

... for it is the inherent nature of all human beings to yearn for freedom, equality and dignity, and they have an equal right to achieve that.”

—The Dalai Lama

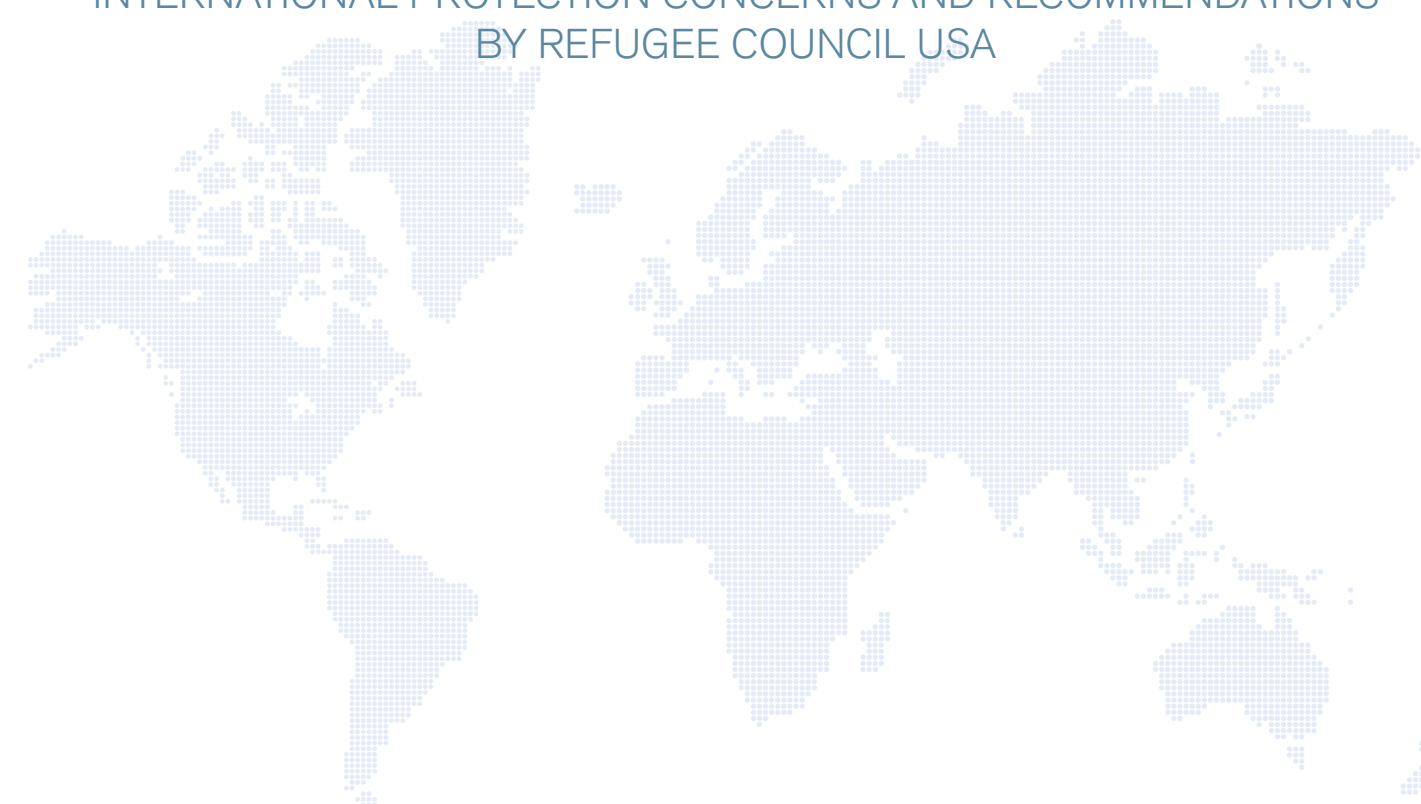


# refugeecouncilusa

INTERNATIONAL PROTECTION CONCERNS AND RECOMMENDATIONS  
BY REFUGEE COUNCIL USA

refugeecouncilusa

3211 4<sup>th</sup> Street, N.E.  
Washington, D.C. 20017-1194  
tel: 202.541.5404 • fax: 202.541.3468  
info@rcusa.org • www.rcusa.org



## Introduction

In its efforts to promote refugee protection, Refugee Council USA (RCUSA) focuses particularly on the needs of the most vulnerable, including women, children, the disabled, the elderly and stateless persons. The coalition is also working to bring greater attention to several overlooked humanitarian crises. Our members look forward to working closely with you and your colleagues at PRM to advance the important issues outlined below.

## Ensuring Protection and Services for the Most Vulnerable

As a leading donor of humanitarian assistance, the U.S. Government and PRM should ensure that the protection of the rights of refugees, internally displaced, and stateless persons are a priority concern in our diplomacy with international organizations, host countries, and other donor governments.

The U.S. should also ensure that the assistance programs it supports are fully consistent with established humanitarian standards and guidelines, including the Principles of Good Humanitarian Donorship, the Guiding Principles on Internal Displacement, and various IASC and UNHCR guidance related to the protection of populations at risk.

In terms of UNHCR's responsibilities, we hope that you will give particular attention and support to the following issues:

- **Executive Committee Conclusions:** We hope that under your leadership, the U.S. will continue to support a strong Conclusion on Protracted Refugee Situations and push for effective global implementation of the recent Conclusions on Statelessness, Women and Girls at Risk, and Children at Risk.
- **Internally Displaced Persons:** We urge you to fully support UNHCR's responsibilities under the cluster system for internally displaced persons.
- **Age, Gender and Diversity Mainstreaming (AGDM):** With strong support from PRM, UNHCR has adopted the AGDM strategy to protect and empower disenfranchised groups. The U.S. should ensure that AGDM remains a priority protection strategy in all country programs, and that country teams are held accountable for devising effective interventions to close the protection gaps identified through their

AGDM assessments. This includes improving programs to prevent and respond to gender-based violence, and identifying and addressing the needs of persons with disabilities.

- **Urban Refugee Policy:** As the world's population continues to rapidly urbanize, the number of refugees and internally displaced persons moving to urban areas is also increasing. UNHCR has been working for some time on a new policy to guide its operations in urban areas. In view of the complex and urgent protection needs in urban areas, UNHCR must prioritize completion of the policy and develop operational guidance in consultation with its implementing partners. We ask that you emphasize the importance of this issue to UNHCR.
- **Best Interest Determinations for Unaccompanied and Separated Children:** A Best Interest Determination (BID) is the critical first step in ensuring protection for children at risk. RCUSA members are encouraged by the continued efforts of UNHCR to implement its new BID Guidelines and appreciate PRM's leadership in supporting the training of UNHCR staff and implementing partners. We hope the U.S. will continue to lead on this core protection issue and urge other donor states to help support global implementation of the Guidelines. We also encourage the U.S. Government to develop guidance and training for its own personnel and implementing partners on the effective use of the formal best interest determination reports within U.S. led refugee protection efforts.
- **Statelessness:** We appreciate the U.S. Government's increased focus on this issue and urge continued attention to the problem. UNHCR is dedicating more staff to this issue, but we believe additional full-time permanent staff and resources are needed, especially at the field level and for sustained periods. We hope that UNHCR will request additional resources to carry out its mandate on statelessness and that the U.S. and other governments will respond with additional funding for the statelessness pillar of the UNHCR budget.
- **Protracted Refugee Situations:** We appreciate UNHCR's continued focus on this important issue and the pivotal role the U.S. has played in ending some of the world's longest standing situations. Through the work on the five pilot countries, we have learned that a community and rights based approach to refugee protection must be a central part of the initial reception of all refugees. The lessons learned from the pilot countries also reveal that when durable solutions are made available, refugees who had access to farm land or the labor market and enjoyed basic rights, including freedom of movement, are

often better positioned to integrate, return, or resettle. Moreover, the realization of refugee rights can reduce xenophobia, especially in urban areas. We support the strategic use of resettlement to unblock protracted situations and encourage the U.S. to increasingly use this important tool in such a way.

## Improving Response to Neglected Humanitarian Situations

Recognizing that all displaced persons should receive the protection and services they need to ensure their safety and well being, RCUSA members would like to call your attention to certain situations that are not receiving the attention they require:

- **Stateless Rohingya Refugees:** Rohingya were stripped of their Burmese nationality in 1974, making them stateless. Since 1999 there have been no fewer than 20 major operations of eviction campaigns against the Rohingyas carried out by the successive Governments of Burma which have resulted in large-scale forced migration to neighboring countries, where most Rohingya have no legal rights. Some host governments have been particularly hostile to Rohingya. We urge the U.S. to support the intention of Indonesia, Australia, Malaysia, Thailand, Bangladesh and Burma to develop a regional solution and to support durable solutions for this persecuted population.
  - **Lao Hmong Refugees in Thailand:** We continue to remain concerned about the plight of the Lao Hmong in the "Whitewater" camp in Petchabun Province and in the Nong Khai Detention Center in Thailand. We urge the U.S. Government to continue to work with Thai authorities to halt the forced repatriation of the Hmong at Whitewater and allow independent third party access to the refugees to ensure all protection claims and repatriations occur within the framework of international standards and law. We also urge the U.S. to continue to work with Thai authorities to allow for the immediate resettlement of the 158 Hmong in the Nong Khai Detention Center.
  - **Sri Lanka:** The recent military victory of government forces over the Tamil insurgency has resulted in severe protection issues for the Tamil population, especially in the northeastern part of the country. We urge the U.S. Government to join with UNHCR to call for the Government of Sri Lanka to meet its obligations regarding the protection of its own people and to abide by the Guiding Principles on Internal Displacement
- during the post conflict phase. In addition to freedom of movement and full access to the affected area and populations, this should include the rapid creation of opportunities for the displaced to return to their home communities, adequate levels of assistance to re-establish their livelihoods, and peace and reconciliation efforts aimed at restoring full participation of the Tamil community in the political process.
- **Colombian Displacement:** The continued humanitarian crisis in Colombia is arguably the most urgent in the Americas. We urge the U.S. to take all possible steps to support improved registration and assistance for Colombian refugees in Ecuador and Venezuela and to press the Panamanian Government to follow through on its promises to regularize the Colombian refugee population who have lived within its borders for fifteen years or more without legal status.
  - **South Africa:** We welcome recent efforts in South Africa to address the backlog in its asylum system, but remain concerned that the system can sometimes treat applicants as economic migrants and fail to give asylum seekers access to fair procedures and possible protection. The risk to asylum seekers is exacerbated by the xenophobia that penetrates much of that society. We urge the U.S. to lend strong support to South Africa's efforts to address the efficiency of its asylum process and—just as important—the quality of the process. We hope the U.S. and UNHCR will support programs and local organizations working to reduce racism and xenophobia.
  - **Somali Displacement:** Somalia remains the site of one of the worst humanitarian crises in the world. We urge sustained focus by the U.S. on Somali IDPs and refugees, and urge the U.S. to work closely with UNHCR to develop a comprehensive plan of action or new thinking on how to better respond to the numerous and complex needs of displaced Somalis.
  - **Eastern Sudan:** Eritrean refugees in the Eastern part of Sudan are among the most protracted and forgotten populations in the world. Tens of thousands of new arrivals from urban areas in Eritrea continue to arrive. Resettlement should be used strategically as a way to encourage livelihoods and integration of the tens of thousands who will remain. The U.S. Special Envoy should also begin to focus on this issue.