

Statement of

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Regarding Refugees in Nepal and Refugee Children Alone in the World

at the Public Hearing of
The Bureau of Population, Refugee, and Migration
U.S. Department Of State

on the
U.S. Refugee Program for Fiscal Year 2007

June 28, 2006

I am Ralston H. Deffenbaugh, Jr., President of Lutheran Immigration and Refugee Service (LIRS) and I thank you on behalf of LIRS for convening this important public hearing. I will focus mostly on the dire situation of the Tibetan and Bhutanese refugees in Nepal.

First, however, I want to join in the Refugee Council USA testimony offered by Richard Parkins of Episcopal Migration Ministries and underline the overwhelming necessity to find a lasting solution to the “material support” issue without delay. Otherwise, literally tens of thousands of innocent victims of persecution will be doubly harmed.

Tibetan and Bhutanese Refugees in Nepal

In the world today, over 7 million refugees have been warehoused for 10 years or more. This figure includes more than 120,000 refugees in Nepal. For many years LIRS and our international partner, the Lutheran World Federation, have strongly advocated on behalf of these refugees for protection and durable solutions.

Over 20,000 Tibetans and their descendants reside in settlements scattered throughout Nepal. The vast majority arrived before 1989 and particularly during the period between 1959 and 1974. In 1986 after Nepal and China implemented a new treaty, the ability of Tibetans to travel through or into Nepal was significantly restricted. In 1989, pressure from the Chinese government and the growing number of new arrivals led Nepal to initiate a strict border-control policy. The Nepalese government made clear that it would in the future refuse to accept or to recognize new Tibetan refugees.

The status of Tibetan refugees in Nepal is unclear; they are not recognized as refugees or given any definable legal status. Without rights to own property and businesses, to travel, and to work

freely in industries outside their settlements, Tibetans remain socially alienated from Nepalese society. Their future is increasingly insecure in a country that reluctantly acknowledges but refuses to accept their presence.

The fragile and unknown status of the Tibetan settlement residents highlights the need for a more durable solution that either permits the refugees to acquire Nepalese permanent residency or to resettle to a third country.

Over 100,000 Bhutanese refugees have been languishing in camps in Nepal for fifteen years. This problem has become one of the most protracted and neglected refugee crises.

In the late 1980s and early 1990s, more than 100,000 Bhutanese were stripped of their nationality and forcibly expelled. Nearly one-sixth of Bhutan's population—those of Nepali ethnicity—was “ethnically cleansed” at that time, making Bhutan one of the highest per capita generators of refugees in the world.

In 1993 Nepal and Bhutan had, in principle, agreed to categorize the Bhutanese refugees into four categories: genuine Bhutanese, Bhutanese who left the country willingly, Bhutanese with criminal backgrounds and non-Bhutanese.

On December 22, 2003 the proposed terms of repatriation were made public and the results of the verification process of the Bhutanese refugees living in the Khudunabari camp (population 12,000) were published. In a highly flawed process, only 293 refugees were found to be bona fide Bhutanese citizens.

The Bhutanese government continues to refuse to consider readmitting all but a small percentage of the Bhutanese refugees, and Nepal refuses to allow them legal permission to work or reside outside the camps.

LIRS recommends that all durable solutions be explored for the Bhutanese refugees in Nepal including the involvement of the Bhutanese government in re-admitting some; the United States and other nations to extend offers for resettlement; and India and Nepal to grant basic rights to the remainder.

LIRS strongly recommends that PRM consider the dire situation of refugees in Nepal and continue strengthening the partnership with NGOs to determine the best durable solution.

As has been a repeated refrain at today's hearing, deserving refugees across the world have been or will be victims of the well-intentioned but misguided security provisions in the Patriot Act and Real ID Act. While refugee determinations have not yet been done in Nepal, advocates predict that deserving refugees, particularly those from Tibet who aligned with the US government, will be victims of the provisions. We join our colleagues in calling on Secretary Rice to fight for a comprehensive policy reform on this issue.

Refugee Children Alone in the World

We join in the comments of the U.S. Conference of Catholic Bishops (USCCB) about refugee children alone in the world. We add this further comment. As the leading nation in the resettlement of unaccompanied children, we are all too aware that those who suffer most in protracted refugee situations like Nepal are the most vulnerable, including children who have lost their parents or been tragically separated from them. One example is the situation of three orphan sisters waiting desperately in Nepal for a safe and stable home. These Bhutanese girls were originally referred for resettlement in the U.S. while living with their mother, a young widow unable to protect her children from repeated violence and constant threats. Tragically, their mother died before she could see her daughters delivered to safety. Almost a year has passed since her death and the children were referred for resettlement into the U.S. unaccompanied refugee minors program. Despite all the concerns for their immediate physical safety, however, they still wait for resettlement, for the chance for new hope and new life. We also join USCCB in commending to you the dire situation of deserving Burmese refugees in Thailand, Malaysia, and India and the need for decisive DOS action on their behalf.

Thank you.