

STATEMENT OF NAOMI STEINBERG
FOR THE RCUSA MEMBERS OF THE EAST ASIA REGIONAL WORKING GROUP
AT THE PUBLIC HEARING OF THE BUREAU OF POPULATION, REFUGEES AND
MIGRATION, DEPARTMENT OF STATE
REGARDING THE US REFUGEE RESETTLEMENT PROGRAM FOR FISCAL YEAR 2010
July 9, 2009

On behalf of the RCUSA members of the East Asia Regional Working Group, I thank PRM for the opportunity to share some of our group's priorities in the East Asia region. In my testimony, I will highlight several specific populations including the Lao Hmong in Thailand, the Rohingya and North Korean asylum seekers, as well as our continuing concerns about the treatment of asylum seekers in Malaysia and urban refugees in Thailand.

Members of our working group remain deeply concerned about the plight of the **Lao Hmong asylum seekers in Phetchabun Province, Thailand** and at the **Nong Khai Detention Centre in Thailand**. Since 2005, an estimated 3,000 individuals have been forcibly repatriated to Laos from the Huay Nam Khao ("Whitewater") Camp in Phetchabun Province, and the Royal Thai Government (RTG) continues to assert that the remaining 5,000 will be returned to Laos by the end of 2009. We urge the U.S. to continue its diplomatic efforts with the RTG and military to seek the immediate cessation of the involuntary repatriation of Hmong asylum seekers back to Laos and to allow UNHCR access to the asylum seekers in order to guarantee that internationally recognized screening processes are used in order to determine the protection claims of the asylum seekers. Those individuals who are found to have bona fide refugee claims should be granted exit visas from Thailand and be allowed to resettle in third countries. Moreover, no Lao Hmong who are found not to be refugees should be forced to return to Laos until their safety there can be assured through the participation of an independent third-party monitoring entity.

In addition, we ask that you continue to engage in dialogue with the RTG to allow the immediate resettlement of the 158 Lao Hmong who are detained at the Nong Khai Detention Centre. This entire population has been recognized by UNHCR as refugees, and since December 2006 they have been living in squalid, cramped conditions. While we are pleased that the State Department helped to improve the living conditions in the Detention Centre, it is essential that the RTG makes it possible for this small group of refugees to leave Thailand and be resettled in third countries.

The situation of **stateless Rohingya refugees** also remains of paramount concern for RCUSA members. As is well known, world attention recently focused on the plight of the Rohingya after the discovery that the Thai military towed approximately 1,000 Rohingya asylum seekers out to sea. The Muslim Rohingya of Burma have been consistently persecuted by the Burmese government and are considered to be a stateless population since the passage of a 1982 law which effectively stripped them of citizenship rights. Further, they have very limited freedom of movement, no freedom of religion, and frequently experience land seizure, forced labor and arbitrary arrest. Hundreds of thousands of Rohingya have fled Burma, and the refugees now live in Malaysia, Indonesia, Australia, Bangladesh, Thailand, India, and the Middle East. Those who have sought protection in neighboring countries are at constant risk of forced return.

The complexity of this situation warrants a coordinated regional and global response, and RCUSA members urge the U.S. to provide leadership in the effort to find a comprehensive response to this humanitarian crisis. We therefore urge the State Department to ensure that its diplomacy with countries in the region includes refugee protection for the Rohingya. The U.S. should also coordinate closely with UNHCR and the international community to ensure that needs assistance and durable solutions are found for this population. We also ask that the U.S. works closely with all of the relevant partners to ensure that the governments of first asylum for the Rohingya respect international law and the principle of *non-refoulement*. In addition, we encourage the U.S. government and UNHCR to expeditiously take the steps that are necessary for the implementation of P2 group referrals for the Rohingya.

Another population of concern is that of the 50,000 to 400,000 **North Koreans** estimated to be in China at any given time, in spite of the fact that the Chinese government considers them all to be illegal economic migrants. Approximately 60% of the North Koreans in China are women, many of whom are sexually trafficked. Possibly even more vulnerable than North Korean women in China are North Korean children, some of whom are of mixed ethnicity. There are untold thousands of these children, many of whom are orphaned and unaccompanied. The children of mixed ethnicity are stateless as the Chinese government will not grant them rights and North Korea refuses to accept them as North Korean citizens. Upon repatriation, North Koreans are subject to harsh imprisonment, interrogation, torture, forced abortions, infanticide, forced labor, and even execution.

Members of our working group also continue to encourage the United States to fully implement the *North Korean Human Rights Act* and make clear that North Korean refugees are a humanitarian and foreign policy priority for the United States. To date, over 15,000 North Korean refugees have been resettled in South Korea and an additional 1,400 have been resettled in the European Union. However, thus far, only 81 North Korean refugees have been resettled in the United States since the passage of the *North Korean Human Rights Act*. Furthermore, we ask the U.S. to encourage the Chinese government to stop the arrest and deportation of North Koreans on Chinese soil and instead to adhere to the tenants set forth in the *1951 Convention on the Status of Refugees* and its *1967 Protocol*, China being a signatory to both documents. In addition, we ask the U.S. and UNHCR to encourage the Chinese government to provide the necessary paperwork to the children of North Korean women in China so that they are able to access educational opportunities.

The concerns regarding the treatment of asylum seekers in **Malaysia** remain largely the same as in previous years. We therefore continue to ask that the U.S. work with UNHCR to encourage the government of Malaysia to recognize the rights of refugees and asylum seekers. Any groups sanctioned by the Malaysian government to work with refugees should adhere to international standards of refugee protection, including the immediate cessation of arresting, detaining, and deporting those who are seeking refugee status or in fact already have refugee status. In addition, we again call on the U.S. to work with UNHCR to encourage the expansion of resettlement opportunities for refugees in Malaysia.

Finally, we would like to draw attention to the continued vulnerability of **urban refugees in Thailand**. It is estimated that there are 700 urban asylum seekers in Thailand who are waiting to

have their claims heard by UNHCR and an additional estimated 1,300 urban refugees whose claims have already been heard by UNHCR. Currently, the primary urban refugee populations (not including the Burmese) in Thailand include asylum seekers from Laos, Sri Lanka, China, Somalia, Iraq, Cambodia, Nepal, Vietnam, Democratic Republic of Congo, Palestine, Ivory Coast, Iran and Pakistan. Due to the fact that Thailand does not grant legal status to refugees, it is almost impossible for asylum seekers in urban settings to earn livings and sustain themselves, therefore creating reliance on UNHCR and its implementing partner, COERR Bangkok Refugee Center, both of which are extremely underfunded and unable to fulfill their mandates. The majority of urban refugees in Thailand cannot find stable employment or send their children to school, and they live with the possibility of being arrested, regardless if they have UNHCR documentation or not. Furthermore, UNHCR continues to struggle to consistently issue the necessary documentation to asylum seekers and offer refugee-status determination (RSD) interviews in timely manners, leaving asylum seekers particularly vulnerable to arrest and deportation by Thai immigration authorities¹.

We concur with the recommendations issued in the *UNHCR Protection Challenges for Urban Refugees in Thailand* report that was issued by Asylum Access, Boat People SOS and Conscience Foundation in April 2009. We ask the U.S. to provide the necessary funding to UNHCR so that it can effectively meet its obligations to urban refugees in Thailand, including ensuring that all registration and RSD processes take place as quickly as possible. We also encourage the U.S to urge the RTG to ratify the *1951 Convention on the Status of Refugees* and its *1967 Protocol*, or at a bare minimum, recognize the validity of UNHCR registration and refugee documentation.

In conclusion, as planning continues for FY 2010 resettlement goals, we look forward to continuing our dialogue with PRM about these, as well as other, resettlement and protection issues affecting refugees throughout East Asia.

¹ UNHCR Protection Challenges for Urban Refugees in Thailand: Report and Recommendations; Asylum Access, Boat People SOS and Conscience Foundation; April, 2009.