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

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

Thursday, July 9, 2009

Thank you for the opportunity to offer information relating to the U.S. Refugee Admissions Program for fiscal year 2010. We appreciate the Department of State Bureau of Population, Refugees, and Migration (PRM)'s ongoing partnership with Refugee Council USA (RCUSA) and its willingness to work together for the best possible protection for refugees worldwide. RCUSA is dedicated to ensuring that vulnerable refugees in different regions around the world have continued access to resettlement. We share with you today the Refugee Council's main concerns with regard to refugees from Africa.

In Africa, the resettlement needs of refugees have increased over the past several years. The United Nations High Commissioner for Refugees has estimated that 279,450 total African refugees are in need of resettlement with 66,819 refugees needing resettlement in FY2010 alone. However, UNHCR admits it only has the capacity to refer 7,309 refugees for resettlement in FY2010 – a capacity shortfall of 59,510 people. We urge the U.S. government to increase attention to protracted refugee situations, such as those of Somalis, and of populations from eastern Democratic Republic of Congo now spread across the continent. There must also be increased efforts to address the needs of other vulnerable refugee populations, such as Eritreans and Darfuris in various countries in the region. We are concerned about the shrinking humanitarian space in which refugees can access protection, including the closing of international borders, which often results in a growing number of African internally displaced persons (IDPs) who often receive little protection and assistance. We see a disturbing trend in South Africa and Burundi of refugee rights violations in countries where refugees are often considered economic migrants. These factors are having an impact on the most fundamental rights of the displaced in various locations across the continent. The general situation in Africa merits a renewed emphasis on resettlement from the region and an increase in the admissions ceiling for African refugees that was set at 12,000 in fiscal year 2009.

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

in Sudan. Assistance programs must make full use of NGOs' expertise and resources to move ahead in this complex situation.

In the absence of peace in Darfur, RCUSA members continue to be concerned about the protection of Sudanese refugees in eastern **Chad**. There are over 250,000 refugees from Darfur, about 60% of whom are women and children, living in some twelve refugee camps in eastern Chad. Refugee Council USA applauds the efforts of the Department of State to resettle the first group of Darfuri refugees out of eastern Chad. Mentally and physically handicapped refugees, unaccompanied minors, and others present in the refugee camps of Chad remain at significant and constant risk. In addition, these 12 camps in eastern Chad are very close to the Chad-Sudan border creating an insecure, volatile situation for these Sudanese refugees. A strategic resettlement program for those who remain in danger is an appropriate solution. In these twelve camps in Chad, implementing partners continue to identify particularly vulnerable individuals. The State Department should continue to work with these partners to ensure that identified individuals and groups are processed immediately for resettlement. As UNHCR prepares a group proposal for resettlement of large numbers of Darfuris from Chad, there are several smaller pockets of vulnerable Darfuris throughout the region that should equally be considered, such as in Egypt, Kenya, and Ethiopia, as further elaborated below. There are an additional 57,000 Central African Republic refugees who live in 5 camps in southern Chad. While most refugees from the CAR will be locally integrated, there are approximately 1,000 persons with medical, legal and physical protection needs, including women-at-risk, for whom resettlement is the most appropriate durable solution.

Somalia remains the site of one of the worst humanitarian crises in the world. Thousands of Somalis fled in the early 1990s and 1980s and remain in protracted situations throughout the Horn of Africa and southern Africa. In addition, ongoing conflict in and around Mogadishu continues to displace Somalis who have few options for relocation. Communities of Somali refugees in the immediate region—including in Kenya, Djibouti and Yemen—remain in precarious situations. We urge sustained focus by the U.S. on Somali IDPs and refugees and urge the U.S. to work closely with UNHCR to develop a comprehensive plan of action on how to better respond to the numerous and complex needs of displaced Somalis. The consolidated appeal for Somalia for 2009 at \$900 million must also be fully funded by various donor governments.

We applaud UNHCR's **Kenya** branch office for increasing resettlement identification and processing for a large number of vulnerable refugees. With over 320,000 refugees in Kenya (of which there are over 250,000 Somali refugees), and numbers increasing daily, the Kenyan government has been limited in its ability to process asylum claims rapidly or provide extended assistance protection to refugees. As the government of Kenya will be responsible for registration and refugee status determinations of all refugees by the end of 2009, these gaps in protection must be addressed.

UNHCR continues to address the needs of the large number of Somali refugees who have been present in the refugee camps of Kenya for over a dozen years. In pursuing and expanding its resettlement goals, UNHCR Kenya has made substantive efforts to build partnerships with NGOs capable of bolstering resettlement processing. These efforts should be strongly supported by the U.S. and replicated throughout the region and the continent.

The Kenyan government closed its border with Somalia back in 2007 citing security concerns. Despite multiple appeals from the international community, the border technically remains closed to this day. This measure has ensnared Somali refugees in the crossfire between the military and

rebel groups. The State Department should urge the Kenyan government to allow Somali refugees to cross in safety and allow UNHCR to reestablish its border post at Liboi which was forced to close by the government of Kenya. This would allow the government of Kenya to conduct security screenings for refugees which would address the security concerns for which they closed the border in the first place.

RCUSA remains concerned about overcrowding, insecurity, and lack of water and sanitation in the Dadaab refugee camp in eastern Kenya. As of mid-June 2009, Dadaab is holding 281,000 refugees in a camp built for 90,000 refugees. Half of the population is under 18 years old and many refugees have been the targets of violence and abuse. RCUSA encourages the State Department to work with UNHCR to continue group resettlement of long-staying Somalis and vulnerable individuals as well as working with the Kenyan government to provide more land for a 4th refugee camp. Development and assistance activities that will alleviate tensions between the refugees and host communities should also be pursued.

Improbably, a group of approximately 1,000 Darfuri refugees have found their way to Kakuma refugee camp in northwestern Kenya. As resettlement ramps up in Chad, these Darfuris in Kakuma should not be neglected. In careful coordination with UNHCR, resettlement should be explored for this group.

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

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

There are also 6,800 Eritrean refugees in Shimelba camp in Ethiopia who are in need of a durable solution, and we applaud the State Department for processing these refugees for resettlement. This caseload has been displaced for a protracted period and continues to be at risk in their country of asylum. UNHCR has made significant efforts to pursue partnerships with NGOs to increase resettlement processing in the camp setting. The U.S. should make full efforts to ensure that these partnerships are solidified and replicated. We also laud the success of the voluntary repatriation of thousands of Southern Sudanese refugees from the refugee camps in Ethiopia, as well as from Kenya, Uganda and elsewhere. Some women-at-risk cases, however, and survivors

of violence and torture, cannot repatriate to Southern Sudan and are in need of resettlement. Another 500 refugees from Darfur in Sherkole camp also cannot return and may be in need of resettlement.

The deteriorating situation in **Zimbabwe** requires both domestic and international attention and action. Since 2005, over 1 million Zimbabweans have fled into South Africa to escape danger due to their political opinion, and significant numbers of those who arrive in South Africa are *bona fide* refugees in need of protection.

South Africa has become the largest recipient of asylum-seekers in the world with over 290,000 asylum-seekers at the end of 2008. We welcome recent efforts in South Africa to address the backlog in its asylum system, but remain concerned that the system can sometimes fail to give asylum seekers access to fair procedures and possible protection by treating refugees as economic migrants. The risk to asylum seekers is exacerbated by the xenophobia that penetrates much of that society. We urge the U.S. to lend strong support to South Africa's efforts to address the efficiency of its asylum process and—just as important—the quality of the process. Specific attention must be paid to those Zimbabwean refugees who are survivors of violence and torture perpetrated against them in their country of origin. Documentation and temporary legal status can reduce discrimination and xenophobic violence for thousands of asylum-seekers in South Africa who have no legal right to work or access to education or health services.

The UNHCR's operations in South Africa need full support, along with encouraging the South African government to implement its asylum processes in a meaningful way. Supporting capacity-building, training, and resources for South African reception and asylum officers can improve the quality of asylum adjudications. Investment in local institutions and civilian-led efforts can lead to the promotion of tolerance, good governance, rule of law, and anti-corruption. Resettlement can also be a responsibility-sharing initiative which can encourage the Government of South Africa to consider local integration of long-stayers. We encourage the State Department to work with and encourage UNHCR to make strategic use of resettlement in South Africa and to identify refugees in need of resettlement, with a particular eye on the victims of 2008's wave of xenophobic violence.

Continuing violence, especially in North and South Kivu, threatens the ability of Congolese refugees to return to the **Democratic Republic of Congo**. While repatriation to other regions including Katanga Province, Kasai Orientale Province, and other provinces has been on-going over the past year, Congolese refugees from North and South Kivu remain displaced and vulnerable throughout the Great Lakes and broader region. Women and children still account for large numbers of those displaced, and violence against women and girls remains high. RCUSA stresses meaningful protection for displaced Congolese, with particular attention to those at risk of gender-based violence. We are also very concerned about the urgent legal and physical dangers Congolese refugees continue to face in the volatile political climate in **Burundi**, particularly those vulnerable Tutsi refugees present in the urban center of Bujumbura. Their protection needs should be immediately evaluated, addressed in terms of urgent protection needs, and subsequently assessed for resettlement processing.

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

In **Tanzania**, the resettlement of Congolese out of Kanembwa Resettlement Processing Center is a welcome development. There are up to 1,750 Congolese refugees in need of resettlement based on legal and physical protection needs, women and girls at risk, and vulnerable youth. In addition, while a majority of Burundian refugees have returned back to Burundi, a residual population of 700 refugees with special protection needs should be considered for resettlement.

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

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

Zambian law does not allow refugees to obtain citizenship, and Zambia has recently threatened to define Congolese refugees as illegal immigrants by December of 2009 if they do not return home. There are some Congolese, including women at risk, unaccompanied minors, and those with medical needs, who cannot return home and for whom resettlement is the best durable solution. The majority of the Banyamulenge refugees in Zambia were successfully resettled last year with the help of NGOs in the urban setting and in the refugee camps in the West and North. Partnerships with NGOs in Zambia should continue as NGOs can facilitate the identification, referral, and processing of refugees. In addition, the U.S. should encourage the Zambian government to adopt new refugee laws that are consistent with international protection principles. These laws would prohibit refoulement, provide for the right to documentation of refugees upon arrival, and more firmly establish procedures for refugee status determinations.

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

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

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