

Some 250,000 Rohingya refugees fled Burma in 1991 and 1992. The Rohingya are an ethnic and religious (Muslim) minority that has suffered persecution in Burma. Between 1992 and 1999, most Rohingya refugees either voluntarily repatriated or were pressured or forced back to Burma by the Bangladesh authorities. Some 22,000, however, have consistently resisted repatriation. They live in two closed refugee camps in southern Bangladesh. (Bangladeshi authorities refuse to let into the camp an estimated 100,000 other Rohingya who have arrived since 1993 and whom Bangladesh considers “illegal immigrants,” but who have likely fled persecution.)

The Rohingya have suffered religious persecution by Burma's Buddhist regime, which also claims that many of the Rohingya are not citizens of Burma. Bangladesh will not permit members of this group to settle locally because on several occasions in recent years they have clashed with camp authorities and are therefore regarded as security risks. There appears to be no option other than resettlement for this group.

Burmese Rohingya in Malaysia

Between 5,000 and 10,000 Rohingya from Burma are in Malaysia. The Rohingya, who are Muslim, are one of many minority ethnic groups who have fled persecution by Burma's military regime. They have no legal status in Malaysia and are subject to arrest and other harsh penalties under Malaysia's draconian immigration laws. Malaysia has been unable to return the Rohingya to Burma because the Burmese regime denies that they are its citizens. Malaysian authorities often deport Rohingya to the border of Thailand, after which most return on their own to Malaysia.

In 1998, nearly 1,600 Rohingya approached UNHCR for the first time to request individual refugee status determination. By the end of 2002, UNHCR had denied most of the claims, approving fewer than 100 as refugees (some of whom have been resettled in other countries). Human rights and refugee organizations believe UNHCR has unfairly denied these claims and that the Rohingya would likely face persecution if returned to Burma. Also, in addition to these 1,600, at least 3,500 other Rohingya are believed to be in Malaysia. The number could in fact be much larger, because many Rohingya did not register with UNHCR during an initial registration in 1992–1993, which yielded a figure of 5,100. Some observers, including some Malaysian government officials, have put the figure at about 10,000. UNHCR still considers 5,100 Rohingya—including those denied refugee status—to be “of concern,” since they have no legal status in Malaysia.

Given the continued brutality of the Burmese junta and the political stalemate there, it is unlikely that the Rohingya in Malaysia will be able to return to Burma in the foreseeable future. Because this group has no status in Malaysia and faces the threat of return to persecution, the U.S. government should consider them as a potential resettlement population, despite UNHCR's denial of refugee status to most of them.

Indonesia

Although the number of internally displaced persons (IDPs) in Indonesia fell somewhat in 2002 and there were positive developments in some regions, violence continues in other regions, including Aceh, where a peace agreement was reached. Persons from Aceh continue to seek safety in Malaysia, and the potential remains for persons from Maluku, Sulawesi, and elsewhere—as well as Chinese Christians—to flee to other countries. We urge the State Department to continue to monitor developments in Indonesia and in the region and to offer resettlement to any Indonesians for whom it is warranted.

We also note that the United States is participating in the resettlement effort for refugees, mainly from Afghanistan and Iraq, who have been referred by UNHCR in Jakarta. The State Department should continue its resettlement of this population.

North Koreans in China

According to one estimate, 300,000 North Koreans have now fled across the northern border into China. Chinese authorities will not allow UNHCR access to the area to assess whether some of these people are refugees under the UN Convention (to which China is a signatory). China contends they are economic migrants, and has repatriated several thousand forcibly in brutal round-ups, which have been intensifying since 1999. UNHCR has made some effort to broker solutions for small groups of North Korean escapees who have been detained in China, South Korea and

Japan, but the population as a whole is without assistance and under increasingly violent pressure to return.

While recognizing the United States may have particular security concerns with respect to this group, and that there are complex political factors at play, increased international attention and pressure on behalf of this group are vital. Both the United States and UNHCR must be active in the search for protection and durable solutions for these endangered refugees. At a minimum, adherence to the absolute requirement of *nonrefoulement* from China must be demanded, local integration encouraged in countries where that is possible, and imaginative approaches to third-country resettlement explored. In particular, U.S. assistance to China to combat alien smuggling and illegal migration should be predicated on assurances that North Koreans will not be prevented from seeking protection across the border.

North Korea is a highly repressive state in economic crisis. It is difficult to identify which subgroups within the desperate North Korean refugee population might be most at risk for purposes of resettlement prioritization. Both political dissidents and those who formerly worked for the government are certainly at serious risk, since a wide variety of political “crime” is severely punished in North Korea.

Members of certain religious groups that are not state-sanctioned are also particularly vulnerable, with thousands of religious believers, including Christian groups, estimated to be in detention for their faith. Persons viewed as having foreign connections, or as being related to those who have opposed the regime in some way (including by having left the territory), may be classified as part of a “hostile class” and subjected to severe treatment. Defection or attempted defections are considered capital offences, and those who have been forcibly returned to North Korea have suffered detention, torture, forced labor and execution. Indeed, it is arguable that the real possibility of death ensures that most, if not all, North Koreans who have fled into China would meet the international criteria for refugee status.

Vietnam

Proposal to Re-open Some Orderly Departure Program Categories

The State Department ended the U.S. Orderly Departure Program (ODP) in 1999 and transferred the processing of residual ODP cases to the newly established Refugee Resettlement Section (RRS) at the U.S. Consulate General in Ho Chi Minh City. In FY 2002, about 2,493 persons departed for the United States under RRS auspices. The processing of the remaining caseload of former reeducation camp detainees (and their widows) and of former U.S. government employees continues, but these categories have been closed to new applicants since the 1990s, as has the Resettlement Opportunity for Vietnamese Returnees (ROVR) program. Although old cases are reopened on the basis of new information from time to time, the caseload in each of these categories is now in the low double digits.

The bulk of the current RRS workload consists of McCain Amendment cases relating to the over-21 years of age children of reeducation camp detainees who were single at the time of their parents’ interviews but were denied resettlement in the United States. The current version of the McCain Amendment expires on September 30, 2003, and, since a number of valid cases continue to come forward, it is recommended that the McCain amendment be extended for a further year.

With a view to lifting deadlines that in the past have prevented otherwise qualified Vietnamese from applying for refugee resettlement, the U.S. government has proposed to the government of Vietnam that the United States be allowed to reopen for a specified period, possibly two years, the processing of the three main categories of the former Orderly Departure Program. These are: 1) former reeducation camp detainees with three or more years of detention or a mix of detention time and U.S. employment or training, 2) former direct-hire employees of the U.S. government with at

least five years' employment, and 3) former employees of U.S. companies, NGOs, foundations, and other U.S.-based organizations with at least five years' employment.

A reopening of the categories of the former ODP program hinges on discussions with the government of Vietnam. If Vietnam accepts, the State Department plans a six-month period during which information would be made available to the Vietnamese-American community. The program could be under way by FY 2004.

The potential caseload now comprises an aging population. Many of those who might want to resettle may not feel able to meet by themselves the challenge of establishing a new life in the United States. Given this fact, plus the long wait this group has endured through no fault of its own, we strongly recommend that their unmarried adult children also be eligible for U.S. immigration processing so they can accompany and assist their parents.

Former U.S. Government Employees

In late 1999, the State Department agreed to reopen about 2,200 cases of former U.S. government employees with five or more years of employment. These had not been interviewed previously under the U11 program, which was stopped in 1996. In the spring of 2002, the State Department selected 900 of these cases as category-eligible because their claims to be former employees were backed up by documentation. Of the 900 cases, 250 failed to show up, in many instances probably because they could not bring their children with them. Of the 651 cases adjudicated, 203, or 31.2 percent, were approved.

An even larger group of U11s who were never interviewed before, some 1,300 cases, had their applications rejected by the State Department because they could neither produce documents showing they were direct-hire employees for the required time nor could the State Department locate such documentation at the National Personnel Records Center. We find this unfair, as many former employees destroyed their documents to avoid the wrath of the communist authorities, and the records at the Center are famously incomplete. Moreover, category eligibility has not previously posed a significant problem in this program. We believe, therefore, that the Vietnamese authorities should be notified that the United States also wishes access to these persons, whose eligibility could then be determined by U.S. Immigration officers via interviews, the method used before the program was halted in cases where documentation was lacking.

There is yet a third sub-group in the U11 program: the 813 cases interviewed but rejected in 1995 and 1996, when rejections reached a high of 98 percent. When the State Department agreed in 1999 to reopen processing for the not-yet-interviewed U11 cases, they preferred not to reopen rejected U11 cases at that time. The State Department did say, however, that, if the results of the forthcoming interviews of the not-yet-interviewed cases were significantly more favorable to the applicants than was the case in 1995 and 1996, these rejected cases would be reinterviewed. The U11 approval rate in 1995 and 1996 was 6.1 percent. The approval rate of the not-yet-interviewed cases in 2002 was 31.2 percent, a five-fold improvement. We ask, therefore, that the State Department request Vietnam's permission to reinterview all U11 cases rejected in 1995 and 1996. Vietnam has repeatedly made it clear to the United States that they want these cases reinterviewed.

In reinterviews in any of these categories, care should be taken to assure that the processing conditions agreed upon in 1999 are observed, including Washington training for BCIS teams prior to departure, BCIS teams to be composed largely of asylum officers, policy control of the team maintained in BCIS Washington, and U.S.-hired and -controlled interpreters used (following the model used in the RRS of the U.S. Consulate General in Ho Chi Minh City).

Resettlement Opportunity for Vietnamese Returnees

As we understand it, the rationale for the effort to reopen categories under the former ODP is to accommodate those who were eligible but who failed for some reason to apply within the various deadlines imposed by the program's managers. We welcome such an initiative, since we feel that many who were intended to benefit were unable to do so. In addition to the regular ODP programs, the ROVR sub-program offered selected categories of Vietnamese refugees in the camps of Southeast Asia an interview for U.S. resettlement after their return to Vietnam. The State Department noted that the ROVR criteria were made generous in order 1) to ensure that no one of special interest to the United States would be excluded or overlooked and 2) to encourage voluntary return and reduce violence in the camps. However, the State Department felt that the second goal required a short deadline, and the program was announced in the camps on April 22, 1996, and closed June 30 the same year. This made it certain that many persons of special interest to the United States would be left behind. Two months was simply not enough time for asylum-seekers subject to many types of conflicting advice and who had spent six or seven years trying to get to the United States to come to a decision to apply voluntarily for a return to Vietnam. They were suspicious and frightened; in fact, the more the refugee's background made him of interest to the United States, the more likely that person was to miss the June 30 deadline.

We thus recommend that the United States seek Vietnam's agreement to offer interviews to all the refugees who fit the ROVR eligibility categories but returned from the camps after June 30, 1996. We understand that the names of refugees still in the camps on June 30, 1996, were on a computerized database turned over to the State Department at the closure of the ODP, which presumably is still available.

Montagnards

The Montagnard people of Vietnam's central highlands have faced a history of discrimination and persecution based on ethnicity and religion. In recent years the Vietnamese government has forcibly relocated native villages and actively repressed Montagnards' free practice of their Christian religion. In February of 2001 thousands demonstrated to protest the loss of their land to ethnic Vietnamese and the lack of religious freedom. As a result of that demonstration, many Montagnards fled into Cambodia following a crackdown by the police and military and other repercussions from the authorities.

Most of the Montagnards who became refugees in Cambodia were accepted by the United States and resettled in North Carolina in 2001 and 2002. Most had left immediate family members behind in Vietnam; now, due to the lack of required documentation, they are unable to file I-730 follow-to-join petitions for their remaining family members. The documents required by BCIS in adjudicating these petitions are dictated by the country conditions as described in the State Department's Foreign Affairs Manual. While civil documents may be available for the majority in Vietnam, the current reality is that Montagnards will not be able to obtain civil documents from the Vietnamese authorities to establish family relationships. In many cases, moreover, marriages may have been performed under traditional ceremonies and not registered with the state. At the same time, reports from Vietnam indicate that many Montagnards in the central highlands are experiencing increasing persecution, and it is likely that the remaining family members of persons resettled in the United States will suffer. These family members should be given access to the U.S. resettlement program, either as P-2s or through a P-3 designation.

Vietnamese in the Philippines

Thirteen years after escaping Vietnam by boat, 2,000 Vietnamese remain stranded in the Philippines, where they have been given only temporary refugee status.

Their plight stems from the failure of the 1989 UNHCR-sponsored Comprehensive Plan of Action (CPA) to achieve a durable solution for these Vietnamese. In 1996, the UNHCR closed the refugee camps and withdrew its support for those remaining. They had been denied refugee status under the CPA because of a flawed screening process that separated families who had arrived in the Philippines together and rejected individuals who in other circumstances would have been judged *bona fide* refugees. The Philippine government, to its credit, allowed screened-out Vietnamese to remain. However, it has not granted permanent resident status to these Vietnamese, who are without civil protection and are unable to work, to own property, or to travel. They are also subject to harassment and other abuse, and are unable to be reunited with family members. In short, they are in legal limbo and are in need of a durable solution.

The Vietnamese government's view is that members of this group should volunteer to return to Vietnam and be "accepted." However, no repatriation program exists, and the Vietnamese in the Philippines understandably fear return to a regime that they claim persecuted them and their families.

Some observers have suggested that permanent integration in the Philippines is the appropriate solution for this group, and, indeed, the Philippine Parliament has on several occasions considered legislation to grant the Vietnamese permanent residence. However, the legislation has consistently failed to win approval, and prominent members of the parliament have recently noted that such approval is not likely to occur in the foreseeable future. It is time, therefore, to consider another option.

Within the group, 506 families (1,375 individuals) have sponsoring relatives in the United States and 27 families (66 individuals) have pre-1975 links to the United States. In view of these ties to our country, in recognition of the fact that there is no prospect of local integration in the Philippines within any reasonable time frame, and in order to bring to a humane closure this unfortunate situation, we recommend the designation as a P-2 group.

In the event that P-2 is not provided for this group, we would strongly recommend that as many individuals from this group be admitted through the mechanism of Significant Public Benefit Parole or if necessary, humanitarian parole. However, because parole does not provide automatic access to permanent residence, our recommendation is that P-2 status is the most appropriate solution.

Eastern Europe—The Balkans

Kosovo Roma Refugees in Macedonia

Some 2,900 Roma, Ashkali and Egyptian refugees from Kosovo remain in Macedonia. Classed as Temporary Humanitarian Assisted Persons (THAP), a status that is usually reviewed every six months, they are not considered refugees by the Macedonian government, though they do have the right to accommodation, basic subsistence, primary health care and primary education. They cannot apply for asylum or be employed. About half live in a collective center, and half with private families, mostly in and around Skopje, the capital.

Although 310 people were accepted for resettlement by the United States in 2001, neither the United States nor other countries are now considering resettlement for this group. Another 590 people returned to Kosovo and 1,044 to southern Serbia in 2001. Most of those remaining in Macedonia today do not wish to return.

A January 2003 UNHCR paper, *Update on the Situation of Roma, Ashkaelia, Egyptian, Bosniak and Gorani in Kosovo*, says that "the situation of minority groups remains a major concern." The report

documents grenade attacks, arson, physical assaults, and other acts of violence and intimidation directed against Roma and other minority returnees to Kosovo.

Although there are certain restricted areas where Roma refugees can find some measure of physical safety in Kosovo, we consider that it is generally unsafe for them to return, and that they have no prospects for local integration in Macedonia. Assistance from both UNHCR and the Macedonian government will eventually decrease. The Roma refugees in Macedonia risk being forced to migrate again or remain illegally in Macedonia without adequate means of subsistence or protection. Therefore, we recommend that the United States consider admitting as refugees those of the remaining 2,900 registered Roma refugees in Macedonia who do not seek repatriation or local integration and who are otherwise eligible for U.S. admission. These could appropriately constitute a P-2 group.

Kosovo Roma in Montenegro

Nearly four years after the Kosovo crisis, about 7,600 Roma from Kosovo remain in Montenegro, where they are considered internally displaced people rather than refugees. Some 4,500 live in private accommodations, and the rest in collective centers. For all, conditions tend to be poor and unsanitary. Although a small number, with international help, have gone back to Kosovo, the majority fear return, often because they do not have enough information about conditions in their home areas in Kosovo to allow them to make a confident decision. Assistance for this group has steadily declined.

With third-country resettlement not a practical option for these Roma (who are not refugees but internally displaced people), with Montenegro unwilling so far to allow them residency, and with international assistance to them dwindling, the pressure is on them to return to Kosovo eventually. UNHCR and interested NGOs should continue to keep them informed of conditions in Kosovo so these displaced people can make realistic judgments about prospects for their return in safety. UNHCR should also be ready to refer a few especially deserving cases to resettlement countries, and should do its best to assure that assistance to those remaining does not fall below acceptable levels.

Former Soviet Union

Religious Minorities

Political instability, economic pressure and social strife continue to result in frequent attacks on religious and ethnic minorities in the FSU.

While the successor states to the FSU no longer target religious minorities under the pretext of combating “Zionist” or “religious propaganda,” Jews and Evangelical Christians continue to be victims of non-state persecution. Additionally, discriminatory laws against minority religions severely impede the ability of many to practice their faith.

Some officials in the FSU—including President Putin of Russia—are now making public gestures of religious tolerance. However, neither central nor regional authorities show any inclination to investigate—let alone prosecute—recurring incidents of discrimination, violence, arson and other attacks. Other leading national and local politicians, in Russia, Belarus, Turkmenistan and other FSU countries, openly treat Jews and other minorities as scapegoats for the economic and social problems that plague the region.

In the past year, for example, synagogues, schools, community centers, cemeteries and other Jewish sites suffered arson and other attacks of vandalism across the region, including Russian cities such as Kursk, Volgograd, Kostroma, Saratov, Omsk, Tomsk, and Moscow, as well as Baku, Azerbaijan; Minsk, Belarus; and Dnepropetrovsk, Ukraine. Jews were also attacked in violent hate crimes in the

Russian cities of Moscow, Ulyanovsk, Omsk, and Orenburg, as well as Minsk, Belarus; and Dnepropetrovsk and Lutsk, Ukraine. Notwithstanding laws against the promotion of inter-ethnic hatred, virulently anti-Semitic publications were available across Russia, including such major population centers as Moscow, St. Petersburg, and Novosibirsk. These are but a few examples of the resilience of anti-Semitism in the FSU.

Such treatment has elicited statements of concern from Human Rights Watch, the State Department, and the Commission on International Religious Freedom. The former Central Asian republics, fighting to stem the tide of dissent in general and Islamic fundamentalism in particular, frequently try to suppress “non-traditional” religious denominations, particularly evangelical Christian and independent Muslim groups. They are denied official recognition on the pretext that they are not indigenous, and often have to exist as unregistered entities subject to harassment and extortion by corrupt authorities.

Recent acts of discrimination and violence against minority and Christian churches include multiple attempts to ban the Salvation Army and Jehovah’s Witnesses in Moscow, prohibition against the construction of a Pentecostal Church in the Moscow Region, refusals in Tajikistan to register Christian Churches lest the officials “defile themselves,” and deportations of religious minorities from Turkmenistan, as well as police raids during religious services. In 2002, Belarus also enacted a highly restrictive religion law that discriminates against small religious communities including Evangelical Christians and Reform Jews.

In this context, there is a continued need to allow Jews and Evangelical Christians to apply for refugee status at the U.S. embassy in Moscow. By the same token, the Specter (formerly Lautenberg) Amendment, which reminds U.S. adjudicators to take into account the longstanding history of persecution and discrimination faced by these religious minorities in the FSU, continues to apply to refugee resettlement adjudications there. We are concerned, however, that the U.S. refugee program is currently denying refugee status to a significantly higher percentage of religious minorities, without explaining the basis for the denials. Such decisions are not reflective of country conditions, and fail to satisfy the Lautenberg-Specter requirement that each adverse decision state, “to the maximum extent feasible,” the basis on which it was reached.

Ethnic Minorities and Refugees from the “Near Abroad”

Widespread political and social unrest in the Caucasus and Central Asia has displaced record numbers of individuals. The Russian military assaults on Chechnya, which forced over 600,000 to abandon their homes from 1994 to 1995, displaced some 200,000 more people from 2000 to 2001. Hundreds of thousands more remain displaced from inter-ethnic strife in Tajikistan, Nagorno-Karabakh, Uzbekistan and Georgia. These refugees and IDPs remain scattered throughout the FSU.

Consequently, in many parts of the Commonwealth of Independent States (CIS), but particularly in Russia, ethnic minorities, especially those from the Caucasus and Central Asia, face constant arbitrary harassment, arrest, incarceration, and deportation. This treatment is based on little more than the shade of their complexion and their inability to produce a valid local residency permit. The ugliest example occurred on October 30, 2001, when a crowd of 300 attacked “dark-skinned traders” at a market in Moscow. Three were killed. In the wake of this episode, Mayor Luzhkov in Moscow finally went on record as saying that extremist violence posed a “serious problem” for his city. Nevertheless, as *Izvestiya* reported on November 6, “Russian Law Enforcement officials say that Russia has bigger problems to deal with than to chase after racist and extremist groups.” In the wake of the Dubrovka theater takeover by Chechen rebels, police in Moscow and Voronezh have beaten individuals who appear to be from the Caucasus.

Given this environment, we were pleased that the State Department adopted one of our recommendations in 2002; namely, to create a new P-2 category for members of the long-staying popula-

tion of ethnic Armenians forced to flee to Russia from Azerbaijan during the Nagorno-Karabakh conflict. Last year, however, only Baku-Armenians residing in Moscow were permitted to apply to the United States for resettlement. Since Baku Armenians in many parts of the Russian Federation are facing similar barriers to integration, we would recommend that the State Department re-open and expand this P-2 designation to allow other ethnic Armenians from Azerbaijan to apply, including those who are living outside of the Moscow region. We also urge the State Department to expedite consideration of another recommendation originally made in 2001; namely, a P-2 designation for the Meskhetian Turks living under precarious circumstances as stateless persons in Krasnodar Krai in southern Russia.

In 1989, the Meskhetian Turks, whom Stalin had ordered deported from Georgia to Uzbekistan in 1944, were again displaced after violent mass pogroms against them in Uzbekistan. This time, the Meskhetians were dispersed throughout the FSU, many going to Azerbaijan and southern Russia and a few to Turkey. Immigration to Georgia, however, was still not allowed. When Georgia was admitted to the Council of Europe in 1999, it was with the condition that it allow deported Meskhetians and their descendents to return there. Although there was no recent history of disharmony between the Meskhetians and other Georgians, ethnic and economic considerations have caused Georgian legislators to drag their feet in enacting the relevant legislation.

While Meskhetians in Azerbaijan have adjusted relatively well, those in southern Russia face difficulties, particularly in Krasnodar Krai. In most parts of Russia and the FSU, Meskhetian Turks have been permitted to register as legal residents. In Azerbaijan, most were offered citizenship. In Krasnodar Krai, however, they have not been permitted to register as residents, and cannot legally record their homes or their marriages, or access education or employment. They are routinely the victims of violence by Cossack paramilitary groups, whom the regional government has given police powers. Cossacks and other “police” regularly beat Meskhetians and sometimes destroy their homes. Even the Chairman of the Legislative Assembly of Krasnodar, Vladimir Beketov, has opposed registration so the region does not become “the Islamic Republic of the Kuban.” The Governor of Krasnodar Krai has made similar remarks.

Officially, there are 13,500 Meskhetians in Krasnodar Krai, but estimates range as high as 20,000. Of these, only around 2,500 have been permitted to “register.” Moreover, even those Meskhetians who have established “legal residence” report that they continue to be severely harassed, threatened, and denied basic legal rights.

In part, Georgia may be reluctant to enact the legislation allowing for the return of Meskhetians because of its fear that Krasnodar, in particular, will take the opportunity to force all of the Meskhetians living in its territory back to Georgia. Meskhetians in other parts of the FSU are not likely to return to Georgia in any significant numbers, given its current economic and political volatility. International efforts to encourage Georgia to promote the return of Meskhetians have failed, as have efforts to improve the safety and legal status of Meskhetians in Krasnodar Krai.

We recommend the United States relieve the burden on Georgia and rescue the Meskhetians from continued persecution by permitting the resettlement of stateless Meskhetians out of Krasnodar Krai via processing in Krasnodar under a P-2 designation. This should, however, be done in tandem with diplomatic efforts vis-à-vis Russia to promote citizenship for those Meskhetians who desire and are entitled to it, and for Georgia to enact legislation facilitating the return of those Meskhetians who have the desire to go back.

Asylum-seekers from the “Far Abroad” (outside the FSU)

Asylum-seekers from outside the FSU who find themselves stranded in many parts of this region are offered little or no protection by the state, and are subject to harassment, arrest, beatings and

refoulement by local and federal authorities. Moreover, asylum-seekers have virtually no access to employment, medical care, education, basic social services, or registration of marriages or births.

The most tragic examples of this mistreatment were the murder of a Rwandan refugee doctor in Kiev in July 2001 and the killing of an Angolan refugee—in front of a UNHCR office—in Moscow the following month by six youths armed with bats.

UNHCR has urged states not to return refugees to Russia on “safe third country” grounds. Similarly, UNHCR has found the erosion of protection for asylum-seekers severe enough to accelerate significantly its resettlement activities for African refugees and others in many parts of the CIS, even in those states that are signatories to the 1951 Convention and the 1967 Protocol.

The situation of Afghans in Russia and Central Asia also deserves special consideration by the U.S. refugee program. Afghans in the Central Asian region in particular are likely to be caught up in the post-Taliban rush to repatriate. The situation in Tajikistan is particularly alarming, as a number of Afghans have already been deported and the government is refusing to renew the three-year refugee cards issued to Afghans, claiming that the situation in Afghanistan has now stabilized. There are approximately 2,500 such refugees. According to UNHCR, much of the Afghan caseload in Central Asia has been linked to the Najibullah regime, making it impossible for them to return home in safety for the foreseeable future. Moreover, local integration prospects are poor, even for those who have married into the local population. The 2,500 Afghans in Tajikistan would thus seem to be an appropriate, and accessible, P-2 group for resettlement, especially since many Afghans who repatriated following the U.S. invasion are now returning to Tajikistan.

We welcome the circuit rides that the INS (now BCIS), working together with UNHCR, expanded in recent years in order to make refugee resettlement accessible to more refugees in the far corners of the FSU. We urge that they be expanded further—particularly to Ukraine, which now hosts more refugee applicants for the U.S. refugee program than any other country. We hope that the recent commencement of immigrant visa processing at the U.S. consulate in Kiev will soon be followed by a decision to process refugee applicants there as well.

Latin America and the Caribbean

Colombians in Ecuador

Colombia is by far the major generator of refugees and displaced persons in the Western Hemisphere. During 2002, peace talks between the government and the main guerrilla group collapsed, the conflict and violence against civilians intensified, and the rate of displacement continued to grow.

Tens of thousands of Colombians fled to Ecuador, Venezuela, and Panama in 2002; many others fled farther afield, primarily to the United States, Costa Rica, and Europe. Few applied for asylum, largely because they feared being rejected and deported back to Colombia. While most Colombians outside their country are not in situations allowing them to benefit from traditional resettlement programs (i.e., relatively few are recognized as refugees in other countries), many require protection. The U.S. government could help protect tens of thousands of Colombians in the United States by offering them Temporary Protective Status. The U.S. could also offer resettlement places to some of those who have sought asylum in other countries, particularly in Ecuador, which, among countries bordering on Colombia, hosts the largest number of recognized refugees.

Estimates of the number of Colombians who have sought refuge in Ecuador in recent years vary significantly. Most observers believe the number to be in the tens of thousands, though the Ecuadorian Migratory Police has reportedly estimated the number at more than 200,000. A June 22, 2002, report by the Washington Office on Latin America said that some 37,000 Colombians fled to Ecuador during the first half of that year.

Fewer than 10,000 Colombians are recognized as refugees in Ecuador or have asylum applications pending. In 2002, the number of asylum applications by Colombians in Ecuador grew by about 40 percent, with some 400 Colombians applying every month. The majority of Colombians in Ecuador are undocumented, but the Ecuadoran authorities generally allow them to remain.

Most of the recognized Colombian refugees and asylum-seekers in Ecuador live in the country's two largest cities, Quito and Guayaquil, while most undocumented Colombians (as well as some of the registered refugees) live in the provinces bordering Colombia, particularly in the towns of Ibarra, Santo Domingo de los Colorados, and Lago Agrio. The Colombian consulate reports that 10,000 Colombians are registered as living in Ibarra, though the number could be much higher. Other sources estimate that some 1,500 Colombians live in Santo Domingo, and that Lago Agrio hosts 700 registered refugees and thousands of Colombians who are undocumented.

Colombian guerrillas and paramilitaries both use Lago Agrio, just 12 miles from the Colombian border, as a transit center for weapons and other supplies, and both groups engage in acts of violence against each other, Colombian refugees living there, and local people. In 2002, Colombian guerrillas and paramilitaries killed or kidnapped hundreds of people. In all of the cities and towns where they live, Colombian refugees compete with local people for limited jobs and resources, causing friction between the two groups.

Many of the Colombian refugees are at risk in Ecuador because of the activities of Colombian guerrillas and paramilitaries there; most struggle to survive in Ecuador; and the presence of so many Colombian refugees (both recognized and undocumented) in Ecuador is adding to Ecuador's already serious economic woes (more than 40 percent of the population lives in poverty and it is estimated that up to one in five Ecuadorans have migrated abroad for economic reasons).

By offering resettlement to some of the Colombian refugees in Ecuador, the United States could extend protection to refugees who are at risk and who are unlikely to be able to repatriate safely in the foreseeable future. Resettling Colombians from Ecuador would also help alleviate the economic impact of the Colombian refugee presence in Ecuador. This "burden-sharing" would also help safeguard first asylum in the region. We recommend a P-2 designation for discrete groups in particular danger, such as human rights and religious workers and others named in the section below, who are often the targets of violence by one or more of the warring factions.

Colombians in Colombia

Within Colombia itself, conflict among left-wing guerrilla groups, right-wing paramilitary organizations, and the Colombian armed forces—exacerbated by an all-pervasive narcotics industry, widespread human rights abuses, and extensive criminality—has uprooted more than three million Colombians.

Some 2.5 million Colombians are internally displaced. More than 49,000 are refugees and asylum-seekers, and 350,000 are living in refugee-like circumstances in other countries (*see page 34*). In October 2002, UNHCR said that many of the Colombians who flee abroad but do not formally seek asylum are probably refugees, and urged governments to extend protection through whatever alternate mechanisms they have available.

According to the U.S. Committee for Refugees, during 2002 more than 400,000 Colombians were newly displaced. Hundreds of civilians were killed, including 120 politicians and public servants, 177 trade unionists, 83 teachers, 17 human rights workers, and nine members of the clergy. Another 3,000 people were kidnapped for ransom or political purposes, including a presidential candidate and a senator.

Displaced Colombians endure severe hardship and receive little assistance. The majority have sought refuge in the country's largest cities, where they compete with local poor people for limited resources. Nearly half of the displaced are unemployed, and those who find work usually obtain only poorly paid day labor. Only about a third of displaced Colombians have access to health care and, according to Colombia's human rights ombudsman, only 15 percent of displaced children attend schools.

A November 2002 report by two prominent Colombian NGOs said that the government of Colombia "has not taken effective measures in order to prevent forced displacement and protect the lives and physical and psychological integrity of the displaced. In addition, the State has not implemented a comprehensive strategy in order to address the profound causes of forced displacement."

The United States could offer resettlement places to people who are at risk within Colombia but cannot expect safe haven elsewhere. Canada has already resettled a small number of Colombians from within their country because of the special nature of their persecution and the deprivation of rights they have suffered. The United States should consider setting up an appropriate in-country processing structure for this same purpose, and could use the same P-2 vehicle as that recommended above for Colombian refugees in other countries.

Cuban Refugees

U.S. immigration interviewers continue to find in Cuba, where a P-2 designation is in place for those suffering persecution from the current government, a steady stream of refugees comprising human rights activists, evangelical Christians and others. As of the end of October 2002, over 1,500 persons were approved and waiting for departure, representing 60 percent of the FY 2002 admissions ceiling of 2,500 persons.

Cubans who are attempting to gain access to the U.S. refugee program from third countries continue to be persons of concern. They are not currently included in the P-2 designation for Cubans in Cuba, however, and must obtain a referral for resettlement from UNHCR.

Haitian Refugees

Political conditions in Haiti have markedly deteriorated in the past two years, provoking many experts to predict the disintegration of that country's nascent democracy and the possibility of a mass refugee outflow. The response of the United States thus far has been to adopt a series of restrictive measures to deter and prevent the arrival of Haitian asylum-seekers. These include interdiction, summary return, prolonged detention, and fast-tracked asylum adjudications. Even for those few Haitians who are interdicted, provided a refugee interview, and found to qualify for refugee status, the United States has chosen to resettle them to third countries such as Guatemala, Nicaragua, and Australia rather than to bring them to the United States.

Haitian refugees are also denied protection in countries in the Caribbean. Both the Dominican Republic and the Bahamas, for example, have witnessed a significant upswing in the number of Haitian arrivals in the past year. However, neither country has offered such asylum-seekers meaningful protection. Despite its enactment of asylum legislation, the Dominican Republic has failed to adjudicate any pending asylum claims in years. Haitians, meanwhile, are left living in limbo, suffering abuses from the police and the community, vulnerable to forced return, and denied even basic services, including health care, housing, and education. The Bahamas have summarily returned thousands of Haitians without adequate consideration of their asylum claims.

Given the unstable political conditions in Haiti and the lack of asylum prospects in the region, we urge the United States to allow for the resettlement of Haitians to the United States in FY 2004. This would require regional resettlement processing in such places as the Dominican Republic and the Bahamas. If our recommendation elsewhere in this report for a universal P-3 processing category

were accepted, Haitians could take advantage of this provision; if it is not accepted, we recommend that Haitians be designated as a nationality eligible to apply for P-3 refugee processing. This would help to encourage orderly and safe family reunification for families split by violence and repression.

We also recommend that interdicted Haitians be disembarked on dry land and be provided with a full and fair opportunity to present their refugee claims. Those found to be refugees should be resettled in the United States rather than in third countries. Haitians should be provided access to responsive, timely, and safe resettlement consideration, which among other things would serve as a deterrent to dangerous, clandestine boat departures.

The United States has frequently denied refugee protection to Haitians, returning them to an uncertain fate despite the likelihood that they will again face human rights abuses. It is critical that this history not be repeated.

Near East/South Asia

Refugees from Iraq

The war in Iraq and the downfall of the regime of Saddam Hussein has changed prospects for the hundreds of thousands of Iraqis living as refugees in countries both nearby and distant. It is to be hoped that every effort will be made now to create the conditions within Iraq that will allow those Iraqis to return to their homes as rapidly as possible. Great care will have to be taken, however, to assure that individuals with good reason to fear return to Iraq do not face forced repatriation. Meanwhile, we note the unfortunate development that, due to concern over U.S. resettlement delays caused by enhanced U.S. security checks, UNHCR on February 3, 2003, instructed its field offices to review the active Iraqi referral caseload and, unless departure was imminent, withdraw the referral to the U.S. program and refer the case to another country.

Iraqi Refugees in Jordan

Jordan is host to more than 300,000 Iraqis. The figure used by the Jordanian government, 305,000, does not include Iraqis who enter or exit Jordan illegally. Many are refugees or live in refugee-like situations. Several thousand Iraqis are registered with UNHCR as refugees or asylum-seekers, a small fraction of the total.

In 2002, UNHCR registered approximately 1,443 refugee cases (families or persons) in Jordan, overwhelmingly from Iraq (1,334 cases). By the end of 2002, two to three thousand cases were pending, almost all from Iraq.

Jordan agreed to admit asylum-seekers, including undocumented entrants, and to respect UNHCR's refugee status determinations in a 1998 Memorandum of Understanding (MOU) with UNHCR. The MOU also adopts the refugee definition contained in the UN Refugee Convention and forbids the *refoulement* of refugees and asylum-seekers.

Despite the MOU, refugees and asylum-seekers face protection problems in Jordan. Neither the Jordanian government nor UNHCR considers Jordan to be a permanent country of asylum, leaving resettlement as the only durable solution for refugees there. The economic situation, and at times the security, of refugees remain tenuous. There are no UNHCR-administered refugee camps in Jordan. The urban refugee population is served by the UNHCR offices in Amman. Refugees must approach the office on an individual basis for a refugee status determination. High UNHCR case backlogs mean that asylum-seekers must wait months for status determination interviews, and recognized refugees must wait up to a year to be resettled. The Jordanian authorities generally tolerate the presence of asylum-seekers and refugees after their documents lapse; however, there were reports in 2002 that some asylum-seekers without valid identification were detained and

deported. Refugees who remain in Jordan beyond the six-month time frame are technically out of status, and UNHCR has worked to prevent deportations.

The vast majority of refugees under UNHCR protection in Jordan are Iraqis (88 percent). According to figures from the UNHCR population data unit, the refugee recognition rate for all nationalities in the UNHCR office in Amman is 14 percent. In contrast, recognition rates from other refugee host countries in the region include: Egypt 38 percent, Iran 76 percent, Syria 11 percent and Turkey 54 percent.

Prior to September 11, 2001, U.S. immigration officers made quarterly circuit rides to Amman to evaluate cases presented by UNHCR for resettlement to the United States. At each circuit ride, the UNHCR office would present approximately 40 cases. Most were accepted. Even so, it was very difficult for UNHCR to meet the six-month deadline outlined in the UNHCR MOU for finding third country resettlement for recognized refugees. Since September 11th, immigration officers have made just one circuit ride to Amman, and this has resulted in extensive delays.

For refugees leaving Jordan in 2001, the length of time from recognition to travel was 11 months, almost twice the allowable time in the MOU. For refugees leaving Jordan in 2002, the time was 16 months, almost three times that outlined in the MOU. Given the current delay in resettlement, it is likely that the time from recognition to travel will be even longer in 2003.

For these reasons, resettlement remains critical both as a means of protection and as a means of maintaining first asylum in Jordan. The United States should continue to work closely with UNHCR to promote refugee resettlement out of Jordan for Iraqis who, even with the disappearance of the Saddam Hussein regime, will not be able to return to Iraq.

Iraqi and Other Refugees in Lebanon

At the end of 2002, Lebanon was host to more than 3,000 refugees recognized by UNHCR, mostly Iraqis. This recognition generally allows them to stay for a one-year period, during which time UNHCR is expected to find a durable solution. In the absence of local integration or voluntary repatriation, resettlement is generally the only option. Several thousand Iraqis, Sudanese, Sri Lankans and other nationalities have pending asylum claims. During 2002, UNHCR had a backlog of over a thousand asylum applications.

Lebanon is not a party to the UN Refugee Convention, and refugees continue to face serious threats to their safety, making resettlement more important than ever as a means of protection. In the aftermath of the murder of an Iraqi refugee known to oppose the Iraqi government, the Lebanese authorities initiated investigations into his killing and a large number of Iraqi refugees were arrested for questioning on charges of illegal entry into the country. The Lebanese Government also continued its crackdown on unauthorized employment and undocumented foreigners, which included recognized refugees and asylum-seekers registered with UNHCR. As a result of this increased insecurity, the number of persons applying for refugee status has increased substantially.

Several reports suggest that Lebanon is detaining hundreds of asylum-seekers, mostly Iraqis and Sudanese, many of whom allegedly have been mistreated and denied access to UNHCR. Observers note that Lebanon continues summarily to deport asylum-seekers and refugees to their countries of origin and to third countries such as Syria and Jordan. Lebanese authorities reportedly have sent back hundreds of recognized refugees and asylum-seekers during the past two years.

Repatriation has been impossible for most refugees in Lebanon, because most come from countries such as Iraq and Sudan, where, at least until recently, there appeared to be little chance of improvement in human rights conditions or an end to internal conflict. Thus, resettlement has been the only viable durable solution for these refugees. The situation for Iraqis will need to be reviewed once

conditions there return to normal. Meanwhile, we were very disappointed that 300 Iraqi refugees in Lebanon, despite having been interviewed, approved, and cleared through the SAO process, have not been allowed to travel due to security concerns, and we urge that, unless concrete grounds are found to exclude them, they be allowed to proceed to the United States.

Iraqis in Saudi Arabia

Twelve years after they sought the protection of U.S.-led coalition forces during the 1990–1991 Gulf War, about 5,200 Iraqi refugees continue to live in desolate and prison-like conditions in the Rafha refugee camp in northern Saudi Arabia. They are part of a much larger group of predominantly southern, Shi'a Iraqis who heeded then-President George Bush's February 1991 appeal for a revolt against the Iraqi regime. When Iraqi government forces crushed the insurgents' uprising, coalition forces evacuated them to Saudi Arabia, where 5,200 remain to this day.

Conditions in Rafha have grown more difficult with each passing year. The camp sits on a barren stretch of desert that is among the most prone in Saudi Arabia to the extremes of heat and cold, and to dust storms. Although the refugees receive better material assistance than many refugees elsewhere, the camp is, for all practical purposes, a prison. Its perimeter is secured by double barbed-wire fences and guarded by the Saudi military, and the refugees are not permitted to come and go. In addition to regularly patrolling the camp, armed soldiers strictly enforce a nightly curfew and imprison those who violate it.

Over the years, there have been numerous accounts of human rights violations by Saudi soldiers in the camp, including arbitrary detention, severe beatings and forced repatriation. While living conditions in Rafha are difficult for everyone, they are particularly bad for women and children. Saudi authorities allow Iraqi refugee women to move about the camp only when fully veiled and in the presence of a male escort. This has a particularly isolating effect on women in the camp, whose modes of dress and social interaction tended to be far more liberal in Iraq. Also deeply troubling is the fact that one fourth of the camp population are children under the age of nine who have known nothing but life in the camp. A full 40 percent of the camp population are children under the age of 18. For them, Rafha is a dead end.

Many refugees feel forgotten and are increasingly desperate due to the lack of resettlement opportunities. Cases of refugees suffering from severe depression and anxiety are on the rise, as are suicide attempts. UNHCR reported that during the year 2002, 108 Iraqi refugees returned to Iraq, but, given the circumstances, the voluntary nature of their return is subject to doubt. Efforts by UNHCR in 2002 to resettle 3,000 Iraqis to third countries while integrating the remaining 2,000 in Saudi Arabia have been unsuccessful due to the refusal of the United States to participate in the resettlement effort.

We have said for years that the United States should assist in finding durable solutions for these refugees, including the resettlement of a substantial number to the United States; and should encourage other resettlement countries and countries that were part of the coalition against Iraq in the 1991 Gulf War to do their part by accepting some refugees for resettlement. We were disappointed at U.S. disinterest in cooperating with UN High Commissioner Ruud Lubbers in devising such a comprehensive resettlement plan. We hope that now, with the situation inside Iraq having undergone dramatic change and the voluntary repatriation of at least some of the Rafha refugees having become possible, the plight of the Rafha refugees can finally be resolved definitively.

Iraqi Chaldean Refugees in Various Countries

There are in Iraq, according to one estimate, about 800,000 Iraqi Christians, comprising about 3.5 percent of the population. They include three main groups: Chaldeans, Assyrians, and Syriacs. Up to 55,000 Chaldeans have fled Iraq due to ethnic discrimination, political persecution, and religious suppression, and are stranded in the Middle East, Europe, and South America hoping to be reset-

fled. Countries hosting the largest numbers are Jordan (12,000), Greece (6,500), Lebanon (4,000), and Syria (1,000), with smaller numbers elsewhere including Western Europe. Most want to come to the United States to be re-united with their family members. Some 350,000 Chaldeans already live in the United States.

To protect these forgotten refugees, who cannot return to Iraq and are now generally living without protection in precarious circumstances, the United States should consider giving them P-2 status. We note that the *Report to Congress for Proposed Refugee Admissions for FY 2003* says that the State Department is considering whether to designate Yazidis, Aramaic-speaking Iraqis (Chaldeans, Assyrians, and Mandaean), and other ethnic minorities as P-2 groups.

Sabaeen Mandaean from Iraq and Iran in Indonesia, Jordan, Yemen and Elsewhere

Of the estimated 40,000 Sabaeen Mandaean living in Iraq and 20,000 living in Iran, increasing numbers are attempting to flee persecution in both countries. The Mandaean faith is the oldest Gnostic religion still in existence, and its pacifist members suffer officially sanctioned discrimination in Iran and routine human rights violations in Iraq. Violent hate crimes against Mandaean are escalating. Both government authorities and the society at large have targeted Sabaeen Mandaean, interfering in their ability to practice the Mandaean faith, denying them legal rights and protection, and pressuring them to convert to Islam.

Such persecution has caused greater numbers to flee to nearby countries and to attempt to reach Europe and Australia via human smuggling operations. Hundreds of Mandaean have fled to Jordan and Yemen. Of the more than 100 Mandaean in Yemen, a small number have been recognized by UNHCR. Some 150 Mandaean have become refugees and asylum-seekers in Indonesia. Those Mandaean who have arrived in Australia face physical and verbal harassment by other asylum-seekers in refugee detention camps because they consider Mandaean dirty due to their religious beliefs. Some of these countries, including Holland, threaten to send Mandaean back to Iraq and Iran, putting their lives at risk. While Iranian Mandaean already have access to the U.S. resettlement program through the P-2 designation for "Iranian religious minorities," Iraqi Mandaean are currently denied such access. As noted above, the State Department is considering P-2 status for Iraqi Mandaean, and we urge that this be done.

Iraqi and Iranian Refugees in Turkey

Turkey hosted several thousand registered refugees in 2002, mostly from Iran and Iraq, and all in need of resettlement. Observers estimate that there are thousands more Iranians and Iraqis, many thought to have valid refugee claims, who are also present in Turkey but who have not registered with UNHCR or the Turkish government.

Most in the Iranian caseload belong to the persecuted religious minorities in the current P-2 category. Most being referred by UNHCR for third country resettlement currently are Baha'is. There are also smaller numbers of Iranian Christians, Zoroastrians, Jews, and atheists who have fled to Turkey to escape religious persecution.

Additionally, a significant portion of the Iranian refugees in Turkey being referred to third countries by UNHCR fled to escape persecution because of their political activities or imputed political opinion. Most Iraqi refugees in Turkey fled their country to escape persecution resulting from their political activities, imputed political opinion, or political affiliation. Most are Kurdish, with smaller numbers of Iraqi Arab, Turkoman, Assyrian, and Armenian refugees. Hopefully, at least some of these Iraqi refugees will be able to repatriate now that Saddam Hussein's government has fallen. UNHCR in Turkey also grants refugee status annually to a small number of African refugees of various nationalities. As with Iranians and Iraqis, many more remain unregistered in the country.

Despite efforts to improve Turkey's refugee-reception capacity, many refugees there continue to face substantial risks to their safety. Turkey signed the UN Refugee Convention with a geographical reservation that excludes non-Europeans, all of whom must thus be resettled to a third country.

Turkey does allow non-Europeans to register as asylum-seekers and present their claims to UNHCR. To do so, however, they must register within 10 days with the Turkish police nearest to the border where they entered; the police conduct interviews to determine if they should be recognized officially as asylum-seekers.

Access to the asylum procedure remains problematic. The 10-day filing deadline has led to the exclusion, and in some cases the *refoulement*, of substantial numbers of *bona fide* refugees. Moreover, the requirement that asylum-seekers register with the Turkish police nearest the border where they entered means that most Iranian and Iraqi refugees must apply for asylum in the provincial cities of eastern and southeastern Turkey, much of which remains insecure. Local police reportedly do not always register the claims of asylum-seekers.

Although African refugees are substantially fewer in number than Iraqi and Iranian refugees, they are of various nationalities and face substantial protection problems in Turkey, often because they are easily noticed. Many Africans face harassment, beatings, and arrests at the hands of the Turkish police.

Turkish authorities continued to deport undocumented immigrants of a variety of nationalities throughout the year. It was unclear how many of these may have had valid refugee claims.

Thus, U.S. resettlement from Turkey is needed not only to protect refugees needing a durable solution, but also to encourage other countries to resettle refugees out of Turkey. Turkey should also be admonished for its discriminatory treatment of non-European refugees.

Iranian Religious Minorities in Austria

Iran has been cited by the State Department year after year as a "country of particular concern for its severe and egregious violations of religious freedom." The U.S. refugee program in Vienna assists Iranian religious minorities, particularly members of the Jewish, Christian, Baha'i, Mandaean and Zoroastrian faiths, who have fled Iran and sought U.S. resettlement.

Largely as the result of changes in adjudication practices at the Vienna Office of the then-INS, an unprecedented surge in 2001 in INS denials of refugee applications in Vienna resulted in a population of over 700 Iranian religious minorities in Austria whose refugee applications had been refused. This group is unwilling to return to Iran, and their continued presence in Vienna is of great concern to the Austrian government, which has long been generous in welcoming refugee applicants eligible to apply for U.S. resettlement. Due to this growing population of denied applicants, the Austrian authorities have indicated they may severely restrict access to this door to religious freedom, particularly for Iranian Armenian and Assyrian Christians, who are suffering from the highest INS denial rate.

This year, cooperation between the Overseas Processing Entity (OPE) in Vienna and BCIS has resulted in a dramatic improvement in approval rates, primarily through better quality control of case submissions and adjudications, and heavy emphasis on the need for applicants not to exaggerate their claims. Improved practices have also resulted in the reversal of some of the negative refugee determinations, the State Department having funded temporary staff at the OPE to prepare Requests for Reconsideration for refugee applicants whose claims were previously denied.

In spite of these improvements, there remains a residual population of several hundred *bona fide* members of religious minorities from Iran who have been refused refugee status by the United States, and cannot be returned to Iran. Many of these denials are based on the interviewing officers'

determination that the treatment that the applicants suffered in Iran did not “rise to the level of persecution,” and does not “give rise to a well-founded fear of persecution.” Common sense, however, dictates that non-Muslim religious minorities should not be turned away by the United States and forced to return to Iran’s totalitarian theocracy.

As a solution, we recommend that the Secretary of Homeland Security use his power of humanitarian parole, as the Attorney General before him has long done for religious minorities from the FSU, to parole into the United States members of Iranian religious minorities who have been denied refugee status but are otherwise admissible. Unless changes occur in the U.S. processing of Iranians, this safe and orderly route to religious freedom may not remain open much longer.

Bhutanese Refugees in Nepal

Some 100,000 ethnic Nepalese refugees from the isolated Himalayan kingdom of Bhutan have been languishing in refugee camps in eastern Nepal for more than a decade. The refugees, who are Hindu, fled discrimination and human rights abuse at the hands of Bhutan’s majority Buddhist Drupka population.

Since 1993, the governments of Bhutan and Nepal have been at an impasse over the repatriation of the refugees. Although steps toward identifying appropriate candidates for repatriation began in 2001, the process is currently stalled. Even if Bhutan eventually permits some of the refugees to repatriate, it will never permit the return of the thousands of refugees who the Bhutanese government claims were “illegal immigrants” to Bhutan. The government of Nepal, which requires the refugees to live in camps because of local opposition to their presence, is also unlikely to permit any of the refugees to integrate locally. Therefore, resettlement may be the only possible durable solution for a number of the Bhutanese refugees. Revelations in 2002 of sexual abuse and exploitation in the refugee camps lend further urgency to the need for a durable solution. We recommend P-2 designation for at least those Bhutanese refugees who will never be able to return to Bhutan under the current government, which refuses to acknowledge them as Bhutanese, and for women at risk who have been targets of sexual exploitation or who have reason to fear such a fate.

Afghan Refugees in Pakistan

Since the overthrow of the Taliban regime in November 2001, well over two million Afghan refugees have returned to their country. Despite the significant number of spontaneous returns and a robust voluntary repatriation project facilitated by UNHCR, however, it is estimated that there are between 1.8 and 2.2 million Afghans still in Pakistan.

Afghan refugees in Pakistan have many reasons for refusing to repatriate to Afghanistan. The situation throughout much of Afghanistan is still very insecure, characterized by factional fighting, violence targeted at minorities, abuses against women’s rights, lack of law and order outside of Kabul, deficiencies in shelter, food insecurity, diminishing income opportunities and limited educational prospects. These conditions militate against safe and sustainable return for many vulnerable refugees. Not all are strong enough to tackle the substantial challenges that await them in Afghanistan. For some, safe repatriation is simply not possible at this time.

There is a long list of *bona fide* refugees living in Pakistan who would benefit from, and qualify for, resettlement to the United States. They include torture and trauma victims who suffered terrible persecution in Afghanistan. In addition, many Pashtun refugees from the north of Afghanistan face violence and abuse from non-Pashtuns now controlling the area. (Indeed, violence against the “new minorities” in the north has resulted in significant internal displacement and an increased outflow of new asylum-seekers to border countries in the past year.) Other protection-related categories include adherents of non-Islamic religions, women who are perceived as transgressing prevailing social mores, and single women-headed households lacking male protection and support. The repatriation of such refugees would clearly involve unacceptable danger.

At the same time, not all the refugees in Pakistan can rely on continued asylum there. The government of Pakistan continues to encourage, and at times even force, refugees to return to Afghanistan. Police round-ups, harassment and deportations are not uncommon, particularly in urban areas. The government has severely curtailed basic assistance programs, and a huge percentage of international donor dollars are designated for repatriation operations, not asylum programs.

Working with UNHCR and NGOs in the country, the United States should continue to accept resettlement referrals made on behalf of refugees who cannot return to Afghanistan and who face deteriorating asylum conditions in Pakistan.

Afghan, Burmese, and Other Refugees in India

Some 14,000 UNHCR-recognized urban refugees live in India, primarily in New Delhi. The large majority are Afghans. Others are Burmese, Iranian, Iraqi, Sudanese, Ethiopian, and Somali. Among the Afghan refugees living in New Delhi—many of whom are long-stayers—a large percentage are Hindu or “Indian-origin Afghans,” while others are Muslim or “ethnic Afghans.”

Of the approximately 1,000 UNHCR-recognized Burmese, about 80 percent belong to the Chin ethnic group, while the rest are ethnic Burman, Arakanese, Shan, and Kachin. Most are Christian, while others are Buddhist. The group includes women, children, torture survivors, and elderly. They were persecuted by the Burmese military regime for their ethnicity, religion, and/or pro-democracy activities. These urban Burmese refugees are distinguishable from the estimated 50,000 ethnic Chin who reside in Mizoram State in Northern India (and whom UNHCR is not permitted to assist). The urban refugees have been living for years in suburban areas of New Delhi, at constant risk of forced expulsion despite their status with UNHCR.

Afghan, Burmese, and other UNHCR-recognized refugees in India have no legal status and are not legally permitted to work. UNHCR provides newly recognized urban refugees temporary cash assistance, but terminated regular assistance to most long-term refugees several years ago. Instead, UNHCR offered most urban refugees one-time “self-sufficiency” grants that Indian advocacy groups and the refugees themselves have sharply criticized, saying that the grants were too small and that the local authorities prevented refugees from carrying out business activities. UNHCR has also offered training programs, but graduates rarely found jobs because employers could not legally hire them. As a result, many refugees have been left in destitution, without access to any further assistance. Both Afghan and non-Afghan refugees in India face harassment, with the police regularly stopping them, asking for their papers, and attempting to blackmail them because of their lack of legal status.

With no legal protection and little possibility for local integration, these refugees are appropriate candidates for U.S. resettlement. Despite this, relatively small numbers are referred each year. To facilitate the processing of these refugees, the United States should consider designating specific, vulnerable, and identifiable groups of refugees in India—such as Afghans, Burmese, and long-stayers—as P-2 groups for processing by a Joint Voluntary Agency in New Delhi.

The Burmese Chin may be particularly in need of a P-2 designation. In 2000, Indian authorities arrested and deported thousands of Chin refugees to Burma. India has reportedly attempted to improve relations with the Burmese military regime to protect India’s national interests. Most of the Indian separatist movements from the Northeast Indian states base their activities in Burma, and India relies on the Burmese military regime to help stop rebel activities. This has resulted in military cooperation between the two countries.

V Conclusion

We have given much attention in this year's annual refugee admissions report to security-related threats to the U.S. refugee program because the program's continued viability is, and must be, our primary preoccupation. It is our collective conviction that the U.S. program is in crisis and requires substantial restructuring. Inaction in our view could result in the virtual abandonment of this country's commitment to improving conditions for refugees around the world.

That said, the members of Refugee Council USA, based upon the experiences of their networks and their volunteers around the country, also believe that the U.S. commitment to resettle refugees endures. Our report, therefore, has reflected the view that public officials and political leaders of both parties, opinion-makers, and community, civic and religious leaders want the refugee program to succeed so that we can return to our leadership role in welcoming a significant number of the world's refugees.

Our recommendations for the program's betterment, therefore, have been made in an optimistic and constructive spirit, and we look forward to a dialogue with our partners and with all who take an interest in this great humanitarian exercise.





Appendices

Appendix 1: Description of U.S. Refugee Processing Priorities—FY 2003

PRIORITY ONE:

Priority one is reserved for compelling protection cases or refugees for whom no other durable solution exists who are referred for U.S. resettlement by the UNHCR or a U.S. embassy. Historically, these have included: persons facing compelling security concerns in countries of first asylum; persons in need of legal protection because of the danger of *refoulement*; those in danger due to threats of armed attack in areas where they are located; persons who have experienced persecution because of their political, religious, or human rights activities; women-at-risk; victims of torture or violence; physically or mentally disabled persons; persons in urgent need of medical attention not available in the first-asylum country; and persons for whom other durable solutions are not feasible and whose status in the place of asylum does not present a satisfactory long-term solution. P-1 referrals must still establish a credible fear of persecution or history of persecution in the country from which they fled.

PRIORITY TWO:

Africa: Persons belonging to U.S. State Department-identified refugee groups (within specific nationalities) in consultation with NGOs, UNHCR, the INS, and other area experts. Groups are selected based on their individual circumstances. In FY 2003, about 12,000 Somali Bantu in Kenya have been designated for eligibility under P-2.

Cuba: In-country, emphasis given to former political prisoners, members of persecuted religious minorities, human rights activists, forced-labor conscripts, persons deprived of their professional credentials or subjected to other disproportionately harsh or discriminatory treatment resulting from their perceived or actual political or religious beliefs or activities, and others who appear to have a credible claim that they face persecution.

Iran: Members of Iranian religious minorities, primarily in Austria.

Former Soviet Union: In-country, Jews, Evangelical Christians, and certain members of the Ukrainian Catholic or Orthodox Churches. Preference among these groups is accorded to those with close family in the United States. In addition, a group of Armenians from Baku, Azerbaijan, living in Russia have been designated for eligibility under P-2.

Vietnam: In-country, residual cases resulting from established programs: former reeducation camp detainees who spent more than three years in detention camps subsequent to April 1975 because of pre-1975 association with the U.S. Government or the former South Vietnamese Government; certain former U.S. Government employees and other specified individuals or groups of concern; and persons who returned from first-asylum camps on or after October 1, 1995 who qualify for consideration under the Resettlement Opportunities for Vietnamese Returnees (ROVR) criteria. In addition, residual Orderly Departure Program (ODP) cases registered and previously determined eligible for consideration may be processed. The designation also includes Amerasian immigrants, whose admissions are counted in the regional ceiling.

PRIORITY THREE:

Spouses, unmarried children of any age, and parents of persons lawfully admitted to the United States as permanent resident aliens, refugees, asylees, conditional residents, and certain parolees; unmarried children at least 21 years of age of U.S. citizens; and parents of U.S. citizens under 21 years of age. (Spouses and unmarried children under 21 years of age of U.S. citizens and the parents of U.S. citizens who have attained the age of 21 are required by regulation to be admitted as immigrants rather than as refugees.)

PRIORITY FOUR:

Grandparents, grandchildren, married sons and daughters, and siblings of U.S. citizens and persons lawfully admitted to the United States as permanent resident aliens, refugees, asylees, conditional residents, and certain parolees. (Not available for any nationality in FY 2003.)

PRIORITY FIVE:

Uncles, aunts, nieces, nephews, and first cousins of U.S. citizens and persons lawfully admitted to the United States as permanent resident aliens, refugees, asylees, conditional residents, and certain parolees. (Not available for any nationality in FY 2003.)

Source: *U.S. Department of State, Bureau of Population, Refugees, and Migration. Compiled by the U.S. Committee for Refugees, Refugee Reports, December 2002, page 13.*

Appendix 2: Regional Refugee Ceilings and Admissions to the United States, FY 1990–2003

	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99	FY 2000	*FY 2001	*FY 2002	FY 2003	TOTAL
Africa (Actual Admissions) (Ceilings)	3,494 3,500	4,424 4,900	5,491 6,000	6,969 7,000	5,856 7,000	4,779 7,000	7,512 7,700	6,069 7,000	6,662 7,000	13,038 12,000	17,549 18,000	18,979 21,000	2,367 22,000	20,000	103,189
East Asia ^a	51,611 51,800	53,486 53,500	51,848 51,850	49,858 51,000	43,581 45,000	36,926 40,000	19,235 25,000	8,590 10,000	10,848 14,000	10,204 9,000	4,561 8,000	3,725 6,000	3,036 4,000	4,000	347,509
Eastern Europe ^b	6,196	6,855 7,000	2,886 2,900	2,651 2,725	7,477 (7,000)	9,987 (2,900)	12,081 (2,725)	21,378	30,911	38,654 38,000	22,551 27,000	15,776 20,000	5,386 9,000	2,500	182,789
USSR/Former USSR ^b	50,716 58,300	38,661 46,500	61,298 61,400	48,627 49,775	43,470 53,000	35,716 48,000	29,536 45,000	27,072 48,000	23,349 51,000	16,922 23,000	14,542 20,000	14,888 17,000	9,757 17,000	14,000	414,554
Latin America	2,309 2,400	2,237 3,100	2,924 3,000	4,126 4,500	6,437 9,000	7,618 8,000	3,541 6,000	2,986 4,000	1,587 4,000	2,110 3,000	3,233 3,000	2,972 3,500	1,912 3,000	2,500	43,992
Near East and South Asia	4,991 5,000	5,359 6,000	6,844 6,850	7,000 7,000	5,861 6,000	4,464 5,000	3,788 4,300	3,990 4,000	3,197 4,000	4,078 4,000	10,079 8,000	12,086 12,500	3,554 15,000	7,000	75,291
Unallocated Reserve ^c			(1,000)	(1,000)	(3,000)	2,000	2,000	5,000	3,000	2,000	**6,000	0	0	***20,000	
Privately Funded (Unallocated)	3,009 4,000	1,789 10,000	882 10,000	251 10,000	0 1,000	0 2,000	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0	5,931
Total	122,326 125,000	112,811 131,000	132,173 142,000	119,482 132,000	112,682 121,000	99,490 112,000	75,693 90,000	70,085 78,000	76,554 83,000	85,006 91,000	72,515 **90,000	68,426 80,000	*26,317 70,000	***70,000	*1,173,560

Note: During the period FY 75–FY 89, the United States admitted 1,314,452 refugees from the following regions: Africa-20,567; East Asia-930,154; Eastern Europe-99,408; Soviet Union-168,852; Latin America-34,837; and the Near East and South Asia-60,634. These persons do not appear in this table.

^a Ceilings and actual admissions figures for East Asia include both first-asylum resettlement and the Orderly Departure Program (ODP) from Vietnam. ODP figures include Amerasian immigrants.

^b In FY 91, FY 92, and FY 93, Eastern Europe and the Soviet Union had separate ceilings. In all other years, the regions have a combined ceiling. (The FY 1999–2003 sub-regional ceilings are represented.)

^c In FYs 92–94, admissions numbers included an unallocated reserve. These unallocated places were incorporated into the adjusted regional ceilings, maintaining the overall admissions ceiling.

* FY 2002 data are preliminary. The total for FY 2002 includes 305 persons of unreported nationality who do not appear in this chart.

** Due to a funding shortfall in its Migration and Refugee Assistance account, PRM reduced the FY 2000 unallocated reserve from 6,000 to 1,000. The “unofficial” ceiling became 85,000.

*** Although the ceiling for FY 2003 is 70,000, it includes 20,000 unallocated admissions spaces, making the “unofficial ceiling” 50,000, according to the U.S. State Department.

Source: U.S. Department of State, Bureau of Population, Refugees, and Migration. *Tabulated by the U.S. Committee for Refugees, Refugee Reports, December 2002, page 9.*

Appendix 3: USCR Chart of DOS/PRM Priorities by Nationality—FY 2003

P-1*		P-2 ⁽¹⁾	P-3 ⁽²⁾	P-4	P-5
<i>All Nationalities Eligible</i>	Burundians		X		
	Congolese (Brazzaville)		X		
	Congolese (DRC)		X		
	Cubans	X			
	Former Soviet Union ⁽³⁾	X			
	Iranians	X			
	Somali	X			
	Sudanese		X		
	Vietnamese ⁽⁴⁾	X			

* Members of any nationality group—not only those listed in this table—may apply for admission to the United States under Priority One (P-1) if referred by the UN High Commissioner for Refugees or, under specific limited circumstances, U.S. Embassies. However, prior consultation with the Department of State and INS headquarters is required for certain nationalities determined before the beginning of each fiscal year.

¹ See explanation of those eligible as groups of special concern under Priority Two (P-2). (*see page A-1*) In addition to the P-2 groups of humanitarian concern listed, the State Department anticipates adding other groups during FY 2003. Groups under consideration include: African long-stayers in Russia; refugees in mixed marriages in the Mkugwa camp in Tanzania; certain Congolese in Angola; and Kuname Eritreans in Walanibhy camp in Ethiopia.

² The U.S. State Department eliminated Priority Three (P-3) processing for Angolans and Sierra Leoneans in FY 2003. The State Department will continue to “explore a redesign of the family reunification component of the admissions program” during FY 2003 in an effort to develop a “more secure, more fraud-resistant, and more widely available family reunification priority that would replace the existing P-3 program.” (*see page A-1*)

³ While all persons who were nationals of the Soviet Union as of September 2, 1991 are eligible to be considered for refugee processing by establishing a well-founded fear of persecution, Jews, Evangelical Christians, and Ukrainian Catholic and Orthodox religious activists may establish refugee status for U.S. admission by asserting a fear of persecution and asserting a credible basis of concern about the possibility of such persecution.

⁴ Vietnamese who were members of certain category groups identified by the INS in 1983 may establish refugee status for U.S. admission by asserting a fear of persecution and asserting a credible basis of concern about the possibility of such persecution.

Source: U.S. Department of State, Bureau of Population, Refugees, and Migration. Compiled and formatted by the U.S. Committee for Refugees, Refugee Reports, December 2002, page 12.

Appendix 4: Immigration and Nationality Act, Section 101(a)(42)

The term “refugee” means: (A) any person who is outside any country of such person’s nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such circumstances as the President after appropriate consultation (as defined in Section 207 (e) of this Act) may specify, any person who is within the country of such person’s nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term “refugee” does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion. For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control programme, shall be deemed to have been persecuted on account of political opinion, and a person who has a well-founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well-founded fear of persecution on account of political opinion.

Appendix 5: Glossary of Acronyms

BCIS	Bureau of Citizenship & Immigration Services
CIS	Commonwealth of Independent States
CPA	Comprehensive Plan of Action
DHS	Department of Homeland Security
DRC	Democratic Republic of Congo
DOS/PRM	Department of State Bureau of Population, Refugees, and Migration also referred to as the State Department
EU	European Union
FSU	Former Soviet Union
FY	Fiscal Year
ICRIRR	International Conference on the Reception and Integration of Resettled Refugees
IDP	Internally Displaced Person
IOM	International Organization for Migration
INS	Immigration and Naturalization Service
MOU	Memorandum of Understanding
NGO	Nongovernmental Organization
OAU	Organization of African Unity
ODP	Orderly Departure Program
OPE	Overseas Processing Entity
ORR	Office of Refugee Resettlement
P-1, P-2, P-3, P-4, P-5	Processing Priorities
RAVU	Refugee Access Verification Unit
ROVR	Resettlement Opportunity for Vietnamese Returnees
RRS	Refugee Resettlement Section
SAO	Security Advisory Opinions
THAP	Temporary Humanitarian Assisted Persons
TVRA	Torture Victims Relief Act
UN	United Nations
UNHCR	UN High Commissioner for Refugees
USCR	U.S. Committee for Refugees
WFP	World Food Program
ZAR	<i>Zone d'Accueil des Refugies</i>

Appendix 6: The Refugee Council USA

The Refugee Council USA is a coalition of U.S. non-governmental organizations focused on refugee protection. The Refugee Council USA provides focused advocacy on issues affecting the protection and rights of refugees, asylum seekers, displaced persons, victims of trafficking and victims of torture in the United States and across the world. Particular areas of concern are adherence to international standards of refugee rights, the promotion of the right to asylum, political and financial support for UNHCR, and the promotion of durable solutions, including resettlement to the United States. The Refugee Council USA serves as the principal consultative forum for the national resettlement and processing agencies as they formulate common positions, conduct their relations with the U.S. Government and other partners, and support and enhance refugee service standards.

The members are:

Amnesty International USA
Center for Victims of Torture
Church World Service/Immigration & Refugee Program
Episcopal Migration Ministries
Ethiopian Community Development Council
Hebrew Immigrant Aid Society
Immigration & Refugee Services of America
International Catholic Migration Commission
International Refugee Research Institute
International Rescue Committee
Jesuit Refugee Service/USA
Kurdish Human Rights Watch
Lawyers Committee for Human Rights
Lutheran Immigration & Refugee Service
Migration & Refugee Services/United States Conference of Catholic Bishops
Southeast Asia Resource Action Center
U.S. Committee for Refugees
Women's Commission for Refugee Women & Children
World Relief



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