

U.S. Refugee Admissions Program For Fiscal Year 2003

Recommendations of
The Refugee Council USA



May 2002

Acknowledgments

The Refugee Council USA presents this publication in support of its annual consultation with the Department of State regarding the admission of refugees to be resettled in the United States in Fiscal Year 2003.

We are grateful to those who contributed photographs and otherwise made this publication possible, including the national and field staff of our refugee resettlement and processing agencies as well as the policy analysts of the U.S. Committee for Refugees, the Women's Commission for Refugee Women and Children, Jesuit Refugee Service and the Center for Victims of Torture.

The Refugee Council USA gratefully extends special commendation to Lacy Wright, Consultant, for his outstanding contributions to this document, including his persistence in ensuring its accuracy and his extraordinary patience and sense of humor in incorporating our members' many editorial comments. Special acknowledgment also goes to Berta Romero, Coordinator of Refugee Council USA, for overall facilitation, coordination and countless other contributions. We also thank Andria King of Wyrdwright, L.L.C., for the document's layout and design, and for her dedication to its professional presentation.

Readers should note that the photographs used in this publication are timeless. They remind us that some refugee groups have endured precarious situations for years on end with no durable solution in sight. Their pictures give the worldwide refugee tragedy a human face.

The following agencies endorse the Refugee Council USA's Recommendations for U.S. Refugee Admissions for FY 2003.

Center for Victims of Torture
Church World Service/Immigration & Refugee Program
Episcopal Migration Ministries
Ethiopian Community Development Council
Hebrew Immigrant Aid Society
Immigration and Refugee Services of America
Institute of International Law and Economic Development
International Catholic Migration Commission
International Rescue Committee
Jesuit Refugee Service
Kurdish Human Rights Watch
Lutheran Immigration and Refugee Service
Migration and Refugee Services/ U.S. Conference of Catholic Bishops
Southeast Asia Resource Action Center
U.S. Committee for Refugees
Women's Commission for Refugee Women and Children
World Relief

Front Cover: Afghan grandmother and child in Jalozei Camp, Pakistan. *Photo courtesy of Hiram A. Ruiz/USCR, June 2001.*

Inside Front Cover: Arrival of Sudanese refugee at Tucson National Airport, greeted by Jewish Family and Children's Service staff, volunteers and earlier arrivals. *Photo courtesy of Jim Rich, September 2001.*

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Executive Summary and Selected Recommendations

New security measures in the wake of the September 11, 2001, terrorist attacks have threatened the Fiscal Year (FY) 2002 U.S. refugee program by slowing refugee arrivals to a trickle. The Refugee Council USA is pleased that both the State Department and Immigration and Naturalization Service (INS) have reacted by reaffirming their commitment to resettlement as an important tool of refugee protection, and a durable solution, and by demonstrating a renewed interest in discussing with the agencies the designation of new groups of refugees overseas as Priority Two (P-2). This would provide those groups with access to the U.S. refugee program without the need for a referral by the United Nations High Commissioner for Refugees (UNHCR).

We hope now that our government will return to the United States' earlier emphasis on family reunification, and will devote special attention to the need to use all of the resettlement places authorized by the President, both this year and into the future. Adopting a blanket Priority Three (P-3) designation for all nationalities and strategically re-employing Priorities Four (P-4) and Five (P-5) are ways of pursuing both goals.

The State Department has displayed a welcome willingness to look for new and faster ways to identify refugee candidates. *We urge now that initiatives like the pilot program in Pakistan (which boosts UNHCR's capacity to refer resettlement candidates) be expanded, that successful emergency removal of endangered refugees be replicated, and that NGOs be authorized to refer candidates directly to the U.S. program. We also ask for the State Department's cooperation in the agencies' effort to create a mobile processing team to assist in refugee processing overseas in emergency situations.*

Our nation's public-private partnership in the refugee area has weakened in recent years as the State Department has passed over opportunities to collaborate with its traditional NGO partners in overseas processing. We were thus pleased to see a member agency selected to run the new overseas processing entity in Ghana in 2001. *We hope our government will work with us toward further improvement of our public-private partnership both in the field and in international refugee forums.*

The public-private partnership continued to operate well domestically. The resettlement agencies helped counter anti-immigrant feeling in the immediate aftermath of September 11. Our government partners, for their part, approved flexible funding arrangements that allowed agencies to maintain staffing and infrastructure at levels that will be needed as refugee arrivals return to normal.

In Africa, where 2001 saw welcome repatriations to such countries as Eritrea and Somalia, the continent nonetheless remains beset by conflict. Resettlement efforts were complicated by fraud in Kenya and elsewhere. *We urge that, in taking legitimate measures to combat fraud, INS and UNHCR avoid delaying cases with strong refugee claims. We urge, too, that safety for those in camps be given more attention, and that a new, Priority Six (P-6) category be created to give some relief to refugees who have spent unacceptably long periods in refugee camps.*

Sudan's 18-year civil war continues to generate refugees. *For those in Egypt, we encourage the United States to continue resettlement and to assure sufficient resources are available to UNHCR to do its part. For Sudanese minors and young people in Kenya and Ethiopia, both boys and girls, we recommend that UNHCR do "best interest" assessments, as was done for Kenya's "lost boys," and that children who need resettlement be referred to resettlement countries.*

With violence having risen in Ethiopia, *we urge that UNHCR make efforts to resettle Ethiopian refugees in the region with no other prospects; and that the United States resettle Ethiopians out of Kenya's Kakuma and Dadaab camps without the need for individual UNHCR referrals.*

Burundian refugees in Tanzania number about 380,000. With repatriation remaining too dangerous to encourage, *resettlement should remain an option for some among this group.*

Refugees from the Democratic Republic of Congo (DRC) are scattered among ten countries. Although a precarious cease-fire is holding there after several years of destructive fighting, calm has not returned. *Resettlement should be considered for some Congolese refugees living in insecure conditions in camps in western Tanzania.*

Around 40,000 Mauritanian refugees remain in Senegal, with no current chance of repatriation. *UNHCR should review this population for possible P-1 referrals to the U.S. program.*

Although over 35,000 Sierra Leonean refugees have repatriated from Guinea since December 2000, a larger number remain in Guinean camps, where in 2001 UNHCR mounted a registration that was to provide the basis for determining resettlement needs. *We urge UNHCR to continue this process and to submit referrals for refugees needing resettlement, and we ask donor countries to assure UNHCR the needed resources.*

Some 420,000 Angolans continue to be refugees in their region, with uncertain prospects for return. *For some of them, resettlement should remain a possibility.*

Africans are also seeking asylum in places like Yemen, India, Pakistan, Lebanon, Syria and Russia, where they tend to live in cities and are often targets of discrimination and violence. *We ask UNHCR to continue to promote P-1 referrals from such groups, particularly in the Middle East, Russia and South Asia.*

In East Asia, over 130,000 Burmese refugees reside in Thailand, mostly in border camps. UNHCR intends to refer about 800 per year to resettlement countries, a welcome development, but *more should be done for this vast population, most in camps now for more than a decade, and the United States should urge the Thai government to give more of them access to resettlement. The United States should also resettle the 300 student activists and other refugees recently moved to Tham Hin camp near the border.*

Five to ten thousand Burmese Rohingya refugees are in Malaysia, prevented by Burma's ruling junta from returning home. *Although UNHCR has denied many of them refugee status, the United States should consider them a potential resettlement population.*

In West Timor, 50,000–80,000 East Timorese remain as refugees; militia intimidation continues to plague their return. *The United States should monitor this situation to determine whether there are any East Timorese for whom U.S. resettlement is the best option.*

In Indonesia, increased violence caused internally displaced people to grow by 400,000 in 2001, while others fled the country. The State Department, commendably, has been responsive to the plight of Acehese Indonesians in Malaysia. *We recommend continued monitoring of the situation in Indonesia and offers of resettlement to Indonesians who need it as well as to Afghan and Iraqi refugees in Jakarta who are referred by UNHCR.*

Australia in 2001 began a policy of dealing with asylum seekers at its offshore territories by housing them temporarily in Nauru and Papua New Guinea until UNHCR persuades other countries to resettle some of them, Australia agreeing to take only its "fair share." Human Rights Watch describes conditions for these refugees as "hellish." *We ask the United States to do its part to help resolve this situation.*

In Vietnam, interviews have now started for some 900 cases of former U.S. government employees, a process that was halted in 1996 after the acceptance rate for this group slid to extremely low levels. *We urge that these cases be handled more fairly than we believe was previously the case.* For others who might have benefited from various Orderly Departure Program (ODP) sub-programs were it not for administrative deadlines that ended their chance to do so, the State Department has recently expressed interest in reopening some sub-programs if Vietnamese government approval is forthcoming, *an idea we applaud.* We welcome, too, the recent U.S. decision to interview 900 Montagnard refugees for resettlement.

In the Balkans, we recommend a P-2 designation for non-Albanians who fled Kosovo, including Roma, Muslim Slavs, Gorani, Arhkaeli, and people in mixed marriages. Consideration should also be given to in-country processing for internally displaced persons (IDPs) in Bosnia who are still unwilling or unable to return home.

Attacks on religious and ethnic minorities continue in the former Soviet Union (FSU). In the Caucasus and Central Asia, record numbers have been displaced and ethnic minorities face constant persecution and deportation. We recommend for P-2 resettlement consideration the long-staying population of ethnic Armenians forced to flee Azerbaijan during the Nagorn-Karabakh conflict; women and children at risk who fled the conflict in Chechnya; and the Meskhtian Turks living under precarious circumstances as stateless persons in Krasnodar Krai in southern Russia. There are also many asylum seekers in the FSU from outside the region with little or no protection. We welcome INS's expansion of its circuit rides in 2001 to make resettlement accessible to more refugees, and urge that they be expanded further to include Kiev, cities in Russia other than Moscow, and Central Asia.

In Cuba, where a P-2 designation exists and refugees can be interviewed within the country, a steady stream of human rights activists, evangelical Christians, and others continue to win INS approval for resettlement. Colombia remains the hemisphere's most serious generator of refugees and displaced persons, with an estimated 1,000 people becoming displaced each day and 13,500 Colombians having fled to neighboring countries between January and September 2001. While recognizing that U.S. asylum approval rates for Colombians have increased significantly in recent years, we recommend Temporary Protective Status for those who have taken refuge in the United States. Canada has resettled a small number of displaced persons directly from Colombia; the United States should consider similar resettlement models for Colombians in mortal danger. Over 200 Haitian asylum seekers are being held at Krome Detention Center in Dade County, Florida. They should be released pending their asylum hearings, and the children put into group foster care settings or group homes.

In Lebanon, some 6,000 refugees and asylum seekers, mostly Sudanese and Iraqis, are reportedly subject to mistreatment and deportation by the authorities. The United States should consider for resettlement a group of 42 Iraqis rejected by UNHCR for refugee status.

In Jordan, where refugees face protection problems despite a 1998 memorandum of understanding between the government and UNHCR, UNHCR had 1,000 refugees registered in 2001, with 6,000 awaiting a status determination. The United States should continue to work closely with UNHCR to promote refugee resettlement out of the country.

The Rafha refugee camp in Saudi Arabia, where 5,200 Iraqis remain who fled Iraq after the Gulf War, desperation has set in among the population, 40 percent of whom are children. The United States, working with UNHCR and the Saudis, must lead an effort finally to offer resettlement to those who wish it.

A number of the Mandeian faith in Iraq, persecuted at home, have fled to places like Indonesia and Jordan. We recommend they receive P-2 access to the U.S. program.

There are thousands of Iranian and Iraqi refugees in Turkey, only some of them registered. Most of the Iranians are fleeing religious persecution, and fall under an existing P-2 designation. African refugees, a smaller number, face especially harsh protection risks. The United States should continue resettlement out of Turkey to provide protection for these victims, encourage other resettlement countries to do their part, and support Turkey as a country of first asylum.

In Pakistan, some 2.2 million Afghan refugees were joined after the U.S. military intervention in Afghanistan by more than 160,000 new Afghan refugees. Some have now repatriated, and the prospect exists for many more to do so. Certain categories, however, such as women who could not integrate into Afghanistan's conservative society, those who spoke out against the Taliban, and victims of torture, may be unwilling to return, and should be considered for resettlement. The situation justifies an

appropriately defined P-2 designation, and, to facilitate family reunification, use of P-3, P-4 and P-5, at least for long-stayers.

Pakistan also hosts Iranian, Iraqi and Somali refugees. *The United States should continue to consider them for resettlement.*

Almost 14,000 recognized urban refugees, mostly Afghans, live in India, along with Burmese, Iranian, Iraqi, Sudanese, Ethiopian and Somali refugees. They have no legal status, cannot legally work, and face harassment. Although small numbers are referred each year for resettlement, *the United States should designate certain of these groups as P-2 for processing by a Joint Voluntary Agency in New Delhi.*

Some 100,000 ethnic Nepalese refugees from Bhutan have been languishing in refugee camps in Nepal for more than a decade. *Resettlement may be the only possible solution for a number of them.*

Bangladesh hosts 20,000 Rohingya refugees from Burma, most of the 200,000 Rohingya who originally fled in the early 1990s having already repatriated to Burma or been forced back. *There appear to be no long-term options other than resettlement for this group.*

Many refugees flee to Europe, but the United States further restricted resettlement access for such refugees in 2001. U.S. processing posts in Europe are being phased out, and in most cases the United States considers for resettlement only those refugees referred by UNHCR, which, however, refers few cases to the U.S. program. Developments in Vienna, where INS rejections of religious minorities from Iran soared by 600 percent in the second half of 2001, were especially troubling. INS has now begun to review many of the denied cases, and *we urge that INS allow members of religious minorities whose rejections cannot be reversed to enter the United States under humanitarian parole.*

Unaccompanied and separated refugee children are among the most vulnerable of refugees. The United States should promote UNHCR "best-interest" assessments for these minors whenever possible, as was done for Kenya's "lost boys," with resettlement as one of the options. *We recommend that the State Department field teams of child welfare professionals to conduct such assessments; that, once refugee children reach the U.S., foster care programs be used for placement purposes; and that current priority categories be adjusted to facilitate the reunion of refugee children with relatives abroad who may have been located via tracing.*

Refugees living outside of camps, or "urban refugees," now account for more than 25 percent of all refugees worldwide, a massive increase. UNHCR has begun to consider resettlement for such refugees more seriously than before, as seen in places like Cairo and the former Soviet Union. More is needed. *We urge INS to recommence circuit rides to cities in central Asia and to add additional interviewing sites in Kiev and St. Petersburg. As already noted, we ask that the State Department and UNHCR give refugees in Delhi better access to U.S. resettlement, and that urban refugees there and elsewhere be accorded P-2 status. And we urge both UNHCR and the State Department to recognize that urban refugees should not be denied access to resettlement merely because they reside in countries that have signed the Refugee Convention, where they may still lack protection.*

Millions of refugees are "long-stayers," a bland word that masks the grief and desperation that attend those who spend many years without home or protection or prospects for a normal life. *We recommend a new, P-6 category for these people, noting that such refugees could be processed for resettlement near the end of the fiscal year if an admissions shortfall is anticipated and that the category could be used to promote international burden-sharing to end specific long-stayer situations, such as that at Rafha camp in Saudi Arabia (see page 3).*

Refugee women who lack protection, or "women at risk," continue to need special attention. While we are pleased that the U.S. program resettles many women at risk, our resettlement program fails to identify them as such. *We would like to see the United States adopt measures to ensure that women with protection problems are identified and given full access to the resettlement system; and that, once here, such women receive appropriate services beyond their initial reception and placement.*

II Introduction

For the U.S. refugee program, 2001 was a year like no other. In the tumultuous wake of the September 11 terrorist attacks in New York and at the Pentagon, the refugee resettlement flow into the United States came to a virtual halt for the rest of the year, victim of the need for new measures to protect our national security. Still at immediate risk is our capacity to welcome more than a part of the 70,000 refugees authorized by the President to enter our country in Fiscal Year (FY) 2002. This in turn weakens the capacity of the United States, through the established network of the resettlement agencies, to resettle refugees, threatening to disfigure the program in future years.

This critical situation has deepened the commitment of the Refugee Council USA to work closely with Assistant Secretary of State for refugees Gene Dewey and INS Commissioner James Ziglar to resolve the dilemma that confronts us: how to incorporate necessary new security checks into refugee processing while ensuring the system functions with the urgency that befits a refugee-protection effort. We were heartened to hear them both, in February, reject the idea of diverting FY 2002 funds away from resettlement processing to other purposes, reaffirming instead their determination to ensure that resettlement remains an important tool of refugee protection.

The task now is to identify, interview, and transport to the United States that number of refugees before the end of the fiscal year. This presents major challenges: identifying groups of refugees who can be interviewed and moved relatively quickly, fielding INS adjudicators in sufficient numbers, ensuring their safety without letting that consideration drive the program, finding innovative ways to speed fingerprinting and necessary security checks (such as performing them at earlier points in the process), and expanding the capacity to receive the refugees at U.S. ports of entry. We are convinced that these challenges can be overcome.

For the future, we have been pleased to note a new interest in both the State Department and INS in discussing with the agencies the designation of new groups of refugees overseas as P-2, of direct interest to the United States and not requiring a referral by the UNHCR. This should help ensure that, when the President determines the annual number of refugees to be resettled, the same number of refugees actually arrive, and not far fewer—which has too often been the case. We are also encouraged at the recent willingness of the State Department and INS to consider expanding their partnership with the agencies to include overseas refugee identification and referral, a point to which Commissioner Ziglar alluded in recent congressional testimony.

It is our hope now that the Administration will also resuscitate the United States' earlier emphasis on reuniting refugee families through the historic use of P-3 and the other family-reunification categories, which are now being progressively abandoned.

III Overseas Processing and Protection

A. Family Reunification

The U.S. refugee program has long honored family values by promoting family unity. In recent years, however, opportunities for refugee families to reunite have been increasingly restricted.

The benefits of family reunification are obvious. Through resettlement, refugees overseas are rescued from danger. Victims of persecution who have had to leave everything behind are at last rejoined with their relatives. For family members already in the United States, many of whom are themselves recently-arrived refugees, reunification with their loved ones removes what is perhaps their major source of anxiety and emptiness. Once reunified, families can turn their faces forward and fully devote their energies to starting over, making new lives in their new country.

It is through membership in a “processing priority” that a refugee overseas qualifies for an interview with the INS and an eventual determination of eligibility for U.S. resettlement. There have been three long-standing processing priorities for families. P-3 is for refugees who are spouses, unmarried children, or parents of persons lawfully admitted to the United States. P-4 is for refugees who are the grandparents, grandchildren, married sons or daughters, or siblings of U.S. citizens or other persons lawfully admitted to the United States. P-5 is for refugees who are the uncles, aunts, nieces, nephews, or first cousins of U.S. citizens or other persons lawfully admitted to the United States.

For FY 2002, the State Department’s processing guidelines make no provision for the admission of refugee family members who fit within P-4 or P-5. For P-3 refugee family members, admission has been restricted to include only those spouses, unmarried children, or parents from six African countries: Angola, Burundi, Congo (Brazzaville), the DRC, Sierra Leone, or Sudan. Close family members who are refugees but not from those six countries are excluded from refugee priority admission unless they fit within one of the specially designated P-2 categories or are fortunate enough to obtain a P-1 referral. Such a referral would have to come either from UNHCR (unlikely, given the severe demands on UNHCR protection officers and the agency’s paucity of resources) or from a U.S. embassy (even less likely, as embassies seldom utilize their authority to refer refugees for resettlement).

Some have criticized utilization of the family reunification categories as a poor use of the annual refugee allotment, contending that those benefiting should instead apply for family-based immigrant visas. Their implication seems to be that refugee relatives are not “real” refugees. This is wrong. All refugees admitted as P-3, in addition to meeting the family relationship criteria, are held to the same standard as P-1 and P-2 refugees, i.e., they must prove to an INS interviewer that they meet the refugee definition. Moreover, most refugees reunited under the family reunification program would not be eligible for immigrant visas for many years, if at all.

There is a process for reuniting refugees and asylees with their spouses and unmarried minor children in the United States—the “visas 92/93” program. Visas 92/93, unlike the P-3, P-4 and P-5 categories, do not require that the refugee’s immediate relatives prove persecution. Timeliness, however, is a problem. We fail to understand how INS can adjudicate certain business visa petitions in a few weeks while taking many months to process simpler visas 92/93 requests. We urge INS to rectify this disparity.

We deeply regret the increasing restrictiveness of the United States toward refugee family reunification. This is especially unfortunate against the backdrop of unused refugee admissions—over 10,000 in FY 2001—which could have been used to reunite families.

As the U.S. refugee program’s involvement in family reunification has eroded, the State Department has maintained that UNHCR can promote the uniting of families through P-1 referrals. UNHCR’s response is that international instruments make clear that family reunification is an obligation of states.

Moreover, says UNHCR, states are more competent than UNHCR at verifying family relationships, since states have better access to, and familiarity with, their own records. Our own observation is that UNHCR's scarce resources render the agency ineffective at promoting family reunification, as illustrated in a country like Pakistan, where the close family members of refugees resettled in the United States consistently report that they are unable to gain access to the U.S. program through UNHCR. Thus, notwithstanding UNHCR's responsibility for the protection of all refugees, the United States should promote family reunification without UNHCR's unnecessary involvement.

We urge, therefore, that the United States return to more reasonable resettlement opportunities for refugee family members of U.S. residents. One vehicle would be a blanket P-3 designation for all nationalities, allowing refugees who are spouses, unmarried sons or daughters, or parents (and for whom no visas 92/93 has been filed) to be quickly reunified with their loved ones. Such a mechanism should in our view also include the siblings of unaccompanied minors, children whose only family may be their brothers and sisters. UNHCR has indicated that it would welcome such a policy, both on humanitarian grounds and in order to free up precious refugee-determination resources for other, P-1 refugees.

Besides the expansion of P-3, we urge that the government reinstate the use of P-4 and P-5 for selected nationalities, particularly within long-stayer populations. This would allow the U.S. program better to accommodate cultures, such as many in Africa, where the family structure is extended. Family unity is a universal value which the American people strongly support. Our refugee program should, too.

Needless to say, our support for family reunification is not meant to undermine emergency access for those refugees, whether their situation is new or of some duration, without family links to the United States, namely "free" cases.

B. Strengthening Refugee Identification and Referral Mechanisms

Exploring new ways to identify and refer refugees in need of third-country resettlement to the U.S. program is essential for improving refugee protection in countries of first asylum and providing durable solutions to refugees with no other hope. This is so both in situations where UNHCR has little or no presence, and in countries where UNHCR is active but the size of the refugee population overwhelms UNHCR's capacity to protect it. In recent years, the United States has funded one pilot project to give direct assistance to UNHCR in identifying refugees needing resettlement, boosted UNHCR's ability to do the job itself, and been more forthcoming in accepting UNHCR emergency referrals. This trend is very positive. We recommend now that the best approaches be replicated in other countries, similar ideas be field-tested, and the effort be extended to include NGO referrals directly to the U.S. program.

Durable Solutions Project

In FY 2001, the State Department engaged one of our member agencies to implement a pilot project to identify and refer for resettlement Afghan refugees in Pakistan who would otherwise not come to the attention of UNHCR. The project works with local NGOs with direct knowledge of vulnerable refugees for whom conditions of asylum in Pakistan are grossly insufficient. The project effectively expands the scope of UNHCR's information base, increasing the agency's ability to offer protection, and has worked particularly well for identifying women at risk.

Emergency Resettlement

This past year, the State Department initiated a pilot "fast track" procedure to interview and transport to the United States a small number of at-risk refugees. The procedure was introduced at the urging of UNHCR and ourselves to respond to the needs of refugees facing imminent *refoulement* or deportation,

or those at risk of arrest and abuse by secret police. It enables the United States to resettle refugees in weeks instead of months or years.

The State Department used the entire quota of 50 cases established for 2001 under the pilot plan. UNHCR identified the refugees and referred them to the United States; INS conducted the interviews; and the State Department ensured that the refugees were processed in accordance with customary procedures, albeit at a highly expedited rate. But for this procedure, these 50 people might have been returned to face persecution, or “disappeared” in the country where they hoped to find asylum. It is clear that this “rescue” mechanism complements and strengthens the U.S. refugee admissions program.

Since September 11, with the new security measures that slow all refugee processing, it is no longer possible to obtain the required pre-arrival security clearances in a matter of days; they will more likely take several weeks. Even so, this comparatively expeditious processing is expected to protect a small but highly vulnerable group of refugees that might otherwise not survive.

The State Department should be commended for initiating this pilot approach. It is now time to institutionalize the procedure and expand it to meet all appropriate requests submitted by UNHCR in the coming year.

Resettlement Deployment Project

This U.S.-funded project, implemented through one of our member agencies, borrows well-trained NGO staff for limited periods to assist UNHCR field offices to conduct resettlement interviews and engage in other processing activities. Augmenting the number of experienced staff in UNHCR adds strength and flexibility to the agency’s Resettlement Section in Geneva and its field offices worldwide. Besides focusing on such groups as women at risk, this project should be expanded, in our opinion, to send out teams to do “best interest” assessments for refugee minors, an effort that was mounted successfully in Kenya’s Kakuma camp and has resulted in significant numbers of Sudanese “lost boys” being resettled in the United States.

Targeted Evacuation and Resettlement

Two years ago, the State Department asked the International Organization for Migration (IOM) to evacuate from the DRC a large group of Congolese Tutsis considered to be at risk of persecution on account of their ethnicity. They were admitted temporarily by Benin and Cameroon, where they were interviewed by UNHCR, determined to be refugees, and referred for third-country resettlement, mostly to the United States. This was generally considered an extremely successful operation, and illustrated the value of being proactive to limit bloodshed and persecution. The model ought to be pursued when it is the best lifesaving course of action available.

Further Efforts Needed

We welcome the above initiatives, but believe that more can be done to increase the effectiveness and reach of the U.S. program. U.S. embassies in refugee-hosting countries, for example, could usefully be enlisted in the definition of new P-2 groups; embassy staff are particularly well positioned to understand the foreign policy interests of the United States as these involve refugees, and are more directly exposed to the humanitarian needs of refugee populations than most.

Another suggestion for expanding the reach of the U.S. program is the use of a random selection mechanism in situations with a huge number of similarly situated refugees in need of a durable solution, where it is difficult to distinguish the most meritorious claims. This could be used for long-staying refugee populations in instances where the United States has decided to offer resettlement but for whom the number of resettlement places is insufficient.

Most important, in our view, are two final suggestions. First, the United States should begin to use NGOs to identify and refer the neediest refugees directly to the U.S. program. A number of our member agencies and others work side by side with refugees overseas and know their situation intimately. They could provide knowledgeable, credible case referrals to a U.S. refugee coordinator or to another entity involved in U.S. refugee processing. These would be deserving cases that now have no access to the U.S. program. We are aware that the State Department is interested in this possibility and has begun to explore it, and we urge that concrete steps be taken this year to try out the concept on a pilot basis.

Second, we would like to see our government's encouragement of a voluntary agency-staffed mobile processing team that could be sent out on an emergency basis to prepare cases for INS interview when new refugee situations required it, an initiative the agencies intend to put before the State Department this year.

The Public/Private Partnership

A. The Partnership Overseas

One of the most distinctive and treasured features of the U.S. refugee program is the longstanding public-private partnership in refugee processing. An early outgrowth of this partnership was the "Joint Voluntary Agency," or "JVA," the term given to the entities managed by U.S. NGOs under contract to the State Department to assist with refugee processing overseas. JVAs prepared refugee applications and appeals (known as "Requests for Reconsideration") to be presented to INS, facilitated interpreting at INS interviews, and provided cultural orientation for approved refugees. The voluntary agencies were given this role in recognition of their unique expertise and their links to resettlement communities in the United States.

The partnership allows for timely, effective collaboration between overseas processing entities and the domestic resettlement agencies, which is vital to refugee placement and successful integration. The partnership is cost-efficient and gives important religious, ethnic and humanitarian constituencies a vital role in the refugee program, further solidifying their support.

In recent years, Congressional leaders have joined us in lamenting the erosion of the role that American voluntary agencies play in overseas processing. In Haiti, the former Soviet Union, the former Yugoslavia, Syria and Egypt, the State Department passed over partnership opportunities with its ten traditional, advocacy-oriented partners. The State Department also retired the term "Joint Voluntary Agency" (JVA) and replaced it with "Overseas Processing Entity" (OPE). Consequently, we were pleased last year when the Administration reversed this trend and named a voluntary agency to administer the new OPE in Accra, Ghana.

We hope that this reinvigoration of the overseas partnership continues. Historically, the United States, of all the resettlement countries, has most consistently recognized the value of NGO participation in international fora. For example, through funding and statements of support, the U.S. government has, together with Sweden and some other resettlement countries, facilitated the participation of NGOs in the International Conference on the Reception and Integration of Resettled Refugees (ICRIRR), as well as in the ongoing Global Consultations on Refugee Protection. This has assured NGOs a voice in the effort to maintain the vitality of the 1951 Convention relating to the Status of Refugees.

Similarly, the United States was one of the first countries to include NGO representatives on its official delegations to high-level UNHCR sessions in Geneva, a practice others soon followed. We are disappointed, however, that, when the resettlement countries decided recently to continue to exclude NGOs from the Geneva "working group" meetings on resettlement, and, subsequently, to restrict NGO participation in the Annual Tripartite Consultation on Resettlement, the United States, which had initially voiced support for NGO participation, did little to challenge these decisions. We recommend the State Department promote a review of these decisions and continue its support for full NGO participation in future tripartite meetings.

We must express our satisfaction as well that the U.S. refugee program has continued to encourage UNHCR to find creative ways for NGOs to contribute to refugee rescue and protection. Examples include U.S. funding of UNHCR's NGO deployment program and the U.S.-supported Durable Solutions Project in Pakistan, both described on page 7 and 8.

In the coming year, we hope that new such partnerships will come into being. At a time when the demands on UNHCR to identify and help resettle a more diverse caseload have outpaced its capacity to do so, the NGO community stands ready to augment that capacity in partnership with the U.S. refugee program and the international community. This could be done by allowing NGOs to assist UNHCR with resettlement referrals, by authorizing NGOs to identify refugees in urgent need of

resettlement, and by permitting NGOs to bring their ideas on resettlement policy into the Geneva Working Group on Resettlement.

B. The Partnership Domestically

On the domestic side, the public-private partnership takes the form of a contractual relationship between the State Department and each of the nine national voluntary agencies that perform refugee resettlement across the country. In the wake of September 11, the local offices that comprise the agencies' network—over 400 of them in all 50 states, the District of Columbia, Guam, and Puerto Rico—faced a new challenge as refugee children were taunted at school, mosques were damaged, and some landlords refused to rent to refugees from the Near East.

Within days, the agencies developed plans to work with the media and local communities to mitigate the effects of this backlash. Initiatives in the areas of fundraising for September 11 victims, community education, involvement of religious organizations, and representations to local governments all helped lessen the anti-immigrant sentiment that the terrorist attacks had unleashed. It was quickly shown that Muslim and other refugees were no less appalled by the September 11 terrorism than their neighbors. The many positive media depictions of refugees helped landlords, employers, and others understand the refugees' situation more clearly and aided in easing tensions.

The agencies also reacted to the softening of the economy that followed the September attacks, developing new ideas on how refugees might find employment. Jobs were sought in hospitals, for example, to replace those lost in hotels. Efforts were mounted to help nervous employers realize they did not have to fear hiring refugees.

Internally, the agencies saw their operations badly disrupted by the virtual shutdown of the resettlement program in the first half of the fiscal year. Local affiliates were forced to lay off a number of employees or reassign them to other duties. Fortunately, the Office of Refugee Resettlement of the Department of Health and Human Services approved flexible funding arrangements in February for our agencies. Subsequently, the Department of State agreed to guarantee funding to the agencies to meet local program expenses, enabling us to maintain the staffing levels and infrastructure necessary to operate when refugee admissions rise to normal levels.

This assistance, plus positive community support, prevented the dismantling of the refugee resettlement network. This enables the United States to continue to offer resettlement to refugees worldwide as a vital durable solution and as an important component of U.S. foreign policy. In the months to come, refugees, whether war victims, single-parent or woman-headed households, or unaccompanied minors, can count on receiving the services necessary to achieve self-sufficiency and a new life.

Admissions Recommendations

A. Africa

Refugee Misery Persists Despite Some Advances

Africa remains beset by dangerous armed conflicts, accounting for 30 percent of the world's refugees and nearly 50 percent of the world's internally displaced populations. In addition to the 27-year-old armed conflict in Angola, the 19-year-old civil war in the Sudan, and an ethnic conflict in Burundi, Africa continues to face other conflicts that cause massive dislocation of civilians. The Central African Republic has become unstable, with a failed military coup attempt having occurred in June 2001. Lawless Somalia is becoming increasingly dangerous as warlords continue their scramble for the creation of equally lawless, self-governing enclaves. Eritrea and Ethiopia accuse each other of breaking their peace agreement, and the indications are that they are prepared for another round of war. Finally, human rights violations, politically-motivated violence, and general instability are becoming increasingly severe in Zimbabwe, particularly for farmers of European descent and other perceived opponents of President Mugabe.

That said, significant, encouraging developments occurred in Africa the past year, including the conclusion of the Ethiopian-Eritrean war, the enduring cease-fire agreement in the DRC and Burundi, and the return of calm to parts of Sierra Leone.

According to UNHCR, half of the major voluntary repatriation movements in the world last year were in Africa, including nearly 68,000 Eritreans from the Sudan, 45,000 Somalis from Ethiopia, more than 42,000 Liberians from Côte d'Ivoire and Guinea, many Sierra Leoneans from Guinea and Liberia, and Rwandans from the DRC. A massive repatriation of Congolese from Tanzania and Zambia is underway. After three years of civil war, the DRC conflict seems ripe for resolution, and hopes are growing for an end to the conflict following decisions by some of the DRC's neighbors to withdraw their troops from the war zone. Furthermore, the thawing relationship between the DRC government and the facilitator of the DRC peace negotiations, former Botswana President Sir Ketumile Masire, as well as the commitment of the warring factions to the Lusaka cease-fire accords, bode well for the return of peace and the repatriation of refugees. Importantly, delegates from 48 African countries including 30 government ministers declared at a conference in Switzerland in December 2001 that their countries would seek legislation granting long-term refugees access to land and work in an effort to allow refugees to become active participants in "promoting development rather than being a burden to their host."

For Resettlement, Serious New Obstacles

The year 2001 was problematic for refugee resettlement from Africa. In the spring, after finding that some refugees and others were "purchasing" resettlement referrals from UNHCR staff, that agency suspended resettlement processing out of Kenya, long the busiest refugee processing post in Africa. Similar allegations in Ghana led to a State Department decision in March of 2002 to suspend the processing of cases referred by UNHCR in that



Ruth Gwangee, age 40, Liberian refugee in Guinea.
Photo courtesy of Jeff Drumtra/USCR, October 1999.

country as well. In addition, revelations of fraud among the few nationalities eligible for P-3 processing in Africa caused INS to add months to the processing time for this caseload in order to verify the family relationships of all P-3 cases in the backlog, including those already approved but not yet departed. Authority for this new and cumbersome “anchor review” is found in the Patriot Act of 2001.

Fraud and corruption in the refugee program damage resettlement prospects for those most in need of that protection. Those who commit such fraud for profit, whether they be agency staff overseas or “entrepreneurs” in the United States who “sell” fraudulent family relationships, must be prosecuted to the fullest extent of the law.

As for UNHCR referrals in Nairobi, 12 months have gone by without any meaningful identification or processing of new refugee resettlement cases. The UNHCR branch office there has made it clear that, until further notice, new cases will be accepted only in “life and death” situations. UNHCR staff did not even arrive in Nairobi to process the backlog of resettlement referrals already in process until March of 2002, nearly a year after processing was suspended.

Meanwhile, INS’s Nairobi office took the position that *any* INS-approved refugees referred by the UNHCR Protection Officer implicated in the scandal were presumptively ineligible for refugee status. INS Nairobi informed those refugees that their approvals would be rescinded unless they came forward with information explaining how they had managed to be referred by UNHCR. Most did not come forward, as they had nothing untoward to report. By all accounts, the *modus operandi* of the corrupt UNHCR protection officer was to “hide” bad claims in larger submissions of strong resettlement cases. Nevertheless, INS rescinded refugee approvals for dozens of refugee families, some of whom are now in such danger that they have been segregated into a special “protection area” of Kakuma camp. INS should immediately reopen these cases *sua sponte*, given that the only reason to believe them fraudulent is that they were referred by the offending UNHCR official.

While we welcome attempts by UNHCR and INS to combat fraud, unnecessary delays in implementing anti-fraud measures, particularly by UNHCR, have further undermined refugee protection. During this period, the U.S. refugee coordinator in Nairobi has attempted to keep processing moving by referring more cases directly from the U.S. Embassy. We would like to have seen, in addition to this admirable initiative, adoption by the State Department of recommendations we made for Africa in 2001, including P-2 access for Sudanese minors in Ethiopia, Sudanese “lost girls” in Kenya, Liberian Krahns in Côte d’Ivoire, African students stranded in Moscow, and long-stayers in camps without any other imminent durable solution.

Similarly, in June 2001, UNHCR’s Washington office wrote the State Department with additional P-2 recommendations, including former high-ranking officials from Congo-Brazzaville in Gabon, Benin and Burkina Faso; mixed-marriage families in Western Tanzania; Burundians in exile in Tanzania since 1972 without the opportunity to integrate; and Congolese in Tanzania repeatedly displaced across the region. To our knowledge, the State Department has yet to respond to these excellent recommendations, which could have enhanced refugee protection in Africa.

The State Department, INS, and UNHCR should continue to combat fraud; their efforts, however, should be mounted in such a way as to strengthen refugee protection, not suspend it. As of March 2002, only 488 African refugees had entered the United States for resettlement this fiscal year. Unless a significant acceleration occurs, the regional African ceiling will fall far short of attainment.

Refugee Camp Safety

Security in and around refugee camps in Africa continues to be a major concern. Armed groups in Kenya and Uganda, including Turkana cattle rustlers and rebel groups, periodically attack refugee camps, causing death and terror among refugees. Abduction and intimidation of young women and children have become commonplace in refugee camps in Kenya, Uganda, Tanzania and other African

countries. In November 2001, more than a hundred school children were kidnapped from camps for Burundian refugees in Tanzania. In addition to armed intruders, intra-ethnic clashes within the camps killed many refugees last year, making the need for better camp security more urgent.

We find it most unsettling that hundreds of thousands of refugees have lived under these precarious conditions for the better part of a decade, during which period the United States has let more than 125,000 authorized refugee admission places go unfilled. Such refugees without integration or repatriation prospects should be accorded a new, P-6 designation (*see section on "Long-stayers," page 38*), and be processed for U.S. resettlement without requiring individual UNHCR referrals.

In the meantime, steps worthy of consideration by the international community to enhance security include deploying peacekeepers, relocating camps to more secure areas and limiting their size, disarming refugees before they are allowed camp entry, interning active combatants, denying access to unauthorized visitors, and providing for the participation of human rights monitors.

Horn of Africa

The end of the border war between Ethiopia and Eritrea, and the successful voluntary repatriation of many Eritrean and Ethiopian refugees from the Sudan were among the most positive developments in the perennially unstable Horn of Africa in 2001. Nonetheless, the region continues to account for nearly 39 percent of Africa's total refugee population. This is due mainly to lawlessness in Somalia and a stubborn civil war in the Sudan. And recent activities of both Eritrea and Ethiopia indicate they are far from long-term peace. Resettlement is the only viable option for refugees from Sudan, some refugees from Somalia, and some Eritrean and Ethiopian refugees in the Sudan, many of whom are long-stayers.

Sudan

The intractable, 19-year-old civil war between Sudan's militant Islamic government in the north and Christian/African population in the south continues to kill and displace civilians. The war is believed to have caused the deaths of some two million Sudanese since 1983, displaced more than two million to major northern cities, and forced more than 500,000 to seek refuge in neighboring countries, including an estimated 55,000 in Kenya, 200,000 in Uganda, 70,000 in Congo-Kinshasa, 35,000 in the Central African Republic, 20,000 in Chad, and a very large number in Egypt. Sudan's internally displaced population, estimated at four million, is the largest in the world. Finally, according to the U.S. Committee for Refugees (USCR), Sudan itself is home to about 350,000 Eritrean, 25,000 Ethiopian, 5,000 Ugandan, and 5,000 Chadian refugees.

Efforts by the United States and Sudan's neighbors to broker a negotiated settlement to the country's civil war have yet to produce progress. With no end to the war in sight, resettlement to a third country is the only durable solution for many of the Sudanese refugees.

Sudanese Refugees in Ethiopia

UNHCR estimates that over 71,000 Sudanese refugees live in four refugee camps in western Ethiopia, with dim hopes of returning home in the foreseeable future. Over 50 percent of these refugees are children 18 years old or younger, 700 to 1,000 of whom are part of the original "lost boys" who trekked into Ethiopia in the late 1980s. Unlike their colleagues at the Kakuma refugee camp in Kenya, many of whom were finally resettled in the United States last year, Sudanese refugee minors in Ethiopia languish in desolate camps, with no hope for repatriation or resettlement. We urge that UNHCR do "best interest" assessments for these young refugees, and recommend those needing resettlement to the U.S. refugee program. Other Sudanese refugees in Ethiopia should continue to be considered for resettlement in the United States as well.

Sudanese Refugees in Egypt

When a Refugee Council USA delegation visited Egypt in August 2001, the ever-widening civil war in the Sudan and a relaxation of border and travel controls were causing an estimated 300–500 Sudanese each week to seek refuge in Cairo, a number that at this writing stands at about 600 persons per month. UNHCR has conferred refugee status on just over 5,000 of the current Sudanese population, and some 15,000 await a UNHCR status determination. This means that many are without UNHCR protection. Most depend on a small, generous group of local churches for daily necessities, including food and clothing. With no possibility of becoming self-sufficient or culturally or economically integrated into Egyptian society, Sudanese refugees, especially women and youth, have become susceptible to sexual and other criminal exploitation. Compounding the situation is the fact that refugees must wait up to 18 months for UNHCR interviews, rendering them ineligible for much-needed UNHCR assistance in the interim even if they are eventually given refugee status, which many are not.

Resettlement to a third country is the only viable option for many Sudanese refugees in Egypt. We encourage the United States to continue significant resettlement from Cairo. Sufficient personnel, training and resources should be made available to UNHCR, the U.S. embassy, and the IOM to meet new processing demands.

Sudanese Refugees in Kenya

The arrival in the United States in 2001 of most of the 3,800 U.S.-bound unaccompanied Sudanese youth from Kakuma, the so-called “lost boys,” is welcome news. Clearly, the positive reception of these refugees by the public and the media demonstrated American grassroots support for welcoming refugees into our communities. Nearly 55,000 Sudanese refugees remain in Kenya, most in Kakuma camp in the northwest part of the country. A few thousand more Sudanese refugees entered Kenya in 2001 from southern Sudan. Resettlement is the only durable solution for many young girls who became separated from parents more than a decade ago as well as for single mothers widowed by the civil war. We hope that steps will be taken to identify the Sudanese girls whose “best interests” call for resettlement, that UNHCR will recommend P-1 consideration for those among them who are minors, and that the United States will accord P-2 status to those over 18. We recommend, too, that, in appropriate cases, the refugee caretakers for those resettled be given P-2 status as well.

Somali Refugees in Kenya

Among the estimated 213,000 refugees hosted by Kenya in 2002, about 129,000 are from Somalia. Most of the Somali refugees currently residing in Kenya fled civil war and famine in 1991–1992. UNHCR estimates that more than 60 percent of these refugees reside in three camps near Dadaab, a desolate swath of land near the Somalia-Kenya border. Although some Somali refugees returned home in 2000, violence among warlord-controlled factions continues to cause political instability, forcing nearly 4,000 Somalis in central and southern Somalia to flee to Kenya last year, according to the USCR. Resettlement is the only option for those refugees who cannot return. The resettlement of the 13,000 Somali Bantu whom the United States has recognized as a particularly vulnerable group has long been delayed. Most are in Dadaab camp, and the February 2002 deci-



Two of only five female standard 8 Somali refugee students at Ifo refugee camp secondary school, Dadaab, Kenya. Photo courtesy of Joel Frushone/USCR, May 2001.

sion to transfer them to Kakuma camp for processing should be implemented quickly while assuring that Kakuma has sufficient capacity to accept them.

Ethiopian Refugees

Interruptions of the fragile peace between Ethiopia and Eritrea, combined with urban violence, student riots, political killings and disappearances in Ethiopia, have led to a reversal of UNHCR's progress in promoting voluntary repatriation to Ethiopia. For many Ethiopian refugees, resettlement may be the only durable solution for the foreseeable future. We applaud UNHCR's recent efforts to resettle the almost 400 long-staying Ethiopian refugees in Somalia who are not being accepted back by the Ethiopian government. We urge UNHCR to make similar efforts for Ethiopian refugees in the region who have neither local integration prospects nor any realistic hope of imminent repatriation. We also encourage the United States to resettle such groups of Ethiopian refugees out of the Kakuma and Dadaab camps without the need for individual UNHCR referrals.

The Great Lakes Region: Burundian Refugees in Tanzania

UNHCR estimates that about 380,000 Burundians fleeing eight years of war in their country currently live in ten large camps in Tanzania. Nearly 80,000 of these refugees arrived in Tanzania in 2000. Some Burundian refugees were kidnapped from refugee camps in Tanzania last year, including 307 school children abducted in a span of two weeks in November 2001. The situation in Burundi remains too dangerous for voluntary repatriation despite new power-sharing arrangements brokered by former South African President Mandela. Renewed inter-factional violence in early November 2001 thwarted the anticipated return of thousands of refugees following the signing of the Arusha peace agreement in August 2000. Resettlement should remain an option for those refugees who cannot repatriate.

Refugees from the Democratic Republic of Congo (DRC)

After three years of a war that involved neighboring countries and a host of rebel movements, the DRC has produced about 350,000 refugees. Most live in camps in ten neighboring countries, including an estimated 110,000 in Tanzania, 100,000 in Congo-Brazzaville, 60,000 in Zambia, and 28,000 in Rwanda. Like many African countries, the DRC also hosts refugees from elsewhere; according to USCR, these include 170,000 from Angola, 70,000 from the Sudan, 20,000 from Burundi, 10,000 from Uganda, and 5,000 from Congo-Brazzaville. There is a growing number of refugees from the Central African Republic in the DRC.

The cease-fire that followed the endorsement of the Lusaka accord by Congolese rebel leaders and the government seems to be holding, albeit precariously. While the decision by some of DRC's neighbors to withdraw their troops from the country is good news, fresh clashes in recent months between the Lundi and the Hema ethnic groups in the Bunia region of eastern DRC are a troubling development. Nearly 6,000 refugees of Hema ethnicity sought refuge in Uganda



Child in west African refugee camp. Photo courtesy of Leonard Glickman/HIAS, August 2001.

early last year. If all the parties to the conflict in the DRC implement the 1999 Lusaka cease-fire, the refugees from the DRC will be able to return home in the near future. In the meantime, resettlement should remain an option for many Congolese refugees living under poor, insecure conditions in refugee camps in western Tanzania.

West Africa: Mauritanian Refugees in Senegal

The ethnic conflict of 1989–90 has resulted in an exodus of Mauritians to neighboring countries. The government of Mauritania still claims these refugees to be non-Mauritians, so chances of their repatriation are poor. Currently there are some 42,000 refugees residing in Senegal, of whom 40,000 are Mauritians. Some local integration has been possible, but there is still a need to look at the possibility of third country resettlement for some, and we would recommend that UNHCR be requested to review this population for possible P-1 referral to the U.S. program.



Mamie Brima, age 80, Sierra Leonean refugee in Sinje Camp, Liberia. Photo courtesy of Jeff Drumtra/USCR, October 1999.

Sierra Leonean Refugees in Guinea

In December of 2000 UNHCR started to facilitate the voluntary repatriation of Sierra Leonean refugees in Guinea. Thus far, over 35,000 refugees have returned to Sierra Leone with UNHCR's assistance.

Following the June 2001 relocation of 57,000 Sierra Leonean refugees from unprotected border camps in Guinea to government-provided sites in the Kissidougou prefecture, UNHCR began an identification and planning mission to determine the resettlement needs of particularly vulnerable groups. A resettlement consultant was deployed for six months ending September 2001. To complete the mission, UNHCR is urged to continue to identify, process and submit to the U.S. refugee program those Sierra Leonean refugees in Conakry, Kissidougou and N'Zérékoré in need of resettlement. We strongly hope that UNHCR receives sufficient resources to accomplish this task.

Southern Africa: Refugees from Angola

The Angolan civil war, which has raged on intermittently for over 26 years, has caused massive dislocation of civilians, eroding the country's infrastructure. Last year, UNHCR estimated that more than 421,000 Angolans were refugees in neighboring countries, including nearly 200,000 in Zambia, 177,000 in the DRC, and nearly 20,000 in each of Congo-Brazzaville and Namibia. Continued clashes between rebel UNITA forces and MPLA government soldiers have produced more refugees in the past year, with more than 10,000 refugees fleeing to the DRC's Bas-Congo region in August 2001. The Angolan conflict has continued unabated since 1998, when warring parties violated the Lusaka Protocol, signed by UNITA and MPLA in 1994. A few thousand Angolan refugees repatriated in 2001 despite the uncertain political climate that may result from the MPLA-dominated government's announcement of presidential and parliamentary elections in 2002 or 2003. Resettlement to a third country should remain an option for the many of the Angolan refugees who are unable to return home in the foreseeable future.

African Refugees and Asylum Seekers Outside of Africa

Thousands of Africans continue to seek asylum outside of Africa, including Ethiopians and Somalis in Yemen, Sudanese and Somalis in India and Pakistan, and an undetermined number of Sudanese in Lebanon, Syria and Russia. Recent violence against the 3,000 African refugees in Moscow by so-called skinhead groups calls for consideration of these refugees for third-country resettlement. In Yemen, over

22,000 Somalis, 3,000 Sudanese and hundreds of Ethiopians reside in refugee-like situations without any UNHCR assistance or protection. These and many other African asylum seekers, who often endure years of discrimination and harassment, live without protection from UNHCR and have no access to the U.S. refugee resettlement program. The arrival in the United States of some African refugees from India and Pakistan in 2000 was good news. We urge the State Department, in collaboration with UNHCR, to continue to promote African P-1 referrals in regions outside Africa, particularly the Middle East, Russia, and South Asia.

B. East Asia

Burmese in Thailand

There are currently 130,000 Burmese refugees living in official camps situated along the Thai border, as well as approximately 1,000 Burmese refugees individually recognized by UNHCR living outside of the camps. Thailand has always prohibited the resettlement of almost all Burmese refugees in the country, but, until recently, it did permit the resettlement of a few thousand so-called “student activists” residing in Maneeloy camp west of Bangkok. The Thai government finally closed Maneeloy in December 2001, and transferred the remaining 100 activist refugees to Tham Hin camp, near the border, along with 200 other refugees who could not reside in the more established border camps. At a minimum, the United States should resettle the 300 refugees from Tham Hin camp.

We understand that, starting in 2002, UNHCR intends to refer about 800 border refugees per year to the United States and other programs for resettlement. This is a welcome development, but more should be done for this vast population, living in camps now for more than a decade.

Not all *bona fide* Burmese refugees can live in established camps. For many, conditions inside the camps are extremely dangerous, often due to factional fighting. Yet despite their status as persons of concern to UNHCR, the refugees in question are frequently harassed, exposed to dangers that include trafficking, unable to find employment, and subject to the risk of *refoulement*. The United States should urge the Thai authorities to permit these vulnerable refugees access to resettlement, and accept referrals from UNHCR accordingly.



Shan Burmese refugees in Thailand. Photo courtesy of Hiram A. Ruiz/USCR, June 2001.

Burmese Rohingya in Malaysia

Between 5,000 and 10,000 Rohingya from Burma are in Malaysia. The Rohingya, who are Muslim, are one of many minority ethnic groups who have fled persecution by Burma’s military regime. They have no legal status in Malaysia and hold no identity documents. Malaysia has been unable to return the Rohingya to Burma because the Burmese regime denies that they are its citizens. Malaysian authorities often deport Rohingya to the border of Thailand, after which most return on their own to Malaysia.

In 1998, nearly 1,600 Rohingya approached UNHCR for the first time to request individ-

ual refugee status determination. By the end of 2001, UNHCR had denied most of the claims, approving only about 50 as refugees (some of whom have been resettled in other countries). However, those denied are still unable to avail themselves of the protection of Burma and would likely face persecution if returned home. In addition to these 1,600, at least 3,500 other Rohingya are believed to be in Malaysia. The number could in fact be much larger, because many Rohingya did not register with UNHCR during an initial registration in 1992–1993, which yielded a figure of 5,100. Many observers, including some Malaysian government officials, have put the figure at about 10,000. UNHCR still considers 5,100 Rohingya—including those denied refugee status—to be “of concern,” since they have no legal status and no documents in Malaysia.

Given the continued brutality of the Burmese junta and the political stalemate there, it is unlikely that the Rohingya in Malaysia will be able to return to Burma in the foreseeable future. Because this group has no status in Malaysia and faces the threat of return to persecution, the U.S. government should consider them as a potential resettlement population, despite UNHCR’s denial of refugee status to many of them.

East Timorese in West Timor

More than two years after the people of East Timor voted for independence from Indonesia, an estimated 50,000 to 80,000 East Timorese refugees remain in the Indonesian territory of West Timor. Neither UNHCR nor most other international aid agencies have resumed operations in West Timor since they withdrew from the territory following the September 2000 murder of three UNHCR staff at the hands of pro-Jakarta militia. Although repatriations resumed at a significant rate in late 2001, militia intimidation still plagues the return effort. This, along with the lack of coordinated assistance and the Indonesian government’s threat to discontinue aid, puts the remaining refugees in a particularly vulnerable position.

Although the majority of remaining refugees will likely return home at some point, the United States should monitor the situation closely to determine if there are any East Timorese in West Timor for whom U.S. resettlement is the most viable option.

Indonesia

The number of IDPs in Indonesia grew by more than 400,000 in 2001, reflecting continued or even increased violence in many areas of the country despite the July 2001 change in government. Persons from the Indonesian province of Aceh continue to seek safety in Malaysia, and the potential remains for persons from Maluku, Sulawesi, and elsewhere—as well as Chinese Christians—to flee to other countries. We commend the State Department for its responsiveness to the situation of vulnerable Acehnese in Malaysia. We urge it to continue to monitor developments in Indonesia and in the region and to offer resettlement to any Indonesians for whom it is warranted.



IDPs in Indonesia, North Maluku (Ternate). Photo courtesy of Jana Mason/USCR, August 2000.

We also note that the United States is participating in the resettlement effort for refugees, mainly from Afghanistan and Iraq, who have been referred by UNHCR in Jakarta. Thousands of other asylum seekers from the Middle East and South Asia remain in Indonesia under difficult circumstances. The State Department should continue its resettlement of this population, despite the unwillingness of Australia, the intended country of destination for most of the asylum seekers, to admit its share of the population.

Australia: Afghans, Iraqis, and Others in Nauru and Papua New Guinea

In the fall of 2001, Australia adopted a dramatic new policy toward the unauthorized arrival of asylum seekers by boat at its offshore territories. A major component of this policy is the so-called "Pacific Solution," under which Australia transfers asylum seekers arriving at its territories (such as Christmas Island, Ashmore Reef, and the Cocos Islands) to other Pacific nations that have agreed to temporarily house them for purposes of refugee screening.

Thus far, the countries of Nauru and Papua New Guinea have agreed to temporarily house the asylum seekers, who are mostly from Afghanistan and Iraq, with smaller numbers from elsewhere in the Middle East and South Asia. Currently, more than 1,100 asylum seekers intercepted by Australia are in Nauru and more than 200 in Papua New Guinea. Hundreds of others are on Australian territories awaiting possible transfer to Nauru or Papua New Guinea, and boats carrying asylum seekers are continuing to arrive near the Australian territories.

UNHCR is conducting the refugee screening for some of the asylum seekers on Nauru, while Australian immigration authorities are screening the rest on Nauru and all of those on Papua New Guinea. (Australia is screening under the Convention only, not under Australian asylum law.) Australia has said that it will resettle its "fair share" of those approved as refugees, but that it expects other countries to do the same. Although UNHCR feels that Australia should play the lead resettlement role, Australia has insisted on more equalized "burdensharing" for this group. Australia's immigration minister has indicated that many of the approved refugees could be left languishing in the remote facilities on Nauru or Papua New Guinea for a year or longer. In addition, Australia has indicated that most Afghans should soon be able to return home.

New Zealand admitted and screened some 130 of the asylum seekers initially taken to Nauru, and it has since approved almost all as refugees. Ireland and certain Scandinavian countries have indicated a willingness to admit some of those who are still in Nauru and Papua New Guinea and who are approved as refugees, but others will likely still be in need of resettlement.

The United States should carefully monitor developments concerning this population and be prepared to play a significant resettlement role. Human Rights Watch has described conditions at the processing center on Nauru as "hellish," and both Nauru and Papua New Guinea have indicated their desire for the refugees to depart as soon as possible. The United States should do its part to help resolve the situation of these refugees caught up in Australia's harsh stance toward asylum seekers.

Vietnam

Although the Orderly Departure Program (ODP) from Vietnam was closed in 1999, interviewing should begin in April 2002 under one of its sub-programs. Moreover, there is interest now in the State Department in erasing the deadlines that in the past prevented otherwise qualified Vietnamese from accessing various ODP sub-programs and, if Vietnamese government permission is forthcoming, allowing them to re-apply.

Former U.S. Government Employees

After much delay, some 900 cases of former U.S. Government employees, called U11, are being considered for U.S. resettlement, with interviewing due to start in Vietnam in April 2002. These were not interviewed previously under the U11 program, which was stopped in 1996, and are considered by the State Department to be category-eligible because their claim to be former employees is backed up by documentation. We urge that processing move speedily so as many as possible of those approved can enter the United States in FY 2002. Care should be taken to assure that the processing conditions agreed upon in 1999 are observed—especially Washington training for INS teams prior to departure, INS teams to be composed largely of asylum officers, policy control of the team to be maintained in INS Washington, and U.S. hired and controlled interpreters.

An even larger group of U11s who were never interviewed before, some 1,300 cases, have had their applications rejected by the State Department because they could neither produce documents showing they were employees for the required time nor could the State Department locate such documentation at the National Personnel Records Center. We find this unfair: many former employees destroyed their documents to avoid the wrath of the communist authorities, and the records at the Center are famously incomplete. Moreover, category eligibility did not previously play a significant role in this program. We believe the Vietnamese authorities should be notified that the United States wishes access to these cases, whose eligibility could then be determined by INS officers in the interview process as was done before the program was halted in 1996 in cases where documentation was lacking.

There is yet a third sub-group here: the 1,900 cases interviewed but rejected before 1996. The State Department agreed in late 1999 that, if the results of the forthcoming interviews are significantly more favorable to the applicants than was the case in 1995 and 1996, these rejected cases would be re-interviewed. If that occurs, we hope that these cases can be notified to the Vietnamese government even before the 900 cases are finished (it should be possible to evaluate the results of the new procedures after 300–400 cases). The Vietnamese have repeatedly made it clear to the United States that they want these cases re-interviewed.

New ODP Initiative

We understand that the State Department would like to re-open the ODP program to those who were eligible but who failed for some reason to apply within the various deadlines imposed by the program's managers. We would welcome such an initiative, since we feel that many who were intended to benefit were unable to do so. The Resettlement Opportunities for Vietnamese Returnees (ROVR) sub-program, for example, offered selected categories of Vietnamese refugees in the camps of Southeast Asia an INS interview after their return to Vietnam. The ROVR criteria were generous, according to the State Department, both to encourage voluntary return and reduce violence in the camps, and to ensure that no one of special interest to the United States would be excluded. To meet the first goal, however, the State Department imposed a short deadline, announcing the program in the camps on April 22, 1996, and closing it June 30, 1996. This made it certain that many persons of special interest to the United States would be left behind. We thus recommend that the United States seek Vietnamese government agreement to offer INS interviews to all the refugees who returned from the camps after June 30, 1996, who fit the ROVR eligibility categories.

Montagnards

At press time, we welcome the United States' decision to consider for resettlement, on a fast-track basis, over 900 Montagnard refugees in Cambodia who had fled their homes in the highlands of central Vietnam.

C. Eastern Europe

The higher-than-anticipated number of INS interviews in Zagreb in FY 2001 resulted in the virtual elimination of the backlog of U.S.-registered refugee cases by the middle of FY 2002. Nonetheless, the program continued to receive a steady stream of P-1 referrals from UNHCR at a rate of approximately 100 per month through the fiscal year. The U.S. government should continue to maintain a small OPE in Zagreb to process this caseload as long as needed.

Despite some continued progress in repatriation, many refugees continued to lack a durable solution. We recommend P-2 designation for these groups, in particular for non-Albanians, especially Roma and persons in mixed marriages from Kosovo, and persons of all nationalities in the Balkans who have been victims of severe persecution or ethnic violence. Consideration should also be given to in-country processing for IDPs in Bosnia who are still unwilling or unable to return to their places of origin, especially victims of ethnic violence in areas such as Srebrenica, Zvornik, Zepa, Vlasinica and Bratunac.

D. Former Soviet Union

Religious Minorities

Political instability, economic pressure and social strife continue to result in frequent attacks on religious and ethnic minorities in the former Soviet Union (FSU).

While the successor states to the FSU no longer target religious minorities under the pretext of combating "Zionist" or "religious propaganda," Jews and Evangelical Christians continue to be victims of non-state persecution. Additionally, discriminatory laws against minority religions severely impede the ability of many to practice their faith.

Some officials in the FSU—including President Putin of Russia—are now making public gestures of religious tolerance. However, neither central nor regional authorities show any inclination to investigate—let alone prosecute—recurring incidents of discrimination, violence, arson and other attacks. Other leading national and local politicians, in Russia, Belarus, Turkmenistan and other FSU countries, openly treat Jews and other minorities as scapegoats for the economic and social problems that plague the region.

In the past year, for example, synagogues, schools, community centers, cemeteries and other Jewish sites suffered arson and other attacks of vandalism in locales such as Kursk, Volgograd, Kostroma, Ryazan, Kazan, Saratov, Omsk, Tomsk, Moscow, Baku, Minsk, and Drohobych. Jews were attacked in hate crimes in Moscow, Omsk, Orenburg, Minsk and other cities. Notwithstanding laws against the promotion of inter-ethnic hatred, virulently anti-Semitic publications were available across Russia, including such major population centers as Moscow, St. Petersburg, and Novosibirsk. These are but a few examples of the resilience of anti-Semitism in the FSU.

Such treatment has elicited statements of concern from Human Rights Watch, the U.S. Department of State and the Commission on International Religious Freedom. The former Central Asian republics, fighting to stem the tide of Islamic fundamentalism, frequently try to suppress new religious groups, particularly evangelical Christian. They are denied official recognition on the pretext that they are not indigenous, and often have to exist as unregistered entities subject to harassment and extortion by corrupt authorities.

As examples, recent acts of discrimination and violence against minority and Christian churches include the ban against the Salvation Army in Moscow, prohibition against the construction of a Pentecostal Church in the Moscow Region, refusals in Tajikistan to register Christian Churches lest the officials "defile themselves," and deportations of religious minorities from Turkmenistan, as well as police raids during religious services.

In this context, the Specter (formerly Lautenberg) Amendment, which clarifies adjudication standards for Jews and Evangelical Christians in the FSU who are applying for U.S. refugee resettlement, continues to apply to the FSU in-country program administered by the INS in Moscow.

Ethnic Minorities and Refugees from the “Near Abroad”

Widespread political and social unrest in the Caucasus and Central Asia has displaced record numbers of individuals. The Russian military assaults on Chechnya, which forced over 600,000 to abandon their homes from 1994 to 1995, displaced some 200,000 more people from 2000 to 2001. Hundreds of thousands more remain displaced from inter-ethnic strife in Tajikistan, Nagorno-Karabakh, Uzbekistan and Georgia. These refugees and IDPs remain scattered throughout the FSU.

Consequently, in many parts of the Commonwealth of Independent States (CIS), but particularly in Russia, ethnic minorities, especially those from the Caucasus and Central Asia, face constant arbitrary harassment, arrest, incarceration, and deportation. This treatment is based on little more than the shade of their complexion and their inability to produce a valid local residency permit. The ugliest example occurred on October 30, 2001, when a crowd of 300 attacked “dark-skinned traders” at a market in Moscow. Three were killed. In the wake of this episode, Mayor Luzhkov in Moscow finally went on record as saying that extremist violence posed a “serious problem” for his city. Nevertheless, as *Izvestiya* reported on November 6, “Russian Law Enforcement officials say that Russia has bigger problems to deal with than to chase after racist and extremist groups.”

Under these circumstances, we recommend three groups for P-2 processing in the FSU, some of whom would benefit from President Bush’s determination permitting processing of individuals who are not outside of their country of nationality. The first group is the long-staying population of ethnic Armenians forced to flee Azerbaijan during the Nagorn-Karabakh conflict. The second group comprises women and children at risk who fled the conflict in Chechnya.

A third group we recommend are the Meskhetian Turks, now living under precarious circumstances as stateless persons in Krasnodar Krai in southern Russia.

In 1989, the Meskhetian Turks, whom Stalin had ordered deported from Georgia to Uzbekistan in 1944, were again displaced after violent mass pogroms were instigated against them in Uzbekistan. This time, the Meskhetians were dispersed throughout the former Soviet Union, many going to Azerbaijan and southern Russia and a few to Turkey. Immigration to Georgia, however, was still not allowed. When Georgia was admitted to the Council of Europe in 1999, it was with the condition that it allow deported Meskhetians and their descendents to return there. Although there was no recent history of disharmony between the Meskhetians and other Georgians, ethnic and economic considerations have caused Georgian legislators to drag their feet in enacting the relevant legislation.

While Meskhetians in Azerbaijan have adjusted relatively well, those in southern Russia face difficulties, particularly in Krasnodar Krai. In most parts of Russia and the former Soviet Union, Meskhetian Turks have been permitted to register as legal residents. In Azerbaijan, most were offered citizenship. In Krasnodar Krai, however, they have not been permitted to register as residents, and cannot legally record their homes or their marriages, or access education or employment. They are routinely the victims of violence by Cossack paramilitary groups, whom the regional government has given police powers. Cossacks and other “police” regularly beat Meskhetians and sometimes destroy their homes. Even the Chairman of the Legislative Assembly of Krasnodar, Vladimir Beketov, has opposed registration so the region does not become “the Islamic Republic of the Kuban.” The Governor of Krasnodar Krai has made similar remarks.

Officially, there are 13,500 Meskhetians in Krasnodar Krai, but estimates range as high as 20,000. Of these, only around 2,500 have legal residence.

In part, Georgia may be reluctant to enact the legislation allowing for the return of Meskhetians because of its fear that Krasnodar in particular will take the opportunity to force all of the Meskhetians living in its territory back to Georgia. Meskhetians in other parts of the FSU are not likely to return to Georgia in any significant numbers, given its current economic and political volatility. International efforts to encourage Georgia to promote the return of Meskhetians have failed, as have efforts to improve the safety and legal status of Meskhetians in Krasnodar Krai. We recommend the United States relieve the burden on Georgia and rescue the Meskhetians from continued persecution by permitting the resettlement of stateless Meskhetians out of Krasnodar Krai via processing in Krasnodar under a P-2 designation. This should, however, be done in tandem with efforts to encourage Georgia to enact legislation facilitating the return of those Meskhetians who have the desire to go back.

Asylum Seekers from the “Far Abroad” (outside the FSU)

Asylum seekers from outside the FSU who find themselves stranded in many parts of this region are offered little or no protection by the state, and are subject to harassment, arrest, beatings and *refoulement* by local and federal authorities. Moreover, asylum seekers have virtually no access to employment, medical care, education, basic social services, or registration of marriages or births.

The most tragic examples of this mistreatment were the murder of a Rwandan refugee doctor in Kiev in July 2001 and the killing of an Angolan refugee—in front of a UNHCR office—in Moscow the following month by six youths armed with bats.

UNHCR has urged states not to return refugees to Russia on “safe third country” grounds. Similarly, UNHCR has found the erosion of protection for asylum seekers severe enough to significantly accelerate its resettlement activities for African refugees and others in many parts of the CIS, even in those states that are signatories to the 1951 Convention and the 1967 Protocol. We welcome the circuit rides which the INS, working together with UNHCR, expanded in 2001 in order to make refugee resettlement accessible to more refugees in the far corners of the FSU. We urge that they be expanded further—particularly to Kiev, cities in Russia other than Moscow, and Central Asia.

E. Latin American and the Caribbean

Cubans

INS interviewers continue to find in Cuba, where a P-2 designation is in place for those suffering persecution from the current government, a steady stream of refugees comprising human rights activists, evangelical Christians and others. At the end of October 2001, over 1,300 persons were approved and waiting for departure, representing 43 percent of the Fiscal Year 2002 regional admissions ceiling of 3,000 persons. This indicates that Latin America may be one of the few regions where the regional ceiling for this fiscal year may not be difficult to attain.

Other persons of concern in Cuba are individuals claiming refugee status from third countries. They are not currently included in the P-2 designation and must obtain a referral for resettlement from the UNHCR.

Colombia

Colombia continues to be the most serious generator of refugees and displaced persons in the Western Hemisphere. The conflict there continued to escalate throughout 2001, as the government and the country’s largest rebel group made no progress in their negotiations, which ended in February 2002. More than 9,000 civilians were killed between January and August 2001, and an estimated 1,000 people became newly displaced every day.



Internally displaced Colombians occupying the ICRC office in Bogota. Photo courtesy of Hiram A. Ruiz/USCR, June 2000.

Some 13,500 Colombians fled to Ecuador, Venezuela, and Panama between January and September 2001. Few Colombians who flee to neighboring countries apply for refugee status, however. In recent years, hundreds of thousands of Colombians have also fled to the United States. Among them are human rights workers, elected officials, journalists, trade unionists, teachers, and medical professionals, who are often targeted by guerrilla or paramilitary groups. They too rarely apply for asylum because they fear being rejected and deported, even though in recent years U.S. asylum approval rates for Colombians have increased significantly.

While few Colombians are in situations allowing them to benefit from traditional resettlement programs (i.e., few are recognized as refugees in other countries), many require protection. The United States could help protect tens of thousands of Colombians by extending Temporary Protective Status to those in the United States, but both the Clinton and the Bush Administrations have declined to do so for reasons that remain unclear. The United States could also offer resettlement places to people who have sought temporary safety in other countries or who are at risk within Colombia but cannot expect safe haven elsewhere.

Canada has already shown the way by resettling displaced persons directly from Colombia. In 1998, Canada resettled 28 Colombians from within their country because of the special nature of their persecution and the deprivation of rights they had suffered. The United States should examine similar resettlement models for displaced Colombians.

Haiti

As of this writing, over 200 Haitian asylum seekers are being held in Krome Detention Center in Dade County, Florida. Many have been in Krome for several months, including those who have demonstrated a credible fear of persecution if returned to Haiti. Similarly, an undisclosed number of Haitian children have been transferred to a Berks County, Pennsylvania, detention center who oth-

erwise would have been released into group foster care settings or group homes pending their asylum hearings. We urge the U.S. government to reverse the current policy and release such Haitians until their asylum hearings.

F. Near East/South Asia

Refugees in Lebanon

At the end of 2001, there were about 2,800 recognized refugees and 3,000 asylum seekers registered with UNHCR in Lebanon who continued to face serious threats to their safety, making resettlement more important than ever as a means of protection. The Lebanese Government continued its crackdown on unauthorized employment and undocumented foreigners in Lebanon, which included recognized refugees and asylum seekers registered with UNHCR. As a result of this increased insecurity for many in Lebanon whose presence the government had previously tolerated, the number of asylum seekers applying for refugee status has increased substantially.

Lebanon is not a signatory to the UN Refugee Convention. UNHCR-recognized refugees therefore have no legal status in Lebanon nor any prospect of obtaining it. Therefore, local integration is not an option, a fact underscored by the recent crackdowns. Reports during 2000 and 2001 suggest that Lebanon is detaining hundreds of asylum seekers—mostly Iraqis and Sudanese—many of whom allegedly have been mistreated and denied access to UNHCR to pursue their refugee claims. There have been credible allegations that such mistreatment by Lebanese authorities included torture. Moreover, observers note that Lebanon continues the practice of summarily deporting asylum seekers and refugees to their countries of origin and to third countries such as Syria and Jordan. Lebanese authorities reportedly have sent back hundreds of recognized refugees and asylum seekers during the past two years.

Asylum seekers who have been refused recognition include 42 Iraqis, primarily Kurds, who entered Israel from Lebanon but were pushed back. All of these who applied to UNHCR for refugee status were denied, and now face the danger of being deported to northern Iraq, where there have been credible reports of “secondary deportations” back to government-controlled areas of the country, where these individuals’ lives would presumptively be at risk. Moreover, their attempted entry into Israel, which is well known, puts them at greater risk in Lebanon and other potential asylum countries in the region.

This group is asking for resettlement, but, due to UNHCR’s rejection of them, refuse to be interviewed by UNHCR. UNHCR needs to account for the denial of this caseload, and the United States should expeditiously interview this group of 42 for refugee status without a UNHCR referral.

Repatriation is impossible for most refugees in Lebanon because most come from countries such as Iraq and Sudan, where there appears to be little chance of improvement in human rights conditions or an end to internal conflict. Thus, resettlement is the only viable durable solution for these refugees.

Iraqi Refugees in Jordan

About 200,000 Iraqis live in Jordan; some are refugees and others are in refugee-like circumstances. In 2001, UNHCR had registered some 1,000 refugees in Jordan, overwhelmingly from Iraq. More than 6,000 refugee applicants awaited a UNHCR status determination.

Jordan signed a memorandum of understanding with UNHCR in April 1998 concerning the treatment of asylum seekers and refugees. Jordan agreed to admit asylum seekers, including undocumented entrants, and to respect UNHCR’s refugee status determinations. The memorandum also adopts the refugee definition contained in the UN Refugee Convention and forbids the *refoulement* of refugees and asylum seekers.

Despite the memorandum, refugees and asylum seekers face protection problems in Jordan. Neither the Jordanian government nor UNHCR considers Jordan to be a permanent country of asylum, leaving resettlement as the only durable solution for non-Palestinian refugees there. The economic situation, and at times the security, of non-Palestinian refugees remain tenuous. Although high UNHCR case backlogs mean that asylum seekers must wait months for status determination interviews and recognized refugees must wait for up to year to be resettled, the Jordanian government limits to six months the time that asylum seekers and refugees may legally remain in Jordan and does not renew identification documents. Although the government generally tolerates the presence of asylum seekers and refugees after their documents lapse, there were reports in 2001 that some asylum seekers without valid identification were detained and deported. For these reasons, resettlement remains critical both as a tool of protection and as a means of maintaining first asylum in Jordan. The United States should continue to work closely with UNHCR to promote refugee resettlement out of Jordan.

Iraqis in Saudi Arabia

Eleven years after they sought the protection of coalition forces during the 1990–1991 Gulf War, about 5,200 Iraqi refugees continue to live in desolate and prison-like conditions in the Rafha refugee camp in northern Saudi Arabia. They are part of a much larger group of predominantly southern, Shi'a Iraqis who heeded then-President Bush's February 1991 appeal for "the Iraqi military and the Iraqi people to take matters into their own hands and force Saddam the dictator to step aside." When Saddam Hussein crushed their uprising, coalition forces evacuated them to Saudi Arabia, where 5,200 remain to this day.

Conditions in Rafha have grown more difficult with each passing year. The camp sits on a barren stretch of desert that is among the most prone in Saudi Arabia to the extremes of heat and cold, and to dust storms. Although the refugees receive better material assistance than many refugees elsewhere, the camp

is, for all practical purposes, a prison. Its perimeter is secured by double barbed-wire fences and guarded by the Saudi military, and the refugees are not permitted to come and go. In addition to regularly patrolling the camp, armed soldiers strictly enforce a nightly curfew and imprison those who violate it.

Over the years, there have been numerous accounts of human rights violations by Saudi soldiers in the camp, including arbitrary detention, severe beatings and forced repatriation. While living conditions in Rafha are difficult for everyone, they are particularly bad for women and children. Saudi authorities allow Iraqi refugee women to move about the camp only when fully veiled and in the presence of a male escort. This has a particularly isolating effect on women in the camp, whose modes of dress and social interaction tended to be far more liberal in Iraq. Also deeply troubling is the fact that one fourth of the camp population are children under the age of nine who have known nothing but life in the camp. A full 40 percent of the camp population are refugee children under the age of 18. For them, Rafha is a dead end.

In the past year, more and more refugees are exhibiting signs of psychological strain. The reports in the summer of 2001 of hunger strikers protesting the lack of resettlement opportunities are but one manifestation of this. Many refugees feel forgotten and are



Iraqi woman in Amman, Jordan. She is one of 250,000 Iraqis living in Jordan, many of whom may have valid claims to refugee status. Photo courtesy of Steve Edminster/USCR, November 2001.

increasingly desperate. Cases of refugees suffering from severe depression and anxiety are on the rise, as are suicide attempts.

For all these reasons, the United States should move without delay to find durable solutions for these refugees, including the resettlement of a substantial number to the United States. Discussions between UNHCR and the Saudi authorities in November 2001 appear to offer an opportunity to close the Rafha camp, using a comprehensive approach to resolve a long-standing refugee situation once and for all. In those discussions, Saudi Arabia reportedly agreed to permit the local integration of some 2,000 to 2,200 of the refugees who wish to remain in the country. The United States should ensure that a comprehensive plan is enacted that would include adjudicating the claims of the 2,331 refugees in Rafha who have never been considered by the United States for resettlement. The United States should also encourage other resettlement countries and countries that were part of the coalition against Iraq in the 1991 Gulf War to do their part by accepting some refugees for resettlement. However, because of the length of time of their confinement in Rafha and the other hardships that these refugees have endured, the United States should be prepared to resettle all eligible refugees from Rafha should there be any foot-dragging by the Saudi Arabian government or others.

Iraqi Mandeans in Indonesia, Jordan, and Elsewhere

Of the 40,000 Mandeans living in Iraq, about 150 have become refugees and asylum seekers in Indonesia. The Mandaean faith is an ancient, pacifist form of gnosticism whose members are regarded with great suspicion by Iraqi authorities and are under substantial pressure to convert to Islam by society at large. Violent hate crimes against Mandeans are not uncommon, and the perpetrators consistently go unpunished. The spiritual leader of the Mandeans, Reshat-Amma, was forced into exile and received political asylum in the United Kingdom in 2001. The publicity his case generated has resulted in further threats to members of the Mandaean community, causing more to flee. Some Mandeans have also gone to Jordan and elsewhere. We recommend that those who have managed to flee Iraq receive P-2 access to the U.S. refugee program.

Turkey

Turkey hosted several thousand registered refugees in 2001, mostly from Iran and Iraq, and all in need of resettlement. Observers estimate that there are thousands more Iranians and Iraqis, many thought to have valid refugee claims, are also present in Turkey, but who have not registered with UNHCR or the Turkish government.

Most in the Iranian caseload belong to the persecuted religious minorities in the P-2 category. Most being referred by UNHCR for third country resettlement currently are Baha'is. There are also smaller numbers of Iranian Christians, Zoroastrians, Jews, and atheists who have fled to Turkey to escape religious persecution.

Additionally, a significant portion of the Iranian refugees in Turkey being refer-



Afghan family living in a shelter for vulnerable women and children in Van, eastern Turkey. Photo courtesy of Steve Edminster/USCR, January 2002.

red to third countries by UNHCR fled to escape persecution because of their political activities or imputed political opinion. Most Iraqi refugees in Turkey fled their country to escape persecution resulting from their political activities, imputed political opinion, or political affiliation. Most are Kurdish, with smaller numbers of Iraqi Arab, Turkoman, Assyrian, and Armenian refugees. UNHCR in Turkey also grants refugee status annually to a small number of African refugees of various nationalities. As with Iranians and Iraqis, many more remain unregistered in the country.

Despite efforts to improve Turkey's refugee-reception capacity, many refugees continue to face substantial risks to their safety in Turkey. Turkey signed the UN Refugee Convention with a geographical reservation that excludes non-Europeans, all of whom must thus be resettled to a third country.

Turkey does allow non-Europeans to register as asylum seekers and present their claims to UNHCR. To do so, however, they must register within 10 days with the Turkish police nearest to the border where they entered; the police conduct interviews to determine if they should be recognized officially as asylum seekers.

Access to the asylum procedure remains problematic. The 10-day filing deadline has led to the exclusion, and in some cases the *refoulement*, of substantial numbers of *bona fide* refugees. Moreover, the requirement that asylum seekers register with the Turkish police nearest the border where they entered means that most Iranian and Iraqi refugees must apply for asylum in the provincial cities of eastern and southeastern Turkey, much of which remains insecure. Local police reportedly do not always register the claims of asylum seekers.

Although substantially fewer in number than Iraqi and Iranian refugees, African refugees of a variety of nationalities also face substantial protection problems in Turkey, often because they are easily noticed. Many Africans face harassment, beatings, and arrests at the hands of the Turkish police, as was the case in July 2001 when Turkish police reportedly arrested some 200 Africans of various nationalities, detained them in poor conditions, and forced them into the no man's land on the Turkish-Greek border.

Turkish authorities continued to deport undocumented immigrants of a variety of nationalities throughout the year. It was unclear how many of these may have had valid refugee claims.

Thus, U.S. resettlement from Turkey is needed not only to protect refugees needing a durable solution, but also to encourage other countries to resettle refugees out of Turkey and to support Turkey as a country of first asylum.

Afghans in Pakistan

The U.S. military intervention in Afghanistan that followed the September 11 terrorist attacks on New York and the Pentagon prompted the exodus of more than 160,000 new Afghan refugees into Pakistan. A much larger number of Afghans might have come, but the Pakistani authorities kept the border closed, shutting out all but those who could afford to pay smugglers to lead them into Pakistan over remote mountain passes. The new arrivals joined some 200,000 Afghans who had sought refuge in Pakistan between mid-2000 and mid-2001 because of ongoing conflict, human rights abuses, and drought in Afghanistan, and the more than two million long-term Afghan refugees in the country.

Most of the 1.2 million Afghan refugees living in villages are ethnic Pashtuns, who are relatively well integrated locally. Urban refugees have, however, faced increasing security problems in recent years, particularly since mid-2000, when the increase in new arrivals began. Police harassment includes extortion, detention, and *refoulement* of urban refugees, particularly in Peshawar.

In early 2001, the governor of Northwest Frontier Province authorized the police to detain and deport any Afghan not holding a valid Afghan passport and Pakistani visa, including both new arrivals and old refugees. The governor reportedly instructed each police station in Peshawar to deport a minimum of five to ten Afghan men daily. That initiated what a UN-commissioned study called a period of “mass harassment in cities and officially sanctioned forcible return to Afghanistan in a systematic manner.”

The U.S. military intervention in Afghanistan led to the fall of the Taliban and the installation of a new coalition government in Kabul. While those developments prompted some Afghan refugees to repatriate in late November and December 2001 and hold promise for much larger-scale repatriation in the coming years, certain categories of Afghan refugees will still be unlikely to return home and should be considered for resettlement. Among those are people who spoke out publicly against the Taliban (virtually all former Taliban members are now living freely in Afghanistan and continue to pose a threat to outspoken opponents of the Taliban regime), many single or widowed women and their families who would still find it difficult to integrate and survive in Afghanistan’s deeply conservative society, unaccompanied minors, aged and ailing refugees with no means of support, and the many victims of torture and severe violence who could benefit from treatment available in the United States.

In 1999, the United States tried to address the protection needs of Afghan refugees in Pakistan by establishing a Joint Voluntary Agency processing and assistance office in Islamabad and by increasing



Afghan children in Pakistani refugee camp. Photo courtesy of Kevin Appleby/MRS/USCCB, August 2001.

refugee admissions. In FY 2001, 2,964 Afghans were processed for refugee resettlement (compared to 1,710 in FY 2000 and 365 in FY 1999). Top priority has rightly been given to women at risk. These include educated women targeted for their more liberal or urban backgrounds, as well as war widows with small children, single women, and other female heads of household without the traditional male or community protection and thus exposed to sexual harassment, violence, and other forms of exploitation. Other vulnerable groups, however, should not be overlooked. We urge UNHCR to be active in identifying ethnic groups facing security threats.

We urge the United States to continue to focus on vulnerable Afghan refugees, and believe the situation justifies an appropriately defined P-2 designation, to be formulated in consultation with UNHCR, the refugee processing agency, and the NGO community. Moreover, with UNHCR in Pakistan unable to effect family reunification, we urge that P-3, P-4, and P-5 programs be opened for at least long-staying Afghan refugees as well.

Other Refugees in Pakistan

Pakistan also hosts some 2,000 UNHCR-recognized non-Afghan refugees. The Pakistan government regards these, however, as illegal aliens, and does not permit them to work or settle in Pakistan permanently. Most are Iranians, Somalis, and Iraqis. Pakistan tolerates their presence but expects UNHCR to find durable solutions for them outside Pakistan. These non-Afghan refugees live under constant fear of the local authorities because of their illegal status, and face police harassment.

The United States should continue to consider members of this population for resettlement, particularly the Somalis, who have access to no resettlement program except that of the United States.

Afghan and Other Refugees in India

Approximately 13,700 UNHCR-recognized urban refugees live in India, primarily in New Delhi. Some 12,700 are Afghans, 750 are Burmese, and the rest are mostly Iranian, Iraqi, Sudanese, Ethiopian and Somali. Among the Afghan refugees living in New Delhi—many of whom are long-stayers—approximately 70 percent are Hindu or “Indian-origin Afghans,” with the remainder being Muslim or “ethnic Afghans.” The Burmese are predominantly ethnic Chin Christians. In addition to the Burmese in New Delhi, 40,000 Burmese refugees live in the Mizoram region near the border with Burma, but UNHCR is not permitted to assist them in any way.

UNHCR-recognized refugees have no legal status and are not legally permitted to work in India. UNHCR provides newly-recognized urban refugees temporary cash assistance but terminated regular assistance to most long-term refugees several years ago. Instead, UNHCR offered most urban refugees one-time “self-sufficiency” grants that Indian advocacy groups and the refugees themselves have sharply criticized, saying that the grants were too small and that the local authorities prevented refugees from carrying out business activities. UNHCR has also offered training programs, but graduates rarely found jobs because employers could not legally hire them. As a result, many refugees have been left in destitution, without access to any further assistance. Both Afghan and non-Afghan refugees in India face harassment, with the police regularly stopping them, asking for their papers, and then attempting to blackmail them because of their legally tenuous status.

With no legal protection and little possibility for local integration, these refugees are appropriate candidates for U.S. resettlement. Despite this, relatively small numbers are referred each year, e.g., 309 in 2000 and 114 through August of 2001. To facilitate the processing of these refugees, the United States should consider designating vulnerable, identifiable groups of urban refugees such as ethnic Afghans, Burmese in Delhi, and long-stayer populations as P-2 categories for processing by a Joint Voluntary Agency in New Delhi.

Bhutanese Refugees in Nepal

Some 100,000 ethnic Nepalese refugees from the isolated Himalayan kingdom of Bhutan have been languishing in refugee camps in eastern Nepal for more than a decade. The refugees, who are Hindu, fled discrimination and human rights abuse at the hands of Bhutan's majority Buddhist Drupka population.

It is clear that, even if the government of Bhutan eventually permits some of the refugees to repatriate, it will never permit the return of the thousands of refugees who the Bhutanese government claims were "illegal immigrants" to Bhutan. The government of Nepal, which requires the refugees to live in camps because of local opposition to their presence, is also unlikely to permit any of the refugees to integrate locally. Therefore, resettlement may be the only possible durable solution for a number of the Bhutanese refugees.



Bhutanese refugees at a supplementary feeding center in Timai refugee camp, Nepal. Photo courtesy of Hiram A. Ruiz/USCR, March 1992.

Rohingya in Bangladesh

More than 200,000 Rohingya refugees fled Burma in the early 1990s. The Rohingya are an ethnic and religious (Muslim) minority that has suffered persecution in Burma. Since the mid-1990s, most Rohingya refugees either voluntarily repatriated or were pressured or forced back to Burma by the Bangladesh authorities. Some 20,000, however, have consistently resisted repatriation. They live in two closed refugee camps in southern Bangladesh. The Rohingya have suffered religious persecution by Burma's Buddhist regime, which also claims that many of the Rohingya are not citizens of Burma. Bangladesh will not permit members of this group to settle locally because on several occasions in recent years they have clashed with camp authorities and are therefore regarded as security risks. There appear to be no long-term options other than resettlement for this group.

G. Groups around the World Needing Resettlement

The following are groups of refugees needing the protection of resettlement, arranged by region. Many have been discussed with the State Department a number of times. In the most recent discussion, in March 2002, the State Department evinced a welcome new willingness to consider P-2 status for a number of these groups.

Africa

- Long-staying Liberians in Sierra Leone, Guinea, Ghana, and Ivory Coast
- Somali Bantus in Kenya; Dadaab and Kakuma camps
- Angolans in Zambia
- Unaccompanied Sudanese girls and boys in Kenya's Kakuma and Dadaab camps and in Ethiopia
- Oromo boys in Yemen

- Sudanese in Syria rejected by UNHCR
- Sudanese protection cases in Kenya removed from Kakuma camp and placed in Dadaab camp
- Congolese in Tanzania repeatedly displaced across the region
- Long-staying urban refugees in Cairo, mostly Sudanese
- Sudanese, Liberian and other students in Cairo unable to return home
- Former high-ranking officials from Congo-Brazzaville in Gabon, Benin and Burkina Faso
- Mixed-marriage families in western Tanzania
- Burundians in exile in Tanzania since 1972 with no prospect of integrating

South Asia

- Afghans who are widows, female heads of household, or women accompanied by husbands unable to support or protect them, with reason to fear return to Afghanistan under the new regime as well as those who have suffered past persecution.
- Iraqis persecuted or with a well-founded fear of persecution based on actual or imputed association with the United States.
- Iranians in northern Iraq who come to Turkey asking for refugee status
- Urban refugees in New Delhi, including Afghans, Burmese, and many long-stayers
- Iraqi Chaldean Christians in Mexico
- Afghan and Iraqi refugees interdicted by Australia and placed temporarily on Nauru island and Papua New Guinea, the result of a new Australian policy
- Iraqi Mandaeans who have fled to Indonesia, Jordan, and elsewhere
- Iraqis, primarily Kurds, in Lebanon

The Balkans

- Non-Albanian Kosovars who fled Kosovo (Roma, Muslim Slavs, Gorani, Arhkaeli, those in mixed marriages)
- Persons of all nationalities in the Balkans who have been victims of severe persecution or ethnic violence.

FSU

- Baku Armenians living in Moscow
- Urban "far abroad" refugees in Moscow, including Africans
- Stateless Meskhtian Turks from Georgia now living in Krasnodar Krai in southern Russia
- Chechens in Moscow, including women and children at risk

East Asia

- Burmese in border camps in Thailand
- Burmese Rohingyas in Bangladesh and Malaysia
- Bhutanese refugees in Nepal
- Vietnamese in Vietnam who are former U.S. government employees or who might otherwise qualify for the now-closed Orderly Departure Program if it were re-opened and deadlines for application were removed

Special Refugee Groups and Issues

A. Western Europe: Resettlement Restricted

The United States further restricted access to resettlement for refugees in Europe in 2001. For the first time since the introduction of refugee processing priorities, there were no priorities for non-FSU Eastern European refugee populations (in spite of our repeated recommendations that P-2 processing be authorized for Roma refugees from Yugoslavia). Processing posts are being phased out throughout Europe, with only Vienna and Moscow to remain open. Refugees who fled to Europe from elsewhere may no longer access refugee processing unless they are UNHCR referrals or Iranian religious minorities in Austria who got permission to apply to the U.S. refugee program before arriving there.

This leaves UNHCR as the primary European “gatekeeper” for the U.S. resettlement program; UNHCR, however, seldom refers refugees in western Europe for resettlement. The reasoning appears to be that European governments should be expected to abide by their commitments under the 1951 Refugee Convention and that resettlement by the United States would relieve pressure on them to do so. While we agree that pressure should be brought to bear on those European countries with ungenerous asylum policies, the refugees themselves should not be penalized.

In further defense of restricted resettlement from Europe, the State Department has asserted that the United States, in offering protection to some asylum seekers, has become “an unwitting supporter of smuggling activity.” But as Europe restricts access to asylum seekers, as is done through the posting of immigration agents in foreign airports to head off those fleeing before they can depart, it is hardly surprising that refugees use illegal means to reach safety. Refugees must not be punished for taking what may be their only escape route from persecution.

The State Department has also contended that, by progressively shutting down refugee processing in Europe, the United States will be able to focus its resources on more compelling “rescue” cases. This rationale is puzzling, given that many refugees in Europe are in danger of *refoulement* to their persecutors, particularly those refugees who fled for reasons that some European countries do not recognize as a basis for asylum. The argument that the United States must close down refugee processing posts in Europe to shift its focus to more vulnerable cases is further undermined by the fact that, year after year, the U.S. refugee program admits thousands of refugees fewer than the number authorized by the President in consultation with Congress, as already noted.

We are also concerned by developments in Vienna, the sole surviving U.S. refugee processing post in Europe outside of Moscow. There, INS adjudicates refugee applications from Iranian Jews, Baha’is, Christians and Zoroastrians who have fled religious persecution. During the second half of 2001, the INS denial rate for this caseload soared by 600 percent. This is particularly disturbing since conditions for religious minorities remain unchanged in Iran, which the State Department has cited as a “country of particular concern for its severe and egregious violations of religious freedom.”

The denial rate is also a matter of concern to the Austrian government. Wishing to honor its post-World War II legacy as a transit route to freedom, Austria admits refugees into the country expressly to apply to the U.S. refugee program. In the face, however, of its growing population of U.S.-denied refugee applicants, Austria has threatened to close its borders to religious minorities fleeing Iran. Thankfully, INS has begun to review many of the denied cases. We urge now that INS follow earlier precedent and allow *bona fide* members of these religious minorities whose refugee denials cannot be reversed to enter the United States under humanitarian parole. Otherwise, these religious minorities will be forced to return to Iran, where they cannot practice their faith in safety or in dignity.

Finally, many asylum seekers in Europe have relatives in the United States, another reason the United States should consider them of special humanitarian concern. Application for admission via immigration channels can take several years, when it is available at all, making that an unacceptable option for refugees in such a precarious position.

Hate crimes and attacks against foreigners are on the rise in Germany and elsewhere in Europe. Blocking access to the U.S. program for *bona fide* refugees is not the answer.

B. Unaccompanied and Separated Refugee Minors

Increased international attention is being paid to the plight of “separated children,” both those who are completely alone (unaccompanied) and those who are separated from parents but attached to their extended family or other adult caregivers. Though frequently categorized differently, unaccompanied and separated children face similar care and protection needs as well as the same need for stability and permanence. Both groups are among the most vulnerable of refugees and the least able to advocate for themselves. Despite this, unaccompanied and separated children continue to languish in refugee camps, seeing their critical developmental years squandered. The U.S. resettlement program should make it a priority to identify and seek durable solutions, including resettlement, for unaccompanied and separated children.

Another vulnerable yet underserved group are child-headed households. Often overlooked for special services within camps, these children face the same protection and permanence needs as unaccompanied and separated minors. A recent report by one of our member agencies documents this phenomenon among Sudanese and Ugandan refugee adolescents in northern Uganda.¹

Like unaccompanied children, children heading households lack adult protection while carrying out adult responsibilities in abnormal circumstances. The United States should work with the UNHCR to identify and prioritize durable solutions for child-headed households in camps, including resettlement.

A critical step in seeking durable solutions for any unaccompanied or separated child is a “best-interest assessment,” a process implemented with children in Kenya’s Kakuma refugee camp in 1999–2000. The United States should work with the UNHCR to ensure that all unaccompanied and separated children in refugee camps have best-interest assessments shortly after arrival in camp and at least annually thereafter. Durable solutions, including resettlement, should be actively pursued for unaccompanied and separated children still in camps after two years.

The UNHCR-sponsored ICRIRR, held in Stockholm in April 2001, underscored the fact that the United States is the only resettlement country that welcomes and accords specialized treatment to unaccompanied refugee minors on an on-going basis. The United States should continue this admirable tradition and strive to resettle 500 unaccompanied minors in FY 2003.

Unfortunately, UNHCR does not have adequate staffing to identify more than a relatively small number of unaccompanied refugee minors in need of resettlement. The U.S. program could assist by fielding teams of child welfare professionals to conduct best-interest assessments for children languishing in refugee camps. These teams could build on the experience of the Kakuma processing effort as well as the UNHCR resettlement secondee program. Resettlement would be one of the possibilities, along with return, local integration and continued family tracing. The United States should work with UNHCR in FY 2003 to establish trained and ready “best-interest assessment” teams.

¹ Women’s Commission for Refugee Women and Children, “Against All Odds: Surviving the War on Adolescents, Promoting the Protection and Capacity of Ugandan and Sudanese Adolescents in Northern Uganda,” September 2001, p. 3.

Several groups of concern are already known to the U.S. refugee program. These include:

- Remaining unaccompanied minors, both girls and boys, in the Kakuma refugee camp for whom best-interest assessments were completed but no durable solution determination was made by UNHCR; those who meet the resettlement criteria but were missed by the resettlement initiative in FY 2001; and the remaining siblings in camp of Kakuma children and youth already resettled in the United States.
- Similarly situated Sudanese unaccompanied minors who have lived in camps in Ethiopia for 8–10 years and for whom local integration and return are not feasible.
- Oromo children who fled forced conscription in Ethiopia and have been living a precarious existence for the past several years in Yemen. If returned, they would be treated as deserters. Local integration is not feasible.
- Burundian unaccompanied minors in camps in western Tanzania who have been living in refugee camps since at least 1994, and for whom other durable solutions are untenable.
- Afghan children left orphaned and destitute by decades of conflict in Afghanistan.
- Unaccompanied and orphaned Sierra Leonean children living in Guinean refugee camps for more than two years.

In resettling Sudanese children and young adults out of Kakuma, the U.S. refugee program wisely used refugee foster care programs for placement purposes. These same programs should be made available to similar cases of other nationalities.

Family reunion possibilities for unaccompanied or separated children should be emphasized. Unfortunately, unaccompanied and separated children overseas with non-parental relatives in the United States are unable to reunify with those relatives under the U.S. priority system as currently set up. Similarly, unaccompanied children in the refugee foster care program in the United States are unable to be reunited with siblings who are located via tracing in refugee camps overseas, since siblings are not a priority category. The Department of State should adjust the current priority categories to facilitate U.S.-based family reunion for unaccompanied and separated minors.

The U.S. refugee program has over the years provided critical international leadership and precedent in the care and protection of unaccompanied and separated minors, and we urge the Department of State to continue this important role in FY 2003.

Finally, a newly-accentuated phenomenon underscores the need to assist separated refugee children. As the world becomes informed of the extent of human trafficking—the most profitable illicit trade after drugs and small arms, generating up to \$7 billion per year—it becomes clear that minors constitute a significant proportion of persons trafficked. While any child may be at risk, refugee children are especially easy prey. It is critical to offer protection and early alternatives to resettlement for minors so that this inherently at-risk population can be sheltered from this particularly heinous form of exploitation.

C. Urban Refugees

In last year's edition of this publication, we identified vulnerable refugee groups and recommended that the State Department allow them access to the U.S. refugee program under a P-2 designation. Shortly thereafter, UNHCR wrote the State Department in support of a number of our recommendations, adding some of its own. Many of these recommended groups are urban refugees, i.e., refugees not living in refugee camps. Allowing urban refugees (which include refugees from Azerbaijan, Chechnya, Afghanistan, Congo-Brazzaville, and other countries) P-2 access could rescue refugees who would not otherwise be "found" by overwhelmed UNHCR protection officers. It could also permit

UNHCR to concentrate on refugees who are more accessible to it, expanding the total number of persons gaining access to the U.S. program.

Unfortunately, the United States did not act on any of these recommendations in 2001.

The P-2 designation is particularly useful for urban refugees, because they can most easily approach an Overseas Processing Entity and register for resettlement. According to UNHCR, more than 25 percent of the world's refugees may now be found in urban areas—a massive increase from just a few years ago, when UNHCR reported that only 2 percent of its caseload was “urban.” Urban refugees may include (1) individuals who were city dwellers in the land from which they fled, who are often educated and who seek refuge in an urban setting; (2) refugees from rural areas who resided in camps, but left to seek employment or other income-generating activities in the city; and (3) individuals or groups of asylum seekers who come to the cities to present their claims to UNHCR or national authorities.

Many urban refugees want to integrate locally but are denied access to lawful employment, public education, and basic social services. In too many instances, they must live furtively off the underground economy. Many live in constant fear of the authorities and are subject to bribes, extortion, exploitation, and other harassment. Under these circumstances, refugees in search of a durable solution often become refugees in need of protection. Regrettably, this phenomenon is not limited to countries that are not party to the 1951 Convention.

The United States, like the UNHCR, has begun to consider resettlement much more seriously as a durable solution for urban refugees with no other option. In Cairo, for example, the integration prospects of Sudanese refugees have plummeted in recent years. Even recognized refugees may not lawfully work in Egypt. Although more than 3000 Sudanese refugees were offered resettlement last year, we recommend that UNHCR and the United States pursue resettlement for Sudanese urban refugees in Egypt even more vigorously.

In the Former Soviet Union, too, there has been improvement. We are pleased that UNHCR, with U.S. support, has changed its policy toward urban refugees there. For seven years, it was UNHCR policy not to perform refugee status determinations for urban cases in the Russian Federation in order to pressure the Russian authorities to implement a credible asylum system. However, since convening a Resettlement Conference in Baku in February of 1999, UNHCR has changed course, and promotes resettlement as a durable solution for urban refugees in the FSU.

At the same time, urban refugees in many parts of the



Urban Afghan refugees in Pakistan. Photo courtesy of Hiram A. Ruiz/USCR, June 2001.

FSU, and African refugees particularly, continue to be harassed, beaten, and even killed, with impunity. In Moscow in 2001, the beating of an Angolan refugee right in front of the UNHCR office resulted in his death. In Kiev, a refugee physician from Rwanda was also beaten to death on the street. While both cases were clearly “hate crimes” with no government involvement, in neither instance were the culprits brought to justice.

Last year, we expressed our appreciation to INS and to UNHCR for facilitating refugee resettlement beyond Moscow, Baku and Ashgabad. Given the size of the FSU, however, we urged that circuit rides be further expanded to include other cities in the far corners of its territory. Indeed, in 2001 the INS and UNHCR did expand refugee resettlement interviews to additional cities in Central Asia, with a focus on Afghan refugees; however, all circuit rides to central Asia were terminated after September 11. We urge the INS to recommence circuit rides as soon as possible, and to add additional interviewing sites in Kiev and St. Petersburg, where refugee resettlement needs among urban refugees remain particularly acute.

In New Delhi, local integration for urban refugees is becoming increasingly unlikely, and many are now facing serious protection concerns. We urge UNHCR and the State Department to give urban refugees in India better access to U.S. resettlement. In Thailand, UNHCR reports that the authorities are becoming increasingly intolerant of the approximately 300 recognized urban refugees in Bangkok. We encourage the United States to offer access to its resettlement procedures to this population.

We also urge UNHCR and the United States, drawing from the Russian experience, to acknowledge that urban refugees, particularly those with family or other ties to resettlement countries, should not be denied consideration for resettlement just because they live in a country that has signed the refugee convention. The recent ratification of the Convention by Mexico and Ukraine, for example, has not yet resulted in measures to protect or integrate asylum seekers in urban centers. In such circumstances, and particularly when the refugees have family ties to a resettlement country, resettlement should be considered and access should be facilitated.

UNHCR has, in recent years, made strides toward applying resettlement as a durable solution for urban refugees; however, the organization remains conflicted. Some offices, believing urban caseloads must not be “rewarded” with resettlement, still neglect it as a durable solution. UNHCR should ensure that all of its offices pursue resettlement whenever it is the most appropriate durable solution, even if the refugee is an urban asylum seeker living in a signatory country.

The United States, for its part, should allow certain urban refugees to be designated P-2.

D. Long-stayer Populations

Millions of refugees worldwide have been relegated to a sort of limbo, warehoused in camps or settlements with no prospects for voluntary repatriation or local integration. Many children born and raised in the closed confines of camps never see normal life outside the fences. Often, long-stayer refugees fit a common profile, sharing the same ethnic/political background, fleeing the same persecution. Their movement is often restricted, as is their right to work. They become a hopeless and dependent population with all the negative social consequences that that entails.

We recommend amending the P-1 category and creating a new, P-6 category for long-stayers in need of a durable solution. The last clause of the P-1 description should be deleted, reserving P-1 for truly urgent cases. The P-6 category should also be applied to unaccompanied and separated children without family reunion or other durable solution prospects, and who have lived in a refugee camp for more than two years. A P-6 category should take as its starting point the language at the end of the current P-1 designation: “persons for whom other durable solutions are not feasible and whose status in the place of asylum does not present a satisfactory long-term solution.”

P-6 refugees could be processed for resettlement towards the end of the fiscal year if an admissions shortfall is anticipated in the higher priorities. Instead of having federally funded resettlement places go unused, as has been the case for more than 125,000 places over the last decade, they would benefit long-stayers with no other durable solution.

We would recommend the following criteria be used to determine P-6 groups of special humanitarian concern to the United States: Long-stayers, as defined above, who:

- a. do not have a fully guaranteed legal status or stable physical security in the place of asylum;
- b. do not have full freedom of movement;
- c. are officially denied the right to work, or are prevented unofficially from meaningful employment because they are refugees.

We would particularly recommend using a P-6 category to improve international burden-sharing by encouraging solutions involving other resettlement countries and countries of first asylum to bring to closure specific long-stayer situations. Rafha camp in Saudi Arabia constitutes one situation that could be ended definitively if the United States and others decided to make the effort (*see page 27*).

E. Refugee Women at Risk

UNHCR considers women at risk “those refugee women...who have protection problems and find themselves without the support of traditional protection mechanisms. Special needs of refugee women in such circumstances could derive from persecution as well as from particular hardships sustained either in their country of origin, during their flight, or in their country of refuge.”² Because of their gender, women may face unique problems that hinder their ability to access the refugee determination and resettlement systems. These barriers include ambiguity in the way in which gender persecution is addressed during the status determination process; failure to provide gender-sensitive interviews; and cultural considerations that make it difficult for a woman to discuss gender-related abuses. In addition, women may not meet the resettlement criteria due to an inadequate socio-economic profile, a large number of dependents, or medical problems.

Some countries, such as Canada, have formally adopted women at risk resettlement programs to address these needs. While a certain number of women at risk are in fact resettled in the United States, our resettlement program fails to identify them as such. Although we are pleased that women at risk are included within the P-1 category, the difficulties for such women in gaining access to protection demand that the United States adopt measures to ensure that women who have experienced particular protection problems are identified and given full access to the resettlement system. The State Department should also ensure that its reception and placement function is sensitive to the needs of women at risk, and that such women receive appropriate services beyond their initial reception and placement in the United States. Single women with children have specific needs that require special attention. Resettlement must be done with sensitivity and full assurances that the women’s confidentiality is respected.

The situation of Afghan women and girls has received extensive attention in the wake of the September 11 crisis. As repatriation begins in the region, it is clear that some women and girls will not be able to go home because of continuing protection concerns, including ongoing ethnic tensions, severe trauma, and lack of family support. We urge that the United States, which has already shown a commitment to identifying Afghan women at risk and offering them resettlement, continue and expand such opportunities.

² “Note on the Women-at-Risk Resettlement Criteria,” UNHCR, June 5, 2000

In addition, refugee women in other regions should also be identified and offered resettlement. For example, Burmese women and girls often live in precarious circumstances in Thailand and are vulnerable to sexual exploitation and trafficking. Many refugee women in West Africa have endured severe gender persecution, and return or local integration are not viable options for them. The United States should move expeditiously to identify women at risk in such settings for whom resettlement is the only humane option.

F. Refugees and Asylum Seekers Who Are Victims of Torture

A significant percentage of refugees and asylum seekers entering the United States are victims of torture. In earlier years, they came from Central America and Southeast Asia; more recently, from Bosnia, Kosovo, Sierra Leone, Liberia, Iraq, Iran and elsewhere. These victims often require more than the standard health care provided to other refugees and asylum seekers given the traumatic experiences they have undergone. With treatment, they can become productive members of their communities. In 1998, Congress recognized this need in adopting the Torture Victims Relief Act (PL 105-320), which, beginning in FY 2000, enabled the Office of Refugee Resettlement to help treatment centers and other service providers assist victims of torture, regardless of nationality. We recognize the importance of providing specialized care to torture victims, and urge Congress and the Administration to bear this in mind as the appropriations process for FY 2003 unfolds.

A large proportion of refugees who remain abroad are also torture victims, and also need specialized care. We encourage the State Department to be sensitive to this need, and commend its support for relevant programs in Guinea (for traumatized victims from Sierra Leone and Liberia) and, more recently, in Sierra Leone, as well as for similar programs in the Balkans.



VII Conclusion

Although the tragic circumstances that halted refugee resettlement in late 2001 were unique, other challenges to a generous and well-functioning U.S. refugee program, as pointed out in this annual document, were all too familiar. Chief among them are the de-emphasis of family reunification in recent years as a U.S. priority and the near-chronic failure of the United States to admit the number of refugees authorized annually by the President. We will continue to press the Administration in these fundamental areas.

At the same time, the members of Refugee Council USA have been pleased in recent months with the State Department's openness to expanding the reach of the refugee program, both by finding new ways to identify candidates for resettlement and by re-energizing the search for Priority Two refugee groups. We appreciate the State Department's willingness to involve our members in both processes. One result, we hope, will be to re-invigorate the public-private partnership in refugee processing overseas that has served the world's refugees so well for so long.

Appendix 1: Description of U.S. Refugee Processing Priorities—FY 2002

PRIORITY ONE:

The following UNHCR-referred or U.S. embassy-identified cases: persons facing compelling security concerns in countries of first asylum; persons in need of legal protection because of the danger of *refoulement*; those in danger due to threats of armed attack in areas where they are located; persons who have experienced persecution because of their political, religious, or human rights activities; women at risk; victims of torture or violence; physically or mentally disabled persons; persons in urgent need of medical attention not available in the first-asylum country; and persons for whom other durable solutions are not feasible and whose status in the place of asylum does not present a satisfactory long-term solution. P-1 referrals must still establish a credible fear of persecution or history of persecution in the country from which they fled.

PRIORITY TWO:

Africa: Persons belonging to U.S. State Department-identified refugee groups (within specific nationalities) in consultation with NGOs, UNHCR, the INS, and other area experts. Groups are selected based on their individual circumstances. In FY 2002, a P-2 designation is being developed for certain nationals of Somalia, such as the Somali Bantu.

Cuba: In-country, emphasis given to former political prisoners, members of persecuted religious minorities, human rights activists, forced-labor conscripts, persons deprived of their professional credentials or subjected to other disproportionately harsh or discriminatory treatment resulting from their perceived or actual political or religious beliefs or activities, and dissidents.

Iran: Members of Iranian religious minorities.

Former Soviet Union: In-country, Jews, Evangelical Christians, and certain members of the Ukrainian Catholic or Orthodox Churches. Preference among these groups is accorded to those with close family in the United States.

Vietnam: In country, residual cases resulting from established programs: former reeducation camp detainees who spent more than three years in detention camps subsequent to April 1975 because of pre-1975 association with the U.S. government or the former South Vietnamese government; certain former U.S. government employees and other specified individuals or groups of concern; and persons who returned from first-asylum camps on or after October 1, 1995 who qualify for consideration under the Resettlement Opportunities for Vietnamese Returnees (ROVR) criteria. In FY 2002, on a case-by-case basis, other individuals who have experienced recent persecution because of post-1975 political, religious, or human rights activities are eligible for in-country P-1 processing if referred by the U.S. Embassy, members of Congress, or certain nongovernmental organizations and human rights groups. In addition, residual Orderly Departure Program (ODP) cases registered and previously determined eligible for consideration may be processed.

PRIORITY THREE:

Spouses, unmarried children of any age, and parents of persons lawfully admitted to the United States as permanent resident aliens, refugees, asylees, conditional residents, and certain parolees; unmarried children at least 21 years of age of U.S. citizens; and parents of U.S. citizens under 21 years of age. (Spouses and unmarried children under 21 years of age of U.S. citizens and the parents of U.S. citizens who have attained the age of 21 are required by regulation to be admitted as immigrants rather than as refugees.)

PRIORITY FOUR:

Grandparents, grandchildren, married sons and daughters, and siblings of U.S. citizens and persons lawfully admitted to the United States as permanent resident aliens, refugees, asylees, conditional residents, and certain parolees. (Not available for any nationality in FY 2002.)

PRIORITY FIVE:

Uncles, aunts, nieces, nephews, and first cousins of U.S. citizens and persons lawfully admitted to the United States as permanent resident aliens, refugees, asylees, conditional residents, and certain parolees. (Not available for any nationality in FY 2002.)

Source: U.S. Department of State, Bureau of Population, Refugees, and Migration. Compiled by the U.S. Committee for Refugees, Refugee Reports, December 2001, page 13.

Appendix 2: Regional Refugee Ceilings and Admissions to the United States, FY 1989–2002

	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99	FY 2000	FY 2001	FY 2002	TOTAL
Africa (Actual Admissions) (Ceilings)	1,922 2,000	3,494 3,500	4,424 4,900	5,491 6,000	6,969 7,000	5,856 7,000	4,779 7,000	7,512 7,700	6,069 7,000	6,662 7,000	13,038 12,000	17,549 18,000	18,979 21,000	22,000	102,744
East Asia ^a	45,680 50,000	51,611 51,800	53,486 53,500	51,848 51,850	49,858 51,000	43,581 45,000	36,926 40,000	19,235 25,000	8,590 10,000	10,848 14,000	10,204 9,000	4,561 8,000	3,725 6,000	4,000	390,153
Eastern Europe ^b	8,948	6,196	6,855	2,886	2,651	7,477	9,987	12,081	21,378	30,911	38,654	22,551	15,776	9,000	186,351
USSR/Former USSR ^b	39,553 50,000	50,716 58,300	38,661 46,500	61,298 61,400	48,627 49,775	43,470 53,000	35,716 48,000	29,536 45,000	27,072 48,000	23,349 51,000	16,922 23,000	14,542 20,000	14,888 17,000	17,000	444,350
Latin America	2,605 3,500	2,309 2,400	2,237 3,100	2,924 3,000	4,126 4,500	6,437 9,000	7,618 8,000	3,541 6,000	2,986 4,000	1,587 4,000	2,110 3,000	3,233 3,000	2,972 3,500	3,000	44,685
Near East and South Asia	6,980 7,000	4,991 5,000	5,359 6,000	6,844 6,850	7,000 7,000	5,861 6,000	4,464 5,000	3,788 4,300	3,990 4,000	3,197 4,000	4,078 4,000	10,079 8,000	12,086 12,500	15,000	78,717
Unallocated Reserve ^c				1,000	1,000	3,000	2,000	2,000	5,000	3,000	2,000	**6,000	0		
Privately Funded (Unallocated)	1,550 4,000	3,009 4,000	1,789 10,000	882 10,000	251 10,000	0 1,000	0 2,000	0 0	0 0	0 0	0 0	0 0	0 0		7,481
Total	107,238 116,500	122,326 125,000	112,811 131,000	132,173 142,000	119,482 132,000	112,682 121,000	99,490 112,000	75,693 90,000	70,085 78,000	76,554 83,000	85,006 **91,000	72,515 **90,000	68,426 80,000	70,000	1,254,481

Note: During the period FY 75-FY 88, the United States admitted 1,208,764 refugees from the following regions: Africa-18,645; East Asia-884,474; Eastern Europe-90,460; Soviet Union-129,299; Latin America-32,232; and the Near East and South Asia-53,654. These persons do not appear in this table. This chart shows the adjusted regional ceilings that were established at mid-year consultations in FY 87, FY 88, FY 89, FY 90, FY 91, FY 92, FY 93, FY 94, FY 96, FY 99, and FY 2001. The worldwide annual ceilings did not change, except in FY 88, FY 89, FY 92, and FY 99.

^a Ceilings and actual admissions figures for East Asia include both first-asylum resettlement and the Orderly Departure Program (ODP) from Vietnam. ODP figures include Amerasian immigrants.
^b In FY 91, FY 92, and FY 93, Eastern Europe and the Soviet Union had separate ceilings. In all other years, the regions have a combined ceiling. (The FY 1999, FY 2000, and FY 2001 sub-regional ceilings are represented.)

^c Beginning in FY 92, admissions numbers included an unallocated reserve. These unallocated places were incorporated into the adjusted regional ceilings, maintaining the overall admissions ceiling.

* Included 13,000 admissions spaces for "Kosovo-affected" refugees.

** Included 10,000 admissions spaces for "Kosovo-affected" refugees, although the numbers were largely unused.

*** Due to a funding shortfall in its Migration and Refugee Assistance account, PRM reduced the FY 2000 unallocated reserve from 6,000 to 1,000. The "unofficial" ceiling became 85,000.

Source: U.S. Department of State, Bureau of Population, Refugees, and Migration. Tabulated by the U.S. Committee for Refugees, Refugee Reports, December 2001, page 9.

Appendix 3: USCR Chart of DOS/PRM Priorities by Nationality—FY 2002

P-1*	P-2 ⁽¹⁾	P-3	P-4	P-5
<i>All Nationalities Eligible</i>	Angolans		X	
	Burundians		X	
	Congolese (Brazzaville)		X	
	Congolese (DRC)		X	
	Cubans	X		
	Former Soviet Union ⁽²⁾	X		
	Iranians	X		
	Sierra Leoneans		X	
	Somali	X		
	Sudanese		X	
Vietnamese ⁽³⁾	X			

* Members of any nationality group—not only those listed in this table—may be processed for admission to the United States under Priority One (P-1) if referred by the UN High Commissioner for Refugees or, under specific limited circumstances, U.S. Embassies. However, prior consultation with the Department of State and INS headquarters is required for certain nationalities determined before the beginning of each fiscal year.

¹ See explanation of those eligible as groups of special concern under Priority Two (P-2). (*see page A-1.*) P-2 processing is not available for Burmese in FY 2002. In addition, P-2 processing for Bosnians has been phased out. The registration deadline for P-2 processing for Bosnians was April 1, 2001, except for Bosnians residing in Germany, who must have registered by February 1, 2001.

² While all persons who were nationals of the Soviet Union as of September 2, 1991 are eligible to be considered for refugee processing by establishing a well-founded fear of persecution, Jews, Evangelical Christians, and Ukrainian Catholic and Orthodox religious activists may establish refugee status for U.S. admission by asserting a fear of persecution and asserting a credible basis of concern about the possibility of such persecution.

³ Vietnamese who were members of certain category groups identified by the INS in 1983 may establish refugee status for U.S. admission by asserting a fear of persecution and asserting a credible basis of concern about the possibility of such persecution.

Source: U.S. Department of State, Bureau of Population, Refugees, and Migration. *Compiled and formatted by the U.S. Committee for Refugees, Refugee Reports, December 2001, page 12.*

Appendix 4: Immigration and Nationality Act, Section 101(a)(42)

The term "refugee" means: (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such circumstances as the President after appropriate consultation (as defined in Section 207 (e) of this Act) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term "refugee" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion. For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control programme, shall be deemed to have been persecuted on account of political opinion, and a person who has a well-founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well-founded fear of persecution on account of political opinion.

Appendix 5: Glossary of Acronyms

CIS	Commonwealth of Independent States
DOS/PRM	Department of State Bureau of Population, Refugees and Migration, also referred to as the State Department
DRC	Democratic Republic of Congo
FSU	Former Soviet Union
FY	Fiscal Year
ICRIRR	International Conference on the Reception and Integration of Resettled Refugees
IDPs	Internally Displaced Persons
INS	Immigration and Naturalization Service
IOM	International Organization for Migration
JVA	Joint Voluntary Agency
NGO	Nongovernmental Organization
ODP	Orderly Departure Program
OPE	Overseas Processing Entity
ROVR	Resettlement Opportunities for Vietnamese Returnees
UNHCR	United Nations High Commissioner for Refugees
USCR	U.S. Committee for Refugees

Appendix 6: The Refugee Council USA

The Refugee Council USA is a coalition of U.S. non-governmental organizations focused on refugee protection. The Refugee Council USA provides focused advocacy on issues affecting the protection and rights of refugees and displaced persons in the United States and across the world. Particular areas of concern are adherence to international standards of refugee rights, the promotion of the right to asylum, political and financial support for UNHCR, and the promotion of durable solutions, including resettlement to the United States. The Refugee Council USA also serves as the principal consultative forum for the national refugee resettlement and processing agencies as they formulate common positions, conduct their relations with the U.S. Government and other partners, and support and enhance refugee service standards.

The members are:

Center for Victims of Torture
Church World Service/Immigration and Refugee Program
Episcopal Migration Ministries
Ethiopian Community Development Council
Hebrew Immigrant Aid Society
Immigration and Refugee Services of America
Institute of International Law and Economic Development
International Catholic Migration Commission
International Rescue Committee
Jesuit Refugee Service
Kurdish Human Rights Watch
Lawyers Committee for Human Rights
Lutheran Immigration and Refugee Service
Migration and Refugee Services/U.S. Conference of Catholic Bishops
Southeast Asia Resource Action Center
U.S. Committee for Refugees
USA for UNHCR
Women's Commission for Refugee Women and Children
World Relief

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