

Testimony of
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on behalf of
Migration and Refugee Service/U.S. Conference of Catholic Bishops
on
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I am Anastasia Brown, Director of Resettlement Services of Migration and Refugee Services of the U.S. Conference of Catholic Bishops (MRS/USCCB). I am pleased to be here today to speak with the Bureau of Population, Refugees, and Migration (PRM) of the U.S. State Department (DOS) regarding the issue of refugee protection. I would like to speak today to several vulnerable populations, including Zimbabweans and others in South Africa, the Rohingya Burmese in Bangladesh, Somali in Kenya and Colombians in Central and South America. I would also like to make some points on unaccompanied refugee minors. Although I highlight specific populations, they do not represent the totality of our concerns. As a member of Refugee Council USA, we support the recommendations made in that organization's testimony for today's meeting.

Zimbabwean Refugees in South Africa

MRS/USCCB visited South Africa and Zimbabwe in late August and early September of 2009 to examine the situation of refugees in those two countries, with a special focus on Zimbabwean refugees. Despite the generous refugee policies of the South African government, these refugees face a lack of basic services, the risk of being trafficked, limited ability to integrate into South African society, xenophobia and discrimination, and a lack of access to refugee protection.

In the aftermath of the disputed elections of April 2008, Zimbabweans who did not support the ruling party were intimidated, beaten, or killed by Mugabe loyalists, leading in part to the displacement of approximately 1-2 million Zimbabweans within the country and the exodus of nearly 6 million Zimbabweans to neighboring and distant countries. The simultaneous economic collapse contributed to this outflow as well. The majority, approximately 3 million, traveled southward to South Africa.

While South Africa is the most developed nation in Africa and has very generous refugee policies, it is unable to handle the large influx of Zimbabweans and other refugees under its care. While South Africa's laws permit refugees to live and work legally in the country, in reality they have extreme difficulty obtaining permanent legal status or integrating safely into South African society. In May of 2008, xenophobic attacks broke out against Zimbabwean and other refugees throughout South Africa, the product of competition for employment and resources. The violence was quelled, but tensions between native communities and refugees remain.

Vulnerable populations, such as women-head-of-households and unaccompanied minors, are especially at risk, facing dangers such as rape, forced prostitution, and human trafficking. For children, the best interest determination is not run by UNHCR and does not include a resettlement component for those who are unable to integrate into South Africa or return home. Human trafficking is a serious concern; our delegation heard many reports of young women being kidnapped and taken to work in the sex trade.

The South African government has failed to provide adequate services, such as food, shelter, health care, and transportation, to refugees, and has only registered about 100,000 refugees thus far. There is over an 80 percent rejection rate for refugee status, as many Zimbabweans are considered economic, not political, refugees. While this is the

motivation of many migrating Zimbabweans, a preliminary assessment by NGOs working with UNHCR found that approximately 33 percent of Zimbabweans in South Africa can articulate a credible fear of persecution and a fear to return to Zimbabwe.

South Africa is also a destination for refugees from other countries such as the Democratic Republic of Congo, Somalia, Sudan, and Rwanda. While these populations face many of the same challenges as Zimbabweans, they are, in contrast to Zimbabweans, being considered for resettlement. UNHCR reported its intention to resettle 2,000 non-Zimbabweans from South Africa in 2010, but the need is much larger within those populations as well.

Despite national law that encourages refugee protection and safe haven, South Africa has not provided a durable solution of integration for refugees. The United States government should increase assistance to non-governmental organizations to provide aid to displaced Zimbabweans. The U.S. should also consider the resettlement of more cases from the region, particularly potential victims of xenophobia but also other refugees who remain at risk – unaccompanied minors, vulnerable women, and the elderly. The resettlement of child trafficking victims should also be prioritized.

Rohingya Burmese

In October of 2008, a delegation of the U.S. Conference of Catholic Bishops visited Bangladesh to examine the conditions and plight of thousands of Rohingya refugees located in southeast Bangladesh. These refugees, primarily of the Muslim faith, have fled persecution from the government in Myanmar/Burma, which does not consider them true Burmese citizens. They have experienced widespread abuses, including forced relocations, murder, and rape. Within their home country, the Rohingya have no government-issued identity documents, cannot move freely around the country, endure forced labor, see their land confiscated, and require government permission to marry. They are not listed among Burma's official minorities, the regime's way of indicating that they have no right to citizenship, despite their residency in Burma for generations. They are stateless people.

In addition, they experience horrid living conditions, often without water and food. In some parts of Rakhine State, the malnutrition rate is 25 percent.

Within Bangladesh, the Rohingya population for years was not recognized with any legal status or identification documents. Recently, refugees in the camps have been registered by UNHCR, but those living outside the camps continue to live without documentation. Many are ostracized by the local communities, who also are poor and view the Rohingya as competitors for limited resources.

About 28,000 officially registered Rohingya refugees live in two camps (Nayapara and Kutupalong) near the Burmese border, which are administered by UNHCR. Another 10,000 live in an "unrecognized" site called Leda, administered by the Bangladeshi government. An additional 5,000 live unofficially outside the Kutupalong camp and an UNHCR estimated 100,000 or more stay in the villages and towns of southeast

Bangladesh, near the city of Cox's Bazar. In Burma/Myanmar's Rakhine State, where the Rohingya live, about 800,000 attempt to survive. They still arrive in Bangladesh in small numbers (40-50 a month), but, should circumstances worsen, many more could be driven to Bangladesh. Significant numbers have already fled to Malaysia and Thailand. In a case noted worldwide, Thai authorities denied port entry to a boat carrying Rohingya refugees, returning them to sea.

The most important hope for the Rohingya in Bangladesh and other places is that they achieve a status that will allow them to leave normal lives. Given the limited options for this population, we strongly believe that the Rohingya in Bangladesh should receive a Priority Two designation from the U.S. government, allowing them to be resettled as members of a persecuted group. While the Rohingya have not received this designation, other refugee minorities from Burma in Thailand have. There is no reason the Rohingya should be treated differently from these other groups, as they face the same persecution if returned and have no viable prospects of integration.

We would encourage the resettlement of vulnerable cases (unaccompanied children, women head of household, and the elderly) first, but believe that all registered in the camps should be given resettlement consideration. We were pleased to see that some 600 individuals have been referred for resettlement this year, however the need is much greater than this, and we believe that a P-2 designation for those in the camps would enable UNHCR staff to concentrate on referrals of the more vulnerable cases. Refugees living outside the camps should be given identification documents and legal status in Bangladesh.

Somalis in Kenya

The refugee crisis in Kenya continues to merit international attention and assistance. Dadaab holds three refugee camps - Ifo, Dagahaley, and Hagadera – and is the largest refugee settlement area in the world with 269,258 people. Originally intended to hold a maximum of 90,000 refugees, Dadaab is dangerously overcrowded and facing a myriad of problems, including lack of sufficient resources, funding and infrastructure. It is impossible to meet the needs of this growing population. A fourth camp is desperately needed for new arrivals as well as those who are currently displaced. The Government of Kenya's recent allocation of land to Ifo camp for 80,000 refugees is a step in the right direction towards alleviating the overcrowding in Dadaab but it is not enough. The critical need for increased assistance to help alleviate tensions and address serious vulnerabilities still remains.

Since the closure of the Kenya-Somalia border in January 2007, we have seen over 100,000 refugees flee the escalating conflict in Somalia and pour into Dadaab. Over 3,000 Somalis continue to arrive in Kenya every month. Many refugees have insufficient access to clean water or sanitation, and those in the newer parts of the camps receive limited humanitarian supplies. Despite ongoing public health efforts, cholera and other diseases remain a significant threat. Flooding also could cause a further deterioration of already unacceptable conditions in the camps.

Refugees, including women and children under the age of 18, risk becoming targets of violence and abuse because of the lack of security and overcrowded conditions in Dadaab. There are also serious concerns about violence against women and girls, and their ability to report cases of gender-based violence as well as seek services. Much more must be done to protect vulnerable groups and individuals in all three camp settings and to provide critical health, livelihood, legal, education, and psycho-social assistance.

We commend your ongoing efforts and those of your colleagues at PRM to press the Government of Kenya to make more land available to relieve the dramatic overcrowding in Dadaab. We urge you to continue to make this issue a top humanitarian priority of the Department of State and the US government. Conditions in Dadaab are unsustainable and continue to worsen.

Resettlement can be used strategically to encourage Kenya to keep its doors open to refugees seeking asylum, and should also be used to provide urgently needed protection to those Somalis who've been in the camp for extended periods, some as many as 18 years, with no durable solutions in sight. MRS/USCCB encourages the State Department to work with UNHCR to conduct group resettlement of long-staying Somalis and other vulnerable individuals in Dadaab. We urge PRM to grant a Priority-Two designation for long-staying Somalis in Kenya. While the UNHCR staff have been referring cases as P-1, the need is very high, and a large scale P-2 would enable them to concentrate on identification of the most vulnerable under P-1.

Colombians in Central and South America

MRS/USCCB holds special concern for Colombians who have fled civil war and strife in their native Colombia. They are located in several countries, including Ecuador, Panama, Venezuela, and Peru. They flee violence at the hands of rebel groups and are often the victims of forced support for these groups. Until recently, the "material support bar" prevented the U.S. Refugee Admissions Program from deploying resettlement as a tool of protection for Colombian refugees. While USCIS has now effectively addressed this issue for refugee applicants who were forced to provide material support to the primary armed groups in the conflict, denial rates of refugee cases referred to the U.S. for resettlement by UNHCR continue to increase.

While UNHCR has estimated that 15,944 Colombians are currently in need of resettlement, the United States accepted only 56 Colombians for resettlement in fiscal year 2009, despite its stated intention to accept 300 Colombian refugees. This continues a worrying trend of double-digit acceptances over the past four years.

Colombia's violence has spread beyond its borders, making it so that many of those who've fled to nearby countries are still not safe from persecution. Although UNHCR increased the number of Colombian resettlement referrals in this last fiscal year, the denial rate for cases referred by UNHCR to the United States climbed precipitously, reaching approximately 62 percent. We believe that this denial rate is unacceptable given the severe and well-documented persecution suffered by this population.

As resettlement of Colombians has come to a near standstill, even those who are not safe in their countries of first asylum and cannot return home have no way to escape violence and insecurity. We urge PRM to once again look at the plight of Colombians and restart a resettlement program for this vulnerable population.

Recommendations:

- We recommend that PRM increase assistance to non-governmental organizations to provide aid to displaced Zimbabweans. The U.S. government should also consider the resettlement of more cases from the region, particularly potential victims of xenophobia but also other refugees who remain at risk, including unaccompanied minors, vulnerable women, and the elderly. We strongly urge the prioritization of resettlement for child trafficking victims.
- We encourage PRM to grant a Priority-Two designation to Rohingya Burmese in southeast Bangladesh. Special attention and priority should be given to vulnerable cases, as designated by UNHCR.
- We recommend that PRM grant a Priority-Two designation for long-staying Somalis in Dadaab camp in Kenya.
- We urge PRM to increase resettlement of vulnerable Colombians fleeing the 40 year long civil war.

Unaccompanied Refugee Minors

As you know, MRS/USCCB has long held interest in the plight of separated and unaccompanied refugee minors (URMs). We are saddened to see that PRM has not focused upon URMs in a concentrated effort, and encourage the bureau to pay special attention to this vulnerable population. Approximately 230 URMs were resettled to the United States in 2008, and only 200 arrived in 2009. As of April 1, halfway through the fiscal year, 81 unaccompanied refugee minors had arrived.

These numbers do not square with the fact that, according to UNHCR estimates, 3-5 percent of refugee flows are comprised of unaccompanied or separated refugee minors. There are over 420,000 unaccompanied refugee minors in the world. All of the populations in our testimony include URMs.

MRS/USCCB believes that URMs are particularly vulnerable, and, under certain circumstances, should be given the opportunity to escape the imprisonment of refugee camps and start a new life in a new country. DOS, UNHCR, and NGOs should be aware of the particular vulnerabilities of children worldwide and insist that durable solutions be found for them as soon as possible.

We believe that PRM should use Best Interest Determinations for unaccompanied refugee minors in all situations, not only to determine resettlement opportunities but also to maintain family relationships. In keeping with HCR guidelines, BIDs should be

conducted as soon as possible after the identification of an unaccompanied refugee minor. While we understand that conducting a BID is time and labor intensive, it an essential child protection tool if conducted in a comprehensive and timely manner. URM's resettled in this country should be able to petition for other family members, such as siblings and other close relatives, in a timely manner.

Recommendations:

- PRM should use best interest determinations for unaccompanied refugee minors in all refugee situations and increase the number of URM's considered for resettlement.
- URM's should be given the ability to petition for close relatives and siblings in an expedited manner.
- NGOs should be used to refer URM's to the State Department for resettlement.
- PRM should intensify its efforts to identify and protect vulnerable refugee minors in both urban settings and camps.

In conclusion, MRS/USCCB values the relationship with PRM and views it as a partnership. We look forward to working with you in the year ahead, so that lives can be saved and the U.S. can show leadership to the rest of the world in the area of refugee protection.

Thank you.