

Statement
Of
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U.S. Conference of Catholic Bishops
On
FY 2007 Refugee Admissions
(Burmese Refugees and Unaccompanied Refugee minors)
To
Bureau of Population, Refugees and Migration
U.S. Department of State

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I am Anastasia Brown, the Director of Refugee programs for Migration and Refugee Services of the U.S. Conference of Catholic Bishops. I would like to thank the Bureau of Population, Refugees and Migration for calling this public hearing. I will focus my remarks on the situation of Burmese refugees and Unaccompanied Refugee Minors.

Burmese Refugees:

For the past two decades, the military regime in Burma has targeted ethnic minorities with policies of ethnic cleansing and eradication of religious minorities. Entire villages have been displaced from their land and churches have been destroyed. Persons have been forced into slave labor, conscription, and have experienced torture and systematic rape. We should take note that the current regime in Burma seized power from a democratically-elected government, and has held the elected leader under house arrest for many years

It is important to note the entire population of uprooted Burmese stands at an estimated 1.5 million. Of that total, as many as 800,000 are internally displaced within Burma while about 700,000 are refugees located in neighboring countries.

Of the neighboring countries, Bangladesh hosts about 150,000 Burmese refugees, mostly ethnic Rohingya. Of those, only 20,000 are in the two camps operated by the United Nation's High Commissioner for Refugees (UNHCR), while the rest are outside the camps with no official status and living in difficult conditions. About 60,000 ethnic Chin from Burma live in Mizoram State, in the eastern half of India. India considers this population to be illegal and will not grant UNHCR access to them. Smaller number of Burmese Chin and other ethnic minorities live as urban refugees in New Delhi and are extremely marginalized and vulnerable. MRS/USCCB and other refugee organizations have long advocated for the resettlement of the Burmese in New Delhi.

An estimated 25,000 Burmese refugees and asylum-seekers, mostly ethnic Chin and Rohingya, live in Malaysia, and they, too, live in extremely difficult conditions. While the United States has committed to resettling several thousand Chin from Malaysia, those plans are now in jeopardy because of the issue of the "material support" grounds of inadmissibility which has been raised by Richard Parkins on behalf of Refugee Council USA.

Thailand hosts the majority of Burmese refugees. According to recent statistics, more than 450,000 refugees and asylum-seekers reside in Thailand. Of those, 142,917 live in 9 camps along the Thai-Burma border, most of which are of the Karen and Karenni ethnic groups. According to UNHCR, 100,840 refugees in the camps are registered and 36,874 unregistered, which means that the Thai government does not "officially" recognize these refugees.¹ This includes about 8,000 unaccompanied minors living in camps, a group that I will discuss in greater detail later. There are also an estimated 200,000 ethnic Shan refugees living in Thailand

¹ Registration is an important element of refugee protection in Thailand, as it allows refugees legal protection and the right to remain in the country. In addition, it allows for an exit permit to be granted if a refugee is invited to resettle in a third country.

with no legal protection and no access to the camps. The remainder of the refugees in Thailand are living outside camps in various rural and urban settings.

The Option of Third Country Resettlement for Burmese refugees

There are three durable solutions for refugees in the world: 1). repatriation to their home at such time as it is safe to return; 2). permanent resettlement in the country of first asylum; and 3). resettlement to a third country. Because of the ongoing situation in Burma, which has lasted for over twenty years, it is highly unlikely that a large scale repatriation will occur in the near future. For political and economic reasons, the Thai government, as well as the governments of other neighboring countries, has been unwilling to permanently accept the Burmese refugee population. The only real solution to the plight of many of the Burmese refugees is resettlement to a third country, such as the United States. This option would provide them an opportunity to start their lives and the lives of their families anew.

The Thai government has recently shown a willingness to consider third country resettlement for the Burmese refugee population in their country. The United States government, through the Office of Population, Refugees, and Migration (PRM), has recognized that repatriation to Burma and permanent resettlement in Thailand are not possible at this time and has agreed to consider for resettlement approximately 9,463 refugees in Tham Hin camp west of Bangkok. These refugees could be resettled in the United States during the current fiscal year.

The Department of State exercised its discretionary authority to determine that the material support bar is inapplicable to ethnic Karen refugees in the Tham Hin camp. We are grateful for this determination. However, the process of consultation for this one group took more than 6 months, and the exception was unable to provide relief to many in the camp. Meanwhile, Karen refugees with similar claims in other camps cannot be considered, nor can Chin refugees in Malaysia be processed.

Many Burmese refugees who have fled religious persecution have been impacted by the material support provisions because they may have contributed to ethnic or religious organizations that may be associated with sub-groups that oppose the repressive Burmese authorities. While these parent groups and sub-groups have not been designated by the State Department as foreign terrorist organizations, the activities of certain sub-groups that advocate the overthrow of the military rulers of Burma may be construed as a “terrorist activity” under the broadly interpreted provisions from the REAL ID and US Patriot Acts. Furthermore, the law, broadly interpreted, would provide no exception to the bar for refugees who may have provided assistance against their will, or under “duress.”

This bar to admissibility is having a profound impact on the Burmese refugee population as a whole. In one case, a woman who offered two tins of rice to the resistance army and who lost her husband in the conflict and was systematically raped by the Burmese army would be excluded under this provision. There are other compelling cases which demonstrate that the material support bar should not apply to this vulnerable population.

We join our colleagues in urging the Department of State to work towards a comprehensive solution for deserving refugees who may be excluded from protection because of the interpretation of security provisions in the USA Patriot and Real ID Acts. The Department should also be vigilant in pursuing additional exceptions to the bar for refugees.

Resettlement Recommendations:

We support the expansion of resettlement of Burmese refugees in FY07. Some possible groups for consideration include:

- Thailand – Designation of an additional group for processing, including implementation of an exception to the Material Support bar.
- Malaysia – Designation of Chin in Malaysia for group processing, including implementation of an exception to the Material Support bar.
- India – Designation of Chin in New Dehli for group processing, including implementation of an exception to the Material Support Bar.

The Plight Unaccompanied Refugee Minors

We remain concerned that the plight of separated and unaccompanied refugee children (URMs) must not be ignored. URMs are defined as children who are not currently living with their parents or primary care givers. Children living without the protection of their parents have greater vulnerabilities even than other refugees. They cannot speak for themselves. The lack of adequate protection also increases the potential that refugee children become victims of human trafficking.

The current system of protection within UNHCR and the US Refugee Program (USRP) is improving but needs continued attention and more improvement. The establishment of Vulnerable Minors Working Group between RCUSA and PRM is an excellent and helpful step. Because of the workgroup discussions, we have seen improvement in overseas processing and fewer unaccompanied child cases being lost because of arrival after age 18. More, of course, remains to be done.

UNHCR estimates that 3-5% of refugee flows are unaccompanied (not including separated) minors, a number which has remained remarkably consistent over many years. However, the number of unaccompanied children offered the protection of resettlement by USRP in FY 05 was approximately 42; a negligible % of the possible number who may need this protection and less than a fraction of a percent of the 53,813 refugees resettled in the U.S. in the same fiscal year.

Within the Burmese refugee population are thousands of unaccompanied refugee minors. These children have lost their parents, some of whom have been killed in the conflict. They have languished in camps for years and have no access to education beyond the tenth grade. They

have little hope for their future and face the prospect of living in refugee camps most of their lives.

According to the UNHCR, there are approximately 8,000 Burmese unaccompanied refugee minors in Thailand and an untold number in Malaysia. In Thailand, these children live in the border camps in a variety of arrangements, including in boarding houses, with blood relatives, with non relative foster care families, or on their own.

In Malaysia, a smaller number of teenaged Burmese URMs live in the jungles outside Kuala Lumpur. These teenage boys eke out an existence by working at local construction sites or in other menial jobs. They have no access to education and no future other than what they currently know.

MRS/USCCB believes that URMs are particularly vulnerable and, under certain circumstances, should be given the opportunity to escape the imprisonment of refugee camps and start a new life in a new country. Burmese URMs, many of whom know only life in a refugee camp, should be considered for resettlement in the United States.

In addition to the Burmese children in Thailand, DOS, UNHCR and NGO 's should be aware of the particular vulnerabilities of minors worldwide and insist that durable solutions should be found for them as soon as possible. NGO's particularly should be encouraged to step forward to refer vulnerable children to the State Dept for protection.

One of the goals of working with unaccompanied children is to facilitate family reunification whenever possible. However, the current design of the Priority 3 family reunification process for the U.S. actually inhibits children who have been resettled from achieving this goal. Often we find that surviving family members of URMs may in fact be siblings and not parents. We strongly feel that the current Priority system needs to be adjusted to allow URMs resettled in this country to file for siblings or other close relatives.

Recommendations:

- We support continued efforts to improve overseas processing so that the particularly vulnerable unaccompanied and separated refugee children can be protected.
- Within the Priority 3 processing system, we recommend that the system be made more flexible so that unaccompanied children may sponsor siblings and other relatives if they can be found. Often siblings may be their closest living relatives.
- We encourage PRM to reexamine its system for identifying vulnerable minors so that the numbers identified and served comes closer to the probable numbers who need our nation's help.
- We support the U.S.'s continued advocacy with UNHCR to have a thorough and professional effort to do Best Interest Determinations in East Asia for the Burmese unaccompanied children as well as strengthening the process elsewhere.

- We support continued enhancement of NGO's ability to identify and refer vulnerable minors for consideration by the USRP.
- We support the concept of Rapid Response Teams which should include child specialists who can assist in identifying and recommending protection for vulnerable minors in refugee situations.