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ON BEHALF OF MEMBERS OF THE
JOINT REGIONAL WORKING GROUP FOR LATIN AMERICA AND THE CARIBBEAN,
REFUGEE COUNCIL USA**

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

REGARDING THE U.S. REFUGEE PROGRAM FOR FISCAL YEAR 2010

Thursday, July 9, 2009

On behalf of Refugee Council USA (RCUSA) and the members of the Joint Regional Working Group on Latin America and the Caribbean, we would like to thank the Department of State, Bureau of Population, Refugees and Migration (PRM) for the opportunity to offer testimony regarding resettlement needs in the Western Hemisphere, particularly as we look forward to resettlement needs worldwide for fiscal year 2010. RCUSA would particularly like to highlight the situation and resettlement needs of displaced persons from Colombia and Haiti.

Arguably the most persistent humanitarian crisis in the Western Hemisphere, the forced displacement of Colombians due to the four-decade-long internal armed conflict has resulted in between three and four million internally displaced persons (IDPs) and almost 400,000 refugees in neighboring countries. Far from slowing, new displacement in Colombia occurred at an astonishing rate in 2008, with more than 380,000 people newly displaced – an increase of about 25% over 2007. Due to persistent violence and targeting of civilians on the part of various armed actors (including guerrilla groups, paramilitary offshoot organizations, and government forces), voluntary return is not considered a viable option by UNHCR for Colombian refugees. This leaves integration and resettlement as much-needed durable solutions for one of the world's largest displaced populations.

Despite being the second-largest displaced population in the world, the situation in Colombia garners insufficient support from the United States. Only 5% of PRM refugee assistance funds go to the Western Hemisphere. PRM should be commended for its creativity and resourcefulness in 2009 when it gleaned an additional \$3.5 million from Economic Support Funds (ESF) which were used to support local efforts for integration of Colombian refugees in the region. However, this type of transfer of funds would not be necessary if assistance to the Western Hemisphere were adequately funded in the PRM budget. We encourage ongoing U.S. support for UNHCR and for local NGO programs to address the needs of displaced Colombians in the Western Hemisphere.

In fiscal year 2008, only 94 Colombian refugees were accepted to the United States Refugee Admissions Program, despite the hundreds of thousands of Colombian refugees waiting for a durable solution. While the target number set for resettlement of Colombians to the United States in 2009 is approximately 300 refugees, so far the program is not on track to achieve this goal. Denial rates of P1 cases of Colombians by the Department of Homeland Security (DHS) in 2009

have been greater than 50% on some circuit rides, many on “firm resettlement” grounds. It is imperative that the U.S. expand its resettlement efforts for Colombian refugees and that PRM, DHS, and all agencies responsible for the processing of refugee applicants understand the obstacles to local integration faced by members of this population.

Ecuador is host to the largest number of Colombian refugees, while Venezuela, Panama, and Costa Rica also host large numbers of Colombians, both registered and unregistered. UNHCR is active in the region with a variety of projects to offer protection and assistance for Colombian refugees and IDPs. Most notably, in 2009 UNHCR launched the “Enhanced Registration” project in Ecuador, a groundbreaking effort undertaken jointly with the Government of Ecuador to register refugees previously undocumented by the asylum system, to identify vulnerabilities among the displaced population, and to speed up access to legal protections through an accelerated asylum process. So far, many refugees who have sought out the enhanced registration process have been interviewed, received a determination on their claim, and given documentation all in one day.

In 2008, there were 22,000 registered Colombian refugees in Ecuador, but estimates point to approximately 135,000 refugees total, with the majority yet to be formally recognized by the Ecuadorian government. The enhanced registration system has begun to close this gap and assure that refugees have access to the legal protections necessary as a prerequisite to local integration. However, an estimated \$800,000 in additional funding is needed to complete the enhanced registration process in Ecuador. We strongly recommend that the United States support the enhanced registration process as an important refugee protection tool in the Western Hemisphere. In addition, as more refugees who were previously ‘invisible’ (without formal contact with UNHCR or the Government of Ecuador) are granted legal status, more will likely be identified as appropriate cases for resettlement by UNHCR. We encourage the U.S. Refugee Admissions Program to allocate adequate space for this population in the FY2010 admissions numbers, and work actively with UNHCR and others in host countries to identify appropriate cases for resettlement.

Meanwhile, with UNHCR working to expand registration and documentation of previously ‘invisible’ Colombian refugees, the displaced continue to face barriers to local integration which extend far beyond legal protections. The physical insecurity of Colombians in Ecuador and other host countries, as well as discrimination in employment and housing, pose serious threats to refugee protection. Colombian armed groups are able to pursue the targets of their persecution across porous land borders into Ecuador, Venezuela, and Panama. In May of 2008, refugees and asylum seekers in the town of San Martin, Ecuador were attacked by members of an unidentified Colombian armed group, who kidnapped one refugee and one asylum seeker and tortured and threatened others in the community. In this attack and countless others which go undocumented, the legal status of the Colombians in question offers little physical protection against the armed groups who continue to pursue them. Meanwhile, discrimination and persecution of Colombian refugees in host countries can also be strong enough so as to constitute a very significant barrier to local integration. For legally recognized Colombian refugees who are authorized to work, discrimination by the host population can be an overwhelming barrier to employment. Women are pushed by dire circumstances into prostitution and men into poorly-paying work in the informal economy. The desperate situation of many refugees, even those with legal protections,

constitutes an often insurmountable obstacle to local integration and should be recognized as such by those who interview them for potential admission under the U.S. Refugee Admissions Program.

Contrary to the situation of Colombian refugees in Ecuador, Colombians in Venezuela and Panama are unlikely to be granted formal refugee protections in their country of asylum, since these countries lack effective asylum systems. Of particular concern is the situation of Colombians in Panama City and the Darien jungle in Panama. Colombian asylum-seekers in Panama City are subject to persistent threats of deportation and targeted violence. Asylum-seekers in the southern jungle regions of the country along the border with Colombia have very limited freedom of movement, which has impeded access to necessary medical care, employment opportunities, and meaningful education. While we encourage UNHCR to continue to work with the Government of Panama to improve the integration prospects of these asylum-seekers, we also recommend that this population be considered by PRM as suitable candidates for third-country resettlement to the United States.

In Haiti, the lack of a strong centralized government has led to ongoing conflict between the many gangs, causing massive forced displacement. Approximately a third of the country is internally displaced as a result of these conflicts, as well as the four tropical storms and hurricanes that wreaked havoc in Haiti in September 2008. In January of 2009, the U.N. World Food Programme said aid was needed urgently in order to prevent famine in regions across the country. Thousands have crossed the border into the Dominican Republic or set out in boats to attempt to escape the devastation.

Despite the continued chaos in Haiti and grounds for granting international protection to those who flee, U.S. interceptions of Haitians continue, without granting this population the same considerations as Cuban and other asylum-seekers. From October 2008 through May 2009, the U.S. Coast Guard prevented 1,377 Haitians from reaching the U.S. In April alone, the U.S. rescued 704 would-be refugees at sea and returned them to Haiti, nearly as many as all who were returned in 2008. The following month, an over-crowded boat packed with migrants from Haiti and the Bahamas capsized, drowning ten. The U.S. Coast Guard rescued 17 people from the aftermath of this human smuggling incident. Some of these persons were kept on the rescue boat and were not allowed to disembark on U.S. soil, while others were immediately processed for deportation to Haiti. Persons of all nationalities – including Haitians – who are potentially in need of international protection should be allowed to access the asylum system in their country of refuge. During interdiction and before deportation, Haitians must be informed of their right to seek asylum and the process for doing so, so as to comply with international law and treaties to which the U.S. is a signatory.

Haitian refugees and asylum-seekers in the Dominican Republic are also in a precarious situation, as they are legally considered economic migrants. The asylum adjudication process is extremely lengthy, with refugees waiting up to 16 years for decisions on claims. Between 1993 and 2008, only one Haitian national was granted a successful asylum petition in the Dominican Republic. This means that thousands of refugees in the Dominican Republic continue to lack legal protections and struggle as wrongfully labelled “economic migrants,” while the children of these unregistered refugees are stateless. Members of RCUSA are concerned about the special

vulnerability of this population. The lack of a UNHCR office in Haiti, the Dominican Republic or any other state in the Caribbean has thus far hampered their efforts on behalf of the stateless and other displaced populations. We commend PRM for their leadership with UNHCR to foment the establishment of such an office in the Dominican Republic, and look forward to its speedy functionality during FY2010 in order to address the current asylum backlog. Meanwhile, it is imperative that UNHCR efforts to specifically address the protection issues of the Haitian displaced be fully funded. PRM should also continue to weigh in with the government of the Dominican Republic regarding ways that new constitutional provisions act to solidify statelessness among Dominicans suspected of Haitian ancestry. An estimated 200,000 Dominicans may be stripped of any citizenship rights under Article 16 of the new Dominican Constitution, placing them in a situation of extreme vulnerability in light of mass expulsions and a rising tide of discrimination against Dominicans of Haitian descent.

In light of the situation of Colombian and Haitian displaced persons in the Western Hemisphere, we encourage PRM and the U.S. Refugee Admissions Program to do the following:

- Continue efforts to identify Colombian refugees for resettlement to the U.S. and designate at least 300 slots for admission in the FY2010 program.
- Increase coordination with UNHCR and DHS to improve the quality and consistency of case referral and adjudication, thereby reducing denial rates for Colombian P1s and facilitating the expansion of the program.
- Involve UNHCR, NGOs and others with particular knowledge of the Colombian context in a more meaningful way throughout the training process for DHS case adjudicators.
- Expand the populations eligible and means through which resettlement referrals for Colombians are submitted to the U.S. Refugee Admissions Program, perhaps including NGOs to a greater extent to help identify vulnerable cases of asylum-seekers in Panama and elsewhere.
- Work to ensure access for Haitians in need of international protection, including via access to the U.S. asylum system, and access to resettlement for Haitian refugees from the Dominican Republic. PRM should take concrete steps to identify Haitian refugees from the Dominican Republic for resettlement to the United States.

Once again, we thank you for the opportunity to provide feedback and recommendations on the U.S. Refugee Admissions Program for fiscal year 2010, and look forward to continued dialogue with PRM, DHS, and others involved in the successful administration of the program.