OAKLEY LOOKS TO FUTURE OF U.S. REFUGEE RESETTLEMENT PROGRAM, PRESENT TREATMENT OF CUBANS AND HAITIANS

(In January, Refugee Reports interviewed Phyllis Oakley, Assistant Secretary of State and the director of the new Bureau for Population, Refugees, and Migration (PRM). Below are excerpts from that conversation.)

RR: What is your assessment of worldwide resettlement needs and what trends do you anticipate in admissions—in terms of numbers and nationalities—in the next few years?

OAKLEY: During the Cold War, we had a picture of refugees belonging to small groups of people fleeing oppression or breaking out of some place where they were prevented from leaving, such as Hungary, Cuba, Afghanistan, and Vietnam. That picture has changed. Now, there are very few countries where people literally are held back from leaving. We used to have refugees fleeing from tyranny; we now see refugees from anarchy. People are fleeing because the government can no longer sustain the society. People understand that their situation is not tenable, and they want to get out if they feel that they don’t have a chance to change the society. With today’s vast flow of information, people know what’s going on in the world. They know that there are places where conditions are better.

As a result, we have to rethink criteria for refugee admissions into the United States. We’ve been working on that for almost a year, but we’ve not really come up with anything for the future.

There is, however, general agreement in the United States that we should continue a refugee program. This includes assistance for refugees overseas, and continuing an admissions program and bringing people here, not only for the leadership that it demonstrates to the world but also because of our own experience, that refugees have enriched our country.

This is a tradition that I think we all want to uphold. But we’ve not really thought through or fully articulated what the new criteria are going to be for refugee admis-
ensions. When we look at the world now, we see a certain amount of chaos, whether it is in Chechnya or Bosnia, or in Rwanda or Burundi. We see that refugee situations involve a large number of people and that it is unrealistic to think they all can be resettled and brought here, as we used to be able to do for those fleeing from, for instance, Hungary or Czechoslovakia.

I think in general that the numbers of admissions will drop. That was the word from the committees in Congress before the 1994 election, and we are assuming that that trend will continue and, perhaps, be accelerated. One of our jobs in the Bureau for Population, Refugees, and Migration will be to maintain close consultation with Congress to ensure that the bipartisan support that refugee programs have enjoyed continues.

I've just been looking at UNHCR's resettlement-needs booklet for this year, and, in terms of the worldwide refugee population, the numbers that they cite for people in need of resettlement are quite small. The high numbers admitted by the United States in recent years have resulted from two programs: the Comprehensive Plan of Action (CPA) for Vietnamese and the program for the former Soviet Union. The CPA is due for completion at the end of FY 95. There are a finite number of former reeducation detainees and Amerasian children, so those numbers are going to drop off. If things evolve as one would hope in the former Soviet Union, I think that one could also imagine that those numbers would also drop off.

RR: What do you anticipate regarding Soviet admissions next year?

OAKLEY: That depends on events in the former Soviet Union. If they continue to move toward democracy, including religious and racial tolerance, expansion of opportunities, and freedom to travel, one would expect the number of applications to decline. On the other hand, if events go badly, and reform becomes very rocky and, heaven forbid, repression should increase again, I think we will see larger numbers. But that is what our refugee program should be--flexible and responsive to the needs of the people who need resettlement or temporary refuge.

RR: Do you see the use of in-country refugee processing increasing, decreasing, or remaining the same in the coming years? How do you assess the in-country processing component of the refugee admissions program?

OAKLEY: The refugee in-country process has grown up in situations where conditions have not created traditional refugee situations. Russians trying to come to the United States through the former Soviet refugee program had to live in Rome in overcrowded reception centers. We determined that it would be much better for them and for the program to have a more orderly process. The Soviet government, at that time, was willing to do it. So we started the in-country, pre-refugee processing there.

When you consider the Vietnamese, Soviet, Cuban, and Haitian programs, where the bulk of our numbers have come from, they are special immigration programs. Maybe this is what our refugee program ought to become. In this changed world, I think it is something that we all have to think through together. It's not just for the State Department to decide; it's for the NGOs, for Congress, scholars; for people involved in placement and for volunteers to decide together.

We also have to think about where the refugee program fits into the larger immigration program. I am certain that many advocates have been discussing with members of Congress where immigration is going in the wake of Proposition 187, and what's going to happen to proposals on the rights of legal aliens in this country to have access to various programs. I have heard the idea floated of putting a ceiling on all immigration, including refugees.

The State Department has two main responsibilities here. First, it needs to point out to people how important immigration and refugee policy is in the totality of U.S. foreign policy. We are in an age where humanitarian aspects of foreign policy are often very important. I think we have a responsibility to talk about immigration and refugees and foreign policy issues not only because what the United States does has important consequences inside this country, but because it sets a standard for other nations to follow. The other thing that we have to do is to bring these issues home to the American public,
who need to understand that what they do in their own communities has implications for elsewhere in the world.

**RR: In the new processing priorities for FY 95, what was the thinking behind adding various “groups of special concern,” who comprise the overwhelming bulk of total refugee admissions, into Priority One, which, until now, has been reserved for individuals in compelling, life-threatening situations in need of immediate rescue?**

**OAKLEY:** We are trying to make the regulations and priorities conform to the reality of what is actually happening and how we are bringing people in. When we talked about changing the priorities, we said that we were going to have to look at how this works in practice, and check if any groups are excluded as a result. When you subtract the Vietnamese and the former Soviet Union programs, there really aren’t a lot of other numbers in the refugee program. It is easy to look at those remaining numbers and see what the priorities have been, and if there have been groups that have been missed or which should have been at the front of the line but were not.

**RR: The UN High Commissioner for Refugees has criticized the screening of Haitians refusing to repatriate from Guantánamo, and has said that UNHCR will not participate in this repatriation exercise. How do you reconcile U.S. policy on the Haitians with the need to maintain worldwide refugee standards?**

**OAKLEY:** I don’t think that’s quite what they said. They expressed some concerns about the process that is now going on. I don’t think there was ever a question that they were going to participate in that process because it is certainly very different. But let me start with the context for the current Haitian repatriation.

We had a major migration crisis in Haiti. People were pouring out in boats in great numbers and with a great loss of life. Aristide had not been able to return to the country, and fledgling attempts at democracy were set back. People fled, and the processing for refugee status over-whelmed our resources and ability to cope with the flow. We worked out very carefully with UNHCR a whole new system of safe havens.

The cause of migration has now been addressed. Through the use of American military power, we have achieved the restoration of a democratically elected government in Haiti and have attempted to move that country in a positive direction so that people won’t have to flee.

We would all agree that most of these migrants were not political refugees, but were economic migrants—for understandable reasons.

The U.S. government’s actions have to be seen in the context of trying to attack the fundamental problems that caused the migration. A large number of Haitians at Guantánamo were not forced back; they chose to repatriate voluntarily. A small group of Haitians who didn’t want to go back were offered various inducements, carrots to go back, but that did not do the trick. You have to look at this involuntary repatriation in that light.

One could easily imagine that there might have been no screening whatsoever and that the Haitians could have just been told that they were all going back. But because there are always exceptional cases and difficult situations, particularly with groups like this, this new evaluation system was devised to avoid placing people in harm’s way if they were to go back. Everybody recognizes that it’s not absolutely the same as the refugee screening that was done before. But in the larger context of Haiti, it is an appropriate system to safeguard people’s rights. It has gone off without incident for the last couple of days, and the Haitians are going home.

**RR: Are you concerned that we may be setting a precedent or sending a message to other countries hosting refugee populations that they can decide unilaterally that a refugee-producing situation has ended, and that people can be forced back?**

**OAKLEY:** I would be hesitant about this being precedent-setting for other countries. The Haitian situation has been unique. The safe haven concept has been unique. The returning of the boat people will be judged in the context of the total political picture, including the fact that con-
ditions inside Haiti have changed. Other countries looking at this will probably do so through the prism of the total program and what the conditions are back in Haiti. This is not that different from the Comprehensive Plan of Action, where the return of Vietnamese who were screened out is part of a larger program that arguably has been very successful for the Vietnamese people.

RR: But the CPA screening involved three layers of pre-interview counseling, interview, written decisions, and appeal of negative decisions, all of which are lacking for the Haitians.

OAKLEY: The situation in Vietnam was different than it was in Haiti. In the case of the CPA, there was no international plan to address the oppressive conditions in Vietnam. For Haiti, there was such a plan, so safe haven was deemed appropriate.

RR: What provisions will the U.S. government make for those among the Haitian and Cuban populations in the safe haven camps in Panama and Guantánamo Bay who have bona fide refugee claims?

OAKLEY: Haiti looks relatively easy in comparison with the problems raised by the Cuban situation. We all know that the United States used to bring in all Cubans. There were not that many. Castro prevented them from coming. Then, he changed his policy, and that presents problems.

There are no quick, easy answers. We again created safe havens. Nobody is suggesting that those Cubans be sent home. Those who have wanted to go have been repatriated. We are looking for third countries and places where some of the Cubans have relatives with whom they can be reunited. We have identified vulnerable groups that are ready for parole. Some of those people have come in. Cubans are usually well-educated and very skilled. Sometimes you can make placements of people, such as engineers, doctors, scientists. There were a few people who were in the [in-country] refugee pipeline who came out [on rafts]. We need to see whether we can bring those people in as refugees. I would simply say that we are looking at all these possibilities and ways to deal with them. I think we have to maintain the concept of a safe haven for many of these people.

RR: What is the message that is being sent to potential refugee-receiving countries worldwide through our actions on the U.S.-Cuban migration agreement, particularly asking Castro to prevent people from leaving?

OAKLEY: Your guess is as good as mine. Cuba is a unique country in the sense that Cuba, along with North Korea and China, is one of the last communist governments. Where other countries have opened up to various degrees, Cuba has not. Cuba is close to the United States. There is a strong, vocal Cuban-American community in this country. These things mixed together create a special problem.

RR: I wonder whether other governments see the Cuban situation as so unique. I think other countries might focus on the actions of the United States rather than the uniqueness of Cuba. They too may not admit potential refugee populations and work out agreements to stop people from leaving their home countries.

OAKLEY: With the exploding number of refugees and displaced people in the world today, we see a tightening up of admissions/asylum policies around the world. In Europe, people are talking about making the European Community uniform in how it deals with asylum seekers. The Nordics used to allow people to come in; now they are talking about taking greater numbers, but for shorter periods of time, in safe haven, or temporary programs. This is a great change for them.

I think we have to see these movements in the world as a temper of the changing times. I would go back to this basic change in the refugee situation: the growth of numbers, the change in the reasons for the creation of refugees, and the need to address the basic root causes.

RR: How do you see PRM's priorities in terms of overseas refugee assistance?

OAKLEY: For overseas refugees, I see assistance going up. The trend has been that the amount
going toward admissions has declined, while the percentage of the budget for overseas assistance has increased.

Traditionally, we have given most of our money to the UNHCR, ICRC, and the large international organizations. We continue to do that. But there is a growing trend to fund more NGOs. NGOs have developed special skills, capacities, and speed. We plan to maintain our support for effective international organizations, but we are all going to look at them with a greater magnifying glass, because given the budget constraints that we face now and in the future, we have to make sure that these organizations are effective in their use of taxpayers’ money.

RR: What do you feel is the appropriate level of U.S. funding for UNHCR? Ten years ago, the United States was funding 25 to 30 percent of UNHCR’s expenditures, but the proportion of U.S. funding to UNHCR has usually been less than that in recent years.

OAKLEY: We don’t know the answer to that question. When we were giving those larger percentages, there were fewer donors, and NGOs were not as active. We still are the largest donor, but now there are more countries, particularly Japan and some of the Asian countries, and Germany, making larger contributions.

The UNHCR budget has really shot up during the last 10 years. I think it is a healthy sign that more donors are giving in different ways, and that we are now giving more to NGOs that work with the international organizations. I can’t tell you what percentage of the UNHCR overall budget the U.S. donation will be. We intend to keep our contributions about where they are now.

RR: In recent years, it has been often the case that Congress has ended up increasing the Administration’s budget request for migration and refugee assistance. Please comment on that peculiar dynamic.

OAKLEY: This goes back to my earlier comment about bipartisan support for refugee programs. Many people who serve on the committees overseeing refugee work have done so because they have had personal experiences with refugees, either as workers, as veterans, or through their constituents. I expect that to continue. We would like to get new committee members to visit places like Yugoslavia, Chechnya, or camps in Tanzania and Zaire and see what refugee organizations do.

I think it is also important for them to see that refugee programs begin and end and don’t go on forever, that we can deal compassionately with refugee situations, but that when they come to an end, we will end them and move on to other things. I have said that in the “Reign of Phyllis the First,” we are going to make an effort to end some of these programs.

Refugees ought to go home out of the Sudan. One would hope certainly that the camp in Saudi Arabia that cared for so many people who were caught up in the Gulf War could be closed out. Over the next ten years, we ought to be thinking of putting The UN Relief and Works Agency for Palestinian Refugees (UNRWA) out of business and have a plan for that. And, the CPA is going to end. The endings are going to be as important as the middle and the beginnings.

Recent Developments

HAITIANS FORCED HOME

On January 5, the United States began the forced return of Haitian asylum seekers who had been temporarily protected in the safe haven camps at the U.S. naval base in Guantánamo Bay, Cuba.

On December 29, the U.S. government announced to the Haitians that it considered it safe for them to return, provided them cash and job-training incentives to voluntarily repatriate, and set a January 5 deadline for that decision, strongly suggesting that they would be forcibly returned after that date (see Refugee Reports, Vol. XV, No. 12).

Only 677 Haitians, about 15 percent, opted for voluntary repatriation during that time (about three-quarters of the 20,000 Haitians who had been interdicted and held in Guantánamo
had earlier opted for voluntary repatriation). The remaining 3,900 were subjected to quick “evaluations” of possible refugee claims, and most were returned to Haiti over the course of the next ten days.

Reporting from Port-au-Prince as the first group of forced repatriates disembarked, the *Los Angeles Times* reported one of the Haitians, tears streaming down his face, saying, “I don’t want to come back to a country like this and die in the streets.”

The reporter quoted a U.S. soldier telling the man, “This is your country. Be a man.”

The report said that two of the repatriates were manacled and carried down the gangplank of the Coast Guard cutter *Boutwell* when they refused to leave the vessel voluntarily.

**UNHCR Refuses to Participate** On January 9, the UN High Commissioner for Refugees (UNHCR) told the State Department that it would not participate in “cursory screening” of the Haitians at Guantánamo. Rene van Rooyen, UNHCR’s representative to the United States, told *Refugee Reports* that his agency could not participate in screening procedures that “deviate significantly from international and U.S. law.”

He told the State Department that “UNHCR is unable to carry out its protection mandate effectively in the context of this policy and, therefore, refrains from participating in it.”

According to sources at Guantánamo, the Intergovernmental Organization for Migration (IOM), which has been providing interpreting services for the U.S. government at Guantánamo, also refused to participate in the screening process.

Van Rooyen said that Haitians at Guantánamo should have access to refugee status determination procedures consistent with the standards in the 1951 Refugee Convention, which is also reflected in the U.S. legal definition of refugee.

**World Relief Initially Prevented from Assisting Haitians Faced with Repatriation** The lead nongovernmental organization that has been providing social services in Guantánamo since the summer, World Relief, was initially prevented by the military from approaching any of the Haitians in the processing line to render assistance or to provide additional clothing for the trip back to Haiti.

Peggy Gilbert, World Relief’s Migration Services Director, who witnessed some of the processing at Guantánamo, said, “World Relief suspended all program services in camps to Haitians because of the confusion and combative stance of U.S. military personnel in the camp.”

She said that the military engaged in an “overwhelming combat presence,” using 86 soldiers in riot gear with clubs and automatic weapons to guard 108 Haitians in the processing line. “Given the fear that armed military personnel invoke in most Haitians, there is little wonder that those undergoing the first full day of processing experienced the full physical effect of terror, with some unable to control bodily functions.”

Gilbert said that after World Relief met with the commander of the U.S. military Joint Task Force at Guantánamo, he issued orders forbidding verbal harassment of the Haitians, and allowed World Relief and UNHCR to refer vulnerable cases, including persons who should not travel due to medical conditions.

According to military sources at Guantánamo, a total of 771 Haitians remained in the camp after completion of the screening and return operation. Of these, 99 were on “safe haven hold,” meaning that they had articulated sufficient fear of return not to be returned without further interviewing or investigation by the U.S. embassy in Port-au-Prince.

Another 273 were in one form or another of “medical hold.”

There were also 44 approved refugees from when the government screened Haitians for refugee status aboard ship before the safe haven policy went into effect, but who have not been admitted to the United States on health grounds.

**Unaccompanied Children Remain in Guantánamo** Another 314 of the total were unaccompanied minors, who are kept in a camp with 41 Haitian “houseparents.” UNHCR is trying to track down family members in Haiti with whom they might be reunited.

Abigail Price, Washington Representative for Church World Service, who visited Guantánamo after the forced repatriations had
taken place, said that she was not allowed to visit the unaccompanied minors in their camp, but saw them hanging and climbing on the camp’s chain-link fence as she drove by. She said, “We have serious concerns that the children are not being cared for adequately.”

According to a January 25 Reuters report, the military is investigating allegations that children have been beaten by military personnel. Children alleged that they were handcuffed to chairs and subjected to physical and psychological abuse.

“We have initiated a preliminary inquiry into the allegations,” the report quoted Army base spokesman Major Rick Thomas as saying.

Citing the lack of access to the children for herself and other groups, Price said, “We would prefer an independent, impartial investigation of these allegations.”

**NGOs Protest Forced Returns** The involuntary repatriations were strongly protested by a variety of human rights and refugee nongovernmental organizations.

Amnesty International (AI) issued an "Urgent Action Appeal" on January 13 saying, “No government should forcibly...return anyone...to a country where they fear human rights violations unless a thorough examination of their case establishes that they would not be at such risk.” Amnesty acknowledged that “there has been an undeniable improvement in conditions since President Aristide returned,” but said that “serious security concerns remain.” AI said that civilan and military officials associated with the former military government of General Raoul Cedras still continue to hold positions of power in some rural areas.

“Country conditions do not change overnight,” said Bill Frelick of the U.S. Committee for Refugees. “The United States should take seriously the needs of persons who have suffered past persecution, and should allow them to remain in safe haven until they can be assured that the changes that have occurred are permanent.”

**Courts Allow Returns to Occur** An effort to stop the repatriations in the courts failed on January 5, when U.S. District Judge Michael Moore, in Miami, denied a motion seeking a temporary restraining order to delay forced returns.

By the time the decision could be appealed, the Haitians in question had been returned, rendering the issue moot.

Lawyers charged, however, that the government’s action was illegal. Arthur Helton, director of Migration Programs of the Open Society Institute, told the New York Times on January 7, “There is nothing in domestic United States statutes or any treaties we are party to that would authorize this exercise of power.” He characterized as “unprecedented” the attempt “to compel foreign nationals to return to their home country from a third country.”

**Government, UN Declare Haiti “Safe and Secure”** On January 18, after the initial forced repatriations were completed, Secretary of Defense William J. Perry declared Haiti “safe and secure” and said that the 6,000 U.S. troops in Haiti could soon be replaced by UN forces.

UN Secretary General Boutros Boutros-Ghali wrote a letter to the Security Council affirming that Haiti is “safe and secure,” a finding that will enable the UN to take over responsibility for security on March 31. At that time, the United States is expected to contribute 3,000 U.S. troops to the UN mission.

In a report to Congress, the Clinton Administration said that it spent $173.2 million to interdict and detain Haitian asylum seekers between October 1, 1993 and November 30, 1994.

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**Feature**

**NGO GROUP VISITS VIETNAM, FIRST ASYLUM COUNTRIES, ISSUES RECOMMENDATIONS**

Representatives of nine U.S.-based nongovernmental organizations (NGOs) recently visited Vietnam and the five Southeast Asian countries still hosting significant numbers of Vietnamese asylum seekers. The delegation was sponsored by InterAction, a membership association of U.S. NGOs.

According to delegation member Shep Lowman of U.S. Catholic Conference, Migration and Refugee Services (USCC/MRS), the group’s
NGO DELEGATION'S FINDINGS AND RECOMMENDATIONS
(EXCERPTS)

- The delegation supports the continuation of NGO reintegration assistance programs for returnees and the expansion of these services to impoverished and hard-to-reach populations and areas.

- We [the delegation] are concerned that the services now being provided to unaccompanied minors by Norwegian Aid to Returned Vietnamese (NARV) will soon be discontinued. We urge that arrangements be made to continue to assist this and other vulnerable populations.... Such case-specific assistance can be the critical factor enabling return, and we urge international funding for it.

- Whatever policies are established by the international community or individual governments toward the conclusion of the CPA should be clearly and publicly stated, attached to specific implementation dates where appropriate, and communicated openly to all parties concerned with as much advance notice as possible.

- While asylum seekers receive information from Vietnam, overseas Vietnamese, and articles posted on camp billboards by UNHCR, we believe that providing potential returnees a steady stream of imaginative but factual, credible, and pragmatic information from diverse sources will encourage voluntary repatriation.

- The delegation is concerned about groups whose future remains in limbo. It is important to bear in mind that within the population currently residing in first asylum countries there are groups for whom repatriation is not possible or appropriate for a variety of reasons.... We urge UNHCR and concerned governments to exercise increased flexibility regarding these individuals and groups, in order to achieve an appropriate durable solution.

- We encourage the return to Vietnam of non-objectors through such programs as the Family Reunification Program (FRP) and the Orderly Return Program (ORP) agreed upon in the tripartite agreement between Vietnam, Indonesia, and UNHCR.... We object, however, to the Hong Kong ORP model on the grounds that this includes the use of forced repatriation.

- We note that a major influence on the asylum seekers' decisions about their future is the messages coming to those in the camps from family and friends in Vietnam and in the overseas communities.... Concerned NGOs should seek a dialogue with Vietnamese-American communities to consider the factors, including the Vietnamese-American communities' role, affecting the asylum seekers' decisions about voluntary repatriation, and to consider how NGOs and the Vietnamese-American communities can work together to help returnees.

- The advocacy community should refocus its efforts for the boat people to concentrate on issues and activities within Vietnam, including legal assistance,.... reintegration assistance,.... and monitoring activities.

- We acknowledge the importance of the Orderly Departure Program (ODP) as an incentive for voluntary repatriation for eligible individuals and as an important safety valve against illegal departure.... We call upon the U.S. government to reverse recent decisions that narrow ODP eligibility.

Copies of the delegation's full Findings and Recommendations may be obtained from InterAction (202) 667-8227.
objective in Vietnam was “to see how the returnees were doing in terms of reintegration into Vietnamese society, how assistance programs were working, and what future needs might be.” Lowman noted, however, that “the delegation’s time and access defined our objectives fairly narrowly.”

U.S. Committee for Refugees’ Hiram A. Ruiz said that in Hong Kong, Indonesia, Malaysia, the Philippines, and Thailand, “we shared our observations about conditions in Vietnam with asylum seekers still in the camps, and discussed with them the very limited options available to those who have been screened out [determined not to be refugees].”

On January 12, the delegation outlined their principal findings and recommendations. (See box, page 8.) Their report recognized that the international community and concerned governments appear committed to a timely completion of the Comprehensive Plan of Action (CPA), and that, as a result, it is “highly unlikely that there will be a change in the CPA screening process that would make more [third-country] resettlement possible.”

The delegation said that “there continue to be human rights problems in Vietnam as documented by human rights organizations. Nevertheless, while the delegation was not charged with a human rights monitoring mission and did not have the access to perform such a mission, we [the delegation] received no information during our visit that the great majority of returnees had any reason to fear the government [of Vietnam] upon their return.”

The report added that because of this and because of “worsening camp conditions, the delegation believes that the vast majority of asylum seekers would be better off returning to Vietnam voluntarily.”

Proposed End to CPA Prompted Delegation Visit

Visit: The CPA was signed by Western and Southeast Asian governments in 1989. Southeast Asian countries agreed to provide temporary asylum to Vietnamese and Laotian asylum seekers and to screen them to determine if they qualified for refugee status. Western governments agreed to resettle those who were “screened in” (determined to be refugees), while those who were screened out were to return to Vietnam.

According to the UN High Commissioner for Refugees (UNHCR), from the signing of the CPA through November 1994, more than 65,000 screened-out Vietnamese returned home voluntarily (43,004 from Hong Kong; 10,983 from Thailand; 5,304 from Indonesia; 3,886 from Malaysia; 1,344 from Philippines; 763 from Japan; and 108 from other countries). Hong Kong has also forcibly repatriated a small number of Vietnamese. More than 48,000 Vietnamese, a large majority screened out, remain in first asylum camps. In February 1994, governments participating in the CPA set a target date of December 31, 1995 for the CPA to end.

According to InterAction’s Berta Romero, the delegation’s goal was for NGOs to make a positive contribution toward the successful conclusion of the CPA.

Vietnamese Officials Offer Returnees Assurances

The delegation spent a week in Vietnam. In Hanoi, it met with senior government officials, representatives of UNHCR, the European Union (EU), and various international NGOs. Groups of two to four delegation members then visited different regions of the country, including the Hai Phong area in the north, Da Nang and Hue in central Vietnam, and Ho Chi Minh City (Saigon), Can Tho, Tra Vinh, and the Mekong Delta in the south.

Vietnam’s Vice Minister for Foreign Affairs, Nguyen Dinh Bin, told the delegation, “There is no discrimination [towards returnees]. That is the Vietnam government’s policy.”

The Director of the Foreign Affairs office in Hai Phong, Hoang Van Dinh, who has visited Vietnamese asylum seekers in Hong Kong, said, “We have promised those who left who were not criminals that we would not punish them in any way for having left illegally.”

Nguyen Thi Hang, permanent vice minister in Vietnam’s Ministry of Labor, War Invalids, and Social Affairs (MOLISA), who has also visited some of the first asylum camps, acknowledged that many asylum seekers are reluctant to return home for a variety of reasons. She said that the Vietnamese government should continue to take responsibility for disseminating information.
Pham, above right, is one of three returnees and seven locals employed in a carpentry workshop owned by another returnee. Although he has a good job, Pham said that his life is worse now than it was before he left. Then, he owned a large house, which he sold to finance getting to Hong Kong, where he, his wife, and his three children spent more than four years. Now, he lives in a small house that he bought in part with his UNHCR grant, and in part with money he borrowed from relatives—money that Pham thinks may take him up to ten years to pay back. Photo: Hiram A. Ruiz.

about conditions in Vietnam to those in the camps. “The question is,” she added, “how to get them to believe in the country, to believe that they will be well treated.”

Vice Minister Nguyen Dinh Bin stressed the importance of assisting returnees to reintegrate, and the need for outside help to achieve that. He said, “Besides our own efforts, we need the cooperation and assistance of the international community, for example in providing material assistance to the returnees.”

MOLISA’s Nguyen noted that in areas with large numbers of returnees, the government would welcome assistance in improvement of infrastructure, increased educational and health care facilities, and improved communications and transportation.

According to Bill Shuey, who represented Immigration and Refugee Services of America (IRSA) on the delegation, the Vietnamese government’s policy, since the late 1980s, of freeing markets from government control and removing restrictions on private ownership of land and other personal property has “definitely helped Vietnam grow economically and has made it possible for returnees to prosper economically.”

MOLISA’s Nguyen told delegation members, “We are trying to transform to a market-oriented society. We would like to cooperate with all countries, regardless of their political backgrounds.”

Delegation Assesses Reintegration in Vietnam

In the various regions that they visited, delegation members examined the effectiveness of current reintegration projects and assessed the need for further reintegration assistance. Local officials and NGO personnel said that reintegration
projects that benefit not only returnees but the whole community, for example the construction of schools, roads, and wells, have had a positive impact in paving the way for the returnees' acceptance by the local community.

Ruiz found that a majority of the returnees in the Hai Phong area, which has the largest concentration of returnees in the country, are "just getting by" economically. All had received UNHCR reintegration grants, some had benefitted from small loans or training programs funded by the EU and international NGOs, and local authorities had allocated many rural returnees small parcels of land. The EU has provided more than 45,000 loans totaling some U.S. $45 million to returnees and other Vietnamese. Although the EU project has ended, EU-funded loans will continue to be available through Vietnamese banks.

Ruiz said, "We observed several economic problems. Some rural returnees did not have any land, or the parcels of land allocated to them were not large enough to support whole families. A number of returnees, especially those from poorer families, could not qualify for the EU loans, mostly because they lacked collateral. Many in the Hai Phong area who completed training programs were unable to find related jobs, and finding jobs in general was very difficult."

Many returnees in and around Hai Phong said they are worse off now than before they left Vietnam. Many had sold their houses before leaving and are now living with relatives. A few have managed to buy a house, but it is usually smaller than their previous one.

Hai Phong Foreign Affairs Director Hoang stressed employment problems. He said that while the local authorities have managed to ensure that all 21,000 returnees in the Hai Phong area have basic accommodation, helping the 7,000 returnees of working age find jobs has been difficult. He stressed the need for assistance that helps create jobs.

A related problem, Hoang said, is that some of the younger returnees, having lived in the Hong Kong detention centers for some years, "have picked up very bad habits, and now do not want to work."

Romero, who was part of the team that traveled south, said that in some communes returnees were faring even better than other local people. She described the success of a young brother and sister who had returned from Indonesia and had used their UNHCR grants and an NGO loan to open a coffee shop where they showed videos to a large clientele.

Shuey cited several examples of northern returnees who had fared well, including a returnee sawmill owner who employed several other returnees; several returnee fishermen who pooled their reintegration grants and loans to buy a fishing boat with which they were earning a good livelihood; and a woman who completed a sewing training course, bought a sewing machine and fabric with an EU loan, and was operating a successful tailoring business.

However, Shuey also noted that "some returnees were doing poorly, and a few articulated regret at having returned to Vietnam." Among those was a family who took out an EU loan to open a small shop that is not doing well. They had encountered unexpected medical expenses, could not make their loan payments, and were feeling "desperate." A single mother of two in Hai Phong city also could not qualify for a loan, had not found a job, and was living with her widowed mother in a small room.

The delegation recommended that additional funding be made available for reintegration assistance to future returnees, especially to "impoverished and hard-to-reach populations and areas."

**Monitoring Discussed with UNHCR** According to Ruiz, delegation members decided before their visit to Vietnam that they would not have the resources or access to be able to carry out a first-hand assessment of returnees' security situation. In Vietnam, most meetings with returnees were in the presence of Vietnamese government officials and relied on the assistance of local interpreters. As a result, delegation members did not raise issues regarding security concerns directly with returnees.

However, the team did discuss security concerns with UNHCR and NGO personnel working in Vietnam. According to UNHCR's staff member in charge of monitoring of returnees, UNHCR has visited 20 percent of all returnees, including those in remote regions.
They also receive visits or letters from returnees at UNHCR offices.

UNHCR said that in all of its monitoring visits and activities, the agency had encountered only about 20 cases of returnees having been arrested, all of which the agency investigated. "I can say that in every one of those cases there was a cause for the arrest, usually the returnees' having committed a crime before leaving the country," UNHCR's spokesperson said. Most often, that crime was stealing the boat on which the returnee had left.

UNHCR's representative in Vietnam, Chris Carpenter, added that UNHCR makes a special point of monitoring returnees who expressed concern about persecution to UNHCR officials in first asylum countries.

Bach-Cuc Lee Tran, who represented Lutheran Immigration and Refugee Services on the delegation, said, "Effective monitoring is needed to assure that... returnees are protected from government retaliation while successfully rebuilding their lives."

Tran added, "Returnees who may have been unfairly or mistakenly screened out [determined not to be refugees] when they were in first asylum countries may need legal assistance [in Vietnam] to access the Orderly Departure Program and regular immigration avenues."

**Services Being Curtailed in Camps** After leaving Vietnam, the delegation regrouped in Bangkok, Thailand for one day to compare notes on the sub-groups' observations in the various regions of Vietnam. Delegation members then again divided into smaller groups, each of which traveled to camps in two or more of the five Southeast Asian countries visited.

Delegation member David Ireland, who is based in Hong Kong and works with Legal Assistance for Vietnamese Asylum Seekers (LAVAS), commented on conditions at Si Khieu camp in Thailand, which is home to some 5,000 Vietnamese asylum seekers. He described Si Khieu as a
closed camp with only basic amenities, where the Thai authorities have sought to "create an inhospitable atmosphere." Nevertheless, Ireland said, the housing and recreational areas, while simple, are still "superior to the dismal conditions found in Hong Kong."

Si Khieu's Vietnamese residents are not allowed to leave the camp, which is encircled by a high fence, but are allowed to move freely within the camp. According to Ireland, the Thai authorities are phasing out essential services such as education and mental health care, but continue to allow the camp's thriving market stalls and restaurants, which are owned and operated by Thai nationals, to operate.

**Asylum Seekers Attentive, But Wary** According to Romero, in the camps, the teams met with both large and small groups of asylum seekers, including groups of elected representatives and of human rights activists, as well as with individuals and families.

Tran said that the delegation told the asylum seekers about the target date for the completion of the CPA. She added, "We informed them about the new economic conditions in Vietnam, and about the assistance available to those who return. We talked about the normalization of diplomatic and trade relations between Vietnam and Western countries."

Ruiz added, "Some of us also conveyed the message that their options are severely limited because first asylum countries appear intent on closing the camps, and because we do not think that there will be any last minute policy change that would lead to increased third country resettlement opportunities for those who are screened out."

Commenting on the asylum seekers' response to the delegation and its message, Refugees International's Bill Lenderking said, "In Malaysia, the asylum seekers were wary but curious. They tended to let the more militant members of the group do the talking, but many of them listened intently without commenting." Lenderking said that the team later heard that many of the Vietnamese were disappointed because they had hoped the delegation had come to offer them help getting resettled, but instead talked to them about voluntary repatriation.

Ruiz described the meetings with the asylum seekers in Malaysia in particular as "very intense emotionally." He said that delegation members knew in advance that the message they were there to deliver was one that the Vietnamese did not want to hear. Ruiz said, "We explained to the Vietnamese that we had come as friends, not to tell them what they should do, but to make sure that they had as full and accurate an understanding of their options as possible, so they would be in a better position to make a reasoned, informed decision regarding voluntary repatriation."

Ireland found a similar reaction in Thailand. He said that many of the asylum seekers there are determined not to return to Vietnam, and that while they received the delegation "politely" and "listened very carefully to our message," many appeared "dismayed" by it and "possibly felt a sense of betrayal."

Ireland said that while those who spoke up were defiant as they recounted the agonizing conditions they fled in Vietnam, he was "optimistic that despite the rhetoric, our message was understood and that many in the audience will carefully consider what we said."

Lenderking also found that many of the asylum seekers seemed to be "sunk in lassitude and lacking the will to make important decisions for themselves." He added, "While our impact, taken by itself, may have been small, viewed as part of a continuing process of persuading most of the asylum seekers that they will be best off if they return to Vietnam and as part of a coordinated effort to help those who do return, our visit could be part of an important cumulative effect."

**Asylum Seekers Have Varied Reasons for Reluctance to Repatriate** Many asylum seekers remain opposed to repatriation. "They receive information from relatives and friends in Vietnam and in the overseas Vietnamese communities advising them to refuse voluntary repatriation," Tran said. "Many are concerned about loss of face with relatives and family members. Others worry about a high level of taxation and corruption by authoritarian local officials in Vietnam. Still others say they want the international community to help restore democracy in Vietnam before they voluntarily repatriate."

Therefore, Tran said, "Most of the asylum
seekers maintain a 'wait and see' attitude. They are still hoping for a last minute policy change that would result in third country resettlement for them.”

Ruiz said that some of the Vietnamese who spoke rejected the delegation's messages, saying that it was impossible for most of the people in the camps to return to Vietnam under any circumstances. Some said that they would commit suicide rather than agree to repatriate. A spokesman for the human rights committee in Malaysia's Sungai Besi camp said, "The West wanted us in camps as an example--to prevent others from fleeing.... Now they don't need us and want to discard us, so they give us only two options, to return to Vietnam, or to die here. Many of us will choose the second option, to us it is a solution. The Vietnamese government is our enemy; no matter what, we won't live with them." The committee asked the delegation to help those who felt they could not return to Vietnam to obtain third country resettlement.

In a written statement presented to the delegation, members of the Sungai Besi Vietnam Veterans' Association said, “There have been changes in Vietnam, but only in the economic field. There are people [who support] democracy or a multi-party system being held captive [by the Vietnamese government]. That is why we will never return as long as the communists are in power. We respectfully petition the InterAction committee to call upon the CPA Steering Committee, UNHCR, and the local government to grant us refugee status so that the history of Vietnamese boat people can be closed in humanity and dignity.”

Ruiz said that others expressed fears about repatriation that while not political, were very compelling. He cited the case of a Vietnamese woman at Galang camp in Indonesia who fled Vietnam to escape an abusive husband. In Galang, she became involved with a man with a wife in Vietnam and bore a child. The woman told Ruiz that she fears that if she returns, her husband, who is a local government official, will harm her or her baby.

He added that some whose families encouraged them to leave Vietnam to try to resettle in the West and then assist family members still in Vietnam continue to be pressured by their families, who encourage them to do all they can to try to get resettled. "It is very difficult for people in that situation to volunteer to return home," Ruiz said.

USCC/MRS's Lowman said, "Many refugees expressed a fear of persecution. Others were concerned about economic hardships. Clearly, a major factor was messages coming in [to them] from overseas from which they took hope that policies might change and resettlement might again become a possibility." Lowman added, "I believe the NGOs and the Vietnamese-American community need to expand their dialogue and seek to find ways to cooperate in assisting those boat people who decide to return home voluntarily or who are required to return.”

Updates

- The key Congressional subcommittees concerned with immigration and refugee matters are undergoing major changes as the new, Republican-controlled 104th Congress restructures law-making mechanisms. Both House and Senate subcommittees changed their names, suggesting new directions under their respective new leaderships.

On the Senate side, the Subcommittee on Immigration and Refugee Affairs has been renamed the Subcommittee on Immigration. Chaired by Sen. Alan K. Simpson (R-Wyo.), the new subcommittee will be expanded from three to seven members. Sens. Charles E. Grassley (R-Iowa), Arlen Specter (R-Pa.), and freshman John Kyl (R-Ariz.) will comprise the rest of the majority side. Former subcommittee chairman Sen. Edward M. Kennedy (D-Mass.) will stay on as ranking minority member, and will be joined by Sen. Paul Simon (D-Ill.), a previous member of the subcommittee, and Sen. Diane Feinstein (D-Cal.).

In the House of Representatives, Rep. Lamar Smith (R-Tex.) will be the new chairman of the Subcommittee on Immigration and Claims (formerly the Subcommittee on International Law, Immigration, and Refugees). Smith will be joined by six other Republicans, including previous subcommittee members Reps. Bill McCollum (R-Fla.)
and Elton Gallegly (R-Cal.). Rep. Carlos J. Moorhead (R-Cal.), a member of Congress since 1973, will also be joined on the subcommittee by freshmen Reps. Sonny Bono (R-Cal.), Frederick K. Heineman (R-N.C.), and Ed Bryant (R-Tenn.).

The Democrats on the subcommittee are all veterans of last year’s subcommittee, although last year’s chairman, Rep. Romano L. Mazzoli, retired. Rep. John Bryant (D-Tex.) will be the ranking Democrat, joined by Reps. Howard L. Berman (D-Cal.), Charles E. Schumer (D-N.Y.), Jerrold Nadler (D-N.Y.), and Xavier Becerra (D-Cal.).

* The U.S. military Joint Task Force in Panama bolstered its strength and training in January in preparation for moving about 7,500 Cubans from the safe haven camps located in the canal zone back to the camps at the Guantánamo naval base in Cuba. The President of Panama has demanded that the Cubans be returned by March 3.

* Sen. Nancy Landon Kassebaum (R-Kan.), chairman of the Senate Labor and Human Resources Committee, said that the Senate’s welfare reform package would not include cutting off benefits for legal immigrants who had not yet naturalized.

House Speaker Newt Gingrich (R-Ga.) also distanced himself from this provision of the welfare reform bill now pending before the House Ways and Means Committee. The bill, H.R.4, promised in the Republican “Contract with America,” would terminate federal public assistance for noncitizens, except for refugees (for their first six years in the United States) and for legal immigrants over the age of 65.

On January 23, Reps. Ileana Ros-Lehtinen (R-Fla.) and Lincoln Diaz-Balart (R-Fla.), both Cuban-Americans, proposed allowing individual states to decide the matter rather than the federal government.

* On January 6, the Clinton Administration announced that it is boosting the Immigration and Naturalization Service (INS) budget by 25 percent for the current fiscal year, drawing on funding from the crime bill and other sources. The Service plans to hire 1,265 new staff, including 810 new Border Patrol agents, bringing the strength of the Border Patrol to 5,000 by the end of FY 95. About half of the $323.5 million increase will be used for updating the Service’s technology—$157.6 million—(although funds for asylum streamlining are also included in this category).

Some $29 million of the INS budget (and $20 million in other Justice Department agencies) will be devoted to asylum streamlining, including the hiring of 711 new staff.

The increase boosts the INS’s budget from $1.6 billion in FY 94 to $2.1 billion in FY 95.

On January 22, the New York Times revealed details of a draft FY 96 budget, indicating that the Clinton Administration would hire an additional 650 INS investigators, a 41 percent increase, to track down forgery and smuggling operations as well as employers hiring aliens without work authorization. The draft INS FY 96 budget would seek $131 million to detain and deport criminal aliens, doubling the budget in that respect. It also would provide for the construction of new detention facilities in Buffalo, New York and San Francisco.

* The Office of Refugee Resettlement (ORR) published a notice in the Jan. 17, 1995 Federal Register announcing the availability of discretionary grants in three program areas: to promote increased placement of newly arrived refugees in preferred communities; to respond to unanticipated arrivals or significant increases in arrivals to communities where adequate or appropriate services do not exist; and support for ethnic community organizations.

There is a different budget period for each of the three categories. In FY 95, ORR expects to make available grant awards ranging from $20,000 to $150,000. The amount of grant awards in subsequent years will depend on availability of funds. Approximately $1.1 million will be available for the awards ($400,000 for Preferred Communities, $200,000 for Unanticipated Arrivals, and $500,000 for Ethnic Community Organizations).

Forms and instructions for submitting applications are available from ORR. Closing dates for Preferred Communities and Unanticipated Arrivals awards are March 15, July 15, and November 15 of each year. The closing date for Ethnic Community Organizations awards will be March 1 of each year.
### UNHCR SUMMARY OF PROJECTED RESETTLEMENT NEEDS
#### 1991 TO 1995

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**Disabled, Medically-At-Risk, & Victims of Violence/Torture**


* Excluding former Yugoslavia.
** 40,000 places offered for temporary protection and resettlement of refugees from former Yugoslavia.
*** Of the 50,000 places offered since October 1992, primarily for temporary protection, approximately 20,000 places are still available.

Source: UNHCR

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**Refugee Reports**

_A News Service of the U.S. Committee for Refugees, a Project of the Immigration and Refugee Services of America_  
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PRESIDENT’S BUDGET FOR REFUGEE PROGRAMS ENCOUNTERS NEW ERA OF REPUBLICAN CONTROL IN CONGRESS

For the first time in 46 years, a Democratic president and a Republican-controlled Congress must work together to hammer out the budget priorities of the U.S. federal government.

Since last November, the nation's drastically altered political landscape has created a pervasive sense of uncertainty on virtually all federal budget issues. The new political dynamics in Washington, D.C. have forced tens of thousands of private agencies, including refugee assistance and resettlement organizations, to brace for the unknown, wondering what to expect next.

Refugee advocates in particular ask whether Republicans in Congress—many of whom rode to power on a wave of anti-immigrant sentiment and promises of aggressive budget cutbacks in non-middle-class programs—will now slash federally funded programs for refugees and asylum seekers in the United States and abroad.

President Bill Clinton made the first move in what many experts expect to be an extraordinary budget battle when he unveiled the broad outlines of his FY 96 budget proposal in late January. President Clinton’s plans for specific refugee-related programs, however, became clear only in early February when details of the Administration’s budget blueprint became publicly available.

The Administration requested Congress to appropriate $671 million for the State Department’s Migration and Refugee Assistance (MRA) fund, equal to the current funding level. The MRA budget supports overseas assistance to refugees and funds expenses related to refugee admission to the United States.

The Administration proposed $414.2 million for the Office of Refugee Resettlement (ORR) within the Department of Health and Human Services. The request is $8.5 million greater than current funding. ORR funds refugee resettlement and adjustment in the United States.

These Administration budget requests are currently under consideration in Congress, where in coming months they must run the gauntlet of subcommittee hearings, full committee deliberations, potential debate on the floor of the
House, and then repeat the process in the Senate before returning to the President for final enactment.

Deciphering the mood in the new Congress has become a serious undertaking for organizations with a stake in federal budget decisions. "You never know about the [Congressional] appropriators," said one concerned refugee worker with extensive experience lobbying Congress. "All it takes is one committee member who might get out of bed one day and decide that just because his favorite program was cut, he is going to slash everything else."

Details of President's FY 96 Budget Proposal for MRA. The Administration's proposal to continue Migration and Refugee Assistance in FY 96 at current funding levels masks significant changes in how the $671 million would be spent.

The new budget would cut approximately $28 million from the MRA "refugee admissions" account and would shift the money to the MRA "overseas refugee assistance" account. The President's budget justifies a cut in refugee admissions funding to $126.3 million by stating that refugee admissions will be reduced to 90,000 in FY 96. The current ceiling on government-funded refugee admissions is 110,000, which is already a reduction from the 120,000 funded admissions ceiling in FY 94.

The Administration's budget report states that it intends to cut the number of refugees admitted into the United States by 20 percent "due to declining caseloads of eligible refugees from the Soviet Union and Vietnam." The proposed decline in admissions and related funding did not surprise resettlement agencies, which were already troubled by the downward trend.

"There is no reason to assume that the Administration's proposed funding level is inadequate for 90,000 refugee admissions. The issue is whether 90,000 admissions is enough," said Jana Mason, government liaison for Immigration and Refugee Services of America (IRSA). "For anyone familiar with the worldwide refugee crisis to say that we can't find 120,000 refugees who qualify for resettlement [to the United States] would be disingenuous."

"I am concerned about the downward trend in refugee admissions," said John Fredriksson, congressional liaison for Lutheran Immigration and Refugee Services (LIRS). As the number of refugees from Vietnam and the former Soviet Union dwindles, Fredriksson said, the State Department should "get creative" and recognize other refugee populations in need of admission to the United States, such as Liberians, Sierra Leoneans, and additional Bosnians.

The Administration's FY 96 budget proposes a boost in overseas refugee assistance to an all-time high of $452 million. The MRA budget provided $435 million for overseas refugee assistance in FY 94, and the State Department tentatively expects to spend $421 million on refugees abroad in FY 95.

Within the overseas refugee assistance account, the State Department proposes increased spending in four regions of the world, spending cuts in one region, and unchanged funding in another region. The budget proposes $169 million for refugees in Africa (a $12 million increase over estimated FY 95 expenditures), $85 million in Europe (a $10 million increase), $10 million in the Western Hemisphere (a $1 million increase), and $87.8 million in the Near East (a modest $0.8 million increase).

Funding for refugees in South Asia would remain unchanged at $22 million. The only cut would be in East Asia, where the Administration suggests spending $27.7 million for refugee assistance (a reduction of $4.8 million). A final component of overseas refugee assistance, known as "multi-regional assistance," would be funded at $51.1 million ($13.1 million more than expected FY 95 expenditures).

The Administration's budget also proposes spending $80 million to help resettle refugees in Israel. An average of about 70,000 refugees per year have resettled in Israel since 1992, according to the State Department.

In recent years, the State Department had sought unsuccessfully to cut the refugees to Israel account to $55 million or less, but the agency chose not to seek a funding reduction for FY 96 because "we can't take this fight [on the issue] anymore" with Congress, according to one State Department official. "There is a lot of support for this [funding] in Congress," Fredriksson said.
Details of President’s FY 96 Budget Proposal for ORR The Administration proposed $414.2 million for the Office of Refugee Resettlement. That figure includes $278.5 million for Transitional and Medical Services, which includes Refugee Cash and Medical Assistance and the Matching Grant Program, $80.8 million for Social Services, $49.4 million for Targeted Assistance, and $5.4 million for Preventive Health.

The budget for ORR anticipates up to 20,000 Cuban and Haitian parolees (the vast majority Cuban) in FY 96 in addition to 90,000 refugees. The $414.2 figure is expected to enable the provision of eight months’ state-administered Refugee Cash and Medical Assistance.

“The President’s budget reflects this Administration’s commitment to stable funding for the refugee program,” said ORR Director Lavinia Limon. “I’m also pleased to note that for the first time, the budget incorporates expected arrivals of Cuban and Haitian entrants.”

New Powerbrokers in Congress The new Republican-controlled Congress is in the process of holding hearings on the Administration’s budget requests. New Republican chairpersons of several key committees and subcommittees on Capitol Hill will wield enormous influence on budget matters affecting refugee programs.

In determining ORR funding for refugee resettlement, the Appropriations Subcommittees on Labor, Health and Human Services, and Education play major roles in both houses of Congress. The chairman of the Senate’s subcommittee is Sen. Arlen Specter (R-Pa.), a third-term moderate Republican who has indicated an interest in running for the presidency. Chairman of the House’s subcommittee is Rep. John Edward Porter (R-Ill.), a moderate in his eighth term who, according to congressional analysts, is often liberal on foreign assistance issues.

MRA funding for overseas refugee assistance and refugee admissions must pass close scrutiny by four subcommittees, including the House International Relations Subcommittee on International Operations and Human Rights, the House Appropriations Subcommittee on Foreign Operations, the Senate Foreign Relations Sub-
committee on International Operations, and the Senate Appropriations Subcommittee on Foreign Operations.

Two House chairmen who will greatly affect MRA funding are Rep. Christopher Smith (R-N.J.) and Rep. Sonny Callahan (R-Ala.).

Smith, generally viewed as politically moderate, has worked in his seven previous terms to block U.S. funding for population planning and "sees his work against abortion and his international interest on the [International Relations] Committee as springing from the same concern for human rights," according to Politics in America, a highly respected analysis of Congress published by Congressional Quarterly.

In one of his first hearings as a new subcommittee chairman in February, Smith indicated his willingness to link abortion and U.S. refugee policy by criticizing Administration officials for refusing to grant asylum to Chinese entering the U.S. ostensibly to escape China's strict family planning regulations.

Callahan, currently in his sixth term, is "likely to be a skeptic on foreign aid," according to Politics in America.

Other Members of the House expected to be influential on MRA funding issues include Rep. Ben Gilman (R-N.Y.), Rep. Robert Livingston (R-Ala.), Rep. Henry Hyde (R-Ill.), and Rep. David Funderburk (R-N.C.), among others. Gilman, chairman of the House International Relations Committee, is described by some observers as a moderate "Rockefeller Republican" and a strong defender of the rights of Soviet Jews, a significant population in U.S. refugee programs.

Livingston was hand-picked as the new chairman of the House Appropriations Committee by House Speaker Newt Gingrich over more senior Members of Congress. Observers say Livingston brandishes a confrontational style and strongly supported U.S. military assistance to El Salvador and the Nicaraguan contras in the 1980s.

Funderburk, a freshman Member of the House, is a "staunch conservative in the mold of Senator Jesse Helms," according to Congressional Quarterly. Funderburk is, in his own words, not a "big believer" in foreign aid and is expected to play an unusually significant role as a freshman because of his experience and prestige as a former U.S. ambassador to Romania.

In the Senate, MRA funding issues must meet the approval of two subcommittee chairpersons in particular, Sen. Olympia Snowe (R-Me.) and Sen. Mitch McConnell (R-Ky.). Snowe served eight terms in the House before gaining election to the Senate last November. Some constituents in Maine have criticized Snowe in the past for devoting too much time to foreign affairs issues.

McConnell, in the Senate since 1984, wasted no time proposing a major restructuring of foreign aid in his first days as a new subcommittee chairman this year. He proposed a 10 percent cut in foreign aid but indicated that spending on MRA and other disaster programs should remain at existing levels.

Other key Republican members of the Senate on refugee-related matters include, among others, Sen. Mark Hatfield (R-Ore.), chairman of the full Appropriations Committee, and Sen. Jesse Helms (R-N.C.), head of the full Foreign Relations Committee. Hatfield historically has exhibited support on refugee funding and protection issues. Helms is the "paragon of hardline conservatism in the Senate," in the words of Politics in America.

**MRA Funding: A Safe Haven From Budget Cuts?** The new leaders in Congress have attempted to move quickly to put their stamp on budget issues and carve out areas of disagreement with the Administration. Overall refugee program funding, however, has escaped controversy and cutbacks, so far.

Senator McConnell's proposal to reduce foreign assistance by 10 percent includes a drastic 39 percent cut in overseas development assistance, yet spares MRA. The Senate Budget Committee was reportedly devising its own list of recommended cuts in foreign assistance in February, although details remained unavailable.

On another legislative front, the House Appropriations Subcommittee on Foreign Operations, chaired by Rep. Callahan, voted on February 22 to cut current FY 95 funding for foreign assistance by $191 million, a 3 percent reduction. The MRA account was among a handful of foreign aid programs to escape the proposed cuts, known as "rescissions."

Advocates question whether refugee-related programs will continue to escape the budget attacks afflicting other programs. "I'm optimis-
tic," Fredriksson said. "The early signals from key people in the Senate and House are that overseas refugee assistance is highly valued by members of both parties. We've had such bipartisan support in the past. One needs to be vigilant so that this [support] is turned into commitments quickly."

Washington representatives of several refugee resettlement and assistance agencies began meeting with key committee staff as well as the staff of all 97 new members of the House and Senate in February in an effort to solidify support on refugee budget and policy issues.

"We have a lot of educating to do with new members of Congress and their staffs," acknowledged Mason, of IRSA. "Some staff we have met with thought that the number of refugees being admitted to the United States was too high, and some thought it was too low. They asked us if these people work, whether they pay taxes, and whether they go on welfare."

Some new members of Congress indicated that they were willing to support strong funding for overseas refugee assistance in order to avoid admitting large numbers of refugees to the United States for resettlement, Mason said. Other members of Congress indicated in private discussions that overseas refugee assistance should endure cutbacks with the rest of foreign aid.

One of the greatest fears of refugee advocates is that the quiet support in Congress for humanitarian assistance to refugees could become overwhelmed by lawmakers' pervasive disdain of the UN, especially among conservatives. A large portion of U.S. overseas refugee assistance is funneled through the UN High Commissioner for Refugees (UNHCR).

"There is a danger of general anti-UN feelings in the Congress, and refugee funding could be swept into that debate," Fredriksson said. "The challenge is to debate overseas assistance on its own merits. And we should point out that UNHCR is one of the most effective UN agencies."

One member of the panel cited widespread criticisms of the UN and indicated skepticism about the efficacy of UNHCR. Administration officials responded that UNHCR performs well and warrants strong financial support. "We think UNHCR is entirely different [from other UN agencies] and works extremely well" in most situations, one State Department official told Refugee Reports.

Refugee advocates said that if the panel's hearing proves to be a harbinger of congressional attitudes, they are cautiously optimistic about the future of refugee funding. "We were pleased by the hearing. It was wide-ranging and not confrontational," said one refugee expert. "It was a very good oversite hearing with a fair airing of the issues. My impression was that they understood our issues."

Individual members of the Subcommittee indicated keen interest in adequate assistance for Bosnian refugees and concern that remaining Vietnamese refugees receive protection from involuntary repatriation, or refoulement. The panel quizzed Brunson McKinley, acting assistant secretary in the State Department's Bureau of Population, Refugees, and Migration, about the plight of Chinese seeking refugee status, security for Rwandan refugees in Zaire, U.S. funding for refugee resettlement in Israel, and Cuban exiles. The February 22 hearing was, however, only the first of four hearings expected to be held on FY 96 budget issues affecting refugees. And while Congress debates the FY 96 budget, the possibility looms that deficit-conscious lawmakers may still decide to rescind a portion of current FY 95 funding.

In addition, some refugee advocates have expressed private concern that assistance to refugees at home and abroad might somehow become entangled in what is expected to be a bitter ideological debate over welfare reform, since some lawmakers might characterize refugee assistance as "welfare to foreigners."

The political dynamics in Washington have clearly been transformed. Less clear is how the changes will affect refugee programs. The usual political pundits are at a loss, because few of them have ever before been able to witness the outcome of an ideological and fiscal struggle between a Democratic Administration and a Republican Congress.
SENATE COMMITTEES—104TH CONGRESS

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(continued)
COURT DENIES THAT REFUGEES IN SAFE HAVENS HAVE CONSTITUTIONAL RIGHTS

In a decision with far-reaching implications, a three-judge panel of the U.S. Court of Appeals for the Eleventh Circuit ruled that refugees in safe haven camps outside the United States do not have constitutional rights for due process or equal protection, and are not protected by the Refugee Convention or the Immigration and Nationality Act (INA) against forced return.

The panel, sitting in Atlanta, handed down two decisions. The first, *Haitian Refugee Center (HRC) v. Christopher*, concerned whether the government should have been prevented from repatriating Haitians from the Guantánamo naval base. The second, *Cuban American Bar Association (CABA) v. Christopher*, involved whether Cubans and Haitians in the safe haven camps in Guantánamo and Panama could properly assert rights under the INA, the Refugee Convention, the U.S. Constitution, the Cuban Adjustment Act, and the Cuban Democracy Act. CABA also addressed the First Amendment rights of U.S. lawyers to represent their clients in safe havens, and whether Haitian unaccompanied minors at Guantánamo have Fifth Amendment equal pro-
tection rights to be paroled into the United States on the same basis as similarly situated Cuban children.

In both cases, the court explained that the standard for reviewing preliminary injunctions is whether the district courts misapplied the law. The court said that a party requesting a preliminary injunction must show 1) a substantial likelihood of success on the merits; 2) a substantial threat of irreparable injury; 3) that its own injury outweighs the injury to the party being enjoined; and 4) that the injunction would not disserve the public interest. Holding that the plaintiffs failed to demonstrate "a substantial likelihood of success on the merits," the eleventh circuit never considered the other three questions.

Court Affirms Government’s Right to Repatriate Haitians Involuntarily In HRC v. Christopher, the court affirmed the decision of a federal judge in the southern district of Florida denying the Haitian Refugee Center’s motion for a temporary restraining order or a preliminary injunction to prevent the U.S. government from repatriating Haitian refugees from Guantánamo on January 5 (see Refugee Reports, Vol. XVI, No. 1, p. 7). That was the deadline the government had given the fewer than 5,000 Haitians still in Guantánamo on December 29 to repatriate "voluntarily" before the government would forcibly return them (see Refugee Reports, Vol. XV, No. 12, p. 1). In the ensuing week, 677 Haitians accepted enhanced incentives to go home, and, on January 5, with the Miami judge refusing to bar the involuntary repatriations, quick evaluations and returns began, resulting in more than 3,000 Haitians being returned against their will. A total of 771 were allowed to remain temporarily in Guantánamo, mostly on medical grounds.

HRC argued that the government was violating the Haitians' equal protection and due process rights by forcibly repatriating them. Summarizing HRC’s argument, the court said, "They contend that the United States is violating Haitian migrants' statutory and constitutional rights by involuntarily repatriating them to Haiti. They contend that the government has created a protectable liberty and property interest in remaining in safe haven. Thus, they argue, the migrants should not be removed from safe haven without due process."

In CABA v. Christopher, handed down by the court the same day, and cited in this case, the court acknowledged that in a previous case arising in the second circuit involving Haitians at Guantánamo, Haitian Centers Council (HCC) v. McNary, the Haitians at Guantánamo were found to have a protectable liberty interest because they had been "screened-in" for full refugee hearings (see Refugee Reports, Vol. XIII, No. 6, p. 11). However, in CABA, the court found, the government had chosen not to offer "screening" or refugee determination interviews to the Haitians, saying that "we need not decide whether any such putative liberty interest arises from being 'screened-in'."

In fact, beginning on January 5, the Haitians were being screened before being returned, although the U.S. authorities consciously avoided the term "screening," instead saying they were conducting "evaluations" according to an ill-defined standard to determine whether Haitians would be harmed upon return. At the time, the UN High Commissioner for Refugees (UNHCR) said it would not participate in such "cursory screenings," saying they "deviate significantly from international and U.S. law." (See Refugee Reports, Vol XVI, No. 1, p. 5.)

HRC v. Christopher went on to cite CABA on this point, saying, "[P]roviding safe haven residency is a gratuitous humanitarian act which does not in any way create a [sic] liberty interest." The HRC decision left out an important part of the citation, however. The actual quote in CABA said, "[P]roviding safe haven residency is a gratuitous humanitarian act which does not in any way create even the putative liberty interest in securing asylum processing that the Second Circuit found that initial screening creates." (Emphasis added.)

If the government on January 5 was, in fact, initiating a final screening of Haitians before forcibly repatriating them, then that would seem to create an even stronger basis for a liberty interest in securing asylum processing than an initial screening, as found by the Second Circuit in HCC. The HRC plaintiffs were not arguing that "providing safe haven residency" created the liberty interest, but rather that "involuntarily re-
U.S. REFUGEE AND ASYLUM PROGRAMS AND POLICIES: 
A 1994 CHRONOLOGY

The following is a chronology of U.S. programs, policies, legislation, and litigation affecting refugees and asylum seekers in 1994. The listing is taken from the pages of Refugee Reports, Volume XV.

January 28. The federal Office of Refugee Resettlement (ORR) announces that it is terminating the Planned Secondary Resettlement (PSR) program. The PSR program, begun in 1985, helped refugee families on welfare in high unemployment areas to move to cities with better economic prospects.

February 3. Attorney General Janet Reno announces a two-year plan to revamp border control, including adding 1,010 additional agents to the border by the end of FY 95. The plan also calls for doubling the number of asylum officers and immigration judges.

February 7. The Clinton Administration proposes a $37.8 million cut in the FY 95 Migration and Refugee Assistance (MRA) budget. Of that proposed budget cut, the appropriation for refugee admissions would be cut by $24.7 million, indicating a decrease in federally funded refugee admissions from 120,000 in FY 94 to 110,000 in FY 95. The State Department announces that "the decrease from the FY 94 ceiling is due to declining caseloads of eligible refugees from the former Soviet Union and Vietnam."

February 14. The Steering Committee of the International Conference on Indochinese Refugees meets in Geneva and calls for ending programs and activities under the Comprehensive Plan of Action (CPA) for Indochinese Refugees by the end of 1995. At the meeting, the United States announces that it does not oppose in principle the mandatory return of persons determined not to be refugees. The message to Vietnamese asylum seekers is that those determined not to be refugees will be expected to return to Vietnam soon.

March 2. Temporary Protected Status (TPS) is extended for another year for nationals of Liberia.

March 30. The Immigration and Naturalization Service (INS) proposes new asylum regulations that would require applicants to pay $130 to apply for asylum and could prohibit them from working for 180 days or longer while their cases are pending. The proposed regulations would also make interviews with INS asylum officers discretionary, authorizing them to refer cases immediately to immigration judges. (See December 2.)

April 4. Haitian President Jean-Bertrand Aristide unilaterally declares an end to 1981 accord that allows the United States to repatriate Haitians at sea. Agreement should end in six months.

April 11. TransAfrica Executive Director Randall Robinson embarks on hunger strike to protest Haitian refugee policy.

April 30. President Bill Clinton signs into law H.R. 2333, the Foreign Relations Authorization Act, which includes authorization for $675.5 million in FY 95 for the MRA, boosting the ceiling for the Emergency Refugee and Migration Assistance (ERMA) fund from $50 million to $100 million, and earmarking $80 million to resettle refugees in Israel. Authorized funds must be separately appropriated (see August 23). The law also authorizes the reorganization of the State Department, merging population, migration, and refugees into one bureau and eliminating the position of the U.S. Coordinator for Refugee Affairs.

May 8. Clinton announces that Haitian boat people will be given full refugee status determination interviews on ships. Those meeting the "well-founded fear of persecution" standard will be resettled in the United States or other countries. Those not meeting the refugee standard will be returned to Haiti. William H. Gray III is appointed as the President's special envoy on Haiti. Robinson ends his hunger strike.

June 7. Nationals of Rwanda in the United States are granted TPS for one year.

June 16. Reno designates as a precedent decision Matter of Toboso-Alfonso, in which the Board of Immigration Appeals (BIA) found that a Cuban homosexual was a refugee due to a well-founded fear of persecution in Cuba on the basis of his sexual orientation.


June 27. Due to a $70 million shortfall in expected revenues through INS examinations fees, the INS re-
quests a reduction of 396 positions, including 63 positions from International Affairs, which includes overseas INS refugee adjudicators as well as domestic asylum officers.

**June 29.** Clinton announces that Guantánamo Bay naval base will be used for full refugee status interviews. Recognized refugees will be resettled; the rest repatriated.

**July 4.** In a single day, 3,247 Haitian boat people are picked up.

**July 5.** Clinton announces that interdicted Haitians will no longer be processed for refugee resettlement, but will be held in temporary safe haven camps, using Guantánamo at the outset. He says that Panama will serve as a safe haven for 10,000 refugees.

**July 7.** Panama withdraws the offer to allow a safe haven camp for Haitians on its territory. The number of Haitians leaving Haiti by boat drops precipitously.

**July 13.** A tugboat carrying Cuban asylum seekers is rammed and sunk by a Cuban vessel, resulting in at least 32 drownings.

**July 15.** TPS is extended for Bosnians for another year.

**July 27.** Last commercial flight leaves Haiti, leaving more than 1,000 Haitians accepted for U.S. refugee resettlement stranded inside Haiti.

**August 11.** The Senate Judiciary Committee passes a bill that would authorize the Attorney General to order boat people and other aliens in an "extraordinary immigration situation" to be excluded without referral to an immigration judge.

**August 12.** ORR proposes new regulations that would limit eligibility for refugee social services to refugees who have been in the United States for three years or less and limit targeted assistance eligibility to refugees in the United States for five years or less.

**August 13.** About 300 Haitians riot at Guantánamo, demanding the return of Aristide to Haiti or political asylum for themselves in the United States.

**August 18.** By this date, 6,944 Cubans have been picked up by the Coast Guard in 1994 (in contrast to 3,656 in all of 1993).

**August 19.** Clinton announces, "Today, I have ordered that illegal refugees from Cuba will not be allowed to enter the United States." Ending three decades of welcome for Cuban refugees to the United States, Cuban rafters are now interdicted and detained at Guantánamo.

**August 23.** Clinton signs into law an FY 95 appropriation bill that includes $671 million for the MRA account and $50 million for the ERMA fund, approximately the same funding levels as in FY 94. The law includes an $80 million earmark for resettling refugees in Israel and $6 million for targeted assistance discretionary grants. The law also includes an FY 94 supplemental appropriation for ERMA to respond to the refugee crisis in Rwanda.

**August 29.** A total of 14,172 Haitians are held at Guantánamo. More than 5,500 have opted for voluntary repatriation.

**September 9.** The United States and Cuba reach an agreement to regularize migration between the two countries. The United States agrees to increase the number of Cubans its will admit, and Cuba says it will "take effective measures in every way it possibly can to prevent unsafe departures using mainly persuasive methods."

**September 17.** TPS is extended for Somalis in the United States for one year.

**September 18.** Clinton announces that Haitian military rulers have agreed to step down and that U.S. military forces will occupy, rather than invade, Haiti.

**September 30.** Clinton signs into law an FY 95 appropriation bill that includes almost $400 million for domestic refugee resettlement. The appropriation is $14 million less than the Administration requested for FY 95 but the same as the FY 94 appropriation.

**October 14.** Reno announces that several categories of Cubans in safe haven will be permitted humanitarian parole to the United States--persons over the age of 70; persons who are ill; and unaccompanied minors under the age of 13.

**October 31.** A federal district judge bars all repatriations of Cubans from U.S.-run safe havens unless they have had the opportunity to consult with a lawyer.

**November 4.** A federal appeals court panel in Atlanta overturns the October 31 ruling, saying that the Clinton Administration may repatriate Cubans from safe havens who say they want to repatriate to Cuba voluntarily.
November 8. Proposition 187, a ballot initiative in California that would bar undocumented aliens from public schools and public health and social services, is approved with a 59 percent majority.

November 22. A federal judge in Miami rules that the Clinton Administration must parole into the United States some 234 unaccompanied Haitian children at Guantánamo who meet the same profile as the Cuban children whom the Administration said it would parole.

December 2. Reno says that she will consider parole on a case-by-case basis for Cuban children (and their families) whose long-term presence in safe havens in Cuba and Panama would constitute an extraordinary hardship. The announcement says that only families for whom there is “full financial sponsorship in the United States” will be paroled.

December 2. The INS promulgates final asylum regulations that deny work authorization to asylum applicants for 180 days after applying unless their cases are granted before then. Unlike the proposed regulations (see March 30), the final rule does not include a filing fee and interviews with asylum officers are not made discretionary.

December 7. Cubans in two of the safe haven camps in Panama begin two days of rioting, injuring 221 U.S. servicemen and 28 Cubans (another two Cubans, among the 1,000 who broke out of the camp during the rioting, drown trying to swim the Panama Canal). About 400 Cubans are placed in administrative segregation.

December 14. Ruling that Proposition 187 “could result in greater health risks for the general population,” a federal judge in Los Angeles grants a preliminary injunction to block implementation of most of the provisions of the California ballot initiative.

December 19. A federal appeals court in Atlanta dissolves the rulings of October 31, November 4, and November 22, lifting restrictions on the voluntary repatriation of Cubans from U.S.-run safe havens and refusing to order the Administration to parole into the United States some 234 unaccompanied Haitian children.

December 29. The Clinton Administration announces to the Haitians in Guantánamo that they can now return safely home. The announcement includes incentives for voluntary repatriation but warns that after January 5, 1995, “those of you who do not take advantage of these programs will be required to return to Haiti” but will not receive the benefits of voluntary repatriates.

December 31. Deferred enforced departure, which had prevented deportation and granted work authorization for eligible Salvadorans, expires. The INS extends work authorization for another nine months.

December 31. The International Conference on Central American Refugees (CIREFCA), created in 1989 to address the needs of Central American refugees, concludes its activities.

Refugees in Safe Haven Have No Legal Rights, Court Says The more complex of the two cases handed down by the eleventh circuit panel on January 18, CABA v. Christopher, addressed three issues: 1) whether Cubans and Haitians in safe havens at U.S. military installations in Cuba and Panama may assert statutory and constitutional rights; 2) whether legal organizations can sustain First Amendment claims of free speech and association with migrants in these safe havens; and 3) whether the First Amendment or the equal protection clause of the Fifth Amendment requires the government to provide a list of Haitians at Guantánamo to the HRC.

The eleventh circuit vacated the previous district court orders that had granted attorneys for the Cuban migrants access to all Cubans in safe haven prior to their voluntary repatriation and had prevented the government from repatriating any Cuban prior to the Cuban having consulted with a lawyer. The eleventh circuit also vacated the district court’s order that had granted more limited access to the Haitians’ lawyers, allowing them to see those Haitians who had requested their counsel in writing. Also dissolved was the district court’s order directing the Attorney General to parole in unaccompanied Haitian
children on the same basis as unaccompanied Cuban children who may have been or would be paroled from safe havens to the United States.

**What is Guantánamo?** The first task before the court was to determine what Guantánamo is. Is it Cuba? Is it the United States? Whose law applies? Who has jurisdiction?

Guantánamo, the court found, is a U.S. military base as a result of a 1903 lease agreement between the United States and Cuba. That agreement both recognizes Cuba's "ultimate sovereignty" over the leased land and water as well as the United States' "complete jurisdiction and control over and within" Guantánamo for as long as the United States occupies it.

The United States has a perpetual lease on the property, and the lease can only be voided by mutual agreement between the two countries or if the United States abandons the base. The United States pays $4,085 per year for the 45-square-mile base, but President Fidel Castro refuses to take the money, which sits in a U.S. bank account.

In *HCC v. Sale*, in the second circuit, the court of the Eastern District of New York found that lawyers had a First Amendment right to free speech and association for engaging in legal consultation at Guantánamo because, citing the specific language in the lease agreement, it noted that the United States has "complete control and jurisdiction" over Guantánamo and "exercises complete control over all means of delivering communication" at the base.

The eleventh circuit disregarded the "complete control and jurisdiction" part of the agreement, focusing instead on the "ultimate sovereignty" phrase. The eleventh circuit maintains that the district court erred in concluding that Guantánamo Bay was a "United States territory," and said, "We disagree that 'control and jurisdiction' is equivalent to sovereignty."

It did not appear, however, that the district court ever did argue that "control and jurisdiction" were equivalent to "sovereignty," but rather that control and jurisdiction included control over speech at the camp which Cuba certainly does not exercise in any manner, even though they might enjoy "ultimate sovereignty" over it.

The eleventh circuit was clear in saying that "control and jurisdiction" are not the equivalent of sovereignty, although neither the CABA plaintiffs nor the second circuit maintained that they were equivalent. On the other hand, the court declined to say what "control and jurisdiction" do mean on their own terms, and what rights, if any, could legitimately be claimed by persons in a place under the "complete jurisdiction and control" of the U.S. government, even if not an ultimately sovereign U.S. territory.

Citing an earlier eleventh circuit decision in *Haitian Refugee Center v. Baker* (which dealt solely with Haitians interdicted by U.S. Coast Guard cutters on the high seas and returned to Haiti, but in which the court said that it addressed the claims of interdicted Haitians who were then transported to Guantánamo), the eleventh circuit in *CABA* said, "[W]e again reject the argument that our leased military bases abroad which continue under the sovereignty of foreign nations, hostile or friendly, are 'functionally equivalent' to being land borders or ports of entry of the United States or otherwise within the United States. Therefore, any statutory or constitutional claim made by the individual Cuban plaintiffs and the individual Haitian migrants must be based upon an extraterritorial application of that statute or constitutional provision."

**Law. Constitution Do Not Apply Extraterritorially** Sounding peeved that the Cuban legal organizations and the Haitian Refugee Center "struggle to re-assert statutory claims foreclosed by *HRC II* and *Sale v. HCC*," the eleventh circuit recalled, "We decided in *HRC II* and the Supreme Court agreed in *Sale* that the very same statutes and treaties regarding repatriation, Article 33 of the Refugee Convention and the INA,...do not apply extraterritorially. In *HRC II*, we unequivocally held that the interdicted Haitians could not claim any rights [under the nonrefoulement and asylum sections of the INA]....These laws, which govern repatriation of refugees, bind the government only when the refugees are at or within the borders of the United States." (Emphasis is in original; citations are omitted. See *Refugee Reports*, Vol. XIV, No. 6, p. 1.)

The court asserted, as well, that the Cuban Adjustment Act and Cuban Democracy Act
“allow for certain rights for Cubans who reach the United States, [but]...do not address the rights of Cuban migrants to enter or to seek entry to the United States, nor do they confer directly any rights upon Cuban migrants outside the United States.”

Does “Bringing To Safe Haven” Confer Right Against Wrongful Repatriation? The court asserts that “by bringing the migrants to safe haven, the government has not created any protectable liberty or property interests against being wrongly repatriated and the migrants may not rest a claim of right of counsel and information on the due process clause.”

The eleventh circuit observed that the Cuban migrants at Guantánamo are not “screened in” when they enter the safe haven camps, and that no effort is made to discern if they are refugees. Therefore, they cannot be said to enjoy the due process rights to legal counsel that the second circuit said applied in HCC v. McNary for screened-in Haitians, for whom having been screened in as having credible refugee claims established a reasonable expectation that they would not be wrongly repatriated.

However, the lawyers in CABA were not arguing for the right to legal counsel solely to challenge the conditions of “safe haven” confinement, but rather to require that migrants be fully informed before leaving the safe haven to be repatriated and that repatriation not be coerced.

In contrast, the court in CABA seemed to be saying that because putting the migrant in a safe haven was a “gratuitous humanitarian act,” and because it failed to screen the migrants to determine if there were refugees among them, the government could forcibly repatriate them and the migrants would have no “protectable liberty... interest against being wrongly repatriated.”

Projects and Programs

REFUGEES AND JOBS: THE TRIP TO THE DISTANT WORK-PLACE

Here’s a fairly common refugee/employment problem: the employer is willing to hire the refugees, the refugees qualify for the work and want the jobs, but since none of the refugees owns a car, and since the bus line does not pass by the factory, the refugees cannot reach the job site, and so they do not get the jobs.

Here are two different solutions.

Thomas B. Henkel, director of the Camden, New Jersey, office of USCC’s Migration and Refugee Services, often faces this problem, but he has an advantage: he wears two hats.

On Sundays, Deacon Henkel can often be found at the pulpit, preaching the sermon in one of the local churches. When he does, he often asks the parishioners to donate used cars to the church; he prefers big sedans and station wagons because they hold more people.

The donor gets a federal income tax break for giving the car to the church, which would not be the case had the parishioner given the car directly to a refugee (or to any other individual).

Once a car is donated, refugee program Director Henkel engages in some highly focused bargaining with individual refugee workers. He looks for a refugee with 1) a job, 2) a driver’s license, who will 3) buy car insurance, and who will 4) agree to form a carpool so that several refugees can ride together to an otherwise inaccessible job site.

Once all that is worked out, the refugee receives title to the car. Director Henkel later follows up to make sure that the carpool is going as planned.

“This system means that refugees in the Camden area have a much wider choice of jobs than would be the case otherwise,” he commented.

Archie Solberg, LIRS director in Fargo, North Dakota, has taken a different approach. His organization runs a nearly self-supporting van service for working refugees.

In Fargo, most of the refugees live in the middle of town, and the jobs are out of town at, for instance, the big Federal Beef Processors packing plant or at the pinball machine components factory; both are distant from bus lines.

The local refugee program operation, with the upfront financial support of the local Lutheran parent organization, then bought a 15-passenger van, hired a driver (once an unaccompanied minor from Cambodia), and started driving refugees to their jobs. At first, the refugees paid $1.00 a ride (or $2 a day); later the rate was raised to $1.25 a ride (or $2.50 a day).
There is a certain turnover among the passengers, as refugees build up their savings, and buy their own cars, Solberg says, but there are always others who need a ride to work.

"It's made an enormous difference to the local refugees," he said.

Editor's Note: This column by David North, the first in a series on jobs and refugees, is a by-product of an ORR effort to facilitate the exchange of information in this field.

ORR is currently surveying state refugee coordinators and local service providers to get suggestions regarding the kinds of information employment specialists need and want, and the various ways for exchanging this information. If you have suggestions on this point (and have not seen the ORR survey) or have a good refugee employment practice to share with other Refugee Reports readers, write to David North at: ORR, USDHHS, 370 L'Enfant Promenade, S.W., 6th floor, Washington, D.C. 20447, or fax him at (202) 401-0981.

Resources

ADAPTATION OF HMONG WOMEN IN U.S.

In Changing Lives of Refugee Hmong Women, Nancy D. Donnelly uses Hmong Women's personal testimony, folk tales, and her own observations of several Hmong families living in Seattle to describe the changes that Hmong women have experienced in their lives since resettling in the United States. Donnelly examines Hmong women's changing roles in the United States in courtship, wedding rituals, marital relationships, and in the work force.

Changing Lives of Refugee Hmong Women is available from the University of Washington Press, P.O. Box 50096, Seattle, WA 98145-5096. Tel: (206) 543-4050; fax: (206) 543-3932.

NEW USCR REPORT ON SIERRA LEONE

The U.S. Committee for Refugees (USCR) has issued a report on a recent site visit to Sierra Leone and Guinea. "The Usual People": Refugees and Internally Displaced Persons from Sierra Leone examines the reasons for the flight of some one million Sierra Leoneans, about one-quarter of the West African country's population, and the circumstances under which the internally displaced live. According to the report, much of the present violence in Sierra Leone is being committed by current or former government soldiers.

Refugee Reports subscribers may receive a free copy of "The Usual People" by calling USCR at (202) 347-3507.
### OFFICE OF REFUGEE RESETTLEMENT BUDGET

<table>
<thead>
<tr>
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<th>FY 1994 ACTUAL EXPENDITURES¹</th>
<th>FY 1995 ESTIMATED EXPENDITURES²</th>
<th>FY 1996 ADMINISTRATION REQUEST</th>
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1. Reflects approved reprogramming of $6 million from Transitional and Medical Services to Targeted Assistance to assist with the increased numbers of Haitians and Cubans settling in Florida.
2. Includes $6,000,000 for Targeted Assistance appropriated in P.L. 103-306.

*Source: Department of Health and Human Services, Office of Refugee Resettlement.*
U.S. REFUGEE RESETTLEMENT PROGRAM DEBATED AT SENATE HEARING

Sen. Alan K. Simpson (R-Wyo) is back at the helm of the Senate's immigration subcommittee, a post he last held during the GOP control of the Senate from 1981 to 1986. Those years saw the development and enactment of the Immigration Reform and Control Act of 1986 (IRCA, known then as the Simpson-Mazzoli bill). Between then and the Republican sweep last November, Simpson served as the subcommittee's ranking Republican, alternately at odds with and in cooperation with Sen. Edward M. Kennedy (D-Mass.), longtime chair and now again the ranking minority member.

Noting recent political changes, Simpson remarked at a March 14 hearing, “there are realities here that will never be faced more clearly than right now.”

On January 24, Simpson introduced the “Immigrant Control and Financial Responsibility Act,” (S. 269). The bill includes provisions from his immigration proposal of the last Congress (S. 667—see Refugee Reports, Vol. XIV, No. 5) and a few new twists. Upon introducing the bill, Simpson stated, “We have much to do on immigration reform. The election last November demonstrated clearly that the American people wish us to ‘get on with the job.’ The bill I introduce today is the first step, and other serious steps will soon follow.”

Numerous provisions address border control, alien smuggling, deportation, benefits eligibility, a worker verification system, and other enforcement efforts. Of particular note with respect to refugee and asylum policy, the legislation would:

- require Congressional approval to admit more than 50,000 refugees a year (unless requested by the President under emergency provisions);
- repeal the Cuban Adjustment Act;
- limit the Attorney General’s parole authority;
- restrict asylum applications by persons using false documents or by excludable aliens apprehended at sea (subject to a “credible fear” exception);
- give the Attorney General discretion to grant work authorization to asylum seekers and to place any conditions on it; and
- provide additional resources to reduce the asylum backlog.

A March 14, all-day Judiciary Committee hearing on the bill included six panels of 19 witnesses. Among them were Senators Diane Feinstein (D-Cal.) and Jon Kyl.

IN THIS ISSUE:
Sen. Alan Simpson has introduced the "Immigrant Control and Financial Responsibility Act," which would require congressional approval to admit more than 50,000 refugees per year and repeal the Cuban Adjustment Act. Jana Mason, government liaison for Immigration and Refugee Services of America, reports on a March 14 hearing on these issues ........................................ 1

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two new members of the immigration subcommittee (which, having grown from three to eight members, is no longer the smallest subcommittee in Congress); Attorney General Janet Reno; Florida Governor Lawton Chiles; Immigration and Naturalization Service (INS) Commissioner Doris Meissner; and Commission on Immigration Reform Executive Director Susan Martin, along with researchers, advocates, and service providers.

Simpson set the tone by stating, "I don't know of any one question that is more important than this immigration question..." This view was echoed by other committee members and Congressional witnesses, including Feinstein ("I view this issue as the number one priority for California and for this Congress") and Sen. Richard Bryan (D-Nev.) ("I am troubled and somewhat offended by the mind set of some groups who suggest that those of us who are calling for reform of our immigration system are somehow racist or xenophobic. Curbing the flow of illegal immigration is a legitimate policy that demands the immediate attention of the federal government.")

Much testimony focused on border enforcement, "criminal aliens," and employment verification—including the prospects of a national identity card, which Simpson opposes but which critics say is only one step removed from his proposal for a national worker registry. Refugee and asylum issues also received much attention and drew some of Simpson's most impassioned pronouncements. These topics include refugee admissions, the Cuban Adjustment Act, parole authority, and expedited exclusion.

S. 269 would limit the annual admission of refugees to 50,000 and would require Congressional approval for a higher number, except if the President declares a refugee emergency. Simpson chose this number based on the 1980 Refugee Act's establishment of 50,000 as the "normal flow" of admissions (that level did not act as a ceiling, and the reference was removed in the Act's 1982 reauthorization). He cited "the abuses of the country's humanitarianism" as the rationale for setting a refugee ceiling.

In his opening statement, Simpson said, "Thousands of people are admitted each year as refugees, with all the special privileges and immunities of that unique and cherished status, even though their claims of political persecution are questionable, at best. Claims of persecution made by persons from certain countries are judged by different standards, with the result that many are granted a status not possibly available to others who come from elsewhere. I call them State Department refugees."

**Academic Criticizes U.S. Refugee Program** In his testimony, Prof. Charles Keeley of Georgetown University said that the "international refugee apparatus" is based on the assumption that the preferred solution for refugees is repatriation. However, he said, "This country has focused on resettlement...to the point that we have not spent a great deal of time on the use of diplomatic, military, and economic mechanisms to prevent refugee flows to begin with and to bring about the conditions that would allow people to be repatriated."

Keeley criticized what he views as U.S. resettlement of large numbers of people, many from communist or former communist countries, "under the idea that we have to honor or pay off the commitments of the anti-communist era." Claiming that resettlement is overemphasized at the expense of human rights promotion, he characterized the U.S. refugee resettlement program as "a kind of humanitarian pork barrel."

Keeley supported reducing refugee admissions numbers, but cautioned that "if a cap is put in place and we continue this divvying up of the 50,000 between various ethnic groups in this country," this would be "the cruelest hoax of all."

Keeley said that resettlement ought to serve both the humanitarian purposes of people who are in extreme danger, as well as helping to bring about international stability, but he said that the U.S. resettlement program had achieved neither goal. "Nor," he said, "do I think it has helped enhance public support in this country for protection and assistance to refugees. If anything, I think it has induced a certain amount of cynicism about the way the process goes on."

Keeley blamed advocacy groups for "largely abdicating responsibility" for the growth in resettlement and for welfare dependency among refugees. He said that Congress shared the blame because the 1980 Refugee Act "virtually mandated welfare dependency."

Simpson praised Keeley's "refreshing and courageous position" and added, "Most of the
quote, refugees, unquote, we accept come directly from their country of nationality.” He then asked Keeley’s opinion of how, if admissions are limited to 50,000, the U.S. can assure that those slots would not be used for “presumed refugees, in response to domestic political pressures” but rather that “these precious refugee numbers go to persons who truly need resettlement in a third country for their safety or freedom.” As to Keeley’s response that members of Congress “have to resist,” Simpson retorted, “Come to the floor some day when we are having that debate. It is a lonely debate.”

As a further suggestion for admissions, Keeley referred to UNHCR’s list of worldwide resettlement needs, stating that it is “somewhere between 40,000 and 60,000 and is “highly regarded” and “reasonable.” (See following story.) As a possibility, said Keeley, the U.S. could agree to admit a certain percentage from that list.

In a direct attack on admissions from the former Soviet Union, Simpson referred to the CIS as “our pals” and to President Clinton’s friendship with Russian President Yeltsin. Yet, said Simpson, “we presume....without even going case by case, that 40,000 people are...refugees.”

**NGO Representatives Voice Support for U.S. Refugee Admissions Program** In written testimony, the Hebrew Immigrant Aid Society (HIAS), addressed the criticisms of direct-departure refugee programs: “The concept, construction, and implementation of a ‘managed migration’ program belong to the United States Government. Whatever the relative merits and flaws inherent in this decision, its application to refugees from Southeast Asia, the former Soviet Union, Haiti, and Cuba is clearly an attempt by the United States to provide some system of control over mass refugee flight while acknowledging and addressing the well-founded fears of the applicants....In addition to the awkward position presented to the refugee in this situation, it is an insidious and unacceptable syllogism to oversee the implementation of a managed migration program and then discredit the merits of the refugees’ claims on the basis of their participation in an operation devised by the U.S. Government.”

Elizabeth Ferris, director of Church World Service’s Immigration and Refugee program, who testified on behalf of the refugee committee of InterAction, an umbrella group of voluntary agencies, stressed the continuing importance of resettlement.

“In many ways,” Ferris said, “the refugee program has brought international issues home to Americans. It is one thing to watch the situation of Somalia on CNN on your nightly news, and another to be working with a Somali family in your community.” “But,” she continued, “we do agree very much with some of what Professor Keeley said, that our policies have been shaped by the Cold War, and the world has changed since then.”

Ferris stressed the need to consider not only the questions of numbers and which groups to admit, but also the policies and procedures used in resettling refugees. According to Ferris, the U.S. government has a difficult time quickly moving a refugee whose life is in danger; the paperwork and other steps in the process often take months, she said.

Ferris questioned the inclusion of the refugee admissions clause in a bill on illegal immigration. Simpson responded, “This is an immigration control bill. Unfortunately, our refugee policy has gotten so out of whack that it has become part of the control.”

Simpson stated that persons without a well-founded fear of persecution should immigrate to the U.S. rather than “jump to the front of the line as, quote presumed refugees.” He charged that certain “groups” oppose that because “you can bring them in as a refugee and this government will take care of them; you bring them in as an immigrant and you take care of them.”

Asked to respond, Ferris stated, “I think when you look over the history of U.S. refugee policy and see all the designations of particular groups, it is troubling when you are talking about universal standards, and so forth.” She said that because the admissions of Southeast Asians “will be winding down in the next year or so and the Lautenberg amendment...expires next year, there may be some way of moving beyond the Cold War.” Ferris reminded Simpson that the number of refugees worldwide has grown from 9 million at the time of the 1980 Refugee Act to perhaps 22 million, and
that other countries host much larger numbers of refugees. Using the example of Tanzania, which took in 250,000 Rwandans in a single day, Ferris said she is concerned about the signal that a cap of 50,000 would send. Simpson responded that such a comparison is misplaced because the U.S. takes in far more refugees for permanent resettlement than any other country. He suggested that the U.S. take its signals from Canada, Australia, and other countries who say to the United States: “You make us look bad; you keep doing it and we are trying to shut it down.”

C. Richard Parkins, executive director of Episcopal Migration Ministries, discussed in written testimony the “vast international refugee crisis which faces us.” He stated that while the magnitude of that crisis can only be incrementally affected by U.S. admissions, “to engage in a more restrictive policy at this time signals to the international community that we are either indifferent...or have retreated from the moral leadership that we imagine ourselves to express....To retreat to a ceiling of 50,000 refugees, even with the possibility of added numbers coming through a more arduous Congressional process, sends a chilling message to a world in despair.”

Returning to Keeley’s theme that resettlement does not address fundamental problems of refugee-producing countries, Simpson stated, “In fact, we take away their best and brightest and put them in California. Cambodia would be an experiment on that. Who is going to go back and get Cambodia started again? They are all in California, and they are not going to go back.”

NGOs Calling for Resettlement Reform Elisa Massimino of the Lawyers Committee for Human Rights suggested that, rather than limiting the total number of admissions, the U.S. “would better serve its interests by reforming the overseas refugee processing procedure.” She noted that her organization has submitted to the Administration suggestions for reforming the methods by which the U.S. identifies and selects refugees for resettlement. These suggestions, she said, are designed “to ensure that those most deserving of protection are chosen to fill the limited number of slots designated for refugees.”

Other witnesses strongly supported the 50,000 cap. David Simcox of the Center for Immigration Studies recommended a single, all-inclusive ceiling for immigration and refugee admissions, at a level considerably lower than at present. Dan Stein, of the Federation for American Immigration Reform (FAIR), stated, “After years of never meeting the 50,000 cap, your move to try to reestablish that as a principle of our refugee admissions policy is overdue, and certainly supported by the overwhelming majority of the American people.”

Massimino offered a final comment on admissions: “I feel that my organization and many other advocacy groups have been remiss in our failure to support you and others who seek to infuse more integrity into the refugee admissions policy, and I will pledge to you that we are planning to focus more on that this year. I think it undermines the integrity of the system and the willingness of the American people to be generous toward genuine refugees.” Stressing her organization’s reliance on UNHCR for guidance, she added, “[T]he cornerstone of that is an objective refugee determination based on the refugee criteria without special treatment for particular nationalities, and I promise that we are going to be better about doing that.”

Simpson’s response: “That is the most heartening news I have heard in a long, long time.”

Cuban Adjustment Act S. 269 would repeal the Cuban Adjustment Act, adopted in 1966, which allows Cubans who have been inspected or paroled into the U.S. to adjust their status to that of permanent residence after one year.

Sen. Paul Simon (D-Ill), a longtime member of the immigration subcommittee, questioned Attorney General Reno about the Administration’s views on the repeal provision. Introducing the issue, Simon noted that he has, over the years, sponsored various special bills for certain groups, including persons from Poland and the former Soviet Union. Yet, said Simon, “unless I have evidence to the contrary, I am moving toward a belief that we ought to be treating all people the same, and if someone is a genuine refugee, treat that person as a refugee regardless of what country he or she is from.”

Reno responded that the Administration does not support repeal of the Act, noting its importance to the goal of restoring democracy to Cuba; until that time, she stated, the Administration needs flexibility to respond to changing conditions.
She noted, "We look forward to the time when Cuban migration to the U.S. is normalized and on par with other countries that are enjoying the benefits of democracy." According to Reno, the United States took a major step toward that goal by signing the U.S.-Cuba accord guaranteeing annual legal immigration of at least 20,000 Cubans.

Simon rejoined that "our policy toward Cuba is one that has grown out of passion and not reason. If the old Soviet Union and Cuban leaders had sat down and said, 'Let's devise a United States policy that will assure Castro stays in power', I don't think they could have devised a better policy than, in fact, we have." Noting his dislike for Castro's human rights policies but speculating that they are no worse than China's—and observing that China receives Most Favored Nation trading status from the United States—he added, "I am not sure that the Cuban Adjustment Act does one whit to bring democracy to Cuba."

While Simon's view of the Act may be evolving, Simpson's is longstanding. Reiterating his opinion in questioning Governor Chiles, Simpson referred to the Act as "a total anachronism," stating, "It makes no sense to allow any Cuban or any other person who comes to the U.S. legally or illegally to jump to the head of a long line of people waiting to emigrate and automatically receive a green card after one year, no questions asked."

Asked if the Act should remain on the books, Chiles remarked that, contrary to misperception in Florida, repeal of the Act would not restrict the ability to flee from persecution; he then offered, "I have to say that I don't think there is the reason for the Act that there was at the time it was passed. I support the vote that I made on it some time back." Chiles was referring to his support, while a U.S. Senator, for an earlier version of IRCA that included repeal of the Cuban Adjustment Act.

Keeley, Simcox, and Stein all expressed support for repeal. Simcox noted, "There is tremendous pent-up demand for immigration within Cuba that will spill over into the U.S. once the travel restrictions and the controls of the Castro regime end. The existence then of an automatic track to permanent residence for Cubans will greatly complicate management of what may alone become an immigration emergency."

**Parole Authority** Under S. 269, the acceptable reasons for granting parole would be changed from "emergent reasons" and "reasons deemed strictly in the public interest" to "urgent humanitarian reasons or significant public benefit." A case-by-case determination would be required for the granting of parole, and the number of parolees who remain in the U.S. for more than the year would be subtracted from a subsequent year's world-wide limit for family-sponsored immigrants. This provision would preclude such large-scale uses of parole as employed in recent years for persons from Vietnam, the former Soviet Union, Cuba, and elsewhere, and potentially the smaller-scale uses for medical cases and other purposes.

Responding to Simpson's characterization of the U.S.-Cuba Accord as a misuse of the parole authority, Governor Chiles noted the pre-existing quota for Cuban immigrants and recommended that the quota be reduced by one for every Cuban who comes to the U.S. from Guantánamo or another safe haven.

Although Simpson did not question Reno about this provision, the Administration has informally communicated to Senate staff its opposition to legislation that would restrict its parole authority.

Ferris expressed the voluntary agencies' opposition to restricting the use of parole, noting its use in a wide variety of cases involving populations other than those with which it is commonly associated. "There are lots of people," she stated, "who do not meet the narrow criteria for refugee status under U.S. and international law, but who nevertheless are of legitimate humanitarian concern either as part of a mass exodus...or as individuals in specific humanitarian circumstances." Referring to the flexibility and speed provided by the parole authority, Ferris provided the example of a Zairian widow and mother of six. When the Zairian military revolted in the early 1990s, the United States decided to evacuate U.S. citizen children, including the woman's three oldest children, all minors. Without the parole mechanism, said Ferris, either those children would have left Zaire without their mother or siblings, or the entire family would have remained behind to face possible death.

Noting that FAIR is currently in litigation with the Justice Department over the scope of parole as used in the lottery provisions of the U.S.-Cuba accord, FAIR's Stein expressed support for
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S. 269's parole provisions. Simcox likewise praised the provision as "an important step toward elimination of the off-budget habit that has plagued our immigration accounting for decades."

**Expedited Exclusion** Along with other document fraud provisions, the bill would establish an expedited port-of-entry exclusion process for aliens, including asylum seekers, who appear to be using documents fraudulently or who are apprehended at sea and appear to be excludable (subject to a "credible fear" exception). There would be virtually no administrative or judicial review of such determinations. Various forms of this proposal have previously been offered by Simpson, the Clinton Administration, and others. Known generally as "summary" or "expedited" exclusion, the goal is to discourage frivolous asylum applications by port-of-entry arrivals through quick adjudications and speedy removals of those not qualifying.

Noting the Administration's consideration of "special exclusion" procedures for large-scale immigration situations, Simpson asked Reno why those procedures should be used only in emergencies.

Reno responded that the Administration has worked closely with transportation carriers and others in situations where persons enter the country with false documents and claim asylum, without the necessity for invoking an emergency procedure.

**Asylum Reform** INS Commissioner Meissner called attention to the recent publication of the new asylum regulations, saying the INS has undertaken an ambitious reform of the asylum system and that "we are finding that we are able indeed to meet the deadline...of interviewing cases within 60 days."

Picking up on the general asylum discussion, Simpson raised the issue of the backlog and the situation of asylum seekers having gone through other countries before arriving in the United States. Raising a familiar proposal not currently in S. 269, Simpson asked, "If we allow for late applications based on changed circumstances, couldn't we better protect the truly oppressed if our law required that applications be filed, say, within 30 days after the alien enters the U.S., while the facts and the persecution that they allege are still fresh in their minds?"

In response, Reno offered reasons why an individual might not be prepared to apply for asylum as soon as they arrive in the U.S., including lack of familiarity with the law or inability to obtain assistance. As a practical matter, she added, it is sometimes difficult to determine when an individual entered the country, which could lead to litigation. Simpson rejoined, "I am going to tire of lawyers' exercises in this area as to how brilliantly they can get around and file and...defraud people, saying that they need their legal services, when you, the INS, could furnish these services free of charge."

While supporting the goal of screening out asylum seekers with manifestly unfounded claims, Massimino expressed concern that under expedited exclusion procedures genuine refugees could be returned to persecution or punished for their manner of entry. Increased penalties for document fraud, she said, "concern us primarily because of some cases, though they are few, where refugees—some of them torture victims—have been prosecuted and imprisoned under these provisions, obtaining release only when the asylum adjudication system finally recognized their claims for refuge as valid."

Massimino suggested that such penalties be aimed at persons in the business of producing false documents, rather than those forced to use them to escape torture.

Echoing the views of UNHCR with respect to expedited exclusion, Massimino stated that such procedures should be directed only at persons who present manifestly unfounded or abusive claims for asylum or present no claim for relief at all. She added, "We must be careful to craft our laws so that we do not equate fraudulent documents with fraudulent claims for refuge."

Asked by Simpson why a specially trained INS officer would be less able than an immigration judge to determine whether an alien has a "credible fear" of persecution, Massimino described a situation she faced early in her career with the Lawyers Committee. She interviewed a Pakistani woman to assess the strength of her claim for asylum. The woman, speaking in broken English, was fearful of authority and very deferential. About an hour and a half into the interview, Massimino was thinking that the woman had no claim and should not be accepted for pro bono assistance. Thirty minutes later, however, Massimino discovered she was wrong; the woman had a very strong claim based on past political activities, and her son had been
abducted and tortured because of her political beliefs. "If I were under more stringent circumstances where I had to do this more quickly," said Massimino, "I would have perhaps in that instance ordered her to be specially excluded, and I worry very much about that."

Simpson expressed his belief that persons here "illegally" should not be provided multiple hearings on their claims. He added, "For every story you get to tell, you see, I get to tell the other one that the American people see, and that is a 21-year old person coming from China and saying that he is fleeing the birth policies or the sterilization policies of China and is automatically to be here as an asylee."

**Next Steps** Simpson's bill is indeed the first step in what will soon be a flurry of legislative activity on refugee and immigration reform. In April, Sen. Kennedy will introduce the Clinton Administration's new immigration enforcement proposal, which will expand on their "emergency exclusion" bill of last year (a substitute version of S. 1333—see Refugee Reports, Vol. XV, No 8, p. 9).

Later this year Simpson will unveil a "legal immigration reform" bill (to include elimination of the family fourth preference for brothers and sisters of U.S. citizens, and possibly a hard cap on immigration including immediate relatives); that legislation is intended as a companion to S. 269, which primarily addresses illegal immigration.

Feinstein has already introduced an enforcement bill, S. 580. Sen. Kay Bailey Hutchinson (R-Tex.), who testified at the hearing, is one of a number of other Senators with reform proposals.

On the House side, Rep. Lamar Smith (R-Tex.), chairman of the immigration subcommittee, is holding weekly oversight hearings on immigration and will introduce a comprehensive reform package sometime in June. At least 25 other immigration-related bills have already been introduced in the House.

Off the Hill, recommendations are being crafted that will no doubt influence the legislation. Barbara Jordan, chair of the Commission on Immigration Reform, will testify in June on legal immigration, and later this year the Commission will release a special report, requested by Congress, on those issues. The Commission is also beginning to explore issues of refugee protection.

The Carnegie Endowment for International Peace will be concluding a series of roundtables on refugee protection in April; its report, including recommendations on overseas assistance, admissions, and resettlement, has been released in draft form to roundtable participants.

As for S. 269, Simpson plans no more hearings, but may hold an informal consultation on the worker verification system. A subcommittee vote may occur in May. After completing work on this bill, Simpson will concentrate on his legal immigration proposal, expected to be more controversial than the attempt to stem illegal immigration. The two bills, however, may be merged before Senate passage or in conference with House legislation.

At the close of the March 14 hearing, Simpson issued a warning to "the groups"—his term for refugee advocacy organizations, saying that they shouldn't expect just to "move their tents over to the House" and start delaying tactics there.

If they did so, according to Simpson, "The groups would say Thank God we are here finally, home again." He added, "Munching and chewing the fat and giggling with the staff—that is all over, too, because you are going to find some kind of a 'slider' that will get into conference and might get wound up in five days instead of five months."

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**Recent Developments**

**UNHCR's Assessment of 1995 Resettlement Needs**

The assessment of global resettlement needs issued annually by the Office of the UN High Commissioner for Refugees (UNHCR) has come under increased scrutiny this year as a result of its low projected need for resettlement, which some in Congress and the Administration point to as a reason for reducing U.S. refugee admissions. (See lead story.)

According to UNHCR, the estimated number of resettlement places needed for refugees in 1995 is 31,900 (this excludes Bosnians, who are not counted in the total). This represents a more than 45 percent decrease from UNHCR's estimate of
resettlement needs in 1994. (For a chart showing UNHCR's annual assessment from 1991 to 1995, see Refugee Reports, Vol. XVI, No. 1, p. 16.)

In a published interview with Refugee Reports in January, Assistant Secretary of State and director of the Bureau for Population, Refugees, and Migration, Phyllis Oakley, referring to UNHCR's report, said that "the numbers they cite for people in need of resettlement are quite small." She said, "I think in general that the numbers of admissions will drop. That was the word from Congress before the 1994 election, and we are assuming that that trend will continue, and, perhaps, be accelerated."

**Why the Decrease? First, UNHCR Doctrine**

According to the UNHCR report, the decrease "reflects the emphasis being put on facilitating voluntary repatriation and local integration, rather than a lessening of those in need."

Critics of UNHCR's assessment charge that the "durable solution" doctrine causes a message to be conveyed from UNHCR headquarters in Geneva to UNHCR field offices that resettlement is a low priority with the result that insufficient time and effort are expended to locate cases for whom resettlement would be the best solution.

In the previous year's report, UNHCR acknowledged—and to a degree, accepted—this criticism as a consequence of its doctrine and "realistic approach," saying, "Resettlement remains the durable solution of last resort. UNHCR staff the world over concentrate first on options for voluntary repatriation and local integration and only propose resettlement when these solutions are not possible. In the course of 1993 there may have been a perception that at times the UNHCR resettlement process was too slow or too restrictive. Screening remains an important part of the process, which may inevitably appear as a delaying factor. A realistic approach is also adopted, which may appear to some to be negative. There is general consensus that being forced to flee one's country is a traumatic event. In the past, however, we may have underestimated the trauma of resettlement."

This year's report toned down the concept of resettlement as traumatic per se, but took the view that "granting resettlement should not be seen as a means of undermining voluntary repatriation programs."

**Zero Bosnian Refugees in 1995**

The most astounding discovery for most readers of the UNHCR assessment is that not a single former Yugoslav is included in its total for 1995 refugee resettlement needs.

Because their need for resettlement is, according to UNHCR, "difficult to predict," and because some 20,000 places out of 50,000 pledged by resettlement countries in earlier years (most of which are for so-called "temporary protection") still remain, the agency decided not to appeal for any further resettlement places for former Yugoslavs.

A UNHCR source told Refugee Reports, "We have been reluctant politically to put in numbers for Bosnians for fear of creating a self-fulfilling prophecy. We don't want to create a situation that would make it so people would not be able to return home."

The UNHCR official said, "This does not mean that UNHCR expects zero Bosnian resettlement to take place." He said that he expected resettlement from former Yugoslavia to be on a par with last year, about 10,000. "However," he said, "if the situation in the region were to deteriorate significantly there could be greater resettlement needs."

The International Rescue Committee (IRC), which works to pre-screen potential resettlement cases in former Yugoslavia with the U.S. State Department and UNHCR, recently sent a team to Bosnia, Croatia, and Serbia to assess the needs and the effectiveness of the program.

Their report estimated that the prospects for safe return for more than 85 percent of the 183,000 Bosnian Muslims or Croats (including ethnically mixed families) in Croatia who come from Serb-controlled areas of Bosnia "are virtually nonexistent." IRC recommended that "there should be an expanded effort by UNHCR and receiving countries to offer them permanent resettlement as the only realistic durable solution."

The IRC report noted that "the UNHCR Resettlement Office in Zagreb indicated that it no longer viewed third country resettlement as a tool for protection in individual cases, but rather as a general durable solution for Bosnian refugees in Croatia, especially the 'long stayers,' in addition to other vulnerable groups." This statement flatly contradicts UNHCR's global assessment report, which states that "resettlement from former Yugoslavia will remain a tool of protection for individual
UNHCR Does Not Include Family Reunion Cases

The global assessment generally does not include family reunion cases. This also follows UNHCR doctrine, stated in the report, of "not wanting to see extended family members resettled at the expense of compelling individual cases."

In practice, UNHCR's mandate to promote family reunification is applied only to immediate relatives. While UNHCR does not include in its assessment or promote reunification for more distant relatives, a UNHCR source said, "We encourage countries to take these cases outside of their normal resettlement programs."

The UNHCR report says "it would be easier for all concerned" if resettlement countries would "make a clear distinction between refugee and family reunion programs."

A UNHCR source said, "We welcome efforts such as the U.S. program for Bosnians that consider UNHCR referrals [for vulnerable cases], and also provide for family reunion cases without a referral by us."

If the U.S. program required all cases to be referred by UNHCR, the source said, "We would have to think again about whether to include family reunion cases in the assessment."

UNHCR Does Not Include In-Country Processing

Another major component of the U.S. refugee program that is not included at all in the UNHCR assessment is in-country refugee resettlement, which in FY 94 accounted for 73 percent of refugee admissions.

This discrepancy can be traced to different refugee definitions in the UN Convention and the U.S. Refugee Act of 1980. The Convention definition specifies that a refugee is "outside the country of his nationality," (Article 1(A)(2)). While the U.S. statute adopts this language [INA 101(42)(A), it also adds another provision [INA 101(42)(B)], stating that "any person who is within the country of such person's nationality" who otherwise meets the well-founded fear of persecution standard and who is designated by the President may be included in the refugee definition. The Act was further changed by the Lautenberg Amendment, which establishes certain categories of persons who share common characteristics identifying them as targets of persecution who do not need to meet the "well-founded fear" standard. The Lautenberg category groups are overwhelmingly processed through the in-country procedure.

UNHCR's Reporting Difficulties

A number of experts inside and outside UNHCR mentioned to Refugee Reports the difficulties UNHCR has in consistent reporting of resettlement needs from its field offices.

A UNHCR source said, "Given our stretched staffing, our ability to assess is pretty limited. It often depends on who walks through the door, not who is out there."

A nongovernmental source said that UNHCR gives minimal attention to resettlement at the field level, and that field offices often have little or no staff dedicated to this function. "Most of the 16 or so professional international staff who work on resettlement worldwide," he said, "work in Geneva."

Another UNHCR source said that field offices with little or no experience in resettlement do not assess resettlement needs because they have no experience in doing it, and also because they believe that there are no host governments out there interested in resettling refugees from the countries in which they are located. "If you know there is no pay-off in the end, there is not much point to starting at the beginning," he said.

"UNHCR is going through its own process of review of its resettlement policy and practice, and it is quite self-critical," said Kathleen Newland of the Carnegie Endowment for International Peace. "I think people there are aware that they need to provide more leadership on how to use resettlement more effectively as a tool of protection." She observed that, currently, there is not much policy direction from Geneva, and the standards applied in the field seem inconsistent.

"It would be a mistake for the United States to rely much more heavily on UNHCR for resettlement referrals at this stage, until some of these issues are sorted out," Newland said.

Other Glitches

One nongovernmental source told Refugee Reports that the UNHCR global assessment is "for all practical purposes a useless document."

The biggest mystery, he said, is, "What happens to the 40 to 60 percent of cases that
aren't resettled? There is no explanation of which caseloads are carried over from year to year. Do they find another durable solution?"

Others charge that the reporting process is so slow that realistic and flexible needs assessments are virtually impossible. The process starts in July of the previous year with cables to the field. Given the volatility of many refugee situations, the needs are often quite different by the time the report is published.

For example, the assessment says that 650 refugees from Southeast Asia needed to be resettled in 1995, but by January 1995 UNHCR's internal planning figure had already been revised to 2,400.

Decreases: South, Southeast, and East Asia. The region with the most noticeable change over time in resettlement needs is South, East, and Southeast Asia. In 1991, UNHCR estimated resettlement needs for this region at 59,680. In large part because of the near completion of the Comprehensive Plan of Action, UNHCR's estimate of needs for 1995 is only 650 places, 540 of which are for Vietnamese. (See previous paragraph.) The remaining 110 places would be for Burmese, Sri Lankans, and persons of other nationalities.

Another nongovernmental source who concentrates on Southeast Asian refugees told Refugee Reports, "This estimate fails to reflect the resettlement needs of many refugees in the region." He said that the most notable omission was Hmong refugees in Thailand. "Many Hmong reject UNHCR's assessment that it is safe for them to go home," he said. This source also said that the UNHCR assessment "ignored more than 2,000 Burmese students in Thailand who are harassed by Thai authorities, not allowed to work, and can't return."

Holding Steady: Middle East and Southwest Asia. According to UNHCR, the region with the greatest resettlement needs is the Middle East and Southwest Asia. UNHCR believes some 22,500 places (more than 70 percent of its global total) are required. The largest portion of these, 17,000, are for Iraqi refugees living at the Rafha camp in Saudi Arabia. In addition to those at Rafha, UNHCR sees the need to resettle an additional 2,305 Iraqi refugees in various asylum countries throughout the world, bringing the total global resettlement need for Iraqi refugees to 19,305.

UNHCR has forecast a need for 2,000 resettlement places for Iranian refugees, primarily Kurds, now in Iraq. Resettlement from Iraq has been particularly slow due to UNHCR staffing problems and the inability of government missions from potential resettlement countries to travel to Iraq. As a result, some governments have agreed to examine cases in Amman, Jordan, requiring UNHCR to hand-carry case files there.

In addition to Iranian refugees in Iraq, an additional 970 resettlement places are needed for Iranian refugees elsewhere, bringing the total global resettlement need for Iranians to 2,970.

In addition to Iraqis and Iranians, UNHCR estimates that some 225 persons of other nationalities in the region will need resettlement in 1995.

Africa. UNHCR has estimated the need for resettlement places for Africans at 8,650, a decrease of nearly 2,000 places from its 1994 estimate. This includes 3,030 places for Somalis and 3,005 places for Liberians, nearly 70 percent of the Africa total. UNHCR has included in its estimate of needs some 685 "contingency" places.

Unlike other regions, UNHCR's estimate of resettlement needs for Africa does include nearly 5,000 family reunification places, primarily for Liberians and Somalis, as well as some 3,000 UNHCR-mandate refugee cases and vulnerable refugee groups.

In East Africa and the Horn, UNHCR estimates resettlement needs at 4,850 places, primarily for Somalis. In Central and West Africa, the estimate is set at 3,300, primarily for Liberians, but including small numbers of Togolese and other nationalities. Resettlement needs for African refugees in other regions are seen as small: North Africa-135; Southern Africa-130; and those outside Africa-235.

Other Groups. UNHCR's estimate of needs includes 960 cases (representing 3,280 persons) who are disabled, medically-at-risk, or victims of torture or violence. A majority of these needs are in Saudi Arabia and Kenya.

The global estimate of needs also includes 525 cases (representing 1,845 persons) of women-at-risk, a majority of whom are victims of conflict in Africa. According to UNHCR, most are in need of
psycho-social rehabilitation, economic integration, and protection that can’t be found in their countries of asylum.

The assessment calls for 100 resettlement places for Latin America and the Caribbean, although it says nothing specifically about Cubans or Haitians.

We Don’t Do Ceilings One UNHCR source expressed concern that the global assessment may have been misinterpreted by U.S. law and policy makers. The assessment, he said, represents a conservative estimate of priority cases known to UNHCR at the time. “Our purpose is to set floors for resettlement numbers, rather than suggest ceilings. We know from past experience with Iraq and Bosnia that there can be sudden unexpected needs for resettlement. We hope countries will have the capacity to respond to these unforeseen needs, in addition to those cases we highlight in the assessment.”

In contrast, the U.S. program operates on the basis of establishing an annual ceiling of refugee resettlement places. Actual numbers may not meet the ceiling. UNHCR’s approach is to identify the lowest acceptable level for government offers to meet.

“We are more able to estimate the minimum resettlement needs, than to predict the maximum potential needs,” he said.

CANADA AND UNITED STATES CONSIDER RETURNING TRANSITING ASYLUM SEEKERS

On February 24, on the occasion of President Bill Clinton’s visit to Canada, Prime Minister Jean Chrétien and Clinton announced their intention to conclude a border management accord that would include “sharing responsibility for asylum seekers.”

Among the points of accord, the two countries agreed to establish measures to facilitate trade and the movement of authorized persons and to prevent drug trafficking, smuggling, and illegal and irregular migration.

“Through the sharing of innovative technologies, information, and better coordination, our ability to efficiently respond to asylum seekers, while enforcing our laws will be improved,” said Canadian Citizenship and Immigration Minister Sergio Marchi.

A U.S. government source told Refugee Reports that the two sides would try to come up with a working document within six months dealing with a wide variety of issues involving the border, including responsibility for determining asylum claims, and that an agreement would be signed in a year. However, the source said, it would be unlikely that the asylum component would be implemented for another year after that.

“Safe Third Country” Concept Coming to North America The two sides appear to have dusted off a draft Memorandum of Understanding (MOU) that was being negotiated during the Bush and Mulroney era, but which had been shelved after both leaders lost their re-election bids.

Apparently, the MOU was taken off the shelf in anticipation of Clinton’s visit. During its period of dormancy, however, a regulatory change in the U.S. asylum procedure (8 CFR 208.14(e)) came into effect, paving the way for the renewed initiative. That change, effective January 1995, allows the Attorney General to deny otherwise eligible asylum seekers and to deport them to countries through which they traveled before reaching the United States. Such persons can only be returned to countries where they would not face harm or persecution and where they would have full access to fair asylum procedures. The regulation also requires that such returns can only take place with countries having bilateral or multilateral arrangements with the United States for doing so.

Canadian Concerns Marchi said that any new MOU would include safeguards to prevent asylum seekers from being sent back to their home countries without a hearing on the merits of the asylum claim by some responsible country. However, a text of a new MOU has not been made public.

The Canadian Council for Refugees issued a press release in February calling upon the Canadian government to release the draft. “The Canadian government should not sign an agreement with another country without allowing for public participation,” said David Matas, president of the Canadian Council for Refugees. “Presenting the Canadian public with a fait accompli, a signed, secret agreement is undemocratic.”
Matas said, "Any agreement must have adequate safeguards for refugees. The draft we saw in November 1993 did not have adequate protection for refugees."

The draft to which Matas was referring, the Bush-Mulroney Canada-U.S. MOU, stated that:

The Parties intend that any person who:
(a) makes or attempts to make a refugee status claim in Canada or in the United States, and
(b) has arrived in Canada directly from the United States, or in the United States directly from Canada, will have the refugee status claim examined by and in accordance with the refugee status determination system of the country of first arrival.

Unlike the Dublin Convention, through which the European Union has introduced a similar notion of determining a single member state responsible for considering an asylum claim, the draft Canadian-U.S. MOU did not take family reunion into consideration, so that an asylum seeker wishing to apply for asylum in Canada in order to re-unite with family members there would not be able to do so if transiting via the United States.

In contrast, Article 4 of the Dublin Convention allows a state to transfer responsibility for examining an asylum request to another country if the applicant's spouse, children under the age of 18, or parents (if the applicant is a minor) are living there.

The Canadian Council for Refugees outlined the principles that should be included in any new MOU:
- The agreement must not be used to separate families;
- The country of determination should be chosen by the asylum seeker;
- The MOU must list minimum standards of procedural fairness in the determination of refugee claims;
- Individual privacy should be respected;
- A coordinating committee should be established including the two governments, UNHCR, and nongovernmental organizations.

Is It a One-Sided Deal? Concerns on the U.S. side have been less with the adequacy of procedural safeguards in Canada than in whether such an agreement would add substantially to the number of asylum applicants in the United States who otherwise would have filed their claims in Canada.

The Canadian Immigration Department estimates that one third of the 22,000 asylum seekers who filed claims in Canada last year entered via the United States and that a comparable number could be expected to be returned to the United States under the terms of such an MOU. This would add considerably to an already overburdened U.S. asylum system.

Arthur Helton of the Open Society Institute, writing an analysis of the Bush-Mulroney draft MOU in the Cornell International Law Journal, suggested a transitional provision to address the effect of the additional caseload on the U.S. side, proposing that Canada agree to adjudicate a numerical quota of cases until certain performance standards were met on the U.S. side, including the reduction in the asylum backlog.

Annie Wilson of Lutheran Immigration and Refugee Service expressed concern about the precedent that could be set for future arrangements with other countries with worse records of refugee protection.

"In the European context," she said, "we have seen that refugee determination agreements tend to weaken protection for refugees. Refugees are pushed back from country to country, and receive the least level of protection—or none at all. These types of agreements generate downward pressure to the lowest common denominator of refugee protection."

CPA STEERING COMMITTEE PLANS ACCELERATED REPATRIATION OF VIETNAMESE

On March 16, at the conclusion of its sixth meeting since the 1989 adoption of the Comprehensive Plan of Action for Indochinese Refugees (CPA), the CPA Steering Committee, comprised of representatives of governments and UN agencies participating in the CPA, reiterated the commitment it made in February 1994 to bring the CPA to a close by the end of 1995. The Committee issued a statement that said, "Additional tangible measures are now appropriate...to accelerate the return of all non-refugees from camps in the region in safety and dignity." It noted that, in order to achieve that aim,
Vietnam had recently agreed to accept the return of 3,600 boat people per month, and that should result in the closure of camps in all countries except Hong Kong by the end of 1995.

The Steering Committee added that it "recognized the appropriateness of timely implementation of the Orderly Return Programs." To date, only Hong Kong has implemented an Orderly [involuntary] Return Program (ORP) to repatriate Vietnamese, and it has used force to implement it.

In a statement before the Steering Committee, the head of the U.S. delegation, Deputy Assistant Secretary of State Charles Sykes, emphasized that the United States would not be offering any new options for screened-out (determined not to be refugees) Vietnamese. He said, "The United States is unequivocal in its belief that return home is not only the sole option for those who are not refugees—it is also the most humane." He added that screened-out Vietnamese "can no longer retain the false hope of resettlement directly from the camps to the United States or elsewhere. To nourish such hopes, even with the best of intentions, is misleading."

Sykes suggested that the United States and other countries might consider special immigration programs such as the Orderly Departure Program (ODP) to facilitate the resettlement from Vietnam of some of those who return there from the camps.

Addressing the situation of Laotian (mostly Hmong) asylum seekers, who are also covered by the CPA, Sykes said that it was important to bear in mind that the situation of the two groups is very different. While most Vietnamese remaining in the camps have been screened out, most Laotians have refugee status. "Because of this," Sykes said, "resettlement should remain an acceptable option for them," and added that "the United States remains prepared to do what it can in this connection, consistent with the requirements of our immigration law."

Despite the U.S.'s assertion that resettlement should remain a viable option for Laotian refugees, Sadako Ogata, the UN High Commissioner for Refugees, said that "voluntary repatriation is the only option" for the more the majority of Laotian refugees.

Nongovernmental organizations have been critical of UNHCR's and the government of Thailand's position that Laotians who did not previously apply for resettlement no longer have the option to seek resettlement and must repatriate to Laos.

Current Research

NEW REPORT MEASURES CAMBODIAN REFUGEE REINTEGRATION

[In 1994, the Indochinese Refugee Information Center (now the Asian Research Center for Migration) at Chulalongkorn University undertook a study to assess returnee reintegration in Battambang province, Cambodia. The study was headed by Court Robinson and included a survey of 149 local and 139 returnee families in four different sites. Results were published last November in a report titled Rupture and Return: Repatriation, Displacement, and Reintegration in Battambang Province, Cambodia. Following is a brief summary of the main findings. For a copy of the report, write the Asian Research Center for Migration, Institute of Asian Studies, Chulalongkorn University, Bangkok 10330, Thailand.]

When the UN High Commissioner for Refugees (UNHCR) began to implement its Cambodian repatriation plan after the Paris Peace Agreements were signed in October 1991, its principal precondition for safe and voluntary return was "overall peace and security." This never was achieved. But even as the peace plan came unravelled in broken promises, ceasefire violations, and political and ethnic violence, more than 362,000 refugees poured back across the Thai-Cambodian border in UNHCR convoys. UNHCR's commitment to full freedom of choice of destination, however, was circumscribed by insecurity and the absence of systematic demining, and Cambodia was divided into "go" and "no-go" areas.

Cambodia remains divided, and Battambang particularly so. Recent conflict between Cambodian government forces and Khmer Rouge guerrillas has displaced more than 60,000 people in Cambodia,
including 40,000 in Battambang. A significant number of these—perhaps 20 percent—are returnees from the Thai border camps.

Although Battambang does not represent all of Cambodia, and its lessons do not necessarily apply to other parts of the country let alone the world, following are some of the key findings and recommendations—about Battambang reintegration, about Cambodia, and about repatriations in general—drawn from the study:

**Relatives** It is a fundamental success of the repatriation operation that perhaps three-quarters of returnees who settled in villages in Battambang (and likely in other provinces too) have found relatives. The presence of relatives in the same village correlates strongly and positively to food security, access to arable land, and a positive outlook on being home. This reinforces one of the basic truths about repatriation: family reunification is not a panacea but it generally proves better than the alternatives.

**Land** The single greatest disparity between returnees and locals is ownership and access to arable land. Seventy-nine percent of all local families said they had access to arable land, compared to only 15 percent of returnee families. The UN and the Cambodian government should continue their efforts to secure land titles for returnees and other landless.

**Source of Income** Forty-two percent of local families with at least one source of income were farmers, compared to 18 percent of returnees. In direct contrast, 40 percent of returnees are unskilled laborers (Kammakor), compared to 18 percent of locals. Income is the preoccupation of most returnees and, for most, it will not come from farming. The UN organizations, the government, and NGOs should expand income-generation projects. In villages and rural areas, these should focus on diversifying the sources of income not only for individual families but for the village or commune at large.

**Vulnerable Groups** Returnees and local families can be vulnerable in different ways—socially, economically, even geographically. A disproportionate number of families living "hand-to-mouth" are headed by single women. Female-headed families, moreover, are less likely to have relatives in their village. Income-generation programs or other efforts to promote self-sufficiency must account for their special needs—child care would be one example.

**Secondary Migration** Roughly 20 percent of returnees surveyed in Battambang were secondary migrants, of whom 13 percent migrated from another province. Without denying that some migration may be beneficial, there are at least two significant costs to it: secondary migration reduces the percentages of home ownership; and it delays the entry of children into school. UNHCR should help returnees find the best choice of destination as early as possible in the repatriation process.

**Displacement** One of the key lessons of Battambang is that brokered peace should not be expected to break out equally or unequivocally across the country and repatriation plans should not be built on such expectations. Displacements, however sudden and disruptive for their victims, have been all too predictable in light of the continuing conflict between the government and the Khmer Rouge. Repatriations that send people back into areas of recent—and sometimes ongoing—conflict should anticipate some internal displacement and setbacks to reintegration.

Overall, it might be said that the glass for returnees is about two-thirds full and one-third empty. Positive indicators exist in the 81 percent of returnees who own their own houses and the 63 percent who have achieved basic food security. At the same time, there are clear signs of continued disparity, particularly in terms of access to arable land. Returnees continue to be disproportionately represented on Cambodia's margins of vulnerability.

But perhaps it is a token both of Cambodia's continuing troubles and its future promise that the greatest threats to reintegration—lawlessness, corruption, and the Khmer Rouge terror—are common to returnees and locals alike. Families and communities who have found their way back together may offer a hopeful paradigm for the reconciliation the country needs so desperately.
Projects and Programs

TWO OBSCURE PROGRAMS CAN HELP REFUGEES GET JOBS

This article on employment is one of a series by David North.

Employment specialists seeking to locate jobs for refugees may find assistance in two obscure federal employment programs. Neither program is refugee-specific, but both can be used for refugees.

Both programs are of limited application, but where pertinent both can provide powerful incentives to placement.

These are the Empowerment Zone (EZ) programs in half a dozen inner cities, and the Work Supplementation program that is available in 20 states.

The U.S. Government has recognized six urban areas (each precisely delineated) and three multi-county rural areas as severely depressed, identified them as Empowerment Zones, and provided a remarkable tax break for certain EZ placements. If a worker (no matter what her or his financial status) lives in an EZ, and finds a job with a for-profit employer operating in the EZ, then that employer qualifies for a $3,000 credit against the employer’s federal corporate taxes.

It’s a good deal for the boss and opens jobs for otherwise unemployed workers, but applies only in those parts of Atlanta, Baltimore, Chicago, Detroit, New York, and Philadelphia (and Camden) that have been recognized as EZs. It is unlikely that many refugees live in the three rural EZs. (There appear to be no immediate prospects for the recognition and the funding of additional EZs.)

While Georgia State Refugee Coordinator Everett Gill says that many refugees can be served by the program in Atlanta, it is not clear how many refugees live in the other EZs. But as program officials point out, the tax break will go on for over a decade, and refugees moving into the EZs are just as eligible for the program as long-time residents.

The widely-discussed and expected budget cuts over the next two years are unlikely to have an impact on this tax incentive, as there are no appropriated funds involved in this part of the EZ program.

Refugee agencies working in these six cities can telephone the economic development units in city government and get maps to see if the refugees they serve live in the EZs; in many cases refugees have settled into the inner suburbs, while the EZs are largely in the inner cities.

Of perhaps more general application is the Work Supplementation program. It is for people on AFDC and is potentially available in twenty states—though many rank-and-file AFDC officials in these states are not yet aware of it.

Work Sup (as it is called) is attractive in that it provides significant benefits to both employers and to employees.

The employer gets a negotiated lump-sum payment, often in the $1,000 - $2,000 range, which is drawn from the savings caused by the worker’s departure from the AFDC rolls.

The worker gets extended day care and Medicaid benefits as well as an assurance that there will be no further decrease in the cash grant during the first seven months of employment. In short, Work Sup provides a more graceful transition than usual from welfare to work.

There is one caveat, however, Work Sup only applies to a new job, i.e. an additional job, not to the replacement of a departed worker. And it only covers people on AFDC.

Work Sup is administered by the JOBS program (GAIN in California) within the state welfare systems. It is potentially available in these states: CA, CO, FL, IL, IN, MD, MA, MI, MN, NJ, NY, ND, OH, OK, OR, RI, VT, VA, WA, and WI, states, incidentally, where the large majority of America’s refugees have settled.

Employment specialists with refugee agencies may need to engage in a little on-the-job training with their counterparts in the cash assistance system regarding the Work Sup program. Some welfare workers apparently find Work Sup overly complicated, and tend to avoid it. Others simply do not know about it.

UNHCR PROJECTED RESETTLEMENT NEEDS: 1991-1995

Source: UNHCR

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STATE, INS, EMBASSY, UNHCR WEIGH IN ON CHANGED COUNTRY CONDITIONS IN HAITI

When are political and security improvements in a traditional refugee-producing country sufficient to conclude that it is generally safe for asylum seekers to return? This is the question that has bedeviled U.S. government officials since the restoration of President Jean-Bertrand Aristide in Haiti in October 1994.

Shortly after Aristide returned to Haiti, on October 27, 1994, the then-director of the Immigration and Naturalization Service’s (INS) Asylum Division, Gregg A. Beyer, sent a memorandum to INS asylum office directors saying that although the return of Aristide “represents the beginning of potentially significant changes in country conditions, there is no guarantee at the present time that they will produce fundamental changes which are durable over time.”

Beyer cited a 1990 memorandum by then-INS Commissioner Gene McNary on the adjudication of refugee claims of Eastern European and Soviet applicants, which said that in states with long histories of severe political repression and serious human rights violations, the possibility of abuse and persecution continue at local levels even when official policies and government composition at the top have changed. “Actual improvements at the local levels of government and society undoubtedly lag behind the legal and/or rhetorical potential for improvements articulated at the national level,” the memorandum said.

The Beyer memo went on to detail the continuing presence at that time of section chiefs, police, and the army, as well as paramilitary groups that had been responsible for many human rights violations, such as the attaches and the Front for the Advancement and Progress of Haiti (FRAPH).

“While the immediate threat of serious human rights violations perpetrated and tolerated by various repressive sectors of Haitian society is clearly reduced as long as U.S. troops are in Haiti,” wrote Beyer, “there are accounts of ongoing violations and killings. More significant is the continuing, often ‘invisible,’ presence of these perpetrators of past violations who have simply, and probably only temporarily, retreated into the background.”

IN THIS ISSUE:
Although the political and security situation in Haiti has improved since the restoration of President Jean-Bertrand Aristide in October 1994, U.S. and UN officials continue to debate whether or not it is safe for Haitian asylum seekers to return. Co-editor Bill Frelick reports

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**State Department Challenges INS Assessment**

In its advisory opinions on Haitian asylum cases, the Office of Asylum Affairs in the U.S. State Department challenged Beyer's comparison of conditions in Haiti with those in Eastern Europe, saying, "In Haiti's case, a U.S.-led armed force three times in number that of local army/police (FAd'H) took over the country and Haitian government action completed the utter evisceration of the FAd'H within three months, resulting in a completely different government in power with no links to the deposed illegal one."

The State Department opinion letters also suggest that Haitians fearing return to certain parts of Haiti could nevertheless settle in other, safer areas within Haiti. "It may reasonably be argued," suggests the State Department opinion advisory, "that a returnee, even with a political problem beyond solution in one part of the country, might settle in another part (especially Port-au-Prince) and continue with his life."

The State Department opinion letter goes on to say that in January 1995 the State Department, joined by the Department of Defense and the Secretary General of the United Nations, declared Haiti to be "secure and stable," and noted that the U.S. government had involuntarily repatriated 3,900 Haitians from Guantanamo, "believing it could be done without risk to them."

Representatives for Haitian asylum applicants in Florida in cases before immigration judges have told *Refugee Reports* that the State Department letters appear to carry more weight with immigration judges there than does the Beyer memo, which is not binding on them in any case. Except for some Haitians granted asylum on the basis of claims of past persecution, immigration judges in Florida generally appear to be taking the position that the situation in Haiti has improved such that Aristide supporters can no longer support a claim of a well-founded fear of persecution.

**UNHCR Cautions Against Returning Haitians**

On February 22, Kate Jastram Balian, deputy representative of the UN High Commissioner for Refugees in the United States, wrote to the INS saying that "it is premature to conclude that meaningful changes are occurring or can persist throughout the entire country. According to credible information available to this Office, human rights problems persist in spite of the departure from Haiti of the three principal coup leaders, the presence of the U.S. military, and the change in regime."

She said that human rights problems continue because of the unclear mandate of the U.S.-led Multinational Force (MNF), the limited presence of the international community in rural areas, and the lack of progress in disarming paramilitary groups.

Balian said, "During the first two months since the arrival of the MNF, there have been more than 70 documented cases of politically motivated killings of Aristide supporters, some clearly involving members of FRAPH."

She said, "In countries with long histories of political repression, the possibility of abuse and persecution can continue at local levels even when official policies and/or composition of governments at the top have changed."

Although noting the "positive developments" in Haiti, the UNHCR letter concluded that "this Office believes that it would be clearly inappropriate to conclude generally that Haitian asylum seekers would no longer face persecution upon return to Haiti."

**State Department Takes On UNHCR**

On March 23, John P. Leonard, the Director of the State Department's Haiti Working Group, wrote...
to Balian saying, "We find your letter remarkable for downplaying the significance of the deployment of the U.S.-led Multinational Force (MNF) throughout Haiti; the restoration of the legitimate central government; the departure of the leaders of the illegal regime; and the virtual disbanding of the Haitian army."

Saying that the State Department was "disturbed" by Balian's letter and its "especially misplaced" reliance on the Beyer memo, Leonard wrote that the Beyer memo "was released... without consultation with the Department of State, [and] was totally out of step with the contemporaneous findings by the U.S. Government which led to the decision of so many Haitian migrants at Guantánamo to return voluntarily to Haiti."

Leonard said it was "disturbing that UNHCR would apparently ignore" UN Security Council Resolution 975, which says that a secure and stable environment has been established in Haiti, and that UNHCR's letter likewise "ignores the fact that numerous Haitians who had gone into exile for political reasons have returned safely." Leonard stated that the U.S. government is "not aware of a single case of persecution upon return" of any of the 12,500 Haitians who the U.S. government repatriated since the deployment of the MNF.

**Litigation Cites Beyer Memo** In its petition to the U.S. Supreme Court to hear an appeal of an eleventh circuit case on behalf of unaccompanied Haitian children at Guantánamo (see p. 7), the Haitian Refugee Center cited the conflict between the INS instruction to asylum officers and the government's policy on Haitian refugees as articulated before the courts. "In stark contrast to the Government's optimistic portrait of conditions in Haiti," says the petition, "the Beyer operational memorandum candidly discusses the continued 'accounts of ongoing viola-
tions and killings,' even after President Aristide’s return to power."

Assessments Differ on Current Human Rights Conditions in Haiti While the U.S. State Department indeed presents an optimistic reading of human rights conditions in Haiti, nongovernmental sources are more cautious.

In addition to noting "no reported incidents of abuse or persecution of voluntary or involuntary returnees," Ambassador Swing’s cable determines that the "political climate here [is] improved." He observes that the country is in the middle of an electoral campaign for legislative and municipal elections. "The majority of complaints of intimidation," wrote the Ambassador, "come from right wing and centrist parties."

On the other hand, Human Rights Watch/Americas and the National Coalition for Haitian Refugees issued a report in March, Haiti: Security Compromised: Recycled Haitian Soldiers on the Police Front Line, saying, "A rising tide of violence in Haiti is raising fears for disruption of the parliamentary elections in June and the presidential elections in December." The report states that the confiscation of weapons has lagged because "the interim police are understood to be incapable or unwilling to carry out further disarmament." The report describes the judicial system as "non-functional" and says that the UN Mission in Haiti (UNMIH), which took over MNF operations as of March 31, has a mandate restricting it from law enforcement activities. This means that increasing responsibility falls to Haiti’s only functioning security force, the interim police force, which is "composed almost entirely of former members of the same military whose brutal human rights record initially galvanized the international effort to restore democracy to Haiti." The report concludes that Haiti’s security situation is "fragile at best."

As predicted, political unrest, often violent, has indeed threatened the electoral process. In April, demonstrators shouting, "Down with elections! We need jobs!" threw rocks, erected barricades, and challenged UN peacekeepers.

Responding to the political violence, the Haitian electoral council voted in mid-April to postpone the June elections for three weeks.

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Recent Developments

INS KEEPING UP WITH INCOMING ASYLUM APPLICATIONS

With an existing backlog of 456,345 cases, the Immigration and Naturalization Service (INS) has placed a top priority on keeping up with new asylum applications to keep the backlog from growing even further, and, in the best case, actually to reduce it.

A new streamlined procedure that came into effect in January sets time goals for completing applications, goals that have generally been met since the new system went into effect. And, for the first time in a long while, some INS asylum offices are beginning to dip into the backlog and interview some of those applicants.

Since January 1, a total of 38,812 new cases have been filed, and 44,045 interviews have been scheduled. However, the number of actual interviews conducted lagged considerably behind the number scheduled. Asylum officers conducted 17,608 interviews between January 1 and April 30, of whom 65 percent were cases that had been filed before the asylum streamlining procedure went into effect.

Nevertheless, a total of 29,492 cases were completed within that four-month period. Although the new system is designed to allow INS asylum officers to grant meritorious cases and to refer those not granted to immigration judges without an actual denial, and only to issue denials for the relatively few cases filed by persons with legal nonimmigrant status, the first four months of the program showed more denials than approvals, and, not unexpectedly, more than twice as many referrals than there were denials. A total of 3,989 cases were approved; 5,234 denied; and 12,133 referred to immigration judges. Another 8,136 cases were administratively closed. The large number of denials represents cases filed before the new approval/referral system went into effect, according to INS sources.

Considering all cases decided, including
denials and referrals, the asylum approval rate for the first four months stood at about 19 percent. Under the previous system, in FY 94, the asylum officer approval rate stood at 22 percent. Statistics are not yet available by nationality or by asylum office under the new system, nor are Executive Office for Immigration Review (EOIR) statistics available on cases that have been referred by INS asylum officers.

**"Decoupling" of Work Authorization and Asylum** One of the primary features of the new asylum system is a delay in work authorization for at least 180 days, unless asylum is granted before that time. The 180-day "clock" starts ticking when the INS determines that a completed asylum application has been submitted. If the combination of the INS and EOIR cannot complete the case within 150 days, work authorization is automatic, and an employment authorization document (EAD) will be provided to the applicant on day 180.

Any delays caused by the applicant, such as requests to reschedule interviews, cause the clock to stop ticking, and to put the case on a slower track. Some causes of delay, such as failure to appear at a scheduled interview, cause the clock to be stopped altogether so that the applicant will never be able to apply for an EAD unless asylum is granted.

The attempt to "decouple" applying for asylum with work authorization puts a great incentive on the INS and EOIR to complete cases before time runs out on the clock. So far, the INS has completed about 60 percent of the cases filed since January 4 in the 60-day period before the case is granted or the file is turned over to EOIR. The immigration judges then attempt to complete the case within the next 120 days.

**Overall Decrease in Asylum Applicants: ABC Numbers Grow** Also significant is a drop in the number of asylum applications filed. The number filed in the first four months of 1995 under the new system is 18 percent less than the number of applications filed in the first four months of 1994. If Guatemalan and Salvadoran applicants who file new applications pursuant to the American Baptist Churches (ABC) v. Thornburgh class action settlement (see Refugee Reports, Vol. XV, No. 9) are subtracted from the total, then the number of new applicants during this period has dropped 42 percent from the same time last year.

**Staffing** The INS asylum officers corps is currently at 67 percent of its allocated strength with 238 asylum officers operating (this percentage includes clerical staff). The INS hopes to hire its full complement of 330 asylum officers before the end of the summer. Funding for the increase came from last year's Crime Bill. That funding will also enable EOIR to hire 175 new immigration judges by the end of FY 95.

According to Chief Immigration Judge Michael Creppy, 40 of the new judges will be devoted exclusively to adjudicating asylum claims.

**ESTIMATED 2,000 DISPLACED RWANDANS ARE MASSACRED DURING CAMP CLOSURE**

Major bloodshed erupted again in Rwanda on April 22 when an estimated 2,000 internally displaced Rwandans were killed as government soldiers moved forcefully to close a major camp in the country and force inhabitants back to their home areas.

Rwandan authorities called for an international investigation in response to international condemnation of the massacre.

Approximately one million Rwandans remain internally displaced, and some 1.5 million are refugees in neighboring countries in the aftermath of last year's genocide and civil war. Most uprooted Rwandans are ethnic Hutu who are fearful of returning home under Rwanda's new government, which took power last July. Rwanda's army is predominantly ethnic Tutsi.

Rwandan authorities have insisted for months that internally uprooted Hutu can return home safely and that camps in south-
west Rwanda are filled with armed extremist Hutu militia trying to destabilize the country. Government soldiers, in cooperation with relief groups, have peacefully closed numerous camps since January. The military's determination to close Kibeho camp and send its 100,000 occupants home, however, occurred without coordination with relief agencies and resulted in disaster.

Circumstances surrounding the Kibeho massacres are in dispute. Witnesses reported that Rwandan government soldiers opened fire on unarmed camp residents and slaughtered families trying to flee. Government soldiers reportedly fired grenades and mortars into the camp, ostensibly to combat the camp's armed militia. Hutu militia in the camps also slaughtered camp residents, according to witnesses. Other persons died in stampedes caused by the panic.

More than 100 UN peacekeeping troops near the camp did not intervene during several hours of shooting.

The actual death toll immediately became a matter of controversy: Rwandan officials claimed that 300 had died; UN personnel estimated 2,000 deaths; Australian military personnel on the scene reportedly counted more than 4,000 bodies; and some relief workers estimated up to 8,000 deaths.

The UN High Commissioner for Refugees, Sadako Ogata, said she was “appalled and outraged by the brutal events...that left thousands dead and wounded, and forced tens of thousands of people to flee with nothing but the clothes on their backs.”

Ogata stated that “whatever the circumstances, the brutality of the action is flagrantly disproportionate to any objective of moving displaced persons from these camps.” Immediately before the April 22 incident, UNHCR predicted that continued forcible closure of displaced camps by the Rwandan military would result in “catastrophe.”

European countries issued a joint statement saying that the European Union “utterly condemns the violence” at Kibeho. Belgium suspended bilateral aid to the Rwandan government to protest the “brutal behavior” of Rwandan troops. The Netherlands also suspended direct aid. The United States and Great Britain are maintaining current aid levels.

Rwandan government officials defended the action of their soldiers and insisted that journalists and international agencies were exaggerating the death toll.

“There must have been a violent reaction on the part of the people in the camp,” said Rwandan Prime Minister Faustin Twagiramungu. “I think that the army retaliated in self-defense.” Rwandan officials stated that they had repeatedly requested international assistance to disarm dangerous militia living in Kibeho camp and elsewhere.

Refugee workers predicted that the slaughter would set back efforts to encourage Hutu refugees to repatriate. Relief workers chastised UN peacekeeping troops for their refusal to intervene to stop the killing at Kibeho.

Updates

- On March 24, the U.S. House of Representatives passed the “Personal Responsibility Act,” a major welfare reform bill (H.R. 1214) that would deny access to needs-based federal assistance programs for most non-citizens. Exceptions would be made for refugees during their first five years in the United States and long-term residents over the age of 75. The bill would make sponsorship documents for immigrants legally binding on sponsors. A central feature of H.R. 1214 is to replace the current federal welfare system with a system of block grants to states.

  The bill was originally introduced as H.R. 4, and is still referred to as such in some quarters.

- On April 17, the Office of Refugee Resettlement (ORR) published a notice announcing proposed FY 95 allocations for the Targeted Assistance Program (TAP). TAP grants are awarded to state agencies to provide services in areas with high refugee concentrations, large
numbers of refugees, and high use of public assistance. For FY 95, ORR has nearly $49.4 million available for TAP grants. The announcement, published in 60 Federal Register, 19270-76, of April 17, 1995, lists more than 40 counties that will participate in TAP.

- **On March 28,** the Attorney General extended temporary protected status (TPS) to Liberians until March 28, 1996. Continued protection is limited to those Liberians who were present in the United States before March 27, 1991 and who registered for TPS during the first year of eligibility. The Attorney General estimated that about 4,000 Liberian nationals who have been granted TPS are eligible to re-register for TPS.

- **On March 13,** President Clinton ordered an $11 million drawdown from the Emergency Refugee and Migration Assistance (ERMA) fund to meet urgent and unexpected needs of victims of the conflict in Chechnya.

- **On April 26,** Dusan Tadic, a Serb from Bosnia and Herzegovina, pleaded not guilty to charges of murder, rape, and torture before the first UN war crimes tribunal since the close of World War II. Tadic, who was arrested in Germany, is the only person in custody among the 22 Serbs who have been formally charged with crimes by the tribunal. Tadic faces a maximum penalty of life imprisonment.

- **On April 27,** Thai authorities reported that more than 1,200 Burmese refugees had entered Thailand to escape fighting in northeastern Burma (Myanmar). The refugees, mostly from ethnic minorities, fled as government forces advanced against guerrilla forces of the Mong Tai Army of Khun Sa.

- **On April 27,** the Bataan refugee processing center in the Philippines was closed. Some 350,000 Southeast Asian refugees passed through the camp en route to the United States and other countries.

- **The Immigration and Naturalization Service (INS) will seek Congressional authority to double its spending on naturalization. Commissioner Doris Meissner told the Washington Post on April 12. The additional funds for streamlining the citizenship application process would come from examinations fees. Currently, the INS spends about $29 million per year on naturalization. The INS estimates that applications for citizenship will double this year from 400,000 last year to 800,000. In Los Angeles, 2,500 applications per day are being filed.

- **Some details of the draft Memorandum of Understanding (MOU) between Canada and the United States for determining the state responsible for examining asylum claims have become available (see Refugee Reports, Vol. XVI, No. 3). Generally, persons applying for
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asylum in Canada and the United States will have their claims heard in which ever state they first arrived.

Exceptions will be made if the person carries a valid visa from the other country, or for citizens and legal permanent residents ("landed" immigrants in Canada), or for long-term residents (defined as persons who have lived in the state for more than 12 months). Other grounds for exceptions may include close family connections and differing interpretations about bars to access to asylum procedures (such as the U.S. definition of aggravated felons).

The accord includes a "guaranteed venue" for a merits hearing either in Canada or the United States, or in a third state, only if both Canada and the United States have return agreements with that state.

An annex to the agreement deals with exchange of information between the two countries on the applicants' identifications and itineraries, as well as a provision respecting confidentiality of information exchanged.

The two governments have not yet entered into discussions of the MOU, which was drafted by the Canadian government. A working document, or a report on the progress of negotiations, should be concluded by September, according to the preliminary agreement worked out between the two governments in February.

Feature

FAMILY PLANNING RARELY AVAILABLE FOR REFUGEES

Barbara Barnett of Family Health International (FHI) writes about the difficulties of providing adequate reproductive health services for refugees and displaced persons. This article is adapted from the March 1995 issue of Network, FHI's bulletin.

For the millions of women and men worldwide living as refugees and displaced persons, family planning is an element of health services that is often forgotten or ignored.

Services for refugees typically are designed to meet emergency health needs, such as the provision of clean water, delivery of adequate food supplies, and treatment of disease. Reproductive health services during this initial phase are usually limited to care for pregnant women.

Increasingly, however, international organizations are recommending that the long-term health needs of refugees and displaced persons be addressed. Reproductive health services, including family planning and prevention of sexually transmitted diseases, they say, should be available to men and women.

"Food, water, shelter, and keeping the population alive and free of endemic disease are the most important things when a refugee situation occurs," says Janice Miller, who has worked with Cambodian and Vietnamese refugees and has conducted research for the U.S.-based Women's Commission for Refugee Women and Children. "But once the health status of the refugee population has stabilized, the nature of the emergency changes and new services should be made available. If you consider that a refugee camp has a life cycle, at some point, when basic health needs have been met, reproductive health services that include birth spacing should be made available."

Providing high-quality reproductive health services can be difficult in any setting, but it is especially challenging to provide family planning for refugees and displaced persons. Little research has been done on the long-term contraceptive needs of refugees and displaced persons. Relief workers are rarely trained to provide family planning services and counseling. Anticipating contraceptive supplies is hard because the numbers of people in camps can vary dramatically from day to day. And family planning may be new to many of the men and women.

Yet, the need for family planning services is clear. Birth rates in camps typically are higher than for the host-country population. Sexual activity often increases due to boredom. Sexual violence may increase as well.

"Water, safety, and food are critical, but even in crisis situations, people are still sexually active, and thus, many are still exposed to
unwanted pregnancy or sexually transmitted diseases (STDs)," says Beverly Tucker, associate director of Family Health International's (FHI) field operations division and coordinator of FHI's efforts to work with refugees. "In some situations, there are refugees who have been in camps for generations. We need to look at ways to address reproductive health needs in emergency settings in a more thorough manner."

As international agencies intensify their efforts to improve care for the world's burgeoning refugee population, these efforts should identify the reproductive health needs of refugees and displaced persons, including the types of contraceptive methods couples need and want; when family planning services should be offered; and how providers can best deliver services, say Tucker and others.

Refugees' Health Needs

In addressing the health needs of refugee women, many relief agencies have focused efforts on care for pregnant women. This strategy, however, may exclude a large number of women in camps and ignores the broader spectrum of reproductive health needs.

"We have maternal and child health care, but this is too often restricted to women as mothers, and women are not just mothers," says Serge Malé of the United Nations High Commissioner for Refugees (UNHCR) in Geneva.

In working with refugees, relief agencies should strengthen efforts to improve all facets of women's reproductive health care, including training for traditional birth attendants, the establishment of clinical protocols for treatment of STDs and incomplete abortions, and the provision of family planning services, recommends a report from the Women's Commission for Refugee Women and Children.

"To assume that women are only in need of health services when they are pregnant means that women who are not pregnant, teenage women, single women, childless women and infertile women in need of preventive reproductive education and services are excluded from consideration," says the report, Refugee Women and Reproductive Health Care: Reassessing Priorities. "Women in many refugee settings are having large numbers of children. Efforts should be made, at the least, to suggest or ensure that the emergency health kits provided by various international agencies contain some contraceptive supplies."

The chief causes of death during the emergency phase of refugee settlement are malnutrition and diseases, such as malaria, diarrhea, measles and respiratory infections. Complications due to pregnancy, however, can become a leading cause of mortality and morbidity in later stages. Unsanitary conditions, inadequate provider training, and complications from septic abortion contribute to women's increased health risks during pregnancy. However, "problems are further compounded by high birth rates in many refugee and displaced persons camps, rates that sometimes exceed traditional birth rates prior to flight," wrote Susan Forbes Martin, formerly of the Refugee Policy Group in Washington.

One example of high birth rates can be found among Afghan refugee women living in Pakistan. Without family planning, the average married refugee woman could expect 13.6 births during her reproductive lifetime. The average total fertility rate for all women in Pakistan is 6.2 children.

There are numerous reasons for high birth rates, says Barbara Smith, health coordinator at the International Rescue Committee (IRC) in New York. These include lack of access to family planning in camps and settlements, low contraceptive prevalence rates before coming to camps, rape, boredom that can lead to frequent sexual activity, and the desire to replace children who have died or been separated from parents.

Research conducted among Cambodian refugees migrating from Cambodia to Thailand in the 1980s by S.E. Holck and W. Cates showed high mortality and low fertility, due to poor nutrition and low food intake, during the first weeks after arrival in camp. However, with improved nutrition and health care, fertility quickly returned to normal levels.

Rwandan Refugee Ambivalence about Having More Children

Refugees, when asked whether they want more children while living in camp, said they do—and do not—according to
a collaborative study conducted by FHI's AIDSCAP division, John Snow Inc., CARE, and Population Services International (PSI). The study, *AIDS/STD Program for Rwandan Refugees in Tanzania*, explored living conditions of Rwandan refugees at the Benaco Camp in Tanzania, and found couples were ambivalent about the prospects of future pregnancies and births.

"People have conflicting sentiments: first, that the population must make up for the lives lost. This argument was used by men and women alike," the report says. "The second argument, perhaps more common, is that camp conditions are extremely difficult and dangerous for childbearing women and infants. Many are aware that the camp conditions might improve in the near future; thus there is a clear notion to postpone future birth until circumstances have become more favorable."

Currently, no family planning services are available for Rwandan refugees in Tanzanian camps. Plans are under way to develop a family planning program in Benaco, through cooperative efforts of the UNHCR and UMATI, the International Planned Parenthood Federation affiliate. PSI is planning to distribute condoms, and AIDSCAP will develop an AIDS prevention campaign.

The population of the Benaco camp fluctuates between 200,000 and 300,000, making it the second largest city in Tanzania. Although overcrowding and sanitation are problems and deaths among children under five are high, there are some signs that life is improving. An elementary school was estab-
lished in August; markets selling food, clothes and building materials have been set up; and there are reports of marriages among camp residents.

Before the political unrest that led to the massive migration of thousands out of Rwanda in 1994, the nation's contraceptive prevalence rate was one of the highest in sub-Saharan Africa -- 21 percent. Without family planning services, the birth rate, as well as the incidence of STDs, is likely to increase. "It is our strong impression that sexual activity has increased dramatically, as compared to the situation in Rwanda only a few months ago," the authors of the AIDSCAP study wrote.

One significant change is that sexual activity has increased among young people, who are bored and lack any structured events in their daily lives. Young men are building huts away from their families to be used for sexual encounters. Girls, whose families face economic hardship, accept gifts from men in return for sexual favors. "Given the apparent increase in sexual activity and lack of contraceptives in the camp, unwanted teenage pregnancies are expected to increase," the report says.

Adults living in the Benaco camp often say their sexual activity has decreased because they are grieving over recent tragedies and preoccupied with the immediate struggle for survival. Many women, however, complain that their husbands have other sexual partners. "Some men have, in addition to their wife, one or more steady women friends whose husbands are dead or disappeared. Women with few or no relatives ... use sexual relationships as a survival strategy," says the report.

Central American Refugees Showed Greater Interest in Family Planning While studies of Rwandan refugees show couples are ambivalent about having more children during the first few months after migration, a 1989 study of Central American refugees, who had lived in neighboring Belize an average of four years, found a high level of interest in family planning. Researchers interviewed Salvadoran and Guatemalan refugees living in and near the small town of Belmopan, as well as native Belizians living in the same area. More than 130 women under age 50, who had not undergone sterilization, were interviewed.

Over half the women in the survey indicated an interest in family planning. Those who showed interest were more likely to be living with a partner than married, likely to have lived in Belize longer, and likely to have less land to farm. The survey, "Fertility among Central American Refugees and Immigrants in Belize," by N. Moss, M.C. Stone, and J.B. Smith, was published by Human Organization in 1993.

"There was no effect of having left children behind or of prior child deaths on birth intervals subsequent to migration," the survey reports. "[Women] who became permanent residents had delayed births much longer after migration than other groups. The fact that they are the best-off group socioeconomically may relate to their desire and ability to limit family size."

A Difficult Task Offering family planning programs for refugees and displaced persons is an extremely difficult task, experts say. Relief workers, who are trained to address emergency health, food and water needs, usually are not trained to provide or counsel about family planning or to manage side effects. Also, it is difficult for relief workers to anticipate the demand for family planning services.

"There can be an influx of several hundred people per week," says Tucker of FHI. "How can one gauge the supplies that will be needed? Frequently, the host country does not have contraceptive commodities in sufficient supply to meet the demand of their own population or that of the refugees." Another consideration is who pays for the long-term cost of services and supplies, Tucker says.

For some refugees and displaced persons, the concept of family planning may be new. In Afghanistan, where women marry early and large families are valued, contraceptive prevalence is low. Afghan women living in refugee camps in Pakistan frequently do not use modern contraceptives, saying they want "as many children as Allah sends," according to the Women's Commission report.
The low status of women can compound problems. "Camps are typically dominated by men," says Smith of IRC. "Women have trouble even accessing adequate food. It's even more difficult to access adequate health care."

Communication can also be a barrier when health providers from the host country or international agencies do not speak the same language as refugees. And tensions can arise when health services offered to refugees and displaced persons are not provided to host country residents.

Organizations that do offer family planning programs to refugees and displaced persons say two key elements of successful programs are to consider contraceptive use patterns before migration and to involve refugees and displaced persons in the design and delivery of services.

**Contraception Use Influenced by Cultural Beliefs** A survey of Laotian and Cambodian refugees in Thailand during the 1980s found that contraceptive use was influenced by the cultural beliefs and teachings of the home country. Contraceptive prevalence was higher in Khao I Dang camp, which primarily housed refugees from Cambodia, than in the Ban Vinai camp, which housed Hmong refugees from Laos, a country where traditional values included a large family, marriage at a young age for women, and polygyny. More than 50 percent of ever-married women in Khao I Dang practiced contraception, compared with 24 percent of ever-married women in Ban Vinai. When camp residents were asked how many additional children they wanted, Khao I Dang residents said an average of 1.5, while Ban Vinai residents said 3.6, according to the Chulalongkorn University Study, published in 1989.

When family planning programs began in the Khao I Dang camp, 67 volunteers living in the camp were trained to provide contraceptive methods to their neighbors. Volunteers worked in three clinics, dispensing pills and providing injectable contraceptives. A nurse was trained to insert intrauterine devices, and vasectomies and sterilizations were performed at a mobile clinic from a district hospital.

Couples learned about contraception through posters and camp broadcasts.

At the Ban Vinai camp, which had one family planning clinic, women's traditional roles influenced contraceptive use. Hmong women, who were more likely to remain close to home raising children and doing housework, had little opportunity to visit family planning clinics or talk with family planning workers. More than 85 percent said they did not know about contraception, compared with 33 percent of Cambodian women. The study also found that husbands had a tremendous influence on wives' use of family planning. In Ban Vinai, women were more likely to use contraception if their husbands had attended a family planning training program.

"I think one of the elements of a successful program for refugees and displaced persons is their involvement in the design and implementation of the program and in the needs assessment," says Joellen Lambiotte of Family Planning International Assistance (FPIA), the international service division of the Planned Parenthood Federation of America. FPIA provided funding, supplies and technical assistance to family planning programs in the Khao I Dang camp. "Consultation and involvement of key refugee leaders is important. Agencies establishing family planning programs can involve refugees and displaced persons as staff and as volunteers. Employment as staff can provide needed income."

Before programs begin, agencies should obtain support from government, relief organizations working within the country, and family planning associations, experts say. Family planning groups should work with religious leaders and community elders, and should consider training traditional birth attendants, who have gained the trust of community members, to provide family planning services and counseling.

**Next Steps** Because each refugee population is unique, an important first step in beginning a family planning program is to question refugees or displaced persons about their reproductive health needs, says Sixte Zigirumugabe, program manager for a CARE International
reproductive health program in Togo and former manager of a maternal-child health and family planning program in Rwanda. "It's interpersonal communication that is important," says Zigirumugabe, who has himself been a refugee. "Refugees and displaced persons have gone through some psychological trauma. They need someone to talk to them as individuals."

An important question to consider is whether family planning services should be offered separately or in conjunction with other reproductive health services. Some experts believe integration is better, since women have numerous reproductive health needs, including education about STDs and AIDS, counseling about rape, and treatment of septic abortions. Also, because of crowding in refugee camps, an integrated system might alleviate concerns about privacy. Other experts suggest that offering family planning alone may be a quicker way to provide services, rather than waiting for development of a comprehensive effort.

"It is important to experiment with different types of service delivery models, rather than assume that all services must be integrated," says Lambiotte. "We should be sure to use an approach that will also reach adolescents, unmarried women, infertile women and men -- all of whom have family planning and other reproductive health needs."

FHI is developing a strategy to work with refugees and displaced persons, according to Tucker. As part of this effort, FHI hopes to conduct further research on what refugees and displaced persons want from family planning.

The UN High Commissioner for Refugees (UNHCR) and the United Nations Population Fund plan a symposium in June on the health needs of refugees, displaced persons and others in emergency situations. Nongovernmental organizations will attend to draft technical guidelines on development and implementation of reproductive health programs. Guidelines, which will be field tested, will include information gathered from reproductive health programs already in place for refugees and displaced persons.

To further define reproductive health needs, the Women’s Commission for Refugee Women and Children, along with four other organizations, has formed a consortium to study and define the needs of refugee women. Funded by the Mellon Foundation, other consortium members are CARE, IRC, JSI, and Marie Stopes International.

An important element of all these efforts is to involve refugee women in the design and delivery of services. "We have to approach reproductive health in the context of being more aware of listening to the women," says Malé of UNHCR, "and giving them more room to express what they would like."

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Projects and Programs

**USING AFDC TO GET REFUGEES OFF AFDC**

*(This article on employment is one of a series by David North.)*

The dependency-creating aspects of Aid to Families with Dependent Children (AFDC) were widely discussed within the refugee-serving community long before the politicians decided to fuss about them. And it looks as if the refugee-serving community has found a number of ways to use AFDC itself to free refugees from AFDC dependency.

While it is well known that the Office of Refugee Resettlement (ORR) has several statewide dependency-reducing programs in motion, under the Wilson-Fish Program (and earlier under the Key States Initiative), a small-scale program has been created locally in upstate New York that has remarkable prospects. It is called "Work First Rochester."

New York is one of the states with large enough monthly checks to make AFDC dependency a potential problem, but Jewish Family Services (JFS) has found a way to turn that situation around. It is a story that involves one very creative, but very simple, idea, and a great deal of multi-agency cooperation.

As is the case in many states, the AFDC system likes to see its clients in classrooms,
learning skills, one hopes, that will make them employable in the future. The problem is that English-as-a-Second Language (ESL) and other training is a slow process, one that does not always lead to the desired result. What JFS did in Rochester was to convince all concerned that it would be appropriate for refugees to continue to receive their AFDC monthly checks—and other fringe benefits—while they were in what was termed a “non-traditional classroom.”

The non-traditional classroom turned out to be a (momentarily salary-free) job with a private employer. And after a few weeks most of the “students” became workers on the payroll of the employer where they had been enrolled in the Work First Rochester plan.

The period of AFDC-subsidized, on-the-job training varies according to the difficulty of the job in question; so far it has ranged from four to twelve weeks. It seems to be a situation where everyone wins:

- **The Refugee Wins** More than 90 percent of the refugees who have been through the program are now working in the private sector, for the employer who taught them workplace skills. Further, while they were in training, the refugees continued to receive their AFDC monthly checks, their Medicaid coverage and Food Stamps, and also the $89 per month for transportation and lunches that goes to AFDC students in New York.

- **The Employer Wins** The employer gets four or more weeks of full-time free employment, and then can make a hiring decision about someone who already knows the job in question.

- **The Taxpayer Wins** As a result of the program, people leave AFDC for private sector jobs, saving state and federal tax funds.

JFS has been both smart and lucky in this endeavor, and has worked out some angles that, frankly, might not be easy to replicate elsewhere.

The agency has convinced the ESL provider that actual work is a legitimate substitute for training-for-work; some educational systems might not see it that way. JFS has also persuaded the welfare system to accept an interesting definition of “classroom.”

Further, JFS has avoided all potential worker’s compensation complications by defining the role of the refugees as students—not workers—during the AFDC-funded period. This is the case because no money changes hands between employer and employee, and there is thus no need for worker’s compensation insurance.

Finally, the whole process (unlike most on-the-job training situations) is virtually paper-work free.

For more information, write Janet Moshenberg or Carol Sims at Jewish Family Service of Rochester, 441 East Avenue, Rochester, NY, 14607; or fax them at (716) 461-9658.

(David North is managing the contents of the three “Refugees and Jobs” conferences being mounted by ORR. They are scheduled for Arlington, Va., May 18-20; for Los Angeles, June 15-17; and for the Chicago area sometime in October.)

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**Resources**

**WOMEN’S COMMISSION ON REFUGEES’ REPRODUCTIVE HEALTH CARE**

A primary source for this month’s feature article is *Refugee Women and Reproductive Health Care: Reassessing Priorities*, which shows the “extraordinarily high numbers of children” among refugee women as being due to improvements in child and infant mortality rates, social pressure to rebuild the population, failure to see the economic consequences of large families, and the nearly complete lack of family-planning services. Many women “at very high obstetrical risk” are having children, such as women under 18 and over 40, or sick and/or poorly nutritioned women.

For a copy of the report, contact the Women’s Commission for Refugee Women and Children c/o IRC, 122 East 42nd Street, New York, NY 10168-1289. Tel: (212) 551-3000.
Refugee Reports/April 29, 1995

PRIMARY REFUGEE APPLICANT APPROVAL RATE BY REGION
AND SELECTED NATIONALITY, FY 94

<table>
<thead>
<tr>
<th>REGION</th>
<th>APPROVAL RATE FOR CASES DECIDED</th>
<th>CASES APPROVED</th>
<th>CASES DENIED</th>
<th>PENDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>83.4%</td>
<td>102,536*</td>
<td>20,465</td>
<td>10,450</td>
</tr>
<tr>
<td>Ex-USSR</td>
<td>96.3%</td>
<td>39,537</td>
<td>1,506</td>
<td>0</td>
</tr>
<tr>
<td>Eastern Europe</td>
<td>94.3%</td>
<td>8,775</td>
<td>530</td>
<td>1,003</td>
</tr>
<tr>
<td>East Asia/Pacific</td>
<td>87.1%</td>
<td>39,308</td>
<td>5,810</td>
<td>83</td>
</tr>
<tr>
<td>Near East/S. Asia</td>
<td>72.4%</td>
<td>7,110</td>
<td>2,705</td>
<td>1,434</td>
</tr>
<tr>
<td>Africa</td>
<td>65.4%</td>
<td>5,425</td>
<td>2,871</td>
<td>3,780</td>
</tr>
<tr>
<td>Latin America/Caribbean</td>
<td>25.1%</td>
<td>2,366</td>
<td>7,042</td>
<td>4,150</td>
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<table>
<thead>
<tr>
<th>COUNTRY</th>
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<tr>
<td>Laos</td>
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<tr>
<td>Ex-USSR</td>
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<tr>
<td>Bosnia and Hercegovina</td>
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<td>Sudan</td>
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<td>Zaire</td>
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<td>Vietnam</td>
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<td>Haiti</td>
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<tr>
<td>Albania</td>
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</tbody>
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Note: The total and regional subtotals include all nationalities. Nationalities for whom fewer than a total of ten cases were approved or denied are not included in the country-by-country tally.

In addition to the primary refugee applicants listed above, in FY 94, a total of 2,601 persons were approved for admission to the United States under the refugee admissions program as Visa 93 recipients (92 other applicants were denied Visas 93).

* Includes 15 approved cases of unreported nationality.

Source: U.S. Department of Justice, Immigration and Naturalization Service (INS). Tabulated by the U.S. Committee for Refugees.
INS ASYLUM INTERVIEWS SCHEDULED—FY 94 & 95
FIRST SEVEN MONTHS

Number of Interviews Scheduled

January 1995: New Asylum Regulations Take Effect

Source: Immigration & Naturalization Service
HOUSE BILL CALLS FOR RESETTLEMENT OF SCREENED-OUT VIETNAMESE AND BARS USE OF U.S. FUNDS FOR REPATRIATION

On May 24, the U.S. House of Representatives approved an amendment that would open the door for screened-out Vietnamese boat people to be reconsidered for resettlement to the United States and bar the use of U.S. funds for the repatriation or reintegration of Vietnamese or Laotians. Both the original language regarding this issue in section 2104 of H.R. 1561, the American Overseas Interests Act, commonly known as the foreign aid bill, and the amendment approved by the House, were proposed by Rep. Christopher Smith (R-N.J.), who chairs the House International Operations and Human Rights Subcommittee. The original and amended bills differ in that the latter does not earmark funds specifically for the purpose of resettling the Vietnamese and stipulates that the total number of refugees admitted in FY 1996 should not exceed the number admitted in FY 1995.

Observers noted that the vote was only a first step in a long and complex legislative process and cautioned that the proposal might never become law or could be substantially modified. As of May 31, the House had not yet voted on the amended bill. The Senate foreign aid bill, which was still in committee, did not include any language regarding this issue.

If that remains the case, or if the Senate bill is amended to include a different proposal, House and Senate representatives would have to iron out final language during a conference that takes place to reconcile differences between House and Senate bills. Also, President Clinton has threatened to veto whatever foreign aid bill Congress finally does pass if that bill contains provisions that the Administration opposes, including those in section 2104 of the House bill.

Bill’s Resettlement Provisions Affect Mostly Vietnamese

Although the re-screening and resettlement provisions of the amended bill would apply to Vietnamese, Laotians, and Cambodians, they would primarily affect...
Vietnamese remaining in camps in Southeast Asia and Hong Kong. That is because virtually all Cambodian asylum seekers in the region have repatriated, and a large majority of Laotians (mostly Hmong) in camps have refugee status and are therefore in theory already eligible to be considered for third-country resettlement. The bill’s provision to bar the use of U.S. funds for repatriation and reintegration would, however, affect both the Vietnamese and the Hmong.

That provision states that none of the funds authorized to be appropriated are to be used “for any program or activity that provides for, promotes, or assists in the repatriation of any person to Vietnam, Laos, or Cambodia” unless the President has certified that any such persons resident in a refugee camp as of July 1, 1995 have been offered resettlement or have had access to a refugee determination process in which “the procedures, standards, and personnel employed in such process ensure that the risk of return to persecution is no greater than in the process available under United States law to persons physically present in the United States.”

Proposal Meets Mixed Response Some advocates for Vietnamese boat people greeted the House vote with enthusiasm. Dr. Thang Nguyen of S.O.S. Boat People said, “I am very glad. I am pleased that it passed...because if nothing else it reflects that the House, and Congress in general, is now aware of this as a serious issue, and that it is now determined to take action.” Nguyen added, “The Vietnamese community here in the U.S. are quite happy about the situation. They have been energized...and feel quite optimistic about the changes which may take place.”

Others, however, expressed concern about the bill’s implications.

The UN High Commissioner for Refugees’ (UNHCR) representative in Washington said in a letter to the chairman of the House International Relations Committee, Benjamin A. Gilman (R-N.Y.), that it was the “considered view of UNHCR” that adoption of the proposal to re-open screening and bar use of U.S. funds for repatriation “would undermine an historic international regional refugee protection agreement, the Comprehensive Plan of Action (CPA)... The [Smith (N.J.)] amendment seems to suggest that the Congress would require the countries of first asylum...to apply new standards and procedures for the determination of refugee status based on U.S. rather than international standards agreed upon by all concerned under the CPA.”

Under the terms of the 1989 CPA, first asylum countries, which had increasingly been turning back Vietnamese refugees, agreed to take them in and allow them to remain temporarily, but screen them to determine if they qualified as refugees. Western governments agreed to resettle those who were screened in as refugees. All parties agreed that those who were determined not to be refugees would have to return to Vietnam.

Commenting on Rep. Smith’s proposal, U.S. Committee for Refugees Director Roger P. Winter said, “We welcome the idea of admitting to the United States Vietnamese boat people who may have been erroneously screened out, who may fit a broader refugee definition, or for whom there are compelling humanitarian grounds for admission. However, we are deeply concerned about this proposal, because it would re-open the screening process in the camps in Southeast Asia, bring a halt to all voluntary repatriation, and raise false expectations that all the boat people would be resettled in the United States when many in fact might not. The proposal could even result in new flows of boat people seeking to get into the camps to be considered for resettlement, a development that Southeast Asian nations might respond to very harshly.”

A consortium of agencies that provide reintegration assistance to returnees in both Vietnam and Laos—Save the Children, World Education, and World Learning—issued a statement expressing concern about various aspects of the proposal. The agencies said that “repatriation/reintegration is working out successfully for Vietnamese and Lao asylum seekers who did not qualify for refugee status. We believe that efforts to alter the final steps at resolving the Indochinese refugee situation would be counterproductive for the individuals
involved." The Consortium emphasized that its staff, which has worked directly with returnees for more than two years, "has neither observed nor heard directly or indirectly from individuals or other NGOs of any acts of discrimination or reprisals against repatriates."

The Southeast Asia Resource Action Center (SEARAC) also issued a statement expressing concern about the proposal, including the bar on U.S. funds for repatriation and reintegration. SEARAC said that returnees "need to be assisted to rebuild their lives. Education for children, employment for adults, and health care for all are crucial needs to be met. Reintegration programs, implemented by private, voluntary organizations, are very important because the returnees can be assisted directly and their safety can be closely monitored."

World Vision added that "to restrict or suspend reintegration assistance would remove this important incentive precisely at a time when measures to sustain and build momentum for return should be strengthened."

In its letter to Rep. Gilman, UNHCR said that the governments of the countries of first asylum oppose large-scale re-screening and that "they are unwilling to be burdened with large numbers of dissatisfied and despairing asylum seekers." Other observers noted that first asylum countries might even seek to accelerate the repatriation process before the United States could act on the proposal, perhaps resorting to increased involuntary repatriation.

Commenting on the concerns expressed by some agencies, Nguyen said, "There is always a chance for false hopes when strong action is taken to remedy a problem. The action being taken [by Congress] will bring hope to those who were unfairly treated in the unjust screening program.... The [fear of creating false hope] cannot be used as an excuse to take no action in remedying the very serious problem."

Some refugee advocates indicated that it would be preferable to encourage those in the camps to return to Vietnam voluntarily and to seek a commitment from the United States government to admit those returnees who meet an agreed set of criteria directly from Vietnam.

**State Department Strongly Opposed** Bill Fleming, Asia specialist at the State Department's Bureau of Population, Refugees, and Migration, said that the proposal in section 2104 of H.R. 1561, as amended, is "dangerous, because it cripples the CPA at the eleventh hour." He said that the first asylum countries had "kept their end of the [CPA] bargain," and "are not about to agree" to starting the screening process all over again.

Fleming said that the CPA, negotiated by the Bush Administration in 1989 and carried forward by the Clinton Administration, had saved thousands of lives by ensuring first asylum for Vietnamese who fled by boat and paving the way for thousands of others to emigrate directly from Vietnam through the Orderly Departure Program. He added that for the United States to abrogate the CPA now would "undermine [other nations'] confidence in U.S. foreign policy commitments."

Fleming also noted that the prohibition on the use of U.S. funds for repatriation would result in an end to U.S. government support for American NGOs implementing reintegration projects aimed at helping returnees start a new life in Vietnam.

**Immediate Impact in Camps** Word of the proposal spread quickly to the camps in Southeast Asia. Within days, there were reports from Hong Kong, Thailand, and Indonesia that Vietnamese who had previously volunteered to return were refusing to do so, that repatriation flights had been cancelled, and that many who were signed up for voluntary repatriation but not yet scheduled to return had withdrawn their agreement to repatriate.

In Hong Kong, violence occurred on May 20 when the Hong Kong authorities attempted to move a number of Vietnamese from Whitehead detention center to another detention center in advance of their repatriation. An estimated 1,000 to 1,500 Vietnamese detainees demonstrated against the planned move. When the authorities attempted to proceed with the move, the protest turned violent. The detainees reportedly hurled stones and home-
made spears at the police, who used tear gas and water cannons against the Vietnamese. More than 200 people were reportedly injured, a majority of them police and corrections officers, according to press reports.

The Hong Kong authorities cancelled the repatriation flight scheduled for June 1 as 252 of the 256 Vietnamese who had earlier agreed to repatriate on that date refused to do so.

A report in the May 22 South China Morning Post linked the detainees’ actions to the House bill. It said that some of the demonstrators were holding American flags and photos of President Clinton (apparently in the mistaken belief that the Administration backed the proposal). The paper quoted an unnamed official: "They [the Vietnamese] are pretty much emboldened by what is coming out of Washington."

On May 24, the New York Times reported that the UNHCR representative in Hong Kong, Jahanshah Assadi, said that there was "absolutely" a link between the Congressional proposal and the disturbance. According to the Times, Assadi said that the Congressional move had given the Vietnamese false hope of going to the United States, and that, even if the bill is defeated, "The damage has been done," because the detainees now think they will not have to return to Vietnam because "they have strong support from influential members of Congress." The article added that Rep. Smith rejected any suggestion that the violence in Hong Kong was linked to his proposal.

**House Members Debate Amendments** The proposal was debated on the House floor on May 24 in connection with two amendments offered to section 2104 of the bill. The first amendment, offered by Reps. Doug Bereuter (R-Neb.), Lamar Smith (R-Tex.), and David Obey (D-Wis.), would have eliminated Smith’s original language from the bill.

The second was an amendment to Bereuter’s amendment offered by [Christopher] Smith, the author of the original proposal. He proposed reinstating most of the original language but eliminating the bill’s earmarking of $30 million for the resettlement of the Vietnamese. Various nongovernmental organizations (NGOs) had expressed concern that the earmark proposed in the original bill would tie up more funds than might be needed for the resettlement of the Vietnamese and reduce much-needed assistance to refugees in other regions.

Introducing his amendment, Bereuter, the chair of the House Subcommittee on Asia and the Pacific, said, “The Bereuter/Obey/Lamar Smith amendment would allow the repatriation of Indochinese in Southeast Asian camps who have been determined by UNHCR to have no, I repeat no, claim to refugee status. These migrants, at least 12,000 of whom are North Vietnamese, have been screened out.... This Member will work with others concerned about fair treatment of legitimate refugees, but this Member cannot support a program to give non-refugees the rights and privileges of bona fide political refugees. The language in this section appears to be doing just that.”

Bereuter added, “There are some real dangers in this legislation for the asylum seekers themselves.... This provision could prompt a new exodus of Indochinese refugees.... Last year, as reported in the New York Times, more than a thousand Vietnamese took to the sea when a false rumor spread that Japan was offering employment opportunities. The bill’s message of a hope for resettlement would likely have a similar effect.”

Offering his amendment, Smith (N.J.) said, “Thousands of people who served on our side in the war and were later persecuted by the Communists on account of such service are now being detained in camps throughout Southeast Asia. The camps also hold Catholics, Protestants, Buddhists, punished for religious observance, and others who served time in reeducation camps...for their anti-communist views. Despite the strength of their claim to refugee status, almost all of these people are scheduled for repatriation to Vietnam and Laos during the next few months...because of unfair screening and defective screening.”

Supporting the Smith (N.J.) amendment, Rep. Henry Hyde (R-III.), Chair of the House Judiciary Committee, which oversees refugee admissions, said, “Forcibly repatriating people
who have fled from their own homeland is an atrocious act. We ought not to countenance it. We ought to help people who have risked the seas and pirates and risked their lives to flee to what they thought was a safe haven.... We ought never...force people to go back from whence they have fled in terror."

Obey, supporting the amendment he co-sponsored, said that what the proposal would in fact do is to cause "more turmoil in those refugee camps." Obey also expressed concern over the bar on use of U.S. funds for repatriation which, he said, shuts off "the resources necessary to allow refugees who want to return to their original country to do so."

Rep. Donald Payne (D-N.J.) said, "While the early refugees were certainly tied in with U.S. interests and support of our war efforts, the present refugees do not reflect this.... Many [in the Hong Kong camps] are northern Vietnamese fishermen who had nothing to do with supporting our war efforts.... While there may be some refugees who have been improperly classified, these cases could be reviewed with U.S. intervention under the flexibility of the present agreement."

Payne added, "It is downright cruel for us to build...[expectations] that the United States will take these migrants as refugees. Support the Bereuter amendment and help to stop the bloodshed in Hong Kong."

"This is a very complicated and important issue," said Rep. Howard Berman (D-Calif.), the ranking Democrat on Bereuter's Asia Subcommittee, who supported the Smith (N.J.) amendment. He added, "I, at least at this particular point in time, want to focus on energizing our State Department to get the UNHCR and the people in charge of that screening process to take a look at a number of cases.... Between now and the [House/Senate] conference committee, we can look at how to do this. I do not think every candidate should be re-screened. I do not think we want to end voluntary repatriation. I think the Smith language in the bill as modified now helps send the message to the State Department [and] to the international community about our concerns about the flaws in the screening process and in the repatriation process."

Speaking against the Smith (N.J.) amendment, Bereuter added that he thought it was a "disastrously bad approach." "I do not use that language very often," Bereuter said, "I know that the intention of the gentleman from New Jersey [Smith] is to be highly respected... but the results, the bloodshed, the tragedies that will result from this reversal of policy are just going to be extraordinary."

The House approved the Smith (N.J.) amendment 256 to 156. The House is expected to vote on the amended bill in June.

Recent Developments

LEGISLATION ON FEDERAL SPENDING SLOWLY MOVES THROUGH CONGRESS

Often acrimonious debates on the federal budget dominated Congress during May. A broad array of authorization bills, appropriations bills, and budget resolutions continued to work their way through Congress, potentially affecting federal spending in current fiscal year 1995 as well as in FY 96 and future years.

Major refugee assistance programs have, so far, escaped major cuts planned for other federal programs.

In May, the Senate joined the House in approving a $16.4 billion rescission in current FY 95 funding. President Clinton threatened to veto the measure. The bill, H.R. 1158, does not cut Migration and Refugee Assistance (MRA) or the Emergency Refugee and Migration Assistance (ERMA) fund.

In other legislative activity, both houses of Congress passed budget resolutions in May calling for unprecedented reductions in federal spending over the next seven years, toward a goal of balancing the federal budget by the year 2002. Both budget resolutions committed Congress to find cumulative savings of approximately $1 trillion during the next seven years. Specific program cuts would be decided in future bills.

As May ended, the House appeared to be on the verge of passing a foreign assistance
authorization bill that would cut $2.8 billion from President's Clinton's proposed FY 96 foreign assistance budget of $21.6 billion, a 13 percent reduction. The bill contained no cuts in the MRA and ERMA budgets, however.

**CLINTON POLICY REVERSAL ON CUBAN REFUGEES**

On May 2, the Clinton Administration announced a major reversal in its policies regarding Cuban asylum seekers whereby rafters will be interdicted by the Coast Guard, subjected to an abbreviated ship-board screening procedure, and repatriated to Cuba.

The policy also includes the admission to the United States of most of the Cuban asylum seekers who have been held at the U.S. naval facility in Guantánamo, Cuba, despite earlier announcements that U.S. admission would not be an option for them.

The policy shift came about after a series of secret meetings between U.S. and Cuban officials. The State Department's Cuban desk officer and deputy asked to be transferred from their posts to protest the decision and the manner in which the negotiations were conducted.

**Interdiction and Return** Attorney General Janet Reno announced on May 2 that "effective immediately, Cuban migrants intercepted at sea attempting to enter the United States, or who enter Guantánamo illegally, will be taken to Cuba, where U.S. consular officers will assist those who wish to apply to come to the United States through already established mechanisms. Cubans must know that the only way to come to the United States is by applying in Cuba."

After the announcement, the Coast Guard intercepted two vessels carrying Cubans and returned all of them to Cuba. An immigration officer did interview them aboard ship to determine if any had "a genuine need for protection" that "cannot be satisfied by applying at the U.S. Interests Section in Havana." Immigration officers are under instructions to take the totality of circumstances into account in conducting the interviews.

The totality of circumstances, however, includes U.S. government acceptance of assurances by the Cuban government that returnees "will suffer no adverse consequences or reprisals of any sort."

**In-Country Refugee Processing** Under the new policy, U.S. consular officers are directed to meet returnees at the dock in Havana to inform them of the option of applying for refugee resettlement to the United States through an in-country processing procedure.

Reno announced that the United States expects to bring in 7,000 Cubans as refugees this year through the in-country processing procedure.

In-country processing has been in effect in Cuba since 1987, and most Cubans admitted as refugees since that time have departed directly from Cuba to the United States. In the six years prior to the 1987 change in Cuban refugee processing, an average of 319 Cubans per year were admitted to the United States as refugees; in the six years since the 1987 in-country processing went into effect, an average of 2,353 Cubans were admitted annually as refugees.

However, during that time, there was no suggestion that the existence of the in-country refugee processing procedure would preclude Cubans who departed by raft or boat from seeking asylum. In fact, U.S. policy was to parole in the rafters and, under the terms of the Cuban Adjustment Act of 1966, allow them to adjust to permanent resident status without having to apply for asylum.

The new policy specifies that Cuban rafters who do manage to evade Coast Guard patrols and reach U.S. shores now "will be placed in exclusion proceedings, detained, and treated as are all illegal migrants from other countries."

**Guantánamo Cubans To Be Admitted to the United States** Reno announced that most of the 21,000 Cubans still in Guantánamo would be admitted to the United States as "Special Guantánamo Entrants." She said that the Guantánamo Cuban admissions would be "credited against" the 20,000 annual Cuban
Refugee Reports/May 31, 1995

migration figure agreed to last September as part of the Cuba-U.S. migration accord (see Refugee Reports, Vol. XV, No. 9, p. 5).

Cubans from Guantánamo are to be resettled in the United States at a rate of 500 per week.

Certain Cubans at Guantánamo, however, will not be eligible for U.S. admission. These include persons with criminal records, with medical, physical, or mental conditions, or persons who committed acts of violence while at Guantánamo.

On May 17, the officers of InterAction's Committee on Migration and Refugee Affairs (CMRA) wrote to Reno, asking that in applying the grounds of exclusion to Cubans at Guantánamo she "weigh carefully the potential harm to our country of allowing such persons to enter against the harm that they could face if returned to Cuba." The InterAction officers specifically requested that Reno consider an amnesty with regard to U.S. admissibility for persons involved in the rioting at Guantánamo and Panama given "the understandable fear and frustration" felt by many of them at that time about their situation. InterAction is a coalition of more than 150 U.S.-based non-profit organizations working in 165 countries around the world.

Florida Braces for New Arrivals, but Movement Slow To Get Off the Ground The May 2 announcement said that "sponsorship and resettlement assistance will be obtained prior to arrival" and that U.S. policy would bear in mind "the impact of paroles on state and local economies and the need for adequate sponsorships."

During the month of May, the Community Relations Service (CRS) of the Department of Justice was working with voluntary agencies to see whether the resettlement effort could be expanded beyond the U.S. Catholic Conference and Church World Service to involve other groups involved in refugee resettlement.

At month's end, several issues were still unresolved, including whether and who might serve in a coordinating capacity at Guantánamo (or some other location) to prepare cases and help to arrange sponsorships, and which agencies would take what percentages of the caseload.

Informed observers said that the 500 per week movement from Guantánamo would likely begin in August. It is estimated that about 10-15 percent of the Guantánamo parolees will be "free cases," that is, persons who do not have family ties in the United States. An effort will be made to resettle most of these cases outside the Miami area, as most of the persons with anchor relatives are likely to wind up in Dade County, Florida.

Refugee arrivals through the in-country processing procedure in Havana are moving slowly at this point. The government-controlled airline has sharply increased the price of tickets to Miami since the September migration accord went into effect, making the trip too expensive for many. To circumvent this, however, the International Organization for Migration (IOM) is booking flights for Cubans with approved visas to the United States first to Cancun, Mexico, and then connecting them from there to the United States.

WELFARE REFORM LEGISLATION BEGINS JOURNEY THROUGH SENATE; ADVOCATES FIGHT TO KEEP REFUGEE ASSISTANCE OUT OF BLOCK GRANTS TO STATES

On May 26, the Senate Finance Committee approved an as yet unnamed and unnumbered welfare reform bill, the first step toward welfare reform gaining the approval of the full Senate. In March, the House passed its version of a welfare reform bill, the "Personal Responsibility Act" (see Refugee Reports, Vol. XVI, No. 4).

The various bills under consideration restrict or deny access to certain federal assistance programs for most categories of legal immigrants, and adopt a block grant approach in federal welfare disbursements to the states. Many refugee advocates worry that if programs that now benefit refugees are folded into general social assistance block grants, resettled refugees may not get the assistance they need to make a successful transition to life in the United States.

"With fewer federal dollars available to
the states to provide services, assistance to refugees throughout the country could become a mosaic of short-term, inadequate programs, and a coordinated national refugee resettlement program might cease to exist,” said Jim Aldrich, assistant director of Immigration and Refugee Services of America (IRSA).

**Personal Responsibility Act** The House version of welfare reform—the Personal Responsibility Act (H.R. 1214, but still referred to as H.R. 4 by some)—would replace dozens of federally run welfare programs with general block grants to the states. The Act would reduce federal spending by denying most non-citizens access to needs-based federal assistance programs. If adopted as law, the Act would make most legal immigrants ineligible for Medicaid, Aid to Families with Dependent Children (AFDC), Supplemental Security Income (SSI), Food Stamps, and Social Service Block Grants. However, H.R. 1214 does provide exceptions for certain categories of non-citizens, including refugees during their first five years in the United States. (The exception does not apply to asylees or persons granted withholding of deportation, however.)

**Senate Committees Weigh In** In the Senate, various aspects of welfare reform have been divided among three committees. On May 26, the Finance Committee, chaired by Sen. Bob Packwood (R-Ore.), approved a package that is both more and less restrictive than the House version.

Although the Packwood bill bars legal immigrants access to only one of the five federal programs (SSI) barred under the House bill, it gives states the right to bar access to the other four programs (AFDC, Medicaid, Food Stamps, and Social Service Block Grants), and makes fewer exceptions for categories of legal immigrants who would be granted access to SSI.

The Finance Committee version does grant an SSI exception for refugees, asylees, and persons granted withholding of deportation within their first five years in the United States, but that exception does not extend to any of the other four programs that the states could choose to put off limits. This might mean that some states would choose not to participate in refugee resettlement, according to John Fredriksson, government liaison for Lutheran Immigration and Refugee Service (LIRS).

“If this provision is adopted, some states are likely to opt out, and not provide benefits to refugees,” Fredriksson told *Refugee Reports*. “This could lead to refugees being resettled only in certain states—states that could then become highly impacted.”

**How Would Refugees Be Affected?** Refugee advocates are particularly concerned by the impact of the proposals on refugees, all of which would result in changes in the level of assistance to resettled refugees. Some see those changes as the beginning of the end of a nationally coordinated and supervised refugee resettlement program.

Richard Parkins, director of Episcopal Migration Ministries (EMM), is wary of what would happen to refugees once states assume control of assistance programs. “Although some states may choose to treat refugees well, these bills would give states incredible discretion in how they use welfare block grants, and the expectation is that refugees would not fare well in the scramble for services,” Parkins told *Refugee Reports*.

Because the proposal passed by the Senate Finance Committee permits states to deny refugees access to AFDC, such a bar could put unprecedented pressure on Refugee Cash and Medical Assistance (RCMA). By statute, refugees who are ruled categorically ineligible for AFDC are automatically eligible for RCMA. If refugees are barred from receiving AFDC, as is possible under the Finance Committee legislation, essentially all refugees would be eligible at some point for RCMA. Without increased funding for RCMA, the period of RCMA assistance to refugees would have to be cut significantly from the current eight-month eligibility period.

InterAction, a membership association that includes the national voluntary agencies (volags) active in refugee resettlement, warned in a May 10 position paper on welfare reform that states will be under great pressure to reduce welfare costs, in part by restricting
eligibility for all persons, probably to not more than two years, and potentially, much less. Further, although the current initiatives would give states the authority to offer welfare to refugees for up to five years, InterAction considers it unlikely that states would grant refugees welfare benefits for a longer period than it grants benefits to other residents.

The trade organization representing state resettlement interests—State Coordinators of Refugee Resettlement (SCORR)—appears to be in step with the volags. In an April memo to state refugee coordinators, SCORR president Frank Bien noted that although the Personal Responsibility Act exempts refugees from major categorical programs, refugees "would be subject to each state's welfare reform initiative under the block grant." States then "could severely limit assistance," according to the memo.

In a broader argument, some advocates say that the federal government must continue to exert control over refugee resettlement if the United States is to maintain a national refugee resettlement program.

"Once we lose our ability to do resettlement on a national basis, the United States loses its ability to fulfill a critical role within the international refugee protection framework," said EMM's Parkins.

The State/Volag Response  Finding themselves in broad agreement on what they see as the dangers to refugee assistance that welfare reform legislation poses, volags and many state coordinators are pushing what they call the Transitional Refugee Initiative (TRI). Reportedly, the concept has been supported—at least behind the scenes—by the federal Office of Refugee Resettlement (ORR).

A May 31 SCORR memo to state refugee coordinators, which has been endorsed by the SCORR Board and InterAction, sets out the basic principles, assumptions, and components of TRI. Broadly speaking, TRI would maintain a discrete assistance program tailored specifically for refugees.

What Is TRI? According to SCORR's May 31 memo, TRI is premised on the idea that most refugees require specialized services designed to assist them to become self-sufficient. According to SCORR, because the federal government is responsible for refugee admissions, the federal government should be responsible for assuring a national program of resettlement services designed to move refugees to self-sufficiency "in the shortest time possible." However, the memo notes that the various welfare reform initiatives now before Congress "will result in block grants to states...with a steady reduction in fund availability." Thus, the SCORR memo argues, "federal funding outside the block grant should be provided to expedite resettlement and to minimize refugee access to state welfare systems."

As envisioned by SCORR and InterAction, TRI would include the following components:

- **Resettlement Services**: Refugee-specific social service funds would continue to be provided to states on a formula basis.

- **Transitional Assistance**: ORR would provide 100 percent federal funding to support cash assistance for all refugees. Assistance for single adults would extend for up to one year, while adults with dependent children would receive assistance for up to two years.

- **Medical Assistance**: ORR would maintain a discrete Refugee Health Assessment program. Primary and catastrophic care would be provided through Refugee Medical Assistance and Medicaid.

- **Service Coordination and Accountability**: ORR would be responsible for ensuring that the TRI design employed by each state contains essential services, and would establish standards for the scope of services and for state performance.

Other Committee Action  The Senate Agriculture Committee still has to take up the Food Stamps portion of welfare reform. Another piece of the welfare reform puzzle—concerning child care and child abuse and neglect—will be considered by the Senate Committee on Labor and Human Resources. That portion of the
legislation does not include immigrant provisions, however.

Although not part of welfare reform per se, the Labor Committee is considering separately a draft bill circulated by committee chair Sen. Nancy Kassebaum (R-Kan.). That bill would roll the social services components of ORR assistance—including targeted assistance grants (TAG)—into block grants to the states, a move vigorously opposed by some.

"Social services and TAG are not general assistance funds and should not become part of the block grant to the states," LIRS' Fredriksson said. "It's a very misguided proposal that would result in an end to a distinct social services system for refugees."

Next Steps Because the House has already passed its version of a welfare reform bill, and because the Senate Finance Committee has ended its consideration of the most significant components of welfare legislation affecting refugees, proponents of TRI would seem to be fighting a come-from-behind battle in their effort to maintain refugee-specific programs.

TRI or a TRI-like program could be debated on the floor of the full Senate, but that possibility is seen by many advocates as a dangerous tack, given the emotional nature of the current immigration and refugee debate. TRI could also be examined by the Finance Committee if it chooses to reopen the action it has already taken. Failing either of those two options, advocates' hopes would seem to rest on the House-Senate Conference Committee that must meet to reconcile whatever bill emerges from the Senate with the House's Personal Responsibility Act. Until then, volags, state coordinators, and their allies will be busy knocking on doors in Congress, explaining what they consider to be the dangers of the legislation, and advocating TRI as an alternative to those measures.

INS ISSUES GUIDELINES ON GENDER-BASED PERSECUTION

The Immigration and Naturalization Service (INS) issued guidelines to its asylum officers corps on May 26 outlining factors asylum officers should consider when adjudicating refugee claims from women claiming to fear persecution related to their gender.

In issuing the guidelines, INS Commissioner Doris Meissner said, "These new guidelines do not lower the standard that must be met by women seeking refugee status. What they do is educate asylum officers about gender-based discrimination and provide them with procedures and methods for evaluating whether individual claims meet the refugee standard."

The INS guidelines are an outgrowth of guidelines issued by the Canadian government in 1993 (see Refugee Reports, Vol. XIV, No. 2) and another set of proposed guidelines submitted by the Women Refugees Project of Harvard Law School in 1994.

Guidelines Closely Track U.S. Case Law

Unlike the Canadian guidelines, which set forth general principles for asylum adjudicators to consider, the INS guidelines engage more directly in a discussion of U.S. asylum case law, which has not been overly friendly to gender-based persecution refugee claimants.

Working with and around this body of case law undoubtedly represented a challenge to the authors of the guidelines. In one example, the guidelines cite Campos-Guardado v. INS, a 1987 case in the fifth circuit court of appeals, in which armed attackers entered the home of a politically active family in El Salvador. The attackers bound Campos-Guardado and other female family members and forced them to watch while they murdered the male family members. The attackers then raped the applicant and the other female family members while one attacker chanted political slogans. The court affirmed the denial of asylum by the Board of Immigration Appeals (BIA), which held that Campos-Guardado had not established that her attackers were motivated to rape her on account of a political opinion imputed to her. In a classic understatement, the guidelines say, "Reasonable minds could differ over this record." The guidelines suggest that the court "might reasonably have concluded that the attackers were politically motivated, but
more specifically that they believed the petitioner to have contrary political views and they punished her because of it."

Although there are very few precedent cases in U.S. immigration law in which an applicant was granted asylum on the basis of a gender-based persecution claim, the INS guidelines examine the reasoning of the courts, even in negative decisions, in order to suggest circumstances under which an adjudicator might decide in favor of such claimants.

For example, the guidelines devote considerable attention to *Fatin v. INS*, a case arising in the third circuit in 1993, involving an Iranian woman faced with having to wear the chador, the traditional Islamic veil, who claimed that she would be subjected to harsh penalties if she refused to do so.

The court acknowledged that the Iranian regime’s punishment for failure to wear the chador—which Fatin said would be 74 lashes, a year’s imprisonment, and in many cases brutal rapes and death—would constitute persecution, but that even if she were not physically abused, if she were compelled to engage in conduct that is abhorrent to her deepest beliefs, that also would amount to persecution.

Nevertheless, the court denied Fatin asylum because she had not shown either that she would disobey the rules and risk the consequences or that obeying the rules would be so “profoundly abhorrent” as to amount to persecution.

The third circuit had no difficulty fitting feminism into the notion of “political opinion” as one of the grounds—along with race, religion, nationality, and membership in a particular social group—on which a successful claim of persecution must be based for a refugee status determination. However, the court found that although Fatin held feminist views, she had not shown that she was willing to risk punishment for holding those views nor that she felt strongly enough about her views that she could not conscientiously obey Iranian dress requirements.

Although Fatin was not granted asylum, the INS guidelines found the case helpful in establishing that a woman could demonstrate a well-founded fear of persecution on account of her “beliefs about the role and status of women in society.”

**Women: “Members of a Particular Social Group”?** The INS guidelines also use *Fatin* to illustrate how the phrase “membership in a particular social group,” as another of the grounds on which a refugee claim can be based, can be applied to gender-related claims. The INS noted that although the third circuit found that being a woman could be interpreted as “a particular social group” for purposes of the refugee definition, that Fatin had not shown that persecutors would seek to harm her “based solely on her gender,” and the guidelines go on to state that “no court has concluded as a factual matter that an applicant has demonstrated that the government...would seek to harm her solely on account of her gender.”

The courts have, however, considered whether gender might be one characteristic, in combination with others, that could constitute a particular social group. Turning again to *Fatin*, the guidelines suggest that she did not claim to face persecution solely for being female, but because she was part of a “very visible and specific sub-group: Iranian women who refuse to conform to the government’s gender-specific laws and social norms.” The guidelines suggest that, although the court did not find Fatin herself to be a member of this group, that a group of women could hold beliefs so fundamental to their identity and conscience that they ought not to be required to change them, and that they would be willing to suffer severe consequences rather than comply with them.

Although the courts have struggled to decide what constitutes a “social group” for purposes of the refugee definition, the guidelines highlight a case arising in the first circuit, *Gebremichael v. INS*, in which the applicant won asylum due to a claim of a well-founded fear of persecution on account of a family relationship. The first circuit said, “There can, in fact, be no plainer example of a social group based on common, identifiable and immutable characteristics than that of a nuclear family.
The guidelines rarely cite a case in which the applicant was actually granted asylum. The irony here, however, is that Gebremichael was a male and that gender had nothing to do with the case! He had been imprisoned and tortured by the Dergue government in Ethiopia seeking information about his brother. The INS guidelines nevertheless put the best face on the facts at hand, saying that "claims based on family membership are frequently asserted by female applicants, particularly in countries where men tend to be more active politically than women." However, although the guidelines state that female applicants frequently assert this claim, the guidelines do not cite a single case in which a female applicant was granted asylum on this ground.

BIA Recognizes That Rape Can Be a Form of Persecution

Although the guidelines generally are saddled with negative case law, such as Fatin and Campos-Guardado, the guidelines were given a recent boost when Matter of—(Krome, BIA, May 25, 1993) was designated as a precedent decision. In this case, the BIA determined that the gang rape and beating of a Haitian woman in retaliation for her political activities was "grievous harm" amounting to persecution.

The guidelines explain that "the appearance of sexual violence in a claim should not lead adjudicators to conclude automatically that the claim is an instance of purely personal harm." The seriousness of the harm does not, by itself, constitute a claim to asylum. "The applicant must still demonstrate that the fear of persecution is well-founded and that the persecution was threatened or inflicted on account of a protected ground."

In fact, women alleging rape as political persecution have had difficulty convincing adjudicators that their attackers were motivated on political rather than personal grounds. The guidelines cite a 1992 sixth circuit case, Klawitter v. INS, in which the court denies asylum to a Polish woman fearing the sexual advances of a colonel in the Polish secret police. The court, saying that "harm or threats of harm based solely on sexual attraction do not constitute 'persecution'," found that "however distasteful his apparent treatment of the respondent may have been, such harm or threats arising from a personal dispute of this nature, even one taking place with an individual in a high government position, is not a ground for asylum."

However, the guidelines do cite a particularly egregious case involving a Salvadoran rape victim, Lazo-Majano v. INS, a ninth circuit case from 1987, in which the rape victim was granted asylum on the grounds of imputed political opinion. A member of the Salvadoran military threatened to accuse Lazo-Majano of being a subversive and turn her in to the authorities, singling her out "to be bullied, beaten, injured, raped, and enslaved." Based on evidence that the Salvadoran authorities severely mistreated subversives, and that her persecutor did accuse her of being a subversive to the police, the ninth circuit determined that she met the refugee standard of persecution on account of an imputed political opinion "even without evidence that she actually held subversive political views."

Guidelines on Interviewing Techniques

The INS guidelines do not confine themselves to legal issues. They also provide guidance on how to create a "customer-friendly" environment to enable women to discuss freely the details of their claims.

While the guidelines state that both male and female asylum officers will conduct interviews of women with gender-based claims, they acknowledge that "because of the very delicate and personal issues arising from sexual abuse, some women claimants may understandably have inhibitions about disclosing past experiences to male interviewers," and recommend that, where resources permit, female adjudicators handle sensitive cases.

The guidelines also warn that "testimony on sensitive issues—such as sexual abuse can be diluted through the filter of a male interpreter." This is all the more likely in the frequent instances where an applicant uses a family member as an interpreter.

The guidelines recommend that asylum officers "should provide women with the opportunity to be interviewed outside the hearing of
other members of their family, especially male family members and children."

Asylum officers are advised to approach subjects that might be humiliating and degrading with sensitivity. "It should not be necessary to ask for precise details of the sexual abuse," the guidelines say. "The important thing is establishing whether it has occurred and the apparent motive of the perpetrator."

**Trauma and Cultural Factors**

The guidelines caution asylum officers against drawing quick conclusions about the credibility of testimony based on applicants' facial expressions during the interview. They explain that in some cultures women will avert their eyes to authority figures as a sign of respect, and that sexually abused women may be traumatized, and appear numb or show emotional passivity during the interview. The guidelines warn asylum officers that "considerations of demeanor can be products of trauma or culture, not credibility."

The guidelines also note that in many cultures wives are completely subordinate to their husbands, and therefore may not have filed separate asylum claims. "When a husband does not appear to have an approvable claim," the guidelines recommend that "an asylum officer should routinely review the merits of the wife's case even though she may be listed merely as a derivative on her husband's application."

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**Updates**

- **Angolan President Jose Eduardo dos Santos and rebel leader Jonas Savimbi declared their commitment on May 6 to a UN-brokered peace plan that would end Angola's 20-year civil war and would eventually allow 2.3 million uprooted Angolans to return to their homes.** An estimated 345,000 Angolans are refugees in neighboring countries, including 220,000 in Zaire and 110,000 in Zambia, and some two million are internally displaced.

  A meeting between dos Santos and Savimbi in Lusaka, Zambia appeared to give official, top-level validation to a peace plan originally negotiated last November. Cease-fire conditions have since been violated several times.

  Angola's refugees may be cautious about repatriating, however. In 1992, during an earlier ill-fated peace accord, some 95,000 Angolan refugees repatriated in time to vote in national elections. A month after the election, Savimbi and his rebel group, the National Union for the Total Independence of Angola (UNITA), resumed the war, halting UNHCR's planned repatriation programs.

  An estimated 3.6 million Angolans are in need of humanitarian aid, and 10 million to 15 million landmines have been planted in Angola. In an attempt to reconcile some of these problems, the UN issued a $213 million appeal in January to fund repatriation, humanitarian, and de-mining activities in Angola. $27.3 million had been collected by May 31.

- **On May 25, former U.S. President Jimmy Carter commended the government of Sudan for its agreement to extend a two-month cease-fire intended to facilitate a delivery of health services to some of the four million people internally displaced or affected by the 12-year old civil war in Sudan.** Some 500,000 Sudanese are refugees outside the country.

- **In Liberia, a meeting of rival faction leaders in May failed to produce a permanent peace accord needed to facilitate the return home of some 1.8 million uprooted Liberians.** International mediators expressed hope, however, that another round of meetings in June will break the negotiating deadlock. A cease-fire negotiated in December has continually been breached.

  The five-year war in Liberia has created about 785,000 refugees, and forced some 140,000 Liberians to flee into Cote d'Ivoire and Guinea in 1994 alone. The UN issued a $65 million appeal for humanitarian assistance in Liberia in January. $27.6 million had been collected by May 31.

- **On May 29, the International Organiza-**
tion for Migration (IOM) announced that without additional financial resources, it would have to shut down its operations in and around Chechnya, a breakaway region of the Russian Federation, by the end of June. IOM is assisting returning internally displaced persons to rebuild their homes. IOM has appealed for $7.4 million for the period June through November 1995.

- On April 28, the UN High Commissioner for Refugees (UNHCR) announced that aid programs for an estimated 580,000 displaced persons in Georgia and Azerbaijan would have to be interrupted by the end of May unless new funding sources could be found. UNHCR said the situation in Azerbaijan was "critical" since only $2.4 million in donations had been received for an $8.2 million assistance budget. Lack of funds has already caused UNHCR to suspend several programs in Georgia and Azerbaijan.

- On May 10, INS agents arrested Emmanuel Constant, founder of the Front for the Advancement and Progress of Haiti (FRAPH), in New York. FRAPH is accused by human rights activists of killing hundreds of Haitians during the Haitian military's control of Haiti from September 1991 to September 1994. On March 29, Secretary of State Warren Christopher revoked Constant's visa, saying that he was subject to deportation because of his ties to FRAPH.

- James A. Puleo is leaving as Executive Associate Commissioner for Programs at the Immigration and Naturalization Service (INS), and is moving to the Bureau for International Narcotics and Law Enforcement Affairs at the Department of State. INS General Counsel T. Alexander Aleinikoff has been named as his successor. David A. Martin will replace Aleinikoff as General Counsel. Martin is currently a Professor of Law at the University of Virginia Law School in Charlottesville, Virginia. Aleinikoff and Martin are the co-authors of Immigration: Process and Policy, one of the leading textbooks on immigration law.

Current Research

**GENDER-BASED DISCRIMINATION IN UNRWA'S APPROACH TO PALESTINIAN REFUGEE STATUS**

The central question in a recent *Human Rights Quarterly* article, “What stake do over two million Palestinian women have in the future of their former homeland?” is of immediate relevance to limited Palestinian self rule in the Gaza Strip and Jericho. Israeli and Palestinian negotiators have yet to define who is a “Palestinian refugee.” If they adopt the United Nations Relief and Works Agency’s (UNRWA) patrilinear model for determining how refugee status is passed from generation to generation, the rights, privileges, and legal status of Palestinian women and their children could be at risk, according to the article.

In *Promoting Inequality: Gender-Based Discrimination in UNRWA’s Approach to Palestinian Refugee Status*, Christine M. Cervenak describes the basic features of UNRWA’s refugee definition and mode of operation, and explores the various ramifications of its gender bias for Palestinian refugee women and their families. The UNRWA model is compared to other legal norms on gender discrimination set out in conventions and other international instruments, including those established by the UN itself. Alternative approaches to gender and generational issues of legal identity are suggested. The study exposes potential problems of gender-based discrimination in definitions of legal status, not only for women, but for men and children as well.

**UNRWA’S Model and Ramifications** UNRWA was established by the UN General Assembly in 1949 to provide emergency services to Palestine refugees following the 1949 partition of Palestine. For more than forty years, UNRWA provided food assistance and financial support; administered sixty refugee camps; provided medical care in 118 clinics and hospitals; and ran more than 600 UNRWA primary or prepa-
atory schools and training centers in Lebanon, Jordan, the Syrian Arab Republic, the West Bank, and the Gaza Strip.

However, gender discrimination has been inherent in UNRWA's forty-year-old basic definition of a Palestine refugee, according to Cervenak. Children of female Palestinian refugees who marry unregistered non-refugee men cannot be registered, and therefore these women (referred to as MNRs) and their children are not entitled to UNRWA services, no matter how great their need, unless they are either widowed or divorced. Registered women are singled out for this treatment: registered men who marry non-registered women are entitled to register their children and benefit from UNRWA services. The children of MNRs are invisible to UNRWA's record-keeping system for identifying registered refugees. This system entitles the "head of the family," presumed to be a man, to carry a registration card for the family—the UN's recognition of its responsibility for their refugee status.

Unlike other refugees, Palestinian refugee status is designed to be passed from generation to generation, pending a political solution. Under the international refugee system, it may be difficult for Palestinian refugees to seek asylum, so those with UNRWA status will be greatly advantaged. "Countries accepting UNRWA refugee status as evidence of basic refugee status for subsequent generations of refugees should take UNRWA's discriminatory registration into consideration. These countries could avoid perpetuating the discrimination by according descendants of MNRs the same status as descendants of male UNRWA refugees," says Cervenak.

UNRWA's registration also has ramifications concerning rights granted to refugees in exile. Specifically, UNRWA registration carries the right to residence and travel privileges in Lebanon, rights not available to MNRs and their unregistered children.

UNRWA Model Compared To Other Legal Norms That UNRWA established gender discriminatory rules in the 1950s without the benefit of more specific standards on gender-based discrimination is not surprising, accord-

ing to Cervenak. However, UNRWA has not changed its approach despite the development of international legal norms since that time geared toward eliminating gender-based discrimination, such as the 1967 Declaration on the Elimination of Discrimination Against Women; the Convention on the Elimination of All Forms of Discrimination Against Women, adopted by the UN General Assembly in 1979; and the 1966 International Convention on Civil and Political Rights.

Cervenak says that UNRWA's tacit assumption that MNRs and their children follow their husbands/fathers is present in neither Arab personal law nor nationality law; and that it is reflected in neither economic reality nor embraced by all Palestinians. Cervenak points to approximately 200 women's organizations in the West Bank and Gaza Strip and says, "Many Palestinian women are currently struggling to eliminate gender discrimination. UNRWA's rules undermine their struggle, serving instead to perpetuate the very stereotypes these women are working to change."

Cervenak observes that UNHCR policy contrasts sharply with UNRWA's: "If the head of the family is not a refugee, there is nothing to prevent any one of his dependents...from applying for recognition as refugees under the 1951 UN Convention."

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CONFERENCE

NATIONAL SYMPOSIUM ON REFUGEES

The U.S. Office of Refugee Resettlement (ORR) and the Texas Office of Immigration and Refugee Affairs will conduct the 1995 National Symposium on Refugees in San Antonio, Texas from September 27 through 29, 1995. The conference will discuss the past, present, and future of refugee resettlement in the United States. For more information, contact Juan Antonio Flores at (512) 873-2400.
### Among the World's Largest Refugee Groups
**By Nationality of Origin:**

- **Palestinians** (3,136,800);
- **Afghans** (2,835,300), plus 1,000,000 internally displaced;
- **Rwandans** (1,715,000), plus 1,200,000 internally displaced;
- **Bosnians** (863,300), plus 1,300,000 internally displaced;
- **Liberians** (784,000), plus 1,100,000 internally displaced;
- **Iraqis** (635,900), plus 1,000,000 internally displaced;
- **Sudanese** (510,000), plus 4,000,000 internally displaced;
- **Somalis** (457,400), plus 500,000 internally displaced;
- **Azerbaijanis** (374,000), plus 630,000 internally displaced;
- **Angolans** (344,000), plus 2,000,000 internally displaced;
- **Burundians** (330,000), plus 400,000 internally displaced;
- **Mozambicans** (325,000), plus 500,000 internally displaced;

IMMIGRATION REFORM IN FULL SWING

In June, immigration reform was "busting out all over," starting with the recommendations of the Commission for Immigration Reform, chaired by former Congresswomen Barbara Jordan, and ending with a comprehensive immigration reform bill (H.R. 1915) introduced by the Chairman of the House Subcommittee on Immigration and Claims, Rep. Lamar Smith (R-Tex.). In between, the Administration quietly put forward its illegal-immigration reform bill (H.R. 1929) in the House, introduced by Rep. Howard Berman (D-Cal.). The Senate version of the Administration bill, S. 754, was introduced by Sen. Edward M. Kennedy (D-Mass.) in May.

Meanwhile, the Senate Immigration Subcommittee passed Alan K. Simpson's (R-Wyo.) illegal-immigration reform bill, S. 269, on June 14, by a 4-2 vote, and, on June 29, the month closed with the Congressional Task Force on Immigration Reform releasing its recommendations to combat illegal immigration.

Legal Immigration Reform Both the Jordan Commission and H.R. 1915 would reduce legal immigration by about one-third and would cut refugee admissions in half. Neither the Simpson bill nor the Administration bill addresses reform of legal immigration, but, rather, both limit themselves to amending those aspects of the Immigration and Nationality Act (INA) that relate to illegal immigration (except that the Simpson bill, as introduced, also includes a provision limiting refugee admissions to 50,000).

Although the Administration bill did not deal with legal immigration reform, President Clinton endorsed the Jordan Commission’s recommendations on legal immigration, saying they were "consistent with my own views" and a "road map for the Congress to consider."

The Commission would reduce legal immigration from its current level of about 830,000 annually to about 550,000. Smith’s bill would reduce the number more quickly to about 535,000 annually.

Both the Commission and H.R. 1915 would set a limit of 50,000 refugee admissions per year. This year, the refugee admissions ceiling is set at 110,000. The Senate Immigration Subcommittee struck the 50,000 cap on refugee admissions from Simpson’s bill, S. 269, after
objections were raised by Kennedy and Sens. Charles E. Grassley (R-Iowa) and Paul Simon (D-Ill.).

In the midst of the debate, which has focused on the supposed problem of ever-growing immigrant numbers, the Immigration and Naturalization Service (INS) released its annual statistics on June 29 showing a decline of 9.3 percent in legal immigration to the United States between FY 93 and 94 (see chart, p. 6). The INS attributed the drop, the largest in 15 years, to reduced numerical limits proscribed by the Immigration Act of 1990. The number of legal immigrants in FY 94 stood at 798,395.

"These figures," said INS Commissioner Doris Meissner, "are important in determining the future of an immigration policy that is fair, orderly, and compassionate."

The largest decreases in immigration were for immigrants born in Vietnam (-30.6 percent); China (-17.7 percent); the Philippines (-15.3 percent); and El Salvador (-32 percent). The largest increase was for Haitians (+37.6 percent).

The statistics also show that admissions of Amerasian children declined by 74.6 percent, from 11,116 in FY 93 to 2,822 in FY 94. Indochinese and former Soviet parolees declined by nearly 50 percent, from 15,772 to 8,253. And the number of asylees to adjust to permanent resident status fell nearly 50 percent, from 11,804 in FY 93 to 5,983 in FY 94.

Commission, Smith Close on Numbers The Commission recommended 400,000 places per year for nuclear family immigrants and 100,000 for skill-based immigrants, in addition to the 50,000 places for refugees. The Commission recommended that 150,000 visas per year should be issued for spouses and minor children of legal permanent residents until the backlog in that preference category is reduced.

H.R. 1915 is similar to the Commission's numbers recommendations. Smith would limit family-based immigration to 330,000 annually and set skills-based immigrant visas at 135,000 per year. The main difference between H.R. 1915 and the Commission's recommendation is that H.R. 1915 calls for 50,000 visas per year (not 150,000) to reduce the backlog on spouses and children of legal permanent residents.

Commission Calls for "Revamping" U.S. Refugee Resettlement Program On June 28, Jordan testified before a joint hearing of the House and Senate immigration subcommittees, saying that the Commission recommends a "thorough assessment of the criteria used to admit refugees for resettlement."

She said that the Commission is reviewing a number of issues relating to refugee resettlement, including: the priority system; in-country refugee processing; country-specific legislation; procedural issues; Congressional and Executive Branch roles, including the consultation process; the role of international organizations; parole authority; and domestic assistance, including the role of states and nongovernmental organizations.

Jordan said, "The refugee resettlement program must be revamped to meet the needs of the post-Cold War world, in which extreme nationalism and ethnic conflicts continue to produce massive population displacements while resolution of other conflicts is permitting large-scale voluntary repatriation."

Another member of the Commission, and also a former member of Congress, Rep. Bruce Morrison, formerly chairman of the House immigration subcommittee, told the joint hearing that since the Commission had not yet fully studied the refugee question, it would prefer that Congress not act in the refugee area until the Commission has had a chance to elaborate its recommendations in more detail.

Refugee Admissions Capped at 50,000 Both the Commission on Immigration Reform and H.R. 1915 call for establishing a cap on refugee admissions, and both set it at 50,000 admissions per year. H.R. 1915 allows for a transitional year of 75,000 refugee admissions for FY 97.

In addition to capping the refugee category at 50,000, H.R. 1915 would add a category of "immigrants of special humanitarian concern" to the United States, and make 10,000 places per year available. Smith also includes in his count of 70,000 "humanitarian admissions" per year a total of 10,000 asylees per year who adjust to permanent resident status (the figure already present under current law).

H.R. 1915 also says that the 50,000 cap on refugee admissions could be raised by a separate act of Congress. The Commission on Immigration Reform's recommendations on the
means to pierce the refugee cap are similar to H.R. 1915's. The Commission says that in emergency situations any refugee admissions in excess of 50,000 could occur only through "an affirmative act of Congress" (the same provision as in H.R. 1915) or through a Presidential authorization upon certification of the emergency circumstances necessitating such action. The Commission says, "The Congress may prevent the emergency admissions with a two-house veto of the Presidential action."

Administration Opposes Refugee Cap

The Clinton Administration opposes setting a cap on refugee admissions. Diane Dillard, acting assistant secretary for Consular Affairs, told the June 29 House hearing on H.R. 1915 that the State Department opposes a legislated cap on refugee numbers, since visa requirements "can change markedly from year to year or even within a year."

Testifying for the INS at the same hearing, T. Alexander Aleinikoff, executive associate commissioner for programs, said, "The current process of consultation between Congress and the Executive Branch on the annual refugee admissions level, which began in 1981, is working well, and allows Congress to participate in the process of determining appropriate refugee admissions levels."

Aleinikoff added that "imposing a strict and arbitrary limitation on annual admissions would constitute an unwarranted restriction on the process and on the President's responsibility to determine issues of foreign policy."

A Refugee Cap: Pros and Cons

At the June 28 hearing on the Commission's recommendations, Sen. Dianne Feinstein (D-Cal.) asked whether the Commission viewed the 50,000 refugee number as "a hard cap."

Jordan answered, "We're really not talking about a cap on refugees."

Morrison added that 50,000 "is neither a cap nor a floor," and said that the President could increase the number in the event of an emergency or that Congress could pass a law to that effect as well. Morrison said that the number was not an "absolute," but rather "a good place to aim at."

Rep. Barney Frank (D-Mass.) challenged the way that Morrison and Jordan characterized the cap in their response to Feinstein. "It certainly sounded like a limit to me," he said. "That is, it's the most you can have in a nonemergency situation unless Congress enacts a law. That would meet my definition of a limit."

Frank asked, "Why is there a need to put that limit on refugees? Is it the view that refugees are troublesome, annoying, difficult? Do they have loud parties, or what?"

Morrison said that 20 million people would qualify as refugees, but that we have to limit the number to be resettled in the United States. He said, "It is a number that we believe is a reasonable, regular admission number if you assume that the current Vietnamese and other Indochinese populations that are waiting in line will already have entered, and those who have been identified in the former Soviet Union for entry will also come in."

Morrison went on to say, "When you leave those historical obligations behind, a new, forward-looking refugee program based on the worldwide definition of a refugee fleeing persecution can be satisfied with 50,000."

At the House hearing the next day, Smith said that he considered 50,000 refugee places to be adequate because "the high numbers we've had in the last year or two are the result of specific groups of people" whose numbers are likely to decrease. He cited Vietnamese and Russian Jews as the two groups who would account for the decline.

Witnesses at the June 29 House hearing were divided over the question of capping refugee admissions numbers at 50,000. Dan Stein, executive director of the Federation for American Immigration Reform (FAIR), supported the cap, saying, "Experience since the Refugee Act of 1980 has shown that the refugee program can, and does, become victim to special interest politics when numbers are not set down in stone."

On the other hand, John Swenson, executive director of Migration and Refugee Services of the U.S. Catholic Conference (USCC), said that he believed the U.S. refugee resettlement program to be "on the whole, structurally sound as it stands." He said a cap would be "unwise," because it would limit the government's flexibility. "The Refugee Act of 1980 provides the right mix in a flexible and appropriate manner," he said.

Bill Frelick, senior policy analyst of the U.S. Committee for Refugees (USCR), testified that projections from the current former-Soviet caseload suggest that 40,000 places will continue to be devoted to that group, leaving.
in effect, 10,000 places for the rest of the world if the cap is set at 50,000.

He added that requiring Congress to enact a law to exceed the cap "would have the effect of unduly politicizing what ought to be a humanitarian determination by making each decision to increase the number on behalf of a particular affected refugee population subject to general Congressional debate." The result, Frelick said, would be that lesser-known refugee groups without a U.S. constituency would be left out.

Exclusion, Deportation, Suspension

Aleinikoff noted that the similarities regarding border control and removal procedures between Smith's bill and H.R. 1929, the Administration's bill, "signal an important step toward crafting a bipartisan plan to combat illegal immigration."

In many cases, the differences between the Administration and Smith were of degree rather than kind. For example, Smith's bill would double the Border Patrol to 10,000, adding 1,000 new agents annually until the year 2000. The Administration, on the other hand, would add 700 new agents a year from FY 96 through 98. "We strongly believe that an annual increase of 700 agents represents the maximum strength that the Border Patrol can responsibly achieve in each year," said Aleinikoff.

Among other points, Aleinikoff noted similar provisions in the two bills regarding amending existing law relating to relief from exclusion under section 212(c) of the Immigration and Nationality Act (INA) for long-term permanent residents and suspension of deportation under section 244 of the INA for aliens present in the United States for a long period whose deportation would cause extreme hardship. "Both bills," said Aleinikoff, "would limit the relief available under current law and would consolidate both forms of relief for deportable aliens into one provision termed 'cancellation of deportation'."

The provisions being talked about, in particular "suspension of deportation," could become increasingly important as the INS begins to act on the 450,000 asylum cases in the backlog, many of whom have been in this country for long periods of time who might well plead extreme hardship if faced with deportation. This could also be the case for the large class of Salvadorans and Guatemalans whose asylum cases will be heard again (or for the first time) as a result of the settlement of the American Baptist Churches (ABC) v. Thornburgh settlement.

At the root of Smith's attack on suspension is a radical and fundamental change in the way U.S. immigration law has treated the notion of entry. Under current law, persons who have entered into the United States are put on a different legal footing than those who have not. A person who has entered and whom the United States seeks to remove is faced with a deportation proceeding. A person who has not entered faces "exclusion" from entering. More rights are accorded persons who are legally considered to have entered the country than to those considered merely to be seeking to enter.

In fact, the distinction is often little more than a legal fiction, as persons in exclusion proceedings are actually physically present in the United States, often in detention.

Smith's bill would treat any alien who enters without inspection as an applicant for admission, and would require such aliens to bear the burden to prove their admissibility. So, for example, a Salvadoran who entered the United States in the early 1980s would still be required to prove admissibility and would not be able to apply for suspension of deportation.

Aleinikoff acknowledged the problem with existing law, but also cautioned that further problems could arise under Smith's proposal. "We agree that revision of the 'entry' distinction between exclusion and deportation proceedings is long overdue," he said. "To afford more process to an alien who enters by evading inspection than to a person who appears for inspection at a port of entry defies logic. We also support consolidating exclusion and deportation into one removal process. We are concerned, however, that elimination of what is currently suspension of deportation for those who enter without inspection will work a hardship on certain long term residents and their family members."

Anthony C. Moscato, director of the Executive Office of Immigration Review, told the House hearing that suspension has been sought in relatively few cases, saying that last year only 4,254 applications were submitted and only half of those were granted. "Suspension of deportation," he said, "operates as a mechanism to resolve those issues in which the requirements of immigration enforcement
must in our view be considered in concert with
the need to keep families strong and unified."

H.R. 1915 would also require the immediate detention of any alien once an administratively final order of deportation is issued. Aleinikoff said, "Were we required to go out, locate, and detain all people at that point, it would have resource implications for us. Some of these people go home on their own, some of them appeal their final orders from the Board of Immigration Appeals to the courts of appeals, and we would be detaining them for long periods of time, and others we may not have travel documents for." Aleinikoff suggested that the detention requirement would have such impact on detention space that it could prevent the INS from detaining criminal aliens.

Expedited Removal Another component of both H.R. 1929 and H.R. 1915 is a special exclusion procedure that would allow the INS to order an alien excluded and deported without a hearing before an immigration judge. Smith's bill would allow the INS to put any alien arriving with false or no documents into expedited removal procedures. Aliens claiming a fear of persecution would be subjected to a test to determine whether they have a "credible fear" of persecution before being allowed a full asylum hearing. The "credible fear" test would require the alien to establish that it is "more probable than not" that the alien's statements are true, and that there is a "significant possibility" that the alien could establish eligibility for asylum. The Administration's proposed credible fear standard talks of a "reasonable possibility" that the alien's statements are true.

The main difference between the two is that the Administration reserves expedited removal for mass influxes where normal procedures cannot meet the need, whereas Smith would use such procedures whenever individuals arrive without documents or with false documents.

Aleinikoff observed, "The Administration's proposal is substantially similar to section 302 of H.R. 1915, except that the special procedures (and the need to have asylum officers readily available to screen asylum applications) would be available for use...when 'extraordinary immigration situations' threaten our existing procedures."

USCR's Frelick said, "It is ironic that the particular circumstance that causes H.R. 1915 to erect an additional obstacle for asylum seekers is their having arrived without documents or with false documents. The irony is that the well-foundedness of a person's fear of persecution at the hands of his government is more likely if he was not able or willing to approach those authorities for permission to leave the country."

The USCC's Swenson added, "There seems to be no provision for administrative or judicial review of a negative determination at any stage in the process. There is no provision for legal representation in any of the interviews. There is no provision for putting on evidence. Those arriving avoid immediate removal only if they affirmatively request asylum or express a fear of persecution—something that persons who have been tortured do not readily do. Even if the individual manages to surmount the initial hurdle, any other immigration officer can challenge admissibility and put the individual into a hearing before an immigration judge."

Limits of Attorney General's Parole Authority Smith would limit the Attorney General's parole authority to individual medical emergencies, imminent deaths of family members, and the government's need to produce witnesses. The Administration opposes this provision, as well.

"The current law provides the Attorney General with appropriate flexibility to deal with compelling immigration situations," said Aleinikoff. He suggested that the special exclusion provisions in both the Administration bill and H.R. 1915 would afford the opportunity to bring aliens intercepted at sea to the United States for a brief period for "credible fear" screening "without implicating a full panoply of hearing and appeal rights." But, he said, "it is not at all clear that this option would be available in light of the proposed restrictions on the Attorney General's parole authority."

Senate Mark-up Adds Time Limit on Asylum Applications, Bars Certain Benefits for Legal Immigrants At the June 14 Senate subcommittee mark-up of S. 269, Simpson offered a substitute bill—referred to as a "Chairman's mark"—which added a 30-day limit on the filing of asylum claims. The 30-day limit would run from the date of the alien's entry or
### Immigrants Admitted by Major Category of Admission: Fiscal Years 1992-94

<table>
<thead>
<tr>
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<td>12,486</td>
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<td>Spouses and children of alien residents</td>
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<td>Married sons/daughters of U.S. citizens</td>
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<td>2.80</td>
<td>23,385</td>
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<td>Children ..............</td>
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<td>Children born abroad to alien residents</td>
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<td>0.20</td>
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<td>Legalization dependents</td>
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<td>Employment-based immigrants</td>
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<td>147,012</td>
<td>16.70</td>
<td>116,198</td>
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<td>5,456</td>
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<td>Professional with advanced degree or of exceptional ability</td>
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<td>1.80</td>
<td>29,468</td>
<td>3.30</td>
<td>58,401</td>
<td>7.20</td>
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<td>Skilled, professionals, unskilled</td>
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<td>9.60</td>
<td>87,689</td>
<td>10.00</td>
<td>47,568</td>
<td>5.90</td>
<td>-12.20</td>
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<td>Chinese Student Protection Act</td>
<td>21,297</td>
<td>2.70</td>
<td>26,915</td>
<td>3.10</td>
<td>X</td>
<td>X</td>
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<td>Others ...............</td>
<td>55,659</td>
<td>7.00</td>
<td>60,774</td>
<td>6.90</td>
<td>47,568</td>
<td>5.90</td>
<td>-8.40</td>
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<td>Special immigrants ....</td>
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<td>8,158</td>
<td>0.90</td>
<td>4,063</td>
<td>0.50</td>
<td>27.60</td>
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<td>Investors .............</td>
<td>444</td>
<td>0.10</td>
<td>583</td>
<td>0.10</td>
<td>59</td>
<td>Z</td>
<td>-23.80</td>
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<td>Pre-1992 preferences ..</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>651</td>
<td>0.10</td>
<td>X</td>
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<td>Diversity programs ......</td>
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<td>5.10</td>
<td>33,480</td>
<td>3.80</td>
<td>36,348</td>
<td>4.50</td>
<td>22.60</td>
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<td>Diversity transition .</td>
<td>41,056</td>
<td>5.10</td>
<td>33,468</td>
<td>3.80</td>
<td>33,911</td>
<td>4.20</td>
<td>22.70</td>
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<td>Other diversity programs</td>
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<td>X</td>
<td>12</td>
<td>Z</td>
<td>2,437</td>
<td>0.30</td>
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<tr>
<td>Not subject to numerical cap</td>
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<td>17.10</td>
<td>160,313</td>
<td>18.20</td>
<td>155,094</td>
<td>19.10</td>
<td>-14.90</td>
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<td>Amerasians ..........</td>
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<td>0.40</td>
<td>11,116</td>
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<td>17,253</td>
<td>2.10</td>
<td>-74.60</td>
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<td>Parolees, Soviet and Indochinese</td>
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<td>1.00</td>
<td>15,772</td>
<td>1.80</td>
<td>13,661</td>
<td>1.70</td>
<td>-47.70</td>
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<td>Refugees and Asylees .</td>
<td>121,434</td>
<td>15.20</td>
<td>127,343</td>
<td>14.50</td>
<td>117,037</td>
<td>14.40</td>
<td>-4.60</td>
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<td>Asylee adjustments .</td>
<td>5,983</td>
<td>0.70</td>
<td>11,804</td>
<td>1.30</td>
<td>10,658</td>
<td>1.30</td>
<td>-49.30</td>
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<td>Registered Nurses .</td>
<td>304</td>
<td>Z</td>
<td>2,178</td>
<td>0.20</td>
<td>3,572</td>
<td>0.40</td>
<td>-86.00</td>
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<td>Registry entered prior to 1/1/72</td>
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<td>0.10</td>
<td>938</td>
<td>0.10</td>
<td>1,293</td>
<td>0.20</td>
<td>-28.90</td>
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<td>Suspension of Deportation</td>
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<td>0.30</td>
<td>1,468</td>
<td>0.20</td>
<td>1,013</td>
<td>0.10</td>
<td>51.20</td>
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<tr>
<td>Other ...............</td>
<td>665</td>
<td>0.10</td>
<td>1,498</td>
<td>0.20</td>
<td>1,265</td>
<td>0.20</td>
<td>-55.60</td>
</tr>
</tbody>
</table>

* Including children born abroad to permanent residents
X: not applicable
Z: Rounds to less than .05 percent

Source: Immigration and Naturalization Service
admission into the United States, unless the alien could convince the INS to exercise discretion and allow the application based on changed country conditions in the home country.

H.R. 1915 does not include such a time limit on an asylum application.

The Chairman's mark of S. 269, passed by the subcommittee, would also bar legal immigrants from receiving any federal means-tested benefits for a minimum of ten years and in some cases indefinitely.

The bill would extend the deeming period (the period during which the income of a sponsor is considered to be available to an immigrant when determining the immigrant's eligibility for benefits) to five years for immigrants currently in the United States and in the case of immigrants who arrive in the future until they have worked 40 quarters (ten years if worked consecutively), even if they become U.S. citizens during that period.

If an immigrant is unable to work 40 quarters for any reason, including disability or age, he or she would never be eligible for benefits. Immigrant children would be ineligible for any benefits until they too reach work age and work for 40 quarters.

S. 269 and provisions in the Senate welfare reform bill approved by the Senate Finance Committee on May 26 (see Refugee Reports, Vol. XVI, No. 5) would, if they become law, represent the first time that the U.S. government has differentiated between native-born U.S. citizens and naturalized U.S. citizens.

According to the National Immigration Forum, these actions amount to "casting some of this country's most loyal and productive citizens into a 'second-class citizen' status."

On the House side, H.R. 1915 would make a sponsor's affidavit of support a binding contract, and would deem the income of persons sponsoring their parents until their parents become U.S. citizens. For spouses, the deeming period would last until the spouse becomes a citizen or seven years after the spouse becomes a legal permanent resident, whichever comes first. Sponsorship, under H.R. 1915, would also be limited to U.S. citizens or lawful permanent residents, at least 18 years old, who maintain an annual income equal to at least twice the poverty level for the sponsor and the immigrant.

Aleinikoff said that although the Administration supports making affidavits of support legally binding, the Administration has "strong reservations" about extending deeming to the disabled, and about applying deeming provisions to Medicaid and Foster Care programs. The Administration also opposes making deeming provisions apply to minor children of U.S. citizens and permanent resident aliens, regardless of their citizenship status. Saying that many such minors become naturalized U.S. citizens while still minors, Aleinikoff said that this would cause two classes of American citizen children.

Certain Family Preferences on the Cutting Block Both the Commission and H.R. 1915 would eliminate visa preferences for siblings and adult children of U.S. citizens. Both would allow spouses, children under age 21, and parents to immigrate without numerical limits or waiting periods, although Smith would only allow parents to immigrate if the majority of their children were citizens or lawful permanent residents and if they met certain health insurance requirements.

There was one dissenter on the Commission, Warren R. Leiden, executive director of the American Immigration Lawyers Association (AILA), who called its recommendations "short-sighted." Although voicing support for revising the priorities for family immigration, Leiden said, "I can't support the Commission's proposal to eliminate three of four existing family preference categories."

Both the Commission and H.R. 1915 addressed the issue of immigrant parents of U.S. citizens becoming dependent on public assistance. The Commission recommended making the admission of parents contingent on a "legally enforceable affidavit of support." It said that affidavit signers should be required to show their ability to provide what may be a lifetime of financial support to immigrant parents. It recommended that they be required to show assurance of the purchase of lifetime health coverage for them.

H.R. 1915 would require immigrant parents of U.S. citizens to obtain private health insurance comparable to Medicare coverage and long-term insurance coverage comparable to Medicaid's long-term care benefits.

Aleinikoff charged that "this provision would effectively allow only wealthy American families to be reunited with their immigrant parents."
Others, however, said that H.R. 1915 doesn't go far enough. Robert Rector, senior policy analyst with the Heritage Foundation, testified, "The U.S. welfare system is running into the threat of becoming a deluxe retirement home for elderly from the third world." He said that "living on welfare has become a way of life for a major number of elderly noncitizens in the United States." He suggested that parents only be admitted as "guests," and never be permitted to become citizens for fear that they would gain full access to welfare benefits.

Opposition also came from the other end of the spectrum. Karen K. Narasaki, executive director of the National Asian Pacific American Legal Consortium, testified against H.R. 1915's elimination of visa categories for adult children of citizens and legal permanent residents and for brothers and sisters of citizens. She said that H.R. 1915's provisions would "devastate many Asian American families." Based on State Department figures, Narasaki estimated that 55 percent of the family members eliminated by H.R. 1915 would be members of Asian American families.

"It would be highly inequitable," she said, "to change the rules for those who have been patiently waiting for years to reunite with their families." Citing cases of people who have been wait-listed for as long as 17 years for an entry visa, she said, "Imagine the pain inflicted on a Vietnamese refugee who was separated from her family members in the chaos of fleeing before the fall of Vietnam and has been waiting for more than five years to have her brother join her, if she is now told that the wait has been for naught."

**Unskilled Workers Would Be Eliminated**

H.R. 1915 would eliminate the diversity visa program and would also eliminate employment-based visas for unskilled workers. The Commission also recommended the elimination of the admission of unskilled workers, saying, "We see little justification for admitting unskilled foreign workers into an economy that must find job opportunities for millions of unskilled U.S. workers."

The Commission also came down forcefully against any guestworker program. Jordan said that "a large-scale agriculture guestworker program, sometimes referred to as a revisiting of the 'bracero agreement,' is not in the national interest. We unanimously and strongly believe that such a program would be a grievous mistake."

**House Task Force on Immigration Reform Issues Final Report**

Capitol Hill was so busy with immigration reform initiatives that the Congressional Task Force on Immigration Reform, chaired by Rep. Elton Gallegly (R-Cal.), held its press conference to release its final report on the same day and at the same time as the Immigration and Claims Subcommittee hearing on H.R. 1915.

The Task Force, convened by Speaker Newt Gingrich, focused its attention exclusively on the issue of illegal immigration. The Task Force made about 100 separate recommendations. Among them, it called for abolishing birthright citizenship to the children of illegal immigrants and for giving states the option of denying primary and secondary education to illegal immigrants.

"If these recommendations are followed," said Gallegly, "illegal immigration as we know it will cease to exist and we will have the largest voluntary deportation in the history of the world."

**Recent Developments**

**SENATE PROPOSES BILL THAT WOULD INCLUDE REFUGEE SERVICES IN A BLOCK GRANT**

The Senate Labor and Human Resources Committee, chaired by Sen. Nancy Kassebaum (R-Kan.), began marking up S. 143, the Workforce Development Act of 1995, on June 14. The bill proposed repealing numerous employment-related programs and creating a massive job training block grant for the states.

Included among the programs to be repealed were Refugee Social Services, Targeted Assistance, and Matching Grants. According to Jana Mason, Immigration and Refugee Services of America's government liaison, "These programs were included in the block grant primarily because the General Accounting Office (GAO) included them in a survey of employment-related programs that Congress asked the GAO to prepare for the purposes of developing this legislation. Thus, there was no conscious intent to eliminate..."
refugee-specific services, and most Committee members were unaware of the unique nature of these services."

Following a concerted advocacy effort by refugee service providers nationwide, the Committee struck a compromise between the original Kassebaum proposal and an amendment sponsored by Sen. Edward Kennedy (D-Mass.) to strike the repeal of the refugee services programs.

The Committee decided to include in the block grant only that portion of refugee social services provided to states for purposes of employment services. Thus, Targeted Assistance, which goes to counties, Matching Grants, which go to voluntary agencies, and non-employment social services will be “held harmless,” i.e., excluded from the block grants.

Because there is no actual authorized funding for refugee services, the Committee could not put a dollar amount on the refugee social services that they want to remain in the block grant. The implications of that are unclear. If the Office of Refugee Resettlement (ORR) is prevented from funding states to provide employment activities, it may still be able to fund other entities, including voluntary agencies and Mutual Assistance Associations (MAAs), to implement those services. The final outcome may have as much to do with what decisions ORR makes as with what happens to the language as the bill proceeds through the legislative process.

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Transitional Refugee Initiative (TRI) Wavers

Supporters of a proposed Transitional Refugee Initiative (TRI) (see Refugee Reports, Vol. XVI, No. 5), including voluntary agencies and a number of state refugee coordinators, met recently with staff of various key governors, and representatives of the National Governors Association, National Conference on State Legislatures, and National Association of Counties. They sought to explain their concerns about proposed welfare reform legislation that would fold funding for some refugee services into block grants to the states and to elicit governors' support for a TRI proposal. [Note: Congress is considering separate bills that would shift welfare services and job training services into block grants to states.]

Refugee advocates argue that a block-granted welfare system could result in significant reduction in assistance for Aid to Families with Dependent Children (AFDC)-eligible refugees and would likely not address their service needs. TRI was proposed as an alternative refugee assistance program outside the block grants.

Representatives of some key governors indicated that they were unlikely to support the proposal. Some said that a number of governors would resist any attempts to take money from the welfare block grant or to earmark part of their block grants for services to a particular population. Others cautioned that, given cuts in human services funds during the next several years, refugee-specific funding might be less secure on its own than if protected within a block grant.

Support for a TRI proposal also appears weak in Congress. As a result, advocates say that if a block-granted welfare system is enacted, the chances of creating a refugee-specific system to include former AFDC-eligible refugees are small.

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Nearing an Answer for Those Fleeing China's One-Child Policy

The question has been debated for years: Can individuals, particularly nationals of the People's Republic of China (PRC), establish an asylum claim on the basis of past or imminent persecution in the form of actual or threatened forced abortion or sterilization under their home country's family planning policy? The answer has been unclear, with the Board of Immigration Appeals (BIA) and the Immigration and Naturalization Service (INS) at times taking contradictory positions. Now, Congress is stepping in to define, in law, resistance to forced abortion or sterilization as being a recognized form of persecution for establishing refugee status.

The American Overseas Interests Act, (H.R. 1561), better known as the foreign aid bill, which passed in the House on June 8, contains a provision (section 2252) that would restore an INS policy adhered to during 1990-1994 that made applicants who resist or involuntarily undergo abortions and/or sterilizations eligible for asylum. The language does not require special treatment for these cases, rather; it alters the light in which they are seen.
The bill states that an individual defying the PRC's family planning policy "shall be deemed to have been persecuted on account of political opinion, and a person who has a well-founded fear that he or she will be forced to undergo such a procedure or subjected to persecution for such failure, refusal, or resistance shall be deemed to have a well-founded fear of persecution on account of political opinion." Under this provision, exceeding the limit of one child per couple would be interpreted as a political act.

Section 2252 is based on the premise that the PRC's family planning policy is indeed coercive. Chinese government officials argue that excessive force during implementation is banned by prohibitions promulgated in July 1993. The majority of cases reporting coercion come from the rural provinces, possibly carried out by the local authorities and not in fact mandated by central officials.

For example, the June 25 New York Times tells the story of a local family planning official visiting a peasant village, lining up the village women, and ordering the four who had the most children and who were still of childbearing age to report to a clinic for sterilization. "If they refused to go, ...their houses would be blown up." The Times reported.

Whether abuses of this kind are the exception or the rule, the standards set by the 1983 PRC State Council Bulletin remain intact. These include the following: 1) a woman with one child must use IUD birth control; 2) in a couple with two or more children, one partner must be sterilized; and 3) a woman pregnant without authorization is required to have an abortion.

The Legal Controversy The BIA has consistently denied the legitimacy of such asylum claims, as articulated in the Matter of Chang case of 1989 (see Refugee Reports, Vol. X, No. 12) and reiterated in 1993 with Matter of G- (see Refugee Reports, Vol. XV, No. 1). In order to merit asylum, the BIA argues, an applicant must offer proof not only of such coercion, but must also show that the act of force was directed at him or her for a selective reason, as a punishment for "his race, nationality, or political opinion."

In contrast, until August 1994, the INS held that President Bush's Executive Order (E.O.) 12711 (1990) superceded the BIA decisions. That E.O. ordered the Justice Department to give "enhanced consideration to cases arising in connection with policies of forced abortion and coerced sterilization." The Attorney General was instructed to ensure that the order was applied equally to all foreign nationals.

On August 5, 1994, the Clinton Administration adopted a new policy. It said that individuals would not be eligible for asylum based on the family planning policy, but that if an applicant expressed "credible fear" of persecution relating to family planning, a stay of deportation could be given on humanitarian grounds. The final ruling in such cases falls to individual INS district directors. Of the more than 500 Chinese who have made a claim in the last ten months, some 40 received stays of deportation. Since then, neither the BIA nor the INS has recognized forced abortion or involuntary sterilization as a basis for asylum.

House Foreign Aid Bill Says Forced Abortion Is Political Persecution U.S. policy may soon change again, however. Rep. Christopher H. Smith (R-NJ), the chief sponsor of the provision, said, "This provision should not be controversial. Almost all Americans, whatever their views on the moral and political questions surrounding abortion, regard forced abortion and forced sterilization as particularly gruesome violations of fundamental human rights." The proposed provision "will restore the traditional interpretation and save these women," he said.

On June 1, the Lawyers Committee for Human Rights sent a letter of support for the provision to Rep. Benjamin A. Gilman (R-N.Y.), chairman of the International Relations Committee. The organization applauded the effort to protect individuals from the "invasive and inhumane practices" of the Chinese government, and voiced the opinion that "opposition to and defiance of coercive family planning policies is political in nature, and the resulting persecution is therefore on account of political opinion."

INS MOVES TO DECIDE NICARAGUAN CASES

Nicaraguans who are denied asylum will no longer have their cases automatically reviewed
by the Justice Department and will be subject to the same procedures and appeals for asylum adjudication as all other nationalities, the Immigration and Naturalization Service (INS) announced on June 3.

Citing improvements in the political situation in Nicaragua as well as in the U.S. government's asylum adjudications procedures, the INS said that it is no longer necessary to review Nicaraguan asylum denials.

The Nicaraguan Review Program (NRP) was established in 1987 by Attorney General Edwin Meese to review all Nicaraguans whose asylum cases were denied (see Refugee Reports, Vol. VIII, No.7).

The INS estimates that there are currently 33,914 Nicaraguans who are in deportation or exclusion proceedings and 10,950 who have final orders of deportation. As of the end of FY 94, another 24,397 Nicaraguan claims were still pending in the asylum backlog.

Under the NRP, any Nicaraguan with a final order of deportation would automatically have his or her case reviewed at INS headquarters. That will no longer happen. However, the INS says that Nicaraguans will not be targeted for deportation as a group. "There will be no mass roundups or large-scale expulsions of Nicaraguans from the United States," said an INS press release.

The INS is notifying Nicaraguans who were not granted asylum but who have resided in the United States for at least seven years and are of good moral character that they may be eligible to apply for suspension of deportation if their deportation would cause a "severe hardship," the same standard used for all nationalities.

The INS announcement reminds Nicaraguans with final orders of deportation that in order to apply for suspension they must first file a motion to reopen their deportation case. There is no form for a motion to reopen; it must be submitted in writing to the nearest INS office together with a $110 fee. To apply for suspension, Form I-256A must be filled out and a $100 fee is required.

The INS also announced that Nicaraguans with final orders of deportation will no longer have their work authorization extended automatically, as happened under the NRP. Nicaraguans filing to reopen and for suspension may also apply for work authorization. This policy will be in effect for one year ending in June 1996.

Nicaraguans who filed asylum claims prior to January 4, 1995, and who already have work authorization, will be permitted to extend their work authorization while their applications are pending.

Nicaraguans who filed asylum applications after January 4 must wait 150 days to apply for work authorization, the same as other nationals under the new asylum regulations.

A notice of the change is published in the June 13 Federal Register.

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**TANZANIA BORDER CLOSURE BLOCKS 10,000 REFUGEES FROM ENTERING**

Tanzania continued to close sections of its border in June in order to prevent a refugee influx from Burundi. Tanzania's policy of blocking refugees from Burundi has been in effect since March, reversing decades of generous asylum practices in the East African nation.

In mid-June, Tanzanian border troops stopped some 10,000 Rwandan refugees in Burundi from fleeing into Tanzania. Tanzanian authorities forbade relief agencies to operate in border areas and prohibited assistance to new refugees from Burundi.

UNHCR said that it has attempted to use "quiet diplomacy" to persuade Tanzania to open its border. Tanzanian officials have refused, saying that the estimated 700,000 Rwandan and Burundian refugees already in Tanzania have stretched Tanzania's resources to the limit and have caused environmental degradation.

Tanzania is widely regarded as a political and diplomatic leader on the African continent, and international observers expressed concern that Tanzania's border closure might encourage other African asylum countries to implement similar restrictions on refugees. The U.S. Committee for Refugees wrote to Tanzanian authorities in late June urging them to re-open the border and "abide by solemn international agreements that commit Tanzania to give safe haven and protection to refugees."

Burundians, as well as Rwandan refugees in Burundi, have attempted to flee to Tanzania due to political and ethnic violence that has afflicted Burundi since late 1993.
The resettlement of Cubans from Guantánamo is scheduled to begin on July 1 (see Refugee Reports, Vol. XVI, No. 5). The Justice Department's Community Relations Service (CRS), the agency that resettles Cuban refugees through contracts with the U.S. Catholic Conference/Migration and Refugee Services (USCC/MRS) and Church World Service (CWS), reached agreement in June with five additional voluntary agencies that will help provide resettlement services to an estimated 500 Cubans expected to arrive per week through early 1996.

The five agencies, Episcopal Migration Ministries, Immigration and Refugee Services of America, the International Rescue Committee, Lutheran Immigration and Refugee Service, and World Relief, will resettle approximately half of the family reunion cases expected to settle in the Miami area. USCC/MRS and CWS will resettle the remaining Miami family reunion cases as well as a majority of the free cases, about five to ten percent of the total caseload, most of whom will be placed in other areas of the country.

On June 8, the House of Representatives approved its foreign aid bill, H.R. 1561, which includes a provision for Vietnamese asylum seekers to be re-screened and offered resettlement (see Refugee Reports, Vol. XVI, No. 5).

The controversial provision continued to draw considerable media attention. Several major newspapers, including the New York Times and Washington Post, published editorials critical of the proposal as passed by the House.

Screened-out Vietnamese in first asylum camps continued to riot in protest over repatriation, which has come to a virtual standstill. On June 5, Vietnamese residents of Malaysia's Sungai Besi camp broke out of the camp and demonstrated in the street near the capital. On June 7, rioting erupted in Hong Kong's High Island detention center.

Between 30,000 and 50,000 Burundian Hutus fled Kamenge, one of the few remaining areas where Hutus could live in Bujumbura, the Burundian capital, as a result of attacks on the neighborhood by the Tutsi-dominated Burundian military in late June. The military claimed that it sought to root out Hutu gunmen holed up in the neighborhood, but the dozens of bodies found following the attack were primarily those of the elderly people and women and children.

Those who fled sought refuge among fellow Hutus living in the hills that surround Bujumbura. On June 30, the Burundian military attacked these areas, causing the Hutus to flee again, this time even farther into the countryside.

As a result of the military's actions, Bujumbura, which once had a majority Hutu population, is now almost entirely Tutsi.

On June 29, members of a Guatemalan paramilitary civilian patrol unit based in the Zona Reyna region released five foreign hostages, including two UN officials, whom they had detained for several days. The patrol opposes the return of Guatemalan refugees from Mexico to Zona Reyna and has blocked the return of more than 100 refugees to the town of San Antonio Tzeja. The returnees remain camped in a jungle area outside the town. In an October 8, 1992 accord that paved the way for the repatriation of Guatemalan refugees, the Guatemalan government agreed to facilitate refugees' safe return to their villages.

In a 1994 site visit to the U.S.-Mexico border to assess the treatment of undocumented aliens by Immigration and Naturalization Service (INS) border patrol agents, Human Rights Watch (HRW)/Americas concluded that since their last visit to the area in 1993 (see Refugee Reports, Vol. XIII, No. 9), the situation of undocumented aliens has not improved at all. This April 1995 report, Crossing the Line: Human Rights Abuses along the U.S. Border with Mexico Persist Amid Climate of Impunity,
says that as long as border patrol agents are not held accountable for their actions, and policies to prevent the use of excessive force remain ambiguous, abusive border patrol agents will continue to carry on the mistreatment of individuals with impunity.

INS’s efforts to address and control the problem of abuse have been “limited, misguided, and ineffective,” the report charges. Specifically, HRW alleges that INS does not consider cases of abuse seriously; that policies on the use of “excessive force” are loosely defined; and that in the absence of proper supervision with little or no training in human rights, and the pressure on agents not to report fellow agents, border patrol agents adopt “wild west” methods in apprehending and detaining undocumented aliens.

On April 11, 1994, INS Commissioner Doris Meissner signed a revised INS Non-Deadly Force Policy, which states that non-deadly force may be used when an officer believes that such force is necessary to protect him or herself from bodily harm, to restrain or subdue resistant prisoners or suspects, or to effect the arrest or prevent the escape of a prisoner. HRW argues that this policy is broadly interpreted to allow use of force in too many circumstances, and that, based on victim and eyewitness reports, the new policy has done little to prevent excessive use of force by the Border Patrol.

The Revised Non-Deadly Force policy includes a provision for the treatment of apprehended individuals who are injured as a result of their apprehension. According to the policy, they must “receive proper and timely medical attention.” However, HRW documented several cases in which border agents ignored this policy. Some individuals, the report charges, have spent days in custody without receiving medical assistance, and others have only received treatment after repeated pleas.

Reporting Abuses Although procedures exist for individuals to report border agent abuses, the majority of cases go unreported. According to HRW, there are several reasons why: individuals are unaware that they have the option to file a complaint; there is a fear of reprisal; some are frustrated with procedures and believe that filing a complaint is futile; agents convince victims not to report abuses and agents convince colleagues not to file reports.

According to the study, the Justice Department’s Office of the Inspector General (OIG) lacks the necessary resources and independence from the Border Patrol. Many OIG investigators are former Border Patrol or INS agents themselves. Human Rights Watch criticizes the role of the OIG as merely a “clearinghouse for complaints.”

When victims do file complaints, they are often not informed of their status. Many individuals were unaware that the INS or Justice Department had taken any disciplinary action against Border Patrol agents accused of serious misconduct. In most cases, the report said, the INS appeared more willing to believe an agent’s story than that of an apprehended alien.

Recommendations Crossing the Line provides a comprehensive list of recommendations for the Border Patrol. Its first priority, says HRW, must be to emphasize the promotion and protection of human rights as part of its responsibility in enforcing immigration laws, and the failure to respect these human rights must be punished. Some additional recommendations include that the use of firearms should be limited and reserved only for the protection of agents or third persons from “imminent threat of death or serious injury.” Procedures should be established to allow anyone to file complaints against INS agents without fear of reprisal, and individuals should be informed of their right to file a complaint. All agents should be required to undergo human rights training, which should also include the topics of sexual assault and harassment. Finally, an independent review commission should be created to investigate all complaints of abuse directed at INS agents.

For copies of this report, contact Human Rights Watch/Americas, Publications Department 485 Fifth Avenue, New York, NY 10017-6104. (212) 972-8400.

Resources

CENTER FOR APPLIED LINGUISTICS ISSUES SEVERAL PUBLICATIONS

The Center for Applied Linguistics’ Refugee Service Center has recently issued several new publications of interest to refugee service providers.
A new survey, *Bosnian Refugee Resettlement in the U.S.*, analyzes the scope and effect of the services provided to Bosnian refugees by 42 refugee service providers in 22 cities across the United States.

The survey finds that the level of assistance provided by voluntary agencies differs greatly from area to area. It provides an analysis of existing services, as well as suggestions for improvement. Expansion of ESL training is emphasized as particularly important, both in the United States and during pre-departure programs. An extensive contact list of voluntary agency participants, as well as recommended forms to facilitate the resettlement process, are provided.

For service providers, the first three copies of *Bosnian Refugee Resettlement in the U.S.* are available free of charge. Additional copies are $3.00 each.

The Center has also made available *Issues of War Trauma and Working With Refugees: A Compilation of Resources.* The booklet provides a useful tool for organizations involved with refugee assistance, as well as classroom teachers. The materials include background information about the effects of trauma and post-traumatic stress disorder on children and adults, particularly refugees. In addition, it discusses the implications for ESL teaching and potential ideas for seeking funding for refugee mental health programs. Copies are available for $5.00 each.

The Center, in cooperation with the U.S. State Department's Bureau for Population, Refugees, and Migration, has recently published the following guides related to Haitian refugees:

*—A Guide to Resettlement in the United States.* Written in Haitian Creole, this handbook addresses major resettlement issues for refugees in the United States. Among the topics it covers are the resettlement process, employment, education, U.S. voluntary agencies, income, and expenditures.

*—English-Haitian Creole Phrasebook with Useful Wordlist.* This pamphlet is a tool for Haitian-Creole speakers attempting to adjust to a new, English-speaking culture.

*—Haitians: Their History and Culture.* This book seeks to help service providers and refugee assistance organizations better understand their clients' needs. It describes the Haitian people, their history, and their culture.

The Phrasebooks are $5.00 each. The first three copies of the other two publications on Haitians are free.

Copies of all the above publications are available from La Ditthavong at the Center for Applied Linguistics, Refugee Service Center, 1118 22nd Street, NW, Washington, D.C. 20037. (202) 429-9292, ext. 221.

**STUDYING TO BECOME A U.S. CITIZEN**

*HIAS Guide to United States Citizenship,* published by the Hebrew Immigrant Aid Society, is meant to serve as an abridged version of standard materials recommended by the Immigration and Naturalization Service for use by applicants for citizenship. It explains eligibility requirements for citizenship, as well as an overview of the naturalization procedure, responsibilities, and privileges which go along with citizenship. The book also provides fundamental information about U.S. history, and the structures and principles of the U.S. government. Sample tests and answers are included. The majority of the material is written in English, but also contains brief summaries in Russian.

The Guide is available from the Hebrew Immigrant Aid Society, 333 Seventh Ave., New York, NY 10001. (212) 967-4100.

**COMING TOGETHER**

The Refugee Policy Group's (RPG) recent paper, *Refugees and Human Rights*, notes with optimism the changing relationship between refugee and human rights organizations. The two fields are emerging from their old pattern of work in isolation. In the post-Cold War era, the lines are being blurred.

The U.N. High Commissioner for Refugees has recognized the importance of cooperation between such groups, and RPG reaffirms this with a call to leaders in both camps to facilitate this new partnership. The
The report explores expected benefits and challenges of such a development. The report makes recommendations and offers guidelines for preventive strategies, strengthening protection for internally displaced people, and improving human rights protection for refugees.


Job Board

**Associate/Assistant Directors** The Forced Migration Projects of the Open Society Institute immediately seeks Associate/Assistant Directors in Prague, Czech Republic, and New York City. Responsibilities include communicating with consultants in the former Soviet Union, planning and conducting meetings and assisting the projects directors. The New York position also includes producing a bi-monthly newsletter, and some editing. Each position requires fluent Russian, experience in advocating policy reforms, administration and organizing skills.

**Contact:** Send resume to Arthur C. Helton, Director of Migration Programs, Open Society Institute, Forced Migration Projects, 888 Seventh Avenue, Suite 1901, New York, NY 10106.

**Development Associate** The U.S. Committee for Refugees seeks an energetic, professional person for the #2 position in small development office. Job encompasses direct mail, foundation fundraising, special events and many other efforts. Requires 13 years experience. Research, organization, writing, computer, and interpersonal skills essential.

**Contact:** Send resumes to: Development Associate Search, U.S. Committee for Refugees, 1717 Massachusetts Ave. NW, Suite 701, Washington, DC 20036.

**InterAction,** a coalition of over 150 voluntary organizations, has immediate openings for the following positions:

- **Public Policy Associate** to work on public policy and advocacy issues with the Director of Government Relations and Public Outreach. Responsibilities include developing and implementing advocacy strategies toward Congress and relevant Executive Branch departments and agencies on development issues. Requires Congressional experience and many of the following: PVO experience; overseas experience; international sustainable development and/or humanitarian issues advocacy work; grassroots advocacy experience; relevant Master’s degree. Salary: high $20s to mid $30s.

- **Program Officer for Disaster Response** to facilitate coordination among member agencies on operational training and policy issues relating to international disasters. Also required would be liaison work between U.S. and U.N. agencies. Applicants should have previous experience in the field of international disaster response, excellent writing and communication skills. Master’s degree, supervisory and field experience in disaster situations are strongly preferred. Salary: up to $40,000.

- **Administrative Assistant** Seeking two candidates; one for the Office of Government Relations and Public Outreach and one for the Committee on Migration and Refugee Affairs and the Disaster Response Committee. Each should have excellent writing and organizational skills. Excellent computer skills (Microsoft Word) a must. Database, data entry, and Capitol Hill experience are preferred. Salary: low $20s.

- **Bookkeeper/Administrative Assistant** Seeking person to be responsible for accounts receivable and payable, data entry, maintenance of petty cash expenses, deposits of cash receipts into bank accounts, semi-monthly payroll, maintenance of financial records and filing. A BS degree in accounting and 2+ years experience with non-profit and computerized accounting system are required. Proficiency in Lotus 1-2-3 and WordPerfect required. Salary: low $20s depending upon experience.

**Contact:** Send resume and cover letter to: Personnel Department, InterAction, 1717 Massachusetts Avenue, NW, #801, Washington, D.C. 20036. Fax: (202) 667-8236.
UNDOCUMENTED ALIENS APPREHENDED BY THE INS

Source: INS Statistical Yearbook, Immigration and Naturalization Service.
SPECIAL ISSUE: THE DEATH MARCH FROM SREBRENICA

This issue of Refugee Reports is based on refugee testimonials gathered by Refugee Reports co-editor Bill Frelick in the last week of July 1995. Frelick traveled to Zenica, Tuzla, and Kladanj in Bosnia and Hercegovina to interview displaced persons from Srebrenica and Zepa. Interviews were conducted at the airport camp, collective centers in the region, and at the transit camp at the crossing point into Bosnian government-held territory. Most of the interviews were conducted anonymously, as the recent arrivals were still frightened and traumatized by their journey.

The refugees from Zepa and Srebrenica were not only exhausted and traumatized from the ordeals of shelling, escape, and, most especially, not knowing the fates of loved ones from whom they were separated, but also by a feeling of betrayal. They felt betrayed by the United Nations, known to them as “UNPROFOR” [the UN Protection Force], the blue-helmeted soldiers here, who had surrendered without a fight. All they had done was to disarm the Muslims two years before, putting them in a defenseless position vis-a-vis the heavily armed Serbs.

A married man with three children said, “I thought...”
Seeking Safety in the UN Compound  Heavy shelling of Srebrenica town continued for about five days. Finally, all the women and children, and some of the men, went to the UNPROFOR compound at Potocari, where they stayed for three days and two nights. During the first day and night in Potocari, the Bosnian Serbs had not yet reached the compound. As the civilians looked out from the compound that first day, they could see nearby villages and fields burning, and hear shooting and shelling.

The UNPROFOR compound is built around a factory where car batteries were once made. That night, some slept inside the factory in large warehouse-like rooms; others slept on the grounds outside. The next morning, arriving from the direction of Bratunac (north of Potocari), a large number of Serb soldiers appeared.

UNPROFOR put up no resistance, according to the refugees. UNPROFOR told the people to cooperate with the Serbs. One elderly woman said, "When I saw the Chetniks take UNPROFOR's weapons, I got very scared." She said that the Serbs put on UNPROFOR uniforms and drove around in UNPROFOR APCs (armored personnel carriers). The refugees said that the disarmed UNPROFOR soldiers were kept in a separate area from the civilians. One woman said, "UNPROFOR was as naked as we were." Although no one who was interviewed was an eyewitness to it, several people said that Serbs driving an UNPROFOR APC ran over some Muslim women, killing them.

With the Serbs in complete control, the Muslim civilians were terrified. The grounds were muddy; one elderly woman described the compound as "a hole." It was overcrowded and unclean. "We looked like cattle," said another woman. "We were hungry, tired, scared. We went wherever we were told. They took whoever they wanted." Bread was thrown to them, and they were given water. The Serb commander, General Ratko Mladic, told them to remain calm and that they would be safe. He said this was the regular army under his command.

Throughout that day, Serb soldiers circulated among the civilians, looking in particular for the men among them to take away "for questioning." This was done calmly, without threats. In the area where one woman was sitting, she remembered the Serbs asking people to identify men from the villages of Glogova and Kamenica. At this time, they did not remove all the men, just those they were identifying from particular places, although some people said that some men were also taken at random. No one could say for sure if any of the men who were taken for questioning were ever brought back. One woman said that her brother-in-law was taken at that time. He was 33 years old, there with his wife and three children. "He didn't resist. He was sitting as we are now," she said. "They pointed to him and took him out." She was too fearful to give his name, thinking that if his name were published in the West, and he was not already dead, that he would be killed.

As night fell, the refugees reported, some of the Serbs got drunk, and were laughing and talking loudly. They were having a party in a house within the UNPROFOR compound. Some people said they could smell roasting meat, and heard the men firing gun shots. At night they came among the civilians again and began dragging men out with far less of a pretense that this was for questioning. The men now were taken in a different direction than those who had been

(Continued on page 5)
A couple days after interviewing the Zenica-bound refugees from Zepa at the Kladanj transit camp, I was standing in the refugee camp at the UN airbase in Tuzla when a bus of refugees arrived. This was long after Srebrenica had fallen, and given that the people on the bus were comprised entirely of women, children, and old men, it was clear that they were not part of the group of men and boys still emerging from the death march through the woods.

It turned out that they were on the last bus of the last convoy out of Zepa, apparently separated because they had asked to be taken to Tuzla rather than Zenica in order to be reunited with family members there. What they hadn’t anticipated was that they would be held for last-minute negotiations between the Bosnian Serb army and the armed Muslim men who had negotiated safe passage for the women and children. Apparently, the Serbs demanded that the Muslim men surrender their weapons in exchange for letting the last civilians out. An old man said, “We were held as hostages. They wanted our army to turn in their weapons. We were very frightened. They told us to stay on the bus until they finished their negotiations.”

The negotiations apparently resulted in an agreement for the bus also to take out nineteen Muslim men who had been wounded in the fighting, as well as some other men from Zepa who said that they were civilians. A French UNPROFOR soldier accompanied them on the bus.

Before arriving at Kladanj, however, the refugees said that Serbs stopped the bus, and pulled off all the men of military age, including the wounded. According to the refugees, the UNPROFOR soldier did not intervene. The refugees could remember the following names of Civilian men from Zepa, some of whom were their sons and fathers, who were taken off the bus:

- Lilic Halil, age 18
- Brdanin Bego, age 52
- Camil ?, in his 30s
- Hasan Dzebo, in his 30s
- Edhem Brguya, age 58
- Salih Cavcic, in his 50s

They also knew some of the 19 wounded soldiers who were taken, including:

- Camil Mesanovic
- Mirsad Modzic
- Dzemo Cardokovic
- Meho Dzebo
- Hamdija Muratovic

After registering at the airbase camp in Tuzla, the last refugees from Zepa are loaded into a truck to take them to their tents. Photo: USCR/Bill Frelick
taken for questioning during the day. At one point in the middle of that night, one woman recalled a man calling for help, calling for his son, Habib. Women started screaming, saying, "They're going to kill us all." She said that the man calling for his son went crazy, that he started hitting himself in the head with a rock until some of the other Muslim civilians tied him down and UNPROFOR soldiers came and gave him a shot to sedate him. People said that the man's only son had been taken away.

Accounts differ over whether any women or girls were taken out by the Serbs that night. Some of the women refugees said that they did not see any women or girls taken away, and that women were not insulted or mistreated in any way. Also, there were still Muslim men among the women during the night, and UNPROFOR apparently could see what was going on, at least where most of the civilians were being held. However, most of the women interviewed said that the Serbs were verbally abusive, and some women also testified that they did take out some girls. Several said that a 14-year-old girl had been taken out, and that later she was brought back and told her mother that she was raped. Others told of atrocities they had heard about, but had not seen themselves; whether true or not, the circulation of these stories added greatly to the fear and anxiety among the people at Potocari.

Most of the refugees could say very little about what they saw and heard. They tied scarves around their heads, huddled together, and kept their eyes down to the ground. The compound was very large, and, in the dark, most people were only aware of what was happening in their immediate area. Fear, however, gripped all.

For the few who ventured to move out, a harrowing sight awaited them. One woman took her child to the field next to the factory so the child could urinate. She said that she saw hundreds of bodies in the field, and ran back. Another woman said that she went out early the second morning to fetch water from a pipe. There was a house by the factory. As she walked by, she saw great puddles of blood inside and next to the house. She walked to the far side of the house and saw bodies of men lined up in a row under a walnut tree. She estimated that ten to twenty bodies were lined up there. "I didn't count. I was very scared, and left immediately."

The next morning at about 10 or 11 o'clock, the Serbs began loading the women and children of Potocari on trucks and buses. Mladic again came around telling them to remain calm, saying that they would be safe, but that the men would have to be brought later. The remaining men were separated from the women at the gate leading out of the UNPROFOR compound. One woman, breastfeeding a baby as she spoke, asked that we publish the name of her husband and father who were taken away at that time. Her father is Hamed Tahic, born 1947. Her husband is Muaz Osmanovic, born 1966. She said her husband had never been in the army or with the police. "My husband only wanted to be with our child," she said.

Once the women and children were on the buses and trucks, Serbs started pelting them with stones and yelling insults. The convoy stopped frequently, but at other times went so quickly that people got sick. One bus crashed, injuring some passengers. At some points when the convoys stopped, Serbs--described as "Chetniks"--entered the buses, threatening people and demanding money and gold.

Most of the refugees were loaded on covered military trucks, could not see out, and dared not make the effort to try to see outside. But those aboard buses saw activity along the road suggesting that the men who had headed for the woods were having a bad time of it.

Although the accounts are inconsistent in the details, those who could see, saw captured Muslim men along the side of the road:

- "I saw our men, mainly civilians, in two or three places. They were lined up in columns, two-by-two or three by three with their hands on the back of their necks. We looked at each other. I just saw these people standing in columns. Quite large columns."
- "I saw a bald man's body in military uniform on the side of the road, his throat slit. I wanted to look at him, but the Serbs started shooting, so we bent our heads down."
- "I saw hundreds of men with their hands tied to posts at Turbe. Then, at Konjevic Polje, I saw the fighting where our men were being ambushed. The convoy was stopped while the fighting was going on. I saw our men captured with their hands on the back of their heads. I saw another truck carrying dead bodies."
- "I saw our men on the side of the road in tee shirts and shorts watching our buses. The Chetniks were around them. I saw two fields. And each side of the road was filled with our men, young men, three or four hundred. I don't think their hands were tied. But I couldn't watch any longer. I didn't see anything else. The children were vomiting. I had to tend to them."
- "At Konjevic Polje, I saw a field covered with men sitting down, with their hands behind their necks. I saw a column of men standing two-by-two with their hands tied above their heads standing next to the road. Their bags and other belongings stood in a pile next to them. The men..."
were standing only in their underwear. The Chetniks made them give us the three-fingered Chetnik salute. There were a lot of dogs around and a tank was pointed at our men.

In Tisca, the refugees were taken off the trucks and buses and told to walk down the road to Klavdjan where they would be met by Bosnian government forces. The walk was uneventful.

**Men and Boys: The Hellish Journey Out of Srebrenica** Few men trusted UNPROFOR or the Serbs enough to take their chances with the women and children seeking refuge in Potocari. The overwhelming majority, both civilian and military, decided to head for the woods and a 60-mile journey through Bosnian-Serb-held territory to reach government lines.

Survivors of the trek differed in their estimates of the numbers of men and boys who started on the journey and what percentage carried weapons. Certainly no one stopped to count. Among people interviewed for this article, the estimates of the number who started on the journey ranged from 7,000 to 17,500. Most of the men interviewed said that they were unarmmed. Estimates of the number who were armed ranged from 10 percent to 100 percent. The one man who said everyone was armed answered, "Just a small part of us had weapons." The same man took from a Serb killed earlier in the war. "With that gun, I'd be dead." The same man carried an automatic weapon, which, he said, he had small arms, such as hunting rifles. One exception was a man in fatigues who said that he had a weapon at close range. Many were killed at that point.

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Some said that the worst ambush was on the second day. "At Konjevic Polje, we were broken," said one. "That's where most of the killing happened. I lost my brother there."

Another said, "A lot of civilians without weapons were captured."

It appeared that the younger, stronger, and better armed plunged ahead in a group that maintained some semblance of order. But this apparently did not represent the majority who started on the trip who, by now, were dead, wounded, captured, or lost.

**Lost, Wandering**  A 54-year-old man, a former engineer for a hydroelectric power station, was one of those who lost his way at this point. His three sons were in the main group; at the time of the interview, he had not yet heard whether any of them had survived. He wandered around until reaching the village of Kravice the following morning. There he encountered a "Chetnik" in civilian clothes on the road. The Serb was carrying a metal pipe. He beat the engineer on the top of his head, until he lost consciousness, and left him for dead. "When I woke up," he said, "I thought it would be good for me to move, as I was frightened another Chetnik might come for me and stab me or slit my throat. So I crawled about 100 meters from that spot and hid in the bushes."

Later, from the bushes, the engineer saw his attacker come back, searching for him. "I was very quiet; too frightened to breathe. He was telling me to come out, that he brought bread for me. I stayed hidden. He searched the area for about 10 or 15 minutes."

The engineer stayed in the bushes for the rest of that night. Then he went back to the site of the first ambush where he had lost his way. He retrieved the rucksack that he had dropped there, and found food to eat.

"I put on new clothing because my clothes were full of blood." He tried to move as fast as he could through the woods, but was slowed by pain and fatigue. When he stopped to sleep, he heard screaming and moaning from the direction he had already passed through.

By chance, he met up with a group of six other Muslim men from Srebrenica; they stayed in hiding for another two days. They ate mushrooms and used up what food they had carried in..."
with them. During those two days, their number grew to about 40 or 50.

Near Poljube the group was surrounded by Serbs who ordered them to surrender. Many of them did surrender, but the engineer was among those who had decided not to surrender at any cost, and he jumped into the bushes and ran away. A total of 7 men were left from that group. They found a school building and rested there until they again heard Serbs screaming a battle charge. The group divided in half, each going in opposite directions. He was now part of a group of three.

The next day they hid as a Serb patrol passed close by. "I heard them swearing at Muslims, saying they would castrate us. I don't know if they caught anyone; I kept my head down, I didn't see anything."

By now, he was so hungry that he decided to go back to Srebrenica. At certain points, during the night, he passed between Serb trenches. Upon reaching Srebrenica, he scavenged in the abandoned homes of the Muslim population for food. For the next several days, he passed through burned villages, scavenging what he could and heading toward Zepa.

He reached Zepa as the civilians there were being evacuated. He said that he lied about his age to be able to join the evacuation. His hair, though matted with dry blood, is completely white, and he could easily pass for being ten years older than he was. He said that the Serb soldiers did not want to let him on a bus, but that he moved to another bus and sat on the floor in the back.

General Mladic and two other soldiers entered the bus. Mladic told the passengers, "I tell you no one will mistreat you on the road. CNN is here. Do you have anything to say for CNN? Tell them if the Serbian army is raping your wives and children." Mladic said, "We're not so bad." The engineer recalled, "He wished us a good trip."

Unlike the buses leaving Srebrenica, the Zepa buses had UNPROFOR escorts and UNPROFOR soldiers aboard. The civilians leaving Zepa were not harassed until the last leg of the journey, where they crossed to the Bosnian government side on foot, after UNPROFOR had turned around with the empty buses.

One Group Plunges Forward The main body of men leaving Srebrenica continued forward, dazed, hungry, in many cases wounded, and terrorized. A man who worked as a miner before the war, who said that he was unarmed during the retreat, testified that when the group was deep inside Serbian-held territory, "We started to lose our minds." By this point, he already had a neck wound from shrapnel. He said that he thought the streams were poisoned in some way, causing men to hallucinate and become disoriented. "I also went crazy from the water," he said. "I had madness, headaches, hallucinations. A lot of people went crazy. Men left the row, wandering off in no direction, and lost sense of time. One man committed suicide two meters from me."

Another man said, "The water was dirty, but we had to drink. Some said it was poisoned. I don't know. Madness got into people. I noticed some changes in myself, but nothing drastic. Everything felt like it was in a dream."

Another man said, "By the third day people started committing suicide, going crazy. A lot of them. I couldn't stop them. I couldn't help. Some men stripped their clothes off. One wandered ten meters off and detonated a grenade on himself. Some just stepped on land mines."

A soldier said, "A friend said to me, 'We are surrounded, we will not make it.' He asked me to kill him. I told him he was not wounded and had a chance to survive. But he was killed. I lost him."

Another said, "People were going crazy. By the judgment of others, they poisoned the water. That didn't affect me, but the detonation of a shell had some effect on me. I fell unconscious. A friend took care of me. He cooled me down with water. After I had a rest, I carried on."

They ate mushrooms, leaves, and apples. Moving the wounded was the greatest challenge. "We all carried the wounded," said one man. "Everyone carried his own brother. A large number of the wounded stayed in the woods." Another said, "We tore our shirts to make bandages. We tried making stretchers. A lot surrendered. A lot are still in the woods."

The ambushes continued, as did the Serb tactic of sending Serbs within the Muslim ranks to sow confusion, misdirection, or throw grenades. The group moved mostly at night, trying to keep low during the day. Most agree that the ambushes were worse and more frequent the closer they got to Bosnian government lines.

The fourth day was much like the third. There was no more food. More people committed suicide.

By the fifth day, the main group, numbering, at best, a third of the original group, was drawing close to the Bosnian government lines. During the day, they regrouped, allowing stragglers to catch up. But they knew that they would meet strong resistance in the final push. "The worst ambush I remember," said one man, "was at Lipje, about 25 kilometers from our line. We came to a valley, about 5,000 of us, where we were shelled. They threw everything at us. They used tanks, mine throwers, 7.5 millimeter rifles,
37 millimeter anti-aircraft guns. We had a lot of people killed. I saw three killed with one shell. I couldn't stop and look and count the dead. The wounded were crying for help."

The final hurdle, and for many the worst, came about two kilometers from Bosnian government territory, at Baljkovica. "The night before, we had a terrible hail storm, cold rain. We left a lot of people behind. They couldn't walk any more."

At that place, where they left the tired and wounded, the Serbs were already concentrating their artillery fire.

Just beyond Baljkovica on the road to Skovici, a large contingent of Serb soldiers with six tanks was waiting. Said one man, "That was the only way to pass through the area. There was no other way. We agreed among ourselves, who passed, passes, who dies, rests in peace."

Another said, "We had no choice but to rush the tanks. We screamed and rushed forward, about 2,000 of us all at once. We succeeded in capturing three of the tanks and turning them on the others. That's how we broke through at the end. I think less than half of our number made it to the end."

A soldier said, "By 3:00 that afternoon, we broke through Baljkovica. A lot of our people died there. That's what happened. We were smaller and smaller numbers, smaller groups were left behind. Some managed to go through the night. Some stepped on mines. Some were captured. We left a thousand behind at Baljkovica who were not capable of walking. Maybe they are still hiding in the woods, or maybe still struggling to get through. Today is the 16th or 17th day since we left. Five more came out yesterday."

The main surviving group that broke through walked for six days and nights before arriving to safety.

The survivors were stunned, defeated. "Now, so many have died," said one man, "no one is left to fight the war. I don't know where my father and brother are. A large number of people are mentally ill. Everyone is missing someone. Half of my family has been killed."

**Escape from Zepa** The refugees from Zepa, generally, were less traumatized by the journey itself. Unlike the Srebrenica refugees, the Zepa refugees had UNPROFOR soldiers accompanying them on the evacuation, as well as UNPROFOR vehicles at each end of the convoys.

After Srebrenica fell, Zepa was subjected to heavy shelling. Most of the residents had moved into the woods, since it was unsafe to remain in their houses. The woods were also shelled, so most of the people dug small foxholes and stayed in them. Finally, the women, children, and elderly were told by the commander of the Bosnian army forces to leave the woods and that they would be evacuated. Most of these people left their husbands, fathers, and brothers in the woods.

They came to the center of Zepa, and were sent to the mosque. They thought an agreement had been reached that UNPROFOR would protect them. There apparently was some doubt about that, however, after they had arrived. One woman died of a heart attack at that point, according to the refugees. "No one could have given her first aid," said one woman. "She died of fear."

Some of the refugees spoke disdainfully of the Ukrainian UNPROFOR contingent, which, they said, wanted to leave. They said that women had to lie down in their path to prevent these UNPROFOR troops from driving away. Refugees also complained of the fraternization between the Ukrainian troops and the Serbs, saying that the UNPROFOR soldiers greeted the Serbs with the three finger Serbian salute.

The civilians were loaded onto uncovered army trucks. General Mladic came to the convoy and spoke to some of the refugees. A woman recalled his saying, "Go and good luck, but we'll meet again to be sure."

As they left Zepa, Serb soldiers threw stones and insults at the passing vehicles. The trucks were described as "suffocating," and the journey for those in the first group out took nine hours.

The trucks dropped the civilians about six kilometers from the Kladanj checkpoint that separates Government-held territory from the Bosnian Serbs, and the Serbs told them to walk the rest of the way. The UNPROFOR escorts turned around and left the civilians at that point. As they walked toward the Bosnian government side, "Chetniks" appeared along the way, and began threatening and harassing them. They demanded gold and Deutsche Marks. Their most frequent tactic was to grab a small child or a baby and demand payment or threaten to kill the child. One woman showed where a Serb had cut her jacket with a knife, searching—successfully—for hidden money. Another woman said that a man had threatened to cut off her finger if she couldn't take off her ring herself and give it to him. Another woman said that she saw a man who had just died. "He was killed, but his arms and legs were still moving. I couldn't see if he was shot or his throat was cut. I didn't know him. It happened this morning as we were walking to this place."
Refugee Reports interviewed a 51-year-old man from Vlasenica in a collective center in Mramar, north of Tuzla, on July 30. He had arrived two days earlier after a 19-day journey out of Srebrenica and Zepa. What follows is the account of his life and escape told in his own words:

I was first expelled from my home in Vlasenica in May 1992 at the beginning of the war. I worked in a factory there, and had never had any problems with my Serb neighbors and co-workers. Some Serb units from Novi Sad [in Serbia] came to the factory and based themselves there and said only Serbs could work there. For two months, I tried working at another factory that was an hour walk away. I worked there until April 30, when walking to my village I saw small weapons fire in all directions. I got to my house. An hour later, artillery started hitting our village. Three hundred of us fled the village and headed for the Lisina Mountains. I lost all my sheep; they burnt my house. For the moment, my family was safe, but some of my neighbors were killed in the shelling. In the mountains were all the Muslims from about 15 villages in our area, all about the same size. We went together to Srebrenica municipality. There we stayed in one man’s house with five other refugee families. We stayed there for three months. It was too small for all of us, so I went into the woods and built a cottage for my family.

After [former UNPROFOR Commander, French General Philippe] Morillon came and made Srebrenica a safe area, we moved there. Serb lines were quite close, but it was all right. After Morillon, it was the first time we had enough food. The second half of 1994, food deliveries were irregular, and we were hungry.

Our recent troubles started when we saw Chetnik foot patrols. They came shooting, and a lot were killed. They came into the Swedish village. The whole civilian population moved to Potocari [the UNPROFOR compound just north of Srebrenica]. I am 51 [too young to be considered automatically as an elderly civilian]. I decided to go to the woods. Within the whole group, I was with a group of 200. We had 20 “civilian guns” between us [i.e., hunting rifles, pistols—not military weapons]. I had no weapon.

We were shelled from the start. A lot of men died. One hour into Serb territory, we were ambushed. They fired at us from the trees. A lot of people were killed.

Nobody surrendered. We kept moving. We carried our wounded and left the dead. We moved forward, but there were other groups ahead of us, and they were being ambushed in front, and, then, we were ambushed again. This was worse. The larger number of us were killed. We tried moving up the hill away from the shooting, but they kept shooting at us as we climbed the hill.

This was still the first day we left Srebrenica. We were there all night. We had a lot of wounded. We were supposed to get to some hill. There was a larger group of people we were supposed to meet there.

On the way, Serbs in civilian clothes came between us. Some told us they knew the way, and would take us through. We followed them. When we came to this hill at about midnight, they told us to stay there a little while and rest. We stayed there for about two or three hours, tearing our clothing to make bandages for the wounded.

After about three hours, shooting started from all around. We were surrounded, and the Serbs said we should surrender. I started to panic. I didn’t know what to do. One of their civilians from their Special Forces came to negotiate our surrender. They kept negotiating until 8:00 in the morning. They told us to give up our 20 civilian guns and that we would be led to wherever we wanted to go. We surrendered. We gave up our guns. They took all of our documents, all our money, and any food we had left. They told us they would take us out.

They ordered us to form ourselves in a line to make a letter C and to put our wounded in the center. I thought we would be shot there. I decided to run away. It was just me alone. I started running, and somebody shot at me. I came to a field where I couldn’t step on the ground because it was covered with dead bodies. They were shooting at me again. I turned to the side and ran towards the woods. I ran into the woods and continued running for about an hour.

I came to another field with a lot of high weeds. I lay down and fell asleep. It was about 2:00 in the afternoon of the second day.

Someone lifted me by the hair. I looked up. A Chetnik in civilian clothes had me. I screamed and started struggling, going for his head. I was frightened, which gave me additional strength. I broke free and started...
to run again. He did not shoot at me that time. I ran for another hour until I went into another woods. I wanted to sit. I didn't know where I was or what direction I was going. I was completely alone. I had no food. Nothing. The night came again. In the dark, I could feel people moving on both sides of me, but I sat still. I couldn't tell if it was our men or theirs. I was too frightened to identify myself. I just noted that they moved slowly and quietly. Finally, I saw that they were Chetniks. I jumped and started running again, but I came to a rock and fell, maybe 100 meters, down a hill on stony ground. At the bottom was a river. I started walking against the flow towards a big mountain in front of me.

On my third day, I walked to the Serb village of Kravica. I turned to avoid it, but ran into where their trenches are at Rogaci. They saw me, and started firing artillery guns at me. I was very confused and started running toward the mountain again. I spent that night in the woods, completely disoriented. I had eaten nothing. I was very ill. I ached all over. I couldn't walk. I hid myself in the grass and slept. In the evening, they started shelling. I couldn't move. I stayed there.

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The next day, I moved only about 200 to 300 meters to Potok, a place that was being shelled a lot. I saw Chetnik foot patrols. I couldn't run. I hid in the bushes. They came quite close, but didn't see me. I spent the night there. I couldn't walk any farther.

The next day, I decided to try to find the way our group went. I started moving where the grass had been flattened, following where others had gone before. It had been a large group of people. There were a lot of bodies. I followed this trail to the village of Pobude. Night fell again.

It rained that night. Icy, hail. I was very wet. I couldn't move any more. In the morning, I was hungry and tired. I couldn't walk in any direction. I was wet. I came to a hill where the sun was shining. I found some mushrooms, and started to eat them. I was sitting there by the ridge, trying to dry my wet clothes. A man emerged from the woods in civilian clothes and rucksack. He was about 60 years old. He asked me what I was doing there. I said that I didn't know myself. He took out a knife from his belt and said he would kill me.

I said to him, "Why would you kill me? I haven't done anything to you."
He said, "You are all surrounded. There is nowhere you can go. All who are caught will be killed."

I started running again. I don't know if he chased me or not. But I ran down a hill, and when I reached the bottom, he wasn't there. I came to a river there and just started crying. I thought there was no way out for me.

I decided then to go back to Potocari to try to surrender myself to UNPROFOR. But I didn't know which way to go. I saw a big electric cable, and decided to follow it to wherever it would go. I walked all day.

Finally, I came to the Serb front lines around Srebrenica. I had to crawl on my stomach to get past them. I went between their trenches and through a mine field. I went through that mine field to the village of Jaglici, which is where our group had started from on the journey to Tuzla.

Now, I was able to orient myself on how to reach the UNPROFOR compound. I didn't know then that UNPROFOR had surrendered. I walked six or seven hours to the UNPROFOR base. All of the villages I passed through were burned.

I came to Potocari. I saw lights on in their compound. I thought I was saved. I jumped over the fence. I saw their guards. Four Dutch guards came up to me, telling me to stop. I put my hands up, so that they could come and search me for weapons. Since they found I had nothing but my clothes, they asked me who I was. I told them I was a Muslim. They asked what I wanted. I told them I wanted to surrender to them.

They said, "UNPROFOR is not here." I sat there and cried.
Nobody else was inside the compound. All the civilians were gone. The Dutch guards then threw me out. They didn't even give me food.

Daylight came. I was too frightened to go anywhere, so I found a corn field behind the compound. I went there to hide during the day. There were bodies in the field. I was scared I would be killed in the corn field. I was lucky that I survived this day and that nobody found me. All day I could smell the smell of dead bodies.

That night, I went back to the factory where UNPROFOR was based. I was hoping I could find something to eat. I found a tin. I also found the body of a man whose throat had been slit, and who also had cuts on his stomach and arm.

I left, heading in the direction of Sutjeska. About 200 meters from the UNPROFOR compound I came to a field. There was a river near it. And in the field and along the river bank were hundreds of decapitated bodies. All of the bodies I saw were decapitated, heads on one side, bodies on the other. All of the bodies were men. They were in civilian clothing.
I was very scared. I thought the same
thing would happen to me. I walked to
Sutjeska. I traveled all night, and came to the
mountains. I thought it was the tenth day of my
traveling.

In daylight, I came to an abandoned
house that hadn't been burned down. There
were still dishes inside, and a stove. I found a
two-kilo bag of wheat flour. I was lucky for
that wheat flour. I made a fire with a flint, and
baked bread. I had one piece of bread, then
started losing consciousness. I don't know
how long I was out, but when I woke up, I had
collected my strength again.

I walked toward Zepa through the
mountains. I walked two days to Zepa. When
I arrived there, I didn't know what was going
on. But when I came to a house, and saw
Muslim women standing in front of it, I started
crying, both out of sadness and happiness.
When I got to within 50 meters of this house,
they could see that I wasn't walking well. They
came out and helped me, and brought me
inside. They gave me a glass of milk. They
took my clothes, and put my feet in hot water.
I had many cuts and blisters. They gave me a
small bread and told me to wait a couple of
hours before eating more.

They found a man to take me to Krusev
Dol, where they could give me first aid. They
put liquid on my legs and changed my clothes.
I spent two days there. After two days, I could
stand on my feet again.

A lot of artillery was falling on Zepa
then. And three days after I arrived, Zepa fell.
I decided to go with the group of civilians who
were going to Zepa to surrender. I walked all
day to Zepa. I had no more documents, and
told them I was older than I was.

The first convoy had about 20 Serb
buses and trucks and four UNPROFOR trucks.
I didn't get on that convoy. After they left, it
was very confusing. About 5:00 in the
afternoon, UNPROFOR tried to run away from
Zepa. Women and children laid down in the
road to block them from leaving. They blocked
the road in front of the APCs [armored
personnel carriers].

At that moment, a group of Chetniks
came up to the civilians; they were fully armed.
Some people started panicking. Some fainted.
Several minutes later, [General Ratko] Mladic
arrived and told people not to panic.

UNPROFOR started shooting a water
hose at people to push them back, knocking
some people to the ground. Our commander,
Avdo Palic, came and began negotiating with
Mladic to keep his people away from us.
Mladic and his army moved a little bit. By
10:00 or 11:00 o'clock that night, four buses
and about 15 trucks arrived to carry about
1,000 people out. I started to get on one of the
trucks, but I recognized a Serb on it from my
village who knew how old I was. So, I went from
there to one of the buses, and got on that one.

As the convoy went through the woods,
we saw the Chetnik army on the side of the
road. They swore at us and called us names.
They told the drivers to stop and threw stones
at us. There was someone in a UN uniform on
the bus. I think he was Russian or Ukrainian.
He did not carry a weapon. There was a
Chetnik soldier on the bus who had a gun. The
bus stopped several times. Once we waited in
the dark for two-and-a-half hours.

We came to a place near Kladanj where
they told us to get off the bus. There was a
large group of armed Serbs there, regular army.
They told us which direction to walk to the
confrontation line. I think it was about two
kilometers. As we walked there, Chetniks came
among us telling us to give them our gold and
money. There was a woman with a baby. I saw
them take her necklace.

They said to me to give them money.
They said they would slit my throat. I told
them I had nothing. That man kicked me. I fell
down. I thought he wanted me on the ground to
kill me. But he told me to stand up. I got up, and
he started yelling curses at me. The woman
behind me gave them 500 Deutsche Marks.

At the last Serb checkpoint, there was
a ramp on the road. The Serbs were standing
there, and we had to crawl down to pass by
them. They told us the road was mined.

We went on about a half kilometer,
and reached Kladanj. There UNHCR gave us
drinks and let us rest in tents. I went to the
information tent to see if I could find out
about my family. They brought me to Tuzla
because I said I had family here.

I have spent the last two days looking
for my family. I found one daughter-in-law.
She told me that my daughter and her baby
are in Zenica. I also found out that one of my
sons is in the hospital, seriously wounded. I
heard that another of my sons was also
wounded. I can't find my wife.

I need to bring my family together. I
would prefer to live where I was born if the
conditions allowed that. They should let us
live where I belong, where I was born, that's
the best place. But I can't see it.

I would wish for our people to stay
together, even if we must leave. If we only
stay together. We should fight for Tuzla. But
when we have to go, let's go together.
CONDITIONS OF REFUGE IN TUZLA

Tuzla, like Sarajevo, has had a well-deserved reputation as one of the last bastions of ethnic tolerance and multiculturalism in Bosnia. The influx of Muslim refugees from Srebrenica, however, not only tips the canton's ethnic demographics, but also, the character of the refugees tends to be more rural and parochial than the pre-existing city population. Many openly worry that the new arrivals will upset the delicate political balance in Tuzla, and create strains that will result in further displacement from the area.

The most immediate cause of strain is housing. Prior to the fall of Srebrenica and Zepa, Tuzla was already jammed with about 237,000 displaced persons from three years of war and ethnic cleansing on top of a base population of about 600,000, of whom 193,000 are listed by UNHCR as “war affected” and dependent on outside assistance.

In a departure from previous practice, the initial response of local authorities was to create a tent camp for the arriving refugees from Srebrenica. This touched off an immediate controversy between the UN High Commissioner for Refugees (UNHCR) and the Bosnian government, with UNHCR contending that the location of the camp on the Tuzla airbase put the refugees in danger of shelling. UNHCR officials suggested that sufficient accommodations were available in the area, but that the government was placing the displaced on the airfield to make a more visible political point about international responsibility to care for them.

The controversy, however, seemed somewhat more complex than that. Although they would not say it outright, municipal authorities in Tuzla suggested to Refugee Reports that they differed with the national government’s approach to the displaced on the airfield. Putting aside the question of whether or not sufficient accommodations could be found quickly enough in the Tuzla compound, they said that there were sufficient barracks on the airport compound itself to support the 6,000 displaced persons being accommodated in tents, and that, in barracks, they would be less exposed to the elements and to shelling.

Most of the displaced from Srebrenica were, in fact, moved quickly to collective centers, such as schools and other public buildings, and private accommodations. And, within days, the number in collective housing had been reduced by about half, as many found friends, relatives, or others willing to take them in, at least temporarily, in private homes. According to Semsudin Hasanbegovic, the Minister for Work, Social Welfare, and Refugees for the Canton of Tuzla, a total of 9,804 displaced persons were registered at the collective centers, as of July 29. He said that another 17,137 displaced persons were in private accommodations.

At the end of July, UNHCR and local officials reached an agreement whereby UNHCR would provide additional food and fuel rations for families agreeing to take in displaced persons. Although the availability of any space in people's homes in the area is limited, this should encourage those who have some space to try to squeeze a few more in. Srebrenica's population had been estimated at about 42,000, based on a 1993 census. A large number of that population was still unaccounted for in the days following the fall of Srebrenica.

Zepa's population was estimated to be closer to 10,000 to 12,000. Displaced persons from Zepa were being sent to the central Bosnian town of Zenica, except for those who asked to be settled elsewhere in order to reunite and live with relatives in other locations.

The Tuzla Airbase The tent camp established at the UN airbase in Tuzla is very much a temporary expedient. The refugees there had yet to have a hot meal, eating MRE's (meals ready to eat) exclusively.

The airbase is surrounded by hills controlled by the Bosnian Serbs. The refugees in their white tents would make an easy target for anyone wanting a concentration of civilians to maximize casualties. In May, a shell directed at Tuzla's town center killed more than 70.

The viability of the airbase as a holding facility also depends on the weather. Fortunately, the weather was good for the first two weeks of the camp's existence. However, on July 30, after a day of rain, much of the camp had been reduced to mud, water had soaked into the tents, and the refugees were miserable.

Refugee complaints about the camp centered on the lack of any hot food, but also included inadequate clothing, especially shoes and underwear. Women at the camp complained that they did not have privacy for bathing.

A Bosnian aid worker with BOSPO, the Bosnian Committee for Help, a local NGO, funded in part by the Danish Refugee Council, said, “We have been here 15 days now, and see no improvement. The people are suffering. Their psychological situation is bad. There is a lot of diarrhea; a large number of children have...
Rain reduces the tent camp at the Tuzla airfield to a sea of mud. Photo: USCR/B. Frelick

there aren't enough blankets. We haven't been told what to do in case of shelling. The bomb shelters are not close by."

Perhaps what works best at the airport camp is the information tent. Refugees see it as their lifeline. They go there in the hope of locating missing family members. Aid workers there collect information from the refugees and provide them with whatever information becomes available. Unfortunately, for most of the people, there simply is no information about missing loved ones.

Collective Centers The collective centers in the Tuzla area, generally, were overcrowded. One, the Sisici collective center near Banovici, housed 150 people—mostly children—in one room. Sanitation facilities were makeshift. The collective centers, whether small, one-room facilities, or large, multi-storied school buildings, looked grim, dirty, and uninviting.

People living in the collective centers were free to come and go. Weather permitting, most spent their days outside the buildings, in some cases visiting with local relatives who had come to visit, having been cut-off from people in the isolated enclaves for the past couple of years.

Lists of men who had survived the trek through the woods were posted on doorways. Hot food was trucked in by UNPROFOR.

Some of the refugees have refused to move from the airbase camp because of the fear that collective centers are located too close to the front lines. A bus came to bring refugees to Brcko, and they wouldn't go.

The Need for Permanent Housing Very few people, even among the displaced persons, see any prospect that they will be able to return to their homes in the Srebrenica and Zepa enclaves.

Before the approach of winter, even before the new school year, the refugees need to be moved out of tents and collective centers and into private homes.

UNHCR has been working to identify more collective center space that might be utilized in the Tuzla and Zenica areas. However, the Bosnian government prefers to place displaced persons in private accommodations, in many cases in what is called "cleansed housing"—the houses of Serbs (and some Croats) who have moved out of or been forced from predominantly Muslim areas. A UN source said, "That's a show stopper for us."

Hasanbegovic said, "Our wish is that every family gets accommodations with a piece
every family gets accommodations with a piece of land to carry on agricultural work." He said that he did not want people to be dependent on humanitarian assistance. He suggested that three abandoned Serb villages, Bukvik, Cerik, and Smolca, could accommodate most of the displaced from Srebrenica, and provide enough fertile land for the displaced to re-establish themselves.

The question really boils down to whether ethnic cleansing, at this point, should be recognized as a fait accompli, a permanent exchange of populations that will not be reversed.

The International Rescue Committee (IRC), the American NGO most involved in Bosnia, and one that specializes in shelter rehabilitation, has debated this point internally. An IRC aid worker in Tuzla said, "We looked into this about a year ago and said 'No.' Now, we are reconsidering it." She said, "We would only rehabilitate abandoned homes if it was understood that they would belong to the original owners if they ever returned."

IRC is already fixing up Dobosnica, a Muslim village near Smolca, that was destroyed as the Serbs left Smolca. In that case, the original owners will be able to reclaim their homes. But if Smolca itself is rehabilitated, it will be for the Muslim displaced from Srebrenica, and the ethnic cleansing will look like a permanent reality.

**"YOU WILL BE THE VICTIMS OF THIS WAR"**

In March 1993, two months before the United Nations declared Zepa to be a "safe area," and more than two years before it finally fell to Serb forces, the local Serb commander asked UNPROFOR personnel to carry a letter to the local Bosnian army commander, Avdo Palic (referred to on p. 11 of this issue). Refugee Reports acquired a copy of that letter, translated below, from a passenger on that UNPROFOR convoy.

My dear brother, Commander Palic,

I recall with sadness our youthful days together at school and on the football field. However, these are new times, and I must tell you the following: You are completely surrounded; you have no outside help; you have no escape route; your men's families have no support; your people are in grave danger; you are in no position to set conditions; the Muslim army is being defeated in eastern Bosnia; you have no access to accurate information.

In the end, you will be the victims of this war. The people of Sarajevo will never defend the people of Zepa. Do not misunderstand the airdrops and convoys; the Americans will never rescue you. I am not the enemy of the Muslim people, but I am the enemy of those who wish to make the Serbs slaves.

There may be no future in our living together; however, you will be celebrated if you make the right decision on behalf of your people. Stop fighting and take your people to the industrial cities in the west [of Bosnia]. You have chosen the wrong place to fight. You should move your people to central Bosnia by using the corridors that we could open for you. Forget the American food. Don't beg for mercy, just leave in the safe way. Europe and America will never help you or help Islam spread.

Surrender your arms and leave Zepa, or become loyal to our government—it is your last hope. This is my advice to you; you may later remember this as your last chance. I can be a better friend to you than the Americans. If you keep thinking that you have democracy in your valley, remember what use is it if you live in caves? I remember how difficult your childhood was and how hard it was to go to school. You were an orphan without help. Get some sense.

Come and see me tonight in Sjeversko while the convoy is being unloaded. I guarantee your safety; no one would benefit from your death. It would be beyond decency to harm you. You should take advantage of the opportunity while UNPROFOR is there. I can help you to allow your people to leave the valley. Let's make peace and once again we can play football together...maybe at Barike.

If you don't make the decision tonight, I am ready to meet you anywhere, at any time. Otherwise, if you do not make the right decision, we shall capture the valley and take you as a prisoner-of-war.

With affection,

Lieutenant-Commander Rajko Kusic

Note: On July 30, 1995, following the fall of Zepa, The Washington Post reported that General Ratko Mladic, commander of Bosnian Serb forces, had told the UN that he had ordered Avdo Palic, to whom this letter is addressed, to be executed.
Readers of *Refugee Reports* may receive up to 5 copies of this 16" by 20" USCR poster for a $5.00 postage and handling charge. To receive your posters, please complete the following form and mail it with your check to the address below.

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Please send me _____ posters (up to 5 for $5.00).

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Please make checks payable to: U.S. Committee for Refugees.
## BOSNIA AND HERCEGOVINA

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Figures rounded to nearest 1,000 persons.

* Figures above are compiled by local authorities in each region.

Source: UN High Commissioner for Refugees.

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Address Correction Requested
ADMINISTRATION PROPOSES 90,000 REFUGEE ADMISSIONS FOR FY 96

The Clinton Administration has proposed admitting to the United States up to 90,000 refugees in fiscal year 1996, an 18 percent decrease from the current year's ceiling of 110,000. The formal proposal was presented by Undersecretary of State Peter Tarnoff in testimony on August 1 before the Senate Judiciary Committee.

The regional breakdown within the 90,000 ceiling includes: 45,000 places for persons from the former Soviet Union and Eastern Europe; 25,000 from East Asia; 7,000 from Africa; 6,000 from Latin America and the Caribbean; 4,000 from the Near East and South Asia; and 3,000 for an unallocated reserve. (See page 16 for comparison of FY 95 and FY 96 ceilings and regional allocations.)

The Refugee Act of 1980 requires a Cabinet-level representative of the President to consult annually with the House and Senate Judiciary Committees regarding the projected number and allocation of refugees to be admitted in the upcoming fiscal year. The Act also requires the President to provide information on the overall refugee situation, the impact of U.S. resettlement, the participation of other countries, and an analysis of the social, economic, and demographic impact of refugee admissions.

These consultations occur after the State Department receives formal advice from voluntary agencies and state and local governments, which occurred this year on April 26. After the Judiciary Committees provide written comments on the proposals to the State Department, the President publishes in the Federal Register a declaration of the admissions ceiling and regional allocations; this declaration must be published prior to October 1 in order that admissions not be interrupted.

Senate Testimony Begins Although Tarnoff is not a Cabinet-level representative, he presented the proposal in his capacity as Acting Secretary of State, while Secretary Warren Christopher was out of the country. The previous week, Christopher met privately on this subject with Senators Alan Simpson (R-Wyo.) and Edward Kennedy (D-Mass.), chair and ranking Democrat, respectively, on
the immigration subcommittee. The two were also the only senators attending the August 1 hearing.

Tarnoff was the only official witness but was accompanied by Phyllis Oakley, Assistant Secretary for Population, Refugees, and Migration. Also present were representatives from the Immigration and Naturalization Service (INS) and the Office of Refugee Resettlement, both of which submitted written statements.

Opening the hearing, Simpson noted that when he chaired his first refugee consultation 14 years ago, he and others were "a bit naive about the efficacy of the consultation process, because Congress really has no firm control over the number of refugees to be admitted other than through the appropriations process." The perceived lack of connection between admissions levels and funding has been criticized in the past, particularly by state and local officials.

**Simpson Attacks “Special Presumptions”**

Expressing a longstanding position, Simpson stated, "Refugee resettlement has grown to include hundreds of thousands of persons who simply cannot meet the refugee definition except by use or abuse of special presumptions. These persons, who are more accurately described as humanitarian admissions, have overwhelmed the refugee program for the last half dozen years." Simpson's immigration control bill, S. 269, originally included a 50,000 cap on refugee admissions (see Refugee Reports, Vol. XVI, No. 6). Although the cap was removed during subcommittee approval of the bill, it is included in the comprehensive immigration bill, H.R. 2202, recently approved by the House of Representatives immigration subcommittee. The House version also creates a new category of "humanitarian admissions" and limits those to 10,000 per year.

Noting that the U.S. Commission on Immigration Reform also recommends a 50,000 cap, Simpson referred to "a whole new theme" with respect to admissions and cautioned that all who share his desire for a generous refugee program should be aware of the concern generated by "special programs." Simpson called the President's proposed reduction in admissions "appropriate in view of world conditions today" and said he expects to see a similar reduction next year "unless of course there is a new refugee emergency, in which case we should all stand ready to do our fair share."

Sen. Kennedy, in his opening statement, noted that "the American people are often confused between refugees, illegal immigrants, and legal immigrants." Although Kennedy said there had been some decreases in refugee movements in certain areas, he also acknowledged the continued "discrimination, prejudice, bitterness, and hatred that exist in many situations and many foreign lands, and the enormous human tragedies that result."

**Administration Repeats Opposition to Admissions Cap**

Before presenting the details of the FY 96 proposal, Tarnoff reiterated the Administration's opposition to the proposed cap on admissions: "Given the numerous volatile situations in the world today, we believe that the United States must retain maximum flexibility to offer resettlement opportunities, when needed, and to be in a position to encourage other countries to accept their international responsibilities. It is for this reason that we oppose any legislated numerical cap on annual refugee admissions."

Noting the increasing number of uprooted people throughout the world, Tarnoff stated, "In the face of these growing numbers, the international community now rarely views large-scale permanent resettlement as an appropriate or manageable solution for refugee crises. As with the Kurds on the Turkish border after the Gulf War, or Rwandans fleeing the massacres of last year, the first concern for refugees is protection and assistance in place, followed by the hope of eventual voluntary repatriation."

Echoing a familiar State Department position that funds are better spent for overseas assistance than for domestic resettlement, Tarnoff continued, "The vast majority of the millions of refugees worldwide will never be resettled anywhere but, rather, will remain in first asylum under the care of the international community until they can return home in safety and dignity. It is to these vital programs that some $430 million dollars of Department of State funds are devoted....[T]he U.S. commitment to generous levels of overseas assistance represents money very well spent."

Tarnoff also stressed the importance of the private sector in humanitarian efforts. Using Rwanda as an example, he stated, "The...NGOs [nongovernmental organizations] reported an unprecedented fundraising response from the American people,...and many
American and other voluntary agencies provided life-saving work throughout the region." Adding that "the use of resettlement should evolve to match changing requirements," Tarnoff noted the FY 95 establishment of revised processing priorities for refugee admissions (see Refugee Reports, Vol. XV, No. 10). These priorities were further revised for FY 96 and are included in the admissions proposal. A notable change for the new fiscal year is the removal of "Groups of Special Concern" from Priority One and its designation as Priority Two. Groups of Special Concern for FY 96 include, among others, Jews and Evangelical Christians in the former Soviet Union, former re-education camp detainees in Vietnam, and former political prisoners in Cuba.

Simpson, Oakley Spar Over Role of NGOs

Simpson asked what, exactly, the "new priorities or new criteria" are, and questioned whether Congress would be consulted on these changes. Assistant Secretary Oakley responded that the State Department's work on new priorities was done "closely in conjunction with our NGO operating partners" as part of an ongoing dialogue. She explained that the intent was to assign a higher priority to persons identified by the UN High Commissioner for Refugees (UNHCR) or U.S. Embassies overseas as being in need of resettlement due to factors such as vulnerable security or health situations.

Simpson then asked Oakley to define for the record "NGO." When Oakley responded that "nongovernmental organizations are our implementing partners for resettlement" in the United States and for overseas assistance programs, Simpson asked, "Are these not, too, what we've referred to in the past as voluntary agencies, and are they not still paid a figure from the federal treasury to assist in resettlement and placement, and what is that figure?"

After Oakley responded that voluntary agencies receive $700 for each refugee resettled and combine these funds with private resources, Simpson stated, "It was $535 two years ago, I think.... This very much needs to be known by the American people, that these, quote, voluntary agencies, now known as nongovernmental organizations, receive $700 per individual to resettle a, quote, refugee, regardless of whether they are a, quote, true refugee or a presumptive refugee." He added, "We need to carefully look at that figure as it continues to rise through the appropriations process."

Two years ago, the amount that voluntary agencies received for each refugee resettled was actually $630, not the $535 cited by Simpson. When the program began in 1975, the voluntary agencies received $500 for each refugee resettled.

Kennedy, Tarnoff Voice Support for NGOs

Kennedy joined this discussion briefly, noting that resettlement issues are complex and that "it is difficult to have it done right and have it done well." Using as an example the "extraordinary success" of the Tibetans resettled in Massachusetts, he suggested that the funding for voluntary agencies, "whether that figure is $500 or $650 or whatever," is necessary to accomplish the task well.

Kennedy then noted that, despite the "fatigue" that has resurfaced in this country with respect to refugees, "we're about number four in per capita acceptance of refugees, and the total numbers have exceeded any other country by far." Kennedy then asked what the impact of reduced admissions would be, particularly in trying "to get other countries to pull their fair share."

Tarnoff responded that if the United States "were to fail to keep up our share of responsibility, other countries would also do less." Calling the American NGOs "a world leader, in terms of their organization, in terms of their courage, in terms of the continuity of their operations," he stated, "If they were to lose support, including financial support, from the U.S. government, the international community, even if it is well disposed to support their efforts, would have a much smaller base on which to build in terms of program management around the world."

FY 96 Reductions Target East Asia Region

Discussing the regional breakdown for FY 96 admissions, Tarnoff explained that most of the overall reduction results from a decline in admissions from East Asia. "The 25,000 numbers proposed for this region," he stated, "will allow us to resettle the last group of Vietnamese re-education camp prisoners and Highlanders from Laos,...as well as a small number of non-Indochinese refugees."

Tarnoff also stated that, in an effort to conclude the Comprehensive Plan of Action (CPA) for the Vietnamese remaining in camps
in Southeast Asia, "we are discussing with our CPA partners a proposal to provide opportunities for resettlement interviews, upon return to Vietnam, to those Vietnamese now in camps who agree to return to their homes voluntarily."

**Re-screening of Southeast Asians Discussed**

The CPA "end game" has been the source of much recent controversy, with the House of Representatives voting on May 24 to prohibit U.S. funds from being used to repatriate any persons to Vietnam, Laos, or Cambodia unless they have either been offered resettlement in a third country or re-screened (in the camps) to determine if they are refugees (see *Refugee Reports*, Vol. XVI, No. 5). Consideration of a similar provision probably awaits the Senate when it returns from recess in September. The State Department is resisting the prospect of re-screening in the first asylum camps and, as noted by Tarnoff, is developing a procedure for reconsidering the refugee claims of persons returned to Vietnam. Approximately 40,000 "screened-out" persons—mostly Vietnamese—remain in first asylum camps, primarily in Hong Kong.

In response to Tarnoff's discussion of this issue, Simpson emphasized that he has supported the CPA since its inception and expressed disagreement with the Bush Administration's "reluctance to return those economic migrants who were screened-out under CPA procedures.... We were returning economic migrants to Haiti and even to Cuba...and I just simply see no reason why we shouldn't return nonrefugees to their homeland as long as that return is carefully monitored."

Stating his assumption that the current plan for re-interviews upon return to Vietnam is intended to induce repatriation, he noted that the Hong Kong camp population has less than two years remaining either to return to Vietnam or be subject to the jurisdiction of the People's Republic of China. "That prospect alone," said Simpson, "might be enough to induce return, without the promise of yet another interview."

Oakley, in response, said the status of Hong Kong "underlies the Administration's determination and desire to bring the CPA to a dignified and humane end." Simpson then asked if Canada and Australia—the primary U.S. resettlement partners—have agreed to re-interview the screened-out Vietnamese. Oakley explained, "We're in the process of beginning discussions with them, with the UNHCR, with the first asylum countries, on how best we can deal with what we call Track II, to take care of some of these people whose cases may have been erroneously screened out. But we really don't have answers from them yet."

Asking to be kept informed, Simpson commented on his visits to the Southeast Asian camps, where "I was told by the volags—now the NGOs—that these people had been interviewed and re-interviewed and re-interviewed again." Acknowledging, however, that certain special cases "may well have fallen through the cracks in the CPA process," Simpson stated that "selective interviews" should be conducted by INS, for those "egregious cases where there have been obvious interests—persons who fought with us, were aligned with us, and assisted us in the war." Concluding that "those interviews should, rather must, be accomplished in Vietnam," he added, "It's of the utmost importance that we finally conclude the Vietnamese boat people chapter in our history in Southeast Asia, but I agree we must not abandon our allies who were persecuted because they assisted us in the past."

Kennedy, in agreement, noted that while the United States has resettled over one million Vietnamese since 1975, continued attention needs to be paid to the situation of the "Lost Commandos"—Vietnamese who "conducted missions behind enemy lines, who were captured.... [S]ome spent many years in the POW camps." He called for a "fair and very aggressive review" of such cases, as well as priority in adjudication. Oakley informed him that officials of the INS and ODP (Orderly Departure Program—the mechanism for direct resettlement as refugees of persons from within Vietnam) have conducted a careful review of 61 such cases; the case summaries have been forwarded to Washington for a final review by the INS. She also noted that 25 additional cases have been found and are being considered.

**Ceiling of 45,000 Proposed for Former Soviet Union/Eastern Europe**

Concerning the 45,000 admissions ceiling for persons from the former Soviet Union and Eastern Europe, Tarnoff said that "religious minorities [in the former Soviet Union] with close family ties in the United States will continue to receive significant refugee admissions slots." The remainder of slots from this region will be used...
primarily for Bosnians; Tarnoff stated that at least 15,000 Bosnians—almost double the number of FY 95 arrivals—will be admitted. Of the 48,000 combined slots allocated for FY 95, the State Department anticipates that only 43,000 will be used—up to 35,000 for former Soviet Jews and other minorities, and 8,000 to 9,000 for Bosnians.

Simpson Assails Blurring of Refugee Definition Commenting on this region, Simpson picked up on what Kennedy had said earlier about fatigue; Simpson said he doesn't believe the American public feels this fatigue with respect to "genuine refugees, ... persons who would be killed if they were returned to their homeland, who can't remain in the country of first asylum, and for whom Congress is willing to provide funds and not dump that financial problem on the states."

Noting that the determination of a well-founded fear of persecution was to be accomplished on a case-by-case basis under the Refugee Act of 1980, Simpson commented, "That's what I keep getting back to, and I will continue to get back to.... In the former Soviet Union, we have them waiting for a year or a year and a half until they decide to come. That can't be a refugee—you can't be a refugee when you have six months or a year or 18 months to sort it out.... That's a distortion, and it's going to hurt real refugees."

According to Simpson, the passing of California's Proposition 187 was in part a result of such "distortions," because, said Simpson, the Californians who voted for Proposition 187 "didn't know the difference between a Cambodian refugee and people coming across the southern border."

UNHCR Appeals for Resettlement of Bosnians Kennedy noted that the United States has resettled 15,000 Bosnians since the war in Bosnia began and has proposed resettling that same number in FY 96. Acknowledging the recent appeal from UNHCR for additional resettlement, he asked, "What are the realistic dimensions of what we might be faced with?"

Oakley confirmed that the previous day the United States had received a new appeal from UNHCR stating an immediate need for 5,000 resettlement slots in light of recent events, and a projected need of 50,000 should an emergency arise. The U.S. share, said Oakley, should be about 50 percent of each number. She said she hoped to be able to tell the High Commissioner that the United States will immediately take 2,500 from the unallocated reserve (presumably from the FY 95 reserve of 2,000, but also possibly part of the 15,000 in FY 96) and that the United States will probably take half of the total amount requested over the period ahead.

Simpson asked for a response to two issues: first, the suggestion that Bosnians should not be resettled, but rather should remain in that region so they might return to their homes; and, second, the question of whether, since most Bosnian refugees are Muslim, they would be better placed in countries where Islam is more dominant.

Concerning the issue of whether Bosnians should stay in place or be resettled, Tarnoff said that the United States employs general criteria for such judgments, as it does in other parts of the world. As to the cultural issues, he stated, "We have been quite impressed, as have our European partners, with the ability of the Bosnians—whatever their ethnic background—to adapt and to become part of the European and American communities.... [A]s Europeanized as they are, in many respects, the adjustments are really done quite well."

Given the potential need for increased resettlement of Bosnians, Simpson asked which of the regional ceilings would be reduced "to accommodate Bosnia—or any other hot spot." Oakley said that it would be difficult to make such a prediction at this point. She stressed that the Administration views the ceilings as targets, rather than as quotas to be filled. Reminding Simpson about the unallocated reserve, she also said the Administration would consult Congress if any reallocation or increase in numbers is required.

Admissions from Africa The 7,000 African slots for FY 96 (the same ceiling as FY 95, although only 5,000 Africans are projected to arrive this year) will be used for the residual Somali caseload, Sudanese, and others referred by UNHCR. According to Tarnoff, "In Africa, we have embarked on a new approach to refugee
processing to ensure we take in those people truly in need of resettlement.... Traveling teams of voluntary agency and INS staff members this year will interview African refugees in more than double the number of first asylum countries traditionally visited for this purpose.” He added that because most African countries honor their obligations to provide first asylum, thus allowing refugees to remain in neighboring countries until repatriation is possible, third-country resettlement is needed for relatively few persons, primarily Mozambicans, Ethiopians, and Somalis.

According to the draft admissions document released at the hearing, the State Department “expects that by FY 96, UNHCR protection officers will be more aware of U.S. resettlement as an option in resolving protection problems for small groups [of Africans] and that there will be more referrals of small groups in countries not usually included in the U.S. refugee admissions program.”

Near East/South Asia As to the allocation of 4,000 places for refugees from the Near East/South Asia region, Tarnoff stated that resettlement from this region also is closely coordinated with UNHCR. According to the admissions document, of the nine million refugees and displaced persons in the region, UNHCR deems 22,500 to be in need of third-country resettlement. Many of these, said Tarnoff, are “persons who fled Iraq but cannot remain in first asylum countries such as Saudi Arabia, Jordan, Turkey, or Syria. Religious minorities from Iran—particularly Baha’is and Jews—also require third-country resettlement.”

Latin America/Caribbean For Latin America and the Caribbean, the admissions ceiling is 6,000, a reduction of 2,000 from FY 95. While the current year’s admissions include 1,500 Haitians, the FY 96 allocation is anticipated to be used solely for Cubans, virtually all to be admitted through in-country processing in Havana in accordance with the September 9, 1994 U.S.-Cuba Migration Agreement. That agreement, said Tarnoff, “calls for the safe, orderly, and legal admission of 20,000 Cubans annually.” In-country refugee processing is one component of that effort, which also includes the use of parole, and to a much lesser extent immigrant visas, to admit about 14,000 Cubans in FY 96 (5,000 of the parolees will be from Guantánamo Naval Base). According to Tarnoff’s written statement, refugee slots for other nationalities are not required because of “the prevalence of democratically elected governments in this hemisphere.”

Simpson Questions Use of Parole for Cubans Simpson voiced his disagreement with the use of parole in the context of the Cuba agreement, saying it can be described as a “misuse of the parole power” because these individuals do not qualify for admission under immigration or refugee laws. Simpson quoted former Attorney General Griffin Bell as saying that the authority of parole, “which rests solely with the Attorney General, has the practical effect of giving to the Attorney General more power than the Congress in determining limits on the entry of refugees into the country.”

Simpson asked whether Cubans paroled into the country are eligible for refugee cash and medical assistance; he was told that they are, pursuant to the Fascell-Stone amendment to the Refugee Education Assistance Act of 1980. In response to Simpson’s request, Tarnoff said he would provide Simpson with information on how much money will be spent on beneficiaries of the Cuba migration agreement.

Economic Impact of Refugees Debated Simpson expressed dissatisfaction with the fact that the admissions report includes nothing about refugee welfare dependency, especially in California; this information, he said, is part of the statutory requirement of an analysis of the social, economic and demographic impacts of admissions. Oakley noted that the Administration’s report does address demographic issues and said the Administration would put together more information on the financial impact.

Noting that “some experts” claim refugees are significant users of Supplementary Security Income (SSI), Simpson gave a nod to the welfare-related provisions in his pending legislation: “This year, unless we do something consistent out of this committee, when legislation gets to the floor it will get all chopped to ribbons by emotion, by fear, by xenophobia.... I've never seen anything like it before, people prodding all day long [saying], ‘What are you going to do about refugees?’—and what they mean is immigrants.” Asking for “honest figures” so that the United States can remain a generous nation, Simpson concluded, “[Gener-
osity] will remain only as long as we do not have gimmicked systems....dependency rates, overuse of SSI, no means testing, no sponsorships. We've got a lot to do, and I want to do it in a rational way.... [B]ut when it gets to the floor, you'd better grab a big oar."

The House Judiciary Committee has tentatively scheduled a private admissions consultation with the Administration for September 6. While a hearing will likely not occur before the start of the fiscal year, an oversight hearing on admissions may occur later in the fall.

Recent Developments

CROATIA TAKES CONTROL OF KRAJINA, 150,000 SERBS FLEE; CROATS IN SERB-CONTROLLED BOSNIA FACE RETRIBUTION

On August 4, the Croatian armed forces launched a major offensive on the Krajina, Croatia's crescent-shaped border region abutting western Bosnia and Hercegovina, prompting what may be the largest single movement of refugees in four years of war in the former Yugoslavia. An estimated 150,000 Serbs fled from the Krajina, many from their ancestral homes, to Serbia and Serb-controlled regions of Bosnia. Apparently in retaliation, Serbs in northern Bosnia, including refugees, dramatically stepped up expulsions of the few Croats remaining in that portion of Bosnia.

Legacy of Croatian Secession The Croatian assault was a continuation of the war that began with Croatia's unilateral secession from the Socialist Federal Republic of Yugoslavia (SFRY) in June of 1991. Following Croatia's secession, local Serbs, backed by the Serb-dominated Yugoslav army, rebelled, saying that they did not want to live under an independent administration headquartered in Zagreb, as Serbs had during World War II, when tens of thousands—if not hundreds of thousands—were killed by Croatian authorities. Whereas Serbs were the largest single ethnic group in the whole of the SFRY, comprising just over one-third of the population, they would constitute only about 12 percent of the population of an independent Croatia, a prospect unacceptable to many.

Following six months of fighting, which ended in a UN-sponsored cease-fire accord, Serbs gained control of about one-third of Croatia, including the Krajina. Regions under the control of the two sides became increasingly mono-ethnic, with more than 500,000 persons—Serbs, Croats, and others—fleeing or expelled from conflict areas or regions controlled by the "other side."

At the time of the August 1995 invasion of the Krajina, the populations still uprooted by earlier phases of the Croatia conflict included some 200,000 displaced persons in Croatian government-controlled territory, as many as 100,000 displaced persons in Serb-controlled territory, 100,000 or more Serb refugees in the two remaining republics of Yugoslavia (Serbia and Montenegro), and perhaps 100,000 or more refugees of various ethnicities in Bosnia, Hungary, Germany, and other countries.

Croatian Assault Expected Despite a UN-imposed arms embargo in effect against all republics of the former Yugoslavia, Croatia has been steadily acquiring weapons in preparation for an attempt to gain control over all land within its recognized borders. In May, Croatian forces staged a dress rehearsal for the larger August operation, seizing control of the so-called Western Slavonia enclave, a portion of the territory controlled by Serb forces since 1991. More than 10,000 Serb residents of that enclave fled across the Sava River into Serb-controlled regions of Bosnia. Some refugees reported coming under artillery and sniper fire from Croatian forces, a charge that would be repeated on a larger scale during the escape from the August offensive in the Krajina.

The influx of Serb refugees from Slavonia aggravated the situation of Croats (and Muslims) in Serb-controlled Bosnia, who were already under great pressure to leave (see Refugee Reports, Vol. XV, No. 11). The UN High Commissioner for Refugees (UNHCR) reported an immediate increase in beatings of Croats and attacks on Croat homes in the Banja Luka area.

The success of the military operation in Slavonia apparently buoyed the confidence of the Croatian government, and by late July, many Croats and observers in Croatia were predicting a government attack on the Serb-controlled Krajina. While France, the United Kingdom, and the Russian Federation warned Croatia against such an attack, arguing that
the dispute between Zagreb and Croatia's Serb minority should be settled through negotiation, Germany and the United States were apparently more supportive of Croatian goals, giving what some termed a "yellow light" to the offensive.

**Attack Swift, Overwhelming** Croatia launched the attack at 5 a.m. local time on August 4, and quickly overwhelmed Serb defenses. Most of the fighting was over within three days. As Serb defenses collapsed, an estimated 150,000 Serbs—both civilians and combatants—began to flee, many toward the relative safety of Serb-controlled Bosnia.

As the UN attempted to arrange a cease-fire that would guarantee safe passage for civilians and disarmed combatants, an undetermined number of civilians were killed by continued fighting. Some reports suggested that Croatian forces deliberately targeted civilians; others attributed the deaths to crossfire between Croatian and Serb forces. Refugees also reported being attacked by Croatian aircraft in Bosnia.

On August 7, the Croatian Defense Minister admitted what Croatian authorities had been denying for days: Croatian forces were responsible for the deaths of three UN soldiers and had used Danish UN troops as human shields, forcing them to walk in front of advancing Croatian soldiers. Earlier, a Defense Ministry spokesperson had said the allegations were designed "to stain the international reputation of the Republic of Croatia."

**Ethnic Cleansing, or Not?** The flight of 150,000 Serbs from the Krajina produced immediate comparisons to the flight just weeks earlier of tens of thousands of Muslims from the former Bosnian "safe areas" of Srebrenica and Zepa (see *Refugee Reports*, Vol. XVI, No. 7). Some called the exodus of Serbs from the Krajina evidence of "ethnic cleansing" in Croatia. Others, including U.S. Assistant Secretary of State Richard Holbrooke, indicated that the massive flight was prompted by actions that were qualitatively different from those that forced Muslims out of eastern Bosnia. Holbrooke told the *MacNeil/Lehrer NewsHour*, "Let's not confuse involuntary expulsion [from the Krajina] with mass murder [in Srebrenica]."

In Banja Luka, a Serb stronghold in northern Bosnia and primary way station for Krajina Serb refugees transiting through Bosnia, *The New York Times* reported that Serb soldiers and civilians interviewed "said that they fled before the Croatian Army arrived, and most had no direct contact" with the Croatian forces.

However, reporters who visited the Krajina after the fighting said there was evidence of looting by Croatian troops. UN personnel reported seeing burned out homes—presumably those of Serbs. UNHCR spokesperson Kris Janowski characterized the burning and looting as "systematic," and noted that such actions were "hardly encouraging anyone to go back" to those areas. Janowski added, "Even though it did not start as ethnic cleansing, it may end up being ethnic cleansing."

Whether the flight of Serbs from the Krajina was ethnic cleansing or not, most Serbs received what can only be, in the context of the former Yugoslavia, an unmistakable message. The earliest of the convoys evacuating Serbs through Croatia was confronted by crowds of angry Croats who threw stones, bricks, and insults at the Serbs. In Sisak, Croats beat a number of fleeing civilians, while Croatian policemen looked on.

Alex Rondos, executive director of International Orthodox Christian Charities (IOCC), which assists refugees in Bosnia and Serbia, told *Refugee Reports* that what happened to Muslims in Bosnia and Serbs in Croatia are "variations on the same theme."

"While the Croatians in the Krajina and the Serbs in eastern Bosnia used different methods, it is a question of degree—not substance," said Rondos. "The point is, none of those people are going back to their homes."

**Serbia Opens, Then Closes, Then Opens Border** Within days of the initial attack, a long line of refugees had already begun to reach the border between Serbia and Serb-controlled Bosnia. Initial reports indicated that border authorities did not attempt to prevent refugees from entering Serbia. A UN spokesperson in Belgrade described the refugees as "exhausted, traumatized, dehydrated, hungry, and urgently in need of humanitarian help."

On August 9, the official Yugoslav news agency reported that some of the refugees would be sent to Kosovo, Serbia's troubled, predominantly ethnic Albanian province.

By August 12, the Yugoslav Red Cross reported that some 60,000 Krajina Serbs had arrived in Serbia. As many as 90,000 others were believed to be still in northern (Serb-
controlled) Bosnia, according to UNHCR. The government of Serbia then announced that draft-age men would no longer be permitted to enter its territory, and those who had already entered would be required to leave and to serve in the Bosnian Serb army. Guards on the Bosnian side of the border then began refusing permission for military age men to pass, according to press reports.

With few of the men interested in fighting for an area—Bosnia—that was not their home, families balked at the new restriction, and refused to cross into Serbia without their men, leading to an even more confused situation at the border. The following day, August 13, the situation remained the same, with more and more families clogging the border area, refusing to cross.

Finally, on August 14, authorities on both sides of the border appeared to relent, and again permitted draft-age men to cross into Serbia. By August 15, UNHCR reported that an estimated 130,000 Krajina Serbs had arrived in Serbia.

Croats in Serbia, Bosnia Face Retribution
As with the earlier flight of Serb refugees from Western Slavonia, some refugees from the Krajina apparently took out their anger on Croat residents of regions to which they fled. A human rights monitoring organization charged that angry refugees had evicted Croats from at least six towns in Serbia's Vojvodina province, and that local authorities were not doing enough to prevent such actions.

In Bosnia, in the immediate aftermath of the Krajina offensive, reports of attacks against Croats increased. Killings were reported as well. On August 14, as many as 1,000 Bosnian Croats left Bosnia, crossing the Sava River by boat into Croatia, in an operation that UNHCR spokesperson Ron Redmond said was conducted with “sickening efficiency.” UNHCR expected that the remaining 12,000 to 15,000 Croats in the region, and perhaps the 30,000 Muslims who remained as well, would be expelled in similar fashion.

Future Prospects for Croatian Serbs
The most recent installment of the fighting in Croatia brings all but the extreme eastern portion of the country—along the border with Serbia's Vojvodina province—under the control of authorities in Zagreb. The fighting also means that Croatia has fewer and fewer Serbs remaining, a condition that may make it more difficult for those who do remain to continue to do so.

With the Krajina under the control of the Croatian government, displaced Croats will begin to return to the homes from which they fled in 1991. The conventional wisdom is that the newly returned Croats will be no more willing to permit Serbs to return to their homes than were Serb authorities willing to permit displaced Croats to return, which leaves 150,000 new Serb refugees in limbo.

Serbia, under sanctions, prone to employing periodic round-ups of draft-age, refugee males, and already hosting 300,000 or more “old” refugees from Croatia and Bosnia, would seem to offer few positive prospects for the newest refugees from the Krajina. With the Yugoslav wars entering what appears to be a new phase of large-scale population displacements, Krajina Serb refugees—like the two million or more other former Yugoslavs already uprooted—are left to ponder what their ultimate future will be in a region that seems headed increasingly for "ethnic purity" on all sides.

SENATE CONSIDERS COMPREHENSIVE TORTURE VICTIMS RELIEF ACT

Legislation was introduced in the Senate in mid-July that would authorize funds for torture rehabilitation programs in the United States and abroad. The bill, S. 1058, seeks to formulate a federal strategy for providing assistance to refugees who are survivors of governmental torture.

Sen. Paul Wellstone (D-Minn.) and Sen. Arlen Specter (R-Penn.) are lead sponsors of the bill, the Comprehensive Torture Victims Relief Act. The bill provides for domestic rehabilitation centers for refugees, asylees, and parolees and for support to torture treatment centers worldwide through an increase in the U.S. contribution to the UN Voluntary Fund for Torture Victims.

Speaking in support of the legislation, Wellstone called torture one of the "most serious human rights issues of our time" and asserted that it is being condoned by officials of governments in at least 70 countries today. Wellstone praised the work of the Center for Victims of Torture in Minneapolis, citing their
assistance to patients in successfully adjusting to society and becoming economically stable.

"Some of the often shrill public rhetoric these days seems to argue that we, as a nation, can no longer afford to remain engaged with the world, or to assist the poor, the elderly, the feeble, refugees, those seeking asylum—those most in need of aid who are right here in our midst," said Wellstone. "We can and must do more to stop torture, and to treat its victims. Treating torture victims must be a much more central focus of our efforts as we work to promote human rights worldwide."

S. 1058 has been referred to the Senate Judiciary Committee, where the measure's two lead sponsors are seeking additional co-sponsors.

**Zaire Expels 15,000 Rwandan and Burundian Refugees**

On August 19, Zairean soldiers began forcibly repatriating Rwandan and Burundian refugees from Zaire. By the time the expulsions were suspended on August 24, an estimated 15,000 persons had been pushed across Zaire's borders into Rwanda and Burundi. Reports indicated that most of those expelled were women, children, and elderly.

Some 150,000 or more refugees fled from the Zairean camps into surrounding hills and forests in order to avoid being forcibly returned. Most had no possessions or provisions. A spokesman for the UN High Commissioner for Refugees (UNHCR) said that the events threatened "to destabilize the entire region."

(Also in the region, on August 17, the Tanzanian military reportedly forced some 350 to 400 Rwandan refugees into Burundi from the Kitali Hills camp in Tanzania, assaulting two UNHCR field officers in the process. Reports indicated that Burundian authorities then forced some 180 of the refugees into Rwanda. It remained unclear whether the forcible repatriation from Tanzania was ordered by local military personnel or by authorities in the Tanzanian capital.)

Most of the Zairean expulsions occurred from the Mugunga camp, near Goma, which houses an estimated 150,000 refugees, as well as military remnants of the former, Hutu-dominated Rwandan government. Initially, Zairean officials indicated that they intended to empty Mugunga, and then move on to other camps, which house an estimated 1.2 million Rwandan and Burundian refugees.

Most reports attributed the expulsions to Zaire's displeasure with the recent lifting of the UN arms embargo against the current Rwandan government, as well as Zaire's desire to be rid of the problems it says the refugees cause. On August 23, the UN released a letter dated August 17 in which the Zairean Prime Minister warned the UN that Zaire would begin expelling refugees.

In a radio interview, the Zairean Foreign Minister said that when "the national security of a country is in danger,...one is entitled not to accept refugees and to expel them." The Foreign Minister indicated also that other countries, notably Rwanda, must take responsibility for the refugees.

The repatriation of Rwandan refugees has been a sensitive issue. The current government of Rwanda, dominated by the predominantly Tutsi Rwandan Patriotic Front, has said that persons not implicated in the 1994 genocide in Rwanda, in which an estimated 500,000 or more Rwandans were killed, could return to their homes without fear of retribution. However, many Rwandan refugees in Zaire, who are predominantly Hutu, say that they are afraid to return to Rwanda. Others who do want to return have been killed or intimidated by hard-line elements of the former government and military who see the continued presence of refugees in Zaire as legitimizing their claim to power in Rwanda.

**Reaction To Forced Repatriation**

Reaction to Zaire's forced repatriation of refugees was swift. U.S. Department of State spokesman David Johnson told reporters that the United States was "very concerned that Zaire has chosen to take action that not only violates international humanitarian principles, but could precipitate a human disaster."

Also in Washington, the U.S. Committee for Refugees (USCR) called on the Zairean authorities to "cease the forced repatriations immediately." USCR said that Zaire should continue to provide temporary asylum for the refugees "while the international community works toward voluntary repatriation."

Carrol Faubert, UNHCR's special envoy for the Great Lakes region, said that UNHCR was faced with "an ethical and political prob-
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lem." Apparently believing that the expulsions would continue, UNHCR established reception centers for the expellees in Rwanda and Burundi.

Repatriation Subject of Talks  UN Secretary General Boutros Boutros-Ghali announced that he would dispatch Sadako Ogata, the High Commissioner for Refugees, to Zaire to urge authorities to stop the expulsions. Reports indicated, however, that Ogata was not likely to receive an audience with Zairean strongman Mobutu Sese Seko, who was believed to be vacationing in the south of France.

On August 23, Faubert appeared to signal that UNHCR might work more aggressively to facilitate voluntary repatriations if the involuntary returns ceased. He stated that UNHCR was "ready to take over an operation, provided that the refugees ask us to do so."

Given the methods used by Zairean forces in carrying out the expulsions, which included beatings, looting, and the burning of huts, it appeared that some refugees had decided to ask UNHCR to assist them to repatriate. On August 24, press reports indicated that several camp leaders had written letters to UNHCR saying that refugees would go home voluntarily if they were escorted by UNHCR and protected from Zairean troops.

Expulsions Halted, At Least Temporarily  By August 24, the prospect of talks between UNHCR and Zairean authorities had apparently produced a halt to the forcible repatriations. Governors of the North and South Kivu regions told UNHCR that expulsions had been suspended, according to press reports. UNHCR officials reported that Zairean troops were no longer present in refugee camps.

Following the suspension of the forced repatriations, some refugees who had fled from their camps began to return. Likewise, a small number who had been pushed to the border by Zairean troops were brought back to the camps by UNHCR. Whether forced returns would resume was unclear.

Ultimately, it appeared that the reaction of Rwandan refugees themselves would determine the next step. After living for more than a year in squalid conditions, during which many were intimidated by hardline elements in the camps, and finally being attacked by Zairean soldiers, it may be that many refugees will view the risks inherent in returning home as less frightening than the risk of attempting to remain in Zaire.

Updates

•  Temporary Protected Status (TPS) for Bosnians and Somalis in the United States has been extended for an additional year, according to notices published in the July 31, 1995 Federal Register. In both cases, the extension is limited to persons who have already registered for the initial period of TPS.

Bosnian TPS has been extended until August 10, 1996. Re-registration procedures will remain in effect until August 29, 1995. Bosnians in the United States first became eligible for TPS in August 1992. About 400 Bosnians who have TPS are eligible to re-register.

Somali TPS has been extended until September 17, 1996. Re-registration procedures will be in effect through September 17, 1995. Somalis in the United States first became eligible for TPS in September 1991. There are about 350 Somalis who have been granted TPS who are eligible to re-register.

•  On August 23, the UN High Commissioner for Refugees (UNHCR) in Tuzla, Bosnia reported that Bosnian Serb gunners shelled the Bosnian Muslim tent camp in the UN compound at the Tuzla airport (see Refugee Reports, Vol. XVI, No. 7, p. 12). One woman was wounded in the attack. After the attack, about 500 people fled the camp. Subsequently, Bosnian government authorities evacuated about 3,000 people from the camp.

"This was a deliberate targeting of an area where there are thousands of civilians," said Mans Nyberg of UNHCR. "It is totally unacceptable."

Tuzla is a UN Security Council-designated "safe area." The refugees in the Tuzla camp mostly came from Srebrenica, the "safe area" overrun by Bosnian Serb forces in July.

•  On August 20, a French border guard fired a shotgun at a group of persons attempting to enter France without authorization, killing an eight-year-old boy from Serbia’s Sandzak region, according to press reports. After the shooting, 43 persons, including 19 children, were taken into custody. Reportedly, France rejected asylum requests from the 43, who had originally claimed to be Bosnians. Those at least 18 years of age were to be returned to Italy.
• On August 20, the U.S. Coast Guard intercepted an 80-foot freighter carrying 406 Haitians near Nassau, the Bahamas. The Coast Guard reported that five people died and three were injured as a result of over-crowded conditions aboard the ship. Survivors were taken to the Bahamas and detained, and were likely to be repatriated, according to press reports. The incident involved what is believed to be the largest number of Haitians interdicted on a single vessel since Haitian President Jean-Bertrand Aristide was restored to power in October 1994.

• The Iranian government has ordered Afghan refugees holding temporary residence permits to leave the country, following the expiration of a three-month deadline to leave voluntarily. The Islamic Republic News Agency (IRNA) reported that legal action would be taken against Afghans continuing to live in Iran illegally.

• On July 31, the Immigration and Naturalization Service (INS) mailed "Notice 5" to more than 180,000 Salvadoran nationals who registered for Temporary Protected Status (TPS) informing them that they have until January 31, 1996 to file asylum applications if they want to be permitted to stay in the United States and to be authorized to work.

Previously, the settlement agreement in the 1991 class action suit American Baptist Churches (ABC) v. Thornburgh had said that Salvadoran TPS registrants would have 90 days to file new asylum applications or to replace old ones from the time the INS sent out Notice 5 in order to remain part of the ABC class. This would have meant an October 31, 1995 deadline.

Salvadorans who have re-registered for TPS and DED (deferred enforced departure—the successor status to TPS) are authorized to work until September 30, 1995. However, any Salvadorans who registered for the initial period of TPS, whether or not they re-registered, are eligible to file new asylum claims under the terms of the agreement.

Notices were not sent to Guatemalans, who are not TPS recipients, and thus are not affected by this part of the ABC settlement.

Salvadorans can call the INS at 1-800-755-0777 to request an "ABC packet" or 1-800-870-3676 to order a new I-589 asylum application. Notice 5 also includes a list of organizations that provide free legal advice to Salvadorans considering how or whether to proceed.

Lucas Guttentag, director of the national Immigrants Rights Project of the American Civil Liberties Union and one of the lead lawyers in the ABC suit, said, "It is important that eligible Salvadorans now file for asylum and work authorization promptly so that they can continue to be protected under the settlement."

Field Notes

ANGOLAN REFUGEES, DISPLACED PERSONS WARILY EYE PEACE PROCESS

[During June and July, Refugee Reports assistant editor Tom Argent traveled for five weeks in Angola, Zambia, and Zaire. His report on the Angolan peace process and what it may hold for Angolan refugees and displaced persons follows.]

On June 14, the UN High Commissioner for Refugees (UNHCR) and the government of Angola signed a memorandum of understanding on the repatriation of Angolan refugees. In July, UNHCR appealed for more than $44 million to assist in the repatriation of Angolan refugees from Zambia, Zaire, and elsewhere. An estimated 300,000 or more Angolans remain in exile following a 13-year anti-colonial war and 20 years of subsequent civil war.

The civil war, which pitted a government led by the Popular Movement for the Liberation of Angola (MPLA) against the National Union for the Total Independence of Angola (UNITA), was heavily influenced by super power rivalry and ethnic divisions. Troops from Cuba and South Africa, as well as arms shipments from the Soviet Union and the United States, contributed heavily to the conflict, which is believed to have killed some 500,000 or more Angolans.

Another Peace Accord Reached In November 1994, with the Cold War impetus gone and South Africa no longer intent on destabilizing states in the region, government and UNITA representatives signed the Lusaka Protocol, under which both sides agreed to a cease-fire and a series of steps that will, if implemented, see UNITA gain a share of power and incorporate UNITA military forces into the government.
army. In May 1995, Angolan President Jose Eduardo dos Santos and UNITA President Jonas Savimbi staged a public meeting in Lusaka, Zambia in which Savimbi declared the MPLA leader to be "my president." Despite the public display and a definite improvement in conditions in Angola since the signing of the accord, many uprooted Angolans, mindful of earlier pledges of peace from these same leaders, are still unable or unwilling to return to home areas.

"Free Circulation of Persons and Goods"  
One of the central tenets of the Lusaka Protocol is the eventual establishment of "free circulation of persons and goods." Clearly, such freedom of movement does not yet exist. An estimated 1.5 million Angolans remain internally displaced, and although several thousand have been able to return to home areas since the accord, by and large, civilians are not yet able to cross the lines that still exist between the opposing armies. During a Refugee Reports visit to Uige province, a vice governor angrily declared that UNITA troops prevented people from crossing between UNITA-controlled areas and government-controlled Uige city. UN military observers confirmed this, but pointed out that government forces routinely block civilian movements as well.

Because of the inability to cross confrontation lines, as well as the fear that many Angolans have about returning to areas controlled by supporters of the "other side," it seems likely that few uprooted Angolans will be able to return home in time for the October 1995 planting season. Those who do not will remain almost entirely dependent on outside food assistance until they are able finally to harvest a crop, probably not before May 1997 at the earliest. Only when troops are demobilized and confrontation lines disappear will many Angolans view return as a real possibility.

Demobilization of Troops  
The peace accord calls for all UNITA troops, believed to number about 60,000, to be disarmed under supervision of the UN Angola Verification Mission (UNAVEM III) at 14 quartering areas throughout the country. UNITA troops are to turn over their weapons to the UN and remain in quartering areas for from three to five months, at which time a portion of them (now being determined by talks between the government and UNITA) will emerge and be incorporated into the government army. UNITA and current government soldiers who do not become part of the new army are to be demobilized. However, this phase of the process is well behind schedule, making large-scale returns of displaced persons and refugees unlikely in the immediate future.

Refugee Repatriation  
UNHCR, recognizing the deliberate nature of the peace process and mindful of the disaster that it was part of in 1992 when some 100,000 Angolan refugees repatriated during a short-lived peace, has outlined a repatriation plan that calls for waiting until mid-1996 before assisting any Angolans to repatriate.

UNHCR estimates that some 300,000 Angolan refugees are in Zaire and Zambia. In part because the overwhelming majority are self-settled and have essentially no contact with the agency, the organized repatriation plan calls for UNHCR and its partners to provide transportation to just 83,000 of the nearly 311,000 refugees that UNHCR predicts will repatriate—only about one-quarter of the total.

Overall, UNHCR predicts that 200,000 Angolans will return from Zaire, 96,000 from Zambia, 12,600 from Congo, 1,000 from Namibia, and 1,000 from other countries.

Angolan Refugees in Zaire  
The estimated 200,000 or more Angolan refugees in Zaire are concentrated primarily in the provinces of Bas Zaire and Bandundu, along Angola's northern border, and Shaba, along Angola's eastern border.

In Shaba, some 30,000 refugees live in three UNHCR-assisted settlements about 50 miles from the Angolan border. Most residents of the assisted settlements arrived in the period 1983-85. Not surprisingly, given Zaire's current state, Angolans are anxious to return home.

However, the black cloud hanging over repatriation planning is the memory of events in 1991-92, when thousands of Angolan refugees, eager to return to a peaceful homeland, stopped farming, sold their possessions, and prepared to repatriate. The estimated 100,000 who did repatriate were soon plunged back into the abyss when UNITA rejected election results and again took up arms. The returned refugees either became internally displaced, again fled to Zaire, or were killed.
Although the desire to return home is great, refugees—even those in a dysfunctional country such as Zaire—are cautious, and say that they will return home only when UNHCR has declared that conditions are sufficiently safe for Angolans to repatriate.

"Both government and UNITA radio say there is peace, but I don't have confidence because of what happened in 1992," one woman told Refugee Reports.

If Angolan refugees in Zaire are skeptical of pronouncements from Angolan leaders, they exhibit what borders on blind faith in UNHCR's ability to determine definitively if and when it is safe for them to return. "Only UNHCR can say when it is safe for us to go back," one refugee said.

Like many Angolans, refugees in Zaire seem to have an incomplete picture of the ability of the international community, whether in the form of UNHCR or UNAVEM III, to protect them once they return to Angola. While more sophisticated refugees seemed to understand the primarily monitoring role of UNAVEM III, others stated that UN troops were in Angola "to provide security." More than one refugee said, "The blue helmets will protect us."

UNHCR has reported figures given it by the government and UNITA that indicate 5,500 Angolans have returned from exile since the signing of the Lusaka Protocol. While the 5,500 figure may be of dubious quality, Refugee Reports did witness one recently returned family recuperating from the long walk in Maquela do Zombo, Uige province. Family members reported that they had chosen to repatriate (from Bas Zaire) because they believed they could receive humanitarian assistance in Angola, assistance that apparently was not available in Zaire. Subsequent reports indicate that about 50 returning refugees are passing through Maquela do Zombo each week.

**Refugees in Zambia** Like refugees in the assisted settlements in Zaire, the 26,000 Angolan refugees living in the 76 villages that comprise the Meheba settlement in northwestern Zambia also appear eager to return home. However, perhaps owing to relatively greater levels of stability and economic development in Zambia, a larger number of refugees there seem to have a more pronounced "wait and see" attitude. Put simply, refugees in Zambia have more to lose from a hasty decision to return.

"All I hear is hearsay, and I don't believe in hearsay," one woman told Refugee Reports. "Even next year is too soon to return. It is better to wait to see what happens to those who go back first," she said.

"In 1992, some [refugees] went back and disappeared; of course they died," a 35 year-old man said. "Now me, I have to wait."

Despite the caution exhibited by some, there is still overwhelming sentiment among Angolans in the settlement for return, whether within one, two, or more years. A February 1995 survey conducted by UNHCR and CARE revealed only 400 persons among the Angolan population of Meheba who said they would never return to Angola.

**Landmines and other Threats** Apart from fears about whether or not peace has really arrived, the concern that most worries refugees is that of what is likely to be one of the war's most enduring legacies: landmines. Angola may be the most heavily mined country in the world. By all estimates, millions of mines and pieces of unexploded ordnance litter the country. Most will never be removed—or even definitively located—unless they explode under the unknowing step of someone just going about the daily business of rural life. This is a sad fact that all Angolans will have to face.

Ultimate responsibility for mine clearance lies with the Angolan government. In order to implement the Lusaka Protocol, priority areas for mine clearance in 1995 are those where UNITA troops will be quartered and the 7,000-strong UNAVEM force deployed. Consequently, little if any of the de-mining now underway will benefit refugees or displaced persons who may wish to return home. UNHCR's cautious repatriation schedule is at least in part dictated by this reality.

Most recent estimates put the number of surviving mine victims in Angola at from 70,000 to 100,000, an astounding number for a country of only ten million people. With the exception of the southwestern portion of the country, it is nearly impossible to visit a town of any size that doesn't have at least a few mine victims. Street corners and traffic circles of Luanda and other major cities are chock full of one-legged men, women, and children reduced to begging. Despite the peace process, the war will always be with them.

**The Future: Time Will Tell** While most Angolans, including refugees and displaced persons, understand well the worst-case sce-
nario for Angola's future—a slide back into war as occurred in 1992—many Angolan refugees, especially those who fled ten or more years ago, may not yet realize that even under the best-case scenario—a formal end to the war—return for them will mean return to an ever present threat to life, whether from landmines, local warlords intent on maintaining their authority, or the wave of armed banditry that must surely envelop a country where children carry assault rifles; a condition one refugee described as "the end of war, but not peace."

Angola is a rich country. Indeed, some observers have characterized the civil war as a conflict between two "tribes": oil and diamonds. But in order for the Angolan people to benefit from Angola's mineral and agricultural wealth, both the government and UNITA will have to continue to work toward real peace. Assuming reasonable progress, the next big step in the peace process is the quartering of UNITA troops, now likely to begin not before September, at the earliest.

The future of repatriation and return to home areas rests on this and subsequent steps, any one of which, if not implemented, will be seen as a retreat from the peace process, and risk plunging Angola back into the life—and death—with which it is all too familiar.

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Projects and Programs

THE GUATEMALA ACCOMPANIMENT PROJECT

The Chicago-based National Coordinating Office on Refugees and Displaced of Guatemala (NCOORD) is beginning a project to assist returning Guatemalan refugees and their communities. NCOORD's Guatemala Accompaniment Project (GAP) seeks to build long-term relationships between U.S. groups and Guatemalan returnee communities and to provide the returnees a measure of security against human rights violations. NCOORD is looking for interested U.S. community sponsors as well as "accompaniers" to serve as links between the two communities.

Sponsoring groups in the United States could include churches, synagogues, and other groups or organizations concerned about Guatemala. Sponsors would provide financial, political, and personal support to accompaniers, individuals who would spend from three months to one year in the returned communities as human rights observers before reporting back about the Guatemalan village's well-being. Accompaniers could also assist the community develop skills in areas such as health, education, appropriate technology, women's organizing, or sustainable agriculture.

One coalition of groups, which includes the Chicago Metropolitan Church, the Chicago Religious Network, and several churches formerly involved in the Sanctuary movement as well as Guatemalan human rights organizations, has already united to raise funds and send an accompanier to Guatemala.

NCOORD's Cinny Poppen said that the idea for the project came from Guatemalans themselves. Returned refugees requested international accompaniment because they felt threatened by the Guatemalan military. Poppen reports that the first orientation for accompaniers is scheduled for October 15.

Interested groups or individuals who would like to initiate a project, either as a sponsoring community or an accompanier, should contact Cinny Poppen, the Guatemala Accompaniment Project, NCOORD, 59 E. Van Buren, suite 1400, Chicago, IL 60605. Tel: (312)360-1705. Fax: (312)939-3272. E-mail: ncoord@igc.apc.org

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Job Board

**Director of Operations**  FIRN (community Assistance for International Residents), a nonprofit organization in Howard County, Maryland that provides assistance to refugees and immigrants, seeks a director of operations to provide office leadership, manage staff and budget, and provide and coordinate client services. Ideal candidate will have a bachelor's degree, at least two years management experience, experience working with immigrants and volunteers, and will be fluent in a second language (preferably Spanish, Korean, French, or Chinese).

**Contact:** Send resume and names, addresses, and phone numbers of at least three references by September 20, 1995 to Mauricio Velasquez, Chair, FIRN Board, c/o Berkshire Associates, 8930 Route 108, Suite D, Columbia, MD 21045.
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*Includes Amerasians and their family members who enter as immigrants under a special statutory provision but receive the same benefits as refugees.

Source: U.S. Department of State, Bureau of Population, Refugees, and Migration

Refugee Reports

* A News Service of the U.S. Committee for Refugees, a Project of the Immigration and Refugee Services of America
* Sunbelt Fulfillment Services
  P.O. Box 5026
  Brentwood, TN 37024

Address Correction Requested
ARRIVAL OF CUBAN RAFTERS FROM GUANTANAMO IN FULL SWING

In August of 1994, thousands of Cubans took to sea on rafts and boats. Many reached the United States; many drowned at sea. On August 19, the United States began interdicting the rafters and taking them to a so-called safe haven at the U.S. naval base at Guantánamo Bay, Cuba. On September 9, in an effort to halt the flow of rafters, the United States signed an agreement with Cuba that was strongly criticized by refugee advocates but welcomed by Florida and Miami officials. Under the agreement, the United States would admit 20,000 Cubans each year, and the Cuban government would stop allowing its citizens to leave the country on rafts and boats. The Administration told the rafters taken to Guantánamo that they would not be allowed to enter the United States. After the September 1994 agreement, the Administration told them that they should return to Cuba to apply for one of the 20,000 immigration and refugee slots.

The Administration later reversed itself on both of those positions. A year after the agreement, most of the 32,780 Cuban rafters and boat people initially taken to Guantánamo have entered the United States through a discretionary mechanism under the Attorney General's authority called "parole." Most of the Cubans remaining in Guantánamo will arrive in the coming months. The 20,000 admissions places reserved for Cubans have also been filled, and many of the recipients of those places have also arrived in the United States.

According to Florida state government estimates, as many as 77 percent of all the Cubans who have arrived in the past year have settled in the Miami area. Another eight percent have settled elsewhere in Florida. Most of those still in Guantánamo and those on the way from Havana are also expected to settle in Miami.

Despite the anti-immigrant sentiment prevalent in many regions of the country, including in Florida and Miami, the resettlement of such a large number of Cubans in one city in a relatively short period is neither drawing significant attention nor causing inordinate concern. Rather, the Cubans' arrival in Miami is taking place virtually unnoticed except by local officials and refugee service providers, and there appears to be a high level of confidence about the new arrivals' prospects and the city's ability to handle the influx.
Miami’s relatively positive response may seem surprising because since 1980, when Miami became home to most of the more than 100,000 Cubans who arrived in the United States via the Mariel boat-lift, many Miami residents, including Cuban-Americans, have been wary of another large refugee influx. The Mariel arrivals were not only generally less well educated and more racially diverse than earlier Cuban arrivals, but they were tainted by the presence among them of criminals, psychiatric patients, and other “undesirables” whom Cuban President Fidel Castro dispatched to Miami among the departing refugees. Relations between the earlier arrivals and the Mariel group were not always smooth, and the Mariel group’s social and economic integration was a slow process.

Miami City Manager Cesar Odio told Refugee Reports that while the city government opposed an uncontrolled influx and many Miamians felt that the city could not absorb more refugees, the current orderly flow is manageable. Odio noted that many of the arriving Cubans are settling in Dade County communities other than Miami, and said that as long as the new arrivals have family willing to assist them, and given the other programs in place to help the new arrivals, the city “can deal with it.”

Mark Schlakman, special counsel to the governor of Florida, while emphasizing that “it is essential [for the Federal government] to provide Florida the resources to cope [with the influx] without there being an adverse effect on Florida and the local communities,” said that the number of Cubans arriving currently is “workable.” Schlakman noted that although the longer-term impact is not yet known, he does not see “any major problems in the community at this time.” The Administration’s recent promise to Florida of $18 million in assistance from a special immigration emergency fund appears to have helped ease the state’s concerns about the new arrivals’ impact.

Church World Service’s (CWS) Miami director Susan Krehbiel said that the fact that the rafters’ arrival is receiving so little media attention “says to me that they are really integrating well.” Jay LaRoche, director of the Miami office of the Justice Department’s Community Relations Service (CRS), the government agency responsible for the resettlement of Cuban entrants and now the Guantánamo rafters, added, “I’m very, very optimistic. The voluntary agencies, locally and nationally, are giving tremendous support.”

Recently arrived Cubans whom USCR interviewed expressed a wide range of feelings about their present situation and their future, but most also seemed optimistic. Jorge, a man in his early twenties who arrived from Guantánamo just two weeks before Refugee Reports met him, said, “I know it’s going to go well for me. I know that through hard work here I can get somewhere.” Another recent arrival added, “I’m feeling confident. I have friends and relatives who will try to help me to get a job. I’m sure I’ll find work.”

**More Than 500 Arriving per Week** As of September 25, a total of 21,426 of the 32,780 Cuban rafters once at Guantánamo had been admitted to the United States (see p. 16). More than 500 are being flown to the United States each week, and it is expected that most of the 9,763 rafters still in Guantánamo will arrive in the United States by March 1996. Several hundred Cubans in Guantánamo who have criminal backgrounds, participated in riots in the camps in Guantánamo or Panama, or have psychiatric problems will not be admitted.

Of the 20,000 Cubans approved for entry into the United States in the first year of the September 1994 agreement, almost 7,000 are expected to enter as refugees through the regular State Department program. By September 29, some 6,300 Cubans, some of whom had been approved prior to the agreement, had entered as refugees.

Although exact figures are not available, approximately 9,000 others of the 20,000 covered by the agreement are being admitted as parolees. Parolees coming via Havana are eligible for the same range of public services as refugees but do not receive the reception and placement services offered to refugees and parolees arriving from Guantánamo. The 4,000 other Cubans being admitted under the agreement in its first year and some 6,000 other Cubans granted permission to enter the United States are entering with immigrant visas and are not entitled to refugee benefits.

Only refugees and parolees who have a sponsor—usually a relative—in Miami are supposed to remain in the city. “Free cases,” those without sponsors in Miami, are supposed to be resettled in other U.S. cities.
CHRONOLOGY OF RECENT U.S. POLICIES TOWARD CUBANS

August 1994 to May 1995

1994

August 11. The Senate Judiciary Committee passes a bill that would authorize the Attorney General to order boat people and other aliens in an "extraordinary immigration situation" to be excluded without referral to an immigration judge.

August 19. Following the Coast Guard's picking up of a total of 6,944 Cuban rafters through August 18 (in contrast to 3,656 in all of 1993), the Clinton Administration announces that Cuban rafters will be intercepted at sea and taken to a temporary "safe haven" at Guantánamo. In Guantánamo, the Cubans are placed in camps surrounded by barbed wire and told that they will not be allowed to enter the United States.

September 9. The Administration reaches an agreement with the Cuban government in which the United States promises to admit 20,000 Cubans per year if the Cuban government will stop allowing Cubans to leave the country.

October 14. The Administration says it will parole into the United States several categories of Cubans being held in Guantánamo: elderly, those requiring special medical attention, and unaccompanied minors.

October 31. A federal district judge bars all repatriations of Cubans from U.S.-run safe havens unless they have had the opportunity to consult a lawyer.

November 4. A federal appeals court panel in Atlanta overturns the October 31 ruling, saying that the Clinton Administration may repatriate from safe havens Cubans who say they want to repatriate to Cuba voluntarily.

December 2. Attorney General Janet Reno says that she will consider parole on a case-by-case basis for Cuban children (and their families) whose long-term presence in safe havens in Cuba and Panama would constitute an extraordinary hardship. The announcement says that only families with "full financial sponsorship in the United States" will be paroled.

December 7. U.S. places about 400 Cubans in administrative segregation following two days of rioting in two of the safe haven camps in Panama. The riots injured 221 U.S. servicemen and 28 Cubans (another two Cubans, among the 1,000 who broke out of the camp during the rioting, drown trying to swim the Panama Canal).

December 19. A federal appeals court in Atlanta dissolves the rulings of October 31 and November 4, lifting restrictions on the voluntary repatriation of Cubans from U.S.-run safe havens.

1995

May 2. Reno announces that all Cubans at Guantánamo will be allowed to enter the United States with the exception of those with criminal histories. The decision to admit the Guantánamo population is linked to a new agreement with Cuba that calls for the United States to interdict all future rafters and return them to Cuba after a cursory interview to determine if they have a "genuine need for protection." Those returned to Cuba are told that they can apply for refugee status through the U.S. interests section in Havana. (See related article, p. 13.)
Cubans in Guantánamo Viewed as Professional, Educated, Motivated

Explanations exist for why the current inflow is not generating the concern that might be expected given its scale. One reason may be the Cuban-American community's sympathy for the rafters, who after risking their lives to flee Cuba wound up living in harsh conditions in Guantánamo for months. Another may be the fact that their number is finite and their arrival orderly, so that Miamians may not have a sense of being overwhelmed by an uncontrolled influx like that of 1980.

But another reason may be the positive impression of the nature of the Guantánamo population that prevails in Miami. The group is perceived to be well educated, highly motivated to work and get ahead, and, generally speaking, more similar to the mostly white, middle class Cubans who arrived in the 1960s and 70s than to the 1980 Mariel arrivals.

The accuracy of that characterization of the Guantánamo group is difficult to ascertain, since there is no comprehensive, publicly available demographic profile of the population. Nevertheless, most people with whom Refugee Reports met in Miami emphasized the positive attributes of the group and the prospects for their successful integration.

Tom Willey, World Relief's (WR) Miami Area Director, said, "This is generally the highest educated and most motivated group since the 1960s." Lourdes Gutierrez of the recently established, United Way-sponsored Guantánamo Refugee Assistance Project (GRASP), added, "There are a lot of very nice, very educated, very impressive people in the camps. About 30 percent are professionals; most are high school graduates."

Lisandro Perez, director of the Cuban Research Institute at Florida International University (FIU), said, "There is a perception that those arriving are risk-takers who will be aggressive in entering the economic mainstream...[and] that they will integrate and do well."

The U.S. Catholic Conference's (USCC) Raul Hernandez said that it is possible that a particularly large number of professionals and skilled workers may have fled Cuba during the 1994 rafter exodus. He explained that when the Cuban government stopped blocking people from fleeing, "It became a good time for people in positions of responsibility to leave. Normally, those people would have been more reluctant to flee because they stood to lose more if they didn't make it out." Nevertheless, Hernandez gave a more cautious appraisal of the remaining population at Guantánamo, saying that it was his impression that it included "a mixed bag of educated, skilled, and non-educated, nonskilled."

System Adapts to Cope with Large Numbers

For many years, Cuban rafters arriving in Miami were resettled by USCC and CWS, under contract to the CRS. (See Refugee Reports, Vol. XV, No. 8.) In June 1995, the CRS contracted with five additional voluntary agencies (volags)—Episcopal Migration Ministries (EMM), Immigration and Refugee Services of America (IRSA), the International Rescue Committee (IRC), Lutheran Immigration and Refugee Service (LIRS), and World Relief (WR)—to provide resettlement services to the large number of Cuban parolees arriving from Guantánamo.

Cubans arriving from Havana as refugees are assisted through the regular State Department program, not CRS. Parolees arriving via Havana are eligible for refugee cash and medical assistance but not for the CRS or State Department initial resettlement services. USCC and CWS continue to process all the Guantánamo Cubans when they first arrive at Homestead Air Force Base near Miami. Most of the new arrivals are met at the base by their sponsors and depart the base with them after the processing is completed. USCC and CWS pass on the new arrivals' case information to CRS, which assigns the cases of those who are staying in Miami to one of the seven volags under an agreed-upon distribution formula. Free cases are sent to their final destinations elsewhere.

The volags provide Guantánamo parolees resettlement services that are essentially the same as those provided to resettled refugees for 90 days from arrival. Those services include providing orientation, ensuring that the new arrivals' basic needs are being met, referring them to English classes, formulating an employment plan, informing them of public benefits available to refugees, and helping them to apply for social security cards (those arriving from Guantánamo bring their work authorization papers with them, but cannot work until they have a social security number). Orientation sessions provide new arrivals information about the resettlement process and a wide range of other issues from how best to
At a World Relief-sponsored orientation session, Chris Cruzpino, a representative of Barnett Bank, explained to newly arrived Cuban refugees and parolees about the use of banks and checking accounts. Photo: Refugee Reports/Hiram A. Ruiz

select a health care provider to how to use checks and establish credit.

The volags also generally provide refugees and the Guantánamo arrivals cash grants of $200 to $250 per person. The grants help the new arrivals either pay for basic necessities such as food or clothing, or deposits and rent if they move out of their sponsors' homes. Some of the rafters receive the cash grants fairly soon after they arrive in Miami, but not all do.

In some cases, there are delays due to a time lag between the rafters’ arrival and the first contact with the resettlement agency—a problem that may arise more often now that most arrivals are single individuals rather than family cases. While most of the new arrivals Refugee Reports interviewed had their first contact with their resettlement agency within two weeks of arrival, one very frustrated individual said, “The system hasn’t worked very well for me yet. The fact that I’ve been here for more than a month and haven’t had contact with the agency that’s supposed to help me speaks for itself.”

One agency, Catholic Community Services (CCS), USCC’s Miami affiliate, does not give the full cash grant right away. CCS’s director Gustavo Carion explained, “CCS requires refugees to attend English classes. If they don’t, the agency withholds their cash assistance.” If the new arrivals attend CCS’s orientation session and enroll in English classes, CCS gives them an initial $100. Six weeks later, if they are employed or actively seeking employment, CCS gives them another $100. According to the August 21 Miami Herald, the policy has drawn criticism from some clients and several former and current employees.

CCS’s assistant director told the Herald, “There is more compassion in preparing people for the future than in giving them handouts.” A majority of Cuban arrivals do not sign up for English classes, in large part because Spanish is so widely spoken in Miami and because new arrivals find that they do not need English for the kind of jobs initially available to them. CWS’s Krehbiel said, “It takes a while for them to realize they will need English.” Another observer noted that for the professionals and
skilled workers among the Guantánamo arrivals, English is going to be particularly important in order to re-enter their fields.

**Orientation Program in Guantánamo Eases Transition**

Cubans arriving from Guantánamo since late July have benefitted from orientation sessions presented in the camps by GRASP. Businessmen, lawyers, policemen, and sociologists briefed the rafters on U.S. life and culture, U.S. laws and law enforcement, employment practices and employers' expectations, and about the services that would be available to the rafters upon their arrival in the United States.

Cubans who left Guantánamo after participating in the training sessions appeared, in general, more at ease about their present situation than those who did not. One recent arrival said, "We're feeling very supported and oriented because even by the time we left Guantánamo we had a good idea of what to expect." Another added, "I feel like I know where I stand. I'm not wondering what's going to happen to me tomorrow. I know."

**Availability of Sponsors Key to Program**

The sponsor system is at the core of the resettlement process for the Guantánamo parolees and Havana refugee arrivals. Without it, it would have been impossible for the volags to find housing and provide for the immediate needs of so many new arrivals in one city. By relying on sponsors to house and meet the new arrivals' basic needs, the volags are able to concentrate on other resettlement services.

"Sponsorships are working out pretty well," said Leslie Bryant of the Hialeah office of the Christian Community Services Agency (CCSA), IRSA's affiliate in Miami. But there are problems. Some observers said that because of the scale of the resettlement program, little screening appears to have been done to ensure sponsors' ability to carry out their responsibilities.

Although many sponsors are close relatives who are committed to assisting the new arrivals, others are distant relatives or friends who agreed to be sponsors in order to help the rafter get to Miami, but who may lack the commitment of close relatives. Many sponsors either arrived as rafters themselves or came via Mariel in 1980. In general, they tend to be less financially secure than the 1960s and 70s arrivals, and may not have the financial means to meet the new arrivals' many needs.

Some sponsors appear to have understood the level of responsibility involved. One of two young men who had been in Miami only a week said, "My sponsor, who is my aunt, knew that she would have to provide housing, food, clothes, and help me to get established. My impression is that she's prepared to let me stay with her for whatever length of time is necessary." The sponsor of a rafter who arrived in Miami in early August said, "I understood that he would have to stay with me until he could get on his feet."

Other sponsors, however, appear less clear. According to Rev. Oscar Garcia, a volunteer at the Transit Center for Cuban Refugees, another Cuban-American MAA, "Many do not have the resources to provide much help." Rev. Garcia described a family that had gone to the Center for help: "There were 14 of them, all living in the sponsor's garage. Clearly a sponsor can't provide for all the needs of 14 people."

According to Maritza Aragon, CCSA's Director of Operations, time takes a toll. "At first, the sponsors are happy that their relatives have arrived, but after a while, they do want them to get established on their own," she said.

**Finding Affordable Housing a Challenge**

New arrivals are responsible for finding their own permanent housing with the help of their sponsors. This is a problem, however, because of Miami's tight and expensive housing market.

According to WR's Willey, ever since Hurricane Andrew hit the Miami area in 1992, finding affordable housing has been a major problem. Willey said that Hurricane Andrew destroyed or damaged more than 180,000 homes in the Miami area. That forced tens of thousands of families and individuals to find alternative housing, which in turn drove up rents. Since then, though many private homes have been rebuilt, relatively little rental property has been rebuilt, resulting in a continued housing shortage and high rents. "Before Andrew," Willey said, "we could get people into apartments for as little $400 for the first month's rent and $100 for a deposit. Now, to get someone into that same apartment, it takes $1,500; $500 for the first month's rent and $1,000 for a deposit and the last month's rent."

In order to afford an apartment, at least two family members have to find employment.
CUBAN-AMERICAN MAA SHIFTS GEARS TO STAY AFOAT

In early August 1994, Refugee Reports visited the Transit Home for Cuban Refugees in Key West. (See Refugee Reports, Vol. XV, No. 8.) The Transit Home provided temporary shelter—as well as clothing, emergency food supplies, and toys—to rafters brought ashore by the U.S. Coast Guard. At that time, the Transit Home was a whirlwind of activity, with dozens—sometimes more than a hundred—rafters staying there for anywhere from one night to several nights, until they could continue on to Miami. When the United States began interdicting rafters and taking them to Guantánamo, the need for the Transit Home suddenly ended. Yet in August 1995, the Transit Home, now the Transit Center, was "alive, very alive," according to its director, Carlos Solis.

Solis said that when the United States began implementing its Guantánamo policy, which the Center loudly protested, he and his colleagues decided to find new ways of helping the rafters, to "ensure that the new U.S. policy would not marginalize the Cuban-American community." They wanted the rafters "to know that the Cuban-American community would not forget them."

Between August 1994 and January 1995, the Center organized 11 shipments of food, clothing, blankets, and other necessities for the rafters in Guantánamo. Solis complained that U.S. Navy bureaucracy kept some of the aid, particularly the food, from reaching the rafters, but that the larger goal of reassuring the rafters was accomplished.

In September 1994, the Center opened an office in Miami (the Key West Home may remain as a museum), and when the United States began admitting the first of the Guantánamo rafters, the Center resumed providing them clothes, blankets, and other goods. Many of the clothes the Center distributes are new. They are courtesy of the U.S. Customs Service, which donates many goods that it confiscates to the Center.

According to Solis, the Center has been assisting hundreds of new arrivals per week, including not only rafters, but also refugees and parolees arriving from Havana, whom Solis calls "aero-rafters." The Center also assists more than 90 rafters living in a camp in the Bahamas and another 45 in the Cayman Islands.

Volunteers at the Center select clothes to give to new arrivals. Photo: Refugee Reports/Hiram A. Ruiz
Families and singles turning to public assistance almost certainly cannot afford to rent their own accommodation. A family of four on public assistance would receive $364 per month. A single person receiving Refugee Cash Assistance (RCA) gets $180 per month. New arrivals' inability to find affordable housing results in their having to stay for prolonged periods in the homes of their sponsors.

A couple in their twenties who had arrived in Miami from Guantánamo three weeks earlier were staying with their sponsor, the wife's brother. The couple said that they had not yet discussed with the brother, who had himself been in Miami for only a year, how long they would be able to stay with him. They recognized, however, that he was not in a financial position to be able to host them for too long. The husband said, "I myself would like to move on my own as soon as I can."

Antonio, for 12 years a political prisoner in Cuba, his wife Rosa, and their daughter arrived as refugees directly from Havana one week before Refugee Reports met them. They are staying with Antonio's brother, who has limited resources and is not able to help them very much. The couple said that if they can't find work soon they will need to apply for public assistance as soon as they are eligible. They don't want to stay long with the brother, because they "don't want to be a burden on him," but they said that they were told that the family would only receive $312 on public assistance, and that they know that they "can't possibly rent an apartment on that amount."

Jaime and Luisa, a couple who had been in Miami for only six weeks, were already living in a furnished apartment. Their sponsor helped them to pay their first month's rent and security deposit, and fully furnished the couple's apartment with the help of other friends and relatives. The couple are thankful for their good fortune, but worry about how to maintain what they have. Jaime is already working, but his salary is not enough to pay the $560 per month rent and the family's other living expenses. Unless Luisa also finds work, the family will soon face a crisis. Luisa is anxious about working full time and leaving the couple's children, ages 15 and 9, alone in the apartment after school, but sees no alternative.

**Work Is Available, But Is There Enough?**

Assessments of the new arrivals' employment prospects are mixed. Most observers are optimistic, saying that work is available, and that the new arrivals are highly motivated to work. Indeed, not only did Refugee Reports find new arrivals eager to work, but also listened to recently arrived Cubans calling radio talk shows asking listeners for help finding jobs. At the same time, there is concern regarding the local economy's ability to absorb so many new workers.

According to Aragon, "In Miami, those who really want to work can work. Maybe it won't be the job they'd like, and it may not pay well, but there is work." The fact that most available jobs are low-paying, usually $4.25 to $4.50 per hour, and do not offer health benefits means, however, that employment does not necessarily lead to self-sufficiency. Aragon added that there are also obstacles to work, particularly for those with small children. She said, "People making the minimum wage cannot afford day care. If they can't afford day care, they can't work."

WR's Willey expressed confidence that the system in place to assist the Cubans will be successful in helping people get employed. "The agencies have job developers beating the bushes to find jobs," he said. "The South Florida Employment and Training Consortium (SFETC) is helping, as is the Department of Labor, and GRASP. Besides, people in Miami help each other."

GRASP is planning to establish a job bank and a system through which the volags can refer job seekers. It also intends to set up special programs aimed at helping professionals re-enter their fields.

USCC's Hernandez said that most of the refugees and Guantánamo arrivals whom his agency had resettled in recent months had found employment and that "the singles who are now arriving should be an easy population to assist to get jobs. They are young and healthy and in theory could go to work right away." However, he noted, it is questionable whether jobs can be identified or created for the hundreds of singles who will arrive in Miami every week through next March.

Florida State Refugee Coordinator Gary Crawford added, "There isn't going to be immediate employment for that many people." He noted that already fewer jobs are available, particularly the types of entry-level and service industry jobs that many new arrivals initially take.

Another worrisome factor is that the more available labor there is in Miami, the
more employers will be able to pay lower wages and offer fewer benefits, making it even harder to achieve self-sufficiency, not only for recent arrivals, but for unemployed locals as well.

Aragon emphasized the need to generate new jobs, for example by providing tax incentives to employers. She said that other types of economic development activities, such as offering micro-enterprise grants, also need to be explored.

A major player in employment services for refugees and others in Miami is the SFETC, which has a contract with Dade County to provide employment services to refugees. The county funds the SFETC with targeted assistance and social services monies it receives from the Office of Refugee Resettlement through the state of Florida. According to SFETC’s Assistant Director, Emma Del Forn, SFETC’s 1995 contract is for $3.4 million, an increase of $2.4 million over its 1994 contract, largely due to the increased number of refugees arriving in the state.

SFETC does not provide employment services directly. It subcontracts with 28 local agencies, including some of the agencies that are resettling refugees. Eligible clients are offered job placement services, on-the-job training programs, funds for transportation to jobs, case management, and orientation on how to apply for jobs, write resumes, and interview for a job. SFETC hopes to serve 2,150 clients in 1995. In 1994, SFETC subcontractors placed 1,367 individuals in jobs or on-the-job training programs.

While the number of SFETC beneficiaries may seem high, it is still low in relation to the need. According to Crawford, “Our intake processes [for employment services] are inundated.” Crawford noted that not only do volags (some of which have SFETC contracts for employment services and some of which do not) refer refugees and parolees whom they Resettle to SFETC-contractors, all other parolees who apply for cash assistance must register for employment services. Crawford said that, at present, the need for employment services programs is much higher than the state is able to provide.

Not surprisingly, a significant number of the new arrivals, particularly the Guantánamo population, do not rely on the agencies to find them employment, but rather find work with the help of relatives and friends. The sponsor of a recent arrival told Refugee Reports that he thought that a large majority of the Cubans were in fact finding work independently.

**Rate of Public Assistance Utilization Debated** USCC’s Hernandez said that in his agency’s experience, 68 percent of employable Cubans who had arrived from Guantánamo and a similar percentage of refugees who arrived directly via Havana this fiscal year had found employment within 90 days. CWS’s Krehbiel added that only some 20 percent of the Cubans her agency resettles are on public assistance after three months in Miami.

Nevertheless, State Refugee Coordinator Crawford said that statistics his office compiled show a significant rise in public assistance utilization. He said that in recent years, only some 18 percent of refugees arriving in Florida utilized public assistance. Last year, that figure rose to 43 percent, and this fiscal year, as of late June, 77 percent of all arriving refugees and parolees, a majority of whom are Cuban, were receiving public assistance.

One observer, noting the disparity between volag perceptions and state statistics, wondered if new arrivals being assisted by volags are finding employment, while parolees coming directly from Cuba who are not assisted by volags are utilizing public assistance at a high rate. Many Cuban parolees who are entering the country without any kind of volag orientation may be turning immediately to public assistance.

One service provider said that some of those who go on public assistance may be encouraged to do so by their sponsors, who inappropriately, but probably accurately, tell the new arrival that, given the low wages for entry-level jobs in Miami, getting on public assistance and working under the table is one way to get started financially.

**Most Arriving Cubans Reluctant to Leave Miami** An issue that concerns many in Miami is the large percentage of the Cubans arriving in the United States who want to remain in Miami. The policy of resettling free cases (those without sponsors in Miami) in other cities—a policy that state and local officials insisted on—helps, but only a little, because so many of the arriving Cubans are able to find sponsors in Miami. Those arriving as refugees or parolees from Havana had to have close family members as sponsors, but more distant relatives and even friends were able to sponsor (continued on page 12)
POLITICS AND EMOTION: The Cuban-American Community’s Response

Miami’s Cuban-American community has been on something of an emotional roller coaster during the past year. For most of the past 35 years, Cuban-Americans have welcomed their compatriots fleeing Cuba. In part, they have welcomed new arrivals because they have been relatives or friends, or because they sympathized with the difficulties, political and economic, they endured in Cuba. They have also welcomed, and, through the Cuban Adjustment Act of 1969, even managed to convince the U.S. government to welcome, Cuban refugees as continuing proof of how bad life is in communist Cuba. Until 1994, the only exception to Cuban-Americans’ open arms policy was during and after the Mariel boat-lift.

In the summer of 1994, when the number of rafters began to increase, Cuban-Americans hailed their arrival as a sign that Castro’s days in power were numbered. In early August of that year, when Cubans in Havana rioted for virtually the first time since 1959, demanding that the Cuban government stop preventing people from fleeing the country, the exile community was ecstatic.

But when the Cuban government in fact stopped preventing people from leaving and the number of rafters and boat people escalated dramatically, some Cuban-Americans’ attitudes began to change. While the number of rafters was low and they were seen as having “fled” Cuba, they were viewed as heroes. After the Cuban government began allowing everyone to leave unimpeded and the numbers soared, they were suddenly viewed as much less heroic.

Some Cuban-Americans, particularly 1960s and 1970s arrivals who were less likely to have relatives among the rafters, and the Cuban-American leadership, which largely belongs to that group, joined state and local authorities and Anglo and African-American Miamians in calling for a halt to the influx. Miami City Manager Odio said, “It was the first time that Cubans were not allowed to enter the United States. That shocked the [Cuban-American] community.” Odio said that, at the same time, there was a perception that Miami was being inundated and that the city couldn’t absorb that many people.

Many Cuban-Americans were particularly upset with the provision of the agreement that called on the Cuban government to stop people from fleeing. Some criticized it from the human rights perspective. USCC’s Hernandez said, “It was ironic that the same country that criticized Castro for 35 years for not letting people go then begged him to put up the iron curtain.” Hernandez was also critical of the Administration’s plan because it gave the Cuban government final say over who could and could not leave.

Others criticized the agreement because it was the result of direct negotiations between the U.S. and Cuban governments. According to FIU’s Perez, most Cuban-Americans favor hard-line policies toward Cuba, and direct negotiations with the Cuban government represent a crack in that hard line. Also, hard-line Cuban-Americans saw the establishment of a normal immigra-
tion flow as a step toward normalized relations with Cuba, which they oppose.

Between late August, when the Administration began sending all Cuban rafters to Guantánamo, and May 1995, when it announced that it would admit almost all of them, Cuban-Americans experienced very mixed feelings over the rafters' fate. The images of Cuban families with small children living in tents behind barbed wire fences disturbed many Cuban-Americans and elicited a lot of sympathy for the Guantánamo population.

Committee Formed to Seek Rafters' Release
A number of Cuban-American groups and individuals protested the rafters’ continued detention. An Ad Hoc Committee (as it was known) of prominent Cuban-Americans (mostly with links to CANF), local and federal government officials, and service providers came together to find a way to help rafters with family ties in Miami join their relatives. The Committee proposed a private sponsorship program, Project Angel, that would guarantee that any Cubans from Guantánamo (and, at the time, Panama) whom the United States would agree to admit would not become public charges.

The group planned to enlist the support of local businesses in providing jobs for rafters. It intended to raise funds to ensure that sponsoring relatives who could not afford health care coverage would be assisted in obtaining it. Private and parochial schools were asked to provide slots and scholarships for rafters’ children.

May Policy Announcement Causes Furor
When, on May 2, the Administration announced that, after further discussions with the Cuban government, it planned to admit virtually all of the Cubans in Guantánamo to the United States, but also to return future rafters to Cuba, many Cuban-Americans were furious.

Although most were glad that the remaining Guantánamo population would be allowed to enter the United States, their satisfaction was eclipsed by their anger over several other aspects of the agreement: the plan to return future rafters to Cuba; the fact that the United States had accepted Cuban government assurances that returned rafters would not be persecuted; the Administration having held further negotiations with the Castro government; and the fact that the Cuban-American leadership was not involved or consulted in any way.

Odio told Refugee Reports, “As a public official in Miami, I can’t accept a mass influx. But as a Cuban, if I had to flee my country, I’d want to be taken in. If someone is fleeing a communist regime in terror, we have to take that person in.” According to the Miami Herald, Brothers to the Rescue, a group of pilots that for years had been flying over the Florida Straits in search of rafters in cooperation with the U.S. Coast Guard, said, “We are not going to turn over rafters to the Coast Guard so they can hand them back to the Cuban government.”

According to Perez, “What happened here in May [the protests in Miami over the new U.S. policy] was not over the fact that the rafters would be returned. It was over the idea that the Administration had made a deal with the Cuban government.” Perez said that the response reflected the fact that “immigration issues have never been a priority for the Cuban-American leadership. Their priority is the recovery of the homeland. I don’t think people here will organize to combat the return of rafters policy.”

Committee Disbanded
An immediate victim of the May 2 announcement was the Ad Hoc Committee, which was disbanded that very day. Odio told Refugee Reports that the Committee’s work ended because once the Administration announced that all the Guantánamo population would be accepted, it became impossible to raise funds to help bring people to the United States because the public assumed that the government would now pay for that.

But others painted a very different picture. One source said that within two hours of the May 2 announcement, CANF staff went to City Hall—where the Committee had been given free accommodation by the City—unplugged the computers, and took them away. According to the Miami Herald, a CANF source said, “If the government of the United States, without consultation, reached agreements with the Castro dictatorship, it should now also resolve, without the help of the Cuban-American community, the grave problems concerning Guantánamo.”

CRS’s LaRoche expressed regret over the disbanning of the Committee. “We saw a need for the type of support they were providing.”
Most of the new arrivals want to stay in Miami because of its large Cuban-American population. That makes the new arrivals, who invariably will have at least friends if not a whole extended family in Miami, feel at home. It also makes it easier for them to find work, because Spanish is so widely spoken that new arrivals do not need to speak English to work.

Also, while most Cubans know that in Miami they will find a familiar environment, few have any idea what to expect in other cities, so the prospect of going there makes them apprehensive. CRS's LaRoche said that a weakness of the current resettlement system is that “there is no incentive to encourage people to go to other parts of the country.”

A problem that has frustrated service providers is that some of those who arrive in the United States as free cases destined to be resettled in other cities turn out to have relatives in Miami and want to stay there. One new arrival explained that some Cubans do not inform the U.S. authorities that they have relatives in Miami because they have heard rumors in Cuba that if they do not have relatives in the United States they will receive more assistance; others fear becoming a burden on their relatives.

Despite the strong trend for newly arrived Cubans to want to stay in Miami, some indicate a willingness to move in search of jobs. SFETC's Del Forn said that she thought that as the Miami job market gets even tighter, new arrivals would recognize that it is in their interest to move away from Miami to cities with better employment prospects. GRASP's Gutierrez said that she thought many of the young single men arriving from Guantánamo would, in fact, be eager to move to other cities if they knew they could earn more money.

Some service providers noted that even within the greater Miami area, some new arrivals were trying to move into areas, including Broward County to the north, where there is a smaller concentration of new arrivals looking for work.

Despite Positive Atmosphere, Concerns Remain. Although both public officials and service providers are positive about how Miami is coping with this new influx and confident about the new arrivals' prospects, it is clear that there are problems that may grow as the influx continues. CWS's Krehbiel said, “When you have a large influx, it tends to slow people's integration. Therefore, I think we could [yet] see something of a cumulative effect.” LaRoche said that government officials “continue to argue that, at some point, it [the influx] will have a serious impact on public services.” And, while most new arrivals whom Refugee Reports met shared service providers and officials' optimism, some acknowledged that there is cause for concern.

Employment has to be viewed as a significant problem. Many of those who are finding work are not earning enough to become self-sufficient. Few entry-level jobs carry health benefits. Several of the service providers interviewed said they did not know how many of those who were employed 60 or 90 days after their arrival were still employed several months later.

Many other new arrivals are not finding jobs and are turning to public assistance, but that assistance is only for up to eight months. Soon, public assistance will be ending for the first wave of parolees who arrived from Guantánamo and from Havana under the terms of the September 1994 agreement. They will need jobs and employment services, both of which are difficult to find. Yet, even as that happens, the first of the 15,000 Cubans due to be admitted in the second year of the agreement will begin to arrive (the agreement calls for 20,000 admissions per year, but in fiscal year 1996, 5,000 of the Guantánamo arrivals will be counted against the 20,000 admissions figure).

Housing remains a problem. Health care is available to new arrivals for eight months, but then what? Even when they find jobs, those jobs are unlikely to come with health benefits.

Health Management Organizations (HMOs) are aggressively pursuing new arrivals knowing that they are Medicaid-eligible for eight months. While joining HMOs could, in fact, be a sound idea for many new arrivals, the question remains as to how the new arrivals would be able to pay for the HMO services after their financial assistance ends or if they are earning such low wages that they cannot afford even their own housing.

Also, some HMOs' representatives' tactics are questionable. Refugee Reports met one new arrival who had been visited at home by three HMO sales representatives. The new arrival, who did not want to join an HMO, rejected the first two offers. However, she said
that the third representative tricked her into signing up by misrepresenting herself as a government agent.

On a more institutional level, although many of the agencies assisting the Cuban arrivals meet each month to share information with representatives of state government, there appears to be little official coordination at the local level. One service provider noted that nearby Broward County had invited her to a county government-sponsored meeting to discuss new arrivals' impact and assess the local response, but that Dade County had not convened such meetings.

Another area that cannot be disregarded is that of community relations. While the arrival of the Guantánamo and other "agreement" Cubans is not creating significant attention or concern, there are many in Miami who are not happy with the situation. According to Special Counsel Schlakman, "Any time you have these numbers, you have to be very sensitive." Miami City Manager Odio said, "There is a lot of negative feeling here towards more of an influx.... Anti-immigrant feeling is as strong as I've ever seen it. There's no question about that."

CRS's LaRoche, whose office oversees the resettlement of parolees but whose main function is to promote good community relations, said that his office "continues to try to foster better relations," and that "there's a legitimate effort between the populations to try to understand each other."

**Recent Developments**

**INS ISSUES GUIDELINES ON SHIPBOARD SCREENING OF INTERDICTED CUBANS**

The Immigration and Naturalization Service (INS) has issued written guidance to adjudicators going on shipboard detail for evaluating refugee claims of Cubans interdicted at sea. The guidance is narrowly focused on Cubans and provides no instructions on what to do if other nationalities are interdicted.

Following interdiction, Cubans brought aboard ship are to be read a brief statement that starts with the declaration: "You are being taken back to Cuba. You will not be taken to the United States." It is not specified whether the ships carrying the interdicted Cubans are actually traveling back to Cuba as INS assessments of the Cubans are taking place, but the opening sentence tells the Cubans this is the case, and suggests to them a certain inevitability about the process.

The Cubans are next told: "U.S. government officials in Havana will meet the ship and will provide information to you if you wish to apply to go to the United States through established migration programs."

Then the Cubans are assured that it is safe for them to go back to Cuba. The INS officer announces: "The government of Cuba has provided a commitment to the United States that you will suffer no adverse consequences or reprisals of any sort for illegal departure or for making application for legal migration to the United States at the U.S. Interests Section." They are then, again, reminded that "only those people who are approved by the U.S. Interests Section in Havana can be assured of entry to the United States."

**Completely Confidential "Meetings"?** Only after indicating that returning to Cuba is the only avenue open for persons seeking to go to the United States and that it is safe for them to return does the INS officer say that he or she (or some other U.S. government official) "will be available to speak to you if you have any concerns about returning to Cuba." They are told that "this will be done in a completely confidential setting and no information regarding your concerns will be given to the Cuban authorities."

The memorandum, written by Phyllis A. Coven, INS director for International Affairs, tells the INS officers, "Should a Cuban indicate in any way an interest to speak with you at any time before return to Cuba, you should arrange a meeting with that person."

Although the Cubans had been told such meetings would be "completely confidential," the INS instruction to the officers advises them only to keep the meetings private and confidential "to the extent possible."

The memorandum is careful to call this a "meeting," as opposed to a screening or an interview, although it is, in effect, an interview to determine if the claimant has a credible fear of persecution upon return.

**The Screening Interview** If the Cuban expresses fear of return to Cuba during the meeting, officers are instructed to "elicit all information and evidence relating to such fear."
The officers are told, "Inquire whether the person has suffered any past mistreatment by the Cuban authorities, including but not limited to imprisonments, arrests, acts of discrimination or harassment, and threats of harm." If the person has not been the victim of previous harm, he or she is asked why he or she fears harm upon return.

Officers are also directed to ask the Cubans whether they were aware of the refugee processing program at the U.S. Interests Section in Havana. The memorandum says that this question has been added "for background use only."

**Standard for Judging Claims** Officers are told to apply a "credible fear of persecution" standard following the interview. This standard consists of two parts: first, a determination of whether there is a "substantial likelihood" that the statements made by the claimant are true; second, a determination of whether the person has a "reasonable possibility of establishing eligibility as a refugee." The standard attempts to answer the question: Will the claimant reasonably be able to show that he or she has a well-founded fear of persecution if returned?

The memorandum states that the credible fear standard "is more generous to the claimant than the well-founded fear standard."

The memorandum introduces consideration of the existence of in-country refugee processing and assurances by the Cuban government in evaluating the objective basis of the claim. It advises officers: "In evaluating the objective basis for a person's fear under the credible fear standard in this program, you should consider the formal assurances made by the Cuban Government to the U.S. Government that no Cuban migrant will suffer adverse consequences or reprisals of any sort for irregular departure or for applying for refugee status, the monitoring of Cubans returned under the program by officials from the U.S. Interests Section, and the existence of an in-country processing program."

The following paragraph, however, appears to contradict the statement that the credible fear standard is more generous than the well-founded fear standard, because, for this program, it takes into consideration "the possibility to seek protection in Cuba." Therefore, officers are advised that they may identify Cubans who would not meet the credible fear standard for this program, but who nevertheless would meet the refugee definition. It states, "Under this program, no refugee, even if he or she might be able to safely apply to the in-country refugee program in Cuba, shall be returned to Cuba."

The memorandum states that all decisions, positive and negative, will be reviewed by INS Headquarters prior to the return of any person to Cuba. It also states that special measures will be adopted to meet the needs of vulnerable groups, including unaccompanied minors.

**Critics Raise Questions** Most observers see the guidelines as an improvement over the system announced by Attorney General Janet Reno in May (see *Refugee Reports*, Vol. XVI, No. 5). However, a number of concerns have been raised about the procedures.

Gretta Tovar-Siebentritt, research associate for Human Rights Watch/Americas, said, "Asylum seekers should have privacy at all stages of the process, time to rest and recover from the trauma of the sea voyage, a reasonable appeal process, and the opportunity to talk to representatives of the United Nations High Commissioner for Refugees (UNHCR) and, ideally, to nongovernmental refugee experts."

Shep Lowman, Director of International Refugee Affairs for the U.S. Catholic Conference/Migration and Refugee Service (USCC/MRS), said, "Ground-based refugee adjudication procedures under reasonable conditions are the minimum requirement prior to a decision to return home rejected asylum seekers."

Bill Frelick, senior policy analyst for the U.S. Committee for Refugees, said that the new procedures require INS officers aboard ship to perform "two mutually exclusive functions: first, to conduct a sales pitch for in-country processing, to convince a Cuban that is safe to return; then, to act as an adjudicator to determine whether that same person has a credible fear of return."

**Updates**

- The Immigration and Naturalization Service (INS) has announced that work authorization will be extended until January 31, 1996 for Salvadorans who had been protected under deferred enforced departure (DED). Work authorization had been scheduled to expire on September 30, 1995, as DED, a
successor status to temporary protected status (TPS), had expired on December 31, 1994. However, there were delays in issuing "Notice 5," which was to apprise TPS Salvadorans of their right to apply for asylum under the terms of the American Baptist Churches (ABC) v. Thornburgh class action suit. According to the original settlement agreement, Notice 5 was to have provided a 90-day window for applying for asylum. However, that notice, which was issued on July 31, extended the deadline until January 31, 1996. The new work authorization extension, therefore, allows DED Salvadorans to work until the deadline for filing their new asylum claims.

- The INS has begun to deport Haitians and Nicaraguans who have exhausted their appeals to remain in the United States, according to press reports. Until recently, immigration officials have largely exempted Nicaraguans and Haitians from deportation because of political turmoil in those countries. Knight-Ridder News Service quoted INS spokesman Lemar Wooley as saying that with democratically elected governments in place in both countries, "It's back to business as usual as far as deportations are concerned."

- In August, an immigration judge in Virginia granted asylum to a Sierra Leonean woman based on her having been forcibly subjected to genital mutilation, as well as for having been subjected to frequent beatings by her husband for trying to assert her independence. She was also an active member of a political opposition party, and based her asylum claim on that affiliation as well. Citing Fatin v. INS, a precedent opinion that figured prominently in INS Gender Guidelines issued earlier this year (see Refugee Reports, Vol. XVI, No. 5), Immigration Judge Paul A. Nejelski said that where a law or mandatory societal custom targets women but not men and the penalty for violation is serious, then a claim for gender-based persecution will be recognized.

In this case, Matter of M—K—, the woman was forcibly abducted at age 23, after she was married and had a child. She was bound, blindfolded, and mutilated by a woman elder using an unsterilized razor and no anesthesia. The government would not protect her because this is a traditional custom in Sierra Leone. Similarly, the police would not protect her from repeated beatings at the hands of her husband. The INS is appealing the decision.

- On August 31, INS Commissioner Doris Meissner announced that Los Angeles will be the first site of a countrywide naturalization initiative called "Citizenship USA." The goal of the initiative is to reduce the amount of time required to process applications for naturalization to about six months. The INS has warned that the recent upsurge in naturalization applications might slow processing time to as long as two years. Operation USA hopes to meet its goal by increasing the number of naturalization officers and related personnel and by improving the INS's data entry ability. The initiative will later be extended to Miami, New York, Chicago, and San Francisco.

- A U.S. district court has dismissed a suit challenging the Clinton Administration's new Cuban immigration policy, ruling that the plaintiff, the Federation for American Immigration Reform (FAIR), does not have legal standing to sue. The court said that "it is impossible to conclude that plaintiff's injuries can 'fairly' be traced to defendants' parole plan."

The suit had been brought on behalf of FAIR's 1,400 members living in Dade County, Florida, who alleged that they would be harmed by overcrowding in public schools, less police protection, overstretched public medical facilities, and fewer job opportunities. The court said that there were too many variables to ascribe the defendants' actions to alleged plaintiff's injuries.

- At least 100 Haitians drowned when smugglers threw them overboard after their ship began to sink, according to press reports. The incident, which occurred last month, was reported by wire services on September 6. At least five bodies were recovered on the Bahamian coast before the boat was intercepted. Authorities arrested 16 alleged smugglers.

- On September 20, President Clinton authorized a drawdown of up to $20 million from the Emergency Refugee and Migration Assistance (ERMA) fund to meet the needs of refugees, returnees, and victims of conflict from Rwanda and Burundi. The funds will be provided to the UN High Commissioner for Refugees ($15 million), the World Food Program ($4.5 million), and the UN Human Rights Field Operations in Rwanda ($500,000).
Cuban Arrivals from Guantánamo (and Panamá) Safe Havens
Oct. 29, 1994 through Sept. 25, 1995*

*Does not include medical evacuees.

Source: U.S. Dept. of Justice, Community Relations Service.

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FUTURE OF REFUGEE RESETTLEMENT ON THE LINE

Several developments nationally and internationally this month have raised fundamental questions about the future of refugee resettlement. A Congressional committee in Washington, D.C. voted for the first time to set a cap on the number of refugees to be resettled in the United States and set that cap at about half the current number being resettled. At the same time, both governments and nongovernmental organizations (NGOs) met in Geneva with the UN High Commissioner for Refugees (UNHCR) to assess the commitment of that organization, as well as governments, to resettlement of refugees as the durable solution to turn to when local integration and voluntary repatriation are not viable options. Also, the U.S. Commission on Immigration Reform will soon issue its recommendations on overseas refugee admissions, and other actors, such as the Carnegie Endowment for International Peace, have recently weighed in on the issue.

The House Judiciary Committee completed its "mark-up" (the committee process of amending a bill) of H.R. 2202, Rep. Lamar Smith's (R-Tex.) "Immigration in the National Interest Act (see following story), which includes a provision to reduce and then set a limit on the number of refugees to be resettled annually in the United States.

The cap on refugee admissions proved to be one of the more contentious issues dealt with at the Judiciary Committee mark-up. Refugee advocates narrowly lost two critical votes—and missed the opportunity for a third—on an amendment to eliminate the cap on annual refugee admissions.

H.R. 2202 sets this cap at 75,000 for fiscal year 1997 and 50,000 after that; this limit can only be exceeded if Congress enacts a law providing for a higher number.

On October 12, Rep. Steven Schiff (R-N.M.) offered an amendment to strike the cap and make minor changes in the annual admissions consultation process.

Judiciary Committee Chair Henry Hyde (R-Ill.) then introduced a substitute amendment that maintains the cap but, according to Hyde, would modify the emergency consultation process to facilitate additional admissions if needed.
Rep. Schiff then offered an amendment to the Hyde substitute, maintaining reference to the cap but allowing additional admissions if the annual consultation process provides for a higher number (thus deleting the cap for all practical purposes). Refugee advocates supported this latter amendment by Rep. Schiff.

The vote on the second Schiff amendment occurred first, and it was defeated 15-16 in a somewhat unusual turn of events. The final vote was cast by Rep. Rick Boucher (D-Va.), who was absent when the voting started and arrived just in time to vote “no,” contrary to the expectations of many observers. Boucher later told other Democratic members that he made a mistake. He had apparently taken his cue upon entering the room from Rep. John Bryant (D-Tex.), who had voted “no” and gave that signal to Boucher (Bryant often voted against the other Democrats, and Boucher occasionally).

After this amendment was voted down, the Hyde substitute was approved by voice vote.

Because of the confusion with Boucher and advocates’ belief that they had the 18 votes needed to win, Rep. Schiff on October 17 offered an amendment that would have allowed the cap to be exceeded through the regular consultation process if there were “compelling circumstances” that were justified by humanitarian concerns or that were in the national interest. This amendment was defeated 14-16. Although Boucher’s claim of a mistake on the previous vote was confirmed by his vote in favor of this amendment, three other Democrats and one Republican in support of lifting the cap were absent when the vote was taken; their presence would have tipped the vote balance in favor of the amendment.

On the final day of mark-up, Rep. Charles Schumer (D-N.Y.) was reportedly prepared to offer a third, somewhat modified, amendment to allow refugee admissions above the cap. However, because the entire Judiciary panel was present except for one Democrat who supported this effort, the amendment would likely have failed on a tie vote and was therefore not offered.

Rep. Schiff and others have indicated their intention to renew their efforts on the House floor.

During his speeches in opposition to the attempts to lift the refugee cap, Rep. Smith stated that the cap would pose no difficulties because the State Department has already communicated to him its intention to propose only 70,000 admissions in FY 97 (when a 75,000 cap would be in place under his bill) and 50,000 in FY 98 (the same level as the cap). The U.S. Commission on Immigration Reform reports the same State Department projections (see below).

Formally, the Administration’s yearly admissions proposal is not presented until the Congressional consultation, which occurs after opinions have been solicited from the public and private agencies involved in refugee resettlement.

The Clinton Administration has stated its opposition to the cap.

As Governments Scale Back Commitments, UNHCR Renews Support for Resettlement

Coincidentally, the House Judiciary votes on the refugee cap were taking place at the same time as the future of resettlement worldwide was being discussed by governments and the UN High Commissioner for Refugees (UNHCR).

For several years, UNHCR has seemed to relegate resettlement to an option to be used in the most extreme cases, when there is no other way to protect refugees in danger in their country of first asylum (see Refugee Reports, Vol. XVI, No. 3). However, in a special consultation on October 14 with the governments of the ten countries that resettle refugees, UNHCR indicated a greater willingness to utilize resettlement as a durable solution.

UNHCR’s deputy director in the Division of International Protection, Wairimu Karago, said, “I must confess that in the past we have sometimes described resettlement as the least preferable solution. This may have created a negative perception of its value as a durable solution. By less preferable we do not mean resettlement is undesirable; in fact, for the refugee who needs it, resettlement is the most appropriate solution.”

Several UNHCR documents were circulated and discussed in Geneva, including an evaluation of UNHCR’s resettlement program and a draft of its 1996 Assessment of Global Resettlement Needs for Refugees. Also included was an “Overview of Refugee Resettlement in the 1990s,” which predicts that “resettlement in the 1990s may involve smaller numbers than during the previous decade as local integration and voluntary repatriation will
always be explored in the first instance." The "overview" does not explain why resettlement as UNHCR’s third choice for durable solutions would result in smaller numbers in the 1990s, despite the fact that it was also the third choice in the 1980s, and the report gives no indication that the total number of refugees worldwide is expected to decrease.

The explanation, more likely, can be found by examining the willingness of third countries to resettle refugees. At the Geneva consultation, some of the ten governments represented seemed to be distancing themselves from traditional commitments.

Switzerland, for example, announced that it was reducing its annual resettlement quota from 500 to 350. The representative from the Netherlands said that while his country would continue to resettle "special cases," the total number it could resettle would be small. He asked whether the number of countries willing to resettle refugees could be expanded.

The Norwegian representative, speaking on behalf of the Nordic countries (Denmark, Finland, Norway, and Sweden), complained that large numbers of asylum seekers—including rejected cases—have dominated their social welfare resources, and also noted that the prospects for integration and acculturation affect government decision-making on refugee resettlement.

The Norwegian representative also suggested that money spent on resettlement would be better spent on assistance and protection programs near refugees’ countries of origin, saying that "resettlement of refugees in Nordic countries is a relatively expensive way of providing protection."

He said that the Nordic countries intend to spend a certain amount annually on refugees, "but some of them may alternatively be spent on other refugee programs, such as protection and assistance programs in the proximity to the country of origin."

Resettlement as "Tool of Protection" or "Durable Solution"? Although the meaning behind the nuances of diplomatic language is not always apparent at first glance, the debate...
UNHCR Assessment of Global Resettlement Needs: 1996

<table>
<thead>
<tr>
<th>REGION OF ORIGIN</th>
<th>RESETTLEMENT NEEDS (No. of Individuals)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa</td>
<td>............................................ 11,000</td>
</tr>
<tr>
<td>South, East, and Southeast Asia</td>
<td>............................................ 1,200</td>
</tr>
<tr>
<td>Europe/Former Yugoslavia</td>
<td>............................................ 45,000</td>
</tr>
<tr>
<td>Latin America</td>
<td>............................................ 150</td>
</tr>
<tr>
<td>Middle East and Southwest Asia</td>
<td>............................................ 20,000</td>
</tr>
<tr>
<td>Total</td>
<td>............................................ 77,350</td>
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Source: UNHCR

being waged between the Nordic countries and UNHCR concerned whether resettlement ought to be limited to cases in which the refugee in a country of first asylum faces imminent danger, including the threat of *refoulement*, or whether it ought to be used more broadly to provide a durable solution for those refugees who might be safe in the country of first asylum but who have no option of integrating into the local society nor of returning home safely.

The Nordics stressed the former, saying that "the need for protection constitutes the main criteria for the selection of refugees for resettlement." (Their emphasis.) "As a general rule," said the policy statement by Denmark, Finland, Norway, and Sweden, "it should only be applied when other means of protection have been exhausted or when the right to asylum in the region is seriously under threat."

In contrast, UNHCR's Karago said, "In different parts of the world there are refugees who have no long-term prospects either for returning home or for integrating into their country of first asylum. UNHCR has identified 13,500 Iraqi refugees who remained in Rafha camp in Saudi Arabia for more than four years with no prospects of resuming a normal life.... The needs of these refugees are no less important to UNHCR than those of refugees facing serious protection problems. Both require a durable solution."

**U.S. Delegation Tries To Win Concrete Commitments from Other Governments**

The U.S. delegation appeared to buck the Nordics on several points. The United States proposed that in future meetings governments come prepared to discuss "in concrete terms" UNHCR's annual *Assessment of Global Resettlement Needs*, saying that governments should be prepared to discuss "what they are likely to be able to provide in terms of resettlement opportunities for individual populations in each region," according to a State Department cable summarizing the meeting.

The cable said that the consultation was a welcome opportunity for governments to hear UNHCR's assessment of global resettlement needs, but that "ideally, governments, in turn, will bring commitments, or at least projected commitments, to the table."

The U.S. delegation also recommended that NGOs be included in future resettlement consultations. The Canadian delegation supported the U.S. position on NGO participation.

Both the Australians and the Americans discussed the importance of allowing governments to determine additional populations of humanitarian concern apart from UNHCR-identified refugees. The Australian delegation, in particular, objected to what it said was a distinction UNHCR was making between "genuine" refugees and those chosen by governments "as a result of 'grubby' political imperatives."

Dennis McNamara, the director of UNHCR's Division of International Protection, responded by noting that UNHCR recognizes that governments often have parallel requirements that they must address.

**UNHCR's 1996 Assessment: Former Yugoslavia Predominates**

A pre-publication copy of UNHCR's annual assessment of resettlement needs was distributed at the meeting. The total projection for 1996 was 77,350, up from 31,900 in 1995. The difference is accounted for almost entirely by Bosnians, who were not included at all in the 1995 figure (see *Refugee Reports*, Vol. XVI, No. 3).

In fact, at the consultation, Anne Willem Biljeveld, UNHCR's Coordinator for Special Operations in Former Yugoslavia, announced that UNHCR had revised its 1995 resettlement needs upward to 20,000 for 1995 and projects a contingency requirement of 45,000 for 1996. He said that more than half a million persons had been uprooted in former Yugoslavia in the past three months, including 160,000 in the Banja Luka area alone.

Of particular relevance to the U.S. debate concerning a cap on refugee admis-
measurements, the Assessment emphasizes the importance of flexibility and contingency planning in operating resettlement programs, recalling UNHCR's Executive Committee Conclusion No. 67 on resettlement as an instrument of protection, which says that "governments should be ready to adapt their quotas and criteria to rapidly changing needs." The Assessment notes, "Flexibility is important as resettlement programs are disrupted by new developments and emergency action proves necessary. At present, UNHCR is often unable to react immediately as quotas are lacking and have to be approved by the authorities."

Putting aside their limited response to new emergencies in former Yugoslavia, UNHCR observes that governments have not even been particularly forthcoming in offering family reunification places. The Assessment says, "Most governments...have...become increasingly selective, giving favorable consideration only to separated spouses and minor children."

For a breakdown of UNHCR's 1996 assessment by region, see chart, page 4.

**About Half of Identified Needs Are Not Met**

UNHCR's Assessment points out a disturbing trend: Consistently, during the past five years, only about half of the cases identified by UNHCR as being in need of resettlement have been resettled. In 1991, 57 percent of refugees in need of resettlement were not resettled; in 1992, 49 percent were not resettled; in 1993, the shortfall was 40 percent; in 1994, 41 percent.

What is especially troublesome for refugee advocates about this trend is that most knowledgeable observers judge that UNHCR's
The Carnegie Endowment for International Peace recently released *U.S. Refugee Policy: Dilemmas and Directions*, written by Kathleen Newland. Although treating U.S. refugee policy and program broadly, the 54-page booklet focuses especially on the resettlement program.

In his forward to the book, Morton Abramowitz, president of Carnegie, notes that three-quarters of refugees admitted to the United States have come not in leaky boats or as victims of war, but rather have gone instead to U.S. embassies in their countries of origin where they “applied for refugee status, and waited to be processed through U.S. orderly departure programs.” Abramowitz says, “Of the refugees who most need protection—people in real danger from war or persecution, like the victims of ‘ethnic cleansing’ in Bosnia—the United States has admitted very few in recent years.”

Newland argues that in determining which of the world’s millions of refugees ought to be resettled in the United States, the U.S. government ought to focus less on the motivation of individual asylum seekers, and more on whether the need is specifically for permanent relocation due to the failure of protection in the asylum seeker’s country or region of origin. Newland suggests that the U.S. resettlement program should focus on refugees whose need for protection: 1) is long-term and 2) can only be resolved outside their country.

“Priority for resettlement should be set according to not only the degree of suffering but also the kind of remedy available to the individual,” she says.

Newland rejects the notion that money spent on refugee resettlement (estimated at roughly $7,000 per refugee) is fungible and could, therefore, more efficiently be spent on overseas assistance programs. The most important distinction between overseas assistance and resettlement, Newland argues “is not their respective costs but the fact that resettlement is a permanent solution.” She explains that assistance programs succeed only in maintaining refugees until a durable solution can be effected. “Without progress toward a durable solution, refugees are unable to resume a normal life—even if they are generously assisted.”

She observes, “Refugees in need of resettlement are not much helped by overseas assistance.” She also observes that “no more than a small fraction of those in need of assistance overseas can be helped by increased resettlement.”

Newland, like Abramowitz, is critical of in-country processing programs, saying, “Direct departure programs give higher priority to order than to urgency in removing people from a situation in which they have good reason to fear persecution. Those who are under active and imminent threat to their safety and freedom are not likely to be able to sign up for resettlement and then to wait for months (under the eye of their persecutors) for their claims to be processed.”

She says that in-country processing is appropriate in two cases: 1) if direct departure is used to negotiate the departure of people from their home countries who have already been identified and subjected to persecution, such as political prisoners; and 2) in situations of relative stability where the danger to potential refugees is not acute and where persecution is not likely to be worsened by their identification. The latter circumstance is justified, says Newland, as a way of achieving “a smooth and gradual transition from refugee to immigration processing.”

Although noting that reforms in U.S. refugee processing priorities this year have accorded UNHCR a prominent position in referring first-priority refugee cases, she cautions that “it would be premature to rely much more heavily on UNHCR at this stage.”

She argues that UNHCR “is providing little leadership on this issue beyond identifying a narrowly defined group of refugees who are insecure in their countries of first asylum.

It is likely that Newland would welcome the new commitment to resettlement being articulated by UNHCR at the October Resettlement Consultation.

*U.S. Refugee Policy* is available for $5.95 from the Brookings Institution, Department 029, Washington, DC 20041-0029.
Refugee Reports/October 30, 1995

annual assessment represents a bare-boned accounting of the most vulnerable cases. In fact, Ralston Deffenbaugh, executive director of Lutheran Immigration and Refugee Services (LIRS), suggested that UNHCR's report should be renamed the Assessment of Minimal Resettlement Needs to underscore that it represents a floor rather than a ceiling of resettlement needs.

Ironically, despite the shortfall between UNHCR's needs assessment and the number of refugees resettled, UNHCR had to explain to governments why their quota offers sometimes go unfilled. Karago attributed this problem to three factors: 1) modest reception capacities; 2) lengthy procedures; and 3) restrictive resettlement criteria by governments that impede UNHCR's ability to refer certain vulnerable groups.

Summary of UNHCR Evaluation of Resettlement

Whether UNHCR is up to the task of identifying and referring refugees in need of resettlement was a concern for both governments and NGOs. In the months preceding the October consultations, both governments and NGOs had been pressing UNHCR to make available an internal evaluation of its resettlement policy and practice in the hope of making the organization accountable for the report's recommendations.

UNHCR did make a detailed summary of the report available.

The report notes the "serious discrepancy" between the numbers recommended for resettlement by UNHCR and the numbers departing each year, observing that "resettlement quotas overall have exceeded UNHCR projections." The report attributes the discrepancy to "the predominance of national interests in determining who is admitted under a refugee program—often at the expense of UNHCR-identified cases."

The evaluation report also, however, placed a portion of the blame on the Assessment itself for the 40-to-60 percent variance between the number of refugees determined to be in need of resettlement and the number resettled. "In some cases," said the evaluation, "the Global Assessment quotes rather precise figures for some refugee groups, giving the impression of a detailed analysis. When read in the same context of other larger projected numbers, an incorrect impression is given that the figures are precise and reflect specific individuals. Such problems can only serve to undermine UNHCR's efforts to promote resettlement, as the numbers frequently do not tally or reflect differing perspectives and political realities on the ground."

Among its 14 recommendations, the evaluation calls upon UNHCR to develop training for field and headquarters staff; update and revise its resettlement guidelines; clarify its procedures for referring cases to governments; and establish a cadre of experienced staff for short-term deployment in emergency situations.

UNHCR reported at the consultations that it has begun updating and revising its resettlement guidelines, which will be published as a Resettlement Handbook. It has also instituted increased training activities and reported that it is exploring the secondment of experienced personnel from governments and NGOs, as well as the establishment of an emergency roster of UNHCR staff with resettlement experience.

However, Karago told government representatives, "While we are trying to put our own resettlement house in order, there are matters for which we will require your help." Specifically, she called upon governments to maintain greater flexibility in their resettlement programs. She said, "First, governments should take the broadest possible view when deciding which nationalities they will resettle and secondly, programs should be made accessible to UNHCR-referred cases regardless of where the refugees might be located." She also said that governments' selection criteria should not prevent UNHCR cases from being referred.

Karago also noted the need for governments to provide the means for expedited processing in certain circumstances, and for contingency quotas or other flexible means to respond rapidly to sudden and unexpected needs.

Jordan Commission Calls for 50,000 Target

The U.S. Commission on Immigration Reform, commonly known as the Jordan Commission, after its chairperson, Barbara Jordan, has made a series of recommendations on overseas resettlement, including setting a 50,000 annual target on refugee admissions, in its soon-to-be-published Legal Immigration: Setting Priorities.

The report says, "Recognizing that
Refugee situations may vary dramatically from year to year and that only a tiny fraction of the world's 16-plus million refugees require third-country resettlement, the Commission supports a flexible and responsive system that includes a statutory target number of annual admissions with procedures to exceed the target if conditions require."

The Jordan Commission arrives at the 50,000 figure from its analysis of three issues: 1) U.S. resettlement patterns during the past decades; 2) UNHCR's Global Assessment of Resettlement Needs; and 3) the capacity of U.S. agencies involved in refugee resettlement to maintain the infrastructure needed for resettlement.

In analyzing resettlement patterns, the Commission found that 80 percent of the recent annual average of 120,000 admissions have come from two areas: Southeast Asia and the former Soviet Union. "Other than these two special national origins programs," the report says, "there was a steady average of 20,000 refugees admitted from throughout the rest of the world."

The Commission notes that these two major programs are "phasing down," and says it is "questionable" whether a similar confluence of influences would provide support for "lesser known, though potentially as deserving, refugee groups."

Saying that 50,000 would be more than double the current level of non-Southeast Asian and non-former Soviet arrivals, the Commission argues that such a target would help "ensure the existence of admissions numbers for refugees from countries that lack a domestic constituency or foreign policy interest."

In analyzing UNHCR's Assessment, the Commission said it agreed "that the reported need for resettlement may be seriously underestimated." Even so, using the 1995 figure of 31,900, it said that even if UNHCR's number were tripled, a 50,000 U.S. target would enable the United States to take half of the UNHCR-identified caseload (assuming that a portion of the 50,000 would not be reserved for non-UNHCR-identified cases).

**Jordan Commission: A Target, Not a Cap**

Unlike H.R. 2202, which also sets annual refugee admissions at 50,000, the Jordan Commission would not make the figure as rigid a cap as would the House bill.

The Commission is highly critical of the current annual consultations process between Congress and the Administration on refugee admissions, and calls for "more direct and affirmative participation by Congress than occurs in the current consultation process."

Among its criticisms of the current consultations process, the Commission notes that the consultations are held so late in the year that they are meaningless. "By the time the consultations have occurred," says the report, "the appropriations committees generally have taken action on the resettlement budgets."

The Commission disagrees with the requirement in H.R. 2202 that the cap could only be exceeded by separate legislation, saying this would impede decisions on refugee admissions.

Instead, the Commission suggests a consultation during the appropriations process if the Administration's request exceeds 50,000 "with the appropriation of funds for that number of refugees representing the affirmative participation by Congress in the decision to exceed the target." The Commission adds that if the Administration's proposal were under the 50,000 target that no consultation would be necessary prior to the appropriation of funds.

**Recent Developments**

**HOUSE JUDICIARY COMMITTEE MARKS UP COMPREHENSIVE IMMIGRATION BILL**

After nine days of work spanning a five-week period, the House Judiciary Committee on October 24 voted 23-10 to approve sweeping immigration legislation sponsored by Rep. Lamar Smith (R-Tex.), chair of the House Subcommittee on Immigration and Claims. The vote was primarily along party lines, with all twenty of the Committee’s Republicans and three of its fifteen Democrats voting in favor (two Democrats, both of whom said they would have voted against the bill, were absent at the time).

Originally introduced as H.R. 1915 and re-introduced as H.R. 2202 after subcommittee action (see Refugee Reports, Vol. XVI, No. 6), the legislation would reduce by about 30 percent the number of legal immigrants admitted to the country and would cap refugee admissions at 50,000 beginning in FY 1998 (see lead story).
In addition, the bill institutes summary exclusion procedures at ports of entry and makes drastic changes to the affirmative asylum system. These provisions are in addition to the border enforcement, worker verification, and other provisions aimed at the stated primary goal of the bill's sponsors—that of combating illegal immigration.

The next step in the House is floor action, which is unlikely to occur until sometime after January. In the meantime, attention returns to the Senate, where immigration subcommittee chair Alan Simpson (R-Wyo.) is putting finishing touches on his legal immigration bill (a hearing on a draft version of this legislation was held on September 13). A separate Simpson bill focusing on enforcement and exclusion (S. 269) has already received subcommittee approval (see Refugee Reports, Vol. XVI, No. 6).

Below are highlights of House Judiciary Committee action on the provisions of H.R. 2202 having a direct impact on refugees and asylum seekers (as already noted, discussion of the refugee cap provision is included in this month's lead).

**Summary Exclusion**  
H.R. 2202 institutes a summary exclusion procedure at U.S. ports of entry for asylum seekers attempting to enter the United States with false or no documents. Such persons must, in an on-the-spot interview, demonstrate a "credible fear" of persecution in order to be permitted to apply for asylum. Denials would be subject only to an immediate review by a supervisory INS officer, with no additional administrative appeal and extremely limited judicial review.

Several unsuccessful attempts were made during mark-up to reinstate safeguards against return to persecution. These included an amendment by Rep. Pat Schroeder (D-Col.) to ease slightly the screening standard; two amendments by Rep. Melvin Watt (D-N.C.) to institute an immigration judge hearing within 72 hours after denial and to permit federal court review of the credible fear determination; and a proposal by Rep. Sheila Jackson Lee (D-Tex.) to exempt from summary exclusion persons who are fleeing ongoing armed conflict, extraordinary and temporary unsafe conditions, or countries with patterns of human rights violations. These efforts were all defeated.

**Protection for Individuals Fleeing Coercive Population Control Measures**  
House Judiciary Committee Chairman Henry Hyde (R-Ill.) offered an amendment, on behalf of Rep. Ed Bryant (R-Tenn.), who was absent, to settle a longstanding debate over the status of persecution claims by nationals of the People's Republic of China (PRC) who face actual or threatened forced abortion or sterilization under that country's family planning policy (see Refugee Reports, Vol. XVI, No. 6).

The Bryant/Hyde amendment establishes that resistance to forced abortion or sterilization shall be considered persecution under the U.S. refugee definition (a person claiming such persecution would still have to make an individual showing). A similar amendment is included in foreign aid legislation passed by the House, which is currently in limbo because the Senate foreign aid legislation is stalled. Unlike that version, the Bryant/Hyde amendment would place an annual limit of 1,000 on the number of refugees who could be admitted from overseas under this provision (although currently Chinese nationals are not designated for the U.S. refugee resettlement program). The Bryant/Hyde amendment passed by voice vote.

**Asylum Reform**  
As approved by the immigration subcommittee, H.R. 2202 would have imposed a 30-day deadline on filing a Notice of Intent to Apply for Asylum, and a 60-day deadline for the completed asylum application. It would also have eliminated any asylum adjudications by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA); instead, asylum applications denied by an Asylum Officer (AO) would have been subject only to limited federal review. These provisions were added in subcommittee at the initiative of Rep. Bill McCollum (R-Fla.), a longtime advocate of asylum reform.

At the full Committee mark-up, however, McCollum offered a comprehensive amendment to replace much, but not all, of his original asylum language. The new amendment, which ultimately was approved, reinstates the IJ/BIA administrative review regime; however, it also imposes a 30-day deadline on the filing of a completed asylum application. Reps. Jackson Lee and Barney Frank (D-Mass.) unsuccessfully attempted to extend the deadline to 180 days and 60 days, respectively.
The subcommittee-approved version of H.R. 2202 would have permitted exceptions to the filing deadline only upon proof of changed country conditions. At the mark-up, Rep. Frank offered an amendment to permit asylum applications beyond the deadline in cases of changed personal circumstances, citing the example of a Chinese couple with one child who discover they are expecting another and fear being subjected to forced abortion if returned to the PRC. This amendment was approved 18-10.

"Safe Third Country" The McCollum substitute language provided that an individual may not apply for asylum if the Attorney General determines that the individual could be removed to a country, other than his own, where he or she would have "access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection." Such "safe third countries" include those identified pursuant to a bilateral or multilateral agreement.

Coincidentally, the United States chose UNHCR's October Executive Committee meeting in Geneva, occurring simultaneously with the House Judiciary Committee mark-up, as the time and place to reveal its draft Memorandum of Understanding (MOU) with Canada concerning responsibility for determining asylum claims. (See this month's lead story for more on the Executive Committee meetings and Refugee Reports, Vol. XVI, No. 3 for more on the MOU.) In the absence of such an MOU, this language in H.R. 2202 would have no real application.

Rep. Frank offered an amendment to give the Attorney General discretion in deciding whether to send an asylum seeker to such a third country. After much opposition, Frank modified the amendment to provide that asylum seekers will be sent to such a country unless the Attorney General finds that it is in the "public interest" to allow the person to remain in the United States. This substitute language was adopted by voice vote.

As did the previous language, the substitute version states that a grant of asylum "does not convey a right to remain permanently in the United States" and provides that asylum may be terminated under certain conditions; these conditions include the existence of a "safe" third country.

**Mandatory Withholding of Deportation Based on Likely Persecution Eliminated**

The substitute McCollum language does not include a provision from the original bill that would have provided for "mandatory" asylum if the alien demonstrates that it is "more likely than not" that he or she would face persecution upon return (this is currently the standard for withholding of deportation).

Thus, since H.R. 2202 eliminates withholding of deportation, there would be no mechanism for guaranteeing that a person with a strong likelihood of facing persecution upon repatriation would not be deported, if, in the Attorney General's discretion, asylum is denied. (The same would apply to someone who misses the 30-day deadline and cannot prove changed circumstances.)

During mark-up, McCollum stated that it was not his intent that such persons be deported if they would likely face persecution, and that the issue will be revisited on the House floor.

**Public Charge Grounds of Deportation**

Among its numerous provisions on eligibility for public benefits, H.R. 2202 provides that any alien who receives public benefits for an aggregate of twelve months within seven years after the date of entry becomes deportable on the grounds of public charge.

The Attorney General would have discretion to waive the application of this ground for refugees or persons granted asylum. The actual implications of this provision are somewhat unclear. Under current law, refugees are exempt from the public charge ground of exclusion at the time they enter the country, and from the public charge ground of deportation at the time they adjust status (as are asylees). However, there is currently no exemption or waiver from this ground of deportation after adjustment, such as at the time of application for citizenship. Thus, H.R. 2202 appears to create the authority for such a waiver, which would be a positive development for refugees who have adjusted their status. However, the bill sharply defines "public charge" (currently a concept subject to interpretation) by listing specific programs that would be included (AFDC, SSI, food stamps, housing assistance, state general cash assistance, and others) and by specifying the aggregate 12-month period. In addition, the waiver provision highlights the fact that even
refugees and asylees could be subject to deportation on such grounds, which could be problematic for them.

At the mark-up, Rep. Jerold Nadler (D-N.Y.) offered an amendment on behalf of Rep. Jackson Lee to exempt refugees and asylees from this provision. Nadler argued that the Attorney General's exercise of discretion could become political in situations where the United States wishes to maintain good ties with particular countries.

Advocates claim that deportation on public charge grounds of a person who meets the refugee definition would violate the UN refugee convention, which provides that refugees cannot be returned to countries where they would face persecution except on grounds of national security.

The Jackson Lee/Nadler amendment was defeated 7-14, with only Democrats voting in favor.

Parole

H.R. 2202 severely limits the parole authority of the Attorney General. Humanitarian parole could be used only in cases of an "urgent humanitarian reason," such as a medical emergency or organ donation. Public interest parole would be allowed only in cases where the alien has assisted the U.S. government, such as in criminal investigations. An amendment offered by Rep. Bryant of Tennessee, and adopted by voice vote, would also allow public interest parole if the alien is to be prosecuted in the United States for a crime.

No other amendments to the parole provisions were offered, although several Democratic members had informally expressed interest in attempting to broaden the parole authority.

Although this issue may be addressed on the floor, the current combination of the cap on refugee admissions, restricted use of parole, and 10,000 limit on a newly-created and ill-defined admissions category for "humanitarian immigrants" (see Refugee Reports, Vol. XVI, No. 6) would dramatically reduce the number of persons admitted to the United States for humanitarian reasons.

UNHCR REBUTS CRITICISMS OF CPA

The UN High Commissioner for Refugees (UNHCR) has spoken out about recent criticisms by U.S.-based nongovernmental organizations (NGOs) and others of the Comprehensive Plan of Action for Indochinese Refugees (CPA). Critics have charged that the screening process in some first asylum countries was corrupt and resulted in wrongful refugee status determinations, and that returnees to Vietnam have been persecuted.

In an October 1995 publication titled UNHCR Report on Alleged Corruption in the Refugee Status Determination in the Philippines, the agency said that it was aware of "persistent rumors about corruption in the first instance of the refugee determination process," but that while UNHCR staff "made repeated efforts to encourage asylum seekers to come forward with specific information,...UNHCR never received any concrete information concerning such illegal incidents or practices."

According to the report, "In July 1995, a U.S. advocacy organization, S.O.S. Boat People, published a widely circulated report...that makes a number of exaggerated charges but contains specific allegations in only 12 cases (of the 4,810 screened)."

The report details UNHCR's findings following an investigation of the allegations. The agency said that it could not rule out that corruption existed, but concluded that even if it had occurred, it was not pervasive, and would only have resulted in undeserving cases being screened in (granted refugee status), not deserving cases being screened out (denied refugee status).

The report said, "The only consequence of any corruption which may have occurred during the initial refugee status interview with Philippine Immigration officials (the first instance determination) would be the recognition of undeserving cases." It added, "Any cases wrongfully denied refugee status would have been corrected on appeal, or corrected by recognition under UNHCR mandate.... The Appeals Board almost always accepted UNHCR's recommendations, whether positive or negative.... On the rare occasions when the Board denied the appeal in a case where eligibility was supported by UNHCR, recognition of refugee status was granted under UNHCR's mandate authority."

The report concluded, "The results of our internal review do not support the proposition that the screened out population contains persons who have been wrongly denied refugee status because of corruption."

In a letter accompanying the report,
UNHCR's Washington representative, René van Rooyen, said that the agency had investigated charges that returnees to Vietnam had been persecuted and found that the allegations resulted from "misinterpretation and misinformation." He said that UNHCR investigated two recent cases in which NGOs said returnees had been wrongfully imprisoned and that "both returnees admitted committing crimes." He added, "No evidence was found that these individuals were targeted for persecution because of their status as former asylum seekers or dissidents."

ESCALATION OF SRI LANKA CONFLICT DISPLACES TENS OF THOUSANDS

A major offensive by the Sri Lankan military against the Liberation Tigers of Tamil Eelam (LTTE) guerrillas throughout the month of October has left hundreds dead and, according to press reports, displaced as many as 100,000 civilians. Retaliatory attacks by the LTTE against Sinhalese villages have also left more than a hundred civilians dead. For more than 12 years, the LTTE has fought for independence for the predominantly ethnic Tamil areas of Sri Lanka. More than 50,000 Sri Lankans are thought to have died during the conflict. In April, the LTTE unilaterally broke off peace talks with the current Sri Lankan government, which came to power last year on a pledge to negotiate an end to the conflict.

The Sri Lankan military's recent offensive, which reportedly involves 35,000 troops, has been aimed at capturing the LTTE's stronghold and would-be capital, Jaffna. During the first week of October, fighting near Jaffna left more than 200 dead and caused an estimated 50,000 civilians to flee their homes. On October 11, press reports indicated that the newly displaced civilians faced severe food shortages and that more civilians were fleeing government shelling, which one group termed "indiscriminate," and advancing government troops. Government shelling has killed scores of civilians in the Jaffna area in recent weeks.

Between October 21 and 26, the LTTE retaliated by attacking civilians in three predominantly ethnic Sinhalese villages. According to Amnesty International, on October 21, the LTTE massacred 71 civilians in three villages in Amparai, Anuradhapura, and Polonnaruwa districts. The dead were mostly Sinhalese but also included ten Tamils. In one of the villages, Boatta, in Polonnaruwa district, eight of the victims were children. The next day, the LTTE massacred another 19 villagers in Kotiyagala, half of them children. On October 26, according to the Sri Lankan government, the LTTE killed 30 villagers in another Anuradhapura district.

On October 27, the U.S. Department of State issued a statement condemning the attacks and calling on the LTTE "to cease all such attacks immediately." The State Department also called on the government and the LTTE to take steps to protect civilians caught in the conflict and to "cooperate fully with relief agencies who are assisting persons displaced by the fighting."

Renewed fighting in the Jaffna area in the last days of October caused tens of thousands more people to flee their homes, bringing the total of newly displaced persons to more than 100,000, according to press reports.

REPUBLICAN LEADERSHIP ATTACKS BILINGUAL EDUCATION

In recent weeks, both House and Senate leaders have openly attacked bilingual education, indicating political support for bills that would significantly scale back federal support for bilingual education programs. On October 24, Rep. Newt Gingrich (R-Ga.), Speaker of the House, said, "We should require English to be the official language." Speaking on the occasion of the vote on Quebec separation, Gingrich said, "We should eliminate bilingual education. And you watch the vote in Quebec and ask yourself, how far down that road do you want to go before it scares you enough? And you have to be one civilization or this country won't make it."

In September, Republican presidential candidate and Senate Majority Leader Sen. Robert Dole (R-Kan.) warned that "ethnic separation" was a threat to American national unity, attacked bilingual education, and called for making English the official language of the country. Gingrich and Dole's speeches set the tone for legislative change, federal funding cuts, and congressional debate about bilingual education programs, which may affect the way tens of thousands of immigrants and refugees
and their families learn English as they resettle in the United States. “With all the divisive forces tearing at our country, we need the glue of language to help hold us together,” said Dole. “If we want to ensure that all our children have the same opportunities in life, alternative language education should stop and English should be acknowledged once and for all as the official language of the United States.” Dole spoke to the national convention of the American Legion in Indianapolis on September 4.

“Schools should provide the language classes our immigrants and their families need, as long as the purpose is the teaching of English.... But we must stop the practice of multilingual education as a means of instilling ethnic pride or as a therapy for low self esteem or out of elitist guilt over a culture built on the traditions of the West,” he continued.

English Only Bills Introduced Dole’s call for using the English language to foster “national unity” was echoed at a hearing on October 18 by proponents of “English only” and “Official English” legislation. Rep. Bill Emerson (R-Mo.) has collected 190 cosponsors on his bill (H.R. 123) to make English the official language, and Sen. Richard C. Shelby (R-Ala.) has 21 cosponsors on the Senate version of this measure (S. 365), the “Language of Government Act.”

Reps. Toby Roth (R-Wis.) and Peter T. King (R-N.Y.) have sponsored legislation, known as the “Declaration of Official Language Act” (H.R. 739), which specifically eliminates both bilingual education and bilingual ballots.

“The largest impediment to immigrants today is bilingualism,” said Rep. King at the October 18 hearing. “Bilingual education has been a dismal failure because it relegates countless children to second-class citizenship,” added Rep. Roth.

However, bilingual education still has defenders on Capitol Hill. Rep. Jose E. Serrano (D-N.Y.) authored Resolution 83, known as “English Plus,” to counteract English Only proponents. “It is a fallacy that people don’t speak English in the United States: 97 percent do,” he said at the hearing. Serrano added that although the bilingual education program has not been used properly in some states, it should not be used as a scapegoat for other problems. Serrano paralleled anti-immigrant sentiment in Congress with the growing proliferation of the English Only lobby: “When we don’t like the skin color of the immigrants coming into the country, we give them ‘English Only.’”

Background to Bilingual Education Legislation Congressional commitment to native-language instruction stemmed in part from the 1974 Supreme Court decision in Lau v. Nichols that schools must offer limited-English proficiency (LEP) students some special instruction. When Congress reauthorized the Bilingual Education Act in 1974, it prescribed native-language instruction as the sole approved method for LEP students in federally funded local school districts.

In the Bilingual Education Act as amended in 1984 (Public Law 98-511), Congress limited spending on “alternative instructional programs” that use non-native language approaches, such as English-as-a-second language (ESL). The law set a four percent cap on the first $140 million of funding and a 50 percent cap thereafter with a maximum limit of 10 percent on total appropriations. In 1987, Refugee Reports reported on concern that “eliminating the cap would be the first step toward eliminating the bilingual education program,” (Rep. Robert Garcia, see Refugee Reports, Vol. VIII, No. 1).

Rising Need for Language Training, Shrinking Federal Funding for Teaching Immigrants and Refugees English Wendy Zimmermann, research associate for the Immigrant Policy Program at the Urban Institute in Washington, D.C., told Refugee Reports that the number of LEP’s grew from just over 10 million people in 1980 to 14 million in 1990—an increase of 35.9 percent.

According to Zimmermann, the main sources for federal language training for children in the United States are the Bilingual Education Act and the Emergency Immigrant Education Act. For adults, the three major sources of funds are the Adult Basic Education program, Refugee Social Services, and funds provided through State Legalization Impact Assistance Grants (SLIAG).

Zimmermann told Refugee Reports that federal spending on bilingual education for both children and adults is lower than state funding. She observed that the main funding sources of language training have been cut dramatically in the past decade. “With the
exception of Adult Basic Education funds,” she said, “each of the other primary sources of funding has declined over the past decade.” Zimmermann added, “While the number of limited-English proficient students was growing during the 1980s, federal bilingual education funding decreased by 47 percent between 1980 and 1991, after accounting for inflation.”

House Appropriations Mark-Up for Bilingual Education Program Cut Drastically The future of bilingual education funding looks similarly poor. Dang T Pham, deputy director of the Office for Bilingual Education and Minority Affairs at the U.S. Department of Education, told Refugee Reports that out of $155.6 million requested for FY 95 for instructional services for the bilingual education program, $117.2 million was actually appropriated.

For FY 96, the President requested that the total funding for the program be brought back up to $155.6 million. However, so far the House appropriations mark-up for instructional services for the bilingual education program is $53 million, while the Senate appropriations mark-up is $107 million.

According to Pham, the House wants to eliminate all support services to the program, including state grants; zero out national clearing houses, which includes curriculum, materials, and training; annul academic excellence programs; and eradicate professional development and fellowships. Pham calculated that the funding cut for FY 95 alone would render 175,000 children without language training services. Under the House mark-up, a further 240,000 children would not have bilingual education in FY 96.

Updates

- On October 24, the House-Senate Conference Committee considering the Foreign Operations appropriations bill, with includes the Migration and Refugee Assistance (MRA) account, adopted a provision contained in the Senate version of the bill that permits the State Department’s Bureau of Population, Refugees, and Migration (PRM) to pay its administrative expenses (about $12 million) with program funds, rather than with funds from the State Department’s general administrative account.

- On October 5, Guatemalan soldiers reportedly opened fire on a group of former Guatemalan refugees who were celebrating the first anniversary of their return home, killing 11 returnees and injuring 18 others.

- On October 6, Guatemalan President Ramiro de Leon Carpio accepted the resignation of the Minister of Defense, Gen. Mario Enriquez, who, according to press reports, had initially claimed that the military had acted in self-defence. Carpio also ordered the arrest of the 25 soldiers involved, as well as their commanding officer, appointed a commission to investigate the killings, and said that those found guilty would be punished.

- On October 4, the UN High Commissioner for Refugees (UNHCR) appealed for $41 million to provide protection and assistance to returnees and displaced persons in Liberia. The appeal follows the signing of a peace accord by Liberian factions in August and the establishment of a council of state that includes Liberia’s major warring militia leaders. According to UNHCR, some 727,000 Liberians are refugees in nearby countries and 1.5 million more are displaced internally.

- The Immigration and Naturalization Service (INS) has issued a cable to field offices instructing that Haitians paroled into the United States in November 1991 to perfect their applications for asylum, but who have not yet submitted those applications, should be reparable and issued Employment Authorization Documents (EADs) for one additional year. According to the cable, after that additional year, only those Haitians who have submitted asylum applications will be eligible to renew parole and work authorization for the following year.
Projects and Programs

EIC WORKS FOR WEST COAST REFUGEES

(This article on employment is one of a series by David North, who is managing several "Refugees and Jobs" conferences sponsored by ORR.)

Can you imagine a less likely locale for a happy story about refugees, jobs, and taxes than Orange County, California?

While this story has nothing to do with that County forcing itself into bankruptcy and all but eliminating funds for social services, it shows that even in an adverse environment a refugee agency can use its creativity to make friends with employers and to bring jobs and more income to refugees.

Peter E. Daniels, an employment specialist at Saint Anselm’s Cross-Cultural Community Center in Garden Grove, California, told an Office of Refugee Resettlement-sponsored "Refugees and Jobs" conference in Los Angeles about his agency’s use of something called Advanced Earned Income Credits (EIC). He said, “Refugee agencies can always use an angle to get and keep an employer’s attention; we started to use Advanced EIC when an earlier tax break for employers, Targeted Jobs Tax Credits, died on Capitol Hill.”

EIC is a refundable federal income tax credit for low-income workers; workers may be eligible for EIC even if they do not owe federal income tax. It is designed to supplement wages and to make work more attractive than welfare.

Congress, by the way, is now threatening to reduce the level of EIC benefits, but there appears to be little prospect that Congress will kill or block-grant the program.

In EIC’s usual form, a low-income family with a dependent child files a special income tax form at the end of the year, and claims the credit. For example, workers who are raising one child in their home and earn less than $24,396 in 1995 are eligible for an EIC ranging up to about $2,000.

The advantages of EIC to the government are that it rewards people for working, particularly those at or near the minimum wage, and it does so without an army of social workers—the payments are made by the Internal Revenue Service (IRS) as part of its ongoing activities. EIC also discourages people from working in the underground economy.

The advantage to low-income workers, including many refugees, is that it brings them more income without having to deal with the social services bureaucracy.

What Daniels did, however, was to use the program to help employers that hire refugees—as well as to help the refugees themselves.

Daniels introduced employers to a variation of this program called Advanced Earned Income Credits. Eligible workers can choose to get about half of their credit paid at the time that they are working, not sometime the following year.

The advantage to employers in informing the workers of the program is that employers can claim, legitimately, that if one works for them one’s effective hourly wage can increase by, say, 50 cents an hour at no cost to the employer.

What the employer does is to advance to a worker choosing this option half of the Earned Income credits that would otherwise be owed to the worker at the end of the year—this often amounts to $40 every two weeks—from funds that the employer would otherwise pay to IRS. So the employer has to adjust his bookkeeping a bit, but does not spend extra amounts of cash.

"An employer offering to pay his workers $80 a month more than that paid by his competitors—no matter where the money comes from—is in a very good position. And employers who hear about this program from us are grateful to us, and are more likely to hire refugees," according to Daniels.

Some workers should not choose the advanced payment program. A worker might be eligible for a maximum advance payment in January, but if a second family member starts working three months later, this might reduce the credit for which they are eligible, and the worker could wind up owing money to the IRS at tax time. So, for example, workers holding more than one job, or whose spouse is working, should not choose this option.

For more information on this program call the IRS at 1-800-829-1040 or write to the Center on Budget and Policy Priorities, Suite 705, 777 N. Capitol Street, NE, Washington, D.C. 20002.
**Countries Providing Resettlement Quotas Annually**

<table>
<thead>
<tr>
<th>Resettlement Countries</th>
<th>Fiscal/Planning Calendar</th>
<th>Overall Quota (number of persons)</th>
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<tr>
<td>Australia</td>
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</tr>
<tr>
<td>Canada</td>
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<td>United States</td>
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*Refugee Resettlement Quotas in this update do not consistently include other intakes through in-country or immigration processing, nor special places provided for resettlement and/or temporary protection of refugees from former Yugoslavia.

**Additional Family Reunion Admission outside refugee quota.

***Family reunion of immediate links admission outside quota.

Source: UNHCR Resettlement Section, as reported by U.S. Commission on Immigration Reform.
LIMON DISCUSSES POTENTIAL IMPACT OF CURRENT LEGISLATION ON REFUGEES AND SERVICE PROVIDERS

[In November, Refugee Reports spoke with Lavinia Limon, the director of the U.S. Office of Refugee Resettlement in the Department of Health and Human Services. Below are excerpts from that conversation.]

Refugee Reports: The proposal to cap refugee admissions statutorily at 50,000 per year is still on the table. What is the Administration's position on this proposal?

Limon: The proposal is being considered by the House as part of its immigration reform bill (H.R. 2202: see Refugee Reports Vol. XVI, no.10). The Clinton Administration is opposed to the cap because it reduces the President's ability to assist people fleeing from persecution. But we know that at present admissions are expected to drop whether there is a cap or not.

Refugee Reports: Is the Administration opposition aggressive?

Limon: Yes. The Administration is actively fighting the cap. But the mood of the country regarding immigration issues is difficult right now. The refugee program needs to reexamine itself in all facets to ensure that we can maintain the kind of traditional public support that we have always had for helping people fleeing persecution. Poll after poll indicates that the American people support the refugee resettlement program.

Refugee Reports: If the proposal of a 50,000 cap is enacted, what would be the implications for the refugee resettlement program?

Obviously, a reduction to 50,000 refugee admissions down from 90,000 would be a significant change. Issues like downsizing and consolidating programs would have to be addressed sooner rather than later. A big factor would be the makeup of that 50,000. Would it be primarily refugees from the former Soviet Union?
Indochinese? If so, the traditional resettlement pattern would probably continue. If that 50,000 is made up of groups that have not traditionally resettled in the United States in large numbers, then the placement pattern could change rather rapidly.

All of the entities concerned with refugee resettlement—the states, the voluntary agencies, the MAAs—would be severely affected by a 50,000 cap on admissions. We have known for a while that there would have to be a down-sizing of the refugee program, and I think people have thought about what they would do. I believe that resettlement is local and that the most effective restructuring can be done locally. The question is, are people going to wait to restructure until they have 200 refugees resettling in their area each year instead of 2,000? I would like to see resettlement agencies really plan, restructure, and down-size in a more proactive way and not just wait for the dollars to dictate it brutally. But we have not thought enough about the kind of restructuring that would have to occur under a reduction to 50,000 admissions.

Refugee Reports: What about restructuring at the national level?

Limon: We have to look at several factors. For example, will some states determine that their participation in the program is no longer viable, given the small number of refugees they resettle? If they decide that those numbers are so small, that it’s not worth their state infrastructure’s time and effort, then they will likely do as others have done—withdraw from the program. So far, Nevada and Kentucky have dropped out. Pennsylvania is talking about privatizing its program.

Other states are developing creative new ways to approach refugee resettlement. For example, Massachusetts and New York, big resettlement states, are each implementing new Wilson-Fish demonstration projects. In each case, the state is still involved, but with a new approach. In New York City, the voluntary agencies are actually responsible for dispensing cash, as well as providing the kind of employment services and social services that refugees need.

Refugee Reports: If a number of states drop out of the program, will future admissions become even more concentrated in states that already have large refugee populations?

Limon: That scenario is possible, though it is one I would like to avoid because we do very good resettlement in communities that don’t receive many refugees. The job opportunities are often better, and refugees often have access to better community support.

We have a preferred-communities program, which is very small—a kind of demonstration project. We may expand that in order to have a kind of rotating group of preferred communities around the country. It is important not to saturate a preferred community, but rather to put in the additional money to support local infrastructure that a small number of refugees would not normally support. When we designate preferred communities, we want to build in an end-game so that, for example, we would bring in 100 refugees a year for two or three years. Then, we would end new arrivals, but continue to support that community infrastructure for a time.

Refugee Reports: Turning to welfare reform, where do the proposals stand now?

Limon: Welfare reform legislation is operating on two tracks right now. One is a scaled-down version of welfare reform in the Budget Reconciliation bill that the Congress said they will be sending to the President within days. The President has said he will veto that bill. The Congress is aware of that, and so they are pursuing a second track, a standalone welfare reform bill, which has passed the House and the Senate, gone through conference committee, and now has to go back to both houses for approval, and then to the President, who can sign or veto it.

Refugee Reports: What provisions in the welfare reform bill would specifically affect refugees?

Limon: A whole set of provisions in the bill concerns immigrants and eligibility for benefits. Those provisions make illegal immigrants ineligible for almost everything but emergency health care, soup kitchens, and a few other things. They make legal immi-
grants ineligible for both Supplemental Security Income and food stamps. In addition, there are designated federal programs for which states can determine a legal immigrant’s eligibility: Temporary Assistance for Needy Families [TANF, which will replace AFDC], social service block grants under Title 20, and Medicaid or Medigrant. The bill also says that any immigrant arriving after the bill becomes law cannot be eligible for any of these programs for a five-year period. The bill allows states to determine an immigrant’s eligibility for state and locally funded programs.

You have to understand these immigrant provisions to understand the bill’s effect on refugees. In each case, refugees have an exemption from the provisions: they can be eligible for benefits for the first five years after they arrive.

But don’t relax yet. There are a few catches. One is that after the five years, refugees would not be eligible for any benefits until and unless they became citizens. We know that refugees are not eligible to file for citizenship until they have been here for five years, and that once they apply, it can take from three to nine months—up to two years in some localities—to obtain citizenship. So for that period, depending on the state in which refugees live, they may not be eligible for benefits.

Under the bill, no one can receive welfare for more than five years. States can further limit that. The bill gives states great latitude in determining eligibility, what income guidelines are used, what restrictions are imposed, and what kinds of work programs will be mandatory.

In essence, there will be 50-plus different welfare programs in this country. Our national refugee resettlement program standpoint has relied on access to standard benefits. We knew that refugees arriving in this country would receive a basic level of assistance. We could help them to move toward self-sufficiency knowing that that safety net was in place. We can no longer be confident that that safety net will exist for all refugees around the country, nor the duration of availability.

Refugee Reports: If it becomes clear over time that the situation for arriving refugees is definitely better in some places than in others, would that begin to affect decisions about where to place refugees?

Limon: I think it depends on your definition of “better.” Are we assuming that the most generous welfare situation is better? In the refugee program, we have learned that many refugees face serious problems in the very states that have generous welfare systems. On the other hand, states that don’t have large welfare programs often have much higher job placement. After five years, a family resettled in California may still be on aid, while a family resettled in Nebraska owns a home, is working, and has two cars.

So, when we look at placements, should we start making distinctions between those people we think are going to be able to become self-sufficient and those who won’t? Remember, we admit refugees to this country without regard to their ability to become self-sufficient.

If I were doing refugee processing overseas, and I interviewed a Somali woman with four children, who speaks no English, and has no work skills, should I say to myself, “It’s going to take a long time for this woman to become self-sufficient.” Should I put on her bio-sheet that she needs to go to a place with generous, long-term welfare benefits? Or would it be better for her to be in a place with less public assistance but lots of folks willing to help her, where she can actually get a job rather quickly? These are big philosophical and practical questions for us.

Refugee Reports: Returning to the issue of welfare reform’s impact on refugees, are there other elements we should be aware of?

Limon: Provisions affecting Supplemental Security Income (SSI) are important. We admit many elderly refugees who almost immediately become eligible for SSI. The same is true of other refugees with health problems who may qualify for SSI or disability. Under the stand-alone welfare reform bill, these refugees would be eligible for SSI during their first five years in this country. Let’s assume that a refugee is 67 years old when she comes into the country, and is eligible for SSI until she is 72. At that time, if she has not become a citizen, she is no longer eligible for SSI. That will be a real
problem, because it is older refugees who have the hardest time learning the language and becoming citizens.

The other problem to be aware of involves the large number of refugees in this country who have been on SSI for more than five years and have not become citizens. According to the stand-alone welfare bill, as of January 1, 1997, any refugee who has been here more than five years, and who is not a citizen, automatically would be taken off SSI, food stamps, welfare, and everything else. So in some communities with high welfare and SSI dependency, we could expect a significant economic impact on these communities as of January 1, 1997, especially on older people.

Refugee Reports: Is there an assessment of how many people fall into that category?

Limon: I haven't seen a comprehensive assessment. According to agencies in Fresno, as of January 1, 1997, 30,000 people would drop off of welfare in Fresno alone. That is a significant impact on that community as well as on the individual.

Refugee Reports: Given the impact this reform could have on refugees, is the Administration actively going to promote citizenship, particularly for the refugee population, and try to facilitate their naturalizing?

Limon: The most important service you can provide refugees who are approaching five years here is help in becoming citizens. ORR has already been funding some citizenship programs around the country. Also, several state coordinators have become involved in citizenship efforts, and have been able to access state money to promote citizenship with refugee communities.

I think citizenship is clearly the remedy for lots of the issues that we see presented to refugees and immigrants within the stand-alone welfare reform bill. At the same time, refugees have to understand that becoming citizens is no guarantee that they will have access to benefits, and that the reason for becoming a citizen is much more important: to vote, to become really involved in their communities. They have to understand that these programs are going to become tighter for everyone, including citizens.

Refugee Reports: Although the proposed welfare reform legislation provides exemptions that would allow refugees to receive for five years benefits that are denied to immigrants, immigration reform proposals that Congress is considering contain a provision that could result in refugees being deported if they do receive public assistance. (See Refugee Reports Vol. XVI, No. 10, p. 10.) What is your view of this proposal?

Limon: ORR has been in discussions with the Justice Department about that. As you say, it doesn't make sense. The United States admits people without regard to public charge issues, but in the immigration bill, refugees would be subject to public charge in terms of deportation. Are we going to deport someone to a place from which we have decided they fled in fear of persecution? So we send them back to that persecution because they received benefits? I think that may be a little cruel and unusual.

ORR is working with Justice to ensure that that provision does not affect refugees. In the proposed law, it actually says that deportation would be at the Attorney General's discretion. But it is still something we would rather not have in the law even though there is a remedy.

Refugee Reports: In what ways do you see the Senate Work Force Development Act or House CAREERS Bill, both of which are job training block-grant proposals, affecting refugees?

[Editor's note: Both the House and Senate versions of this legislation would repeal numerous employment training programs and create a single job training block grant to be provided to states on a formula basis. The Senate version includes in this block grant the employment component of Refugee Social Services, while the House version makes no mention of refugee services. The two bills must be reconciled in a House-Senate conference, which has not yet been scheduled.]

Limon: Those bills actually have some good elements, and have received bipartisan sup-
port. They consolidate more than 100 different funding streams to get people jobs and let the states do some innovative things in terms of moving people into jobs.

In terms of the refugee program, the House version does not mention ORR-funded services and that is the Administration's position. The Senate version says that ORR cannot fund States to do the kinds of activities that are covered in the Work Force Development Act. We are not sure what that means to us. But it's still fluid, and we don't know whether the House version or the Senate version will prevail.

I think it's important for people to understand that for refugees who have been here for more than five years and who are not employed, this is where they need to look to get employment services. Refugee service providers should be aware of what's happening with the Work Force Development Act and how it would affect their states. This legislation has a lot of good aspects to it.

Refugee Reports: Let's say that there is a 50,000 cap on refugee admissions, and that both welfare reform legislation and the Senate version of the job training block grant have become law. What do you foresee refugee settlement looking like in three years?

Limon: That's a great question. I think it's really important that we look at refugee resettlement not as different infrastructures in their interaction and their funding levels, and not as, "How are we going to maintain a system that was designed and created for a world fifteen or twenty years ago?" Rather, we need to look at resettlement in terms of what refugees need to move forward in their lives.

I would like us to explore resettlement without welfare, because that will be necessary in some situations if all these things come to pass. And it may be desirable in other situations even if there is a limited safety net.

We need to realize that refugees very often move forward in their resettlement independently of the services that we provide: because they're survivors, because they are able to access networks, existing community, new friends that they make, neighbors, and churches, synagogues, and mosques. They learn about people, and the American public is very generous in its assistance with time and contacts. My experience has been that many refugees get jobs through their personal network of contacts, through their own resources. The services we provide help prepare them for those jobs.

These changes are going to be really difficult for all sectors—for ORR, for voluntary agencies, for the states, for mutual assistance associations. None of us is going to exist the way we exist today three years from now. So we can either fight among ourselves for what's left or we can all look at this period from a refugee's point of view and do what's best for the refugee, regardless of what happens to our structures. I have confidence that people involved in the refugee program can do that out of their dedication to refugees.

Recent Developments

DESPITE PEACE AGREEMENT, BOSNIAN REPATRIATION A DISTANT PROSPECT AT BEST

On November 21, the presidents of the former Yugoslav republics of Croatia, Serbia, and Bosnia and Herzegovina initialed an agreement in Dayton, Ohio aimed at ending more than three and a half years of violence in Bosnia. The accord places 51 percent of Bosnia under the control of a Croat-Muslim federation and 49 percent under the control of Bosnian Serb authorities. The two territories are to form the constituent parts of a single, united Bosnian state. Although the Dayton agreement suspends hostilities and removes legal impediments to the return home of Bosnian refugees and internally displaced persons, most observers believe that large-scale return of uprooted Bosnians is not likely in the near future.
Croats and Muslims, and the so-called Serbian Republic) affirm that “all refugees and displaced persons have the right freely to return to their homes of origin.” The agreement provides refugees and displaced persons with the right to reclaim any property of which they were deprived, and to be compensated for “any property that cannot be restored to them.”

The agreement establishes an independent Commission for Displaced Persons and Refugees (the “Commission”) that will receive and decide property claims. Such claims may be for the return of property or for “just compensation in lieu of return.” The Commission is to be composed of nine members: four appointed by the Croat-Muslim federation, two appointed by the Serb
entity, and three appointed by the president of the European Court of Human Rights.

The Commission is directed not to recognize as valid any property transaction "that was made under duress, in exchange for exit permission or documents, or that was otherwise in connection with ethnic cleansing." Throughout the Bosnian conflict, Serb authorities in particular forced non-Serbs to sign papers waiving claims to property (see Refugee Reports, Vol. XV, No. 11). This provision of the accord means that any paper obstacle to reclaiming property has been removed, but it remains to be seen whether this will actually permit uprooted Bosnians to return home.

The agreement obligates authorities not to force displaced persons or returning refugees to "remain in or move to situations of serious danger," leaving the choice of destination within Bosnia up to each individual returnee.

Alleged Forced Return of Displaced Persons Prior to the Dayton agreement, reports indicated that the Muslim-dominated Bosnian government was re-populating areas it had recently captured from Serb forces with displaced Muslims who had been living in central Bosnia. Commenting on such movements, on November 14, Ron Redmond, a spokesperson for the UN High Commissioner for Refugees (UNHCR), told Reuters, "It worries us to see these types of involuntary movements to areas by one side or another." Redmond added, "The pattern of these relocations would clearly indicate that they're motivated by political considerations and the consolidation of military conquests."

However, at least one Bosnian official disputed the assertion that the movements were forced. On November 30, Muharem Cero, the Bosnian government's Minister of Labor, Social Affairs, and Refugees, told a gathering of representatives of nongovernmental organizations in Washington, D.C. that those who had returned had done so "voluntarily," saying that the government had "instructed" them to re-occupy their own homes in the recently captured areas in order to make room for displaced Croats who earlier had fled from central Bosnia.

Past Experience with Return Despite the broad, pro-return language included in the agreement, past and current experience in Bosnia indicates that many uprooted people are unlikely to be able to exercise the promised choice to return in the near term. As a side agreement to the Dayton talks, Croat and Muslim authorities had agreed on a November 29 pilot return of 300 Croat families to Bosnian government-controlled territory and the simultaneous return of 300 Muslim families to Croat-controlled territory. However, that plan appeared to stumble, with few of the uprooted able to return home. UNHCR, although not a party to the side agreement, has verified the return of only 14 families, all Croat.

Cero, the Bosnian Minister, said that the return had failed because of the lack of a federal police force that could build confidence among Croats and Muslims. "I have not achieved spectacular results," said Cero.

The inability of Croats and Muslims to return to areas controlled by "the other side" has been a persistent problem since the March 1994 establishment of the Croat-Muslim federation, which followed a vicious, year-long war in central Bosnia between the two sides. That war created nearly "pure," mono-religious populations in areas it affected, forcing uprooted Muslims to occupy the abandoned homes of Croats in government-controlled areas, and uprooted Croats to take up the abandoned homes of Muslims in Croat-controlled areas. Despite the desire of many uprooted people to return to their homes, authorities on both sides—particularly the Croats—are unwilling to take the necessary first steps that would break the logjam and permit the uprooted to return. Given such persistent problems between Croats and Muslims—nominal allies—hopes are not high that returns to and from Serb-controlled areas will be any easier.

UNHCR's Thinking Prior to the Dayton agreement, UNHCR indicated that it was already contemplating the issues of refugee repatriation and the return of displaced persons. UNHCR has stated that it believes the first to return should be the 1.3 million persons estimated to be displaced within Bosnia, followed by the more than 800,000 refugees and displaced persons (from both Bosnia and Croatia) in the other former Yugoslav republics, and lastly, the 700,000
or more former Yugoslav (primarily Bosnian) refugees elsewhere in Europe. UNHCR has speculated that such a return program—if undertaken—might cost from $300 million to $500 million.

Acknowledging the complexity of such returns in the former Yugoslavia, Margaret O'Keefe, a senior UNHCR representative, told Tanjug, the official Yugoslav news agency, "The signing of a peace accord is a precondition for the return of the refugees, but a mere signing itself will not be enough to restore trust."

Given the widespread, systematic, and brutal nature of the conflict in Bosnia, which has produced more than two million refugees and internally displaced persons, restoring trust may be only the first of many daunting challenges.

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**CANADA, UNITED STATES DRAFT AGREEMENT ON RETURNING ASYLUM SEEKERS**

The U.S. and Canadian governments have agreed to distribute for comment a draft Memorandum of Agreement (MOA) between the two countries relating to determining which country is responsible for examining the asylum claims of persons who travel from one country to the other.

The MOA is expected to be signed in the first week of February 1996, and to be implemented in December 1996.

The key provision of the MOA, Article 6, states that asylum claims will ordinarily be examined by the country of first arrival. For example, if a Sri Lankan arrives in Canada via the United States (there are no direct flights from Sri Lanka to Canada), and attempts to apply for asylum in Canada, he or she could be returned to the United States to have the claim examined here.

Exceptions to the country of first arrival rule would apply if the asylum applicant has immediate family members in the second country who are lawfully present there or who have asylum cases pending there. An exception can also be made if the applicant has other close relatives, such as siblings or non-dependent children, who are in lawful status in the second country and no such relative who was in the country of first arrival just prior to arrival. In cases of unaccompanied minors, the agreement says that exceptions can be made where the best interests of the child would be served by remaining in the second country.

An exception is also made for mere transit cases. If the asylum applicant arrived in the first country by air and stayed there for less than 48 hours, or if he or she arrived in the first country by land or sea and was in transit there for less than ten days, then the return arrangement would not apply.

Persons arriving in the second country with valid visas for that country, or if only one country does not require a visa from the country of origin of the asylum seeker, then the country that lawfully admits the asylum seeker is responsible for examining the claim, even if the first country allowed the person transit rights.

If a person was unlawfully present in the second country more than six months, and was not subjected to removal proceedings, then the country of first arrival is no longer responsible for examining the asylum claim. The country of first arrival is also not responsible for examining the asylum claim if the applicant spent more than three years in lawful status in the second country.

In Europe, where asylum claimants are frequently returned to so-called "safe third countries," it is often the case that an applicant is removed from one country without a hearing on the merits of the asylum claim, but without the receiving country being informed that the removal is on account of the safe third country rule. In order to avoid such confusion, the Canada-U.S. MOA stipulates that the country sending the applicant "shall provide written confirmation" to relevant officials of the other party that the transfer is due to the MOA.

The MOA includes additional safeguards against the possibility of "orbit refugees," the phenomenon of asylum seekers being bounced from country to country with no country agreeing to take responsibility for the person. First, Article 4 specifies that the country determined to be responsible will, in fact, examine the claim and extend protection consistent with the UN Refugee Convention and Protocol. Second, Article 5 states that neither the United States nor Canada may return or remove the asylum seeker covered by the MOA to a third country prior to a refugee status determination unless both the United States and Canada have entered into a bilateral or multilateral return
## ASYLUM CLAIMS IN CANADA 1989-1995

### 1995 (Through early November)

<table>
<thead>
<tr>
<th>Port of Entry</th>
<th>Port of Other</th>
<th>Inland</th>
<th>Total Claims</th>
<th>Port of USA</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>via USA</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Sri Lanka</td>
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<tr>
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<tr>
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<td>13</td>
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<tr>
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<tr>
<td>Pakistan</td>
<td>211</td>
<td>227</td>
<td>444</td>
<td>882</td>
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</tr>
<tr>
<td>Bangladesh</td>
<td>381</td>
<td>197</td>
<td>206</td>
<td>784</td>
<td>49%</td>
</tr>
<tr>
<td>China (PRC)</td>
<td>21</td>
<td>369</td>
<td>276</td>
<td>666</td>
<td>3%</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td><strong>334</strong></td>
<td><strong>55</strong></td>
<td><strong>426</strong></td>
<td><strong>954</strong></td>
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<tr>
<td><strong>Inland</strong></td>
<td><strong>279</strong></td>
<td><strong>660</strong></td>
<td><strong>1,140</strong></td>
<td><strong>2,014</strong></td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>2,014</strong></td>
<td><strong>2,014</strong></td>
<td><strong>2,014</strong></td>
<td><strong>2,014</strong></td>
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</table>

### 1989-1995 (Through early November)

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<thead>
<tr>
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<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>via USA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>13,884</td>
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<tr>
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<td>China (PRC)</td>
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</tr>
<tr>
<td>Lebanon</td>
<td>3,619</td>
<td>1,646</td>
<td>2,567</td>
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<td>46%</td>
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<tr>
<td>India</td>
<td>274</td>
<td>2,710</td>
<td>3,788</td>
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<td>4%</td>
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<tr>
<td>Pakistan</td>
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<td>2,094</td>
<td>2,557</td>
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<td>31%</td>
</tr>
<tr>
<td>El Salvador</td>
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<td>141</td>
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</tr>
<tr>
<td>Israel</td>
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<td>2,979</td>
<td>2,186</td>
<td>5,259</td>
<td>2%</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>1,340</td>
<td>974</td>
<td>1,785</td>
<td>4,099</td>
<td>33%</td>
</tr>
<tr>
<td><strong>Top 10</strong></td>
<td><strong>42,329</strong></td>
<td><strong>33,378</strong></td>
<td><strong>25,452</strong></td>
<td><strong>101,159</strong></td>
<td><strong>42%</strong></td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td><strong>20,002</strong></td>
<td><strong>21,651</strong></td>
<td><strong>49,351</strong></td>
<td><strong>91,004</strong></td>
<td><strong>22%</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>62,331</strong></td>
<td><strong>55,029</strong></td>
<td><strong>74,803</strong></td>
<td><strong>192,163</strong></td>
<td><strong>32%</strong></td>
</tr>
</tbody>
</table>

Source: Citizenship and Immigration Canada
agreement with the third country under which the refugee claimant is provided the opportunity for a refugee status determination. If either the United States or Canada does not have such an agreement with the third country, the asylum seeker could only be removed to that third country if the government lacking such an agreement consents to the removal of the asylum seeker to that country.

Both the United States and Canada also reserve the discretion to examine the asylum claim made to them. The Canadian Council for Refugees (CCR) issued a press release on November 27 calling for a "widely based consultation and serious study" of the MOA. The CCR noted that pending legislation in the U.S. Congress "seriously calls into question the U.S. commitment to refugee protection," and said that even under current U.S. law "procedural and substantive safeguards are lower in the U.S. than in Canada."

Most concern on the U.S. side of the border has focused on whether the agreement will add significantly to the number of asylum cases heard in the United States. In the period 1989 to 1995 (through early November), 32 percent of all refugee claimants in Canada were known to have transited via the United States (see chart, p. 9).

Among the top ten nationalities seeking asylum, the figure rises to 42 percent. Since "inland" applicants account for another 39 percent of the total, and because it is likely that a large percentage of inland applicants probably also transited via the United States but did not register at a port of entry, the number of potential applicants to be returned to the United States under such an agreement could be considerably higher than 32 percent. In terms of actual numbers, 62,331 entered at a port of entry via the United States; 74,803 are listed as "inland" and 55,029 as "other"—presumably airport arrivals. The total number of claims for that period was 192,163. The figures for 1995 follow the same pattern.

To address this concern, the MOA specifies that during calendar year 1996, no more than 150 requests to transfer responsibility for examining the asylum claim shall be made by either party to the agreement; but by the end of 1997, no more than 500 persons shall be returned to either party under the terms of the agreement.

**Updates**

- **The U.S. government called upon the Cuban government to reduce a $750 fee imposed on Cubans emigrating to the United States.** The request came during two days of talks on immigration in New York in November. The discussions in New York represent the fifth round of immigration talks since September 1994.

  The service charge includes $400 for a medical examination, $100 for a passport, and $250 for an exit permit. Anne Patterson, the U.S. Deputy Assistant Secretary of State, described the fees as "an impediment to legal immigration." Ultimately, the negotiators failed to reach agreement, and the fee remains unchanged. The door is open for future discussions.

  The fate of 1,200 jailed Cubans who arrived during the 1980 Mariel boatlift also lacks a final decision. The Cubans remain in U.S. detention centers even though many have completed their prison sentences. U.S. officials say they have no right to settle in the United States, contending their criminal records make them "excludable." The Cuban government refuses to allow them to repatriate, alleging that U.S. officials may be overstating their criminal backgrounds.

- **The number of Cuban-Americans taking charter flights from Miami to Havana to visit relatives has soared since the Administration eased one-year-old travel restrictions in October 1995.** Although some Cuban-American leaders urge restrictions on travel to Cuba as a means of reinforcing the U.S. trade embargo against that country, an estimated 100,000 Cuban-Americans have visited the island every year since 1988.

  In October 1994, in the wake of the exodus of thousands of boat people and the U.S.-Cuban agreements to stem the flow of further would-be refugees, the Administration imposed tighter restrictions on travel to Cuba. As a result, the number of Cuban-Americans traveling there directly from Miami dropped to about 30,000 during the period October 1994 to October 1995. According to Cuban government estimates, however, 68,000 Cuban-Americans traveled to Cuba through third
countries during the same period. More than 50,000 Cuban-Americans are expected to travel directly from Miami to Havana between now and October 1996.

- During November, the U.S. Coast Guard interdicted boats carrying 1,102 Haitians, including two freighters that each carried more than 500 people. The number of Haitians interdicted in November is the highest monthly total since July 1994, and brings to 1,969 the number of Haitians interdicted in 1995. It is unclear if the upsurge in boat departures from Haiti is related to political violence in Haiti. All the interdicted Haitians have been or will be returned to Haiti. In addition to the Haitian interdictions, in 1995, the Coast Guard has also interdicted nearly 4,500 Dominicans attempting to reach Puerto Rico, according to the Washington Post.

- In fiscal year 1995, the U.S. Immigration and Naturalization Service (INS) granted 54 applications for asylum submitted by Mexicans, according to INS statistics. The 54 INS-approved applications represent a significant increase from the five applications approved in FY 94. No applications for asylum submitted by Mexicans were approved by the INS in the period 1990 through 1993, according to the Washington Post.

- On November 20, a federal judge ruled unconstitutional portions of California's Proposition 187 that would deny education and health and social welfare services to undocumented immigrants. In the ruling, which is expected to be appealed to the U.S. Court of Appeals, U.S. District Judge Mariana Pfalzler ruled that although the state of California may have the right to refuse to spend its own funds on illegal immigrants, the state cannot deny federally funded services by asking aliens about their immigration status. This would constitute attempting to control immigration, which is solely a federal function, she ruled. Judge Pfalzler's ruling let stand portions of the law that established new sanctions for the distribution and use of false citizenship documents.

- The Republican-sponsored budget reconciliation bill sent to President Clinton includes a provision to establish a $3.5 billion federal trust fund to reimburse 15 states for the cost of providing emergency medical care to undocumented aliens during the next five years. Because the federal government requires hospitals to provide emergency services regardless of immigration status—but does not provide funding for those services—much of the cost of providing such services is borne by state Medicaid funds. Under the proposed plan, California would receive $1.6 billion from the trust fund, New York would receive nearly $500 million, and Texas would receive nearly $400 million, according to the Washington Post.

- The current Senate version of the State Department authorization bill contains a provision that would prevent the United States from any future resettlement of Iraqi refugees currently in Saudi Arabia or Turkey. The entire bill, sponsored by Sen. Jesse Helms (R-N.C.), has been on hold in the Senate for several months due to disagreements between Helms and key Democrats.

  The approximately 15,000 Iraqi refugees who remain in Saudi Arabia include civilians who fled persecution by the Iraqi government, others who heeded then-President Bush's call to take up arms against Iraqi President Saddam Hussein, and former members of the Iraqi military who deserted before or during Operation Desert Storm, many of whom provided valuable information to allied forces, according to the State Department.

- On November 20, the UN High Commissioner for Refugees (UNHCR) appealed for $71 million to provide humanitarian assistance to more than 3.3 million people in the former Yugoslavia during the period January through April 1996. Despite the Dayton peace agreement (see related article, page 5), millions of people in the former Yugoslavia remain uprooted and in need of aid.

- On November 23, the fifteen member states of the European Union (EU) adopted a resolution that includes a restrictive interpretation of the 1951 Refugee Convention under which EU states may refuse to recognize as refugees persons subjected to persecution by "non-state agents," such as rebel groups. The resolution was protested by UNHCR, which said that the provision is "contrary to the text and to the spirit of the 1951 Convention." At present, only four EU member states—Ger-
many, France, Sweden, and Italy—refuse to recognize persecution by non-state agents. Although the resolution is non-binding, the EU's rush toward "harmonization" of asylum policies may lead more EU member states to refuse to recognize persecution by non-state agents.

- Also on November 23, UNHCR issued a report criticizing European countries for the widespread practice of detaining asylum seekers, a practice that Dennis McNamara, UNHCR's director of international protection, called "inhumane." "The use of detention against asylum seekers is, in the view of UNHCR, inherently undesirable," said the report. McNamara noted that refugees "have already suffered in their own country," and should not be harassed further by practices such as detention.

- In the past two months, 43 persons from East Timor, a south Pacific island annexed by Indonesia in 1976, have sought asylum in Western embassies in the Indonesian capital, Jakarta, according to press reports. All 43 have been admitted to Portugal, the former colonial ruler of East Timor. An estimated 1,300 other East Timorese have reached Australia by various means, including by boat, since 1994. Many of them have applied for asylum, but the Australian authorities have approved the applications of only a handful.

  On November 22, Reuters reported that Indonesian forces had "captured" 27 East Timorese boat people attempting to reach Australia. The upsurge in the number of Timorese seeking asylum is believed to be related to a number of domestic anniversaries, including the November 1991 killing of at least 50 demonstrators by the Indonesian army.

- In November, Sri Lankan government troops captured Jaffna, the northern stronghold of the Liberation Tigers of Tamil Eelam (LTTE) rebel group. In October, the LTTE encouraged residents to flee Jaffna for other LTTE-controlled areas. An estimated 300,000 to 450,000 Tamils remain displaced (see Refugee Reports, Vol. XVI, No. 10). An estimated 2,000 civilians and combatants were killed in the government's six-week offensive. The LTTE has responded by launching new attacks in eastern Sri Lanka. The recent fighting follows the LTTE's resumption of the war in April.

### Resources

**UNHCR ISSUES "STATE OF THE WORLD'S REFUGEES"**

The office of the UN High Commissioner for Refugees (UNHCR) has released the second in its series of biannual reports titled The State of the World's Refugees. The 1995 edition of the report, subtitled In Search of Solutions, chronicles the evolution of the paradigm shift that the UN's refugee protection and assistance agency has embraced. That shift, according to High Commissioner Sadako Ogata, is from the historically "reactive" approach to the needs of persons who already have been forced into exile, to a "proactive and preventive" approach that recognizes "the changing nature of the international political and economic order." Part of that changing nature, according to the report, is a "declining commitment to the principle of asylum" by governments.

**"Persons of Concern"**

UNHCR's new report could just as well be titled The State of the World's Persons of Concern. According to the report, at the beginning of 1995, some 27 million persons worldwide were considered to be "of concern" to UNHCR. Of this total, however, only about 14.5 million were refugees. The nearly 13 million others considered to be of concern to UNHCR included a mixture of internally displaced persons (5.4 million), returnees (4 million), and "others of concern" (3.5 million).

This rapid expansion in nonrefugees "of concern" to UNHCR has occurred almost entirely within the past three years, at a time when many Western governments—especially in Europe—were implementing procedures, such as new visa requirements and "safe third country" agreements, that reduced the number of persons able to submit applications for asylum. Critics of UNHCR's new involvement in countries of origin charge that Western governments are willing to foot the bill for such involvement in order to reduce the number of persons who flee and seek asylum outside the country of origin.

The expansion of UNHCR's role to include countries of origin has brought accolades from those who support the "right to
remains" promoted by the High Commissioner, while simultaneously instilling trepidation in those who believe that UNHCR's new role is inherently incompatible with its traditional role of protection of and assistance to refugees in asylum countries.

**Emphasis of Report** Mirroring UNHCR's new involvement in countries of origin, *The State of the World's Refugees* places heavy emphasis on activities in countries of origin, drawing on UNHCR's experiences of the past several years. Each of the report's five chapters places considerable emphasis on activities not traditionally considered to be part of the refugee debate, such as peacekeeping, working in war zones, "safe areas," promoting development, and general migration questions. Although at times the UNHCR report appears to cast the agency as a willing participant in this new milieu, the report notes also that—to some extent—UNHCR is merely recognizing the increased reluctance of potential asylum countries to accept new refugees, and is attempting to intervene at the point of origin "to meet contemporary needs."

The thoughtful, 264-page report includes five chapters: Changing Approaches to the Refugee Problem; Protecting Human Rights; Keeping the Peace; Promoting Development; and Managing Migration. The report also includes summaries of UNHCR activities in selected countries, as well as statistics on most of the populations considered to be of concern to UNHCR.

*The State of the World's Refugees: In Search of Solutions* is published by Oxford University Press.

**NEW REPORT ON GLOBAL LANDMINE EPIDEMIC**

The Vietnam Veterans of America Foundation (VVAF), one of the world's most active campaigners to end the production, export, and use of antipersonnel landmines, has published a new report on landmine-affected countries throughout the world. *After the Guns Fall Silent: The Enduring Legacy of Landmines*, written by Shawn Roberts and Jody Williams, summarizes the global landmine situation and provides specific data on a number of the

### REFUGEES AND OTHER PEOPLE OF CONCERN TO UNHCR

<table>
<thead>
<tr>
<th>Year</th>
<th>Refugees</th>
<th>Other people of concern to UNHCR</th>
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<td>1995</td>
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</table>

Source: UNHCR
world's most mine-affected countries. According to VVAF, each year 26,000 people—overwhelmingly civilians, many of them displaced persons or returning refugees—are killed or maimed by landmines. The report notes that the worldwide landmine problem is increasing: in 1993, 2.5 million mines were laid, but only 80,000 were removed.

The 554-page After the Guns Fall Silent: The Enduring Legacy of Landmines is available for $19.95 from VVAF, 2001 S Street, NW, Suite 701, Washington, DC 20009. Persons interested in learning more about the International Campaign To Ban Landmines may contact VVAF at the above address or by phone at (202) 483-9222.

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SURVEY OF BOSNIAN RESETTLEMENT IN THE UNITED STATES

The major adjustment challenges facing Bosnian refugees in the United States are poor English ability, starting their life over, work, culture shock, and concern about the continued turmoil in Bosnia, according to a survey of 42 service providers in 22 communities around the United States conducted by the Center for Applied Linguistics (CAL). The purpose of the survey was twofold: to collect specific information on the Bosnians' resettlement experience from the perspective of the service providers and, based on this data, to provide recommendations for the pre-arrival orientation program administered by the International Catholic Migration Commission in Zagreb, Croatia.

The following is a brief overview of the survey’s findings.

**Housing:** The agencies usually place Bosnians in the same neighborhood. Newly arrived refugees are normally given flexible leases allowing them to move out of the housing after a short time.

**ESL/Education:** The English ability of most Bosnians is at the beginner level. ESL classes are free and easily available and the length of time refugees remain in classes varies. Once an individual finds a job, English training usually stops. The education level varies greatly among the resettled Bosnians, but most have little opportunity for post-secondary schooling during the first year.

**Employment:** The length of time to find a job differs, but the agencies reported that they usually find a refugee's first job. Manufacturing is the dominant type of employment. Construction, hotel service, and restaurant/fast food jobs are also common. In most cases, Bosnians are not turning down jobs because of "lower status." English language proficiency is important in finding a job and advancing in that job.

**Public Assistance:** The voluntary agencies said that generally Bosnians use public assistance to the same degree or less than other local refugees. Public assistance differs from area to area, but only provides the lowest standard of living.

**Health:** Some Bosnians arrive with specific health problems, especially dental. Some agencies report that some Bosnians have sought counseling for post-traumatic stress disorder.

**Community/Cultural Adjustment:** Bosnians cope with their new surroundings and isolation by forming close ties with other Bosnians. In some areas, pre-existing Yugoslav communities are helping the Bosnians, regardless of their ethnic background. In other locales, the Croatian community has helped while Serbian-Americans have not.

**Volag Recommendations** The survey summarizes the voluntary agencies' recommendations for the pre-arrival orientation program. They advise that the cultural orientation be required and more detailed. As English is the key factor in obtaining a job and getting above the entry-level, ESL classes should be provided wherever Bosnians are processed (not just in Croatia). The importance of continuing English classes should be emphasized, say service providers. An overview of the post-secondary education system and financing education should also be included.

Agencies recommend that cultural orientation should include an explanation of the U.S. employment situation. Bosnians should be encouraged to accept any job they can get. Agencies recommend that Bosnians should be told that, in general, Americans receive less vacation than Bosnians are accustomed to.

Some respondents said that an explanation of American bureaucracy and the importance of understanding and accurately filling in paperwork would be extremely useful. Refugees should be given an overview of the health and welfare system of the U.S. and the expectations of the U.S. government and the role of voluntary organizations.

Finally, "attitude" is seen as the key to successful resettlement. Bosnians should be
encouraged to “accept the reality of resettlement,” to take responsibility and initiative, and to be patient and set objectives.

The service providers who were surveyed reported that they had resettled about 2,300 cases since 1993 (approximately 6,500 Bosnians).

Another survey is being prepared to gather information from the Bosnian refugees in order to get their views on resettlement in the U.S.

For more information about the survey, contact Margo Pfleger, associate director, Refugee Service Center, CAL, 1118 22nd St., NW, Washington, DC 20037. Tel. (202) 429-9292; FAX: (202) 659-5641.

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**International Center for Migration, Ethnicity, and Citizenship Goes Online**

The International Center for Migration, Ethnicity, and Citizenship (ICMEC) has established e-mail party lines, known as “listservs,” and a homepage on the Internet as a way of facilitating communications among professionals, researchers, and students interested in refugees, immigrants, migration, and ethnicity.

ICMEC’s listserv offers a choice of five working groups: Refugees: Causes, Policies, Solutions (REFUGEE); US and Canada: Immigration, Incorporation, Citizenship (USCANMIG); Europe: Immigration, Incorporation, Citizenship (EUROMIG); Ethnicity and Nationalism: Theory, Causes, Impact (ETHNAT); and Global Migration: Theory, Causes, Impact (GLOBEMIG). To join one or all of the groups, e-mail your correspondence to 276691@newschool.edu.

ICMEC’s homepage on the Internet acts as an electronic bulletin board. You can access it at “http://cssc.newschool.edu”. This resource offers a directory of professionals and academics in migration-related fields; full text working papers that may be downloaded or read on-line; information on ICMEC; and a listing of current events and programs in New York, North America, and Europe.

Messages on both the listserv and the homepage will include discussion of recent publications or works in progress, announcements of upcoming events, current news items of interest, and references for researchers.

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**Job Board**

**Directing Attorney** American Immigration Law Foundation (AILF) seeks attorney with comprehensive experience in immigration law to direct its legal action center. Responsibilities include analyzing new proposals, providing direct mentoring to practitioners, and coordinating public comment on regulations. Requirements include experience in immigration law and practice, proven analytical and writing abilities, and experience in federal litigation, among others. Start date is January 1, 1996.

**Contact:** Send statement of interest, resume, writing sample, description of litigation experience, and names of at least three references to American Immigration Law Foundation, Attn: Warren R. Leiden, Executive Vice President, 1400 I Street, NW, Suite 1200, Washington, DC 20005. Fax: (202) 371-9449.

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**Attention Questionnaire Recipients!**

USCR is in the process of conducting a random survey of our readership to assess the usefulness and relevance of *Refugee Reports*. Many of you received a questionnaire recently that you were asked to complete and return in a postage-paid envelope. USCR sincerely appreciates the thoughtful responses and comments that we have received thus far.

We are asking those of you who have not yet taken the few minutes needed to complete the questionnaire to do so soon. USCR is genuinely interested in the opinions our readers have of *Refugee Reports*, and we intend to use those opinions to improve our work.

After we have compiled the results of this reader survey, we will include them in a future issue. Again, we thank all respondents for your participation in this effort.
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Notes: Data provided by Intergovernmental Consultations on Asylum, Refugee, and Migration Policies in Europe, North America, and Australia. Statistics for Australia and USA refer to principal applicants and do not include dependents. Some figures have been rounded to nearest hundred or thousand. Source: UNHCR
The UN High Commissioner for Refugees (UNHCR) resettlement office in Zagreb has suspended referrals for resettlement of Bosnian refugees in Croatia originating from the area of the Bosnian Federation, according to the U.S. Refugee Resettlement Office (RRO) in Zagreb. The suspension is due to the Dayton accords and the prospect that refugees may be able to return to Bosnia (see Refugee Reports, Vol. XVI, No. 11); the suspension will be reevaluated based on the degree to which the Dayton accords are implemented.

UNHCR will continue to refer for resettlement Bosnian refugees expelled from or fleeing the Serb-controlled Banja Luka/Prijedor area (see Refugee Reports, Vol. XV, No. 11). However, UNHCR maintains that would-be refugees are continuing to find it difficult to enter Croatia since the Bosnian government is preventing them from leaving and resettling them in areas captured by its army.

The RRO reports that UNHCR staff anticipate continued referrals of certain vulnerable groups, such as ethnically mixed families.

A group of 214 Bosnian Muslim detainees in Serbia have been referred by UNHCR for U.S. resettlement, according to the International Organization for Migration (IOM) office in Belgrade. The refugees are part of a group of 797 refugees who fled the Bosnian "safe areas" of Zepa and Srebrenica in July 1995 (see Refugee Reports, Vol. XVI, No. 7). After crossing the Drina River into Serbia, they were detained by the Serbian authorities and are being held at detention centers in Sljivovica and Mitrovo Polje.

All but one of the detainees are men. Most are believed to have been part of the Bosnian defense forces before fleeing. In nearly every case, the men have been separated from their families, who were evacuated to Zenica and Tuzla in government-controlled Bosnia after the falls of Zepa and Srebrenica.
UNHCR REPATRIATION PLAN FOR BOSNIA AND HERCEGOVINA

Phase 1: Now through Spring 1996
- Spontaneous returns.
- The return of talent necessary for reconstruction (implemented by the International Organization for Migration).
- The return of the internally displaced within Bosnia and Hercegovina:
  a) to areas where they would be part of the ethnic majority, and
  b) where feasible, to areas where they would be in a minority.
- People outside Bosnia and Hercegovina who have a house or a place offered by friends or family to return to.

Phase 2: Late Spring through Summer 1996
- People returning from neighboring countries:
  a) to areas where they would be part of the ethnic majority, and
  b) where feasible, to areas where they would be in a minority.
- A modest return of people from non-neighboring host countries to areas where they would constitute part of the ethnic majority.

Phase 3: Early Autumn 1996 forward
- The organized return from non-neighboring host countries to areas where the returnees would form part of the ethnic majority or minority.
- The return of those who have to wait for shelter to be constructed.

Source: UNHCR

The men have been living in crowded, prison-like conditions since July 1995. No nongovernmental organizations operate in the detention centers, and access to the camps is limited. They are not permitted to leave the detention centers until the day of departure for third country resettlement. The 214 UNHCR-referred cases have been approved by the U.S. Immigration and Naturalization Service (INS). They are expected to arrive in the United States at the end of January 1996.

- The INS has announced a dramatic increase in the number of asylum cases completed in 1995 compared to 1994. A total of 126,165 cases were completed in 1995, the first year of a new asylum procedure, in contrast to 60,788 case completions in 1994 under the old system. (These statistics relate to calendar years; the statistics on pages 12-13 of this issue relate to fiscal years.)

There was also a 57 percent reduction in the number of new asylum claims filed, from 122,589 to 53,255 in 1995, excluding Salvadorans filing asylum claims according to the American Baptist Churches (ABC) v. Thornburgh class action settlement. The ABC cases represent a significant number, but they are being considered as part of the “backlog” cases rather than new receipts because, according to the terms of the settlement, they must be adjudicated according to the old system. (In contrast, the FY 95 statistics on pages 8 and 12 of this issue include ABC filings.)

The asylum backlog stood at 460,000 at the end of 1995, a modest increase from the 447,000 cases in the backlog at the end of 1994. About 250,000 of those cases relate to the ABC settlement.

INS Commissioner Doris Meissner attributed the sharp drop in new applications to the decoupling of filing asylum claims from automatic work authorization. Under the new system, work authorization is not provided unless asylum is granted or the case is not completed within 180 days.

Currently, 84 percent of individual claims for asylum are heard by the INS within 60 days. Immigration Judges have completed more than 98 percent of new non-ABC cases referred to them by INS asylum officers within the 180-day time period.

The INS attributes this greater efficiency, in part, to having more resources devoted to asylum adjudication. Based on funding through the 1994 Crime Bill, the corps of INS asylum officers was more than doubled from
the number of immigration judges was also boosted from 112 to 179. Streamlining measures also account for greater efficiency, according to the INS.

"By limiting the availability of work authorization only to those applicants who are granted asylum or who are not promptly adjudicated," said Meissner, "the Administration has significantly reduced the potential for baseless claims."

- The INS has decided to extend work authorization to Salvadorans who had been beneficiaries of deferred enforced departure (DED) for another three months, until April 30, 1996. Work authorization was to have ended on January 31, which still remains the deadline for filing new asylum claims for Salvadorans who had temporary protected status (TPS) or DED, according to the terms of the settlement of the American Baptist Churches (ABC) v. Thornburgh class action settlement.

- In a long-standing case involving eight Palestinians alleged to be members of the Popular Front for the Liberation of Palestine (PFLP), a panel of the U.S. Court of Appeals for the Ninth Circuit, on November 8, found that aliens in the United States, regardless of status, have the same First Amendment rights as U.S. citizens, and that secret information cannot be used by the government as evidence to deport them.

  In its opinion, American-Arab Anti-Discrimination Committee v. Reno, the ninth circuit affirmed that "the values underlying the First Amendment require the full applicability of First Amendment rights to the deportation setting."

  The court also declared that "the use of undisclosed information in adjudications should be presumptively unconstitutional."

  Referring to two of the Palestinians who had applied for legalization under the Immigration Reform and Control Act (IRCA), the court held that "there is no adequate remedy at law to compensate for denial of legalization based on a constitutional violation, and...the use of secret information about their affiliation with the PFLP irreparably injures Barakat and Sharif by depriving them of a strong liberty interest without due process, and, indirectly, by chilling their First Amendment rights of expression and association."

- On November 29, the Senate Subcommittee on Immigration approved a bill that would reduce legal immigration to the United States by 25 percent during the next five years. The subcommittee also voted to combine this legal immigration bill, S. 1394, introduced by subcommittee chairman Sen. Alan K. Simpson (R-Wyo.), with S. 269, a bill on illegal immigration that Simpson had introduced and the subcommittee had approved earlier in the year.

  At the mark-up, Sen. Diane Feinstein (D-Cal.) introduced the only refugee-related amendment, one that would require targeted assistance program (TAP) grants to be allocated based on the number of refugees residing in a county at the beginning of the fiscal year who arrived in the United States within five years of that fiscal year.

  Feinstein's formula would have the effect of favoring allocations of targeted assistance grants to counties in California to the detriment of heavily impacted sites of newer arrivals, such as Dade County, Florida. According to the current formula used by the federal Office of Refugee Resettlement (ORR), Florida receives twice as much TAP funding as California. ORR's FY 95 proposal allocated a total of $21.9 million for counties in Florida and $10 million for counties in California (out of a national total of $49.4 million).

  The Feinstein amendment passed by voice vote.

  S. 1394 passed the subcommittee by a 5-2 vote. Sens. Edward M. Kennedy (D-Mass.) and Paul Simon (D-Ill.) voted against; Feinstein joined with the Republicans in supporting the measure.

- The State Department's Bureau for Population, Refugees, and Migration has withdrawn its requirement that voluntary agencies (VOLAGS) resettling refugees monitor employment outcomes for all employable refugees for a period of 180 days.

  Prior to FY 1996, the Bureau required that agencies track and report on employment outcomes for all employable refugees 90 days after their arrival. It also required VOLAGS to report on employment outcomes for employable "free case" (non-anchored) refugees at 180 days.

  In drafting the Cooperative Agreements for FY 1996, the Bureau required that agencies track and report on employment outcomes for all employable refugees, not just free cases, at 180 days, and said that it would evaluate an agency's performance on its track record during that time period. The VOLAGS objected to
the new requirements on several grounds, including the increased cost of implementation, and therefore asked for an increase in the amount of the per capita Reception and Placement grant that the Bureau awards the VOLAGS.

In mid-December, the Bureau said that

it was unable to increase the grant, and therefore would “reluctantly” return to the FY 1995 monitoring and reporting requirements. In announcing its decision, the Bureau emphasized the need, given the current political climate in Washington, to generate more detailed data on refugee employment. It said that it would explore alternative methods of collecting the data in FY 1996.

- GIANT YARD SALE!!! The Department of Defense (DOD) has announced a liquidation sale of the Guantánamo Bay refugee camp, including thousands of portable toilets, folding cots, tents, and trash cans. DOD took out newspaper ads calling the sale “the best deal from Cuba since cigars.”

As of December 13, a total of 3,781 Cubans were still being held at Guantánamo. The Cuban camp is due to be closed by the end of January. At its height, Guantánamo held about 32,000 Cubans and about 20,000 Haitians.

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**Resources**

**USCR REPORT CAUTIONS AGAINST HASTY REPATRIATION OF ANGOLAN REFUGEES**

The U.S. Committee or Refugees (USCR) has called on the UN High Commissioner for Refugees (UNHCR) to reevaluate its plans to begin the repatriation of refugees to Angola in mid-1996. USCR, citing the slow pace of implementing the peace agreement signed by the Angolan government and the UNITA rebel group, made its call in a recently released report, *If This Peace Is Real: The Return Home of Uprooted Angolans*. USCR called the repatriation timetable proposed by UNHCR “unrealistic” and “unsafe.” An estimated 300,000 or more Angolan refugees have sought asylum in neighboring countries, particularly Zaire and Zambia.

*Refugee Reports* subscribers may receive the 36-page report free of charge by contacting USCR and identifying themselves as subscribers. The report is available to nonsubscribers for $4.00. To order, contact Rací Say at the U.S. Committee for Refugees, 1717 Massachusetts Avenue, NW, Suite 701, Washington, DC, 20036. Tel: (202) 347-3507; Fax: (202) 347-3418.
### Indochinese Refugee Activity

#### Cumulative Since April 1975

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<th>Relocation</th>
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<tr>
<td>OTHER TO U.S. IN 1975</td>
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<td>--</td>
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<td>VIET. TO CHINA IN 1977/79</td>
<td>--</td>
<td>--</td>
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<td>2,202</td>
<td>1,944,457</td>
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*Arrivals in the RPCs are not added, as this would result in double counting.*


---

### The Orderly Departure Program, FY 95

<table>
<thead>
<tr>
<th>Subprogram Class</th>
<th>Arrivals in RPCs</th>
<th>Refugees to U.S.</th>
<th>Non-refugees to U.S.</th>
<th>Subtotal Non-Ref.</th>
<th>Total ODP to U.S.</th>
<th>Other Third Country</th>
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<tbody>
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<td>Family Reunification</td>
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<td>Former USG Employees</td>
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<tr>
<td>Others</td>
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<tr>
<td>Subtotal</td>
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<td>6,509</td>
<td>363</td>
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<td>1,435</td>
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<tr>
<td>Accompanying Relatives</td>
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<td></td>
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</tr>
<tr>
<td>Subtotal</td>
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<td>12</td>
<td>970</td>
<td>10</td>
<td>0</td>
<td>14</td>
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<tr>
<td>RE-ED CAMP SUBPROGRAM</td>
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<tr>
<td>Former Re-Ed Prisoners</td>
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<tr>
<td>Accompanying Relatives</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Subtotal</td>
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<td>30,312</td>
<td>226</td>
<td>9</td>
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<td>81</td>
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<tr>
<td>TOTAL FY 95</td>
<td>0</td>
<td>31,676</td>
<td>970</td>
<td>6,745</td>
<td>372</td>
<td>46</td>
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</table>

### Designated Nationalities and Refugee Processing Priorities by Region — FY 96

<table>
<thead>
<tr>
<th>Region</th>
<th>P-1</th>
<th>P-2*</th>
<th>P-3</th>
<th>P-4</th>
<th>P-5</th>
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</thead>
<tbody>
<tr>
<td><strong>AFRICA</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Burundians</td>
<td>X</td>
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<td></td>
</tr>
<tr>
<td>Liberians</td>
<td>X</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Rwandans</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Somalis</td>
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<td></td>
</tr>
<tr>
<td>Sudanese</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zairians</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

| **EAST ASIA**       |     |      |     |     |     |
| Burmese             |     |      |     |     |     |
| Laotians            |     |      |     |     |     |
| Lowlanders          | X   |      |     |     |     |
| Hmong               |     |      |     |     |     |
| Vietnamese          |     | X*   |     |     |     |

| **EASTERN EUROPE**  |     |      |     |     |     |
| **/FORMER SOVIET UNION** |   |     |     |     |     |
| Bosnians            |     | X    |     |     | X   |
| Former Soviets      |     | X    |     |     | X   |

| **LATIN AMERICA**   |     |      |     |     |     |
| **/CARIBBEAN**      |     |      |     |     |     |
| Cubans              |     | X    |     |     | X*  |

| **NEAR EAST/SOUTH ASIA** |     |      |     |     |     |
| Iranians             |     | X    |     |     | X   |
| Iraqis               |     | X    |     |     |     |

Designated nationalities are considered to be of particular humanitarian concern to the U.S. Applications for refugee admission may be accepted without prior authorization from Washington from members of designated nationalities in the priorities specified for the region. An individual who falls within a priority that is active for her/his nationality group is, in most cases, eligible for an INS interview. Nationalities not designated may be accepted for “exceptional processing” only with authorization from the Department of State and INS headquarters following a referral from either UNHCR headquarters in Geneva or a U.S. embassy. Immediate family members with INS-approved Visa 93 petitions following to join relatives who have previously been resettled as refugees may be considered without prior permission from the State Department regardless of nationality designation.

* See explanation of those eligible as groups of special concern under priority two.

**Notes:**

1. In Africa, non-designated Africans may be referred by local UNHCR offices to the U.S. Refugee Coordinator in Nairobi without prior authorization from Washington. Outside Africa, designated Africans may be referred to processing posts by local UNHCR offices, while non-designated Africans must receive prior approval from Washington following referral from UNHCR-Geneva or a U.S. embassy.
2. Laotians and Vietnamese who were members of certain category groups identified by the INS in 1983 may establish refugee status for U.S. admission by asserting a fear of persecution and asserting a credible basis of concern about the possibility of such persecution. Lowland Lao will be considered only in priority one and only if referred by UNHCR. Vietnamese screened in under the CPA will be processed in priority one.
3. The following Bosnians will be considered under priority one: vulnerable Muslims, and on an exceptional basis non-Muslims, referred by UNHCR, such as women victims of violence, torture victims, and ex-detainees; Bosnians of any ethnic group in mixed marriages referred by UNHCR; and immediate family members of minor U.S. citizen children who have been displaced by the conflict in Bosnia. (See page 1.)
4. While all persons who were nationals of the former Soviet Union prior to September 2, 1991 are eligible to be considered for refugee processing by establishing a well-founded fear of persecution, Jews, Evangelical Christians, and Ukrainian Catholic and Orthodox religious activists may establish refugee status for U.S. admission by asserting such a fear and asserting a credible basis of concern about the possibility of such persecution.
5. Cubans outside Cuba will be considered under priority one.
6. Iraqis in Saudi Arabia will be processed only under priority one; Iraqis elsewhere may be processed under priorities one and three.

DESCRIPTION OF U.S. REFUGEE PROCESSING PRIORITIES – FY 96

PRIORITY ONE: The following UNHCR-referred or U.S. embassy-identified cases: persons facing compelling security concerns in countries of first asylum; persons in need of legal protection because of the danger of refoulement; those in danger due to threats of armed attack in areas where they are located; former political prisoners; women-at-risk; victims of torture or violence; physically or mentally disabled persons; persons in urgent need of medical treatment not available in the first-asylum country; and 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.

PRIORITY TWO GROUPS OF SPECIAL CONCERN:

Cuba: In-country, emphasis given to former political prisoners, members of persecuted religious minorities, human rights activists, forced-labor conscripts, persons deprived of their professional credentials or subjected to other disproportionately harsh or discriminatory treatment resulting from their perceived or actual political or religious beliefs or activities, dissidents, and others who appear to have a credible claim that they will face persecution on the grounds delineated in the Refugee Convention and Protocol.

Iran: Refugees who have served in positions of leadership or played a conspicuous role within a religious denomination whose members are subjected to discrimination, including the clergy, prominent laymen, those who have served in denominational assemblies, governing bodies, or councils; refugees who because of their minority religious affiliations have been deprived of employment, have been driven from their homes, have had their business confiscated or looted, have been denied educational opportunities available to others similarly situated in the same area, or have been denied pensions that would otherwise be available.


Former Soviet Union: Jews, Evangelical Christians, and certain members of the Ukrainian Catholic or Orthodox churches. Preference among these groups is accorded to those with close relatives in permanent status in the U.S.

Vietnam: Former reeducation camp detainees who spent more than three years in detention camps subsequent to April 1975 because of pre-1975 association with the U.S. government or the former South Vietnamese government; certain former U.S. government employees and other specified individuals or groups of concern; and, on a case-by-case basis, other individuals who have experienced persecution because of post-1975 political, religious, or human rights activities.

PRIORITY THREE: Spouses, unmarried sons and daughters, and parents of persons lawfully admitted to the U.S. as permanent resident aliens, refugees, asylees, conditional residents, and certain parolees; unmarried sons and daughters of U.S. citizens; parents of U.S. citizens under 21 years of age. (Spouses and children of U.S. citizens and the parents of U.S. citizens who have attained the age of 21 are required by law to apply for admission on immigrant visas.)

PRIORITY FOUR: Grandparents, grandchildren, married sons and daughters, and siblings of U.S. citizens and persons lawfully admitted to the U.S. as permanent resident aliens, refugees, asylees, conditional residents, and certain parolees.

PRIORITY FIVE: Uncles, aunts, nieces, nephews, and first cousins of U.S. citizens and persons lawfully admitted to the U.S. as permanent resident aliens, refugees, asylees, conditional residents, and certain parolees.

ANNUAL ASYLUM APPLICATIONS AND BACKLOG, FY 80-95

<table>
<thead>
<tr>
<th>Year</th>
<th>Applications Received</th>
<th>Applications Pending at End of Year</th>
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</thead>
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<td>26,512</td>
<td>40,011</td>
</tr>
<tr>
<td>1981</td>
<td>61,568</td>
<td>97,459</td>
</tr>
<tr>
<td>1982*</td>
<td>33,296</td>
<td>128,387</td>
</tr>
<tr>
<td>1983*</td>
<td>26,091</td>
<td>165,998</td>
</tr>
<tr>
<td>1984</td>
<td>24,295</td>
<td>138,601</td>
</tr>
<tr>
<td>1985</td>
<td>16,622</td>
<td>126,311</td>
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<td>1986</td>
<td>18,889</td>
<td>99,408</td>
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<tr>
<td>1987</td>
<td>26,107</td>
<td>60,730</td>
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<td>1988</td>
<td>60,736</td>
<td>73,109</td>
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<tr>
<td>1989</td>
<td>101,679</td>
<td>71,993</td>
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<td>97,288</td>
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<tr>
<td>1991</td>
<td>56,310</td>
<td>137,046</td>
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<tr>
<td>1992</td>
<td>103,964</td>
<td>223,709</td>
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<td>1993</td>
<td>144,166</td>
<td>331,389</td>
</tr>
<tr>
<td>1994*</td>
<td>144,577</td>
<td>424,458</td>
</tr>
<tr>
<td>1995*</td>
<td>149,566</td>
<td>457,670</td>
</tr>
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*Data have been estimated due to changes in reporting procedures.
**Preliminary

Source: U.S. Department of Justice, Immigration and Naturalization Service; Compiled by the U.S. Committee for Refugees.
# Refugee Admissions to the United States, FY 1983-96

<table>
<thead>
<tr>
<th>Region</th>
<th>FY 83</th>
<th>FY 84</th>
<th>FY 85</th>
<th>FY 86</th>
<th>FY 87</th>
<th>FY 88</th>
<th>FY 89</th>
<th>FY 90</th>
<th>FY 91</th>
<th>FY 92</th>
<th>FY 93</th>
<th>FY 94</th>
<th>FY 95</th>
<th>FY 96</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AFRICA</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td><em>(ACTUAL ADMISSIONS)</em></td>
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<td>2,747</td>
<td>1,953</td>
<td>1,315</td>
<td>1,194</td>
<td>1,588</td>
<td>1,922</td>
<td>3,494</td>
<td>4,424</td>
<td>5,491</td>
<td>6,969</td>
<td>5,856</td>
<td>4,779</td>
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<td>45,180</td>
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<tr>
<td><em>(CEILINGS)</em></td>
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<td>2,750</td>
<td>3,000</td>
<td>3,500</td>
<td>2,000</td>
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<td>7,000</td>
<td>7,000</td>
<td>7,000</td>
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<tr>
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<td>45,454</td>
<td>40,112</td>
<td>35,015</td>
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<td>49,858</td>
<td>43,581</td>
<td>36,926</td>
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<td>8,606</td>
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<td>2,886</td>
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<td>9,087</td>
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<td>101,855</td>
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<td><strong>USSR/FORMER USSR</strong></td>
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<td>640</td>
<td>787</td>
<td>3,694</td>
<td>20,421</td>
<td>39,535</td>
<td>50,716</td>
<td>38,661</td>
<td>61,298</td>
<td>48,627</td>
<td>43,470</td>
<td>35,716</td>
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<td><strong>LATIN AMERICA</strong></td>
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<td>160</td>
<td>138</td>
<td>173</td>
<td>315</td>
<td>2,497</td>
<td>2,605</td>
<td>2,309</td>
<td>2,237</td>
<td>2,924</td>
<td>4,126</td>
<td>6,437</td>
<td>7,618</td>
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<td><strong>MIDDLE EAST AND SOUTH ASIA</strong></td>
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<td>5,998</td>
<td>10,107</td>
<td>8,415</td>
<td>6,980</td>
<td>4,991</td>
<td>5,359</td>
<td>6,844</td>
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<td>5,861</td>
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<td>6,000</td>
<td>10,200</td>
<td>9,000</td>
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<td>5,000</td>
<td>6,850</td>
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<td>5,000</td>
<td>4,000</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td>61,681</td>
<td>71,113</td>
<td>68,045</td>
<td>62,440</td>
<td>64,828</td>
<td>76,487</td>
<td>97,238</td>
<td>122,926</td>
<td>122,811</td>
<td>123,173</td>
<td>119,482</td>
<td>112,682</td>
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<td>1,210,796</td>
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<td><strong>PROJECTED</strong></td>
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<td>70,000</td>
<td>67,500</td>
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<td>121,000</td>
<td>112,000</td>
<td></td>
<td>90,000</td>
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</tbody>
</table>

**Note:** During the period FY 75-FY 82, the United States admitted a total of 804,985 refugees from the following regions: East Asia-622,555; Eastern Europe-33,605; Soviet Union-101,633; Latin America-28,281; Middle East and South Asia-12,429; and Africa-6,400. These persons do not appear in this table. This chart shows the adjusted regional ceilings that were established at mid-year consultations in FY 84, FY 85, FY 87, FY 88, FY 89, FY 90, FY 91, FY 92, FY 93, and FY 94. The worldwide annual ceilings did not change, except in FY 88, FY 89, and FY 92.

(a) Ceilings and actual admissions figures for East Asia include both first asylum resettlement and the Orderly Departure Program (ODP) from Vietnam.
(b) ODP figures include Amerasian immigrants.
(c) In FY 91, FY 92, and FY 93, Eastern Europe and the Soviet Union had separate ceilings. In all other years, the regions have a combined ceiling.
(c) Beginning in FY 92, admission numbers included an unallocated, federally funded reserve. These unallocated places were incorporated into the adjusted regional ceilings, maintaining the overall funded admissions ceiling.

**Source:** U.S. Department of State, Bureau of Population, Refugees, and Migration. Tabulated by the U.S. Committee for Refugees.
### Refugees Admitted to the United States
#### By Nationality, FY 82-95

<table>
<thead>
<tr>
<th>Nationality</th>
<th>FY 82</th>
<th>FY 83</th>
<th>FY 84</th>
<th>FY 85</th>
<th>FY 86</th>
<th>FY 87</th>
<th>FY 88</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>East Asia</strong></td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Khmer</td>
<td>20,234</td>
<td>13,115</td>
<td>19,851</td>
<td>19,097</td>
<td>9,789</td>
<td>1,539</td>
<td>2,805</td>
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<tr>
<td>Lao: Highlanders</td>
<td>2,600</td>
<td>738</td>
<td>2,753</td>
<td>1,944</td>
<td>3,668</td>
<td>8,307</td>
<td>10,388</td>
</tr>
<tr>
<td>Lao: Lowlanders</td>
<td>6,837</td>
<td>2,096</td>
<td>4,538</td>
<td>3,472</td>
<td>9,201</td>
<td>7,257</td>
<td>4,168</td>
</tr>
<tr>
<td>Vietnamese**</td>
<td>43,851</td>
<td>25,487</td>
<td>24,818</td>
<td>25,457</td>
<td>22,796</td>
<td>23,009</td>
<td>17,654</td>
</tr>
<tr>
<td><strong>Near East/S. Asia</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Afghans</td>
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<td>71,113</td>
<td>68,045</td>
<td>62,440</td>
<td>64,828</td>
<td>75,754</td>
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</table>

* Excludes 2,028 of those listed below who were admitted to the United States under non-refugee status.
** Total combines Vietnamese arrivals from first asylum camps and through the Orderly Departure Program.
*** Private Sector Initiative admissions not included: FY 88-733 Cubans; FY 89-1,512 Cubans, 38 Iranians; FY 90-3,003 Cubans, 6 Vietnamese; FY 91-1,524 Cubans; FY 92-882 Cubans; FY 93-251 Cubans.
<table>
<thead>
<tr>
<th></th>
<th>FY 89</th>
<th>FY 90</th>
<th>FY 91</th>
<th>FY 92</th>
<th>FY 93</th>
<th>FY 94</th>
<th>FY 95</th>
<th>CUMULATIVE FY 82-95</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 89</td>
<td>45,680</td>
<td>51,611</td>
<td>53,486</td>
<td>51,848</td>
<td>49,858</td>
<td>43,581</td>
<td>36,926</td>
<td>668,431*</td>
</tr>
<tr>
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<td>69,480</td>
<td>80,611</td>
<td>86,486</td>
<td>84,848</td>
<td>82,858</td>
<td>76,581</td>
<td>69,926</td>
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<tr>
<td>FY 91</td>
<td>75,480</td>
<td>86,611</td>
<td>92,486</td>
<td>90,848</td>
<td>88,858</td>
<td>82,581</td>
<td>76,926</td>
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<tr>
<td>FY 92</td>
<td>81,480</td>
<td>92,611</td>
<td>98,486</td>
<td>96,848</td>
<td>94,858</td>
<td>88,581</td>
<td>85,926</td>
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<tr>
<td>FY 93</td>
<td>87,480</td>
<td>98,611</td>
<td>104,486</td>
<td>102,848</td>
<td>100,858</td>
<td>94,581</td>
<td>94,926</td>
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<tr>
<td>FY 94</td>
<td>93,480</td>
<td>100,611</td>
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<td>105,848</td>
<td>103,858</td>
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<td>109,926</td>
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<tr>
<td>FY 95</td>
<td>99,480</td>
<td>106,611</td>
<td>113,486</td>
<td>111,848</td>
<td>109,858</td>
<td>104,581</td>
<td>119,926</td>
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</table>

Source: Bureau of Population, Refugees, and Migration, U.S. Department of State, compiled by the U.S. Committee for Refugees.
## ASYLUM CASES FILED WITH IMMIGRATION AND NATURALIZATION SERVICE ASYLUM OFFICERS
### APPROVED, DENIED, AND REFERRED AFTER INTERVIEW, BY SELECTED NATIONALITIES
#### APRIL 1991 - SEPTEMBER 1995

<table>
<thead>
<tr>
<th>Country</th>
<th>Cumulative Approvals Rate for</th>
<th>FY 95 (Preliminary) Approval Rate for</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cases Decided</td>
<td>Cases Granted</td>
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<td><em><em>TOTAL</em>.........</em>*</td>
<td>22.4% ....</td>
<td>29,951.....</td>
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<tr>
<td>Bosnia</td>
<td>89.5% ....</td>
<td>333 .....</td>
</tr>
<tr>
<td>Somalia</td>
<td>83.8% ....</td>
<td>593 .....</td>
</tr>
<tr>
<td>Sudan</td>
<td>80.3% ....</td>
<td>608 .....</td>
</tr>
<tr>
<td>Syria</td>
<td>71.7% ....</td>
<td>932 .....</td>
</tr>
<tr>
<td>Burma</td>
<td>70.7% ....</td>
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</tr>
<tr>
<td>Iraq</td>
<td>65.5% ....</td>
<td>336 .....</td>
</tr>
<tr>
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<td>62.8% ....</td>
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</tr>
<tr>
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<td>58.5% ....</td>
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<tr>
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<td>58.4% ....</td>
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</tr>
<tr>
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<td>55.9% ....</td>
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<tr>
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Note: In April 1991, the responsibility for adjudicating asylum claims was moved from INS district directors to a new corps of asylum officers. This chart is based on decisions made by asylum officers only. See Refugee Reports, Vol. 13, No.12 for statistics on asylum decisions under district directors. Beginning on January 5, 1995, asylum officers were no longer authorized to deny applications for deportable aliens; since that date, such cases not granted have been referred to immigration judges. Many other applications for asylum are filed directly with immigration judges, particularly in the context of deportation proceedings (see next page).

* The total includes all nationalities, not just those listed here.

Source: U.S. Department of Justice, Immigration and Naturalization Service (INS). Tabulated by the U.S. Committee for Refugees.
### Asylum Cases Decided by EOIR Immigration Judges
#### Approved and Denied, by Selected Nationalities, FY 89-95

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<th>Country</th>
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<th>Cases Pending as of 10/1/95</th>
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<td>Cases</td>
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<tr>
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<td>Cases</td>
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<td>Denied</td>
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<td>225</td>
<td>1,659</td>
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<tr>
<td>Haiti</td>
<td>7.6%</td>
<td>363</td>
<td>4,424</td>
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<tr>
<td>Poland</td>
<td>6.2%</td>
<td>55</td>
<td>838</td>
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<tr>
<td>Philippines</td>
<td>5.4%</td>
<td>38</td>
<td>670</td>
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<tr>
<td>Armenia</td>
<td>5.0%</td>
<td>5</td>
<td>96</td>
</tr>
<tr>
<td>Mexico</td>
<td>4.8%</td>
<td>23</td>
<td>457</td>
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Note: This chart shows approval rates in proceedings before immigration judges. INS asylum officers refer cases not granted to immigration judges, who examine the claim in deportation proceedings. Other asylum claims may arise in deportation or exclusion proceedings for cases coming directly before immigration courts without an INS asylum officer referral. FY 89 is the first year for which complete data are available under EOIR's automated data system.

* The total includes all nationalities, not just those listed here.

Source: U.S. Department of Justice, Executive Office for Immigration Review (EOIR). Tabulated by the U.S. Committee for Refugees.
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Refugee Processing Priorities by Region, FY 96
Annual Asylum Applications and Backlog, FY $0-95
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Asylum Cases Filed with Immigration and Naturalization Service Asylum Officers: Approved, Denied, and Referred, by selected Nationalities, April 1991 - September 1995
Asylum Cases Decided by EOIR Immigration Judges: Approved and Denied, by Selected Nationalities, FY 89-95

TEMPORARY PROTECTED STATUS (TPS)
TPS extended for Liberians (update)
TPS for Bosnians and Somalis in U.S. extended one year (update)
INS informs Salvadorans with temporary protection that they have until January 1996 to file asylum applications (update)
Work authorization extended until January 31, 1996 for Salvadorans under deferred enforced departure (update)

UNDOCUMENTED ALIENS
Border patrol agents violate human rights, report alleges
Undocumented Aliens Apprehended by the INS (chart)

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VIETNAM/REFUGEES FROM VIETNAM
NGO Group Visits Vietnam, First Asylum Countries, Issues Recommendations (feature)
CPA steering committee plans accelerated repatriation of Vietnamese
House Bill Calls for Resettlement of Screened-out Vietnamese and Bars Use of U.S. Funds for Repatriation (lead story)
House of Representatives approves foreign aid bill that includes re-screening and resettlement for Vietnamese (update)

WOMEN/REFUGEE WOMEN
INS issues guidelines on gender-based persecution
Gender-based discrimination in UNRWA's approach to refugee status (report)
Immigration judge in Virginia grants asylum to Sierra Leonean woman based on forced genital mutilation (update)