

U.S. Refugee Admissions Program For Fiscal Years 2004 and 2005

Recommendations of
The Refugee Council USA

AN INTERIM REPORT

September 2004



Acknowledgments

The Refugee Council USA presents this Interim Report on the U.S. Refugee Admissions Program for FY 2004 and FY 2005, in support of its annual consultations with the State Department regarding the admission of refugees.

We gratefully acknowledge all of our colleagues who contributed to this interim report. Special recognition to the Refugee Council USA Co-Chairs of the Joint Regional Work Groups—Anastasia Brown, Dr. Galen Carey, Melanie Nezer, Mitzi Schroeder, and Amy Slaughter as well as the participants of these work groups.

We extend special commendation to Berta Romero, Coordinator and Sasha Bennett, Assistant Coordinator of Refugee Council USA for their overall facilitation, coordination and countless other contributions. We also thank Andria King of Wyrdwright, Inc. for the report's layout and design.

The following agencies endorse this interim report:

Center for Victims of Torture
Church World Service/Immigration & Refugee Program
Episcopal Migration Ministries
Hebrew Immigrant Aid Society
Hmong National Development
Immigration & Refugee Services of America/U.S. Committee for Refugees
International Catholic Migration Commission
International Refugee Research Institute
International Rescue Committee
Jesuit Refugee Service/USA
Kurdish Human Rights Watch
Lutheran Immigration & Refugee Service
Migration & Refugee Services/United States Conference of Catholic Bishops
National Alliance of Vietnamese American Service Agencies
Southeast Asia Resource Action Center
Women's Commission for Refugee Women & Children
World Relief



Front Cover: Burmese refugee children along the border of Thailand and Burma. Photo courtesy of Florentina Chiu/LIRS, May 2004.

Table of Contents

I. Executive Summary	1
II. Systemic Changes to Enhance and Expand the U.S. Admissions Program	2
A. Supplementing UNHCR Referral Capacity	2
B. Expanded Use of P-2 Designation	2
C. Rapid Response Teams	2
D. Emphasizing Family Reunification	3
E. Reforming JVA/OPE Functions	3
F. “Pipeline” Development	3
G. NGO Referrals	3
H. Special Provisions for Unaccompanied and Separated Minors	3
III. Refugee Groups Previously Recommended for Resettlement and Currently Being Processed in FY 2004 and FY 2005	4
IV. Admissions Recommendations for FY 2005	4
A. Special Refugee Groups	4
B. Regional Recommendations	5
Africa	5
<i>West Africa Region</i>	5
Liberian Refugees in Guinea, Sierra Leone and Ghana	
Sierra Leonean Refugees in Guinea and Liberia	
Separated Refugee Minors in Guinea	
Mauritanian Refugees in Senegal	
<i>Great Lakes/Central Africa Region</i>	6
Burundian Refugees in Tanzania	
Refugees in Uganda	
Angolan Refugees in Zambia	
<i>The Horn of Africa and East Africa Region</i>	6
Kunama Eritreans in Ethiopia	
Sudanese Separated and Unaccompanied Children in Ethiopia	
Refugees in Kenya	
Ethiopians and other Refugees in Yemen	
Sudanese and other Africans in Egypt	
<i>Southern Africa Region</i>	7
Refugees from the Great Lakes in Mozambique	
East Asia and the Pacific	7
Burmese Refugees in Thailand	
Hmong Refugees in Thailand	
Refugees in Malaysia	
Refugees in Vietnam	
Vietnamese Montagnards	
Vietnamese in the Philippines	
North Koreans	
Eastern Europe and the Former Soviet Union	8
Kosovo Roma Refugees in Macedonia	
African Long-stayer Refugees in Russia and the Former Soviet Union	
Meskhetian Turks in Krasnodar Krai	
Religious Minorities in the Former Soviet Union	
Refugees in Turkey and Azerbaijan	
Baku Armenians	

Latin America and the Caribbean	9
Colombian Refugees	
Haitian Refugees	
Near East/South Asia	10
Refugees in Lebanon	
Bhutanese Refugees in Nepal	
Burmese Refugees in New Delhi	
Afghans and other Refugees in Pakistan and India	
Iranian Refugees in Turkey	
Turkish Kurdish Refugees in Northern Iraq	
Iranian Religious Minorities in Austria	
<i>Other Regional Access Issues</i>	11
V. Conclusion	11

I. Executive Summary

Since September 11, 2001, the U.S. refugee admissions program has faced dramatic disruptions, with admissions levels dropping from 70,000 refugees in FY 2001 to less than 30,000 each in FY 2002 and FY 2003. During that period, considerable effort was made to enhance security procedures for screening prospective entrants and detecting fraudulent claims for priority access to the refugee program. Due to extraordinary efforts on the part of the State Department's Bureau of Population, Refugees, and Migration (*hereinafter referred to as the State Department*), the Department of Homeland Security (DHS), the White House, United Nations High Commissioner for Refugees (UNHCR), and non-governmental organizations, the U.S. refugee program may reach 50,000 admissions in FY 2004, a 78.5% increase from the previous year. Our community is extremely grateful to all involved in turning this situation around and putting the program on track to expand refugee admissions to a level more appropriate to the needs of refugees worldwide.

In a report to Congress in August 2001, the State Department indicated that in light of the large population of refugees in need of resettlement the Administration was committed to incrementally growing the refugee admissions program and achieving an annual admissions level of 90,000 refugees in FY 2005. Though the terrorist attacks of 2001 interrupted these plans, the State Department has demonstrated in FY 2004 that admissions levels can be increased significantly. If the same rate of growth in admissions occurs from FY 2004 to FY 2005 as occurred from FY 2003 to FY 2004, nearly 90,000 refugees would be admitted in FY 2005. With the worldwide population of refugees in need of durable solutions far exceeding resettlement opportunities, we believe that the United States should commit to achieving its earlier goal of 90,000 admissions in FY 2005.

We believe the political will for restoring the U.S. admissions program to higher levels has been and continues to be demonstrated. An encouraging recent indication from Congress was the passage of the FY 2004 Consolidated Appropriations bill, which calls for several reforms to the refugee admissions program, including the following:

- Using PVOs in the identification, referral and processing of refugees for admissions to the U.S.;
- Prioritizing female headed households, unaccompanied children, long-stayers, and urban refugees outside traditional camp settlements; and
- Making the P-3 category available to refugees of all nationalities.

Our community has specific, though not exhaustive, knowledge of refugee groups in need of resettlement and we once again bring them to the attention of the State Department for admissions consideration. These refugees, numbering in the hundreds of thousands, are identified in Section IV of this report.

Many of the groups for whom we advocate have been languishing for years, their plight having been brought to the State Department's attention in the past. In fact, in our FY 2004 admissions recommendations report, we proposed fourteen different refugee groups that should be considered for "group determination" under Processing Priority Two (P-2). Regrettably, only two groups have been designated by the State Department for P-2 processing in the past year. Furthermore, our FY 2004 report identified fifty-five different refugee groups in need of resettlement. To our knowledge, only seven of these groups have actually begun to be processed for admissions.

Therefore, in addition to recommending specific groups of refugees requiring resettlement, many of whom are the same as those contained in our previous recommendations, we are compelled to call for structural changes necessary to enhance the procedural mechanisms for identifying and processing refugees for resettlement, without which the U.S. admissions program will continue to have limitations in achieving the will of the American people and of our government in responding to the resettlement needs of the world's refugees.

Accomplishing a more robust and responsive admissions program, one that is sustainable and expandable, will require continued political will, revamped infrastructure for identifying and processing refugees in need of resettlement, and resources.

II. Systemic Changes to Enhance and Expand the U.S. Admissions Program

The State Department has taken a number of initiatives designed to enhance its ability to identify refugees in need of resettlement. We welcome such initiatives as the development of joint regional work groups, whose purposes are to share information about groups of refugees in need of resettlement and to consider strategies for processing those refugees of interest to the United States. The State Department, in partnership with the UNHCR, DHS, and the NGO community, has also mobilized “targeted response teams” to go into regions to consider particular groups of refugees for resettlement. These more proactive attempts at outreach are welcomed additions to the State Department’s capacity to identify refugees in need of resettlement.

We also acknowledge and appreciate the efforts of the State Department to expand UNHCR’s capacity for identifying and referring refugees to the U.S. admissions program. The State Department’s leadership and resources have had a direct impact on UNHCR’s growing commitment to resettlement. It will be critical for the State Department to continue encouraging UNHCR to place greater emphasis on resettlement and to operationalize this concretely by increasing the number of referrals to the United States and other resettlement countries.

To further strengthen the United States ability to respond to the resettlement needs of refugees, we recommend the following enhancements and/or changes, some of which represent concrete ways of implementing the reforms called for in new legislation.

A. Supplementing UNHCR Referral Capacity

As noted in the recent report titled, *UNHCR Projected Global Resettlement Needs 2005*, the UNHCR faces many constraints in providing adequate resettlement referrals for the refugees in the world in need of such. Congress recognized this when it passed Public Law 108-199, which gives the Secretary of State the authority to utilize “agencies in addition to the United Nations High Commissioner for Refugees in the identification and referral of refugees.”

Therefore, even as the State Department invests in enhancing UNHCR’s capacity to identify and refer refugees in need of resettlement, new, creative and responsive mechanisms should be developed to augment the capacity to refer refugees for consideration by U.S. authorities without dependency on UNHCR for approval, concurrence or initiative. Such approaches as greater emphasis on P-2 processing, direct applications, Embassy identification, and greater involvement of NGOs need to be pursued. Refugees in need of resettlement can be found in nearly every region of the globe, often in very remote areas that present significant challenges to facilitating access for resettlement consideration. Rapid Response Teams could augment the ability of our government partners and UNHCR to assess the resettlement prospects of populations now beyond the reach of either. We believe that the NGOs, particularly those with resettlement processing experience, can be an effective resource to the State Department for this type of outreach. At present, this is an underutilized resource.

B. Expanded Use of P-2 Designation

We appreciate the willingness of the State Department to consider expanding the use of P-2 designations for various groups of refugees around the world. Of the fourteen groups we recommended in FY 2004 be considered for P-2 designation, we understand the State Department is currently discussing nine of these groups for possible P-2 processing. Unfortunately, only two new P-2 groups have been designated in the past year. We strongly urge PRM to utilize P-2 to permit the U.S. admissions program to provide protection to a greater array of refugee groups.

C. Rapid Response Teams

Our community continues to believe that an essential component to expanding the resettlement program in today’s environment is the establishment and mobilization of “rapid response teams.” Their mission would

be to field NGO experts on an on-going basis to analyze the resettlement needs of refugee populations around the globe and help establish the initial processing mechanisms necessary to identify and refer cases for U.S. admissions consideration. The rapid response teams we envisaged go well beyond the more limited scope and mission of the “targeted response teams” recently fielded under auspices of the State Department.

D. Emphasizing Family Reunification

We continue to believe that family relationships should be a major consideration in determining which refugees be considered for admission to the United States. In this respect, we believe Processing Priority 3 (P-3) should be applied to all nationalities and that the restrictions placed on eligibility for P-3 designation in FY 2004 be rescinded. The absence of a universal P-3 designation has the effect of channeling more refugee claims to an already burdened UNHCR.

E. Reforming JVA/OPE Functions

In recent years, we have seen a narrowing of the role of these overseas processing entities and this has had a debilitating effect on identifying and referring prospective refugees in need of resettlement. Today’s JVAs/OPEs are processing cases usually referred by the UNHCR and are no longer used by the State Department in a proactive outreach and advocacy mode. Likewise, the State Department has turned away from engaging its traditional NGO partners in this work. The consequent compartmentalization of overseas processing and domestic resettlement can interfere with and even preclude the continuity in services necessary to achieve a successful resettlement experience.

Even as the State Department has taken steps, during the past several years, to expand its capacity to identify and process refugees for resettlement, not a single new JVA/OPE has been developed to assist in these efforts. During this same period, there have been several locations with significant numbers of refugees with resettlement potential at which a revamped and expanded JVA presence would make sense.

F “Pipeline” Development

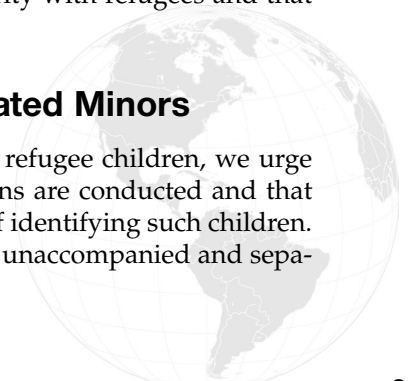
In light of the overwhelming need to provide resettlement opportunities to a larger number of refugees, as the State Department manages the admissions processing, ensuring that current years’ authorized admissions levels are reached, it must also proactively build a processing pipeline into the succeeding year. As we have recommended in the past, we believe the State Department should have at all times at least a three-month pipeline of travel-ready refugees, including at the beginning of a new fiscal year. A management approach that sets forth interim goals or targets to ensure an adequate pipeline and that accounts for timely corrective action or strategic interventions when the pipeline falters is needed. In the same vein, we encourage the State Department to take every measure possible to avoid a moratorium on arrivals at the beginning of the fiscal year while awaiting the signing of the Presidential Determination.

G. NGO Referrals

We are pleased that the State Department has taken some steps to engage some of the NGOs in referring prospective resettlement candidates for consideration by U.S. authorities. This program, which currently has some built-in limitations, should be expanded to all regions and revamped, in cooperation with refugee-related NGOs, to ensure that it takes advantage of the NGOs’ familiarity with refugees and that the special needs of NGOs in the field are taken into account.

H. Special Provisions for Unaccompanied and Separated Minors

Because of the unique vulnerabilities faced by unaccompanied and separated refugee children, we urge the United States to exert leadership to ensure that best interest determinations are conducted and that NGO child welfare specialists are deployed as early as possible in the process of identifying such children. We also recommend that special guidelines be developed for the processing of unaccompanied and separated minors for resettlement, including a processing priority designation.



III. Refugee Groups Previously Recommended for Resettlement and Currently Being Processed in FY 2004 and FY 2005

Our recommendations for FY 2004 included fifty-five distinct groups of refugees in need of resettlement. Based on the information available to us, only the following refugee groups contained in that report are currently being processed for resettlement and some of these have already begun arriving in the United States.

- Liberians in Côte D'Ivoire
- Meskhetian Turks in Krasnodar Krai
- Somali Bantu (residual caseload)
- Lao Hmong in Wat Tham Krabok, Thailand
- Burmese urban refugees in Thailand
- Baku Armenians in Russia
- Religious minorities in the former Soviet Union (FSU)
- Liberians in Guinea
- Iranian religious minorities
- Colombians

Our community is most grateful to the United States for providing resettlement opportunities to these deserving refugees. We recommit ourselves to partnership with the U.S. government in assisting in their processing and resettlement.

IV. Admissions Recommendations for FY 2005

Many of the refugees we identified last year as needing resettlement remain without durable solutions and, to our knowledge, are not being processed for resettlement in the United States. Therefore, our report this year serves to update, as necessary, the situation of the groups identified last year and to identify additional groups for whom resettlement is desperately needed. We advise reviewing our refugee admissions recommendations for FY 2004, issued in May 2003, which remain valid and timely.

A. Special Refugee Groups

Among the world's refugees, there are particularly vulnerable groups of refugees who require special attention and response, including protection, specialized services, and expedited consideration and pursuit of durable solutions, including resettlement. We believe the United States must play a leadership role in identifying these vulnerable refugees and pursuing durable solutions on their behalf. In last year's report, we submitted recommendations for the United States to provide critical international leadership in the protection and care of the following vulnerable groups of refugees: **women at risk, separated minors, long-stayers, urban refugees and victims of torture.** In the continued absence of durable solutions for these refugees, their vulnerability has only increased. Therefore, we once again appeal to the United States for special outreach and responses for these and other particularly vulnerable refugees.



B. Regional Recommendations

Africa

West Africa Region

In 2003, UNHCR continued to promote the voluntary repatriation of Sierra Leonean refugees and organized mass information campaigns on the conditions of return. Major political advances have also been made in Liberia and the UNHCR is expected to coordinate a repatriation effort in October 2004. However, many thousands of refugees remain in the region without any prospects for repatriation or local integration.

Liberian Refugees in Guinea, Sierra Leone and Ghana: It is anticipated that a number of particularly vulnerable and traumatized refugees will not be willing or able to repatriate to the now relatively peaceful Liberia, given the ongoing tensions among particular ethnic groups and the lack of prospects for reintegration of certain types of cases. These include Mandingo and Krahn ethnicities, women-at-risk, single-headed households, and victims of severe violence or torture. These groups are located primarily in Guinea, Ghana, and Sierra Leone.

The State Department recently approved a P-1 Group Referral from UNHCR for a caseload in the Lainé Camp near N'zerekore, Guinea. This is a "double-flight" group previously in Côte d'Ivoire, comprised of female-headed households. Processing for this group, which is expected to number some 2,500 individuals, is set to begin this summer. The entire "double-flight" group in the Lainé Camp is approximately 7,000. Many, if not all, of the members of this group are also in need of resettlement and should be considered for the U.S. admissions program. They are primarily Mandingo, Krahn, and victims of violence of various ethnicities.

Following UNHCR's recent country-wide registration exercise in Ghana, the UNHCR Resettlement Hub begun working on a referral for a group of Liberian victims of violence or torture who arrived in Ghana prior to 1997. Preliminarily, a group of some 4,500 persons residing at the Buduburam Camp was identified; however the initial referral is likely to comprise a sub-group of around 1,000 persons. These include primarily single-parent victims of violence (including both male and female-headed households).

Local integration and repatriation do not address the needs of all Liberian refugees in Sierra Leone; thus, resettlement remains an important durable solution and protection tool. An estimated 1,500-2,000 Liberian "long-stayers" in Sierra Leone are in need of resettlement.

Sierra Leonean Refugees in Guinea and Liberia: There is a residual caseload of approximately 10,000 Sierra Leonean refugees in three camps in Liberia. UNHCR has noted the possibility of a group referral for these cases, as repatriation is not feasible. The State Department should indicate its willingness to consider these refugees for resettlement.

Some 43,000 Sierra Leonean refugees remain in Guinea, 15,000 of whom are in camps in the Kissidougou area. These refugees should be considered for resettlement. It is widely assumed that, given the enthusiasm of most Sierra Leoneans to repatriate, those who have not returned have strong reasons for not being able to go home. According to one NGO's report (Center for Victims of Torture, Kissidougou), a substantial number of former unaccompanied minors have since "aged-out." These cases could potentially form the basis of a group referral.

Separated Refugee Minors in Guinea: Best Interest Determinations (BIDs) are not being conducted by UNHCR for the thousands of separated and unaccompanied refugee children in Guinea, as there is currently no capacity to conduct these assessments. The State Department should provide leadership to ensure BIDs are conducted for all Unaccompanied Refugee Minors (URM) and separated children and that resettlement be pursued for those minors for whom this solution is recommended.

Mauritanian Refugees in Senegal: An estimated 15,000 Mauritanian refugees live along the River Valley in Senegal. UNHCR has recommended resettlement for some of these refugees who have no prospects of local integration and repatriation back to Mauritania. The United States should provide leadership in responding with resettlement offers.

Great Lakes/Central Africa Region

We recommend that the State Department and UNHCR conduct a systematic study of Congolese refugees in the region who are in need of resettlement, especially given the continued conflict in the Democratic Republic of Congo and the recent massacre of women and children in the Gatumba refugee camp in Burundi.

Burundian Refugees in Tanzania: There are some 200,000 ex-Kigwa Congolese and Burundian refugees, many of whom have been in settlements since the 1970's, who are not being considered for either local integration or voluntary repatriation and continue to have serious protection problems. These refugees should receive urgent consideration for resettlement.

Refugees in Uganda: Many refugees have been living in the Nakivale settlement for more than 10 years, with little prospect of local integration or repatriation. We recommend that this Somali caseload of 1,000 refugees be considered for admissions to the United States. In addition, we recommend that the Banyamulenge caseload and small numbers of Ethiopian and Sudanese protection cases be considered for resettlement to the United States.

Angolan Refugees in Zambia: Consideration for resettlement to the United States must be given to those vulnerable Angolan refugees (women at risk, victims of torture, special medical cases and refugee minors) for whom repatriation is not feasible.

The Horn of Africa and East Africa Region

We welcome the safe and dignified return of many African refugees in this region. However, for many other thousands, repatriation and local integration are not available options and resettlement must be given serious consideration.

Kunama Eritreans in Ethiopia: We remain convinced that voluntary repatriation is not an option for many Kunama Eritrean refugees living in the Wa'ala Nhibi camp in Ethiopia. We recommend that this caseload be considered for resettlement.

Sudanese Separated and Unaccompanied Children in Ethiopia: BIDs were conducted last summer by International Catholic Migration Commission (ICMC) deployees, and 67 Sudanese cases were subsequently referred by UNHCR to the United States for resettlement consideration in October 2003. It is feared that many of these children have since reached the age of 18 years and will no longer be eligible for the Unaccompanied Refugee Minors Program. However, this population should be expeditiously processed for special resettlement consideration.

Refugees in Kenya: Priority attention and consideration for resettlement must be given to refugees living in the Dadaab and Kakuma refugee camps who are in need of protection and durable solutions. According to UNHCR, there are 400 Sudanese girls ready for BID interviews and recruitment has already begun of child welfare specialists through the ICMC/UNHCR deployment program. In addition, there are several siblings of Sudanese boys and girls already resettled in the United States who continue to wait in the camps for a durable solution. The United States should consider resettlement for these vulnerable groups.

Ethiopians and other Refugees in Yemen: Ethiopian naval officers fled Ethiopia for Yemen after the fall of Mengistu, and have lived in the Najd Kussaim camp in Yemen for many years. We urge the United States to consider resettlement for this group and other Ethiopian long-stayer refugees in Yemen. We have put forward this group for resettlement consideration since 2001, and we recommend urgent consideration for their resettlement. The United States should also encourage the UNHCR to identify the "war" cases that are within the predominantly Somali refugee population in the camps and urban areas. We understand that the Christian populations there are facing increased harassment and threats to their personal safety.

Sudanese and other Africans in Egypt: UNHCR Cairo has recognized nearly 30,000 refugees out of 68,000 who have applied for asylum. This year, the International Organization for Migration (IOM) has received nearly 1,000 new applicants for refugee status determination interviews, most of whom come from the Sudan. In light of the current conflict in Western Sudan, it is necessary to examine these cases for resettlement and reassess the country's overall caseload.

Southern Africa Region

Refugees from the Great Lakes in Mozambique: Based on their past persecution and present protection concerns, we urge that the Congolese and Burundian caseloads residing in the Marratane refugee camp be considered for resettlement to the United States. This could be accomplished through a P-2 designation. We urge that Rwandan refugees residing in this camp be screened for excludability and that those who were not found to be genocidaires be considered for resettlement. We also recommend that individual cases with protection needs be considered for resettlement.

East Asia and the Pacific

An Overseas Processing Entity (OPE) or Joint Voluntary Agency (JVA) should be established in Asia, perhaps in multiple locations, in order to facilitate a thorough and efficient approach to resettlement in the region. The OPE/JVA could be used to (a) identify refugees for whom resettlement is the best option, (b) assess the conditions of particular populations for P-2 designation, and (c) augment embassy and/or UNHCR processing capacity. We recommend using a JVA for the processing of all refugee groups in this region.

Burmese Refugees in Thailand: The Joint Regional Work Group on East Asia and the Pacific has recommended the registration of all Burmese currently in camps. This is expected to total approximately 150,000 refugees. During this registration an assessment of appropriate durable solutions should be undertaken and any refugee for whom resettlement is appropriate should be referred. We are particularly concerned with the situations of women at risk, women headed households and separated children. A team of child welfare experts should be deployed to conduct BIDs on the large number (7,000) of separated children within this population.

Hmong Refugees in Thailand: In 2004, an effort has been undertaken to process approximately 15,000 Lao Hmong residing in Wat Tham Krabok for resettlement. We are concerned that upwards of 5,000 people who were not present in the temple during the registration have been excluded from this process. We believe that the United States should reopen processing to include these individuals, many of whom have relatives in the United States.

Refugees in Malaysia: In addition to the situation of the Burmese Rohingya cited in last year's document, there are several thousand Burmese Chin and Achenese from Indonesia currently in Malaysia. We recommend that a Targeted Response Team assess the situation in Malaysia this year and make recommendations on possible resettlement options. Acehese in Malaysia, including UNHCR-approved refugees and those with UNHCR "temporary protection" letters, are extremely vulnerable to arrest and forced return. UNHCR also still considers more than 5,000 Rohingya to be "persons of concern", since they have no legal status and are constantly at risk of being harassed, arrested and deported back to Burma, via Thailand. We recommend that appropriate durable solutions for refugees in Malaysia be found, including the use of resettlement for refugees who cannot return or be locally integrated.

Refugees in Vietnam: Progress has been made in the last year to reopen categories of the former Orderly Departure Program. We continue to urge that the previously rejected cases of former U.S. government employees be given consideration, that persons who missed registration deadlines within the Resettlement Opportunity for Vietnamese Returnees program be given consideration, and that the McCain Amendment be renewed. We urge the United States to resume processing in the Amerasian program, which has been in suspension for administrative reasons since 2002.

Vietnamese Montagnards: The United States should encourage Cambodia, which is a party to the Refugee Convention, to uphold its obligations by granting UNHCR the necessary access to all Montagnards living in the northeastern jungles of Cambodia. As appropriate, these refugees should then be considered by the United States for resettlement.

We also urge the United States to expedite the processing of family reunification for those Montagnards who were earlier resettled in the United States. Consideration should be given to designating family members as a P-2 or P-3 for in-country processing. We also urge further discussion of possible other groups of Montagnards who should be designated for in-country processing.

Vietnamese in the Philippines: Over the last year progress has been made towards processing approximately 2,000 Vietnamese in the Philippines. We encourage the United States to begin the P-2 interview

process before the end of this fiscal year. However, we remain concerned that certain individuals may be excluded from the process. We urge the United States to ensure adequate access for refugee determination and, as necessary, liberally grant “parole” status to those Vietnamese in the Philippines who do not qualify for refugee status, but who are otherwise in need of resettlement.

North Koreans: Current estimates of the number of North Korean refugees in China are 20,000 to 100,000. Should China allow international access to this population, we encourage the United States to set up the necessary mechanisms to process this population for resettlement. It is also reported that numerous North Koreans are making their way to urban cities throughout Southeast Asia and are becoming a neglected urban refugee group. Resettlement can be used as an effective tool of protection as part of a long-term strategy to encourage the developing world to take their asylum responsibilities more seriously, given that resettlement of new groups to the United States often attracts media and political attention to previously ignored conditions in countries of failed first asylum.

Eastern Europe and the Former Soviet Union

Kosovo Roma Refugees in Macedonia: In the Balkans, 1,300 Kosovo Roma refugees in Macedonia (300 cases) should be considered as a group for referral to the U.S. refugee program. The Roma face intense hostility from ethnic Slavs and ethnic Albanians, both in Kosovo and in Macedonia. In addition, return to Kosovo remains extremely unsafe and local integration appears impossible

African Long-stayer Refugees in Russia and the Former Soviet Union: African long-stayers in Russia, Ukraine, and other locations in the region should also be considered for a group designation for resettlement. The plight of these refugees, who continue to face harassment, arrest, beatings and *refoulement*, and who are offered no protection by federal and local authorities, has been documented. Designating these African long-stayers as a P-2 group would increase access to the U.S. admissions program for these particularly vulnerable refugees.

Meskhetian Turks in Krasnodar Krai: Since the publication of our 2004 report, the State Department has designated Meskhetian Turks in Krasnodar Krai as a P-2 group. Processing of this group has recently begun. DHS has determined that mere possession of a *propiska*—a document indicating right to reside at an approved location—does not necessarily constitute firm resettlement. We are encouraged by this interpretation and hope that this results in the program being implemented as broadly and generously as possible. We urge expeditious processing for this group, as we have recommended their resettlement since 2001.

Religious Minorities in the Former Soviet Union: In recent years, acts of discrimination and violence against minority and Christian churches include multiple attempts to ban the Salvation Army and Jehovah’s Witnesses in Moscow; prohibition against the construction of a Pentecostal Church in the Moscow Region; refusals in Tajikistan to register Christian Churches lest the officials “defile themselves;” and deportations of religious minorities from Turkmenistan, as well as police raids during religious services. In 2002, Belarus also enacted a highly restrictive religion law that discriminates against small religious communities including Evangelical Christians and Reform Jews.

In this context, there is a continued need to allow Jews and Evangelical Christians to apply for refugee status at the U.S. Embassy in Moscow. Additionally, the Specter (formerly Lautenberg) Amendment, through which the longstanding history of persecution and discrimination faced by these religious minorities in the FSU can be taken into account, continues to be a vital tool of protection. We recommend that the Administration support the extension of this legislation for an additional year.

Refugees in Turkey and Azerbaijan: We propose resettlement consideration for the Meskhetian Turks from Krasnodar who are residing in Turkey without status, as well as some 7,000-10,000 Chechens in Azerbaijan who receive no government support and may face the possibility of forced repatriation.

Baku Armenians: We were pleased that the State Department designated P-2 processing for members of the long-staying population of ethnic Armenians forced to flee to Russia from Azerbaijan during the Nagorno-Karabakh conflict. However, there have been major barriers to the resettlement of Baku Armenians that must be addressed if the needs of this vulnerable population are to be met. Resettlement

is the only durable solution for many Baku Armenian refugees, many of whom remain homeless or are otherwise in very precarious situations.

First, only Baku-Armenians residing in Moscow were permitted to apply to the United States for resettlement. Since Baku Armenians in other parts of the Russian Federation are facing similar barriers to integration, we recommend that the United States re-open and expand this P-2 designation to allow other ethnic Armenians from Azerbaijan to apply, including those who are living outside of the Moscow region.

In addition, we urge the State Department to encourage DHS to reconsider some of the Baku Armenian cases that were previously denied for reasons that may have been inappropriate, given the experience and knowledge gained during the Baku Armenian program and now, in the processing of the Meskhetian Turks.

Between 3,000 and 5,000 people were originally expected to qualify for the Baku Armenian program. According to IOM, only 919 qualified and 509 people have been resettled. While Embassy staff is willing to consider appeals, they will continue to reject them unless there are clear instructions that possession of a *propiska* should not be a barrier to the program and that passage through a third country or living in rental housing does not necessarily constitute firm resettlement, and that family unity is a program goal. Baku Armenians that were turned away for these reasons should be reconsidered.

Latin America and the Caribbean

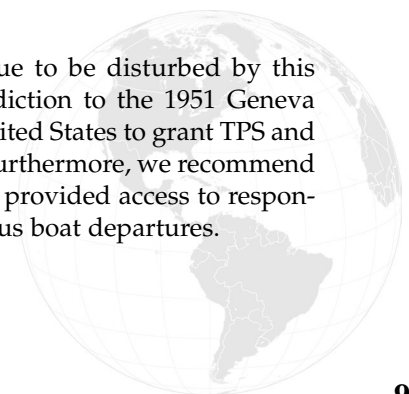
Colombian Refugees: According to the U.S. Committee for Refugees (USCR), at the end of 2003, an estimated 2.96 million Colombians had been displaced by the civil war and 234,000 were seeking refuge abroad. The USCR *World Refugee Survey* 2004 estimated that at least 290,000 Colombians live in refugee-like situations in various countries within the Americas: 75,000 in Ecuador, 20,000 in Panama, 20,000 in Costa Rica and 150,000 in the United States. However, of the Colombians in the United States, only a few apply for asylum largely for fear of rejection and consequent deportation.

This year, the United States expects to resettle approximately 500 Colombian refugees. This is clearly not sufficient to meet the protection needs of this vulnerable population. Increased admissions will be difficult, however, unless there is a full review of the program and certain changes are made to the way the program is implemented.

Colombian refugees are currently being processed as P-1 referrals in Ecuador and Costa Rica. We believe a P-2 designation for those in particular danger, including women-at-risk, would most effectively meet the protection needs of especially vulnerable groups. We continue to urge the Administration to grant Temporary Protected Status (TPS) to Colombians currently in the United States, and in-country processing for Colombian refugees who are at serious risk, but are unable to flee the country.

Haitian Refugees: The U.S. Coast Guard interdicted more than 2,000 Haitian asylum seekers at sea in 2003, up more than 35 percent from the year before, and summarily repatriated all of them without granting virtually any of them any opportunity to claim asylum. Political conditions in Haiti deteriorated in 2004, with the departure of President Aristide. The escalation of violence prompted several thousand Haitians to flee Haiti by sea and seek asylum in the United States; however, the vast majority were repatriated back to Haiti. There is great concern for the safety of returned asylum seekers as human rights organizations continue to document severe human rights abuses in Haiti. It is reported that as many as 350,000 people have been forced into hiding due to renewed persecution.

The United States continues to interdict and return Haitians and we continue to be disturbed by this *refoulement*—return of refugees to face possible persecution—in direct contradiction to the 1951 Geneva Convention. Given the unstable and insecure conditions in Haiti, we urge the United States to grant TPS and Deferred Enforced Departure (DED) to Haitians presently in the United States. Furthermore, we recommend the resettlement of Haitians in the United States in FY 2005. Haitians should be provided access to responsive, timely, and safe resettlement, which would serve as a deterrent to dangerous boat departures.



Near East/South Asia

The United States should continue to make every effort to provide access to the program for refugees in this region, and should extend circuit rides to countries such as Lebanon, where processing has not been restored.

Refugees in Lebanon: Of particular concern are those refugees, most of them Iraqi but several of African origin, who were approved prior to September 2001, but whose departure was suspended pending an “enhanced review” by DHS. More than three years later, the plight of these refugees requires an urgent response and resolution.

The processing of all Iraqi refugee cases pending consideration for the U.S. admissions program was suspended before the onset of the war in Iraq. Since that time, conditions in Iraq have prevented many refugees from returning and most Iraqis in the region continue to exist on the fringes of society in their host countries in situations of great personal insecurity.

While it is hoped that many of these refugees will be able to repatriate to Iraq as the situation within that country stabilizes, it should be recognized that a number of vulnerable individuals will be unable to return safely. The United States should remain open to the resettlement of vulnerable refugees from Iraq, including but not limited to women at risk and separated children. The situation of religious minorities in Iraq should be carefully monitored, and consideration given to the resettlement of members of religious minority groups who may not be able to return to Iraq.

Bhutanese Refugees in Nepal: In June 2004, the UNHCR Asia Bureau directly appealed to all resettlement countries to consider resettlement for Bhutanese refugees in Nepal, as their efforts for a safe and dignified return had stalled with Bhutan, and Nepal would not allow local integration. The United States should move forward now to identify P-2 groups for whom resettlement is an appropriate option. We also recommend using an OPE or JVA for the processing of this population. Many of these refugees have been in Nepal for over 10 years.

Burmese Refugees in New Delhi: At present, there are 921 UNHCR recognized Burmese refugees living in deplorable conditions in New Delhi. As of March 2003, UNHCR implemented a scaled-down subsistence allowance with the goal of eliminating this assistance by 2005.

This group includes 448 cases, of which 186 are families with 4 or more children. Many of these recognized refugees are vulnerable groups, including women, children, the elderly and torture survivors. None have prospects of local integration in India and they are continually subject to harassment and mistreatment due to their lack of legal status and work authorization. Many fear for their safety and are unsure of how they will survive without support from UNHCR.

We strongly urge the U.S. to designate these refugees for P-2 group processing.

Afghans and other Refugees in Pakistan and India: There remains a vulnerable residual Afghan refugee population for whom return will be impossible. The United States should commit to the resettlement of vulnerable Afghan refugees in Pakistan and India. Women at risk, separated children, some ethnic minorities, such as the Ismaelis in Karachi, and family units of politically affiliated households where the male head-of-household cannot provide protection should be given special consideration and priority.

In addition to the vulnerable Afghans in Pakistan requiring resettlement consideration, there are other nationalities, mainly Iranians, Somalis, and Iraqis, for whom local integration prospects are unavailable and resettlement consideration should be provided.

Iranian Refugees in Turkey: UNHCR’s active caseload in Turkey includes some 1,200 Iranian refugees who have entered the country since February 2001 from Northern Iraq, but who were not permitted to register with the Turkish government until March of 2004. These refugees have no durable solution in Turkey, and UNHCR has suggested that these refugees might be considered for a group referral. Given the lack of other durable solutions for this population, we recommend that the United States work with UNHCR to resolve any impediments to consideration of this group for resettlement.

Turkish Kurdish Refugees in Northern Iraq: We remain concerned about the situation of Turkish Kurdish refugees in the Makhmur camp in northern Iraq. The present U.S. role in Iraq provides an opportunity for access and assessment of this group not previously available. We recommend that this situation be reviewed and that the resettlement needs of this group receive consideration.

Iranian Religious Minorities in Austria: Iran continues to be cited by the State Department as a “country of particular concern for its severe and egregious violations of religious freedom.” The U.S. admissions program in Vienna assists Iranian religious minorities, particularly members of the Jewish, Christian, Baha’i, Mandaean and Zoroastrian faiths, who have fled Iran and sought resettlement in the United States.

U.S. legislation was passed in January 2004 to address the problems of the residual population of *bona fide* members of religious minorities from Iran who have been refused refugee status by the United States and cannot be returned to Iran’s totalitarian theocracy. This legislation mandated that the Secretary of Homeland Security establish one or more categories of Iranian religious minorities to benefit from the more generous “credible basis for concern” standard in their refugee adjudications. The report accompanying this provision instructed DHS to apply the new standard to Jewish, Christian, Baha’i, Mandaean and Zoroastrian cases, and to review previously denied cases under this standard.

We are pleased that DHS has recently endorsed the guidelines needed to implement this legislation for the five religious minority groups mentioned in the report, and to review the previously denied cases as well. In view of the extensive delays in implementing this legislation and continuing needs of the Iranian religious minorities it was intended to address, we recommend that the Administration actively support a one-year extension of this measure.

Other Regional Access Issues

At the present time, certain categories of refugees throughout the region who are eligible for U.S. resettlement lack adequate access to resettlement processing. We urge the United States, in conjunction with the JVA in Turkey, to pursue means of securing access to eligible P-2 and P-3 category refugees in Turkey and others in the region. We also urge that the NGO referral system that has met with some success in Africa be extended to the Near East/South Asia region, through the identification and training of NGOs now providing assistance to refugees locally.

V. Conclusion

Refugee Council USA members represent a broad cross-section of American society, with affiliation to community groups, both faith-based and civic, throughout the country. Our members and the constituencies they represent believe that the resettlement of refugees is an essential tool in the international community’s efforts to protect refugees and is a critical dimension to addressing protracted refugee situations. It is with a grave sense of urgency that we call for a reinvigoration of the U.S. refugee admissions program. In this way, our nation can continue to provide essential leadership in addressing the growing protection needs of refugees around the world by offering them a durable solution of a new life in the United States.



The Refugee Council USA
3211 4th Street, NE
Washington, DC 20017-1194
ph: (202) 541-5402/04
fax: (202) 722-8805
email:
council@refugeecouncilusa.org
website: www.refugeecouncilusa.org