

**Statement
Of
Naomi Steinberg
For the RCUSA Members of the East Asia Regional Working Group
At the FY 2009 Refugee Admissions Program Public Hearing of the Bureau of
Population, Refugees, and Migration, U.S. Department of State
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My name is Naomi Steinberg, and I am the Deputy Director of the Southeast Asia Resource Action Center (SEARAC). However, today I am here speaking as the co-chair of Refugee Council U.S.A.'s (RCUSA) East Asia Joint Regional Working Group. I would like to start by taking the opportunity to thank PRM for convening this hearing. I am honored to be able to share with you some of the priority issues for the RCUSA members of the working group.

In my remarks, I will highlight several specific populations and topics, including discussion of issues of general concern impacting refugees in Thailand, and more specifically, the protracted situation of the Lao Hmong in Thailand. In addition, I will touch on issues of concern pertaining to the continued vulnerable state of refugees in Malaysia, as well as the ongoing plight of Rohingya refugees in Bangladesh and Malaysia. I will also briefly highlight the material support issue as it continues to impact the resettlement of refugees from the East Asia region.

Thailand

We are pleased with the progress made by the Burmese resettlement program in offering a durable solution to this longstanding refugee situation. We note, however, that other groups in Thailand do not have access either to refugee status determination or to basic assistance. Among the groups of greatest concern are Burmese refugees fleeing as a result of their association with the "Saffron Revolution" of last September. Although UNHCR has not had access to these refugees due to the opposition of the Thai government, a number of these refugees have been accepted for US resettlement through the US direct NGO referral process. However, the recent announcement that Thailand will not permit the processing of refugees who arrived in Thailand after November 30 leaves many high-profile political activists who have only been able to reach Thailand since that time in jeopardy. These refugees presently have no access to assistance or protection, and their safety along the porous border cannot be ensured. We urge PRM to work to restore access for these refugees to the resettlement referral program. In addition, a trickle of survivors of Burma's Cyclone Nargis has begun to arrive in Thailand. At present, there

are few services in place to support them, and no system to identify and protect refugees in this population. Despite reports of recent improvements in the cyclone response within Burma, we urge that protection and assistance to newly arrived refugees be ensured and that this situation be closely monitored.

In addition to these specific groups of vulnerable refugees, we also want to call attention to the urgent situation that will be faced by refugees in the camps on the Thai/Burma border if the need to maintain an adequate food pipeline is not addressed. High rice and fuel prices threaten to make the reduction of food rations- to half of the international minimum standard- in the camps necessary as soon as August. This poses not only the danger of malnutrition for the most vulnerable members of the refugee population, but will result in refugees engaging in a variety of high risk coping strategies that will raise numerous protection concerns. We encourage the U.S. to take the necessary steps, in partnership with other nations, to ensure that no refugees in Thai camps go hungry or are forced to jeopardize their safety in order to procure food.

We also remain concerned about the urban refugee caseload in Thailand. It is the policy of Thailand that assistance and refugee status determination activities should be limited to refugees residing in camps. The camps are currently closed to new registrations, however, and there is presently no way for new refugees to be registered and afforded shelter and assistance. We urge that the US government address this situation with the government of Thailand to establish a route for the registration and processing of urban cases.

Additionally, we continue to be troubled by the protracted situation of the almost 8,000 Lao Hmong in Phetchabun Province, Thailand. As UNHCR continues to be denied access to the camp, and the Lao and Thai governments continue to state that all individuals in the camp will be deported to Laos by the end of 2008, conditions in the camp worsen as camp residents desperately appeal to the international community for assistance. Since 2005, 378 individuals have been deported back to Laos, 78 being deported in 2008 alone. It is believed that many of these deportations were forced. At the end of May, a reported

2,000 of the 8,000 in the camp lost their basic shelters to fire, and many believe that the fires were intentionally set in order to draw attention to their plights as the Secretary General of the United Nations was in the region following Cyclone Nargis in Burma. A letter sent to Secretary Rice in May from eight United States Senators includes many of the same fundamental principles for which we have been advocating for years, including the need for the U.S. to work with the Thai government in order to ensure that no *bona fide* refugees are repatriated to Laos.

In addition, while the Thai government claims that it has already completed its own screening process of the Lao Hmong in the camp, because no international monitors were allowed to be involved with, or even observe the process, we cannot be sure that the screening process utilized by the Thai government would meet UNHCR standards. We therefore continue to urge the U.S. to engage in multilateral dialogues to seek a comprehensive solution for these individuals, starting with allowing UNHCR access to the camp, and the halting of all forced removals of Lao Hmong from Thailand until an internationally accepted refugee status determination process is implemented. Those individuals who are found to be refugees should be granted exit visas from Thailand and be allowed to resettle in third countries. Moreover, no Lao Hmong who are found to not be refugees should be forced to return to Laos until their safety there can be assured through the participation of an international monitoring entity.

We also urge the U.S. to engage in further dialogue with the Thai government to resolve the situation of the 154 Lao Hmong refugees who have been held in the Nong Khai Immigration Detention Centre in Thailand since 2006. According to Amnesty International, this group is made up of at least 90 children, 10 of whom are infants. All of these individuals are UNHCR-recognized refugees, and as such should be released from detention and allowed to resettle in third countries as quickly as possible.

Malaysia

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

Rohingya

One additional specific protracted refugee situation to which we would like to draw further attention is that of the Rohingya from Burma. With major populations of Rohingya refugees in Bangladesh (approximately 27,000 living in two camps and untold thousands living outside of the camps) and Malaysia (where approximately 12,000 live) as well as those who are apprehended in Thailand, we encourage the U.S. to help move the process forward for finding durable solutions for the Rohingya. We particularly encourage the U.S. government and UNHCR to expeditiously take the steps that are necessary for the implementation of P2 group referrals for the Rohingya. While recent efforts to create safe repatriation plans for Rohingya to return to Burma from Bangladesh are fine for those who voluntarily wish to return to Burma, it is clear that this is not a realistic option for most Rohingya who have been living in squalid camps in Bangladesh for more than 16 years. In addition, the Rohingya in Malaysia, like other refugee groups in the country, remain extremely vulnerable to arrests, detention, and deportation, and the Rohingya also continue to be denied access to IMM13 work permits. It is incumbent upon the international community to work towards the creation of meaningful resettlement opportunities for this exceedingly vulnerable, stateless group that has been living in limbo for so long.

Material Support

Finally, I would like to quickly raise the material support issue. Advocates were hopeful that the passage of the *Consolidated Appropriations Act of 2008* would go a long way towards, if not completely, significantly reducing the negative impact the material support related bars of inadmissibility have had on the U.S. refugee resettlement program. To be sure, some progress has been made. To date, approximately 5,500 refugees and asylees have received material support group waivers and entered this country, and that is certainly good news. However, as the months since the passage of the legislation continue to pass, further progress has remained painstakingly slow, creating high levels of uncertainty for many refugee groups in Southeast Asia, including the Karen, Chin, Karenni, Hmong, and Montagnard, groups that are now no longer defined as “terrorist organizations,” but for whom many individuals have yet to see the benefits of this legislation. For example, the issuance of specific guidances that are required for the actual implementation of provisions of the legislation have still not been released, leaving an untold number of cases on hold, awaiting review. In addition, the implementation of the expanded waiver authority, which among other things would allow admission of former combatants and for the reconsideration of cases that have been put on hold or denied because of former combatant activity, has still not occurred. While the waiver process very well might only address the material support and related issues in a piecemeal fashion, we continue to strongly urge the U.S. to quickly issue all necessary guidances and waivers so that the fixes offered by the recent legislation can actually be implemented to their fullest

In conclusion, as planning continues for FY 2009 resettlement goals, we look forward to continuing this dialogue with PRM about these, as well as other, resettlement and protection issues affecting refugees throughout East Asia. We greatly value our partnerships with PRM and count on working together in order to finally find resolution to these protracted refugee situations.