

## Comments by World Relief

### Prepared for the Public Meeting on the President's FY 2007 Refugee Admissions

June 28, 2006

The issue of material support has fundamentally altered the U.S. refugee resettlement program and has particularly negatively impacted specific refugee groups of concern to the U.S. government.

The interpretation of the material support bar to now deny bona fide refugees the protection of the U.S. has implications that affect not only the very lives of the refugees who have no hope for repatriation or local integration in their current country of asylum but has prolonged the separation of U.S. families and forced UNHCR to change its operations so as to provide the best durable solution to these vulnerable refugees.

Many of the Burmese Chin refugees in New Delhi, in particular, have been adversely affected by the material support bar. A World Relief staff member was deployed through ICMC in New Delhi to help in the processing of refugee cases for resettlement. During the process of the resettlement interviews with the Burmese Chin refugees, it was nearly impossible to anticipate what questions DHS might ask or what may or may not constitute material support. Even if there is no obvious support of groups such as the Chin National Front (CNF) or the Chin National Army (CNA), due to certain decisions that have been made at a village level, refugees may have inadvertently given money to support groups like the CNF because the village council president was forced to collect money from the villagers.

In this caseload, it is oftentimes not an issue of whether they have been members of "terrorist" organizations but whether they were compelled, due to circumstances, to provide support to such organizations. Because a number of Burmese Chin refugee cases have been placed on hold for "material support" by the Department of Homeland Security pending a much-needed clarification of the law, many of these Burmese Chin refugees who were supposed to be referred to the U.S. are now being referred to other resettlement countries.

The following are some real-life examples of refugees affected by the material support bar. Names have been changed for purposes of confidentiality.

#### **CASE #1:**

**Rebecca** is a 16 year old unaccompanied minor, Christian Chin girl. She stopped going to school in 5<sup>th</sup> grade in order to help her parents with their farm. Her father was suffering from tuberculosis and died 2004. It is customary in Chin tradition to bury someone and then put up a tomb stone with an inscription on it by the side of the road, which is a separate location from the burial site. Rebecca's oldest brother Tin, who reportedly joined the Chin National Army (CNA) when Rebecca was very young, came

to town during this tomb stone ceremony, which was held in 2005. Rebecca states that they did not recognize each other, as he left home when she was very young. Tin attended the ceremony and came to Rebecca's parent's house, along with two of his CNA friends. He and the friends spent 1 day and 2 nights at the family's house. After the ceremony was over and Tin left, the Burmese military found out that the CNA had been to Rebecca's parent's house. A couple of days later Rebecca's mother went out of town, along with one of Rebecca's sisters who had come for the ceremony, leaving Rebecca alone to attend to the house. Two days later ten soldiers from the Burmese military came to Rebecca's house along with the village council president. The soldiers came into the house and searched for Rebecca's brother. The Burmese military thought Rebecca was hiding her brother and wanted her to give a report to them if her brother came back. They said that she could suffer severe consequences for having housed and fed her brother, who was reportedly a member of the CNA. One of the soldiers attempted to rape her but the village council president intervened and she managed to escape. She fled to her uncle's house and they decided together it would be best for her to flee Burma because of the consequences she might face if she stayed.

After arriving in New Delhi, Rebecca registered with UNHCR New Delhi and was recognized as a refugee on the grounds of having a well-founded fear of persecution based on **imputed political opinion**, as she was accused of being a supporter of the CNA based on her brother's alleged involvement with the CNA. She was also recognized on grounds of having a well-founded fear of persecution based on **race**. She also feared further sexual violence against her based on her belonging to an ethnic minority group, the Chin.

Rebecca is living with unrelated persons in New Delhi and has been recognized as a refugee in need of resettlement. She is 16 years old and her only family living outside of Burma is in the United States. She has expressed a desire to live with her relative in the U.S., however due to the material support issue her case has been submitted to another resettlement country.

## **CASE #2**

**Ni Uk** is a 59 year old married, Christian Chin man. He is living with his wife, three adult children, one grandchild and his daughter's husband in New Delhi. He worked for the Burmese government as Village Council Clerk until the 1988 uprising. During the 1988 uprising he campaigned for his department to get involved in the uprising. As a result of his efforts, Ni Uk and members of his department were involved in the demonstrations. Due to his involvement in the uprising, Ni Uk was dismissed from his government job as Village Council Clerk. After the military government took power, Ni Uk joined the National League for Democracy (NLD). He was one of the founding members of the NLD in his local township. In 1989 he was appointed by Aung San Suu Kyi and Thaw Ka to be an NLD organizer. Due to his NLD and pro-democracy activities the Burmese military came to his house in January 1992, searched his house and found pro-democracy literature. He was arrested and sent to the Mandalay jail. He was released later that same year. After that he was closely watched by the Burmese military

intelligence. Ni Uk's NLD office was closed in 1993, however, he continued with his NLD activities underground. The Burmese military continued to watch him. In 1996 one of the Members of Parliament was arrested. Due to the fact that Ni Uk was his campaign manager, he went into hiding as soon as he found out about the arrest. A few days later Burmese military soldiers surrounded Ni Uk's house to try to arrest him. However, he was not home at the time. The Burmese military searched his house and found books and pamphlets including a book called "Freedom from Fear" from Aung San Suu Kyi. Due to fear of being arrested, Ni Uk decided to flee Burma.

He lived in Mizoram for several years and continued to work for the NLD. In 2003 he and other Burmese were driven from the area by the local Mizo people, who threatened to have them deported back to Burma. Ni Uk and his family went to New Delhi to seek UNHCR's protection. Ni Uk's children were also actively involved in the NLD and fled Burma on account of their father's and their own involvement with the NLD. In 2004 Ni Uk and his family were granted refugee status on grounds of having a well-founded fear of persecution based on his **political opinion**. Ni Uk and his family have been referred for resettlement.

The Department of State recognizes the human rights situation in Burma. In a statement released to Congress in October 2005, they stated,

"The SPDC's severe abuses of human rights have been documented by NGOs, the UNCHR Special Rapporteur, and numerous other sources. Identified by Secretary of State Rice as one of the world's "outposts of tyranny," Burma continued to restrict freedom of speech, press, assembly, religion, and association. Additional abuses in ethnic minority areas included persecution, torture, disappearances, extrajudicial executions, demolition of places of worship, forced relocation, rape, and forced labor. Burmese citizens were not free to criticize their government. Security forces regularly monitored the movements and communications of residents, searched homes without warrants, and relocated persons forcibly without just compensation or legal recourse. In 2004, the United States again designated Burma as a "Country of Particular Concern" for its severe violations of religious freedom, especially among Muslim and Christian populations, and in 2005 ranked Burma as a Tier 3 country for its unwillingness to make serious and sustained efforts to combat trafficking in persons." *Conditions in Burma and U.S. Policy Toward Burma for the Period March 28 - September 27, 2005. Bureau of East Asian and Pacific Affairs; Released to Congress October 11, 2005.*

However, despite the fact that the U.S. government recognizes the conditions within Burma and supports their pro-democracy movements, refugee cases such as Ni Uk's are not being referred to the USRP because of the material support issue.

### **CASE #3**

**Steven** was a school teacher. He had a government job. A few years after he started working at a new school, a Buddhist headmaster was hired. The headmaster started implementing a lot of changes, including having Buddhist prayer in the morning and forcing Chin children to take school time to build a Buddhist temple. The villagers were

primarily Chin. The children and parents looked to Steven for leadership and direction since he was a teacher and could speak Burmese. Steven confronted the headmaster and they had many arguments due to philosophical and religious differences. One year Steven was arrested by the Burmese military. He later found out that the reason he was arrested was because the headmaster had falsely accused him of hosting members of the CNF at his house. Steven was released 3 days later because the accusations could not be substantiated. Steven continued to struggle with the Buddhist headmaster. He wanted to leave his job but was not allowed to do so because he had a government job. Steven continued at his job and was actively involved in his church. He would teach Sunday school and would also teach students the Chin language, after school hours, in his home. The headmaster did not say anything, but did not approve of Steven's activities. One day Steven was told that he had to meet with a local government educational representative. On his way to this meeting, Steven was approached by the Burmese military, who identified him, then escorted him to the town where he was supposed to have this meeting. He was instead brought to a Burmese military camp, where he was arrested. He was interrogated about his activities and tortured. He was detained for 2 weeks, then released. He was told to cease his activities and not tell anyone what had happened at the military camp. After he was released he immediately went to the hospital for treatment. Steven contacted a friend who worked for the police. His friend told him that his case was serious and advised him to flee the country. Steven went home, got his family and fled immediately.

Steven and his family are now living in New Delhi. They have a large family and are struggling to make ends meet. They have been referred for resettlement. Steven has a sister in the U.S. and has requested that he and his family be allowed to resettle in the U.S., where he can get her help and support. However, due to the fact that Steven and his family are Chin and due to the false allegation of his involvement with the CNF, his case will most likely not be referred to the U.S. for resettlement. Rejection by the U.S. might jeopardize his chances of being considered for resettlement by another resettlement country.

These are but a few examples of how the material support bar is adversely affecting the U.S. resettlement program. This bar is detrimental not only to the Burmese Chin refugees who increasingly have no hope for local integration but to thousands of other refugee groups the U.S. may consider for resettlement. Even if DHS decided that the above mentioned cases did not constitute material support, UNHCR field offices will not refer these cases to the USRP for fear that DHS may reject them due to the material support bar. This has placed undue burden on UNHCR to find other countries willing to resettle large numbers of refugees and makes it extremely difficult for UNHCR to carry out their protection mandate.

The U.S. resettlement program is a strong tradition through which the U.S. is able to demonstrate its commitment to provide refuge for those who are persecuted all over the world. A quick resolution to this troubling situation is urgently needed so that the

Burmese Chin will be able to reunite with their family here in the U.S. and start to rebuild their lives in a new land.

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