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**AT THE PUBLIC HEARING OF THE BUREAU OF POPULATION, REFUGEES, AND
MIGRATION, DEPARTMENT OF STATE**

REGARDING THE U.S. REFUGEE PROGRAM FOR FISCAL YEAR 2011

Tuesday, May 4th, 2010

Thank you for the opportunity to offer information relating to the U.S. Refugee Admissions Program for fiscal year 2011. We appreciate the Department of State Bureau of Population, Refugees, and Migration (PRM)'s ongoing partnership with Refugee Council USA (RCUSA) and its willingness to work together for the best possible protection for refugees worldwide. RCUSA is dedicated to ensuring that vulnerable refugees in different regions around the world have continued access to resettlement. We share with you today the Refugee Council's main concerns with regard to refugees from Africa.

In Africa, the resettlement needs of refugees have increased over the past several years. The United Nations High Commissioner for Refugees has estimated that 279,450 total African refugees are in need of resettlement with 66,819 refugees needing resettlement in FY2010 alone. However, UNHCR has stated it only has the capacity to refer 7,309 refugees for resettlement in FY2010 – a capacity shortfall of 59,510 people.

We thank the Department of State Bureau of Population, Refugees and Migration (PRM) for the increased focus and resources put into resettlement from Africa. We also thank the Department for increasing the admissions ceiling for African refugees from 12,000 in fiscal year 2009 to 15,500 in fiscal year 2010. We urge the Department of State to continue focus on African refugees in protracted situations, such as Somalis in Kenya, and Congolese from the eastern provinces of the Democratic Republic of Congo (DRC) now spread across the continent. There must also be increased efforts to address the needs of refugees in urban settings, like Somalis in Nairobi, Kenya and Zimbabweans in Johannesburg, South Africa. We are concerned about the shrinking humanitarian space in which refugees can access protection, including the closing of international borders, which often results in a growing number of African internally displaced persons (IDPs) who often receive little protection and assistance. We see a disturbing trend in South Africa and Burundi of refugee rights violations in countries where refugees are often considered economic migrants. These factors are having an impact on the most fundamental rights of the displaced in various locations across the continent.

Since UNHCR has limited **referral capacity** and the needs for resettlement of refugees in Africa are so large, we recommend that three of the following areas be explored to expand the resettlement of African refugees. First, there is a need for the strengthening of the NGO referral mechanism, including through ongoing support and trainings to organizations that are accredited to make referrals. This would also include putting in place processes for other qualified organizations to become newly accredited. We look to PRM to support increased collaboration between UNHCR and NGOs on case identification and referral for resettlement, such as supporting the new Toolkit being developed and subsequent trainings. NGOs are strong partners in the identification and referral of refugees, and previous NGO trainings have been useful to equip NGOs in this regard. Second, there should be continued use of and support for secondment schemes to increase referral capacity. Having teams of qualified individuals interview refugees

and prepare case files can augment UNHCR's ability to refer cases for resettlement to the U.S. and other resettlement countries. Third, there is a need for increased focus on and resources to UNHCR to expand their Best Interest Determination (BID) capacity. The lack of BID capacity in many areas of Africa has seriously delayed processing of many cases, not just unaccompanied minors, but cases with attached minors. This has created major protection problems for some of the most vulnerable cases. We encourage PRM to deploy resources creatively, and entertain creative partnerships, to fill gaps in the pipeline where they exist. This can include loaning Overseas Processing Entity (OPE) staff to fill temporary gaps in BID capacity or resettlement referral-writing capacity.

We welcome **UNHCR's urban refugee policy** and urge that this policy be implemented in urban settings across Africa. This new policy is a step in the right direction of recognizing the protection needs of refugees who are not in refugee camps, but there needs to be an extra step to operationalize this policy in areas where there is an obvious and dire need for refugee protection. In terms of resettlement, mechanisms should be developed which can identify vulnerable refugees in urban settings in need of resettlement as well as provide assistance to them. Concrete steps should be taken to put pilots in place, including increased use of NGOs in the field to identify, refer, and register particularly vulnerable refugees in need of resettlement. UNHCR has chosen Nairobi as a pilot city in Africa for the implementation of the policy. The Department of State should advocate for access to resettlement to be one of the areas addressed through that pilot approach over the coming year.

In **Sudan**, we are particularly concerned about the tens of thousands of Eritrean and Ethiopian refugees who have been warehoused in the refugee camps of the east. The majority of Eritrean refugees arrived to Sudan during the early 1970s and 1980s and many of the younger refugees have no knowledge of or ties to their homeland. The presence of many Eritrean refugees in Sudan has become protracted as they are unable to return or locally integrate. Eritrean refugees are continuing to arrive to eastern Sudan and reported that hundreds of unaccompanied minors had disappeared and presumably been trafficked from the camps. There must be greater international attention focused on resolving this situation. These camps are largely neglected, overcrowded and located dangerously close to the borders of the countries from which the refugees fled. We are additionally concerned about the several thousand Ethiopians and Eritreans who remain on the former sites of recently closed camps, also in eastern Sudan, and those refugees in urban settings who do not benefit from UNHCR assistance. Eritreans who are ethnic and religious minorities, or of mixed Ethiopian-Eritrean background, are especially vulnerable.

Resettlement within the context of a self-reliance strategy will result in comprehensive durable solutions for the refugees in Sudan. UNHCR has identified 10,000 Eritrean refugees in need of resettlement in eastern Sudan but has no capacity to process this group. We urge the Department of State to work with UNHCR in creatively thinking of how to resettle some of the most vulnerable Eritrean refugees in eastern Sudan, including the possible use of Emergency Transit Centers (ETCs) as a means to process a small number of refugees within this population. We would urge ongoing discussions between the Department of State and Sudanese state officials to ensure access to these vulnerable refugee populations and continued cooperation for future resettlement. Assistance programs in Sudan to help refugees must also make full use of NGOs' expertise and resources to move ahead in this complex situation.

In the absence of peace in Darfur, RCUSA members continue to be concerned about the protection of Sudanese refugees in eastern **Chad**. There are over 250,000 refugees from Darfur, about 60% of whom are women and children, living in some twelve refugee camps in eastern Chad. UNHCR has recently stated that voluntary repatriation is not likely in the near future and

that formal local integration has been rejected by the government of Chad. Resettlement thus is the only durable solution remaining for a very small percentage of refugees in eastern Chad.

Refugee Council USA thus applauds the efforts of the Department of State to resettle Darfuri refugees out of eastern Chad. Mentally and physically handicapped refugees, unaccompanied minors, and others present in the refugee camps of Chad remain at significant and constant risk. We urge the quick approval of the P-2 status for Darfuris in Chad. This P-2 status would recognize the urgent resettlement needs of this population and help to process this group as soon as possible. In addition, these 12 camps in eastern Chad are very close to the Chad-Sudan border creating an insecure, volatile situation for these Sudanese refugees. In these twelve camps in Chad, implementing partners continue to identify particularly vulnerable individuals. The State Department should continue to work with these partners to ensure that identified individuals and groups are processed immediately for resettlement. .

As resettlement of Darfuris from Chad has begun, there are several smaller pockets of vulnerable Darfuris throughout the region that should equally be considered for resettlement, such as those in Egypt, Kenya, and Ethiopia, as further elaborated below. There are an additional 57,000 Central African Republic (CAR) refugees who live in 5 camps in southern Chad. While most refugees from the CAR will be locally integrated, there are at least 1,000 persons with medical, legal and physical protection needs, including women-at-risk, for whom resettlement is the most appropriate durable solution

Somalia remains the site of one of the worst humanitarian crises in the world. Thousands of Somalis fled in the early 1990s and 1980s and remain in protracted situations throughout the Horn of Africa and southern Africa. In addition, ongoing conflict in and around Mogadishu continues to displace Somalis who have few options for relocation. Communities of Somali refugees in the immediate region—including in Kenya, Djibouti and Yemen—remain in precarious situations. We urge sustained focus by the U.S. on Somali IDPs and refugees and urge the U.S. to work closely with UNHCR to develop a comprehensive plan of action on how to better respond to the numerous and complex needs of displaced Somalis.

With over 340,000 refugees in **Kenya**, the majority of which are Somali refugees, UNHCR continues to address the needs of the large number of Somali refugees who have been present in the refugee camps of Kenya for over a dozen years as well as the newly arriving refugees just fleeing violence in surrounding countries. In pursuing and expanding its resettlement goals, UNHCR Kenya has made substantive efforts to build partnerships with NGOs capable of bolstering resettlement processing. These efforts should be strongly supported by the U.S. and replicated throughout the region and the continent.

There are around 46,000 registered refugees in the city of Nairobi, although other unofficial estimates are much higher, who are confronted with criminal violence, police harassment, and lack of durable solutions. Refugees in Kenya are increasingly moving to urban settings in the hope of finding security, economic independence, and a sense of community. Yet, what many actually find are precarious living conditions and harassment, discrimination and poverty. Many do not register with the government because they feel the registration process is too burdensome, and they avoid refugee camps like Dadaab and Kakua due to severe overcrowding in the camps, few job opportunities, and harsh conditions. While the Kenyan government took a big step forward in protecting and supporting refugees when it passed the National Legislation on Refugee Law of 2006, there has been a lack of institutional capacity to implement this policy to its full effect. Much more needs to be done to ensure that the Kenyan government with civil society can help the country's refugees with creative durable solutions. Protection and support must be

provided to vulnerable refugees - particularly women and girls - irrespective of where they are located. With the right support, many refugees can secure their livelihoods and positively contribute to the local economy. We thus urge the Department of State to work with the Kenyan government to create a more welcoming environment for refugees in Kenya as reflected in their laws.

Dadaab in eastern Kenya continues to be the largest refugee settlement area in the world with 269,258 people, although it was originally built to fit a maximum of 90,000 refugees. Located dangerously close to the border of Somali, Dadaab suffers from overcrowding, lack of infrastructure, and insufficient resources to assist the refugees in the camps. Many refugees have no access to clean water or sanitation, and those in the newer parts of the camps receive limited humanitarian supplies. Cholera and other diseases remain a significant threat despite disease prevention efforts in the camps. Flooding could also further exacerbate conditions in the camps. Much more must be done to protect vulnerable groups and individuals in all three camp settings. The Government of Kenya's recent allocation of land to Ifo camp for 80,000 refugees is a step in the right direction towards alleviating the overcrowding in Dadaab. We commend PRM's efforts to press the Government of Kenya to make more land available to relieve the dramatic overcrowding in Dadaab. We would urge PRM to emphasize not just additional land but also an upgrading of the already existent but poor infrastructure within the previous three camps and in the new Ifo area. More land in the form of a fourth camp, or as an extension to existing camps, with improved infrastructure, will help refugees improve their livelihoods in Kenya. We urge the Department of State to make this a top humanitarian priority.

RCUSA is concerned that the P-2 status for Somalis and a smaller number of Eritreans is no longer being pursued by the Department of State and would urge reconsideration of this status for Somalis and Eritreans in Dadaab. While there may be continual referrals from UNHCR of Somalis for resettlement, having this P-2 status for Somalis and Eritreans would free up resources for UNHCR to focus on assistance and other protection needs in the camp. With the number of refugees in Kenya increasing daily, the Kenyan government has been limited in its ability to process asylum claims rapidly or provide assistance and protection to refugees. Increased assistance and resettlement are needed to alleviate tensions between the refugee and host communities and to protect vulnerable communities like unaccompanied minors and women within Dadaab. The U.S. government can play an integral role in the identification of refugees for resettlement and in the processing of large number of these refugees as arrivals to Kenya are growing every day.

RCUSA also encourages the State Department to work with UNHCR to continue group resettlement of long-staying Somalis and vulnerable individuals.

Development and assistance activities that will alleviate tensions between the refugees and host communities should also be pursued. UNHCR anticipates that its 2010 budget for such programs within the Dadaab camps will actually decrease from 2009 levels, although by January 2011, UNHCR estimates that there will be around 400,000 refugees whom will be assisted by UNHCR. We urge the U.S. to continue supporting the work of the Kenyan government in registering refugees, providing livelihood opportunities, providing health, education, and psycho-social assistance as well as fully funding Somalia UNHCR appeals.

The Kenyan government closed its border with Somalia back in 2007 citing security concerns. Despite multiple appeals from the international community, the border technically remains closed to this day. This measure has ensnared Somali refugees in the crossfire between the military and rebel groups. We urge the State Department to press the Government of Kenya to reopen the

Kenya-Somali border and to open a reception center for Somali refugees. These steps will allow for appropriate refugee screening in accordance with the 1951 Refugee Convention and Kenya's 2006 National Legislation on Refugee Law. This would benefit refugee protection and enhance the Government of Kenya's capacity to monitor its borders.

There are about 1,000 Darfuri refugees that have found their way to Kakuma refugee camp in northwestern Kenya. As resettlement ramps up in Chad, we are also pleased to see the processing for resettlement of Darfuris in Kakuma and would encourage this processing to continue. We would encourage the Department of State to capitalize on the recently-commenced resettlement project for Darfuri refugees at Kakuma in order to continue accessing other Darfuri populations in exile throughout the region, for example, in Cairo, Egypt, Ethiopia, and other locations. As the State Department has emphasized in the past, it is important to take a regional approach to Darfuri resettlement to ensure an even protection response to these refugees.

In addition, as many as 2,000 Sudanese refugees originally from the Nuba mountains (in central Sudan) remain living in Kakuma camp and are at risk of being stateless. Unlike the majority of the refugees in Kakuma from Southern Sudan, many of whom have repatriated, the Nuba refugees have little prospect of returning home. Control of their home province of South Kordofan was given to the northern Sudanese Government in the 2005 Comprehensive Peace Agreement (CPA). South Kordofan and the Nuba mountains under Khartoum since the signing of the CPA have remained volatile, dangerous, and under Shari'a law, prompting Nuba refugees in Kakuma to report they have no desire returning home. With careful coordination with UNHCR, who anticipated resettlement of refugees from the Nuba mountains in a 2005 document entitled "Sudanese Resettlement in a Repatriation Context", calibrated resettlement of Nuba refugees should be investigated as part of the comprehensive plan to provide durable solutions to Sudanese refugees.

Rwanda is host to 55,000 refugees, the majority of whom are Congolese refugees. Burundian refugees in Rwanda have received assistance for repatriation and many have voluntarily returned to Burundi. UNHCR should be supported and encouraged to continue working closely with implementing partners to identify refugees in need of resettlement through direct referrals. Resettlement of Congolese refugees, especially women-at-risk, will be an integral part of a multi-year comprehensive solutions strategy to protect refugees in Rwanda.

We applaud the efforts of the State Department to increase resettlement out of **Ethiopia**. Six thousand Somali refugees have been living in Kebribeyah for over 18 years and have been identified for resettlement due to their lack of local integration. These refugees are not authorized to work in Ethiopia and are obligated to live in camps to receive assistance. Increased funding for refugee registration and profiling would better identify and protect the most vulnerable of this population. Also, public information campaigns designed to educate refugees about resettlement and protection would help this refugee community be better informed about their future prospects of a durable solution.

There are also 6,800 Eritrean refugees in Shimelba camp in Ethiopia who are in need of a durable solution, and we applaud the State Department for processing these refugees for resettlement. This caseload has been displaced for a protracted period and continues to be at risk in their country of asylum. UNHCR has made significant efforts to pursue partnerships with NGOs to increase resettlement processing in the camp setting. The U.S. should make full efforts to ensure that these partnerships are solidified and replicated. We also urge the U.S. government to work quickly to provide an exemption for Eritrean refugees on hold due to material support concerns so they can be processed as quickly as possible. We also laud the success of the voluntary

repatriation of thousands of Southern Sudanese refugees from the refugee camps in Ethiopia, as well as from Kenya, Uganda and elsewhere. Some women-at-risk cases, however, and survivors of violence and torture, cannot repatriate to Southern Sudan and are in need of resettlement. Another 500 refugees from Darfur in Sherkole camp also cannot return and may be in need of resettlement.

The deteriorating situation in **Zimbabwe** requires both domestic and international attention and action. Since 2005, over 1 million Zimbabweans have fled into South Africa to escape danger due to their political opinion, and significant numbers of those who arrive in South Africa are *bona fide* refugees in need of protection. We commend the Department of State for resettling some Congolese refugees in FY10 and urge for expanded resettlement of Congolese and other refugees out of Zimbabwe.

South Africa has become the largest recipient of asylum-seekers in the world with 227,000 asylum-seekers as of January 2009. We welcome efforts in South Africa to address the backlog in its asylum system, but remain concerned that the system can sometimes fail to give asylum seekers access to fair procedures and possible protection by treating refugees as economic migrants. The risk to asylum seekers is exacerbated by the xenophobia that penetrates much of that society. We urge the U.S. to lend strong support to South Africa's efforts to address the efficiency of its asylum process and—just as important—the quality of the process. We applaud the resettlement of vulnerable Somalis and Congolese refugees from South Africa this year, and we recognize that as the South African government has been tasked with carrying out refugee status determinations, they have determined that Zimbabwean migrants are fleeing for economic, not persecution, reasons. However, we urge more careful attention to those Zimbabwean refugees who are survivors of violence and torture perpetrated against them in their country of origin. Documentation and temporary legal status can reduce discrimination and xenophobic violence for thousands of asylum-seekers in South Africa who have no legal right to work or access to education or health services.

The UNHCR's operations in South Africa need full support, along with encouraging the South African government to implement its asylum processes in a meaningful way. Supporting capacity-building, training, and resources for South African reception and asylum officers can improve the quality of asylum adjudications. Investment in local institutions and civilian-led efforts can lead to the promotion of tolerance, good governance, rule of law, and anti-corruption. We welcome the resettlement of Somali and Congolese refugees in South Africa but also encourage the resettlement of a few, select vulnerable Zimbabwean refugees as well. Resettlement can be a responsibility-sharing initiative which can encourage the Government of South Africa to consider local integration of other long-stayers.

Continuing violence, especially in North and South Kivu, threatens the ability of Congolese refugees to return to the **Democratic Republic of Congo**. While repatriation to other regions including Katanga Province, Kasai Orientale Province, and other provinces has been on-going over the past year, Congolese refugees from North and South Kivu remain displaced and vulnerable throughout the Great Lakes and broader region. We have on-going concerns about sexual and gender-based violence among women and children which results not just in interim displacement but in long-term consequences for Congolese communities. Women and children thus account for large numbers of those displaced. RCUSA stresses meaningful protection for displaced Congolese, with particular attention to those at risk of gender-based violence. We are also very concerned about the urgent legal and physical dangers Congolese refugees continue to face in the volatile political climate in **Burundi**, particularly those vulnerable Tutsi refugees

present in the urban center of Bujumbura. Their protection needs should be immediately evaluated and subsequently assessed for resettlement processing.

We applaud the Department of State for starting to resettle 5,000 Somali refugees from Nakivale settlement in **Uganda** who have been there since the early 1990s and who lack full legal and physical protection. We encourage the Department of State to partner with NGOs in Uganda to identify and refer vulnerable individuals in need of resettlement. We remain concerned about the 11,000 Congolese refugees who live in settlements or urban areas throughout Uganda who are in need of resettlement. A small number of these Congolese refugees are survivors of the Gatumba refugee camp massacre in Burundi who remain in Kampala without any option for local integration or repatriation. These refugees should be immediately identified and processed for resettlement.

The Africa JRWG is pleased with the strategic use of resettlement in **Tanzania** which can be used as a model for other nations to unlock protracted situations for refugees. When the international community accepted to resettle a large number of the 1972 Burundians, and helped fund the repatriation of some other long-staying Burundians, the Government of Tanzania agreed to make 160,000 or so Burundian refugees citizens of Tanzania. This use of resettlement and repatriation as a lever with a local government to solve a protracted situation is an example of a creative way to help refugees that is not just good for the refugees but good for the host government and receiving resettlement country. Tanzania's approach to refugees should be presented to other governments as an example of how to ameliorate protracted situations for the benefit of all parties involved. We thank the Department of State for resettling Congolese refugees out of Kanembwa Resettlement Processing Center and hope for an examination of durable solutions for other Congolese refugees in need of resettlement in Tanzania, including women and girls at risk and vulnerable youth.

In **Zambia**, there are over 80,000 refugees of which there are about 45,000 Congolese refugees who live mostly in four refugee camps spread throughout Zambia. Refugees are required to live in these designated camps or settlements. Those in urban areas must have special permission to do so. The urban center of Lusaka in Zambia is home to some 8,000 – 12,000 refugees, many of whom are present because of immediate legal and physical protection needs they face in the camps.

There are some Congolese, including women at risk, unaccompanied minors, and those with medical needs, who cannot return home and for whom resettlement is the best durable solution. The majority of the Banyamulenge refugees in Zambia were successfully resettled in 2008 with the help of NGOs in the urban setting and in the refugee camps in the West and North. Partnerships with NGOs in Zambia should continue as NGOs can facilitate the identification, referral, and processing of refugees. In addition, the U.S. should encourage the Zambian government to adopt new refugee laws that are consistent with international protection principles. These laws would prohibit refoulement, provide for the right to documentation of refugees upon arrival, and more firmly establish procedures for refugee status determinations.

The Africa JRWG has particular concerns about the impact of new **Affidavit of Relationship** (AOR) procedures on the ability for African refugee families to be reunited. We urge the program be reinstated as quickly as possible but with proper procedures in place to determine family composition with flexibility. African refugees often have expanded family relationships that are not easily accounted for through DNA testing and special consideration must be given to these extended families. While we recognize that the P-3 program must continue to reunite true families, there must also be consideration of the circumstances in which refugees may have fled

their homes and examination of conditions in which refugees reside that may make some families include non-biological children or other members. The cost of DNA testing must also not be borne by refugees who are approved and admitted to the U.S. for resettlement. We also have concerns that making refugees who have a valid refugee claim but are not approved for the U.S. program bear the cost of DNA testing will inhibit refugees from filing AORs in the first place. Because of the limited categories of other immigration avenues through which refugees can come to the U.S., the AOR process has often been a life-saving tool that refugees have to be reunited with their families in the U.S.

In light of the complexity and number of vulnerable refugee populations in Africa, we applaud PRM in its work and successes thus far. We would continue to urge PRM to promote:

- increased strategic use of resettlement in urban settings by developing mechanisms for the identification and processing of vulnerable refugees;
- expedited review and reinstatement of the Affidavit of Relationship refugee processing category;
- increased use of NGOs in the field to identify, refer, and register particularly vulnerable refugees in need of resettlement.
- more comprehensive and efficient response to refugees with medical needs and victims of gender-based violence, including urgent processing for needy cases and increased transparency regarding acceptance and rejection reasoning;
- increased attention to unaccompanied minor refugees, particularly those who have not been integrated into the refugee community and those who are present in Africa's urban centers;
- greater transparency from PRM, CIS and DHS with regard to reasons for resettlement denials;

We commend the Department of State for its on-going attention to and increased resettlement of African refugees, and we encourage you to continue to use resettlement as a strategic protection tool that can oftentimes unlock other durable solutions for refugees in need.