

Burma's Trapped Refugees

By Anna Husarska

THAM HIM, Thailand—A refugee camp is an unlikely front in the U.S. war on terror. But at this dense hive of bamboo huts on the Thai-Burmese border, 100 miles west of Bangkok, thousands of fleeing Karen refugees have collided with a broad series of U.S. immigration and national security laws aimed at combating global terrorism.

The Karen—an ethnic minority of neighboring Burma—have struggled for independence since Burma was decolonized in 1948. Under the country's current dictatorship, the Karen have been explicitly—and brutally—targeted. Today, combatants from the Karen National Union (KNU) and civilians alike suffer at the hands of government troops. The Karen also face the disease and famine that plagues the deep Burmese jungle, where they have been forced to hide.

Unfortunately, crossing the border affords only a remote possibility of escape. Thailand does not recognize the status of refugees, though it has agreed to allow the Karen to be housed in camps such as

Tham Him. Meanwhile, those otherwise eligible to be admitted into the U.S. as refugees face significant obstacles due to restrictive U.S. immigration laws. Revised after 9/11, these laws now broadly define a terrorist organization as any group of “two or more individuals, whether organized or not, [which] engages in, or has a subgroup which engages in” activities as

broad as using an “explosive, firearm or other weapon or dangerous device (other than for mere personal monetary gain).” The rules also ban those indirectly involved in such activities because they provide—even if at a minimal level and even if under duress—“material support” to so-called terrorist groups.

After a barrage of criticism, the U.S. administration recognized the deficiencies of these definitions and issued three waivers in May, August and October of this year. This opened the possibility for more than 9,000 Karen refugees in Tham Hin to be considered for U.S. resettlement, followed by the rest of the Karen in Thailand and then, last month,

Chin refugees from Burma living in Thailand, Malaysia and India.

But these waivers still represent only a partial fix. Former Karen army combatants remain categorized as terrorists and are still prevented under the law from admission into the U.S. as refugees. The U.S. Assistant Secretary of State for Population, Refugees and Migration, Ellen Sauerbrey, testified to the legislation's adverse effects last September before a U.S. Senate subcommittee, and considers many combatants “meritorious cases.”

Having also been in Tham Hin last April before the waiver was passed, I can appreciate its effect. After 1,100 Karen—almost one-tenth of the total camp population—left for the U.S. in August and September, the camp felt less crowded. But the atmosphere of joy from seeing many friends and relatives embarking on a new life, free from fear, has been tempered by bitterness among those who are still unjustly labeled terrorists.

Albert Gray, a former combatant, fell into that camp in 1997. A proud captain in the KNU—a group whose goals are fully in keeping with U.S. policy toward the Burmese junta—Mr. Gray has not been ac-

cepted as a U.S. refugee. A husband and father of three, his “on hold” status (which in fact means “inadmissible”) also determines their fate. Fearful that his children's chances for a normal life are in jeopardy, Mr. Gray took advantage of a visit by a senior official from the U.S. Department of Homeland Security and asked—in a touchingly simple, handwritten letter—that his family's applications be considered on their individual merits. “Please. . . temper justice with mercy” he pleaded. U.S. resettlement rules are generally against the separation of families; but if their applications are accepted, Mr. Gray's family would have to leave him behind.

Issuing case-by-case waivers is no way to fix a fundamentally broken system. The U.S. Congress should rewrite terrorist definitions so that bona-fide refugees can be fairly considered for asylum—not punished for the courage and commitment they demonstrated in opposing vicious regimes. Then, perhaps, people like the Karen combatants could be offered a safe haven, in the best American tradition.

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Caught in the
middle of
America's war
on terror.