

Testimony of  
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The U.S. Refugee Admissions Program: Starting Over

Thank you, Mr. Chairman, for giving me the opportunity to comment on the role of the U.S. refugee program in providing protection, assistance, and durable solutions for refugees worldwide.

Although the particular focus of this hearing is on the refugee admissions program, refugee resettlement should not be regarded in isolation. The United States cannot hope to resolve the plight of more than 14 million refugees and 20 million internally displaced people through resettlement alone. Resettlement is an option for only a tiny fraction of the world's refugees. Resettlement should be regarded therefore as an important tool, to be used as part of comprehensive solutions and in conjunction with our overseas assistance programs, not only to provide safety and restore hope to the immediate beneficiaries of our country's generosity, but also to accomplish the broader goal of enhancing protection for millions of additional refugees for whom admission to this country will not be a possibility.

Because it is a limited tool, resettlement must be smart. Ideally, it should be used to create additional leverage with other countries-so that countries of first asylum will keep their doors open and provide at least temporary asylum in the immediate vicinity of conflict, and so that other more distant countries will be encouraged to share with us the responsibility for resolving the plight of refugees.

The United States leads best when it leads by example. Its leadership in the refugee field is unsurpassed. But that leadership at the moment, at least in one critically important program, is on the line. As you know, the U.S. refugee admissions program was suspended in the immediate aftermath of the September 11 terrorist attacks, and remained closed for two months, during which a security review was conducted. Since restarting officially on November 21, only a trickle of refugees have arrived, and processing has started in only a handful of processing posts. Now that the security review has been completed, the purpose of this hearing is to suggest how the program should get back on track.

At this moment, in the face of a significant anticipated shortfall in refugee admissions, the refugee resettlement debate sounds numbers driven. It is true that human misery is quantified, as I have just done by citing more than 34 million uprooted people who cannot safely return to their homes. But we are also concerned with the quality of resettlement. Knowing how few refugees directly benefit from resettlement, we want to be sure both that the most deserving are admitted and that resettlement, when possible, accomplishes larger goals than the rescue of certain individuals. But we also must not lose sight of individual rescue, knowing that each refugee we save is not a number, but a person with a unique history and an uncertain future.

As members of this subcommittee examine both how admissions numbers goals might be achieved this year and next, and also how the resettlement program might best achieve its objectives of selecting refugees of greatest humanitarian concern to this country and of using resettlement as part of larger comprehensive solutions, I hope to contribute to your assessment by identifying particularly vulnerable groups who, at present, are underserved or not served at all by this program. I will also make recommendations for revising the State Department's priority-setting mechanisms for identifying refugees of concern, as well as suggestions for overcoming other problems with the program.

As I identify groups that are especially at risk and in need of resettlement, I will also try to show how resettling them might help to improve the situations for larger numbers of refugees (or local populations) in the places where they currently reside.

I hasten to add that the State Department's Bureau of Population, Refugees, and Migration (PRM) is well aware of most of the groups I will be talking about today. Nongovernmental organizations (NGOs), the UN High Commissioner for Refugees (UNHCR), and others have repeatedly and often provided PRM with information about vulnerable groups in need of resettlement, but PRM has rarely shown the political will to act on that information. PRM's response to suggestions for new refugee groups in need of resettlement has all-too-often been passive and bureaucratic, if not downright cynical and uncaring. We are genuinely pleased, therefore, to welcome Assistant Secretary Gene Dewey as the new director of PRM, a man with a long history and a deep understanding of refugee protection, and very much hope he will make PRM more proactive and engaged in searching for and rescuing refugees in need of resettlement.

I would also like to take the opportunity of this hearing to suggest ways in which the resettlement program might be improved, and how it might be made more responsive to the world's most vulnerable people. Let me start with those recommendations, and then conclude with a listing of groups that need the protection that U.S. resettlement can provide.

## Part One: Recommendations

1) Overhaul the State Department's processing priorities for refugee admissions. All persons admitted under the U.S. refugee admissions program must meet the refugee definition in U.S. law. The processing priorities are intended, therefore, to establish an order of preference based on U.S. levels of humanitarian concern among refugees, all of whom have a well-founded fear of persecution in their countries of origin. Functionally, the priority categories set the order for interviews by Immigration and Naturalization Service (INS) officers. As currently written and used, however, the processing priorities fail to establish fair and useful priorities. They should be changed, as follows:

a. Limit Priority One (P-1) to the most urgent protection cases in countries of first asylum. P-1 should be limited to include 1) refugees facing compelling security concerns in countries of first asylum, 2) refugees in need of legal protection because of danger of refoulement, 3) refugees in danger of armed in attack in their immediate location, and 4) refugees in urgent need of medical attention not available in the first asylum country.

Much of the language in the current P-1 designation should be deleted. P-1 has become a bloated catchall that does not serve the difficult but necessary purpose of setting priorities among vulnerable groups of refugees. Consequently, many of the groups included in P-1 are actually under-served because they are lost in the crowd. As currently written, the P-1 category also dilutes the urgency of this priority category by including cases that don't involve immediate protection needs, such as disabled persons and long-stayers in need of durable solutions. Of course, members of any of the groups I suggest deleting from P-1 would still be eligible for P-1 consideration if they fit any of the four criteria listed above.

b. Expand considerably current Priority Two (P-2): refugee groups of special concern to the United States. Specific suggestions will follow later in this testimony. P-2 is a useful expedient to processing that relieves the burden on UNHCR for making individual refugee status determinations and referrals, and expedites admission of groups of similarly situated refugees who share common characteristics supporting strong persecution claims.

With more than 14 million refugees in the world today, it is nothing short of scandalous that PRM only recognizes four P-2 category groups, all four of which have been on the list of nationality categories of special concern for well over a decade, and only one of which was chosen at PRM's initiative (the other three were mandated by Congress or pursuant to international agreements). Currently, P-2 is limited to in-country processing of certain category groups in Cuba and in-country processing in the former Soviet Union and Vietnam for the Lautenberg caseloads. The only group currently designated for P-2 which does not have Cold War origins (although it is an equally old designated P-2 group) and whose members meet the technical international refugee definition of being outside their home country is the category of members of religious minorities from Iran (although since PRM discontinued P-2 for Iranian applicants in Germany, and in Austria makes P-2 processing available only to Iranian religious minority members who enter the country through a special Austrian "D" visa, it has, in effect, turned Iranian P-2, in large part, into an in-country processing program as well). A meaningless "placeholder" P-2 exists for Africa, but no actual refugee groups there are currently eligible for P-2 processing. (Current P-2 should be re-designated as Priority Five-P-5.)

c. Open to all nationalities the current Priority Three (P-3) for immediate family reunification. Currently only members of six nationality groups are eligible to petition for their immediate refugee relatives to join them. The process by which PRM chooses these six nationalities, and excludes all the rest, is mysterious to say the least, and seems arbitrary and unfair. Family reunification is a bedrock principle. It ought to apply universally to separated refugees, regardless of nationality. (Current P-3 should be re-designated as Priority Six-P6.)

d. Eliminate Priority Four and Five for more distant relatives (if current P-3 is made available to refugees regardless of nationality). In order to limit the universe of applicants, widening the scope of family relations logically dictates limiting the pool by particular nationalities. By adopting the previous recommendation (1.c.), priority is appropriately accorded based on the closeness of the relationship and no other factor. Since no actual refugee groups are included in P-4 or P-5 anyway, and since PRM officials have given no indication that they plan to use these priorities again, maintaining them as empty processing priorities sends false signals and clutters an already dysfunctional priority setting system.

e. Create a new Priority Two (P-2) for refugees whose persecution or fear of persecution is based on actual or imputed association with the U.S. government or U.S. nongovernmental entities. During the 1980s, the U.S. refugee resettlement program demonstrated a particular concern for refugees persecuted for their association with the United States. In fact, the original P-2 category was exclusively for former "U.S. government employees" and P-4 was for persons with "other ties to the United States," including "refugees employed by U.S. foundations, U.S. voluntary agencies, or U.S. business firms for at least one year prior to the claim for refugee status" and refugees "trained or educated in the United States or abroad under U.S. government auspices." As the United States embarks on an open-ended and multi-faceted War on Terrorism, persecution based on association with the United States becomes much more likely, and we should exercise particular responsibility to protect those who are put at risk through their association with our country and its values.

f. Create a new Priority Three (P-3) for refugee women-at-risk. Women-at-risk are currently listed in the overcrowded P-1, where they appear to be overlooked. Obviously, my suggested narrowing of P-1 is not intended in any manner to exclude women who establish eligibility for P-1 processing if they have urgent and compelling need to be resettled. In removing them from P-1, however, they should not be relegated to a lower priority than the current P-2 (groups of special concern) or P-3 (immediate family) priorities. A separate priority category for refugee "women-at-risk" would be defined to include refugee women-headed households (including families in which an adult male is unable to support and assume the role of the head of the family). Such women are at particular risk in places of first asylum where a woman's protection is dependent on male relatives. Widowed women are particularly vulnerable, both in terms of their physical safety, but also because of the added hardship of having to support children and elderly relatives without the material support of a male partner. Such women are susceptible to exploitation and abuse. It is often difficult for them to provide for the material needs of their families without putting themselves at additional risk.

The U.S. refugee program has a built-in bias against identifying refugee women-at-risk. Under law, INS officers are required to conduct refugee status determination interviews (based on the standard of a well-founded fear of persecution in the country of origin) to ensure that applicants qualify for refugee admission, but are not directed by law to accord any particular weight to conditions in countries of asylum. In many places, but most particularly in Africa (where refugee status is established under the broader OAU Convention definition), refugee women often have difficulty establishing individual refugee claims based on a narrowly interpreted persecution standard. Often, they are part of larger groups fleeing generalized violence in their country of origin. The main reason they are at risk is often because of their high level of vulnerability in the country of first asylum, but the INS officers' attention is directed away from examining those threats because of their concentration on finding specific and explicit grounding of the underlying refugee claim in political, religious, or ethnic persecution of the individual refugee woman in the country of origin. Creating a specific P-3 for women-at-risk would help INS officers to appreciate better the compelling need for resettlement in such cases by focusing greater attention on-and according greater weight to-threats and danger toward refugee women in countries of first asylum, even though such women would still need to satisfy the INS officers that they meet the U.S. statutory refugee definition based on fear of being persecuted in their countries of origin. They would also need to be UNHCR-referred or embassy-identified (qualified by Recommendation 4, below).

g. Create a new Priority Four (P-4) for physically or mentally disabled refugees and refugee survivors of torture or violence. This group, also mentioned under the current catchall P-1, should be designated as a separate priority category, especially since the assessment of disability falls outside the unique competence of the UNHCR, which is charged with making P-1 referrals. U.S. embassies and diplomatic posts could find additional partners better trained to identify and refer refugees in need of resettlement based on special needs arising from torture trauma or physical and mental disabilities. These might include NGOs, often UNHCR implementing partners, who provide community services for refugee populations with special needs. Finding other partners for embassy-identified cases would not preclude UNHCR referrals of P-4 cases. As with women-at-risk, physically and mentally disabled refugees and refugee survivors of torture or violence are currently included in P-1. They should not, therefore, be placed in a lower priority than the current P-2 (groups of special concern) or P-3 (immediate family) priorities. Disabled and traumatized refugees usually suffer disproportionately in refugee camps because such facilities are rarely able to make special accommodations to meet their needs. The consequences are often severe hardship, utter dependency, and discriminatory treatment. For such refugees, the only chance for a life of human dignity is resettlement to a country that is able to provide the basic infrastructure to enable a normal existence. As in the case of women-at-risk, mentioned above, creating a specific admissions category for disabled refugees might help to reorient INS officers as they conduct their interviews so that they might recalibrate their assessment of vulnerability to accord more weight to threats to refugees in countries of first asylum, often the more relevant factor in assessing the need for resettlement than the strength of the underlying refugee claim in the country of origin per se. As in the case of women-at-risk, disabled refugees would still need to establish threshold eligibility as refugees under U.S. law.

h. Create a new Priority Seven (P-7) for long-stayer refugees. Millions of refugees worldwide have been relegated to a limbo existence, warehoused in camps or settlements with no prospects for voluntary repatriation or local integration. Children born and raised in the closed confines of camps often never see normal life outside the fences. These populations often become dependent and despondent, with all the negative social consequences that entails.

The last clause of P-1, which refers to persons in need of durable solutions, should be deleted, so that P-1 is reserved for truly urgent cases. P-7 should take as its starting point the language at the end of the current P-1 designation: persons for whom other durable solutions are not feasible and whose status in the place of asylum does not present a satisfactory long-term solution. A new P-7 would bear some similarity to the old P-6 from the 1980s ("refugees whose admission is in the national interest").

Such refugees could be processed for resettlement towards the end of a fiscal year if the U.S. government anticipates a refugee admissions shortfall in the higher priorities. Instead of having federally funded resettlement slots go unused, these places would be used for long-stayers with no other durable solutions.

I would recommend the following criteria be used to determine P-7 groups of special humanitarian concern to the United States: Long-stayers, as defined above, who:

- a. do not have fully guaranteed legal status or stable physical security in the place of asylum;
- b. do not have full freedom of movement; and
- c. are denied officially the right to work, or prevented unofficially from meaningful employment, on account of being refugees.

Priority could then be accorded based on ties to the United States, including the more distant family ties currently included in Priority Four (P-4) and Priority Five (P-5).

An offer to help relieve a long-term refugee population through resettlement needs to be approached carefully. It should be accompanied with transparency through public information campaigns with the refugees themselves so that they understand the selection process and the purpose of the resettlement. If done improperly, such initiatives risk backfiring-creating unrealistic expectations among large refugee populations, causing anger and resentment among refugees not chosen for resettlement, and precipitating new movement into camps by persons seeking resettlement opportunities for which they are not eligible.

In identifying potential P-7 populations, the State Department should choose situations where a U.S. resettlement initiative might help to improve international responsibility sharing and bring closure to the situations of specific long-stayer populations with no other durable solutions in sight. The U.S. government should use resettlement in such contexts to encourage comprehensive solutions. This includes expanding the involvement of other resettlement countries in providing durable solutions. It also includes using resettlement-in conjunction with overseas assistance funding-to persuade countries of first asylum to provide local integration for residual caseloads and countries of origin to accept the voluntary repatriation of those willing to return.

Long-stayer refugees often fit a common profile, sharing the same ethnic/political background, fleeing the same persecution at the same time. Choosing fairly among the long-stayers is difficult. As mentioned, if they have particular vulnerabilities or other ties to the United States, they would be eligible for higher priority than others without such ties. However, where finding such distinctions becomes problematic, I would recommend a transparent mechanism of random selection, such as a lottery, as the fairest method for making such choices for large camp populations whose members essentially share a common profile. Such lotteries would go into effect only after all higher processing priorities had been exhausted. There is a current precedent for such lotteries in the Cuban admissions program.

This recommendation is made in the context of a multi-year history of significant shortfalls in the targeted annual refugee admissions, and, of course, by the particular predicament we are in this year. I would certainly prefer that all 70,000 places be filled by cases of compelling vulnerability, but we need to recognize the realities we face, among which is an acknowledgement that such processing is labor intensive and often slow and that many obstacles stand in the way. I believe that this recommendation provides a proper and humane way to meet our commitments and to enhance refugee protection worldwide.

2) Contract with nongovernmental organizations (Joint Voluntary Agencies/Overseas Processing Entities) to set up videoconferencing so that the INS can conduct interviews from the safety of their offices. If one of the major impediments to resuming normal refugee processing is, in fact, the unwillingness, for security reasons, to send INS officers into the field to conduct interviews, then videoconferencing would be a relatively simple and straightforward way to reach the refugees without compromising the safety of INS officers. Immigration judges currently use such technology in domestic removal proceedings, during which they often conduct refugee status determination interviews similar to those performed by INS officers overseas.

3) Use DNA testing to resolve questionable family reunification claims. If one of the main obstacles to resuming normal refugee processing is, in fact, the concern that overseas applicants

and their associates in the United States are submitting fraudulent claims of family relationship, the problem can be handled in a straightforward manner. This procedure should apply equally to all P-3 cases (or P-6 under the new proposed priorities).

- a. JVs/OPEs as a first step should compare the family information on the Affidavit of Relationship (AOR) with the bio-data from the anchor relative's original A-file.
- b. If the two match, the relationship should be presumed genuine.
- c. If the two do not match, the petitioning family should be allowed to
  - i. Withdraw the AOR,
  - ii. Submit to DNA testing to establish the family relationship, or
  - iii. Be advised on how to petition for a non-blood-related dependent (who lived in the same household prior to displacement; who fled at the same time for the same reasons, etc.).
- d. The anchor relatives should bear the cost of their own DNA testing in the United States, but the U.S. government should bear the cost of DNA testing of the overseas refugee relatives (as it assumes the costs of pre-arrival medical testing). The United Kingdom government, which uses DNA testing as part of its family-based refugee admissions procedure, pays for the testing.

4) PRM should provide U.S. diplomatic posts abroad with clear guidelines (and encouragement) to forge predominantly informal partnerships with NGOs serving refugee populations to identify specific cases in need of resettlement that could be processed as P-1 embassy-identified cases. One factor that appears to slow refugee admissions is UNHCR's so-called "gatekeeper" role. In practice, most P-1 cases require a specific UNHCR referral. UNHCR, however, often lacks the resources to devote to resettlement, and UNHCR staff in field offices sometimes feel that their own priorities become distorted by demands from resettlement countries. Another avenue exists, however, for identifying P-1 cases, but it is underutilized-U.S. embassy-identified cases. NGOs are often closest to the ground, and best situated to identify compelling cases in need of resettlement. U.S. embassies should be alerted to this possibility and encouraged to make use of it.

The U.S. government should also address the problem by providing more resources to UNHCR, by, for example, funding more protection officers to conduct refugee status determination interviews and to complete the extensive paper work associated with resettlement, such as filling out the Resettlement Registration Forms. Without adequate staff capacity, UNHCR cannot be expected to fulfill the need for making P-1 referrals. Quite simply, that requires donors-particularly resettlement countries-to provide additional funding for UNHCR.

Under the new processing priorities suggested above, the new P-2, P-3, and P-4 would still need to be individually referred by UNHCR or identified by a U.S. embassy.

#### Part Two: Groups of Special Humanitarian Concern:

Each member of the following groups would still need to establish threshold eligibility by establishing that he or she is a refugee under U.S. law. However, seeking out groups with common characteristics is often a helpful and expeditious way to establish the refugee identity of similarly situated persecuted persons. This is also a way of identifying, among the millions of refugees, populations that ought to be of special humanitarian concern to the United States.

In this section of my testimony, I will identify three different types of groups. First, I will identify two non-nationality-specific "thematic" groups that do not fit comfortably into the

nationality-specific sub-groups in the current P-2 category, but who nevertheless share some common characteristics that U.S. refugee officials should be aware of when considering possible groups of P-1 concern or new selections of P-2 groups in particular locations who share these generic characteristics. Secondly, I will identify new groups that ought to be considered for the current P-2 (new P-5) processing, groups of special concern to the United States. Finally, I draw attention to highly vulnerable P-1 groups, and suggest that PRM should request UNHCR to refer members of these groups to the United States for highest priority U.S. admission.

#### A. Non-nationality specific groups:

Although I would not include the following two groups either as separate processing priorities or as current P-2 groups per se, I would recommend that PRM keep them in mind when assessing current P-1 cases that include these elements and, where they constitute a distinct nationality subgroup to identify for current P-2 (or proposed P-5) processing.

##### 1) Urban refugees/irregular movers

In many parts of the world, UNHCR offices take an extremely restrictive interpretation of "irregular movers" that at times appear to contradict their own policy guidelines. Although the relevant UNHCR Executive Committee Conclusion (58) defines "irregular movers" as refugees who have found protection in another country, UNHCR offices often deny resettlement opportunities to refugees who have moved irregularly from first-asylum countries that do not, in fact, offer secure protection.

In applying this overly restrictive concept, some UNHCR offices appear to have lost track of their protection mandate in an effort 1) to combat the unauthorized migration of refugees and 2) to conserve their scarce resources for refugee care and maintenance by discouraging urban refugees and seeking to maintain refugees in camp settings, which is cheaper for the international community, but usually far less satisfactory for the dignity of the refugee.

PRM could use resettlement to fill an important protection gap left by UNHCR. Such cases, would, of necessity, need to be identified by U.S. embassies (NGOs could help) rather than UNHCR. The problem is particularly acute for:

- a) African, Middle Eastern, and Asian refugees in Mexico City.
- b) Middle Eastern and African refugees in Cairo.
- c) Afghans and Burmese in New Delhi.
- d) "Far abroad" refugees in Moscow.
- e) Iranian refugees who entered Turkey via Northern Iraq.

##### 1) Ethnically mixed families who have fled areas of ethnic conflict

Ethnic conflict is one of the leading causes of forced displacement. Usually in such circumstances, persons who were members of ethnic minorities in one place are forced out and find asylum in a place where they belong to the ethnic majority, where ethnic solidarity provides for at least temporary asylum, if not local integration. However, as has been shown in the Balkans and the Great Lakes region of Africa, ethnically mixed families are often placed in an untenable situation that leaves them no durable solutions within their polarized communities of origin as well as in countries of asylum.

#### B. Potential New Priority Two (P-2) Groups

Again, members of each of the groups suggested below would need to establish threshold eligibility as refugees. Designating them as P-2 groups, under the current processing priorities, is a means of expediting the process by identifying groups with a common profile as the basis for their refugee claim and for their need for resettlement as a tool of protection and/or durable solution. Under the new processing priorities, proposed above, these would be re-designated as P-5 groups.

I left many extremely vulnerable refugee groups off my list for inclusion in the current P-2 (new P-5). In some cases, I did not personally know enough about groups to feel competent to suggest them (for example, others have suggested Rohingyas from Burma in Bangladesh, Meshketian Turks in Krasnodor, Liberian Mandingo former civil servants in Lofa County, and Uighurs from western China in central Asian republics of the former Soviet Union). The following groups are not presented in any internal priority order, but rather by region.

### Refugees from Africa

1) Somali Bantu refugees in Kenya: This is one of the better-known potential P-2 groups in Africa, and has been discussed as a possible P-2 group for several years. PRM has indicated that it is seriously considering designating the Somali Bantu as a P-2 group this year, but has not finalized that decision. During a visit to the Dadaab camp in Kenya in December, I was pleased to see that UNHCR was engaged in additional screenings of this group to ensure that it would meet U.S. standards, if and when the United States decided to act on this caseload.

The Somali Bantu, descendents of slaves taken to Somalia from Mozambique and Tanzania, have never been accepted within the Somali clan structure. A visibly distinct group, they have suffered discrimination and persecution as the lowest rung on the Somali social scale. With the onset of civil war, the Bantus of Somalia were subject to horrific violence, including massacres, rapes, looting and burning of homes, and in the early 1990s, nearly all Bantus fled to Kenya. They are only marginally safer in the Dadaab camp, a place notorious for its insecurity. Once again, they are at the bottom of the social pecking order, and subject to daily indignities and danger. The group has about 11,000 members. They are easily identified and distinct from other refugees in the camp. Their names are already on a list, created in an unsuccessful bid to resettle them to Mozambique and Tanzania.

2) Sudanese "Lost Girls" in the Kakuma camp, Kenya: There are up to 2,000 unaccompanied girls and young women, survivors of an ordeal similar to the better-known "Lost Boys" who were previously resettled to the United States. UNHCR is currently assessing this caseload. This group is highly vulnerable, and subject to exploitation.

3) Residual caseload of Sudanese "Lost Boys": There are up to 4,000 of these unaccompanied boys still in the Kakuma camp who were not included in the previously identified group.

4) Sudanese "Lost Boys" in Ethiopia: The now-famous odyssey of the Lost Boys first took them from Sudan into Ethiopia. A small number were stranded in Ethiopia when most of the group was forced across the Gilo River back into Sudan (from where they fled into Kenya). Their number is estimated at several hundred. UNHCR is now trying to register unaccompanied minors among this group (others have reached adulthood).

5) Sudanese "protection" cases in the Dadaab camp: A small group of Sudanese refugees in the overwhelmingly Somali refugee camp of Dadaab were moved there by UNHCR for their own safety because they had run afoul of Sudanese political factions within the Kakuma camp. I met with some of these refugees during a recent trip to Dadaab. They now not only fear persecution in Sudan itself, as well as in Kakuma, but also are fearful, isolated, and miserable in the Dadaab camp, where they feel, once again, like a persecuted religious and ethnic minority. This is also potentially a P-1 group, but the U.S. is not currently accepting P-1 referrals from UNHCR-Kenya, except in extreme emergency cases.

6) Long-term African refugees in Moscow: They stand out (because of their race) and are subject to regular abuse and exploitation. Between 2,000 and 3,000 are in need of resettlement. Many are long-stayers who arrived in the Soviet Union as students in the 1980s, and became refugees sur place. They have UNHCR mandate status, but lack any status allowing them to remain legally in Russia. They are not permitted to work and are not eligible for education. They are harassed both by police and other officials as well as by thugs. UNHCR is only able to provide cash assistance to about 5-10 percent of its Moscow caseload, and says it is very expensive. Costs include medical and legal expenses. A UNHCR protection officer in Moscow described the group to me as "totally psychologically exhausted." I discussed resettlement with the relevant Russian government official in the successor bureau to the Federal Migration Service. Although he was negative about resettlement of former Soviet citizens and of Afghans (fearing a magnet effect), he was quite positive about the possibility of the U.S. resettling African refugees from Moscow. He said, "We would welcome this proposal. We could organize a meeting to set up a working group to consider this proposal in detail. We can work this out in an efficient manner. We can define the categories, for example, people originating in Zaire, Congo. We can define categories based on their origin and on experience we have gathered."

#### Near East/South Asian Refugees

1) Afghan refugee widows or female heads of household: Despite assurances by the interim Afghan government, many refugee women in Pakistan express fear of the new authorities, remembering their treatment at the hands of the Northern Alliance commanders in power prior to the Taliban. Whatever formal changes in government occur, Afghan society will be slow to change, and single Afghan women with dependent children and elders will remain especially vulnerable. Numbers are unknown, but the International Rescue Committee has a pilot program in Pakistan to assist the U.S. embassy in Islamabad to identify women-at-risk for possible resettlement. (See Recommendation 1.f., above calling for a new P-3 category for women-at-risk as a generic category within which these women would fit.)

2) Iraqi refugees whose persecution or fear of persecution is based on actual or imputed association with the U.S. government or U.S. nongovernmental entities: More than 6,000 persons associated with the United States were evacuated in 1996 and brought to the United States. A small number of persons, who were not included in the original evacuation and who claim ties with U.S. humanitarian organizations, still present themselves to UNHCR in Ankara. U.S. NGOs are prepared to assist UN and U.S. officials in establishing whether their records support such claims. (This is a specific example of a group that would be included in Recommendation 1.e.'s new generic P-2 category for people persecuted for their association with the United States.)

3) Iraqi Chaldean Christians in Mexico: Several hundred are believed to have arrived in Mexico in recent years. After September 11, Mexico arrested and detained a group of Iraqi Chaldeans who had asylum claims pending in the United States. (This is a specific case that illustrates the problem of "irregular movers" discussed in A.1. above.)

4) Iranian "irregular mover" refugees in Ankara who arrived via Northern Iraq: There are hundreds in Ankara, and about 5,000 Iranian refugees in Northern Iraq who might be drawn to Ankara if they thought resettlement out of Ankara was a possibility. This has been an extremely vulnerable caseload of mostly Iranian Kurds. Over the years, hundreds have been assassinated by agents of the Iranian regime, according to sources within this community that can't be independently verified. UNHCR-Ankara recognizes them as refugees, but refuses to refer them for resettlement for fear that it might cause a magnet effect. Magnet effect or not, they are not safe in Northern Iraq and no one there can guarantee their safety. Their so-called "irregular movement" is completely justified as an attempt to seek asylum from persecution both from their home country as well as from their "country" of first asylum. The U.S. government would have to identify this caseload without UNHCR cooperation and would need to negotiate an exit arrangement with the Turkish authorities. The diplomats won't start working on this, however, to see if it is possible, unless directed to do so from Washington. (This is another specific case that illustrates the problem of "irregular movers" discussed in A.1. above.)

5) Afghan and Iraqi refugees interdicted by Australia and on Nauru Island and Papua New Guinea: In the fall of 2001, Australia adopted a dramatic new policy toward the unauthorized arrival of asylum seekers by boat at its offshore territories. A major component of this policy is the so-called "Pacific Solution," under which Australia transfers asylum seekers arriving at its territories (such as Christmas Island, Ashmore Reef, and the Cocos Islands) to other Pacific nations that have agreed to house them temporarily for purposes of refugee screening. Thus far, the countries of Nauru and Papua New Guinea have agreed to house the asylum seekers, who are mostly from Afghanistan and Iraq, with smaller numbers from elsewhere in the Middle East and South Asia. At the end of 2001, some 1,000 asylum seekers intercepted by Australia were in Nauru and more than 200 in Papua New Guinea. Hundreds of others were on Australian territories awaiting possible transfer to Nauru or Papua New Guinea, and boats carrying asylum seekers were continuing to arrive near the Australian territories. UNHCR is conducting refugee screening for some of the asylum seekers on Nauru, while Australian immigration authorities are screening the rest on Nauru and all of those on Papua New Guinea. UNHCR has indicated that a significant number are expected to be approved as refugees. Australia has said that it will resettle its "fair share" of those approved, but that it expects other countries to do the same. Although UNHCR feels that Australia should play the lead resettlement role, Australia has insisted on more equitable "burden sharing" for this group. Australia's immigration minister has indicated that many of the approved refugees could be left languishing in the remote facilities on Nauru or Papua New Guinea for a year or longer. In addition, Australia has indicated that most Afghans should soon be able to return home. New Zealand admitted and screened some 130 of the asylum seekers initially taken to Nauru, and it has since approved almost all of those as refugees. Thus far, the only other country that has agreed to admit any of this population is Ireland, which has indicated that it will resettle 50 approved refugees.

Human Rights Watch has described conditions at the processing center on Nauru as "hellish," and both Nauru and Papua New Guinea have indicated their desire for the refugees to depart as soon as possible. The United States could help resolve the situation of these refugees caught up in Australia's harsh stance toward asylum seekers by offering to resettle members of this caseload who do not have ties to Australia.

(This is another specific case that illustrates the problem of "irregular movers" discussed in A.1. above.)

6) Iraqi Refugees at the Rafha Camp in Saudi Arabia: About 5,000 Iraqi refugees still live in the Rafha refugee camp in northern Saudi Arabia. These refugees are the remainder of a group of some 33,000, mostly Shi'a, Iraqis, whom coalition forces evacuated to Saudi Arabia after Saddam Hussein crushed their uprising in the immediate weeks following the 1991 Gulf War cease-fire. Unable to return home safely and not permitted to locally integrate in Saudi Arabia, and living for more than 10 years in desolate and prison-like conditions, they are a long-stayer population of the type discussed generically above, in Recommendation 1.h., which calls for a new P-7 category for long-stayers.

Because they responded to a call from the elder president Bush urging "the Iraqi military and the Iraqi people to take matters into their own hands to force Saddam Hussein the dictator to step aside," the U.S. government bears a particular responsibility on this group's behalf.

While living conditions in Rafha are difficult for everyone, they are particularly poor for women and children. Saudi authorities allow Iraqi refugee women to move about the camp only when fully veiled and in the presence of a male escort. This has a particularly isolating effect on most Iraqi women in the camp, whose modes of dress and social interaction tended to be far more liberal in Iraq. Also deeply troubling is the fact that one-fourth of the camp population are children under the age of nine who have known nothing but life in the camp. A full 40 percent of the camp population are refugee children under the age of 18. For these children, Rafha is a dead end.

Rafha stands as an example of how resettlement can be used to leverage international burden sharing. The United States resettled more than 12,100 Iraqis from Rafha between 1991 and 1997. Other countries combined accepted another 12,600-Iran, Sweden, Australia, and Canada taking the largest numbers. Most resettlement activity ceased after 1997, however, and the job was left unfinished.

When the United States closed its resettlement program in Rafha in 1997, it appeared that most of the remaining refugees did not wish, or were ineligible, to resettle to the United States. Most hoped instead to repatriate or resettle to other Muslim countries. However, the passage of four more difficult years in the camp without any movement on durable solutions understandably has led many refugees to change their minds. According to a UNHCR survey, about two-thirds of the refugees in Rafha now are actively seeking resettlement, while the remaining third wish to remain in Saudi Arabia pending repatriation. Those refugees who did not seek resettlement in the mid-1990s because they were holding out hope that they would be able to repatriate safely to their homeland should not now be penalized, more than four years later (and more than ten years after their original displacement), for deciding that repatriation is not a viable option and that they must get on with their lives.

European Refugees

1) Roma, Muslim Slav, Gorani, Ashkali, and "Egyptian" Kosovars outside Kosovo: These non-Albanian, non-Serb Kosovars have fled severe persecution in Kosovo and are decidedly unwelcome in all the surrounding areas, including Macedonia, Serbia, and Montenegro. There are two camps in Macedonia that predominantly accommodate Roma, Ashkali, and "Egyptian" refugees from Kosovo (various "gypsy" subgroups), Suto Orizori (known as "Shutka") and Katlonovo. I visited both camps in June 2001, at which time Shutka held 1,264 and Katlonovo, 518. A third camp, Roolusha, accommodated 221 mostly ethnic Albanians from southern Serbia. I had the opportunity to interview some of these refugees in groups and privately as individuals during my visit. They expressed considerable anxiety about the ethnic tensions then escalating in Macedonia between ethnic Albanians and Macedonian Slavs. These tensions extend outside the camps to the gypsy population of Macedonia itself. In separate interviews in different locations, gypsy refugees from Kosovo used the term "deja vu" to describe their sense of impending doom. "We are afraid we will experience again here what we experienced in Kosovo," one of the elders in Shutka said to me. Another added, "For peaceful people like us, there is nothing. We have suffered for two years. Our children don't go to school; we are without human rights. We are known, but not counted as human beings. Is there a place on earth for us? We ask only for a normal, decent life. I don't see any solution here. I have a dark image about what will happen in the future. This is not just a Macedonia question, it is a whole Balkans question." The refugees are easily identified. Macedonia registers Roma, Ashkali, Egyptian, Serb, and mixed marriage refugees from Kosovo (but generally not ethnic Albanians). Those accommodated in camps are issued blue cards. At the time of my visit, there were almost 2,000 blue cardholders. Based on my observations of conditions inside and outside the camps, I would say that persons in both the Shutka and Katlonovo camps ought to be considered for U.S. refugee resettlement based both on protection needs in their country of asylum as well as the lack of durable solutions in the region. I would add that the more vulnerable population appears to be the one residing in Katlonovo. The Katlonovo camp is isolated, which heightens the sense of anxiety in the camp. Katlonovo residents told me of current protection problems. "The soldiers at the gate tell us we have Muslim names, that we are terrorists," said a war-injured refugee woman. "But when we go out, and Albanians hear us speaking Serbian, we have problems with them too, so we avoid talking in public." Tensions are particularly heightened with Albanians, not only because ethnic Albanians continue to persecute Roma in Kosovo and because Kosovar and Macedonian Albanians continue to accuse those who fled to Macedonia as being collaborators with the Serbs, but also because most Roma do not speak Albanian, but only Serbian (more Ashkalis and Egyptians speak Albanian). Resettlement should also be considered for roughly 2,000 gypsies from Kosovo in collective centers in Bosnia.

It makes sense to categorize the various Kosovar "gypsy" groups as a P-2 group because they have shared group characteristics that establish their well-founded fear of persecution in Kosovo and vulnerability in their countries of first asylum, and they have already been identified and registered, obviating the need for--and expense of--a separate UNHCR refugee status adjudication and referral.

I would also like to see the creation of a resettlement processing "pipeline" for identifying gypsy groups displaced from Kosovo into Serbia. They could be preliminarily identified by JVA/OPEs and transported by the International Organization for Migration via Belgrade to be interviewed in Timisoara, Romania or via Podgorica, Montenegro to be interviewed in Split, Croatia. The living conditions for gypsies displaced from Kosovo into Serbia are among the worst I have ever seen.

2) Ethnic Armenians from Azerbaijan living in Moscow: There were less than 2,000 of this group in Moscow at the time of my last visit in December 2000. They were evacuated from Baku following the anti-Armenian pogroms in January 1990, which killed at least 46 Armenians at the outset. Although most ethnic Armenians in Azerbaijan fled to Armenia (about 200,000), then-Soviet forces evacuated a relatively small number to Moscow. This group had no connection with Armenia, other than nominal ethnicity, and, perhaps, were moved to Moscow for protection reasons, since Armenia at that time was also hotly nationalistic (both Armenia and Azerbaijan declared independence in August 1990).

Citizenship and documentation is problematic for this group. They were citizens of the former USSR, and were Soviet citizens at the time of their evacuation. Having never lived in Armenia, their post-Soviet citizenship would normally be Azeri, but that is out of the question. After the break-up of the Soviet Union and the establishment of the law on forced migrants and the law on refugees, most of the Baku Armenians were given refugee status rather than forced migrant status (despite what would appear to be eligibility to qualify as forced migrants). According to the new citizenship law, all former Soviet citizens who arrived in the Russian Federation before February 1992 had the right (in theory) until December 31, 2000 to avail themselves of a simple naturalization procedure by which a Russian citizenship sticker would be pasted in their passport. Those arriving after February 1992 had a more complicated process, including a five-year residence requirement in Russia (2 ½ years for former Soviet citizens).

The main documentation problem for the Baku Armenians is that most were only issued temporary propiskas by the Moscow authorities, who have refused, in many cases to renew their temporary residence propiskas, which are also a prerequisite for permanent residence documents, which they also lack. In many cases, their refugee status was also not renewed. Some have valid citizenship (passports), but lack propiskas, which are needed (despite having been ruled as unconstitutional by the courts) for renting apartments and for many jobs. It is widely believed that the Moscow city government issued secret orders forbidding the issuance of propiskas to Baku Armenians. Many are still living in temporary accommodation centers, ten years after arriving in the capital. These are essentially run-down hotels. Recently, the Moscow authorities have been trying to move them out of the city center into the outskirts of Moscow. The Baku Armenians are discriminated against in Moscow, particularly as regards employment and housing. The group is easily identified based on the array of documents that have been issued, but not renewed, on their behalf.

Although some of the Baku Armenians may, in fact, be Russian citizens, this would not preclude their admission to the United States as refugees, because the Presidential Determination, signed on November 21, designates that "persons in Cuba, Vietnam, and the former Soviet Union, who, if they otherwise qualify for admission as refugees, may be considered refugees under the INA even though they are still within their own country of nationality or habitual residence."

3) Chechens in Moscow: This would be a limited caseload of highly vulnerable internally displaced Chechens living in Moscow (as mentioned above, the annual presidential determination on refugee admissions specifically permits in-country processing for persons still within the former Soviet Union). Essentially, these would be P-1 cases, except that they are internally displaced, and, therefore, UNHCR would not be able to refer them. I would suggest that the U.S. embassy in Moscow work with IOM and an NGO partner to identify particularly vulnerable cases for whom resettlement would be warranted.

Many of these are also women-at-risk, female-headed households. During my visit to Moscow, I

also met with Chechen women with children in need of medical attention who could not (or would not) be treated by clinics or hospitals in Moscow based on the Chechen origin of the displaced people. The displaced Chechens told me of being frequently threatened and abused by landlords and employers, harassed by the police, denied social services, and left feeling that they have no legal remedies for redressing the wrongs they are experiencing.

Refugees from East Asia:

1) Bhutanese Refugees in Nepal: More than 100,000 of these refugees have lived in refugee camps for more than ten years, with no durable solution in sight. The Buddhist-dominated Bhutanese government refuses to accept the return of most of the Hindu Bhutanese refugees, claiming that they are not citizens of Bhutan. The government of Nepal refuses to let the refugees integrate locally and insists they live in camps. They are not permitted to work or farm outside the camps. (This is a specific example of a long-stayer population, discussed in Recommendation 1.h.)

2) Vietnamese Montagnards in Cambodia: About 1,000 ethnic minorities from the central highlands of Vietnam—collectively known as Montagnards—are in two UNHCR-administered camps in the remote Cambodian provinces of Mondulkiri and Ratanakiri. They fled to Cambodia beginning in March 2001, following a Vietnamese government crackdown on ethnic unrest. The Montagnards, who are mostly Christian, reported governmental burnings of house-churches, other human rights abuses, and land rights violations. These arrivals were the latest of a few thousand Montagnards who have fled Vietnam since the fall of Saigon—most of whom were resettled in the United States. In April 2001, the United States resettled as refugees 38 Montagnards who had been arrested by the Cambodian government, taken to the Cambodian capital of Phnom Penh, and granted refugee status by UNHCR. For the nearly 1,000 Montagnards in the two UNHCR-run camps (and potentially others who have fled to Cambodia but are not yet known to UNHCR), U.S. resettlement should also be an option.

3) Burmese in Thailand: Some 123,000 refugees from Burma—mostly ethnic Karen and Karenni—live in camps in Thailand, just over the Burmese border. Many have been there for nearly 12 years, since the latest military junta to rule Burma, which seized power in 1988, refused to honor the results of the 1990 elections that would have put the National League for Democracy (NLD) in power. Burma has one of the world's most egregious human rights records, with abuses aimed not only at NLD supporters and other pro-democracy activists but also at the ethnic minorities who make up as much as half of the country's population, and who have for years sought greater autonomy within Burma. The refugees in Thailand have fled a litany of violations that include murder, rape, torture, and systematic forced labor and forced relocation. For the past few years, Thailand has grown increasingly weary of hosting this refugee population. In addition to adopting extremely narrow criteria for the admission of new refugees into Thailand and into the camps, Thai authorities have forcibly returned some refugees to Burma and have engaged their Burmese counterparts in plans for a large-scale "repatriation." Unfortunately, the political and human rights situation in Burma shows no sign of improvement, leaving the refugees in continued limbo. It is time to consider resettlement for this "long-stayer" refugee population (see Recommendation 1.h.). In addition to the ethnic minorities, the United States should consider for resettlement some 300-400 Burmese democracy activists forced by the Thai government to move

from an urban location to the border camps at the end of 2001.

#### B. Nationality groups among whom there are P-1 cases of special concern

There are other very compelling P-1 cases involving danger in the country of asylum as well as well-founded fear of persecution in the countries of origin of groups that do not have clear enough common characteristics to define as a P-2 (or new P-5) group. Although they are broadly identifiable as a group, their circumstances indicate that it would be preferable to require them to be referred by UNHCR before being considered for the U.S. program. PRM should encourage UNHCR to refer as P-1 cases refugees from among them:

1) Liberian and Sierra Leonean refugees in Guinea: Following inciting remarks by the Guinean head of state in September 2000, Guinean military and police officials, as well as nonstate actors, subjected Sierra Leonean and Liberian refugees to human rights abuses, including arbitrary arrest, harassment, sexual abuse, extortion, eviction, and disappearances. UNHCR has been able to relocate some refugees to safer locations within Guinea and facilitated the return of others to their home countries, but many who remain are in urgent need of resettlement. They include many women-at-risk (the suggested new P-3) and survivors of torture and violence (the suggested new P-4). In Conakry alone, there are about 1,000 in need of resettlement. For security (and other) reasons, however, UNHCR prefers that these not be designated as a P-2 group, but be identified individually. UNHCR has a plan to resettle about 3,000 P-1 cases out of Guinea per year for the next five years, but has not had sufficient resources to move forward expeditiously with the plan. The United States and other resettlement countries should-as a matter of urgency-provide the human and financial resources to enable UNHCR to identify refugees in need of resettlement and to facilitate their processing.

2) Sudanese and Iraqi Refugees in Lebanon: At the end of 2001, there were about 2,800 recognized refugees and 3,000 asylum seekers registered with UNHCR in Lebanon, who continued to face serious threats to their safety, making resettlement more important than ever as a tool of protection. In early January 2002, the Lebanese authorities deported 186 Iraqis to northern Iraq, including asylum seekers and UNHCR-recognized refugees. As a result of increased insecurity for many in Lebanon whose presence the government had previously tolerated, the number of asylum seekers applying for refugee status has increased substantially. Lebanon is not a signatory to the UN Refugee Convention. UNHCR-recognized refugees therefore have neither legal status in Lebanon nor any prospect of obtaining it. Therefore, local integration is not an option, a fact underscored by recent crackdowns on refugees and other foreigners without legal status. Reports during 2000 and 2001 suggest that Lebanon is detaining hundreds of asylum seekers-mostly Iraqi and Sudanese-many of whom allegedly have been mistreated and denied access to UNHCR to pursue their refugee claims. There have been credible allegations that Lebanese authorities mistreated, and in some cases tortured, detainees. Lebanese authorities reportedly have refouled hundreds of recognized refugees and asylum seekers during the course of the past two years.