

# ANNUAL REFUGEE CONSULTATION

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HEARING  
BEFORE THE  
SUBCOMMITTEE ON IMMIGRATION  
OF THE  
COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE  
ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

ON

EXAMINING THE PRESIDENT'S PROPOSED ANNUAL REFUGEE  
ADMISSIONS AND ALLOCATION FOR FISCAL YEAR 2000

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AUGUST 4, 1999  
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WEDNESDAY, AUGUST 4, 1999

U.S. SENATE,  
SUBCOMMITTEE ON IMMIGRATION,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:09 p.m., in room SD-628, Dirksen Senate Office Building, Hon. Spencer Abraham (chairman of the subcommittee) presiding.

### **OPENING STATEMENT OF HON. SPENCER ABRAHAM, A U.S. SENATOR FROM THE STATE OF MICHIGAN**

Senator ABRAHAM. We will call the hearing to order. I want to welcome everybody to this hearing on the President's fiscal year 2000 proposal for annual refugee admissions. We will try to cover a fair amount of ground here today and hear from, I think, some very important witnesses with testimony of concern to all of us who focus on these issues.

To begin, I will make an opening statement. Certainly, if Senator Kennedy or any of the other members of the subcommittee attend, we will offer them the opportunity to make their statements, as well, or include them in the record, and then we will go to our first panel.

Today, we are here to discuss, as I said, the President's fiscal year 2000 proposal for refugee admissions. Under the law, before the start of each fiscal year, the President or his cabinet-level designee must provide the House and the Senate Judiciary Committees with the President's proposed determination of refugee admissions and allocation. It is then the job of the Senate and the House committees to provide input and advice as to the numbers and the geographic distribution of such refugee admissions. In the event of an unforeseen emergency refugee situation of the kind which we have already had this year, the President, after consultation with Congress, may increase the numbers during a fiscal year.

Our nation has seen a 40 percent drop in proposed refugee admissions since 1993. This committee has expressed some disappointment at this development in previous hearings and in communications which have been sent by myself and Senators Kennedy, Hatch, and Leahy. We have also expressed concern that artificial obstacles to refugee interviews and inattention to America's humanitarian and foreign policy objectives have prevented persecuted individuals from being processed and resettled in the United States. Consequently, we were pleased in fiscal year 1998 that the decline in the refugee ceiling was finally reversed, al-

though I have to confess some disappointment when in 1999 the ceiling fell once again.

In the middle of fiscal year 1999, the tragic and brutal suppression in Kosovo thrust the refugee issue into the spotlight. In this emergency situation, to relieve individual suffering and political tension in Macedonia, up to 20,000 Kosovar refugees were permitted to come to the United States. Approximately half that number ultimately arrived because a welcome change in the Kosovo situation allowed many Kosovar refugees to return to their homes.

I am pleased that the administration proposes to raise the fiscal year 2000 refugee ceiling to 90,000. It is my hope that this increased support for refugee admissions will not be transitory, but rather part of a consistent and sustained effort to demonstrate American leadership in this refugee policy area.

I believe the Kosovo crisis showed once again that America is a nation filled with generous people who are proud of our tradition of helping refugees, and I am proud of the generosity displayed by the people in my home State of Michigan during this time of need. When food was scarce, Gerber Baby Products, which is based in Fremont, MI, donated over 21,000 cases of baby food products for the infants of refugees who fled Kosovo. And when the time came for Kosovar refugees to be welcomed to America, I witnessed remarkable community involvement in Detroit, as people of all faiths came together to help refugee families who had been brutally driven from their homes. In Lansing, MI, the solidarity with refugees was so strongly felt that youngsters donated money they had saved for roller skating. Two 9-year-old boys gave one cargo truck driver \$23.50. The boys had earned the money by selling their toys, all so that they could help Kosovar refugees.

While statistics will be discussed, today's hearing is, at least in our minds, dedicated in no small measure to those who help refugees and to the refugees themselves, because behind every refugee, there is a tragic story, and on our second panel, we will hear one such story from Binta Bah. But we will also hear from those who assist refugees, including a missionary who helps with assimilation efforts in Michigan.

Not all refugee situations make the evening news, and we should never lose sight of that. We must seek to help those who are persecuted regardless of whether TV cameramen and photographers have ventured to that part of the globe. I think the crisis in Sierra Leone, the troubled nation which we will hear about in our second panel, has received far too little attention, given the horrors that people have suffered there.

It is sobering to think that nearly 400 years have passed since America's first refugees, the Pilgrims, came to these shores. Some time after the Pilgrims came, another group of refugees arrived, and, undoubtedly, there were people who questioned whether there was enough room for those refugees in this new land. I personally hope soon for a day when we will move beyond that type of divisiveness so that all refugees can be sure of being welcomed when they make their way here without acrimonious debate. The response to the Kosovo crisis and the support for Sierra Leone refugees and others being received in our country and in my home

State of Michigan should, I think, make all of us hopeful that the dawn of that new day will soon be upon us.

At this point, as I say, if other members arrive, we will hear their opening statements, but I think that at this stage we will turn to our first panel of witnesses. We will hear again from Julia Taft, who is the Assistant Secretary of State of the Bureau of Population, Refugees, and Migration. She is accompanied by Lavinia Limon, who is the Director of the Office of Refugee Resettlement for the Department of Health and Human Services; by Jeffrey Weiss, who is the Director of International Affairs; and Kathleen Thompson, who is Director of the Refugee Branch for the Immigration and Naturalization Service.

Officials from the INS and HHS will not be giving spoken testimony here but have submitted written testimony and will be available to the subcommittee members to answer questions, either today or in written form that might be subsequent. At this time I would like to enter the prepared statement of Senator Edward M. Kennedy.

[The prepared statement of Senator Kennedy follows:]

PREPARED STATEMENT OF SENATOR EDWARD M. KENNEDY

I commend Senator Abraham for convening this important hearing on refugees, and I join in welcoming our distinguished, witnesses.

I commend the Administration for its decision to propose a refugee admissions ceiling of 90,000 for fiscal year 2000, a welcome, increase of 12,000. Many of us have been concerned by the continuing decline in refugee admission ceilings in recent years, falling more than 40 percent from 132,000 in 1993 to 78,000 in 1999 at a time when the number of refugees dislocated by civil war and global turmoil has significantly increased.

Today, there are more than 13 million refugees in the world. Reductions in our refugee admission ceilings have sent the wrong signal to nations that engage in persecution. Our opposition to religious intolerance in the former Soviet Union and other Newly Independent States is undermined by reducing refugee admissions in the face of intolerance and ongoing persecution. It also sends the wrong signal to refugees—that they are not welcome here. I am pleased to see that with this proposed increase, the message we will be sending is that refugees are welcome.

I also commend the Administration, and especially Julia Taft, for the sustained and successful response to the Kosovo refugee crisis. Kosovo was one of the largest refugee crises since World War II. The vast exodus placed a huge strain on neighboring nations. By providing humanitarian aid and by resettling Kosovar refugees in the United States, we have reduced the burden on those nations, and set an example for other countries. Also, by bringing refugees into the United States, rather than holding them in detention in Guantanamo, we have set an example for the humane treatment of refugees everywhere. We must not abdicate our leadership role. We must do more to assist humanitarian efforts and to help Kosovar refugees returning to their homes.

As we continue to help the Balkans, we cannot ignore other regions of the world, especially Africa. There are six million refugees and internally displaced persons in Africa, and they have faced horrors and brutality similar to those in Kosovo. The attention and resources devoted to Kosovo should be the example we follow in Africa. Increasing the fiscal year 2000 ceiling for Africa to 18,000 is a good first step. We know that the United States alone cannot begin to solve the enormous and complex issues of Africa, but the United States is clearly in a position to do more.

The United Nations High Commissioner for Refugees, Mrs. Ogata, recently told the U.N. Security Council that there is “a perception of disparity” in the assistance being given to African refugees, compared to the world’s response in Kosovo. The United States has the ability to correct this unacceptable perception. Our role as the leading world power, with extraordinary resources, demands that we do more. Certainly, the plight of the African refugees deserves greater attention and a greater response by the United States and other nations.

Another recent development that merits praise is the Administration’s decision to amend the requirements for waivers requested by approved refugees who test posi-

tive for HIV. Prior to this change, such refugees were in danger of forced repatriation or detention and persecution in the country of first asylum. This change in policy is consistent with our humanitarian traditions and our international obligations.

America's leadership on this issue is critical. Other nations carefully monitor our refugee policies as a guide in establishing their own policies. With this significant change, HIV-positive individuals who have a well-founded fear of persecution will be able to find protection in the United States and join their families.

Americans support the rescue and resettlement of refugees fleeing religious, political and ethnic persecution. There is strong bipartisan support in Congress for the refugee program. We should work together to increase refugee admissions, and to achieve the goal of strengthening U.S. international leadership on refugee policy.

I welcome Assistant Secretary of State Julia Taft and the other witnesses today, and I look forward to their testimony.

At this point, we will turn to Secretary Taft. We look forward to hearing her opening statement. As you all know, and for those of you who have not testified before, we have a little clock system here. Typically, the light system is set for about 5 minutes, but we do want to hear what you have to say and so we will let you do your full statement. Take whatever time you need, Secretary Taft, and we look forward to hearing your comments at this time.

**STATEMENT OF JULIA V. TAFT, ASSISTANT SECRETARY OF STATE, BUREAU OF POPULATION, REFUGEES, AND MIGRATION, DEPARTMENT OF STATE, WASHINGTON, DC; ACCOMPANIED BY LAVINIA LIMON, DIRECTOR, OFFICE OF REFUGEE RESETTLEMENT, DEPARTMENT OF HEALTH AND HUMAN SERVICES; JEFFREY WEISS, DIRECTOR, INTERNATIONAL AFFAIRS, IMMIGRATION AND NATURALIZATION SERVICE; AND KATHLEEN THOMPSON, DIRECTOR, REFUGEE BRANCH, IMMIGRATION AND NATURALIZATION SERVICE**

Ms. TAFT. Thank you very much, Mr. Chairman. I am really pleased to participate at today's hearing on the President's proposed fiscal year 2000 refugee admissions program. Under your leadership, this subcommittee has consistently provided bipartisan support for this important humanitarian effort and we really look forward to a continuing close partnership with you on this, as well as with the voluntary resettlement agencies who assist in anchoring all new refugees in the American society once they arrive.

With your permission, I have longer testimony that would take more than five minutes which I would like to submit for the record. Senator ABRAHAM. Please.

Ms. TAFT. Thank you. First, let me start with a few words about the Balkans. The massive humanitarian disaster caused by Milosevich's regime toward ethnic cleansing in Kosovo really demanded a swift and immediate response. We are very pleased that, as a government, we have collectively worked to contribute to the international effort to offer places of refuge for these Kosovars. I think it is very symbolic that I have with me INS and HHS, who during the Kosovar crisis provided the most wonderful support and leadership and energy for both of their bureaus and departments and we are very pleased about that, and we also got a lot of good help from the Defense Department.

But I think the thing that characterized mostly the willingness for us to accept the Kosovars was what you talked about earlier, which was the outpouring of interest and commitment from the American people all over. We have never seen anything like this.



Hotlines that were both offering assistance through FEMA, as well as hotlines that InterAction and the voluntary agencies had showed an unprecedented level of real commitment, so we are very touched by that.

The refugee admissions program at the time, we believe, was the best vehicle that we had to assist the Kosovars who were overwhelming the first asylum capacity of Macedonia. While most often this process of refugee admissions is used for permanent resettlement in the United States, we have now found that it can also be used as a temporary asylum, as well, and we have been able to demonstrate that when there is a humanitarian crisis of such urgency, that we can raise the level of admissions to meet the needs. Unfortunately, due to the time constraints, it was not possible to do full Congressional consultation this past time, but we certainly will correct that in the future.

I think it is important to point out for the overall numbers that the changing ethnic and religious composition of refugee populations being resettled in our country now poses a lot of new challenges. The numbers of new ethnic groups that are being offered resettlement as a durable solution has skyrocketed in recent years. By accepting persons based on the need for rescue and resettlement rather than their integration prospects or the strength of their advocacy groups, we find that U.S. leadership has been demonstrated in our willingness to accept such diverse caseloads.

But the more diverse population we are now bringing in do not necessarily have the benefit of strong ethnic community support, as the Indochinese or the Soviet refugees have had, and for this reason, we have been working closely with our non-governmental partners to address this situation and to plan to strengthen orientation for both sponsors and refugees to improve the quality of resettlement.

Now, I would like to turn to the specific proposals the President would like to offer for the year 2000 admissions. Our overall request is for 90,000. This will include 18,000 for Africa; 8,000 for East Asia; 17,000 for the former Yugoslavia, which is the Bosnian caseload and Croatian caseload; the former Soviet Union, 20,000; Latin America, 3,000; Near East/South Asia, 8,000; and Kosovars, 10,000. We also have included a level of 6,000 unallocated, which throughout the year we would be able to redistribute through consultation with you.

Eighty-thousand of the 90,000 numbers would be funded through our normal migration and refugee assistance account. However, there is a lot of discussion going on with regard to our budget right now in other fora on the Hill and that we may have a problem paying for those 80,000 if we do not receive our full requested level of \$660 million for the full MRA account. I just flag that as a potential problem. The other 10,000 cases, which would be the Kosovar refugees, they can be funded by the appropriation that we got as an emergency supplemental.

The 17,000 number is proposed for the known Kosovar crisis from the former Yugoslavia would address the ongoing need for the Bosnian resettlement. This program is decreasing, but there still is a need and we plan to stay with that program.

In Africa, as you know, we have gone from 7,000 in fiscal year 1998 to 12,000 this year. Now, we are going to try to go to 18,000. We have identified a number of very vulnerable groups that do need third-country resettlement and we are going to be reaching out to those. They are in about 20 different countries of Africa, so it is an interesting and difficult caseload.

For the Near East and South Asia, this includes Iranians, Iraqis, Kurds, Afghan women. We are going to double the caseload there, and one of the reasons we are doing this is that we have made a lot of effort with the UNHCR and the voluntary agencies to expand our access to people at particular risk.

For the longstanding programs of the former Soviet Union, Vietnam, and Cuba, those programs are declining, but it is a natural decline. We believe that we are reaching those most in need, but we are going to only probably need 20,000 slots next year, or this coming year.

In Vietnam, we will need numbers, of course, for the closing out of the orderly departure program and the ROVR program. We are going to begin processing in Ho Chi Minh City for those caseloads, as well as former U.S. Government employees and Amerasians. We still have caseloads of Burmese that we will be processing from East Asia.

With regard to Cuba, our number requested will be 3,000. That is about double what we currently are getting this year. We have tried a number of things to expand the refugee caseload from Cuba by underwriting some of the exit fee costs so that that would encourage more to come forward, but we think that 3,000 will be more than adequate.

Finally, let me just say that refugee admissions is only one piece of our big portfolio. The bulk of our funding and efforts do go into refugee assistance overseas, and for that, we spend over about \$450 million. We are going to be maintaining all of our efforts, but there has been one area that I think it is really important to set the record straight and that is on the question of whether we are not doing enough for Africans and other refugees because we are doing so much for Kosovo. Let me just say that this is an issue that gets raised in many different fora and by the media and it is a question that we always have to ask and we always have to be able to examine how well we are doing.

It is a problem. In many of the donor countries, they are taking money away from the developing country assistance programs and they are using it for Kosovo. Because of the willingness of Congress to pass the emergency supplemental for Kosovo, I can say we have not taken any money away from any assistance programs. As a matter of fact, we have, in most instances, been more than 25 percent of the assistance level worldwide for African refugees.

With that, sir, let me just stop my introductory comments and welcome any questions and also my colleagues here will be glad to answer those directed toward them. Thank you.

Senator ABRAHAM. Thank you, and thank you for giving us a little bit of an overview of the situation. We, I think, have worked pretty well together on this subcommittee and in the Congress to try to be supportive this year of the sort of unexpected and emergency circumstances and we recognize that there is more to the

process than simply the appropriation. There is also the execution that has to take place, and I think, notwithstanding the extraordinary circumstances that we were confronted with, that all organizations involved, both our official government organizations, the nine governmental organizations, the U.N. High Commissioner's Office and so on, did yeoman's work and beyond the call of duty to try to meet what was a pretty staggering challenge that, I think, would have been even a far more difficult circumstance today had it not been for effective operations, so we compliment all of you.

Let me start just to clarify on the numbers, and this would be the tables themselves. In the copy that we received the other day, there is a footnote, I guess it is, on the Kosovo crisis refugees, the fiscal year 2000 ceiling. The footnote says, basically, up to an additional 10,000 crisis refugees may be admitted in fiscal year 2000 provided that existing resources are available. Is there—

Ms. TAFT. That is not a problem.

Senator ABRAHAM. I was going to say, your testimony seems to suggest that has been addressed, but I wanted to just clarify it for my own purposes. So that number is one for which the—

Ms. TAFT. We have the money in the supplemental. We are going to bracket it aside to make sure that—we can spend it on this or we could spend it on any number of urgent requirements inside Kosovo, but we are holding it aside for this if we need those numbers.

Senator ABRAHAM. Right. So this is not conditioned on any money that has not already been made available?

Ms. TAFT. No, sir.

Senator ABRAHAM. OK. Good.

Ms. TAFT. Sorry for the misunderstanding.

Senator ABRAHAM. I thought it was the way you just said it, but I wanted to make sure we were clear.

Let me ask you, on the second panel, as you are aware, we are going to hear from some people who are involved in the non-governmental organizations, and I was wondering if anybody on the panel, starting with you, Secretary Taft, would just like to comment on the role that those organizations play to help sort of flesh out, maybe, for people who read our record have a better understanding of how we have different responsibilities and what your assessments have been of the performance of those groups in the various crises we have confronted.

Ms. TAFT. Our relationship with the voluntary resettlement agencies goes back decades. We have used basically the same structure for resettlement, well, since I started in the refugee business 25 years ago, but they were engaged with the State Department for decades before that.

These organizations have a wonderful constituency that does two things important for us. One, it provides advocacy and understanding by the American public about who refugees are and why they are coming to this country, and that is immensely important because it builds a foundation for helping them resettle.

They also keep us honest. They are calling all the time, sending us letters, going on site visits to try to raise issues with us, and we have had a very active relationship with them on working groups for every one of the regions that we talked about. We have

an ongoing relationship to talk about who are they seeing, what kinds of issues are coming out, are we processing well enough, what kinds of ideas do they have about future refugee flows, et cetera. So it is a dynamic relationship, but we do not always agree.

One of the things that we have to struggle with as the executive branch is how do you meet a perceived need, a real need, and how do you finance it and how do you actually manage it. So you will see that the numbers that the voluntary agencies often request to be brought into this country are always going to be higher. They have always been higher than any administration I have ever known feels that they can both manage and pay for. So there is that creative tension.

We also have used—in about half of the processing places around the world, we use the voluntary agencies under contract to us to actually do the preparation of cases. This is particularly appropriate where we have caseloads where we do not really know who the people are. They really have to do documentation preparation to be able to present the cases to INS. So, as I say, in half the places, we use them for a very important function of refugee processing.

The final point I guess I would like to make is that we are all a team, or a family, and a family sometimes disagrees. But, basically, the combination of the interest of the Hill, your committee and the House committee, the involvement that we all have in our own discussions in the executive branch and working with the NGO's is just—it is what keeps this probably one of the most vibrant programs that the U.S. Government funds.

Maybe Lavinia, who also has another full relationship with the voluntary agencies—

Senator ABRAHAM. Yes. Please comment.

Ms. LIMON. It is a partnership, also, which Julia has characterized, where the voluntary agencies and their local affiliates work in partnership with us and the States to put on various programs of assistance to refugees. Just let me note, they operate the matching grant program, which is a program where they raise local dollars and local assistance to help move refugees into economic self-sufficiency within the first 4 months. Their success rate on that is about 80 to 90 percent, which is really fabulous. They also work in partnership with us to put on different grant programs, like community-family strengthening, working with youth, and working with elderly and on citizenship. So the voluntary agencies are integral to having domestic resettlement work and the integration and economic and social self-sufficiency be real for refugees.

Senator ABRAHAM. Let me turn, really, to all of you at this point for anybody who would like to comment on the issue of the way that the Kosovar refugee assimilation effort worked, or really just the movement of people. It seemed that the efforts which went through Fort Dix were very successful, given the crisis that we confronted, and I wondered if you feel that the process that was at work there and the model that may have been established is something that will be useful for future situations if we confront such things again, and just your general evaluation. I mean, it seemed to work pretty well, but I would be interested in what anybody on

this panel would like to say about how effective you think it was and how you see it as possibly being applied in future conditions.

Ms. TAFT. Let me just start off, because I really want the bulk of the time to go to Kathleen, who was on the Macedonia side of the processing, and to Lavinia, who within hours of hearing we were going to do this was up at Fort Dix and was the real spark to get that going as well as it did.

Where you have an emergency requirement where people have to move quickly to the United States, there were some people who said, well, let us send them to Guantanamo, and then there were others, like me, who said, over my dead body. That is not the kind of image we want. That is not the kind of processing we want. We need something Stateside, and it was at that point that DOD was able to identify several places that HHS then finally selected and Fort Dix to go ahead on.

We do not always need that kind of quick processing, and the people who were sent to Fort Dix were basically people who did not have relatives in this country that needed to move quickly. So I think it is good to have an option. We are hoping that we can kind of keep Fort Dix on mothballs just in case we need it in the future, but I will defer to Lavinia on her assessment for that process. Lavinia.

Ms. LIMON. Yes. I would agree with Julia. It was a successful operation with the help of State, the Department of Defense in particular, and INS and Red Cross, who is not usually a player on domestic refugee emergencies, and the voluntary agencies.

I believe it is a good option. I think it was very good for the refugees. I think it helped the American people understand what being a refugee was. We had very good press coverage. The people of New Jersey, I think, got a clear understanding of what was going on. We had an outpouring of volunteers and contributions and what not.

I think it is a secondary option. The processing overseas is, obviously, where you want to be most of the time in a kind of an emergency with an evacuation. What we did was prove that it is an option. It is a viable option for the government to take.

Senator ABRAHAM. This committee had expressed concerns when we first heard the theory of Guantanamo as the likely source, I think sharing some of your concerns, and it seems this proved to be a far more appropriate way, let us say, to handle a crisis of this dimension that required that instantaneous processing. I just would hope we would draw from it. My question sort of suggests that we would draw from this experience a new model to kind of be thinking about in the event we are ever again confronted with this type of numbers and this kind of time frame.

Ms. TAFT. But I think it is important, too, though, to get a perspective from INS, because everybody who came to Fort Dix was seen by INS overseas before they came so that these people were not here as first asylum. Kathleen, why do you not comment on how—you did both. You did the direct departures as well as those who were coming to Fort Dix. Is there anything that would be particularly of concern or what lessons were learned in terms of that process from an INS perspective?

Ms. THOMPSON. About 4,000 of the 11,000 Kosovars who were admitted as refugees to the United States came through Fort Dix. This is the first time that we had the opportunity to try this sort of bifurcated processing, which we did with the Fort Dix model. In all cases, both the direct departures, direct arrivals, and the Fort Dix cases, INS did a full status determination. We adjudicated the cases to find whether the people had a well-founded fear of persecution. For the Fort Dix cases, some of the processes that we could not get up and running so quickly, like medical examinations and security checks and such, were postponed and were completed at Fort Dix.

I think this worked particularly well, the Fort Dix model, because of the strength of the refugees' claims and the similarities and the very fact that our adjudications were so very close to the time of their flight from persecution. I think if we had a more complex caseload, it might not work as well, because we were able to move cases through very quickly. We had our first planeload filled within hours, I guess about 10 hours of work, filled our first planeload, and so it was a really quick effort, but I think it was because their caseload was so compelling.

Senator ABRAHAM. Let me ask INS a separate question, and this is a little more specific, but it is at least our understanding that a number of refugees have been identified in Lebanon by the U.N. High Commissioner's Office as possible refugees, certainly, and there is, I guess, an expectation that at some point they will be interviewed there. Is there a timetable or a time frame when we might expect that will take place, when there will be personnel to make such interviews?

Ms. THOMPSON. We have been working with UNHCR and the Department of State on identifying the caseload and preparing for a circuit ride. Our office in Athens that has geographical jurisdiction over Lebanon has placed that on a circuit ride schedule for next year. The one thing that we are awaiting is a final security assessment from the embassy in Beirut that will permit our travel, but it is definitely on our horizon.

Senator ABRAHAM. When you say a security—

Ms. THOMPSON. Well, in the past, there have been certain security arrangements that were required for U.S. officials to travel to Lebanon, and I do not know if Secretary Taft could comment on the latest from the embassy.

Ms. TAFT. INS has to be approved by the diplomatic security people at the State Department before they can go to certain parts of the world. We all do.

Senator ABRAHAM. Sure.

Ms. TAFT. And Lebanon has certain levels of security threats, so they have to get approval by the diplomatic security people to be able to go there and stay and do the processing. So I think it is to be scheduled. I mean, this is not going to be a problem.

Mr. WEISS. And we are prepared, once we get that clearance, we are prepared—

Senator ABRAHAM. Is there a problem with that?

Ms. TAFT. It depends on what country you go to. There are certain places I cannot go in the world and probably they would go

crazy if you went, where it is just not safe enough to go. So we have to make sure that it is safe for—

Senator ABRAHAM. I understand. I just wondered. I thought that, at least with respect to Lebanon, that we had sort of moved past anything that would require a significant delay. In fact, I was sort of surprised when I met recently with Ambassador Satterfield, who in the process of talking about how members of the Senate might get to Lebanon, because in the past there would have either have to have been the use of an air bridge from Cyprus, but he said, well, you can just fly into the airport now. So I am really asking you not to challenge you but just because it seemed as if we had maybe gotten past that point with regard to Lebanon, and if it has not, it is news.

I will just ask you all to keep us apprised or let us know what specifics you might as to what seems to be a likely timetable for getting that clearance, and if there are problems, I would just like to know about it. I was a little surprised when I heard that direct flights into Beirut now were being approved for members of Congress and I would assume that if that is possible, then presumably it would also apply for others in the government.

Ms. TAFT. We will get back to you, sir, on that. But part of their answer is that they have to schedule circuit rides, and the Athens office is the office that was backstopping all of the Kosovar activities in Macedonia, so some of the circuit rides had to be rescheduled, and whether security was the issue, funding was the issue, or enough people were the issue, we will get back to you on that.

Senator ABRAHAM. In the same vein, or maybe it is the same circumstance, but in the hearing a couple of years ago, we had inquired about the circuit riding possibilities with respect to the former Soviet Union, and I was wondering if there have been any developments along those lines because I know other members of the committee have asked me about this as well as colleagues because of reports we hear about people there.

We have always debated those numbers a little bit because the amount of people who purportedly are in the category of potential refugees does not seem to sometimes match the number who show up in interviews and things like that. One of the concerns that those who want to see those numbers remain high have expressed is that people are either afraid or too far away and so on, and we had talked about trying to address that because we keep that number there pretty high and yet we do not necessarily always hit that number. I just wondered what the status was with respect to that.

Ms. TAFT. We have, as a result of our consultations with you and others, during the past year have sent out letters to all of the people who had been approved for movement but had not actually moved through the system between 1991 and, I believe, 1996. So we sent out 7,000 letters. We sent out letters to their sponsors. We validated addresses. We got back 2,000 responses.

In those responses, we had asked whether they needed to see an adjudicator close by, whether they had a problem with transportation to Moscow, we asked them all kinds of questions as to why they were not moving. Only 84 people said they did not have the money to go to Moscow to get their final medical clearance and to

leave. So we said, OK, we will pay for that. We will give you a loan for that and we will pay your stipend when you go to Moscow.

That does not mean we may not mean circuit rides, but what we did find out for that first group of 2,000 respondents, that none of them had requested circuit rides. Now, INS still has them. They have been proposed. You have reviewed whether you can do it. They are planned for Tashkent, Uzbekistan, Almaty, Kazakhstan, Tbilisi, Minsk, Belarus, and Riga, if we need them, and we do not right now. We have not asked them to execute a circuit ride process. However, it is my understanding that you are prepared to do it if we need it.

Mr. WEISS. We are prepared to do that, Senator. It would be one of the great noble adventures in Central Asia that many of our former Peace Corps volunteer refugee officers will jump at.

Senator ABRAHAM. I am sure they would. Maybe we should do one just for the sake of the memoirs.

Ms. TAFT. But, actually, we did establish an IOM medical processing capability in Almaty, and maybe what we should do is try Almaty as sort of a Central Asia overlay with INS and your Peace Corps volunteers, your INS and IOM and we will see if that helps at all. But it does not at this time appear that the reason people are not availing themselves to resettlement is because there is no circuit ride.

Senator ABRAHAM. You received 2,000 responses from what was the total?

Ms. TAFT. Seven thousand letters. We have thousands more that are going out, because, as you know, there were 30,000 people who have not yet moved.

Senator ABRAHAM. Right.

Ms. TAFT. Most of them have not moved for the last 2 or 3 years, but we wanted to take the older caseload and find out what was really happening with them. But we are sending out letters now to the more recent cases and we will see what they have to say. We want to find out why they are not moving and we will solve it. We want to solve it with them. But many of the reasons people have not moved are a grandmother who is sick or a father who is ill, personal reasons.

Senator ABRAHAM. So you have seen no evidence in the responses, basically, that you have received to this point to suggest that incapacity of some sort is a factor in terms of not being eligible?

Ms. TAFT. No, sir.

Senator ABRAHAM. Let me ask, just on another matter, some concerns have been raised to us about a possible change in policy with respect to interviews of those seeking refugee status in certain countries where, at least in the reports we have heard, there may be a policy change that would not allow interviews to occur for those who are either married children of U.S. residents or grandparents of U.S. residents unless they were separately referred by UNHCR or embassy personnel. Is that a rumor that is with any basis or is that something that is—

Ms. TAFT. You are talking about the former Soviet Union?

Senator ABRAHAM. No, it is unspecific in terms of the countries being possibly affected by the policy, but what we have—



Ms. TAFT. We just proposed a change with the voluntary agencies in a meeting we had on Monday where we are recommending that the Bosnian caseload, which is processed primarily out of Zagreb and out of Frankfurt, that we not include what is called a P-4 category, and the P-4 category, just to—is the only place we have it. A P-4 is grandparents, grandchildren, married sons and daughters, and siblings of U.S. citizens and persons lawfully admitted to the United States as permanent resident aliens, refugees, asylees, conditional residents, and certain parolees.

This priority four is only applying to Bosnia, and we are trying to build, as you can imagine, more equity in our program and not to have extra eligibility, which really does sort of link into a longer-term immigration program. We thought maybe it was time to reassess that for the Bosnians, because, as I say, they are the only caseload that had it.

But that does not mean that anybody who does not have a well-founded fear of persecution in their own right, they can still become a P-1 or they can be a P-2, if they also meet a P-2 category. We do not want anyone who is at risk of being persecuted or who has been persecuted to be denied access. What we are addressing in this P-4 category are the really extended family members who, in their own right, may have less of a vulnerability.

Senator ABRAHAM. So that category only is applicable to the Bosnian refugees—

Ms. TAFT. Bosnia, yes, sir.

Senator ABRAHAM [continuing]. And so the possible change that you are either recommending or proposing or whatever would only affect those refugees because that is the only place where the P-4 category exists? Again, I am kind of just going on information supplied without a lot of detail to us. So, basically, you are looking for either the embassy personnel or UNHCR to make a referral before those P-4 category people would be interviewed, unless they fell into another category, as well?

Ms. TAFT. Well, if any of the P-4—we have, I think, an agreement with the voluntary agencies that they would be comfortable, or at least acceptable, for us to stop new AOR's, affidavits of relationship, by November 1. So we still have some time to work on this. We also, as you know, have a big backlog of more urgent cases in Bosnia, P-1's, P-2's, and P-3's. We would like to implement it now, not that it is going to affect so much the people who are already registered, but if you can imagine 120,000 people who have already been processed to the United States from the Bosnian caseload, they all have brothers and sisters that are now applying and wanting to come, as well. I just think it is important for us to be careful that we—

Senator ABRAHAM. In short, what you are saying is that since this is a unique policy for this—

Ms. TAFT. For just that caseload.

Senator ABRAHAM [continuing]. One caseload that any movement in this direction is only aimed at sort of leveling the playing field with regard to others?

Ms. TAFT. Exactly.

Senator ABRAHAM. Let me just change subjects for a moment, Ms. Limon, and ask you to just describe for us the sorts of things

that we try to do as part of our overall refugee program here in the United States to better train or prepare or find work for refugees, because I think a lot of people should know more about this. I know that is one of the priorities we have, so maybe you could tell us about some of the things that your offices do.

Ms. LIMON. With pleasure, Mr. Chairman. The domestic refugee program is quite varied and quite extensive throughout most of the States in the United States. We start out, of course, with refugee cash and medical assistance, which is for 8 months, a short time to achieve economic and social self-sufficiency, but one which I think we have found to be optimum, that it does give the refugees enough time to get on their feet and does not leave them in a dependent situation for a long time. So we have seen a great success with that.

We have social service money going to all the States for basically employment services and for other kinds of social services, to work with youth and elderly and women and other people with particular problems. We have supported victims of torture programs prior to the Victims of Torture Act being passed, and we hope that it is funded this coming year separately so we can extend those services to non-refugees as well as refugees, since our appropriation is just for refugees.

This year, we were able to put out support for schools, K through 12, who have been impacted by refugee children coming in, and I think ORR over the years has really been very important in developing the field of English as a second language, and, of course, English and jobs is the emphasis. I think we have been very successful in the last few years.

We have also implemented the GIPRA guidelines in measuring performance, that every State has basically increased their performance by 5 percent every year in terms of moving people to self-sufficiency. Obviously, the economy has something to do with that. The jobs are available. But also, I think, the entire program has shifted so that self-sufficiency and moving refugees on is something that not only the people who work with refugees are completely bought into, but the refugees themselves come with the attitude of, where is my job and how do I get moving, and we see that all over the country.

Senator ABRAHAM. So you feel very optimistic about the program?

Ms. LIMON. I do. I think it has really had a dramatic improvement the last few years.

Senator ABRAHAM. I want to thank, once again, all of you. We look forward to swift completion of the consultation process between now and the end of the fiscal year and we will be in touch, as well as to hear additionally about the challenges you all are dealing with every day. We appreciate your being here, Secretary Taft and all of you.

Ms. TAFT. Thank you so much.

Senator ABRAHAM. Thank you.

[The prepared statements of Ms. Taft and Lavinia Limon follow:]

## PREPARED STATEMENT OF JULIA V. TAFT

Mr. Chairman, I am pleased to participate in today's hearing on the President's proposal for the fiscal year 2000 refugee admissions program. Under your leadership, this subcommittee has consistently provided strong bipartisan support for this important humanitarian effort and I look forward to reviewing with you where the Administration believes our focus should be as we enter the next millennium.

But first, a few words about recent events in the Balkans. The massive humanitarian disaster caused by the Milosevic regime's attempted ethnic cleansing in Kosovo demanded a swift and resolute response by the international community. It seems almost impossible to comprehend that some 800,000 citizens of the Federal Republic of Yugoslavia fled their country under threat of unspeakable violence, survived for several weeks in hastily constructed refugee camps, host family accommodations or in evacuation locations around the globe; and then—in the vast majority of cases—returned home to Kosovo. And all in four short months. While the international community's effort was massive and, even under the most difficult circumstances, effective in providing food and shelter and minimizing the spread of disease, much credit for this remarkable outcome rests with the Kosovars themselves. After the horror that they had experienced, their abiding goal and what sustained them throughout was the fervent desire to return to their homes, communities, customs and culture. They did not leave by choice to seek a better life elsewhere. They, like most refugees in the world, wanted above all else to go home.

In order to reduce the pressure on Macedonia, a neighboring state that deserves enormous credit for sharing its territory with the fleeing Kosovars and the relief effort, the United States joined 30 other countries in offering places of refuge to these strong and remarkable people. The refugee admissions program that we are here to talk about today was the best available vehicle the United States had to assist the Kosovars. While most often used in situations where resettlement is intended as a permanent solution, we have now seen that it can also be effectively used in other situations. The fact that the resources of a well-established network of voluntary agency affiliates could be used in this emergency operation greatly facilitated our ability to respond. In all some 11,000 Kosovars have been provided refuge here since the first arrivals on May 5. In keeping with our commitment to facilitate their voluntary return to Kosovo, the first group of 300 repatriating Kosovars departed the United States on July 26. The International Organization for Migration estimates that up to a third of the 11,000 have requested information on return flights.

While all of this has been happening, the American people have been reminded of what it means to be a refugee. The public's response to the plight of the Kosovars was immediate and overwhelming. We received tens of thousands of calls and everyone wanted to *do something*. We did our best to ensure that these offers of assistance were appropriately channeled to voluntary organizations that resettle not just Kosovars but refugees from all over the world. These refugees may not receive the same press attention but they are welcomed in communities across the United States week in week out year after year.

The changing ethnic and religious composition of the refugee population being resettled under the admissions program has posed new challenges for the resettlement community. Religious persecution has long been the basis of a significant percentage of applications to our refugee admissions program and we have unfortunately no reason to believe that this global phenomenon will ameliorate in the near term. The number of new ethnic groups being offered resettlement as a durable solution has skyrocketed in recent years.

Some have noted that in 1993 the authorized refugee ceiling was considerably higher than it is at present. However, two in-country refugee programs in Vietnam and the former Soviet Union which the United States was fulfilling long-standing historic commitments then produced 80 percent of admissions. By way of contrast, in the current fiscal year, that percentage will continue to decline to about 40 percent, leaving the majority of U.S. refugee admissions for those individuals and groups recognized by UNHCR and the international community as refugees in need of resettlement. It is by accepting persons based on their need for resettlement rather than on their integration prospects or the strength of their advocacy groups that U.S. leadership and commitment are demonstrated.

The more diverse population we now bring in often cannot depend on the kind of ethnic community support that was available to the Indochinese and Soviet refugees and there are signs that the system is straining in some locations. We have begun a dialogue with our non-governmental resettlement partners to determine how the government and the private sector should best organize our institutions and resources to better meet the needs of incoming refugees, including through the involvement of interested members of resettlement communities.

I would like to turn now to the specifics of the President's proposal for fiscal year 2000.

We believe that the overall admissions ceiling in the coming year should be 90,000. Eighty thousand of these numbers, would be funded through the President's requested level for the Migration and Refugee Assistance account for fiscal year 2000. However, if we receive an appropriation less than \$660 million, we will be forced to cut the number of admissions. Adequate funding is a prerequisite for implementing the type of generous refugee admissions program many in this Congress have encouraged this Administration to maintain.

In addition to the 80,000 numbers to be funded by our regular MRA budget, we also propose that up to 10,000 numbers be made available to address compelling refugee cases, which have arisen from the Kosovo crisis. Given the dynamic nature of events in the region, it is difficult to estimate how many of these admissions will be needed. These would be funded out of the Kosovo Emergency Supplemental Appropriation already approved by Congress. While most Kosovar Albanians have already or will be able to return, there will be individuals identified by UNHCR who are in need of third country resettlement. Members of minority groups, such as the Roma people, and former refugees now unable to remain safely in the former Yugoslavia—such as Krajina Serbs—will continue to need assistance in finding a durable solution. In addition, we anticipate that there will be certain Kosovar Albanians who were so traumatized they will not be able to return.

The 17,000 numbers proposed for non-Kosovo crisis refugees from the Former Yugoslavia would address the ongoing need for Bosnian resettlement. While this program is decreasing in size, there remains a significant population for whom return to Bosnia is not yet a realistic prospect. Many persons in mixed marriages fall into this category.

In Africa, I am pleased to report that the rapid expansion from 7,000 admissions in fiscal year 1998 to 12,000 this year has been accomplished without diminishing either the quality of the processing or the caseload. We credit all of our operational partners—Church World Service (the Joint Voluntary Agency), INS, UNHCR, and the International Organization for Migration—with doing a masterful job of coordination, in spite of the disruption created by the bombing of our Nairobi Embassy one year ago this week.

INS and we have continued to develop our relationship with UNHCR field office staff in Africa to enhance their understanding of our programmatic and legal requirements. Together we have identified groups of refugees, such as Ogoni and Togolese in Benin and the Mushunguli (Bantu Somalis) in Kenya who needed or need third country resettlement. In keeping with this progress, the President's proposal for African refugee resettlement would be to increase significantly the ceiling in fiscal year 2000 to 18,000. This is consistent with our effort to ensure that we resettle those populations most in need.

Our support of UNHCR in the Near East/South Asia region has greatly expanded their work in individual status determinations and, as a result, referrals for resettlement. Although many of the beneficiaries are members of nationalities traditionally included in our admissions program—Iraqis and Iranians—we have also seen a sizeable increase in the numbers of Afghan Women at Risk and African refugees, long resident in the region, referred for resettlement. As the President has made clear, we are deeply opposed to the Taliban regime's repressive policies toward women and we are committed to ensuring that Afghan women in vulnerable circumstances obtain the protection they deserve. In order to accommodate the anticipated surge in referrals, we are proposing to double this regional ceiling in fiscal year 2000 to 8,000.

As I noted earlier, the longstanding in-country programs for the former Soviet Union, Vietnam and Cuba are declining. In the former Soviet Union, admissions this year are unlikely to reach 20,000. New applications from eligible individuals have declined and the composition of the caseload now comprises predominantly Evangelical Christian cases. We are making a last effort to resettle those among the long-approved population of over 30,000 who have yet to take advantage of our resettlement offer. We continue to work with the voluntary agencies to address the issues of those who have not departed and expect to see a slight increase in next year's admissions level as some among this group decide to migrate. The proposed ceiling for the former Soviet Union is 20,000 in fiscal year 2000.

In Vietnam, most of the remaining Orderly Departure and ROVR program cases are being adjudicated this fiscal year but not all will arrive by September 30 and will require fiscal year 2000 admissions numbers. In addition, interviews of some former U.S. government employees and Amerasians as well as compelling cases of current persecution will be handled through a refugee unit recently established in conjunction with our consulate in Ho Chi Minh City. Burmese and other East Asian

cases referred by UNHCR or U.S. Embassies will also utilize some of the 8,000 admissions numbers proposed for the region.

For the past two years, Cuban refugee admissions have fallen well below the authorized ceiling. We have taken steps to ameliorate the burden posed by the Cuban government's exorbitant departure fees. Refugee admissions remain an important component of the 20,000 annual Cuban migration program and we continue to interview qualified applicants. In addition, the program remains available to individuals of other Latin American nationalities referred to the program by UNHCR or U.S. embassies. The recommended ceiling for fiscal year 2000 is 3,000.

Given the considerable uncertainties surrounding the need for refugee admissions numbers, we recommend that 6,000 numbers be unassigned to specific regions, but rather, be available for future allocation from an unallocated reserve. This will allow the program the flexibility needed to address situations such as this year's Kosovo crisis.

Turning briefly to our other area of major responsibility—refugee assistance, the Balkans has been the single largest focus for our bureau over the past year. I am extremely proud of the role my staff played in quickly moving resources to the region, evacuating refugees from first asylum countries, keeping the U.S. Government apprised of the constantly changing situation on the ground, and working with other governments and humanitarian organizations. In addition to our resettlement efforts, PRM has provided more than \$130 million in assistance in fiscal year 1999 for emergency relief, return, and reintegration. The funds recently appropriated by the Congress in the Emergency supplemental are already being used to address the priority needs of the returnees inside Kosovo.

Even as we focused on Kosovo, we continued our efforts to facilitate minority return in Bosnia and Croatia. Although progress in these countries is slower than desired, the momentum is in the right direction and we remain committed to this effort.

In the Middle East, PRM's substantial contributions to the UN Relief and Works Agency are a key element of U.S. assistance to the Middle East Peace Process, supporting over 3.2 million Palestinian refugees. In addition, the US helps more than 50,000 humanitarian migrants from the former Soviet Union resettle in Israel yearly.

Migration is one of the top issues on the USG's agenda with our neighbors to the south, and PRM is increasing its funding in the region. The U.S. is responsible for implementing several sections of the Santiago Summit of the Americas Plan of Action, including the section pertaining to Migrant Workers, and we will soon assume the chair of the Regional Conference on Migration (known as the Puebla Group). PRM is providing assistance for people displaced by the hostilities in Colombia, an area of growing concern.

The U.S. remains the driving force behind efforts to help states of the former Soviet Union develop effective and comprehensive solutions to population movements within and among their countries. Earlier this month, the Government of Russia officially thanked us for the role we have played on this front. At the same time, PRM continues to support programs that foster self-reliance for IDP's in Azerbaijan and Georgia as well as refugees in Armenia.

Much of the news from Africa has been discouraging over the last year—unspeakable atrocities in Sierra Leone where innocent men, women, and even small children have had limbs chopped off in order to terrorize rather than kill; renewed warfare in the Congo which pulled in neighbors near and further afield; a war we have difficulty understanding between Ethiopia and Eritrea; another cycle of warfare in Congo/Brazzaville. All of these have uprooted people from their homes. In recent weeks, however, there have been a number of hopeful developments that I would like to highlight.

The July 7 Lome peace accord between the Government of Sierra Leone and the Revolutionary United Front has been holding and does provide a framework for that long-suffering country to move toward recovery and reconciliation. When appropriate, PRM/State will strongly support the repatriation of some 450,000 refugees currently in Guinea, Liberia, and Cote d'Ivoire. Sierra Leonean refugees have always been anxious to return home when the conflict ebbed in earlier stages, so we expect that most will want to return as soon as they perceive Sierra Leone to be secure. At the same time, many refugees have experienced atrocities and setbacks in previous peace processes so many may be cautious about returning.

At a recent international meeting (Brookings Group) of senior representatives from select major donors (including NGO's, UN agencies, and the World Bank), Sierra Leone was selected as a target country for proposed "partnership initiatives" designed to improve relief and development planning and program implementation. This should lead to increased donor attention to Sierra Leone, which has received

insufficient world attention compared to other complex humanitarian emergencies. The Great Lakes region, especially Burundi, was also selected as a pilot.

A cease-fire accord for Congo has been signed last month by six heads of state involved in the war there. The agreement still lacks the signature of the rebels because of internal disagreements, but we are hopeful that this will soon be rectified, that the fighting will indeed stop, and the outflow of refugees—principally to Tanzania, Zambia, and the CAR—will also be reversed.

And an accord between Ethiopia and Eritrea seems imminent. Peace there would enable the internally displaced to return to their homes. And possibly those who were forced out because they had ethnic origins in the other state might even be able to return eventually, should they want to.

Our assistance earmarked for Africa this fiscal year is expected to reach some \$135 million. One element of that is the beginnings of an effort to close the gap between the basic assistance that often exists in Africa with what international practice outlines as the minimum standard in such areas as nutrition and health. For example, we are providing assistance to an NGO in Guinea to mount a new program to address gender violence. In the Great Lakes, we are providing additional funds to WFP to help ensure that refugees dependent upon external food deliveries get the requisite 2,000 kcal per day.

We are also pursuing this “up to standard” initiative with Afghan refugees, with a special focus on educational opportunities for refugee women and girls in Pakistan. When it looked a few years ago as if peace might come to Afghanistan, repatriation was robust and international aid to refugees began to be downsized. Now, with genuine peace still elusive in Afghanistan and the patience of the refugee-hosting nations wearing thin as the decade closes, we have redoubled rather than phased out our assistance. We expect our earmarked assistance for Afghans to reach nearly \$10 million this fiscal year, while general regional contributions to the UNHCR and ICRC also benefit Afghans significantly.

In East Asia, Burmese continue to be the largest refugee group now that Cambodians have all returned home. I am happy to report that the Thai Government’s relatively recent agreement to accord UNHCR an explicit monitoring role along the Burma border where all basic assistance is provided by NGO’s has resulted in refugee registration and the thwarting of some threatened pushbacks. The situation in Indonesia is quite worrisome, particularly in East Timor and Aceh, where the kind of relief and protection that an ICRC presence can bring is so needed. That is a good example of where our Bureau works closely with other elements of the Department and USAID to take as much complementary preventive action as possible.

I have not, of course, mentioned all of the humanitarian situations in which we are deeply involved and would be happy to try to answer whatever specific questions you might have. I do want to address one issue that keeps arising—the perception that we are doing more for some refugee groups than for others. Late last month (7/22), for example, the Wall Street Journal carried a story that the Office for the Coordination of Humanitarian Affairs (OCHA) was concerned that aid to Kosovo is coming at the expense of humanitarian disasters in Africa and Asia. While we cannot speak for other countries, the United States has ensured that our funding of refugee assistance for Kosovo has not diminished our regular commitment to assist refugees and others in humanitarian crises in the world, thanks to the special supplemental appropriation.

Everyone recognizes that humanitarian needs in Africa, for example, are huge and that there are many obstacles to meeting all of them adequately—from programming levels to logistical access. However, it is not by merely criticizing aid to victims in Kosovo that those obstacles will be overcome. We must look at concrete ways of ensuring that our collective efforts everywhere are indeed up to international standards and requirements.

In closing, let me reiterate our great appreciation for your steady support for all that we are trying to do for the world’s refugees and internally displaced persons. We value our relationship with the Congress and welcome your thoughts on the President’s fiscal year 2000 admissions proposal or other aspects of the United States humanitarian relief efforts.

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PREPARED STATEMENT OF LAVINIA LIMON

Mr. Chairman, I appreciate the opportunity to submit this testimony on behalf of the President’s recommendations for fiscal year 2000 refugee admissions. As the Director of the Office of Refugee Resettlement in the Administration for Children and Families, I am responsible for administering the refugee and entrant assistance program.

The domestic refugee resettlement program must be able to respond quickly, visibly, and flexibly in providing refugee-specific services and in responding to refugee admissions crises. I believe that the program has become much more effective at moving people to economic and social self-sufficiency in the last five years than ever before. There are many reasons for this success such as the changes in welfare reform, the strong economy, our flexibility in delivering services, the broadening of social services available to refugees, and that refugees have a strong work ethic and ambition to succeed.

#### BACKGROUND

Since 1975, over 2.2 million refugees have been resettled in the United States. The major goal of the refugee and entrant assistance program is to help refugees achieve economic self-sufficiency and social adjustment within the shortest time possible following their arrival in the U.S. For fiscal year 1999, approximately \$435.2 million was available through seven different programs: refugee cash and medical assistance, the "alternative programs" under the Wilson/Fish authority, social services, preventive health services, the voluntary agency matching grant program, the unaccompanied refugee minors program, and the targeted assistance grant program.

Refugee cash assistance and refugee medical assistance (RCA/RMA) are available to needy refugees who are *not* eligible for other cash or medical assistance programs such as Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), or Medicaid, and who arrive in the U.S. with few or no financial resources. This refugee assistance is State-administered and is paid entirely from federal funds. It is available to refugees only for a limited number of months following arrival in the U.S.; currently RCA/RMA are available for a refugee's first 8 months in the U.S.

We also reimburse States for the costs incurred on behalf of refugee children in the U.S. who are identified in countries of first asylum as unaccompanied minors. Depending on their individual needs, refugee children are placed in foster care, group care, independent living, or residential treatment.

At the State and local level, activities continue around creating alternative programs using the Wilson/Fish authority. Under this authority, we develop alternative projects that promote early employment of refugees. States, voluntary resettlement agencies, and other non-profit organizations have the opportunity to develop innovative approaches for the provision of cash and medical assistance, social services, and case management. Three projects were established when the State governments of Kentucky, Nevada, and South Dakota decided not to continue administering the refugee cash and medical assistance program. Eight other projects have been established as refugee-specific alternatives to the TANF and RCA programs; they are located in North Dakota, Colorado, Idaho, Maryland, California, Vermont, Oklahoma, and Louisiana.

To help refugees become self-supporting as quickly as possible, we also provide funding to State governments and private, non-profit agencies to provide services, such as English as a Second Language and employment training. Refugees receiving cash and medical assistance are required to be enrolled in employment services and to accept offers of employment.

For fiscal year 1999, ORR provided grants to State public health departments for preventive health assessment and treatment services to refugees for protection of the public health against contagious diseases.

Under the Voluntary Agency Matching Grant Program, agencies match Federal funds from private funds or in-kind goods and services. About one-quarter of all newly arriving refugees are enrolled in this program. Under Matching Grant rules, during the refugees' first four months in the U.S., nine voluntary resettlement agencies take responsibility for resettling refugees through their local networks and assisting them to become self-sufficient through private initiatives without recourse to public assistance.

The Targeted Assistance Grants program targets additional resources to communities facing extraordinary resettlement problems because of a high concentration of refugees and a high use of public assistance by the resident refugee population. Special efforts are directed to those refugees who depend upon public assistance.

#### RECENT ACTIVITIES IN THE PROGRAM

Our discretionary funds have supported services to refugees in a broad array of activities: Cultural orientation services for refugees who are newly arrived, help to localities which receive unanticipated arrivals as well as communities affected by increases in the arrival of Cuban and Haitian entrants, and support for communities which represent preferred resettlement sites. Ongoing activities supported by discre-

tionary funds include community and family strengthening, domestic violence prevention, crime prevention, mental health services, English language and vocational training, micro-enterprise, support for local and national ethnic groups, and targeted assistance to local, impacted counties. This year, ORR has funded a new area of educational support to schools with a significant proportion of refugee children. Finally, discretionary funds also support services for communities with large concentrations of refugees who have experienced particular difficulty acculturating to local communities. These include subsidized employment, citizenship services, and services for the elderly.

As you know, in the Refugee Act there is a provision that authorizes the Secretary to make arrangements for the temporary care of refugees in the United States in emergency circumstances, including the establishment of domestic processing centers. The most recent use of this provision was the assistance ORR provided to Kosovar refugees at Fort Dix, New Jersey. ORR coordinated the efforts of other HHS agencies, the military, the State Department, the Immigration and Naturalization Service, the Customs Service and other agencies at Fort Dix. I am happy to report that this joint effort ensured the smooth and efficient processing of over 4,000 Kosovar refugees and their resettlement in communities all across the country in a very short period of time.

#### CONCLUSION

We will continue to work closely with Congress, the States, voluntary agencies and others involved in refugee resettlement to identify creative and effective ways to help refugees achieve economic self-sufficiency and social adjustment as quickly as possible.

We believe the Administration's proposed 5-year reauthorization package provides the framework for accomplishing this goal. We look forward to working with the Committee to reauthorize the refugee and entrant program this year.

Senator ABRAHAM. I would now ask our second panel and its members to please join us. If I can have everybody's attention, we will turn to our second panel. Let me just begin by introducing our witnesses and then we will go to them for statements.

First, we will hear from Mary Kortenhoven, who is a case worker from the Program Assisting Refugee Acculturation, or PARA, with the Church World Service and who is also a missionary with the Christian Reformed Church in Grand Rapids, MI. We welcome you here.

We also have next to her Binta Bah, who is a refugee from Sierra Leone, also from Michigan, I guess, now. Ms. Bah arrived in the United States in late May. Her statement will be read by Mrs. Kortenhoven.

Then we will hear from Bishop Nicholas DiMarzio, who is the Bishop of Camden, NJ, and who is Chairman of the Committee on Migration for the National Conference of Catholic Bishops. We welcome you.

Finally, we will hear from Mr. Ralston Deffenbaugh, who is President of the Lutheran Immigration and Refugee Services.

I want to thank you all for coming. Because there are a number of folks who will be testifying on this panel, we will try to use our 5-minute clock here. The green light means go, the yellow light means 1 minute left, and the red light means you have hit 5 minutes, although we are pretty flexible about finishing paragraphs and things like that at the end. We will include full statements in the record, even if they exceed the 5-minute time frame here.

We will begin with you, and I guess you are going to read a statement for Mrs. Bah at this time, as well as your own, maybe?

Mrs. KORTENHOVEN. Do you want mine or hers first?

Senator ABRAHAM. Why do you not start with yours and then we will have you read hers after you finish. Welcome.



**PANEL CONSISTING OF MARY KORTENHOVEN, MISSIONARY TO SIERRA LEONE, CHRISTIAN REFORMED CHURCH, GRAND RAPIDS, MI; BINTA BAH, REFUGEE FROM SIERRA LEONE, GRAND RAPIDS, MI; NICHOLAS A. DIMARZIO, BISHOP OF CAMDEN, NJ, AND CHAIRMAN, COMMITTEE ON MIGRATION, NATIONAL CONFERENCE OF CATHOLIC BISHOPS, CAMDEN, NJ; AND RALSTON H. DEFFENBAUGH, JR., PRESIDENT, LUTHERAN IMMIGRATION AND REFUGEE SERVICE, WASHINGTON, DC, ON BEHALF OF THE AMERICAN COUNCIL FOR VOLUNTARY INTERNATIONAL ACTION**

**STATEMENT OF MARY KORTENHOVEN**

Mrs. KORTENHOVEN. Thank you, Senator Abraham, for inviting me to come with Binta Bah to this hearing. My name is Mary Kortenhoven and I am a missionary to Sierra Leone from the Christian Reformed Church. I have served with my family in Sierra Leone since 1980 and am waiting to return as soon as that is possible. I deeply appreciate the privilege of being able to give my own brief statement and to read Binta's testimony.

I am also glad to have the opportunity to say thank you to you, Senator Abraham, for the leadership that you have given on policy issues affecting refugees and asylum seekers. We are fortunate to have a chair of this committee who cares so much about the protection and humanitarian assistance for these vulnerable people.

I feel that I represent two sides of this story. I come as one of the good folks in West Michigan. I represent the compassionate ones who have welcomed the strangers. They are people who are very concerned about the millions of refugees and displaced people all over the world. The people in West Michigan care very much about what is happening to people in Africa.

I also feel qualified to represent the refugee side of the story. I have been forced from my home by war three different times. The first was in Nigeria with the Biafran War. The second was when rebels of the RUF marched into the area where we were living in Sierra Leone. The third was during the coup in 1997 when the AFRC took control of Sierra Leone.

A refugee does not choose to become a refugee. We all think, "This will never happen to me," and everyone who is forced to leave her home thinks, "This will be over in a few days and I will return to my home." I know I thought these things when my family had to leave our home of 14 years in Foria. We left at the same time Binta was forced from her home in Sefadu. We woke up to the news that rebels had burned a town 20 miles away and were entering a village 10 miles away. I went from room to room wondering, what should I take, and thinking, I cannot fill the car with my stuff.

I left with six women and six children in the vehicle. We cried for miles as we passed neighbors running on foot with loads on their heads and children on their backs. We passed a carpenter with his wheelbarrow full of tools. Mothers put more children through our windows. Other mothers were crying for children they could not find. We saw the children further down the road and told them to sit and wait for your mothers. I will never forget that exodus.

I was able to return to the village a month later. There was nothing left of our house. It was a burned-out shell. Scraps of charred paper were stuck in the corners and broken glass covered the cement floors. My son's favorite shirt lay half-burned on the path in front of what used to be his bedroom. The lives of my family and the lives of our neighbors were forever changed.

Since that time, much has happened. The war in Sierra Leone has taken many turns and now we wait as a peace accord has been signed. My husband is in Sierra Leone and is working with others in the NGO community and the government to get food to the hungry people in parts of the country that have been cut off. Last week, they negotiated with the RUF to deliver food to Kabala, the main city in the north. The convoy carrying rice and seed rice got as far as 60 miles from Kabala, and there they were stopped. The RUF commandos told them they could not guarantee their safety in Tamaboro country. Everyone returned to Freetown.

I have not been in Sierra Leone myself since 1997, but before I left, I was able to spend short periods of time back in the village. I watched people come back into their villages and begin to rebuild their homes and lives. Displaced people would wander into the village.

But during this past year, much of what was rebuilt then has been destroyed. Whole villages in the area have been leveled. Many people live on their farms and others have moved to Freetown. The whole of the north is rebel-held territory.

More recently, I met with some of our Sierra Leonean staff at a conference in Dakar, Senegal. Each one described the terror that they and their families lived through in the January attacks on Freetown. They told us how Paul, the carpenter who built our houses, was captured and killed. He refused to let the captors cut off his hands. A young rebel shot him in the stomach and then in the head. Paul's 4-year-old grandson was wounded by the bullet that killed his grandfather. Paul is the same carpenter who I saw pushing his wheelbarrow full of tools away from Foria.

Betty, a nurse working for ICRC, adopted the two daughters of a woman she attended in labor and delivery. The woman died because she had had both of her arms cut off by rebels who attacked her village in the north. She did not have the will to survive.

Others told of utter panic when their doors were pushed open by drug-crazed small boys. Eric escaped with machete wounds to his head. Dickson and Marah took turns dancing and singing praises of the RUF around the clock for 3 days. They danced to save their families from being killed by the young boys who had commandeered their house.

Refugees come from these places. Refugees have escaped from these same scenes. They are the ones who got away. They have traveled far and left all. They have been separated from family and neighbors by the chaos of war. They threw their children on departing boats and jumped in after them. They traveled hundreds of miles by foot. They were taunted by the name "refugee" as they passed through towns.

But refugees are brave people. They are determined to get on with living. Refugees who come to the United States have been given a hope of a better future. I have seen the excitement of peo-

ple getting a home ready, the satisfaction of helping to find the right job, and the joy of seeing a family settled. I have much respect for these, our new friends. They share with us the load of their experiences. They give us the gift of their determination. They teach us that we are neighbors in this broken world.

Senator Abraham, I sincerely appreciate the opportunity you have given to me to share with you and members of this committee something of the story of Sierra Leone. I thank you for your time and for listening to us today. Please continue your good work for all of our sakes.

Senator ABRAHAM. Thank you.

[The prepared statement of Mrs. Kortenhoven follows:]

PREPARED STATEMENT OF MRS. MARY KORTENHOVEN

Thank you Senator Abraham for inviting me to come with Binta Bah to this hearing. My name is Mary Kortenhoven and I am a missionary to Sierra Leone from the Christian Reformed Church. I have served in Sierra Leone since 1980 and am waiting to return as soon as that is possible. I deeply appreciate the privilege of being able to give my own brief statement and to read Binta's testimony. I am also glad to have the opportunity to say thank you to you, Senator Abraham, for the leadership that you have given on policy issues affecting refugees and asylum seekers. We are fortunate to have a Chair of this committee who cares so much about the protection and humanitarian assistance for these most vulnerable people.

I feel that I represent two sides in this story. I come as one of the "good folks" in West Michigan. I represent the compassionate ones who have welcomed the strangers. They are people who are very concerned about the millions of refugees and displaced people all around the world. The people in West Michigan care very much about what is happening to people in Africa. I also feel qualified to represent the refugee side of the story. I have been forced from my home by war three different times. The first was in 1967 when the Biafran War began in Nigeria. The second time was in 1994, when rebels of the RUF (Revolutionary United Front) marched into the area where we were living in Sierra Leone. The third was when Freetown was besieged by heavy firing during the coup in 1997 in which the AFRC (Armed Forces Ruling Council) took control of Sierra Leone.

A refugee does not choose to be a refugee. We all think "that will never happen to me!" And everyone who is forced to leave her home thinks "this will be over in a few days and I will be able to return to my home." I know I thought these things when my family had to leave our home of fourteen years in Foria, a village in the North of Sierra Leone. We left at the same time that Binta was forced from her home in Sefadu, a hundred miles to the East of Foria. We woke up to the news that rebels had burned a town twenty miles away and were entering a village ten miles away. I went from room to room in my house wondering "what should I take?" and I was thinking "no, I can't fill the car with my stuff!" I left with six women and six children in the vehicle. We cried for miles as we passed neighbors running on foot with loads on their heads and children on their backs. We passed a carpenter with his wheelbarrow full of tools. All had the look of terror on their faces. Mothers put more children through our windows. We met young men manning roadblocks in deserted villages. We told them to just run, the roadblocks were useless. Mothers were crying for children that they could not find. We saw the children further down the road and told them to sit and wait for their mothers. I will never forget that exodus.

I was able to return to the village a month later. There was nothing left of our house. It was a burned out shell. Scraps of charred paper were stuck in the corners and the broken glass covered the cement floors. My son's favorite shirt lay half burned on the path in front of what used to be his bedroom. The lives of my family and the lives of our neighbors were forever changed.

Since that time much has happened. The war in Sierra Leone has taken many turns and now we wait as a peace accord has been signed. My husband is in Sierra Leone and is working with others in the NGO community and the government to get food to the hungry people in parts of the country that have been cut off from food and medicine for months. Last week they negotiated with the RUF to deliver food to Kabala, the main city in the North. The trip was to take place on Wednesday, July 27th. A convoy carrying rice and seed rice got as far as a village 60 miles from Kabala and there they were stopped. The RUF commandos told them they

could not guarantee their safety in Tamaboro country. Everyone returned to Freetown.

I have not been in Sierra Leone since 1997 because the U.S. embassy has declared it an unaccompanied post. But before I left I was able to spend short periods of time back in the village. I watched the people come back into their villages and begin to rebuild their homes and lives. Displaced people would wander into the village. One woman who came was pregnant and severely anemic. She had been walking for weeks. Everyone she knew had disappeared. She died shortly after delivery. The community health worker adopted her son. During this past year much of what was rebuilt back then has been destroyed. Whole villages in the area have been leveled. Many people live on their farms and others have moved to Freetown. The whole of the northern part of the country is rebel held territory.

More recently I met with some of our Sierra Leonean staff at a conference in Dakar, Senegal. Each one described the terror that they and their families lived through in the January attacks on Freetown. They told us how Paul, the carpenter who built our houses was captured and killed. He refused to allow his captors to cut off his hands. A young rebel shot him in the stomach and then in the head. Paul's four year old grandson was wounded by the bullet that killed his grandfather. Paul is the same carpenter who was pushing his wheelbarrow full of tools away from Foria. Mabereh told how she and her children narrowly escaped ambush on the road as they fled an attack on Kabala. Betty, a nurse working for ICRC, adopted the two daughters of a woman she attended in labor and delivery. The woman died because she had had both of her arms cut off by rebels who attacked her village in the North. She did not have the will to survive. Other men and women told amazing accounts of selfless bravery in a helpless time. They told of utter panic when their doors were pushed open by drug crazed small boys. Eric escaped with machete wounds to his head. Dickson and Marah took turns dancing and singing praises of the RUF around the clock for three days. They danced to save their families from being killed by the young boys who had commandeered their house.

Refugees come from these places. Refugees have escaped from these same scenes. They are the ones "who got away". They have traveled far and left all. They have been separated from family and neighbors by the chaos of war. They threw their children on departing boats and jumped in after them. They traveled hundreds of miles my foot. They were taunted by the name, *refugee*, as they passed through strange towns. Sometimes the refugees were beat up by the border guards or city policemen for not having the right papers. But refugees are brave people. They are determined to get on with living. Refugees who come to the United States have been given hope of a better future. The work that I do with PARA, an affiliate of Church World Service, in Grand Rapids, Michigan, has allowed me to be a positive force in the lives of both the refugees and the communities who welcome them. I have seen the excitement of people getting a home ready, the satisfaction of helping to find the right job, and the joy of seeing a family settled. I have much respect for our new friends. They share with us the load of their experiences. They give us the gift of their determination. They teach us that we are neighbors in this broken world.

Senator Abraham, I sincerely appreciate the opportunity you have given me to share with you and the members of this committee something of the story of Sierra Leone. I thank you for your time and for listening to us today. Please continue your good work for all of our sakes.

Senator ABRAHAM. We welcome you.

#### STATEMENT OF BINTA BAH

Mrs. BAH. My name is Binta Bah. I am Binta Bah, a refugee from Sierra Leone. I tell you people thank you from the United States.

Senator ABRAHAM. Thank you, and welcome. We are happy you are here. Mary, if you want to proceed.

Mrs. KORTENHOVEN. I want to say thank you to Senator Abraham and the Senate Immigration Committee for inviting me to give my testimony this afternoon. I am grateful to tell my story, which represents the story of so many of my Sierra Leone sisters and brothers. Thank you for taking time to listen and learn about our situation.

I am 32 years old. I was born in the town of Sefadu in the eastern part of Sierra Leone. Sefadu is in the heart of the diamond mining area of the country. I entered the United States on May 27. I came with my two sons, Mohamed, who is eight, and Saiko, who is three. My sister, Anti, who is 16, also came with us. We came from the refugee camp in Basse, Gambia. I was resettled by Church World Service and received by people from two Christian Reformed Churches in Grand Rapids, MI.

I was living a quiet life in Sierra Leone with my husband, Abdulai Jawo. We had been married 5 years and had two children, Mohamed and baby Fatmata. My husband was an inspector in the diamond mines and I was a market woman. We lived in a good house and had a good life.

In 1991, a war started in Sierra Leone. For a long time, we were not troubled by the war, but then things began to happen that I had never before experienced in my life. The rebels started to come into the bush around Sefadu. They came because they wanted to mine diamonds. The government soldiers would come into town and force people to go clear the bush around the town. Too much bush made it easier for rebels to come.

Then the soldiers started to kill the rebels that they found. They would come into town with the heads of dead rebels on sticks. They would walk around with these heads and we all became very frightened. We had never seen anything like it before in our lives. The children would hide in the houses and were too afraid to play outside. Some children stopped eating.

My neighbors were like myself. We had never gone anywhere far in our lives. We did not know where we could go to get away from what we were seeing. We felt very insecure in the town. At times, we would feel like our world was shaking, and then it would be quiet again. And so we lived for a long time.

Then one Friday night, the rain pounded on our tin roofs. It was a very hard rain, and after the rain, in the early hours of the morning, we awoke to the noise of gunfire. The firing was coming from three sides of the town. My husband jumped out of the window in the back of the house and ran away through the bush. I was inside of my room, hiding with my children. My daughter, Fatmata, cried, and I heard the rebels say that someone must be hiding inside that house. Three rebels broke down the door and found us in the room. They said they were freedom fighters. They fell on me and raped me. Mohamed was crying and went under the bed to hide. Fatmata was crying on the bed. I shouted and cried for someone to save me, but no one was there to hear my shouting.

When they left me, I was in a very bad condition, but a mother always thinks of her children first and so I tied Fatmata on my back and threw Mohamed on my shoulder and ran to hide in the bush. I hid for a while and I realized my clothes were torn and dirty, so I ran back into my house and quickly took some clothes. I ran back to the bush and found others who were suffering also. We went into the bush and stayed there. We ate cassava and oranges. One woman who was with us gave birth and died. The child also died. The husband and his two children stayed with us.

We only knew that we wanted to go to Guinea, but we did not know the way. We would get directions as we went from village to

village. After one month of walking, we reached the border. We went to the camp, which was in Kissydugu, Guinea. But the camp was so crowded with people and the Guinea people harassed the refugees. I looked at myself and decided I had suffered too much already and did not want to stay there under those conditions.

I found transport to Labe, Guinea, and then I walked from one village to the next. My daughter was very sick with a high fever and diarrhea. I had nothing to give her but my breast. When I got to the second village, Fatmata died. One good man helped me. He went to the people in the village and begged money to buy a cloth to bury the child, and he asked the other men to help him with the burial.

Then they helped me to get transport to the town of Kundala. When I reached Kundala on the border of Guinea and Senegal, I met another lorry carrying palm oil. I heard people talking Krio, and so I told them I had come from Sierra Leone. They took me with them to the refugee camp where they were living, but we went through the bush to get there because if the Gambian authorities caught me without identification, they would send me back to Sierra Leone, and also, people who did not have proper papers were sent to a place called "No Man's Land." This was a place of punishment. The man who was the head of the camp went with me to Banjul and begged for me so that I could get the right papers.

After I was in the camp for a short time, my son, Saiko, was born. He was born in the clinic in town. He was healthy and I returned to the camp. When I was first in the camp, we had a regular supply of food, but the supply was cut off and we had nothing.

One day, the rebels from the Casamance in Senegal came and attacked the town of Farefinye in Gambia. The Gambian people said the rebels were speaking Krio, Fula, and Mandingo. So early in the morning, the Gambian soldiers came and surrounded the refugee camp. They opened the doors of our houses and pulled people out.

After that, the immigration people from Kenya came to interview us. At the time of my second interview, my sister, Anti, found me at the camp. She came from Guinea, so I could put Anti on my application. My other sister, Tata, came much later and there was no chance for her in that interview. When Tata came, she told me that my husband, Abdulai, was killed in the attack on Sefadu. She saw his body when she went back to look for our mother and father and brother. She did not find any of them, but she saw my dead husband's body.

So this man, Ali, was with me in the camp and helped me. When I heard my husband was dead, I thought it is better for a woman to be with a man, and so I decided to marry Ali. We sent the marriage papers to Joiner to show him that we were married. Joiner is the man who works for the UN in Banjul.

Now I am here. I want to tell you many things. Thanks to the United States for giving refugees a new home. Thanks to Church World Service for helping to bring us here. And a very special thanks to my sponsors in Grand Rapids.

I am happy. When I came to this place, I felt nothing could get me except God. Life here is sweet, but if you get your man beside

you to encourage you, life is fine. People here are good and everything here is OK for me.

I know I cannot return to Sierra Leone. Everything that my grandfather did, everything my father did, everything my husband, Abdulai, did is gone. People who have come from Sierra Leone tell me all our houses are gone. Rebels are digging for diamonds in the very places our houses stood. Sefadu is in rebel-held territory. The people are hungry and children are dying. I do not like to think about it. The only thing is that I remember my mama and my pa and my small brother and my husband and my sister. I have my life. I did not die, but sometimes, I cannot sleep. I remember.

Senator ABRAHAM. Thank you for being here today.

[The prepared statement of Mrs. Bah follows:]

PREPARED STATEMENT OF MRS. BINTA BAH

Good afternoon Mr. Chairman, members of the committee, ladies and gentlemen. My name is Binta Bah.

I want to say thank you to Senator Abraham and the Senate Immigration Committee for inviting me to give my testimony this afternoon. I am grateful to tell my story which represents the story of so many of my Sierra Leonean sisters and brothers. Thank you for taking time to listen and learn about our situation.

I am thirty two years old. I was born in the town of Sefadu in the Eastern part of Sierra Leone. Sefadu is in the heart of the diamond mining area of the country. I entered the United States on May 27, 1999. I came with my two sons, Mohamed, who is eight years old and Saiko, who is three years old. My sister, Anti, 16, also came with us. We came from the Kerr-Al Hassan refugee camp in Basse, Gambia. I was resettled by Church World Service and was received by the people of two churches in Grand Rapids, Michigan. (Woodlawn Christian Reformed Church and Madison Square Christian Reformed Church).

I was living a quiet life in Sierra Leone with my husband, Abdulai Jawo. We had been married five years and had two children, Mohamed and baby Fatmata. My husband was an inspector in the diamond mines and I was a market woman. I would go to another town and buy green bananas and sell them to other market women. I also did cookery, selling small cakes at my market stall. We lived in a good house and had a good life.

In 1991 a war started in Sierra Leone. For a long time we were not troubled by the war but then things began to happen that I had never before experienced in my life. The rebels started to come into the bush around Sefadu. They came because they wanted to mine diamonds. The government soldiers would come into town and force people to go out to clear the bush around the town. Too much bush made it easier for the rebels to come into town unnoticed.

Then the soldiers started to kill the rebels that they found. They would come into town with the heads of dead rebels on sticks. They would walk around with these heads and we all became very frightened. We had never seen anything like this before in our lives. The children would hide in the houses and were too afraid to play outside. Some children stopped eating. My neighbors were like myself, we had never gone anywhere far in our lives. We did not know where we could go to get away from what we were seeing. We felt very insecure in the town. At times we would feel like our world was shaking and then it would be quiet again. And so we lived for a long time.

Then one Friday night the rain pounded the tin roofs of our houses, it was a very hard rain and after the rain in the early hours of the morning we woke to the noise of gunfire. The firing was coming from three sides of the town. It was very loud and we were very frightened. My husband jumped out of the window in the back of the house and ran away through the back into the bush. I was inside of my room hiding with my children. My daughter, Fatmata cried and I heard the rebels say that someone must be hiding inside the house. Three rebels broke down the door and found us in the room. They said that they were Freedom Fighters. They fell on me and raped me. Mohamed was crying and went under the bed to hide. Fatmata was crying on the bed. I shouted and cried out for someone to save me but no one was there to hear my shouting.

When they left me I was in a very bad condition. But a mother always thinks of her children first and so I tied Fatmata on my back and threw Mohamed on my shoulder and ran out to hide in the bush. After I hid there for awhile I realized

that my clothes were torn and dirty and so I ran back to my house and quickly took some other clothes. I ran back into the bush and there I found others who were suffering also from the attack. We went into the bush and stayed there. We ate cassava and oranges that we found along the way. One woman who was with us gave birth and died. The child also died. The husband and his two children stayed with us.

We only knew that we wanted to go to Guinea but we did not know the way. We would get directions as we went from village to village. After one month of walking we reached the border. We went to the camp which was in Kissydugu, Guinea. But the camp was so crowded with people and the Guinea people harrassed the refugees. I looked at myself and decided I had suffered too much already and did not want to stay there. under those conditions.

I found transport on a lorry to Labe, Guinea. I had to beg the driver for a long time to take me. When I got to Labe I waited three days for another lorry. The driver talked to me fine and told me to go to another junction where I would find transport to the Gambia. I walked from one village to the next. My daughter was very sick with a high fever and diarrhea. I had nothing to give her but my breast. When I got to the second village Fatmata died. One good man helped me. He went to the people in the village and begged money to buy a cloth to bury the child. And he asked the other men to help him with the burial.

Then they helped me to get transport to the town of Kundala. Kundala is on the border of Guinea and Senegal. I rode on a lorry with dried animal skins. When we reached a check point I met another lorry that was carrying palm oil. I heard people taking Krio and so I told them that I had come from Sierra Leone. They took me with them to the refugee camp where they were living.

We went through the bush to get there because if the Gambian authorities caught me without identification they would send me back to Sierra Leone. And also people who did not have proper papers were sent to a place called "No Man's Land". This was a place of punishment. It was bush with no trees and no food. People really suffered in this place. The UN knew about this place and they knew that many Sierra Leoneans had been sent there and so they begged the government of Gambia to allow people to be registered in the camp. The man who was the head of the camp went with me to Banjul and begged for me so that I could get the right papers.

After I was in the camp for a short time my son Saiko was born. He was born in the clinic in town. He was a healthy baby and I returned to the camp right after he was born. When I was first in the camp we had a regular supply of food but the supply was cut off and we had nothing.

One day the rebels in the Casamance came and attacked the town of Farefinye in the Gambia. The Gambian people said that the rebels were speaking Krio, Fula, and Mandingo. So early in the morning the Gambian soldiers came and surrounded the refugee camp. They opened the doors of our houses and tents and pulled people out. The soldiers went inside and checked all the rooms and then they came out and searched our pockets. When this happened we became very afraid and for three days and nights we sat by our doors. We did not sleep. We just sat and worried. The women suffered because we did not get any supplies of food. We usually would collect firewood and take it to the market in Basse to sell, but now the Red Cross ID was rejected by the Gambian officials and so we could not take firewood to the market. We were suffering like that when the woman came from Dakar, Senegal, to interview us.

After that the immigration people from the JVA (Joint Volunteer Agency/Kenya) came to interview us. It was at the time of the second interview that my sister, Anti, found me at the camp. She came from Guinea. So I could put Anti on my application. My other sister, Tata, came much later and there was no chance for her in that interview. When Tata came she told me that my husband, Abdulai was killed in the attack on Sefadu. She saw his body when she went back to look for our mother, father, and brother. She did not find anyone of them but she saw my dead husband's body.

So this man Ali was with me in the camp and he helped me with collecting firewood and with my children, Mohamed and Saiko. When I heard that my husband was dead I thought that it is better for a woman to be with a man and so I decided to marry Ali. I wanted it to be a traditional wedding because I wanted it to be important. Ali gave one sheep and two hundred dalacies and we had a proper wedding at the camp. We sent the marriage papers to Joiner to show him that we were married. Joiner is the man who works for the UN in Banjul. Ali said that I should not spoil my chance to go to the U.S. So I took Tata and left her with Ali to look after.

Now I am here. I want to tell you many thanks—thanks to the United States for giving refugees a new home, thanks to Church World Service for helping to bring us here, and a very special thanks to my sponsors in Grand Rapids, who have helped my family so much and have become my friends. I am very happy. These



people pulled me from much suffering. All of time that I was in the Gambia I felt that my life was still at risk. I expected that at any time I could die. When I came to this place I feel that nothing can get me unless God. Life here is sweet but if you get your man beside you to encourage you—life is fine! People here are so good and everything here is okay for me. I know that I cannot return to Sierra Leone. Everything that my grandfather did, everything that my father did, everything that my husband, Abdulai, did is gone. The houses are all destroyed. People who have come from Sierra Leone tell me that all of our houses are gone. Rebels are digging for diamonds in the very places where our houses stood. Sefadu is in rebel held country. The people are hungry and children are dying. I do not like to think about it. The only thing is that I remember my mama and my pa and my small brother and my husband and my sister. I have my life, I did not die but sometimes I cannot sleep—I remember.

Senator ABRAHAM. We turn to you now, Bishop DiMarzio.

#### STATEMENT OF NICHOLAS A. DIMARZIO

Bishop DiMarzio. Thank you, first, Mr. Chairman, for your leadership and that of Senator Kennedy, the minority leader on this committee. You certainly have given much time and effort to making sure that refugees have an opportunity in the United States. We appreciate that very much.

I am Bishop Nicholas DiMarzio, Chairman of the Bishops' Committee on Migration of the U.S. Catholic Conference, and prior to that, I was Director of Migration and Refugee Services for the U.S. Catholic Conference for a period of 6 years, so I have had a long history of resettlement, actively engaged in resettlement and also working at the policy level with the bishops.

Our concerns today really are regarding the decrease in the admissions over the last 7 years. We really have gone 40 percent less than what we could have done. I think we can do more and we should do more. The need is there and the capacity to resettle refugees in the United States is also there, and we are not really reaching the need, nor are we exhausting our capacity.

I would like to look at certain special populations that I would like to emphasize as really in need of resettlement. First would be the unaccompanied minors. The unaccompanied minors are a special population in refugee camps that really are in need of resettlement. For the most part, they will not be able to return to their places of origin. They have lost their families, for the most part, also, and really should have an opportunity for resettlement in the United States. We have been very generous in the past, resettling almost 10,000 unaccompanied minors in the last several years. However, in the last 3 years, we have only resettled 50 unaccompanied minors in the United States.

The U.S. Catholic Conference and the Lutheran Immigration Service recently undertook a trip to the Kakuma camp in Kenya, and we have a report that I would like to submit for the record.

Senator ABRAHAM. We will be glad to accept it.

Bishop DiMarzio. This report outlines the need there and also, from the two agencies that are involved in the unaccompanied minors program, we can assure you that the capacity is there and the results that have been taken from the refugee unaccompanied minor program are really spectacular. There have been success stories that we can share.

Bishop DiMarzio. Also, we would like to look at the situation in Africa. We just learned today at the earlier testimony that there

will be an increase in numbers, and we are happy for that increase, but I do think we still have room to improve the numbers there. There is a real need. We need to certainly look at various situations there. There is more than one country in need and we are really happy that there is some movement.

Also, we need to look at women at risk. As you have heard already from the testimony just before, how difficult it is for women who are alone in these camps to really survive. We need to look at them as a special category for our attention.

Finally, something that does not apply strictly to the refugee issue but to the asylum issue in this country is something we need to look at. The law of 1996 that enabled the expedited removal to take place has really wreaked havoc on those who have come to the United States directly looking for asylum. Although there are problems in the asylum program, having this expedited removal has really taken away from many, many people the opportunity for a fair hearing in the United States. It is something that I do not think our country really should be proud of. I think we should really work on changing that.

To the Kosovo situation for a minute. I think, as you said, it was a model program. It really brought together all of the best elements that we could bring to dealing with the refugee situation. First, from diverting away from Guantanamo, then bringing people directly to the United States to relieve the overcrowding in Macedonia, encouraging other countries to participate because we did participate. Here, I think our policy and humanitarian goals came together for a change. They worked together and were able to do a lot for the Kosovars.

I think, most of all, we have dispelled the myth that America is not open to refugees. When there is the proper understanding, when the press is there, when people see the need, they respond, and we have seen that happen and we need to, I think, work on other situations in the same way.

Unfortunately, as we have heard, the issue of unequal treatment is brought up, but all comparisons are really odious. What is the case is that we should have the same energy applied to all refugee situations so that we can make a difference, so that we can, indeed, be proud of the refugee program because it does accomplish our foreign policy goals, if only we let the country work at it. It has proven that it can be done.

Finally, there are two recommendations in the full testimony. First, we should really reverse the decline in admissions. We should target the vulnerable groups for the priorities. And second, we should look at enhancing the cooperation between the Department of State and the joint voluntary agencies. There is this creative tension, as Ms. Taft mentioned, but the creative tension should only be something that joins us together in a better working relationship. I believe in the last several years, that has been weakened and we should really try to strengthen it because that partnership between government and the private sector is really critical in the refugee program, as it is in many places, but also there.

I think we have proven that we are committed. Catholic Relief Services worked in the camps in Macedonia at a moment's notice,

set up those camps, worked there. Migration and Refugee Services, that I represent, was there with all the other voluntary agencies. We have a commitment to the betterment of the lot of the refugees around the world. We want to work with you in improving the admissions numbers. I think we really can do better and we should do better. Thank you.

Senator ABRAHAM. Thank you very much, Bishop.

[The prepared statement and report of Bishop DiMarzio follow:]

PREPARED STATEMENT OF BISHOP NICHOLAS A. DIMARZIO

I am Bishop Nicholas DiMarzio, Bishop of Camden, New Jersey, and chairman of the National Conference of Catholic Bishops' Committee on Migration. It is a pleasure to testify before you today on the vital humanitarian topic of refugee admissions to the United States.

I wish to take this opportunity to thank you, Mr. Chairman, and ranking Minority member Senator Edward M. Kennedy, for your long support for refugees. I know that Senator Kennedy is one of the authors of the Refugee Act of 1980<sup>1</sup> and that you both have championed the cause of refugee protection and resettlement throughout your tenure in the Senate. Your work, and that of this Subcommittee, has resulted in protection for literally millions of refugees over the years.

Mr. Chairman, Church teaching has long supported the protection of and respect for the fight of an individual to live in security and to flee life-threatening situations, particularly those stemming from political oppression and persecution. In 1974, Pope Paul VI succinctly articulated the position of the Church in this regard:

Individuals and groups must be secure from arrest, torture, and imprisonment for political and ideological reasons, and all in society, including migrant workers, must be guaranteed juridical protection of their personal, social, cultural and political rights. We condemn the abridgement of rights because of race. We advocate that nations and contesting groups seek reconciliation by halting persecution of others and granting amnesty, marked by mercy and equity, to political prisoners and exiles.<sup>2</sup>

In line with our teaching, the Catholic Church in the United States, has long welcomed immigrants and refugees to our shores. Since the Refugee Act of 1980, Migration and Refugee Services (MRS) of the U.S. Catholic Conference, working with our government and Catholic diocesan resettlement programs throughout the country, has resettled some 650,000 refugees. That is nearly 32 percent of the total, more than any other single agency. As Executive Director of MRS from 1985 to 1991, I supervised the agency's work and am familiar with the service provided refugees both abroad and when they come to our country.

As you well know, Mr. Chairman, refugees are migrants with a tragic difference. Driven outside their country, refugees cannot return home for fear of persecution. Having already suffered, sometimes unspeakably, they often face years in crowded, primitive, dangerous refugee camps. Eighty percent are women and children. For some of these people, whether they be fleeing Bosnia, Burma or Afghanistan, resettlement in a third country may be their only hope for a life of peace, dignity and hope.

And yet the United States Government has been sharply curtailing its response to refugees in America. For 1991, the year I ended my term as head of MRS, our government set a ceiling of 131,000 refugees from around the world to be admitted to the United States. Now, as I return to refugee work as Chairman of the Bishops' Migration Committee, I am disappointed to find that the admissions limit has been lowered by over 40 percent. Over a longer time, refugee admissions into the United States have dropped even more drastically, from 207,000 in 1980 to a ceiling of 78,000 for 1999. This reflects a disturbing trend, especially considering the existence of more than 13.5 million refugees in the world today.<sup>3</sup>

I am pleased, therefore, to see that the Administration is requesting a modest increase in the refugee ceiling for fiscal year 2000, which represents a welcome start in redressing an unfortunate downward trend. However, it is clear, Mr. Chairman, that U.S. leadership in the area of refugee protection is in decline. Whether because of a shift in how we strategically view the world since the end of the Cold War, or reflective of a decision by our leaders to turn inward, the United States is increas-

<sup>1</sup> Pub. L. No. 96-212, 94 Stat. 102.

<sup>2</sup> Pope Paul VI, *Message of Pope Paul VI in (Union with the Synod)*, 1974.

<sup>3</sup> *World Refugee Survey 1998*, U.S. Committee for Refugees.

ingly abdicating its worldwide leadership role in refugee protection. It is our view, Mr. Chairman, that our refugee policy should be reexamined to adjust to the post-Cold War realities in the world and to restore the United States' international role as a protector of human rights. Such a policy change would serve not only humanitarian goals, but also U.S. foreign policy interests.

#### THE RESETTLEMENT OPTION

There are three options, or internationally-recognized "durable" solutions, which should be pursued in any refugee situation: return of the refugees to their homeland if conditions permit; integration into the neighboring country which receives them; or resettlement in a third country. The best solution for refugees is that they return home safely and voluntarily, or, in the alternative, resettle in the country of "first" asylum or within the geographic region. But for those with no other option, resettlement in a third country, such as the United States, should remain a viable alternative.

Not all refugees want or need resettlement in a third country. In fact, less than one percent of the world's refugees ever gain permanent residence elsewhere. For many of them, however, it often represents the only alternative to years of confinement in a refugee camp or a dangerous, uncertain existence as outcasts in countries that do not want them. To consign refugees to such unfortunate circumstances is, indeed, intolerable.

When the United States accepts refugees, we protect those involved, reduce the chances that "first-asylum" countries will send refugees back to their persecutors involuntarily, and provide the leadership necessary to encourage other wealthy nations to accept refugees. By so doing, we also reaffirm a tradition of compassion that separates us from much of the world.

There are those who question whether sufficient need exists to warrant an increase in U.S. refugee admissions. For those who hold this view, I recommend a document recently released by the Committee on Migration and Refugee Affairs (CMRA) of InterAction, "U.S. Refugee Admissions Program for Fiscal Year 2000." The document, prepared for this year's refugee admissions consultations, clearly demonstrates that, despite the fall of the Soviet Union and its satellite states, from which the majority of refugees entering this country used to come, the violent situations around the globe that spawn refugees have not diminished but increased. One need look no further than the former Yugoslavia for confirmation of this unfortunate reality.

Mr. Chairman, during the Cold War most Americans felt a moral obligation to offer resettlement to those fleeing Communist regimes, whether Eastern Europeans or Cubans or Indochinese. The same moral sense should move us to take a similar view of today's victims, whether from the Sudan or Burma or Iraq, who are also fleeing dangers of great magnitude.

#### REFUGEE POPULATIONS GLOBALLY

While the CMRA admissions document presents an excellent summation of resettlement needs, I would like to highlight for the subcommittee several compelling refugee situations around the globe and several special refugee populations deserving of protection.

##### *1. Africa*

The resettlement needs of Africa as a whole, where there are now some six million refugees and displaced people, are far from being met, even after the welcome increase in our ceiling for African refugee admissions from 7,000 to 12,000 for fiscal year 1999. Conflicts in Sierra Leone, Sudan, Ethiopia, Eritrea, the Democratic Republic of the Congo, and Congo-Brazzaville are producing refugees who are victims of violence and torture and have little hope of returning to their homes in the near future.

Last year my fellow bishop, John W. Yanta of Amarillo, Texas, visited Kakuma camp in Kenya, where he found 55,000 refugees, mostly Sudanese. Many had been there since the camp opened in 1992. Since then, the world has seen the grisly spectacle of civilian victims, mostly women and children, fleeing Sierra Leone with arms and legs cut off. Other refugees are scattered all across the continent.

Just recently, for example, 30,000 people fled fighting in the Congo Republic into neighboring Gabon. Because of a lack of infrastructure, food resources, and political stability in their country, many Liberians who fled violence in recent years remain unable to return to their homes. And Sierra Leone continues to produce refugees at a steady rate, burdening neighboring countries and overwhelming the U.N. High

Commissioner for Refugees (UNHCR) and private organizations attempting to meet the needs of over 500,000 refugees.

MRS and its coalition partners have, for some years, urged the State Department to increase the intake of African refugees through the U.S. refugee program. While the approved ceiling for African refugees has increased, there has been concern in the past that the actual processing of African refugees has regularly fallen short of approved ceilings. This has not been due to a lack of need but rather to a failure to develop adequate processing mechanisms in Africa to identify and process those refugees who fall within the processing guidelines for admission to the U.S. Refugee program. We expect that, in the future, the need for resettlement of refugees from Africa will continue to be high and that the ability to identify and process such refugees will grow, resulting in increased admissions from that region of the world.

## 2. Southeast Asia

The United States has provided leadership over the past two decades in resettling refugees from Southeast Asia through the Indochinese refugee program. During the last days of Saigon to the present day, the United States has brought to our shores for protection well over one million people with whom we served and fought.

Now, as we bring this highly successful program to a close, we would like to assure fair treatment for those relatively few cases which remain. Prominent among these are our former U.S. government employees. These are U.S. Embassy and other U.S. agency employees with five years or more of service to our country in Vietnam. Because of their association with the United States, many have been persecuted since the fall of Saigon and are entitled to an appropriate and fair review of their cases.

Despite this fact, approval rates for former employees plummeted to less than two percent in 1996 and 1997. In light of the background of the applicants and the intent of the program, such a result is unacceptable. After strong expressions of concern from senior members of Congress and nongovernmental organizations over the past months, the Department of State has agreed to open processing for those former employees not yet adjudicated. We urge the Subcommittee to continue to encourage the State Department to review the denied cases, and to institute procedures for all cases that will assure their consideration in a fairminded manner.

## 3. Unaccompanied Refugee Minors

Unaccompanied refugee minors represent one of the most vulnerable groups of refugees, susceptible to military conscription, sexual and physical assault, trafficking, and other forms of abuse and violence. Thousands of unaccompanied refugee minors, some of whom have lost their parents to conflict and are orphans, today are spending their childhood years in refugee camps. In recent years, despite our great resources, we have welcomed only a tiny handful of these children to our country. During Fiscal Year 1997, the United States accepted only *one* unaccompanied refugee minor for resettlement and only *eleven* unaccompanied minors in Fiscal Year 1998.

For many months now, MRS has been working with the Lutheran Immigration and Refugee Services (LIRS), UNHCR, and the State Department to establish a carefully-considered program to increase this number, resettling children initially from Africa. In June and July 1998, USCC, LIRS, and UNHCR undertook a joint mission to Kakuma refugee camp in Kenya to identify unaccompanied minors and investigate and recommend procedural methods for referring minors for resettlement. The joint mission identified a group of southern Sudanese youth—commonly referred to as the “lost boys of Sudan”—who share a refugee experience of persecution. Most left Sudan as children in 1987 for Ethiopia to escape the civil war killings of family members and starvation. They experienced further trauma in 1991 when they were forced back to Sudan and subsequently fled again, this time to Kenya in early 1992. During this period, many of these Sudanese youth were forcibly recruited into revolutionary military groups. Mr. Chairman, these young people, who have experienced severe trauma and dislocation, hold no hope of normal lives without an opportunity for resettlement in a third country such as the United States. With your consent, Mr. Chairman, I would ask that the final report of the Joint Mission to Kakuma Camp be included in the hearing record.

Considering the special vulnerability of this refugee group, USCC/MRS recommends that the United States accept at least 500 of these minors in Fiscal Year 2000. I know, Mr. Chairman, that a U.S. program assisting minors can be successful because, in the 1970's, I established the first unaccompanied refugee minor program in New Jersey. We welcomed over 500 children during the program's life, and the success stories that resulted from our efforts were truly impressive.

#### 4. Other Special Populations

Other special populations deserve consideration for resettlement. For example, there exists a large, unknown number of “women at risk” among the world’s refugees who represent prime candidates for admission under the U.S. refugee program. They range from Afghan women and girls denied access to medical treatment and prohibited from attending school by the Taliban to orphaned Rwandan girls who are heads of households and caring for their siblings. They also include young girls and women fleeing targeted mutilations in Sierra Leone and Chinese women fleeing forced abortions and sterilization. Many of these women and girls belong to societies whose cultural practices make it hard for them to receive the protection they need and deserve. Other vulnerable refugees include the elderly without family to care for them, people with medical impairments, and boys in danger of forced military conscription.

Many refugees, Mr. Chairman, have something in common: they are not always easy for the United States, or even UNHCR, to identify with the methods currently in use. That is partly because our own refugee-identification model was developed in response to outflows like that from Indochina, where masses of people fled and were housed in camps abroad to which we had direct access.

Many refugees today, by contrast, are in smaller, scattered camps or living on their own, making it more difficult to identify and interview them. The State Department is aware of this obstacle to our refugee-processing efforts and is working to overcome it. In the coming weeks, our agency and others hope to offer the State Department our own suggestions for improvements in this vital area.

#### THE U.S. ASYLUM SYSTEM

At the same time the United States’ commitment to refugee protection abroad needs to be strengthened, domestic laws which govern those who make it to our shores and request protection are overly restrictive and unjust. As the Chairman and this Subcommittee is aware, the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)<sup>4</sup> served to weaken asylum protections for those who arrive at our ports of entry fleeing persecution.

Specifically, the 1996 law created the procedure of “expedited removal,” which empowers low-level Immigration and Naturalization Service (INS) inspectors summarily to remove potential asylum-seekers without a hearing before an immigration judge. Under this procedure, more than 76,000 individuals were removed from the United States during Fiscal Year 1998. While lack of sufficient data and accessibility to interviews conducted by inspectors prevents specific conclusions, it is likely that in the past few years the United States has returned to their persecutors asylum-seekers with valid claims to protection.<sup>5</sup>

Other legal and policy changes, such as a one-year filing deadline for asylum claims and the detention of asylum-seekers who have articulated a credible fear of persecution, contribute to the erosion of protections under the U.S. asylum program. Having jurisdiction over these issues, Mr. Chairman, we respectfully ask you and the subcommittee to review the provisions of the 1996 IIRIRA law affecting asylum-seekers and consider their repeal. In order to restore U.S. leadership in refugee protection, the Congress and the Administration also must restore U.S. commitment to the concept of asylum.

#### THE CAPACITY QUESTION

Many agree that there is a real need in the world to resettle more refugees. But what about our *capacity* to absorb more refugees? Has not our long involvement with Indochinese, Bosnians and other refugees produced a variant of compassion fatigue?

Not at all. Our own programs find no lack of American families enthusiastic about sponsoring and assisting refugees. One indicator is the magnitude of the cash and in-kind contributions that come through our dioceses—resources that supplement the modest but welcome government outlay. Last year these contributions amounted to some \$12 million, all coming from ordinary (or should I say *extraordinary*) working Americans. Our colleague refugee resettlement agencies report the same generous enthusiasm.

For those who question the commitment of the American people to refugee resettlement, Kosovo provides a ringing response. The overwhelming demonstrations of support and offers of aid from the public to the Kosovars have been well docu-

<sup>4</sup>Pub. L. No. 104–208, 110 Stat. 3009.

<sup>5</sup>The Lawyers’ Committee for Human Rights recently documented two cases of Kosovar Albanians being returned to their persecutors.

mented. Agencies, including ours, were deluged with offers of assistance for the Kosovars to whom our government offered protection. When Americans see people in desperate need, they are quick to help. We are convinced that, if our public were shown the sufferings of the Sudanese in Kenya or the Burmese in Thailand in same detail as they witnessed the desperation of the Kosovars, they would react in the same generous way.

Furthermore, the agencies, including MRS, which partner with the government to provide initial resettlement services are prepared to accept a larger number of cases. During the Kosovo crisis, nongovernmental organizations and the government worked as a team to ensure that all Kosovar refugees brought to the United States were unified with their families and into local communities in an expeditious manner.

#### LESSONS OF KOSOVO

It has become increasingly evident that the U.S. response to the Kosovo refugee crisis helped reduce the suffering and save the lives of many of the refugees. The coordinated action to facilitate evacuations from Macedonia; the offer of resettlement to 20,000 Kosovars as refugees; the decision not to use Guantanamo Bay as a temporary processing point; and the promise to facilitate and fund voluntary repatriation all represented appropriate responses to an emerging humanitarian crisis. This model of protection should be applied to similar situations around the globe which produce refugees but do not draw media attention.

Just as we can be proud of our response to the Kosovo refugee crisis, we can draw from it important lessons for the future. First, Kosovo teaches us that U.S. leadership is crucial in ensuring that the international community responds to refugee situations. The United States' commitment to accept 20,000 Kosovar refugees in the early days of the crisis helped precipitate the offers of temporary asylum from European allies and other nations. In the end, only 11,000 refugees arrived in the United States, many of whom will now be returning to their own country. But the United States' important gesture helped assure protection for many more.

Second, the resettlement option can serve not only our humanitarian interests but also U.S. foreign policy goals. In particular refugee situations, evacuation and resettlement reduce the chances that countries of "first asylum" will send refugees back to their persecutors or close their borders, further destabilizing a war-torn region. For example, our announcement of 20,000 places for Kosovars helped reassure the Government of Macedonia, at a critical moment, that it would not be left alone to cope with an unbearable burden. Accordingly, the evacuation by the international community of refugees from Macedonia allowed that country to continue to accept Kosovars crossing the border: despite an initial statement that it would not allow in more than 20,000 Kosovars, Macedonia eventually provided protection for over 240,000 refugees. The United States helped make that happen.

A third lesson from Kosovo is that the partnership between the U.S. Government and the voluntary agencies which assist it in the resettlement of refugees is alive and flourishing. We and our resettlement agency colleagues showed once again that, when we are asked to respond to a refugee crisis, we have the capacity, resources and enthusiasm to do so. Agencies were given only several days to staff the reception center at Fort Dix and ready our networks across the country for thousands of Kosovars. I was at Fort Dix this past May 7 to greet the second flight of Kosovar refugees, and I can assure you that, on that day and subsequently, our public/private collaboration worked.

Fourth, Kosovo reaffirms the truth that refugees rarely *want* to leave their homes, but are compelled to do so out of fear. If circumstances allow for their safe return, they go home.

Fifth is a lesson to which I already alluded: during the Kosovo crisis the myth that the American public does not support refugee resettlement in the United States was dispelled. Once educated, Americans respond positively to the cry of the refugee.

While there are many lessons from the Kosovo refugee crisis, there remain several troubling questions. Many have asked why, for example, the United States and other nations did so much for the Kosovars when so much less is done for refugees in places like the Sudan, Sierra Leone, and the Congo, where long-running crises have condemned millions of people to misery and death. I would put the question another way: Why can we not more often summon the strength of will and generosity of spirit that marked our Kosovo refugee effort? Do we respond to a refugee crisis only if we are militarily involved in the conflict that spawns it? Do we respond to a crisis only when it grabs the attention of the media and subsequently the nation?

As a nation which should be committed to the cause of human rights globally, we must consider these questions. Part of the answer may come back to U.S. leadership, which must involve not only the Administration but also Congress, the media, and other powerful voices in our society. History has demonstrated that courses of action designed to end these ongoing tragedies can attract the required public support if they are well considered and if the need is adequately explained.

#### CONCLUSION

Mr. Chairman, the United States must continue to exert leadership in refugee affairs. Otherwise, experience shows that the level of attention given to the world's refugees and displaced persons will surely fall. Leadership includes directing the international spotlight to situations of intolerable human suffering and mounting efforts to end them. On behalf of the U.S. Catholic bishops, let me conclude with several recommendations on how we might better execute our leadership responsibilities:

*1. Our great country, which is undergoing a period of unprecedented prosperity, should today be accepting at least 100,000 refugees per year.*

The immediate need is to reverse the steady, eight-year decline in our refugee admissions ceiling. For Fiscal Year 2000, the United States should also accept at least 500 unaccompanied refugee minors, redouble our efforts to relieve suffering in Africa by increasing our refugee admissions from that continent, and expand our efforts to identify and find durable solutions for refugees who are especially vulnerable, including women at risk, the elderly without families, and those with medical impairments.

*2. The U.S. Refugee Program must continue its past emphasis on family reunification.*

Some argue that refugees with refugee relatives in the United States (designated P-3, P-4, and P-5) are not "real" refugees. That is wrong: *all* refugees must satisfy the same criteria. Nor do refugees who are relatives displace others more deserving; in fact, their very designation puts them in line *behind* those who are P-2, the designation given refugees in groups who are "of humanitarian interest to the United States," and those who are P-1, in immediate danger. On the positive side, refugee families resettle better when they are together. Preserving families should remain a key objective of U.S. refugee policy.

*3. The State Department, assisted by the voluntary agencies, should continue the search for innovative ways to identify and offer resettlement to refugees in situations where access to them is difficult.*

The State Department and the voluntary agencies assisting in resettlement processing overseas should renew their dedication to a working partnership which results in processing that is fair, efficient, and cost-effective. The voluntary agencies have a legitimate and necessary role, for which there is no adequate substitute. They improve the fairness of adjudications by providing an outside voice, offer assistance in case preparation that is flexible and cost-effective, provide a smooth interface with the domestic resettlement agencies, and bring to the U.S. refugee program the support of important religious, ethnic, and humanitarian constituencies. The public/private partnership that this collaboration constitutes must continue and be strengthened.

*4. Congress should strengthen the U.S. asylum system.*

"Expedited removal," the procedure whereby low-level Immigration and Naturalization Service (INS) officers at ports of entry summarily deport asylum-seekers back to the country from which they traveled, should be repealed, and judicial review of asylum claims restored. The one-year filing deadline for asylum claims for those who reach our country, which is insufficient for many who are unaware of the law, also should be repealed. Asylum-seekers who articulate a credible fear of persecution should not be detained unless they are a threat to society.

Other of our recommendations, Mr. Chairman, fall outside the purview of the Judiciary Committee, but I wish to record them nonetheless.

- The United States should increase assistance for refugees overseas, with a special emphasis on Africa.

The UNHCR, the international humanitarian agency which assists refugees with life-sustaining support overseas until they are able to return home, cannot do its job properly when it is underfunded, which is the condition of many of its specific programs. While it is right for us to expect other nations to pay their fair share, it often is U.S. leadership which encourages them to meet their obligations. At a minimum, Congress should appropriate full funding of the Administration's Migra-



tion and Refugee Assistance (MRA) and Emergency Refugee and Migration Assistance (ERMA) requests.

- The United States should redouble efforts to seek peaceful settlements to wars in countries like Sudan, Angola and the Congo Republic.

Each of these recommendations, Mr. Chairman, is offered in a spirit of humility and a recognition that all of us involved in refugee work—whether government officials or private agency personnel—are doing our best to address complicated and daunting problems.

Mr. Chairman, it is the view of the U.S. Catholic bishops that the United States must make a renewed commitment to refugee protection globally. By so doing, we serve our own vital interests and act as an example to other nations. Perhaps more importantly, we honor the democratic values we espouse, continue a tradition of compassion which has long characterized our nation, and offer a beacon of hope to suffering refugees around the world. As a model of democracy and freedom to millions worldwide, we can and must do more to provide safe haven to those who flee persecution.

On behalf of the nation's Catholic bishops, I thank you and your colleagues on the Subcommittee for allowing me the opportunity to present our views and for your leadership in this important public service.

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JOINT REPORT ON THE RESETTLEMENT OF SUDANESE YOUTH IN  
KAKUMA CAMP, KENYA

*Of The United Nations High Commissioner for Refugees, United States Catholic Conference, Lutheran Immigration and Refugee Service, U.S.A., February 1, 1999*

INTRODUCTION

1. Further to the recommendations of the April 1998 meeting on unaccompanied refugee minors organized by the United States Office of Refugee Resettlement in Washington D.C., a joint mission was organized by UNHCR, USCC and LIRS to Kakuma refugee camp in Kenya from 29 June to 15 July 1998.<sup>1</sup> The objective of the mission was to assist UNHCR to develop an effective methodology for using resettlement as an instrument of protection and durable solution for unaccompanied minors in a refugee camp context. The mission was to develop practical guidance for the proper identification of children in need of resettlement.

2. This report begins with a brief overview of the policy references and guidelines for the resettlement of children and adolescents. It then considers the specific situation prevailing in Kakuma camp and provides a framework for assessing resettlement needs.

RESETTLEMENT: POLICY REFERENCES AND GUIDELINES

3. The UNHCR Resettlement Handbook is cited in the following paragraphs as the authoritative UNHCR reference on resettlement issues which has taken into account, and operationalises to the extent possible, considerations relevant specifically to unaccompanied and separated minors. In accordance with the Convention on the Rights of the Child, which establishes that children and adolescents are "entitled to special care and assistance," the Handbook provides guidance on the use of resettlement as a vital instrument of protection and a durable solution for unaccompanied minors. Chapter 4 of the Handbook states:

Among cases to be promoted for resettlement, priority attention should be given to those refugees with acute legal and physical protection needs and, in particular, to women-at-risk and unaccompanied children for whom resettlement has been found in their best interests.

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<sup>1</sup>The members of this mission were Elizabeth Harshaw, Children's Services Specialist, U.S. Catholic Conference, Migration and Refugee Services (USCC/MRS); Susan Schmidt, Director of Children's Services, Lutheran Immigration and Refugee Service (LIRS); and Maricela Daniel, Regional Policy Advisor (Refugee Children), UNHCR Regional Office in Addis Ababa.

Field work was conducted in Kakuma Camp in Kenya. For 12 days, the mission met with UNHCR and NGO staff who work directly with the unaccompanied minors, with community and religious leaders and with groups of minors and young adults living in group and foster care arrangements. The mission also met representatives from relevant organizations, including UNICEF/Operation Lifeline Sudan (Lokichoggio and Nairobi offices), ICRC Tracing Section (Lokichoggio and Nairobi offices), Kenyan Red Cross (Kakuma representative), and Radda Barnen (Lokichoggio and Nairobi offices). See Annex 2 for details.

4. Sub-chapter 4.7 refers specifically to children and adolescents. The guidelines for the resettlement of unaccompanied minors require:

- consistent application of the principle of “best interests of the child”, in accordance with article 3 of the Convention on the Rights of the Child and Conclusion No. 47 of the Executive Committee of the UNHCR;
- a case-by-case examination including the participation of child welfare personnel;
- effective participation of the refugee child; and
- assessment of the nature and durability of the relationship, when resettlement with a family other than the minors own family is being considered.

5. The Resettlement Handbook refers to family reunification as the primary objective of the resettlement of unaccompanied minors:

The resettlement of an unaccompanied minor for reasons other than family reunification should not be considered unless, for example, the minor is being cared for by a foster family which is being considered for resettlement, the minor has formed a strong emotional or social bond with the family, and resettlement will not interfere with tracing and reunification with the original family.<sup>2</sup>

6. The ensuing sections of the Handbook concerning minors who are under physical threat (4.7.3) and minors who are disabled, traumatized or in need of medical care (4.7.4) cite several specific situations where resettlement may be considered for minors. Minors, due to their own actions or perceived actions, may be particularly targeted by authorities or other parties and find themselves in circumstances where resettlement is perhaps the only solution to ensure their protection. If the physical safety of a minor is under severe threat and local solutions are not available, immediate resettlement may be the only practical means to guarantee his or her protection. As with adult refugees, minors who have been traumatized or tortured or who are survivors of sexual violence need to be given priority, in particular when their condition represents a significant obstacle to leading a normal life and to their eventual achievement of self-sufficiency.

7. It may be difficult for an unaccompanied minor to establish refugee status using the same refugee criteria and procedures applied to adults. When a child is unable to articulate a claim, or when it is not possible to determine the refugee status of a minor, a decision should be made as to what durable solution would be in the minor’s best interest. UNHCR encourages countries to consider the best interests of the child when determining the refugee status of a minor, and to determine refugee status using the broadest possible interpretation.

8. Where it is found necessary to resettle a minor who is accompanied by family, resettlement should be made possible for the minor’s family, or the guardian, even if these other family members would have no independent grounds for resettlement. The Handbook offers the specific guidance that a child evacuated for treatment “should always be accompanied by a close relative, or someone with whom the child has an emotional bond. In extraordinary circumstances when this is not possible, the child must be accompanied by someone who speaks the child’s language and can provide emotional support.”<sup>3</sup>

9. The sub-chapter in the Resettlement Handbook on refugees without local integration prospects (4.9) has particular bearing on the situation of the large population of Sudanese refugees in Kakuma Camp, since voluntary repatriation is not yet a realistic option encouraged by UNHCR nor is local integration allowed by the Kenyan authorities. This section states that:

Under the broad concept of seeking resettlement as a durable solution when resettlement for immediate protection reasons is not necessary, UNHCR may consider promoting resettlement for specific individual cases or even groups.

There is no fixed period for considering resettlement for durable solution purposes, but the guidelines do suggest it would usually take more than two years to fully explore the possibilities of local settlement or voluntary repatriation. While the lack of local integration prospects is not considered sufficient grounds for the resettlement of children in light of the specific requirements of the Handbook, the risk of an indefinite refugee experience should trigger a formal best interest assessment and a vigorous family tracing effort.

10. Interpretation of the “best interest of the child” may be a rather difficult assessment because it often implies a balance of rights that, at times, may be conflict-

<sup>2</sup>Section 4.7.2 on Minors and Family Reunification refers.

<sup>3</sup>Section 4.7.4 on Minors who are disabled, traumatized or in need of medical care refers.

ing. The opinion of a child is important in the context of resettlement and so it is essential that a child is given the elements to give an informed opinion. Consideration of the best interests of the child and of the child's opinion are important for making determinations appropriate for a particular child. Chapter 7.1 of the Resettlement Handbook offers a fuller discussion of the CRC and the four essential elements of the best interests rule:

- a set of principles about the developmental needs of children and adolescents;
- a set of attitudes that a decision-maker needs to have;
- a set of procedures that a decision-maker needs to follow; and
- various institutional structures to help ensure rationality and fairness in the decision-making process.

11. In sum, UNHCR's guidelines and policy orientations attach prime importance to the principle of family unity and have established that children are best cared by their family and within their community. Resettlement of an unaccompanied minor is carried out with caution and essentially for family reunion reasons or the preservation of family-type relationships when it has been ascertained that this is in the best interest of the child. When the right to life is at stake or other essential rights are threatened and the necessary protection cannot be provided in the refugee situation, resettlement may become the best solution for the child. In any event, the right to the unity of his/her family calls for all measures by those working with refugee children—UNHCR staff, child welfare specialists, partner agency representatives, resettlement program staff and others—to ensure that safeguards are in place to preserve the possibility of family reunion.

#### PRACTICE AT KAKUMA REFUGEE CAMP

12. The following sections of this paper present a framework for applying the guidelines concerning the resettlement of refugee children in the specific context of Kakuma camp.

13. Kakuma refugee camp lies some 130 kilometers south of the Kenya-Sudan border. It was established in 1992 to accommodate a major influx of Sudanese refugees, largely composed of unaccompanied minors. The camp population is comprised of diverse ethnic, religious, linguistic and political backgrounds, an unbalanced sex ratio in favor of males, and a high number of adolescents including 5,080 unaccompanied minors and young adults. The camp is now hosting refugees from southern Sudan, Somalia, Ethiopia and other African countries (such as Democratic Republic of the Congo, Rwanda, Burundi, Uganda and Liberia) plus a group of persons tentatively registered as Kenyan/stateless.

14. The registered camp population was 65,000 in October 1998. Sudanese refugees account for about 67 percent of the total camp population (45,000). Most of them have fled the protracted civil war in southern Sudan between the Government of Sudan and the resistance forces, which began and has remained continuous since 1982. Many have also left because of the ensuing famine and destruction. The camp population continues to grow with the arrival of southern Sudanese.

15. The refugee youth population of specific concern in the following sections are those Southern Sudanese youth who have sometimes been referred to as "unaccompanied minors" or the "lost boys of Sudan." There are significant elements of a shared refugee experience of persecution among these youth. They first left Sudan as children for Ethiopia in mid-1987, fleeing the civil war killings of family members and starvation. The SPLA facilitated the flight to the camps in Ethiopia and also forcibly moved some youth to create an educated cadre and to train them (and in some cases, deploy them in battle). They experienced further traumatic experiences and displacement when they had to depart Ethiopia back into Sudan in 1991 and then when they fled again in search of safety to Kenya soon thereafter, beginning in 1992.

16. While commonly referred to as "unaccompanied minors" and "boys", roughly half of the 5,000 Sudanese youth are over 18 years of age.<sup>4</sup> Sixty five per cent (3,237) live in group care arrangements and the remaining 35 per cent (1,739)—mostly the youngest of the refugees—are in foster families. Over the years, those working most closely with the youth indicate that it is not unusual for the youth to re-establish contact with their relatives in the Sudan and some occasionally travel to Southern Sudan. At the end of 1996, following severe tensions between the Nuer and Dinka communities, the Nuer youth were separated to their own area: 325 Nuer youth are in group care and 201 are in the foster care with 47 families.

<sup>4</sup>The statistics of the Sudanese youth in Kakuma camp need to be updated. Following is the breakdown by age and type of care, as of March 1998.

## SOCIAL AND PROTECTION CONSIDERATIONS

17. A key point of departure in the development of the psycho-social support programmes was the need to assist the children to cope with the sudden separation from their families and the witnessing of atrocities committed to their families and villages, and to offer protection to the children in a culturally sensible manner. Much has been done on their behalf, but still many do require continued special care. The assistance programme for the refugee youth has had a strong focus on education, and many have reached the highest levels of education available in Kakuma camp. The programme has also offered them skills training activities (such as tailoring, carpentry and masonry), sports and recreation equipment, and supplementary assistance (shoes, clothing, etc.).

18. Channels for communication with relatives and others in Southern Sudan exist through Red Cross messages, from news brought by new arrivals and/or from personal visits to Sudan. Many of the youth, however, still long for their families and some suffer from the lack of information of family members at home. The impact on the youngest is most felt and requires continued attention. Indeed, one third of the 484 children in Kakuma with special needs—including physical or mental disabilities—are from among the refugee youth who fled to Ethiopia and after returning to Sudan, fled once again to Kenya. For the older among them, the lack of family support becomes more acute when it comes to rites of passage, especially marriage. Most of the young men have no means to pay the traditional bride price and so their prospects for marriage, with honour to the family and thus adherence to traditional norms, are limited. Constraints in following the customary rites of passage, and the lack of resources for traditional marriage practices, are disruptions affecting *all* youth (including those within families) in the refugee camps.<sup>5</sup>

	Under 18	Over 18	Totals
Group Care .....	1,291	1,946	3,237 (65%)
Foster Care .....	1,239	503	1,742 (35%)
Totals .....	2,530 (51%)	2,449 (49%)	4,979

Group Care Breakdown	Under 18		Over 18	
	9 years old:	1	18 years old:	739
	10 years old:	0	19 years old:	617
	11 years old:	2	20 years old:	349
	12 years old:	1	21 years old:	137
	13 years old:	14	22 years old:	49
	14 years old:	46	23 years old:	26
	15 years old:	181	24 years old:	3
	16 years old:	393	25 years old:	6
	17 years old:	670	26 years old:	2

19. Many of the refugee youth in Kakuma have been living during their most formative years in a group care arrangement, as opposed to family-based foster care. While the lack of family protection might in some cases make these youth more vulnerable to forced recruitment to military groups or banditry, their awareness of children's rights through camp-based educational/training activities, and their separation from family-based pressures to "serve the rebellion" also renders these youth more resistant to pressures from the community (to be drafted, for example) and to be independent of one or another rebel faction.

20. In Ethiopia and in Kakuma, the psycho-social programmes for these youth were organised and supported by Radda Barnen. After Radda Barnen left Kakuma at the end of 1997, the Lutheran World Federation (LWF) assumed responsibility for implementing the psycho-social programme. The system of group care is culturally-sensitive and has allowed the children to survive a series of very negative and traumatic experiences. Some staff claim that the youth are ostracised by the community and regarded, even beyond 18, as "minors" because most have been unable (or unwilling) to go through the customary/traditional rites of passage. It is im-

<sup>5</sup> With respect to marriage and bride price arrangements, families of youth within family settings reportedly are sometimes able to make their arrangements based upon promises of *future* payments, while this is not possible for those cut off from their family.

portant to note, however, that the disruption of these traditional rites has had a much more general impact on young refugees in the camp, in general, not just those who are unaccompanied or separated from their families. There are also strong indications that the lack of some or all elements of these traditional rites is being accepted, increasingly, as one of the many changes brought about by war and the refugee situation. While it appears to be the case that the general refugee community feels less responsibility for the youth because they have received extensive and focused attention and direct benefits from international agencies, researchers, journalists and others, this does not equate with “ostracism.”

#### DURABLE SOLUTIONS

21. It is reported that more than 100 of the refugee youth have returned to Sudan on their own to serve as teachers or technicians. Formal repatriation to Sudan cannot now be promoted or undertaken by UNHCR, nor has organised family reunification been possible, because of the multiple and ongoing displacements and civil war in Sudan. The Sudan Government’s requirement that reunifications take place through Khartoum is a severe limitation on the ICRC’s ability to deliver children directly to their parents, once identified. Family tracing efforts must nevertheless continue.

22. Over the years, UNHCR and its operational partners have put into place structured programmes for ensuring proper care that has allowed the refugee youth to confront the traumas of war and displacement and to engage in education and productive activities. Nevertheless, there are no prospects for local integration in Kenya.<sup>6</sup> Sudanese refugees will continue to be assisted in the designated camps until the conditions allow for their voluntary repatriation, the durable solution which will necessarily apply to the vast majority of refugees.

23. During the extended stay in asylum for most refugee youth, a more concerted effort should be made to reintegrate them into the broader Sudanese community. It is also clear that some of the children continue to yearn for their families in Southern Sudan. For those who maintain contact with parents or care givers, family reunification should be pursued. Those youth who choose (or have) to remain in Kakuma until an eventual return to Sudan is possible should have more possibilities for secondary school opportunities and vocational training.

24. Resettlement can continue to be used effectively to address the needs for protection and durable solutions of some of the refugees in Kakuma camp. In accordance with the UNHCR Resettlement Handbook, priority must of course be given to those individuals who are facing immediate physical protection problems. When specific conditions are met, UNHCR may also consider promoting resettlement for refugees who will not be able to return home in the foreseeable future who have no local integration prospects. In general, resettlement can ensure long-term protection and provide a durable solution for refugees. Given appropriate arrangements for selection and reception, resettlement may also provide advanced educational opportunities and the chance of a productive future for the Sudanese youth.

#### RESETTLEMENT

25. UNHCR has clearly established policies and guidelines on the use of resettlement for refugee youth and children, especially those who are unaccompanied or separated. These guidelines necessarily focus on the individual and, as noted above, they focus on durable and interim solutions other than resettlement in most circumstances. Third country resettlement for unaccompanied minors is generally not deemed appropriate by established UNHCR guidelines unless there is a strong family link abroad or the child is facing an immediate physical/legal protection problem or has serious medical problems. Being cared for within their own community provides the minors with physical and emotional protection while awaiting possible repatriation or reunification with their own families. A policy which is broadly inclusive—which promotes the resettlement of all of the youth as a group—is neither well-founded nor possible to implement. Equally, a policy which is strict and exclusive—which denies the possibility of resettlement—is also not supported. A selective, but open, “middle ground” approach is needed.

26. Concerned by the fact that only a very few of the Southern Sudanese refugees in Kakuma camp have been resettled under UNHCR auspices to date, some American NGO’s have recommended that sub-groups of the youth population be des-

<sup>6</sup>It is important to note that local settlement for Sudanese refugees, including unaccompanied minors, in Uganda has been largely successful. There is concern that a broad-based resettlement effort in neighboring Kenya could serve to disrupt and undermine the viability of this local settlement program, by possibly triggering irregular movements.

ignated as eligible for direct processing by the USA, which would then proceed with an individual assessment of their refugee claim only. One NGO, for example, has recommended that the following categories be considered for third country resettlement:

- boys under 18 years of age;
- young adults who are orphans without extended family;
- boys and young men who need special protection for whatever reason; and
- boys and young men who have particular difficulty integrating into their community.

27. This approach is not consistent with UNHCR guidelines which require a prior, individual assessment of the needs of minors. Moreover, the definition of broad categories using such ambiguous and loose criteria renders this approach unworkable.

28. Whereas a group-based approach to eligibility only involves an individual determination of the refugee claim, UNHCR must, in the case of refugee minors, first establish the need for resettlement and determine that it would be in the best interest of the child. Thus, UNHCR cannot agree to promote the resettlement of all of the youth under the age of 18. As indicated above, the Resettlement Handbook is quite clear with regard to unaccompanied or separated minors: resettlement should only be considered upon a case-by-case examination. The needs of the youth in group care would have to be assessed with the assistance of the caregivers in order to establish that resettlement would meet the child's best interests. Whereas adolescents could in principle express their views, children would require specialised attention.<sup>7</sup> Similarly, in some cases, subject to the requirement that it is in the child's best interest (e.g., where strong familial bonds have been established, especially where other family links have been lost), the youth in foster families would need to be considered for resettlement with their host family.

#### RESETTLEMENT OF REFUGEES ABOVE 18 YEARS OLD

29. The youth over 18 years old, notwithstanding their social circumstance, are no longer minors. From an adjudication point of view, these young men are presumably able to articulate their claim to refugee status and make responsible decisions regarding resettlement.

30. UNHCR has again initiated contacts with the refugee community to smooth the process for the integration of those youth who are no longer minors. In accordance with standard practice, UNHCR refers for resettlement those young adults who have protection problems and meet the criteria of the Resettlement Handbook. If those from among the Sudanese youth who trekked via Ethiopia and Sudan to Kenya who are now young men over 18 are designated as being eligible for resettlement as a "group of special concern" to the United States, UNHCR could agree to work with American partners to support processing activities; *however, only after a rigorous assessment of the fuller and regional implications, as discussed below.*

31. In the first place, there are comparable groups of Sudanese youth in Ethiopia and Uganda, and in neighbouring Southern Sudan. If a resettlement programme is initiated only in Kakuma and based simply upon fitting a group definition, there will almost certainly be an influx of new arrivals from neighbouring countries, including from Sudan. Indeed, in recent months, increased numbers of young men declaring themselves to be "unaccompanied minors" have been arriving at Kakuma. This upswing coincides with the heightened and fairly explicit interest of visitors in possible resettlement initiatives.

32. Secondly, a resettlement initiative targeting the young men in Kakuma should not preclude active and early consideration of other young refugees, regardless of gender or nationality, in both Kakuma and Dadaab who meet the criteria for resettlement. It is understood that UNHCR may already proceed with individual referrals of such cases, but in the context of an eventual group designation for Sudanese youth, it should be explicitly recognised that these other referrals should also benefit from any special assessment, processing and reception arrangements.

33. Thirdly, it should be recognised that although the above 18 year-olds are in a qualitatively different situation from an adjudication point of view, they will require specialised counselling as they consider whether to apply for resettlement. Moreover, they will require special attention in terms of counselling and access to services and educational opportunities, upon arrival in the United States. UNHCR would therefore request advanced information on the nature, scope and duration of

<sup>7</sup>The CRC applies to everyone below the age of 18 years unless, under the applicable law, majority is attained earlier. According to the dictionary, a child is a person who has not yet reached puberty or sexual maturity, and in common usage it is not applied to anyone over 14 or 15 years. A person who is no longer a child but not yet an adult is an adolescent.

psycho-social, education, and material support services which will be provided by agencies and service providers in the context of a special programme for these young adults.

34. Finally, given the special profile of this refugee population, practical measures would need to be taken to ensure favourable consideration of requests on an individual basis for reunion with extended family members and links who might not be eligible under normal immigration standards but who meet the criteria for the “constellations” of family reunification described in the Resettlement Handbook and who would contribute actively to the welfare of the young adults in question.

35. In sum, a group designation by the United States could indeed be a positive response to the need for a durable solution for the young men. A prior understanding would need to be reached that the common experience of persecution and well-founded fear to return to Sudan constitute sufficient grounds to meet the refugee definition, as some individuals are better able to articulate their situation and claim than others. Moreover, as has been the case with other group referrals, an action plan and division of responsibilities would be agreed to in order to ensure that implementation is fair, speedy and not disruptive.

#### RESETTLEMENT OF CHILDREN UNDER 18 YEARS OLD

36. As indicated above, UNHCR can only consider the resettlement of unaccompanied or separated minors after a case-by-case examination. A group designation for minors would therefore contradict established criteria and procedures for the resettlement of children and adolescents. For a fuller discussion, please refer to Chapters 4.7, 5.8 and 7.1 of the Resettlement Handbook.

37. In the context of Kakuma (and also in the camps in Ethiopia and Uganda)<sup>8</sup> registration for the children should be updated and, for each individual case, family tracing efforts should be recorded. Existing files for all of the youth registered over time with Radda Barnen should serve as a basic reference.

38. Given the age distribution of the Sudanese youth population in Kakuma, it should be possible to undertake an individual, protection-oriented assessment of the quality of foster or group care of those children—*beginning with the youngest minors and moving up the age ladder*—for whom all tracing possibilities have been exhausted. In accordance with the Resettlement Handbook, priority attention should be given to those children and adolescents:

- whose protection or physical security is at risk; and
- for whom the quality of care and psycho-social support does not meet minimum standards and the refugee community is unable or unwilling to offer greater support.

39. Where tracing possibilities have not been exhausted, coordinated action by UNHCR, ICRC and responsible NGO's should be undertaken to accelerate the tracing effort in a timely manner. Should the tracing effort finally be successful, an assessment would be undertaken to determine if there are any reasons *not* to consider family reunification as the most appropriate solution. With due consideration given to age and maturity of the minor, his/her views should also be included in the assessment.

A resettlement activity for minors should permit all necessary facilities, including UNHCR or UNHCR-designated presence at the time of the adjudication interview, as individual circumstances require. (It should be noted here a couple of cases already referred by UNHCR were rejected by INS. The new Guidelines for Children's Asylum Claims released on 12 October 1998 by INS should be implemented as part of any INS interviews with this population.) The effective participation of the refugee children or adolescent must also be assured and their views should be taken into account in decisions regarding arrangements for themselves and their siblings. Specialised counselling should be provided on the procedures and implications of resettlement, including advice on the process, from the adjudication interview through medical examinations and adjustment to the new environment, where targeted services would necessarily be made available and the close ties established among the youth over the years would be taken into account.

40. Another crucial consideration in the event of a resettlement action is that relatives, especially siblings, and guardians of the unaccompanied minor be clearly doc-

<sup>8</sup>In Ethiopia, the Sudanese “unaccompanied minor” population in Fugnido camp numbered some 3,000 in early 1998. There are some 545 who are now older than 18 years. In Uganda, there are some 130 minors in two Adjumani settlements (Biyaya and Agojo) and a larger number who are older than 18 years. There are other Sudanese unaccompanied minors in Arua settlements (Rhino and Imvepi), Kitgum (Acholpi) and Masindi.

umented on UNHCR referrals to facilitate unified resettlement or eventual family reunification in the United States provided this is in the best interests of the child.

#### A SUGGESTED METHODOLOGY FOR DETERMINING MINIMUM STANDARDS

41. The above-mentioned reference documents and guidelines state that unaccompanied minors may need resettlement for family reunification and foster family accompaniment, actual or feared physical threats, and special health needs. The minimum standard for assessing the need for resettlement of minors should include the situation where an unaccompanied child has experienced, or is at risk of experiencing, exploitation, abuse, neglect or ostracism because of his or her status as an unaccompanied refugee minor, where other means of protection are unavailable or inadequate.

42. Unaccompanied minors may face greater protection risks as compared to accompanied minors because they lack an identifiable adult charged with protecting them, advocating for them, and otherwise looking out for their best interests. Examples of such situations could include: an unaccompanied child forced into inappropriate labor or domestic servitude for survival; an unaccompanied child abused by a foster family or care-giver; an unaccompanied minor ostracized by his/her community due to family associations, rape, minority status, etc.; an unaccompanied child forced into an undesirable marriage, or subjected to a traditional cultural practice to which the child is opposed.

43. It should be noted that, in some cases, alternative living arrangements may be possible within the camp. In other cases, the camp may have exhausted possibilities, the child may have experienced numerous changes in placement already, or the child may remain at risk anywhere within the camp. Under these circumstances, where minimum standards are not met, resettlement ought to be considered.

44. To further develop the extent and quality of field-based referrals, it is suggested that specific operational instructions be prepared. One person within each agency should act as agency representative for the collection of this information. The "risk factors" being experienced by a child or adolescent, such as those listed below (or others as identified in other refugee camp situations), when identified by field UNHCR or partner agency field staff, should be brought to the attention of Senior Protection Officer in Nairobi through a referral form, via regular interagency meetings or in some other formal and recorded fashion.

#### IDENTIFYING "RISK FACTORS" FOR UNACCOMPANIED CHILDREN AND YOUTH

45. In the field of domestic child welfare, one means of determining whether a child is in need of protection from abuse or neglect, is to look at the risk factors in the child's life. A similar approach could be used for unaccompanied minors in a refugee camp. The intent of the following paragraphs is to help sensitize UNHCR and NGO staff to situations in which unaccompanied youth face particular risks. Risk factors include both generalized protection issues, common to many refugee camp situations, and protection issues specific to a particular camp, region, culture, or conflict. This is not to say that an unaccompanied minor in any of the following circumstances is categorically in need of resettlement. If these risk factors apply, however, there should be further consideration given to protection measures, including resettlement, which may need to be taken.

##### *Conscription / Military Recruitment*

46. Unaccompanied youth can be at greater risk of recruitment if there is no one to protect them from forced recruitment or to discourage voluntary conscription. Unaccompanied youth may be targeted for recruitment because there are no adults to protect them from the influences of seeking the camaraderie or material benefit of military service or seeking revenge on those who persecuted or killed their family and relations. In open camps, the presence of undesirable elements in a refugee population increases, and there is need to be vigilant to the risks which unaccompanied minors face because they do not have family to provide support and supervision. Unaccompanied girls without an adult to defend them are at even greater risk of being targeted and forced to provide sexual services.

##### *Child Abductions*

47. Minors may be targeted for abduction, based on cultural traditions or as a tactic of war. Unaccompanied minors may be at greater risk of being victim to such a practice if there is no identified adult to defend them.

##### *Forced Marriages*

48. In some cultures, young women and girls may be forced into arranged marriages. In Kakuma, for example, much older Sudanese men who have the resources



to pay the dowry for marriage may force adolescent girls into marriage. The pressure on girls to marry is made greater by the gender imbalance in the Sudanese community in Kakuma (twice as many males as females). Unaccompanied girls without adult family members to defend their interests may be at greatest risk of forced marriages. Even unaccompanied girls fostered by families within the camp may be at-risk, since such marriages will bring wealth to the foster family.

#### *Female Genital Mutilation (FGM)*

49. This practice presents one of the few instances in which the family and the community imposes harm to the child. In the extraordinary event that a girl in a camp situation expresses opposition to the practice and requests protection, resettlement may need to be considered. Whether or not the girl is accompanied is of secondary importance; indeed, an unaccompanied girl may be more likely free of the practice.

#### *Inactivity and prolonged stay in the camp*

50. While inactivity can be a problem for all minors in a refugee camp, it can pose an even greater obstacle to development for unaccompanied minors. Inactivity in a refugee camp situation can add to a sense of despair, lead to delinquency, and increase the vulnerability of the child to forced military recruitment. Minors in families will generally have the additional structural supports and defenses to minimize the social and legal risks of inactivity.

51. A prolonged stay in a refugee camp can create despair for any refugee, but a child or adolescent without family support may be particularly affected due to developmental needs, lack of family structure, lack of adult guidance, loneliness, etc. In the Kakuma context, many of the Sudanese youth have passed the last ten, most impressionable, years of their lives in a refugee camp.

#### *Satisfying basic needs*

52. Limited access to basic needs, such as food, clothing, shelter and water is a problem confronting refugees generally. However, deprivation especially impacts children and the elderly. Unaccompanied minors are at particular risk because they are younger physically, lack shared family resources, have limited life experience and may not have adult guidance on how to get by with minimal provisions.

#### *Care arrangements*

53. While foster care has the advantage of keeping children within a family environment and within their culture, it also has potential dangers if not adequately supervised and supported. The risks to the minor may increase as the level of stress on the foster family increases, a common predicament in a refugee camp situation. Minors in foster care may face greater risk of exploitation for household labor. Shared household labor can be a legitimate expectation of any child; however, it can also be subject to abuse. Children in foster care are sometimes charged to do more household labor than birth children. A foster child who is exploited or neglected is vulnerable to feelings of despair and, indeed, to health risks.

54. There are indications that the problems facing Sudanese girls in foster care— not necessarily unaccompanied but rather separated from their parents and cared by relatives who are by customs responsible—have been neglected. Because the girls do not speak up about their problems, there is a common perception that they do not have any. This needs to be established on an individual basis, especially in light of the concerns about forced early marriages and potential abuse in household labor practices.

#### *Lack of family ties or extended separation from family*

55. The extent of existing family ties, or their total absence, is an important indicator of risk for an unaccompanied minor. Those without traceable relatives may face greater developmental and security risks than children with families, even in the event of physical separation. Unaccompanied minors without the developmental and emotional support of family, as well as protection and resource support of an adult relative, are particularly at-risk. In pursuing timely durable solutions for unaccompanied minors, efforts at family reunion must be vigorous in respect of the child's need for permanence and security.

#### *Special Needs*

56. Children with special needs may require on-going specialized care or extra supports, such as special education, assisted mobility, personal hygiene, supported interaction with peers, and special medical attention and follow-up. Depending on the level of care required to attend to their special needs or disability, these youth may be difficult to foster. In a refugee camp environment, where resources are

spread thin, the needs of this population cannot always be met and the risks of neglect and exploitation increase.

*Groups with special protection needs*

57. While "special needs" is generally used to refer to individuals with disabilities, it may also refer to sub-groups within the broader population which have particular protection or service needs. One example is that of the Sudanese unaccompanied youth who were taken to Cuba in 1984 for education. Some as young as 10 to 12 years old were subsequently transferred to refugee camps in Uganda, where the transition was reportedly quite difficult. Another example in Kakuma concerns the Nuer population, which is much smaller than the Dinka population. There have been occasional problems of relations which Kakuma authorities have tried to manage. The need to separate the children of minority groups may reflect the possibility that unaccompanied minors may face greater protection risks than other children.

OPERATIONAL AND RESOURCE CONSIDERATIONS

58. Finding durable solutions for unaccompanied minors is time-intensive. The report to the UNHCR Standing Committee on the *Evaluation of UNHCR's Efforts on Behalf of Children and Adolescents* (EC/47/SC/CRP50 of 15 August 1997) states that "the team concluded that a strong and well informed protection presence is needed to identify and address the specific problems faced by minors" and goes on to suggest that the secondment of child and adolescent welfare and education specialists may help to reinforce UNHCR's operational capacity.

59. In the event of a group designation for young adults, with the provisions indicated above, a very careful assessment would be required bearing in mind other direct processing experiences based on group designations. Additional UNHCR staff support would be required for UNHCR offices in the region to prepare name lists for transmission to the U.S. Refugee Co-ordinator. Individual identification pictures would need to be taken at an early stage to minimise fraudulent manipulation of eligibility lists. In addition, UNHCR staff would be responsible for preparing individual referrals for other young adults, regardless of gender or nationality, in need of resettlement to be considered in parallel to the designated group.

60. As concerns the children and adolescents, UNHCR would need to work with ICRC and NGO's to update any existing files and to initiate, as required, further tracing efforts. In order to focus attention on minors potentially most in need, UNHCR protection and child welfare staff would begin with individual assessments of the youngest minors, moving up the age ladder.

CONCLUSION

61. Resettlement remains a durable solution available to all refugees, including unaccompanied minors. While resettlement is not the preferred durable solution for all or even most youth, it is nonetheless the only durable solution for some unaccompanied children and adolescents. This report presents some considerations to guide an assessment of the extent to which minimum standards of care and psycho-social support are respected. The application of this methodology in Kakuma should be monitored closely, before it is tested in other refugee contexts.

62. This paper provides a framework for implementing resettlement for the Sudanese youth which takes into account several essential considerations relating to UNHCR's guidelines for the protection of refugee children, the demographics of the Sudanese youth population in the region, and the protection needs of other young refugees. Given the very special character of the refugee population involved, a comprehensive framework for action needs to be agreed upon before proceeding with resettlement for any designated groups. UNHCR is prepared to work closely with partners to further this process.

ANNEX 1—BRIEF DESCRIPTION OF THE UNITED STATES RESETTLEMENT PROGRAM FOR UNACCOMPANIED REFUGEE MINORS

*Several field staff recommended that the mission report include a general description of the specialized resettlement services available to unaccompanied minors to show that such resources do exist in the U.S. for unaccompanied youth with protection concerns and/or without other durable solution possibilities.*

The United States Refugee Program includes specialized resettlement services for unaccompanied minors. These services are provided by two voluntary agencies, Lutheran Immigration and Refugee Service and United States Catholic Conference/Migration and Refugee Service, which are authorized by the U.S. Department of State

to resettle unaccompanied youth and have worked with unaccompanied refugee youth for more than 20 years. These agencies work through licensed child welfare affiliates to provide appropriate support services.

Resettlement of unaccompanied youth occurs in accordance with domestic child welfare guidelines, but services are only provided through programs specifically designed for the reception of refugee youth. Minors are placed in foster care or independent living arrangements, appropriate to the youth's developmental needs. The type of services available through these programs includes:

- indirect financial support for housing, food, clothing, and other necessities
- medical care
- assistance of a social worker
- independent living skills training (i.e. consumer/budgeting skills, housing, food preparation, social and legal systems, transportation, education, community resources)
- education/English as a Second Language (ESL)/tutoring
- job skills training and career/college counseling
- mental health services
- on-going family tracing, where possible
- cultural activities/recreation
- special educational services, where appropriate
- legal assistance

Youth who enter the United States prior to age 18 can remain in foster care/independent living until they complete high school or reach 20–21 years of age (depending upon particular state emancipation guidelines.) These services are funded through the Office of Refugee Resettlement of the United States Department of Health and Human Services.

Foster care placements are based on the individual needs of a particular youth, with attention to the cultural, linguistic, and religious background of a youth; special health, educational, and emotional needs; as well as the personality, temperament and opinions of the youth. Foster parents must be licensed by their state or county child welfare provider and receive on-going training in child welfare matters. Foster parents come from a diversity of ethnic and linguistic backgrounds, and they receive special training on the adjustment needs of refugee youth.

#### ANNEX 2—ITINERARY OF THE MISSION TO KAKUMA

Monday 29 June:	Meeting with UNHCR Representative; Briefings by UNHCR Protection and Durable Solutions Units; Meetings with Radda Barnen, UNICEF/Operation Lifeline Sudan, International Rescue Committee, ICRC, Save the Children/UK.
Tuesday 30 June:	Arrival in Kakuma, Briefing by Head of Sub-Office and UNHCR staff.
Wednesday 1 July:	Meetings with Lutheran World Federation, IRC and National Council of Churches/Kenya concerning all aspects of programming targeting the minors and young adults. Meeting with the Kenyan Red Cross on tracing and Red Cross Message activities.
Thursday 2 July:	Meeting with agencies in Lokichoggio (UNHCR Reception/Transit Center and ICRC Hospital). Attend Peace Education Workshop with refugee youth.
Friday 3 July:	Meetings with Chairmen and Community Leaders of the Dinka and Nuer communities in Kakuma camp.
Saturday 4 July:	Meetings with LWF representative responsible for psychosocial care; with Jesuit Refugee Service; and with Lopit youth and caretakers.
Monday 6 July:	Meetings with UNHCR Community Services Field Officer and the UNHCR Consultant Responsible for Peace Education. Meetings with Nuer caretakers and refugee youth in group care.
Tuesday 7 July:	Meeting with Dinka youth in foster care and group care.

Wednesday 8 July: Meeting with agencies in Lokichoggio (UNICEF/OLS, Radda Barnen, and ICRC) and with Sudanese religious leaders.

Thursday 9 July: Meeting with JRS and Don Bosco staff in Kakuma. Debriefing at UNHCR Sub-Office in Kakuma. Return to Nairobi.

Friday 10 July: Report writing.

Monday 13 July: Meetings with Radda Barnen and ICRC in Nairobi. Debriefing at UNHCR.

Tuesday 14 July: Meetings with LWF Program Coordinator and New Sudan Council of Churches. Report writing.

Wednesday 15 July: Meeting with Joint Voluntary Agency (Church World Service).

Thursday 16 July: Preparation of draft report.

Senator ABRAHAM. Mr. Deffenbaugh.

**STATEMENT OF RALSTON H. DEFFENBAUGH, JR.**

Mr. DEFFENBAUGH. Thank you, Mr. Chairman. It is a great honor to be able to testify again before this subcommittee, and I must say, particularly a privilege today to be included in testimony along with such noble people as we have heard. Thanks for that privilege.

Senator ABRAHAM. Thank you for being here.

Mr. DEFFENBAUGH. I testify today on behalf of the InterAction Committee on Migration and Refugee Affairs, which includes all of the national voluntary agencies which are involved in working with the U.S. Government in partnership in the rescue, processing, and resettlement of refugees. I want to also associate myself fully with the remarks of Bishop DiMarzio.

One unfortunate lesson that we have learned in the 1990's in terms of U.S. refugee policy is that the United States has sent negative signals to the world in terms of whether we are open to receiving refugees. The chart, of course, showing the annual refugee admissions numbers during the 1990's shows that quite vividly, with the 41 percent decline, from 132,000 in fiscal year 1992 to the level of 78,000 in fiscal year 1999.

Another very negative signal, of course, was that of the immigration law of 1996 and the extreme restrictions that were placed on asylum seekers, that other stream of refugees who come to our country.

I want to express deep appreciation for your leadership and that of Senator Kennedy and Senators Hatch and Leahy on the full committee in urging a more open door for refugees and in urging the administration to increase refugee admissions numbers and to protect asylum seekers. We are grateful for that leadership and hope that we can do whatever possible to support you in those efforts.

I also, though, in fairness and with great happiness want to give a word of gratitude for the statement we heard today from Secretary Taft that the numbers will be increased to 90,000 in the coming fiscal year. That is an important step in the right direction. We hope it will continue.

Also, hats off to the administration for the way the Kosovo resettlement was handled. It could have been Guantanamo, it could

have been Guam; it was not, it was Fort Dix. It could have been a special sort of Rube Goldberg status set up for those refugees, and said, no, they were admitted as refugees with the right to then choose in dignity whether they wished to stay or whether they wished to return to Kosovo and the resettlement systems were put in place. Hats off. It was a job well done for the administration.

I wish to just in the remaining time highlight a few of the points from the written testimony, and, of course, if I may submit the written testimony for the record, along with the full admissions document that we have prepared.

Senator ABRAHAM. Sure.

Mr. DEFFENBAUGH. First, in terms of relations with the UNHCR, the U.S. Government has done a fine job this decade in helping to strengthen the resettlement section of UNHCR. That section is now vital and working well. It was not a few years ago. The reason it is working well now is in large part because of U.S. pressure, leadership, and funding for that.

However, we need to sustain that effort, and in particular, we need as a United States to respond favorably when UNHCR makes special requests of us. Recently, it has been disappointing to us to see that the United States has dragged its feet on responding to special UNHCR requests for the resettlement of an additional 5,000 Bosnian refugees out of Germany, as well as 9,000 Somali Bantu or Mushunguli refugees who are now in Kenya. We hope that the United States will respond more expeditiously to those special requests.

Also, then, on the principle of family unity, we heard the interchange with Secretary Taft about the so-called priority four refugee admissions. I must say I am disappointed to hear that in the aim of having consistency within the refugee program that we should move to a lower common denominator of admissions, and because we do not admit grandparents or adult children or siblings of refugees from countries other than Bosnia, that we should, therefore, exclude the Bosnian refugees who have that family relationship.

We believe strongly that that P-4 category should be extended to all refugees, and we believe, in fact, that the principle of family unity is one which is an important humanitarian value which Americans share and which makes for good resettlement. It is not necessarily leading to a broader immigration program because these people must still go through a refugee interview and show that they do qualify as refugees and have the well-founded fear of persecution. It is not that they are not refugees. The question is just who will get a chance to be interviewed for admission to the United States.

I want to associate myself with Mr. DiMarzio's comments about refugee women at risk and the unaccompanied refugee minors. These tend to be neglected groups of refugees and who are sometimes, unfortunately, neglected even in our refugee program. There have been some good efforts recently with UNHCR, the State Department, and the voluntary agencies for the increased admissions of these groups. These efforts need to be sustained.

Internally displaced persons now have no access to U.S. resettlement in general. We would like to see us look at the model of pro-

grams like that of Canada, where in certain circumstances internally displaced can be resettled.

Finally, the relationship between resettlement and first asylum. We hope that movements will continue in the Congress to amend some of the harsher provisions of the 1996 law as they relate to expedited removal, to denials of asylum claims because they may not have been filed within a year, to some of the policies of denying work authorization for asylum seekers, and particularly the detention of asylum seekers. I think, frankly, it is shocking that in this land in which all of our coins say "liberty," we proclaim that value, that people who flee to our country seeking liberty we lock behind bars while we make decisions about their claims.

We have decided at voluntary agencies this year not to try to articulate a magic total refugee admissions number. We are glad, as I said, the administration now plans to increase admissions. We hope that the admissions level will continue to rise in years to come. We believe that the welcome of the United States toward refugees is a generous and open one and we can do more. Thank you.

Senator ABRAHAM. Thank you.

[The prepared statement of Mr. Deffenbaugh follows:]

PREPARED STATEMENT OF RALSTON H. DEFFENBAUGH, JR.

INTRODUCTION—THE KOSOVO CONTEXT

Senator Abraham, Senator Kennedy, Members of the Subcommittee, I am honored to be here today to present the testimony on refugee admissions for Fiscal Year 2000 on behalf of *InterAction's* Committee on Migration and Refugee Affairs (CMRA). The CMRA is the coalition of national refugee advocacy agencies, including all of the national voluntary agencies, which work in partnership with the United States government in the rescue, processing and resettlement of refugees.

One lesson learned from the recent crisis in Kosovo is that United States leadership is essential to promoting international refugee protection. If we expect other countries to accept refugees for first asylum and for resettlement, the United States needs to set an example. Unfortunately, since 1993 the United States has set an example of slowly closing the door. The Illegal Immigration and Immigrant Responsibility Act of 1996 (IIRIRA), together with recent Immigration and Naturalization Service (INS) regulations, have sent a message to the rest of the world that asylum seekers and refugees are no longer welcomed here. This undesirable signal has been re-enforced by the Administration's decision to decrease refugee admissions by 40 percent—from 132,000 in Fiscal Year 1993 to 78,000 in Fiscal Year 1999.

*InterAction's* Committee on Migration and Refugee Affairs urges the United States to revive its leadership by example. We urge the Administration to increase refugee admissions to earlier levels, as has been repeatedly advocated by the leadership of the Senate Judiciary Committee and the Immigration Subcommittee—Senator Hatch and Senator Leahy, Senator Abraham and Senator Kennedy. CMRA respectfully requests the Clinton Administration and Congress to restore refugee admissions to no less than 132,000—the admissions level which was in place at the time of President Clinton's first inauguration. We also call upon Congress and the President to commit themselves to reversing the damage that has been done to our nation's tradition of political asylum.

The United States government, however, deserves praise for the leadership, flexibility, and creativity that it has recently exhibited in its refugee policy as applied to Kosovo. The decision to offer safe haven to an initial group of 20,000 refugees in need of protection; the promise to facilitate and fund voluntary repatriation for those refugees given safe haven in the United States when and if they wish to return to Kosovo; the abandonment of the plan to erect a "holding" camp in Guantanamo Bay, Cuba in favor of setting up a processing camp in Fort Dix on U.S. soil; the swift response of the United States to the need to facilitate evacuations from Macedonia; and the long hours and hard work of the employees of the Department of State Bureau for Population, Refugees and Migration (PRM), the Immigration and Naturalization Service (INS), and the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services (HHS), are all strong signals that

the Administration has revitalized its commitment to refugee protection and resettlement.

We hope that this renewed leadership will be extended to non-Kosovar refugees who do not currently have access to the U.S. program, but for whom resettlement would be a viable durable solution.

THE UNITED STATES AND OTHERS MUST DO MORE TO SUSTAIN UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) RECENT PROGRESS IN RESETTLEMENT

For many years, the predominant view in the institutional culture of the United Nations High Commissioner for Refugees (UNHCR) was that resettlement was the "least desirable durable solution" for refugees (the "preferred" solutions being voluntary repatriation and local integration of refugees). Indeed, resettlement may be undesirable for those refugees who have found temporary asylum and still have reason to hope that they can soon return home.

In many refugee situations, however, there comes a time that refugees realize they will not be able to repatriate for years, if at all. Nor is local integration a possibility in an increasingly restrictive world. The sad reality is that there is a de facto fourth "durable solution"—indefinite limbo status without access to any of the three durable solutions. Once it becomes evident that their foreseeable future will be spent languishing in camps or in urban areas in an illegal or temporary status, many refugees decide they cannot sustain this much longer. For their physical safety and psychological well being, they would prefer to be permanently resettled in a third country.

The UNHCR Resettlement Section in Geneva, under the leadership of Mr. Shelly Pitterman, deserves great credit for the progress the UNHCR has made in working with resettlement countries to promote resettlement as a durable solution. In recent years, aided by the invaluable new UNHCR Resettlement Handbook and resettlement workshops that the resettlement section has convened throughout the world, the UNHCR has actively promoted and greatly enhanced the effectiveness and use of resettlement as a tool of international protection. Resettlement remains the "least available" of the durable solutions but is no longer referred to as the "least desirable."

It is our hope that the UNHCR Resettlement Section in Geneva will continue its efforts to encourage field staff to refer refugees for resettlement when it becomes evident that neither voluntary repatriation nor local integration is imminent. Resettlement countries such as the United States, however, now need to do more to ensure that the UNHCR's resettlement efforts continue to move forward. For example, there have been instances, where INS has denied significant percentages of case-loads referred by the UNHCR. In too many instances, there may be a lack of communication between the U.S. government and the UNHCR at the field level, and the UNHCR is perplexed as to why cases which they found so compelling are denied refugee status by the United States. This discourages future referrals from the UNHCR. The United States and other resettlement countries must make a more proactive and sustained field effort to inform the UNHCR about their respective refugee adjudications procedures, both generally and in specific cases. Resettlement countries should also continue to provide the UNHCR with resources, particularly in terms of funding protection officer positions, resettlement training, and a staff secondment program, in order to encourage and improve resettlement referrals from the UNHCR.

Likewise, while the United States refugee resettlement program has increased demands on the UNHCR to produce more and more individual cases for refugee resettlement, the slow pace of U.S. processing has precluded UNHCR from referring urgent protection cases to the program. We applaud the United States recent decision to allow Kosovar Albanians who were quickly evacuated from Macedonia after a cursory refugee interview to complete their refugee processing in the United States. We urge the United States and other resettlement countries to extend similar expedited procedures to other refugees with immediate protection and resettlement needs.

Similarly, in the past year the United States has also sent mixed signals to the UNHCR concerning its desire to accept "durable solution" cases for resettlement. For example, early this year the UNHCR sent letters requesting that the United States process an additional 5,000 Bosnian refugees out of Germany, as well as 9,000 Somali Bantu (Mushunguli) refugees in the Dadaab Camps in Kenya, for whom voluntary repatriation and local integration are not foreseeable. The United States has not yet acted on the six-month-old request on the Mushunguli, but promptly issued a written rejection of the request for the resettlement of the Bosnian refugees. While the United States has now informally indicated that it may ultimately accept nearly 5,000 additional Bosnian refugees, as requested, such

mixed signals from a major resettlement country threaten UNHCR's ability to sustain the significant progress which the resettlement countries and the UNHCR have made in recent years in their joint resettlement efforts.

Consequently, we urge the United States to set an example for the rest of the world by enhancing its resettlement capacity. This would encourage the UNHCR to initiate referrals of more sizable groups (such as the Mushunguli and Bosnian refugees, or the "Lost Boys" group of Sudanese youth in Kenya's Kakuma camp) for whom resettlement appears to be the best durable solution. With its limited resources and overwhelming protection and assistance needs, the UNHCR cannot reasonably be expected to be the primary gatekeeper for the admissions programs of major resettlement countries. Such group designations are a more efficient, and useful, way for UNHCR to assist refugees in need of resettlement and those countries that are willing to accept them. The responsibility of individual referrals, on the other hand, should be shared by the UNHCR and NGO refugee processing agencies using criteria (such as the Priority Two) developed with PRM.

Finally, the United States should re-enforce efforts by the UNHCR to open resettlement opportunities to new populations of refugees for whom this durable solution was, in spite of needs, not previously considered. For example, UNHCR's recent initiative to promote consideration of resettlement for durable solution cases in the Middle East and the Newly Independent States (NIS) requires support from the resettlement countries. Words of support, however, need to be supplemented by action. Resettlement countries should ensure that in the NIS, officials are available to adjudicate refugee claims at sites accessible to refugees and with the case support necessary to carry refugees through the process. The U.S. program now requires that refugees residing in any of the fifteen NIS states travel to Moscow for their interview (though such travel may not even be permitted by the Russian Federation) and provides refugees with no caseworkers to assist them with the application. The NIS initiative, and others like it, will not succeed unless the United States and other resettlement countries are willing to provide their programs with more resources and flexibility.

#### THE PRINCIPLE OF FAMILY UNITY

In spite of the positive approach taken by the UNHCR Resettlement Handbook on the issue, the Administration has become increasingly critical of "family" refugee categories. Some of these critics assert that the family categories transform the refugee programs into an immigration program, rather than one of rescue. Indeed, last year the United States eliminated the Priority Five category altogether (for cousins, aunts and uncles) and has now indicated it intends to sunset Priority Four (grandparents, grandchildren, married sons and daughters, and siblings) processing as well. This does not mean that the UNHCR cannot refer such relatives, only that such refugee applicants will not be interviewed by INS unless the UNHCR refers them for an interview or unless the relatives happen to fall into a category which makes them of special concern to the United States.

An applicant for resettlement who is seeking to join a relative must still establish that he/she meets refugee criteria, such as that he/she has a well-founded fear of persecution based on race, religion, membership in a particular social group, political opinion, or nationality. He/She is every bit a refugee. Furthermore, he/she is a refugee with a family in the resettlement country who can assist him/her in building a new life. Family based resettlement is good refugee policy, and should be sustained. Finally, and perhaps most importantly is the vital humanitarian principle of promoting family unity, a value which most Americans hold dear.

The UNHCR should be encouraged to refer refugees for resettlement to countries where they have relatives, especially when the relationship would not, absent a UNHCR referral, render the applicant eligible for consideration for resettlement. At the same time, resettlement countries should respect the concept of family unity, and the support network which it provides newly resettled refugees, by looking beyond the nuclear family for relationships which render individuals eligible for the program without a UNHCR referral.

#### REFUGEE WOMEN AT RISK

Approximately 80 percent of the world's refugees are women and children, who are particularly vulnerable during upheaval and displacement that characterize refugee movements. Women at risk may be single heads of families or may have suffered rape, sexual violence, abuse, torture, and exploitation. The trauma of being uprooted, deprived of family or community support, and an abrupt change in role or status render some women particularly vulnerable in the country of origin, during flight, or in the country of asylum.



Other leading resettlement countries, including Canada, Denmark, New Zealand, and Australia, have established specific programs to resettle women and are working with UNHCR to provide alternatives to women for whom return or integration in the country of asylum are not viable options. The United States, with its long commitment to defending the rights of women, should join with these countries and include in its resettlement efforts women who desperately need protection and assistance. Such women should be systematically identified, processed quickly, resettled, and offered the comprehensive psychosocial services they may need once they are resettled in the United States.

#### UNACCOMPANIED REFUGEE MINORS

Unaccompanied refugee minors are among the most vulnerable refugees and at-risk of neglect, violence, forced military recruitment, sexual assault and other abuses and therefore require special assistance and care. (UN General Assembly Resolution A/RES/53/122, 2/10/99.) Estimates of the proportion of refugees who are unaccompanied minors range from one to five percent of any refugee outflow. In some circumstances, such as the conflict in Southern Sudan, this proportion of unaccompanied minors can be greater due to the specific targeting of children for conscription, flight, forced servitude, or the creation of a large orphan population. By conservative estimate, if unaccompanied minors make up at least one percent of the world's estimated 13.5 million refugees (not including internally displaced persons), there are at least 130,000 unaccompanied refugee minors in the world. If we optimistically assume that one-third of this population will be reunified with family, as was achieved in Rwanda, there remain over 85,000 unaccompanied refugee minors in need of long-term care and durable solutions.

Resettling merely one percent of this residual population would be 850 minors. Yet in Fiscal Year 1997 the United States resettled only one unaccompanied minor through the unaccompanied refugee minor foster care program, and in Fiscal Year 1998 resettled only four unaccompanied refugee minors. Unaccompanied refugee minors have been victims of neglect even in the refugee program. Efforts to overcome this neglect are underway at the UNHCR and the State Department. These efforts must be sustained and intensified.

#### THE INTERNALLY DISPLACED (IDP'S)

Resettlement may be the preferred solution for refugees who have suffered such severe levels of persecution in the past that they cannot face returning to their country of nationality. Unfortunately, while resettlement might also be the best solution for internally displaced persons, IDP's now have no access to the UNHCR resettlement referrals or, with minimal exceptions, to the U.S. resettlement program.

We urge the United States to engage the international community on how resettlement countries can be more responsive to the rescue needs—including, but not limited to, resettlement—of the internally displaced. We note that Canada, for example, has a small but important program for a limited few internally displaced Colombians affected by the forced displacement, human rights violations, and other pressures of the war. Similarly, the U.S. government rescued such victims directly from their countries in cases such as Chile and Argentina in the 1970's.

#### THE RELATIONSHIP BETWEEN RESETTLEMENT AND FIRST ASYLUM

Finally, so long as resettlement remains the "least available" of the three durable solutions, the United States must lead the international community by supporting its resettlement program with an effort to provide political solutions to permit voluntary returns and, equally importantly, to support and ensure the right of first asylum and the facilitation of local integration.

It is well known that the United States made great efforts to convince Macedonia to keep its borders open for Kosovar refugees. The credibility of these efforts, however, was undermined by the ongoing deterioration of our domestic asylum policy. For example, the following policies have all been enacted within the last six years:

- (1) "expedited removal" procedures that empower low level immigration inspectors to refer or summarily deport potential asylum seekers and other aliens through unreviewable discretion and invisible proceedings;
- (2) denials of asylum claims based solely on whether they were filed in a timely fashion;
- (3) a policy of denying work authorization for asylum seekers until their claims have been approved, making it unlawful for them to accept employment, blocking their ability to integrate or even to support themselves and their families for many months;

(4) the routine and prolonged detention of aliens in prisons, even when their only “crime” is coming to the United States to seek asylum;

(5) the policy determination that the United States may return asylum seekers without determining the validity of their claims, so long as they are interdicted outside of the United States;

(6) the use of pre-flight inspection by INS at foreign airports, to screen-out would-be asylum seekers before they can come to the United States, thereby depriving them of any access to U.S. asylum; and

(7) a proposed INS regulation published on June 11, 1998 (63 Fed. Reg. 31945), which would prevent many asylum seekers from being granted asylum if their claims were based on past persecution or if the INS determines that they could have fled within their country of persecution, rather than from their country of persecution, without facing “severe harm.”

Refugee resettlement agencies, the UNHCR, and human rights groups have all submitted formal comments objecting to this proposed rule.

On the positive side, we welcome the recent codification of the United States’ treaty obligations under the Convention Against Torture, in an effort to ensure that those who have fled persecution will not be returned to authorities who would be likely to torture them. Nonetheless, this represents one bright spot on a very dim landscape.

To reassert leadership in refugee protection, the United States must first restore its own commitment to the concept of first asylum and integration.

#### THE PUBLIC-PRIVATE PARTNERSHIP OF THE U.S. REFUGEE PROGRAM

One of the most unique, valuable and yet challenging aspects of the U.S. Refugee Program is its cornerstone—the public-private partnership.

Domestically, the DOS/PRM and ORR work through national voluntary refugee resettlement agencies to involve local community based organizations in personally welcoming refugees, and getting them acclimated to live in the United States. Overseas, DOS/PRM contracts with NGO partners, many of whom are known as Joint Voluntary Agencies (JVA’s), to assist with the administration of the refugee program, and to prepare casework for INS adjudicators.

In this relationship, the government closely monitors the NGO’s, and the NGO’s keep an eye on the government. The result is a refugee program that is uniquely transparent, extremely cost-effective, and community oriented and this facilitates the transition of resettlement for the refugee through the links of the domestic resettlement agencies to the JVA’s overseas.

This is not to say that the relationship is always an easy one. While this public-private partnership is modestly moving ahead with plans to establish a small NGO counseling presence in Moscow, DOS/PRM has decided to terminate the use of the JVA in the next phase of refugee processing in Vietnam. In addition, DOS/PRM decided not to use voluntary agencies as the JVA for processing in Albania, Macedonia, or Egypt.

JVA’s allow the INS to do its job better through the quality preparation of cases; they serve refugees by helping them articulate their case and making them feel more at ease for the INS interview; they assist the program through their ability to expand more quickly and cost effectively than would generally be possible with a government operation; and they improve the accountability of the program by facilitating transparency. They also save the government money. For these reasons, we urge the State Department to reaffirm and revitalize its commitment to the JVA, starting with the program in Southeast Asia, and to examine establishing JVA posts at new sites to facilitate UNHCR referrals and allow for the expansion of the very effective P-2 processing categories.

#### CONCLUSION

Unlike in years past, for Fiscal Year 2000 the CMRA will not attempt to articulate a magic total admission level for refugees who need resettlement in the United States. With approximately 13.5 million refugees and asylum seekers and 18 million IDP’s in the world, many more refugees could benefit from resettlement than the United States could process and absorb. In spite of this great need, however, the United States has managed down its refugee admissions program and reduced its commitment to resettlement by over 40 percent since 1993 though we are hopeful that the program for Kosovar Albanians may mark the reversal of this trend.

The United States still claims to be the world leader in refugee protection. I wish to emphasize that with tumbling refugee admissions and increasing restrictions on asylum seekers, how can the United States credibly call on other nations to do more “responsibility sharing” when it is doing so much less?

A renewed commitment to resettle no less than 132,000 refugees, the level in place when President Clinton took office, together with a restoration of basic protections for asylum seekers in the United States, would demonstrate to the world that the United States is willing to lead by example.

Senator ABRAHAM. Thank you all. I just would comment on a couple of points that have been made by our last two panelists in that we, too, hope that the proposal for the 2000 fiscal year is, in fact, a consistent pattern, not because of the way it is structured. It obviously includes a substantial number of Kosovo refugees. We will have to wait and see. Hopefully, we can encourage that that be a priority, not just for 1 year but into the future.

I just want to say that both of you, I think, have made excellent points for us to follow up on and we will try to do so.

To Mrs. Kortenhoven, I just want to thank you and not just your church, although I am familiar with the efforts of the Christian Reformed Church, but of all of the church communities of this country who do so many things, not only to assist refugees for the refugee process, but also to assist people once they arrive here to help refugees to better assimilate and be able to be productive people. Whether it is the Catholic Church or the Christian Reformed or Lutheran Services or others, we really appreciate that, as well.

The point I was hoping to make earlier when Secretary Taft was here is that this really is a well-coordinated process that we have enjoyed in this country between government organizations and the non-government organizations, the private sector, the religious community, in particular. So we really appreciate that, too.

Let me just open it up, really, for one question for this panel, and then because of the time and the fact that I think we are going to have a vote fairly soon, we may have to bring the hearing officially to an end. But do any of you have any specific comments you would like to make in response to or relation to some of the comments that were made in the first panel with regard to current policy, beyond that which has already been stated, if there is any response or comments. We will start with you, Mr. Deffenbaugh.

Mr. DEFFENBAUGH. Yes. Thank you very much, Senator. I think that Secretary Taft may have misspoken when she was responding to the question about circuit rides in the former Soviet Union. Our information is that the 7,000 individuals who were surveyed by the State Department had already been interviewed and approved by INS and that the call for circuit rides is not for those who have already been interviewed but for those who have applied and not yet been interviewed and for whom travel to Moscow would be either impossible or difficult. This includes not only those who qualify under the Lautenberg amendment, but also those who are referred by UNHCR. So we hope that the INS will be able, as Jeff Weiss said, to undertake that great Central Asian adventure and begin traveling to some remote parts of the former Soviet Union.

Senator ABRAHAM. That is helpful. I appreciate that information, because if that is the case, we will do an appropriate follow-up question that I will submit to try to see what further reply we get.

Mr. DEFFENBAUGH. Thank you.

Senator ABRAHAM. As you know, I have asked this question now on more than one occasion to try to move things in that direction. If, in fact, the circumstances that you have just described are what,

in fact, is the case with those 7,000, then I do not think we have really addressed the problem.

Are there any other comments? Bishop DiMarzio.

Bishop DiMarzio. I just might follow up a little bit on the relationship between the State Department and the joint voluntary agencies and the voluntary agencies in general.

Senator ABRAHAM. Yes.

Bishop DiMarzio. I think, in the Kosovo situation, for example, the State Department chose to use the International Organization for Migration instead of the joint voluntary agencies. I think the Secretary tried to describe that because they are probably going to take everybody anyhow. But if this habit continues, we are going to run into problems, because what in effect happens is that the Federal Government becomes both the judge and the jury in the cases of adjudicating. We, as the voluntary agencies, serve as the jury. We try to look at the facts. We present the case a little bit more like lawyers, in fact. And then, again, the adjudication is by the INS.

But, again, if this pattern continues, I am afraid that we are going to see less accuracy and less advocacy on behalf of the refugees if that continues. I think the relationship as the Secretary described it is creative tension. I think that already tells us something about how this is viewed. I think we need to improve it. I think the refugee resettlement program in this country could not happen without the voluntary sector and I think we have to go beyond creative tension to some real collaboration.

Senator ABRAHAM. Thank you. Are there any other comments?

[No response.]

Senator ABRAHAM. I want to thank all of you, particularly you, Mrs. Bah. We appreciate you being here with us and for your contributions.

We will keep the record open for other members to submit questions and additional statements and we will include the statements of everyone who is here in full.

Thank you very much, and the hearing is adjourned.

[Whereupon, at 3:32 p.m., the subcommittee was adjourned.]