The President
The White House
Washington, D.C. 20500

Dear Mr. President:

In accordance with The Refugee Act of 1980 (P.L. 96-212), members of the Committee on the Judiciary have now consulted with your representatives on the proposed refugee admissions for fiscal year 1992. We accept your proposed numbers, but we would make the following recommendations and observations.

First, the Committee will not agree in the future to set admission levels above those provided for in the budget and, in effect, dumping the responsibility on the States and local communities. This is contrary to the explicit provisions of The Refugee Act.

To accommodate a 21% increase in refugee admissions over that which is in the budget of the Department of Health and Human Services, the Office of Refugee Resettlement has been forced to announce that it will only be able to reimburse States for eight months instead of the twelve months this year -- down from 36 months just five years ago. There is a serious danger that some States will completely withdraw from the refugee program and that the refugee program will suffer a serious erosion in public support. We would urge the Administration to seek a supplemental appropriations next year if it is necessary or desirable to maintain the proposed level of admissions.

Second, it is clear the consultation process envisioned in The Refugee Act is not being fulfilled when it is held only days before the beginning of the fiscal year and after budgetary decisions and appropriations have already been made. We would urge the Administration to do what was in fact proposed by members last year as well as by officials involved in the refugee program -- hold the consultations earlier in the year at the time budgetary decisions are being made.
Third, the Committee recommends that the proposed 1,000 unallocated numbers be reserved for refugees who the U.N. High Commissioner for Refugees identifies as being "at risk". Often these refugees must be moved within a matter of hours, or face refoulement and imminent danger to their lives or freedom. The United States has a proud record, but we do not always respond well to individual refugees in need of urgent protection. To respond to these needs the Committee suggests these unallocated numbers be used for this purpose, and that the Coordinator for Refugee Affairs establish a permanent procedure with the Attorney General allowing Consular Officers to admit these refugees "at risk" rather than waiting months for an INS "circuit rider" to interview them.

Fourth, for more than 10 years your representatives have stressed that the admission numbers are ceilings and not quotas. We have frequently observed that the congressional intent was that admissions numbers represent ceilings not to be exceeded, rather than quotas to be filled. However, for the first time the Administration has treated a ceiling as a quota and has proposed increasing numbers for a particular region to address a shortfall in admissions from that region in the previous year. We believe this is an unwise change in policy and in the future would encourage you to propose admissions based on current need, rather than to make up for "shortfalls" in a prior year.

Finally, as we discussed with your representatives at our hearing, this is a time of historic change in the world, and with the end of the Cold War it also provides an historic opportunity for the United Nations and its agencies to become more effective and involved. We are witnessing a greater willingness by governments to address humanitarian and other problems collectively through the United Nations. Whether it is the Kurdish refugee crisis, the continuing problems in southern Iraq, or the Cambodia issue, nations have joined together in looking to the U.N. as the best forum for resolving them. But if we are to expect the U.N. to finally be able to do what its original Charter gave it the responsibility to do, then there is a need to strengthen the U.N.'s capacity to do so.

Currently, there are major proposals to reform the U.N. Secretariat, to streamline operations, cut back on staff, and make the U.N. system more responsive to the Secretary General. We would urge the Administration to support similar action with the specialized agencies such as the UNHCR, WFP and others. In recent years, in Ethiopia and Sudan, and most recently with the Kurdish refugee crisis, we have seen major field problems in the U.N. response to humanitarian emergencies. A number of proposals for reform have been made, and we hope your Administration will lead in efforts to implement them. In the end, it is these reforms of the intentional system, more than even our generous resettlement program, which will save the lives of untold millions of refugees and displaced persons in need of urgent humanitarian assistance.
As in previous years, we continue to support the objectives of our program to assist refugees of "special humanitarian concern" to the United States. But we earnestly encourage you to consider the above suggestions as we implement this year's program and plan for the following year.

With best wishes,

Strom Thurmond
Ranking Member
Committee on the Judiciary

Joseph R. Biden, Jr.
Chairman
Committee on the Judiciary

Alan K. Simpson
Ranking Member
Subcommittee on Immigration and Refugee Affairs

Edward M. Kennedy
Chairman
Subcommittee on Immigration and Refugee Affairs
June 2, 1989

Mrs. Khuc Minh Tho
President
Families of Vietnamese Political Prisoners Association
P.O. Box 5435
Arlington, VA 22205-0635

Dear Mrs. Tho:

Thank you for contacting me regarding your support for S.Con.Res. 16. I appreciate your sharing your concerns with me.

As you may know, I am a cosponsor of S.Con.Res. 16 which calls for the Government of Vietnam to expedite the release and emigration of all their political prisoners. It is my sincere wish that those who have been imprisoned for so long can soon be reunited with their families.

Again, thank you for writing. Please do not hesitate to call on me if I can be of further assistance.

Sincerely,

[Signature]
Joseph R. Biden, Jr.
United States Senator
COMMITTEE ON THE JUDICIARY
HEARING: U.S. REFUGEE PROGRAMS FOR 1991:
ANNUAL REFUGEE CONSULTATIONS
TUESDAY, SEPTEMBER 24, 1991
10:30 A.M. SD-226

WITNESS LIST

Honorable Lawrence S. Eagleburger
Deputy Secretary of State

Ambassador Jewel Lafontant-Mankarious
U.S. Coordinator for Refugee Affairs

accompanied by:

Ambassador Princeton Lyman
Director
Bureau for Refugee Programs
Department of State

Commissioner Gene McNary
Immigration and Naturalization Service
Department of Justice

Mr. Chris Gersten
Director
Office of Refugee Resettlement
Department of Health and Human Services
STATEMENT OF SENATOR EDWARD M. KENNEDY
AT A HEARING OF THE SENATE JUDICIARY COMMITTEE
ON U.S. REFUGEE PROGRAMS FOR 1992: ANNUAL REFUGEE CONSULTATIONS
Tuesday, September 24, 1991

The Committee meets today to conduct the annual consultations on U.S. refugee programs. This is a time of historic change in the world -- of unprecedented opportunities for achieving peace and resolving festering conflicts around the globe. It is a time when the winds of change are sweeping away many of the obstacles of the past, providing extraordinary new possibilities for solutions to long-standing humanitarian and human rights problems.

Yet, despite these positive developments, we are not seeing a "new world order" emerging as much as witnessing continued "world disorder." Unfortunately, since we last met, there have been new movements of refugees and migrants from new conflicts and from the economic disruptions caused by the historic changes we are celebrating. This is particularly so today in Yugoslavia, the Soviet Union and Eastern Europe.

Despite new steps towards peace in Afghanistan, the Horn of Africa, Southern Africa, and Cambodia, massive refugee problems persist and human needs remain great in all of these areas.

And in Central America -- in our own backyard -- we must do more to assure that recent steps towards peace in the region are not undermined by unwarranted economic problems, as in Nicaragua, or unresolved human rights abuses in El Salvador and Guatemala. Continued U.S. assistance should be based upon tangible progress towards peace, not the status quo of more military aid for more conflict.

The end of the Cold War challenges America -- not to disengage from world affairs, but to re-engage and to deal with these problems and issues in new and more effective ways. We should be prepared to join others in a bolder effort to meet basic human needs and achieve the fundamental human rights that underlie so many of the refugee and humanitarian issues we face around the world.

Tragically, the plight of the homeless and dispossessed will be with us for many years to come, and will continue to require international action. This is also an historic opportunity for the United Nations and its agencies to become more effective and involved.

With the end of the Cold War we are witnessing a greater willingness by more governments to address humanitarian problems collectively through the United Nations. Whether it is the Kurdish refugee crisis, the continuing problems in southern Iraq today, or the Cambodian issue, nations have joined together in looking to the United Nations as the best forum for resolving them.
This can be our opportunity to strengthen the United Nations in dealing with humanitarian emergencies -- and to energize at the same time the capacity of U.N. agencies to undertake more effective action in the field.

For both humanitarian and foreign policy reasons, the United States must continue to deal urgently and compassionately with the needs of refugees. These annual consultations are an essential part of the effort by Congress to work with the Administration to meet these responsibilities.

We welcome the President's representatives who will present the Administration's proposals for refugee admissions into the United States and for refugee assistance abroad during the coming year.
Mr. Chairman and Members of the Committee:

I am pleased to appear before the Committee today on the subject of the admission of refugees to the United States in fiscal year 1992. Ambassador Lafontant-Mankarious and I will discuss the President's formal proposal for the admission of up to 144,000 refugees in fiscal year 1992. I believe the Committee has also received a report which provides the detailed information stipulated in the statute.

Refugees in Today's World

I would like to take a few minutes at the outset to put our refugee policy in the broader context of U.S. foreign policy and current developments in world affairs.
We have, in my view, entered a period of historic transition in our foreign relations. The era of the Cold War is over; democracy is spreading, not just in Eastern Europe and the Soviet Union, but throughout much of the world. Our vision of the new world order includes the hope that humane solutions will be found for the plight of the millions of refugees in the world today.

The symbol of the refugee stands among the most powerful of those in the Cold War era. Just as one may say that the Berlin Wall was the most graphic symbol of East-West confrontation in Europe, it was the individual people who sought to escape to freedom across that border who most vividly represented the human tragedy caused by the Communist system. Where that authoritarian ideology was exported to the third world -- in Africa, in Cuba and Central America, and in Asia -- the result was conflict, persecution, and massive flows of people seeking to save their lives and reach freedom. During the post-war era, these people -- the world's refugees -- have come to number in the millions.

Today, with the demise of Soviet Communism, we are embarked on a period of worldwide conflict resolution. The past year has seen progress in Angola and Ethiopia, and the very welcome recent political agreement in South Africa. Two weeks ago
Secretary Baker and President Gorbachev announced what we hope will be the first step towards conflict resolution in Afghanistan. The Cambodian factions have recently moved much closer to acceptance of a plan for a comprehensive political settlement. In our hemisphere, only Cuba now remains outside the circle of democratically-elected governments. And, though arising from a different historical context, the plight of the Palestinians is a central concern of U.S. policy as we seek to bring about a Middle East peace conference.

While these developments give us reason to be optimistic about the future, we also recognize that the process of resolving longstanding conflict situations will be neither quick nor easy. Each situation is different, and each situation is complex. First there must be agreement to cease hostilities. There must be commitments by all parties to peaceful sharing of power. There must be plans for free elections and the institution of democracy. And there must be well-organized programs for the safe return home of the refugees and displaced persons.

However, even though we can describe the goal and process of conflict resolution and refugee repatriation, the past year has shown that we cannot predict or control the local forces and conflicts which may emerge now as the overlay of the Cold
War era and of communist suppression has been removed. The fighting in Yugoslavia is a disastrous example of the danger inherent in this period of instability. We are watching with utmost care the development of policies affecting human rights and the treatment of minorities in all areas of the former Soviet Union. Ethnic and political conflicts totally outside the Cold War context also threaten stability, as we have seen in Liberia, which alone has added 600,000 to the world's list of refugees in the past two years.

Worldwide Assistance

The purpose of these consultations is to determine the number of refugees to be resettled in the United States during fiscal year 1992. Resettlement is a key element of our protection of refugees and we are the world's leader in this regard. But resettlement is not the centerpiece of our response to the refugee situation. The overwhelming number of refugees in the world are waiting for an opportunity to return home, not to abandon their homeland forever. The short-term needs are basic support: food, water, health care, and education for the children. The long-term need is the resolution of the conflict or repression that forced these people to flee.
Thus, the assistance portion of our refugee program is of great importance. I am pleased to say that, with the support and cooperation of the Congress, we have steadily increased the resources going to meet these basic needs even as we have reduced -- through various streamlining measures -- the costs of our admissions program. In fiscal year 1991, our refugee assistance budget, including drawdowns from the President's Emergency Refugee and Migration account, increased by $90 million over fiscal year 1990. In fiscal year 1992, we expect a further increase, especially in the basic support programs and for repatriation of refugees to their respective homelands. Recent history has certainly taught us that wars, aggression, and persecution will continue to produce new refugees, and that we must be prepared to assist in meeting their basic needs.

One year ago, when I appeared before this Committee to review with you the President's fiscal year 1991 refugee program, foremost on our minds was Iraq's invasion of Kuwait. It was not then possible to predict what the next few months would hold and how that conflict would be manifested in refugee movements and humanitarian assistance needs. In the first ten weeks of that conflict, more than one million people of numerous nationalities fled Iraq and Kuwait. A truly extraordinary international effort was mobilized to ensure the
physical well-being of these people and to arrange repatriation to their home countries. However, this was not the end.

In March, one month after the war ended, nearly two million Iraqis -- Kurds, Shias, Turkomens, Assyrians, and other minorities -- fled Saddam Hussein's repression in a matter of weeks. Both their sheer numbers and the compressed time frame of this massive movement stunned the world.

Only the unprecedented action of President Bush to authorize the Department of Defense to perform critical relief, supply, and transportation functions averted catastrophe. The U.S. military and our coalition partners performed this humanitarian relief effort brilliantly until overall coordination could be transferred to the United Nations High Commissioner for Refugees. I should add, however, that the total U.S. expenditure on the Iraqi refugee crisis may exceed $600 million.

Out of that experience, we are developing ways to improve greatly the United Nations' capacity to respond to such situations so that such unilateral action is not required. We expect that several proposals along these lines will be discussed in the UN General Assembly. We will participate actively to see that the most promising proposals are approved and implemented in the context of overall UN reform.
Emigration from the Soviet Union

Recent developments in the Soviet Union, specifically with regard to emigration, have had a direct impact on the U.S. refugee admissions program that we are considering here today.

In May of this year, the Supreme Soviet of the USSR passed far-reaching emigration legislation which we expect to be followed by new, less burdensome exit procedures. We continue to monitor implementation of this legislation at union and republic levels. We have received a few disquieting reports recently that some local emigration authorities are reverting to the restrictive practices which pertained prior to implementation of the new law. Embassy Moscow is investigating these reports. If such a trend develops as republics take over more responsibility for emigration from the central government, it will adversely affect U.S. relations with those republics that follow such restrictive practices. Secretary Baker made clear during his recent visit to Moscow that the United States will expect CSCE human rights standards to prevail in the republics and at the union level, regardless of the final shape of the new union structure agreed upon by the Soviet peoples.

The dramatic events in the USSR since the failed coup have not impeded Soviet emigration to the United States. Indeed,
the number of refugees departing the Soviet Union for the United States rose during the past few weeks with almost no complications.

With regard to emigration to the United States, we intend in fiscal year 1992 to address the backlog which developed in fiscal year 1991 prior to the passage of the Soviet emigration legislation. Many individuals approved by INS for U.S. admission were unable to depart due to their inability to obtain Soviet exit permission. We hope that implementation of the new Soviet law will solve this problem. We have been encouraged by the steady rise in the numbers of persons departing since July 1. The President's proposal, therefore, is to add the fiscal 1991 Soviet shortfall to the 50,000 admissions which had been planned for in the President's budget request for next year. I am pleased to report that in recent weeks many more Soviet refugees than expected have travelled to the United States and we will be reducing the fiscal year 1991 shortfall from 13,000 -- as earlier estimated in the President's proposal -- to 11,000. We are optimistic, from action taken so far by the authorization and appropriations committees, that the necessary funds will be available.

Refugee Admissions from Vietnam

In addition to the impact of developments in the Soviet Union on the refugee admissions program, I would also like to
report to the Committee on the situation in Southeast Asia. Unfortunately, because Vietnam has thus far retained its communist regime, thousands of people continue to leave due to current or past persecution.

More than two years have passed since I led our delegation to the Geneva conference at which more than 50 countries adopted an agreement -- the Comprehensive Plan of Action (CPA) -- designed to resolve the many issues surrounding Vietnamese asylum seekers in Southeast Asia. For the most part, the CPA has worked remarkably well. Except in Hong Kong, new boat arrivals are a fraction of what they were a year ago. In most countries, first asylum has been maintained and progress in screening continues. However, we remain distressed by Malaysian pushoffs, and we are concerned with the slow progress in addressing the needs of unaccompanied minors.

The United States continues to oppose involuntary repatriation to Vietnam. We firmly believe that efforts are better focused on increasing the pace of voluntary returns, which has shown hopeful signs in recent months. Voluntary repatriation is critical, because the screened-out will not be offered resettlement.

Resettlement of persons approved as refugees continues as a central element of the CPA. For the United States, our fiscal
year 1992 admissions proposal of 52,000 for the region reflects our commitment to the continued success of the CPA as well as to the resettlement of Amerasians and former reeducation center detainees from Vietnam through the Orderly Departure Program.

During the past year, an interagency effort involving INS and the Department of State has allowed the United States almost to double to a level of 10,000 the number of persons interviewed each month by the Orderly Departure Program. As a result, we hope to be able to complete all Amerasian interviews by mid-1992 and by late 1992 to have eliminated the backlog in immigrant visa issuance in Vietnam. Former reeducation center detainees are now being admitted to the United States at a rate of almost 2,000 per month. We believe that this dramatic expansion has underscored our commitment to resettlement of these persons of humanitarian concern to the United States. At the same time, we hope that persons contemplating clandestine boat departures will understand that we view the Orderly Departure Program as the most secure method and the focal point for the U.S. refugee effort for Vietnamese.

Other Regions of the World

In other regions of the world -- Africa, the Near East, Latin America, and Eastern Europe -- the United States
continues resettlement programs appropriate to the local needs. Moreover, we are working with UNHCR to establish mechanisms which will allow our admissions program to be even more responsive to finding resettlement opportunities for high risk or other priority needs cases. Details on our admissions proposals for these regions are provided in the report we have submitted to the Committee.

Conclusion

To summarize the lessons of this past year in refugee affairs is difficult. The collapse of totalitarian communism in the USSR is clearly a cause for optimism. The United States is seeking to expand its existing ties and contacts with the new Baltic states and the Soviet republics, but we will in no measure reduce our emphasis on human rights and the treatment of minority populations. The United States will seize every new opportunity to work toward conflict resolution and peaceful political settlement around the world. For large numbers of the world's refugees, we are hopeful that the international community can redirect its resources to repatriation. Where the last four decades have seen an inexorable increase in the world total of refugees, it is our goal in the 1990s to see these numbers decline dramatically.
But there will also be continuing challenges. Communist regimes in Vietnam and Cuba will continue to produce refugees. Iraq, Liberia, the Horn of Africa, and now Yugoslavia demonstrate all too well the potential for local conflict and instability. Moreover, beyond the populations of refugees fleeing persecution and conflict situations, the 1990s will also present the developed world with vexing policy and legal issues in coping with what are anticipated to be huge numbers of asylum seekers and other international migrants. It will be incumbent upon the United States to be engaged -- with our allies and friends, as well as with the source countries -- in seeking solutions to these problems on a worldwide basis.

Although the era of Soviet Communism may be over, the refugee and migration phenomenon will not disappear. For the foreseeable future, the United States must and will continue to perform the humanitarian leadership role which throughout the Cold War so clearly symbolized what the free world is all about.

Thank you.
TESTIMONY OF

JEWEL LAFONTANT-MANKARIOUS
AMBASSADOR-AT-LARGE
AND
U.S. COORDINATOR FOR REFUGEE AFFAIRS

SUBMITTED TO THE

SUBCOMMITTEE ON IMMIGRATION AND REFUGEE AFFAIRS
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

September 24, 1991
Mr. Chairman, I am pleased to have this opportunity to appear before you today to present the Administration's proposal for refugee admissions to the United States for fiscal year 1992.

I think it is important to note that this year marks the fortieth anniversary of the conclusion of the United Nations Convention Relating to the Status of Refugees. The Convention sets forth international standards for identifying and protecting refugees and calls on the office of the U.N. High Commissioner for Refugees (UNHCR) to be the protectorate of this Convention worldwide. On this fortieth anniversary year of the Refugee Convention, however, the seriousness of the global refugee situation gives little cause for rejoicing. Within the last decade alone, the number of refugees has more than doubled from 7 million to an estimated 16 million. Today, almost all of the world's refugees and displaced persons are from Third World countries, many still a product, at least in part, of Cold War confrontations. The demise of Soviet Communism and the end of the Cold War have brought the world to a promising new era. But as we raise our hopes for the future, we are compelled to maintain our nation's leadership in protecting and assisting persons fearing persecution at the hands of their governments, as well as those displaced by wars and civil conflicts.
Today's hearing represents the United States' commitment, as outlined in the Refugee Act of 1980, to respond to the urgent needs of persons subjected to persecution, or who have a well founded fear of persecution in their homelands on account of race, religion, nationality, membership in a particular social group or political opinion. Guiding our response efforts, the 1980 Act provides an objective and universal procedure for the admission to this country of refugees of special humanitarian concern to the United States, and provides comprehensive and uniform standards and services for the effective resettlement and absorption of those refugees who are admitted.

This hearing is a culmination of an ongoing, year-long process involving Members of Congress, the Executive Branch, representatives of state and local governments and voluntary agencies, all of whom work together to meet the objectives of the 1980 Refugee Act. In preparation for these hearings, I, along with other officials of the Administration, have had periodic discussions with Members and staff of this committee, the House Judiciary Committee, the Senate Foreign Relations Committee, the House Foreign Affairs Committee, the House and Senate Appropriations Committees as well as other interested Congressional committees.
The Administration's admissions proposal for Fiscal Year 1992 derives from interagency consultations which include representatives from the Departments of State, Justice, and Health and Human Services, the Office of Management and Budget and the National Security Council. Likewise, we remain in close contact with state and local government officials and have also held consultations with voluntary agencies, mutual assistance agencies and other private groups involved in refugee resettlement.

In furthering our nation's humanitarian concerns, this Administration is committed to strengthening and implementing an effective U.S. refugee admissions and assistance policy consistent with both domestic and international considerations. As I am sure the Committee is aware, the task of meeting this concern has become increasingly difficult in recent years because of the growing number of refugees and constrained budgets. Nevertheless, we continue to admit generous numbers of refugees into our country, and we encourage and help them obtain economic self-sufficiency so that they too can contribute to the enrichment of our country, as previous newcomers have done.

At the same time, the U.S. contributes to life-saving assistance programs which impact on millions of the world's
refugees and displaced persons abroad who are hopeful of being able to resettle in countries of first asylum or return to their home countries. A prime example of our leadership in this area can be drawn from the assistance we provided to nearly half a million Iraqi civilians, mostly Kurds, who fled to Iran, Turkey, and other neighboring countries earlier this year. This past May, I visited the Iraqi-Turkish border and was very much impressed with the humanitarian care and assistance exhibited by the soldiers, airmen, and seamen of Operation Provide Comfort and the rapport they were able to achieve with the refugees. Thanks to U.S. leadership in this international relief effort and to the cooperation of the Government of Turkey, countless lives were saved and hundreds of thousands of Kurds were returned to their homes.

Before providing a regional overview of refugee situations and their correlation to our admissions policy, I would like to review for the Committee the three main pillars of U.S. refugee policy of which I am especially proud, as they are manifestations of our nation's traditional humanitarian concern.

First, ensuring that first-asylum protection and relief assistance are provided to the world's 16 million refugees, wherever they may be, is one of the most important facets of U.S. refugee policy. As the world's leading contributor to
international refugee assistance programs, the United States has helped establish and consistently supports the international network of organizations that assist and care for refugees around the world. Working with the U.N. High Commissioner for Refugees (UNHCR), the U.N. Relief and Works Agency for Palestinians (UNRWA), the U.N. Border and Relief Operation (UNBRO), the International Committee of the Red Cross (ICRC), the International Organization for Migration (IOM) and other organizations, the United States makes every effort to ensure that the needs of the world's refugees and displaced persons are provided for.

Another important aspect of U.S. refugee policy is resettlement. Although the United States supports voluntary repatriation when conditions permit, we also assist in facilitating local resettlement in countries of asylum. When neither of these solutions is available and resettlement in a third country is the only viable alternative, the United States admits refugees who are of special humanitarian concern to the U.S. Offering U.S. resettlement to some of those who have no other options also strengthens our ability to obtain commitments from other countries to provide first asylum -- this is especially true in Southeast Asia.

The third pillar of U.S. refugee policy concerns the need to
tackle the root causes of refugee flows. In our bilateral and multilateral diplomatic relations with foreign governments we have actively urged respect for individual dignity, human rights, and the rule of law in those countries where expulsion or mistreatment of citizens occurs. The United States has consistently stressed to refugee producing nations the responsibility and obligation of those countries to avert new flows of refugees by adhering to the fundamental principles of human rights.

Eleven years ago, the Refugee Act of 1980 was enacted to establish a more uniform and equitable basis for refugee admissions to the United States. The Act sets forth the procedure for formal Congressional consultations and specifies the type of information annually required by Congress. This information has been prepared and submitted to you in our Report to the Congress on Proposed Refugee Admissions for Fiscal Year 1992 in compliance with Section 207(e) of the Immigration and Nationality Act.

FY 1992 Admissions Proposals

For the worldwide admissions ceiling for FY 1992, the President is proposing a level of 144,000 refugees, within which 134,000 are eligible for assistance from federally-funded
programs. In addition, an unallocated 10,000 is proposed for refugee admission needs contingent upon the availability of private sector funding. The allocations for the 134,000 funded admissions are as follows: 6,000 for Africa; 52,000 for East Asia (including Amerasian immigrants); 63,000 for the Soviet Union; 3,000 for Eastern Europe; 6,000 for the Near East and South Asia; 3,000 for Latin American and the Caribbean; and 1,000 that will be held in reserve.

FY 1992 Admissions Program Funding

The recommended level of admissions is higher than the approximately 120,000 admissions assumed in the FY 1992 budget request. The additional 14,000 numbers will be utilized only to the extent that enacted FY 1992 appropriations become available. It is important to note that the 134,000 federally-funded admissions the President is proposing is a ceiling, not a quota.

At this time I would like to highlight by region those refugee situations that are of special humanitarian concern.

AFRICA

Africa is currently home to an estimated 5 million refugees. In the Horn of Africa, civil conflicts and drought conditions have generated two million displaced persons in
Sudan, Ethiopia, Somalia and Djibouti. In Ethiopia, the recent change in government is causing the return of Sudanese and Somali refugees back to their respective countries, as well as new outflows of Ethiopian refugees. More than 110,000 Sudanese refugees arrived in Zaire in 1990-91. In Southern Africa, nearly 1.5 million Mozambican refugees are in the neighboring countries of Malawi, Swaziland, Zimbabwe and South Africa. In addition, some 425,000 Angolans and 35-40,000 South Africans remain outside their country of origin.

The Liberia crisis, which began in December 1989 generated large population shifts in West Africa in 1990 and 1991. As of June 1991, more than 750,000 Liberians have sought refuge in Guinea, Cote d'Ivoire and Sierra Leone. In April and May 1991, Liberian rebel incursions into Sierra Leone displaced thousands of Sierra Leonians and disrupted the refugee relief program for an estimated 125,000 Liberian refugees. More than 100,000 people have recently fled to Guinea because of these incursions.

For FY 1992, the President proposes the admissions ceiling for Africa be set at 6,000. The FY 1991 admissions ceiling for Africa was 4,900 -- a thirty percent increase over FY 1990 actual admissions of 3,500 and a seventy percent increase over the original FY 1990 African ceiling. As of July 31, 1991, some 2,914 African refugees had been admitted. We project the total for the year will exceed 4,000.
Operations from the largest processing post in Africa -- Khartoum -- were suspended in January when the Embassy was evacuated. Now that the post has reopened and the voluntary agency responsible for processing is back in place, all efforts are being concentrated on moving approved cases before the end of the fiscal year.

EAST ASIA

There are more than 110,000 Indochinese asylum seekers in first asylum camps in Southeast Asia and Hong Kong. In addition to its camp population of Vietnamese and Lao, Thailand continues to bear the burden of approximately 330,000 displaced persons from Cambodia who await repatriation to their homeland under a comprehensive political settlement. Thailand also hosts several thousand displaced Burmese, including some 1,000-2,000 dissident students who have fled their country.

This past year has been marked by a continued decline in boat arrivals in the ASEAN countries. However, arrivals in Hong Kong were up dramatically to 8,597 in the first five months of 1991 compared to 2,253 for the same period in 1990. Maintaining first asylum for Vietnamese boat people remains one of the most critical issues we face in this region. While the Southeast Asian nations and Hong Kong have recognized the humanitarian right of boat people to seek asylum under the
Comprehensive Plan of Action (CPA), Malaysia has continued its policy of push-offs. The U.S. deplores this practice and we have made our concerns known to the highest levels of the Malaysian government.

For FY 1991, the admissions ceiling for East Asia totalled 53,500 refugees. It is anticipated that 13,400 first asylum refugees and 40,100 Orderly Departure Program (ODP) refugees will be admitted by the end of the fiscal year. For FY 1992, in light of the unpredictability of first asylum needs, we propose these ceilings again be combined into a single East Asia ceiling of 52,000. Within this combined ceiling, priority will continue to be given to meeting U.S. commitments under the Comprehensive Plan of Action (CPA) to first asylum resettlement.

EASTERN EUROPE

The democratic reforms that have swept through Eastern Europe in the last two years have reduced the number of refugees from this part of the world. The scope of our program for FY 1992 will be significantly narrower than in previous years, with a proposed admissions ceiling of 3,000. We shall continue to monitor the pace of democratic change in this region.
SOVIET UNION

One important aspect of Soviet foreign and domestic policy over the past two years has been the continued rise in authorized emigration from the USSR. In May 1991, the USSR Supreme Soviet passed legislation liberalizing emigration regulations which should be fully implemented by 1993. The U.S. has considered the right to emigrate a fundamental human right, and has devoted considerable effort and resources to support resettlement for those allowed to leave.

Our FY 1991 refugee ceiling for the Soviet Union is 50,000. As a result of Soviet bureaucratic delays, arrival figures from the Soviet Union have been lower than expected. For FY 1991, we are expecting a shortfall of up to approximately 13,000. In order to make up for the additional resettlement need for Soviets in FY 1992, created by the FY 1991 admissions shortfall and concomitant backlog of approved cases which has developed, a ceiling of 63,000 numbers will be needed for FY 1992. Taking into account the FY 1991 shortfall and the FY 1992 ceiling, we anticipate the combined admissions to the U.S. for FY 1991 and FY 1992 to be approximately 100,000. These numbers will be used by groups such as Soviet Jews, Evangelical Christians, Ukrainian Catholic and Orthodox activists, as well as other individuals of concern - particularly refuseniks.
LATIN AMERICA/CARIBBEAN

Conditions in Central America have continued to improve during the course of FY 1991, particularly with regard to Nicaragua which was in previous years the second largest nationality represented in the U.S. refugee admissions program. However, persecution and discrimination against former Cuban political prisoners and dissidents continues to drive many to desperate measures to try to flee that country.

We propose the FY 1992 admissions ceiling for the region be set at 3,000. The FY 1991 ceiling for this region was set at 3,100, of which approximately 3,000 numbers will be utilized by Cubans. In light of positive developments elsewhere in the region, all 3,000 numbers will be available for Cuban admissions in FY 1992.

NEAR EAST/SOUTH ASIA

The Near East/South Asia region has the largest concentration of refugees and displaced persons in the world: five million Afghans, four million Palestinians, and smaller numbers of other nationalities. There are an estimated three million Afghan refugees in Pakistan and two million in Iran, several hundred thousand Iranians in neighboring Turkey, and an estimated 30,000 Iraqi-Kurds who entered Turkey following chemical gas attacks by Saddam Hussein in 1988, and a residual
group of some 100,000 Iraqis remaining in neighboring countries following the Gulf War.

We propose the FY 1992 admission ceiling for the Near East and South Asia be set at 6,000. This is the same as the level authorized for FY 1991. Iranians (particularly religious minorities) have continued to constitute the largest number of admissions from the region. A growing number of Iraqis have applied for admission in recent months and will soon be adjudicated by INS. While a significant increase in Iraqi admissions (possibly 1,000 persons) is anticipated in FY 1991, we do not believe a large-scale U.S. resettlement program is the best solution for the recent massive outflow of persons from Iraq. We have, however, begun processing some Iraqi-Kurds in Turkey who survived Saddam Hussein's 1988 chemical gas attacks of 1988. The first group of some 300, with family ties in the U.S., arrived in the U.S. in FY 1991.

UNALLOCATED RESERVE

We propose an unallocated reserve of 1,000 refugee admission numbers which the Administration, in consultation with the Congress, would allocate if necessary to regions which during the course of FY 1992, develop a shortfall of available numbers. This would preclude the need to reallocate these numbers from other regions.
Private Sector Initiative

The Private Sector Initiative (PSI) is a successful public-private program under which all the basic costs of admission and resettlement are paid by the private sector. It has made a substantial contribution to our refugee program in FY 1991.

The PSI ceiling proposal is 10,000 for FY 1991, the same as in FY 1992.

Conclusion

In conclusion, I would like to emphasize that while we consistently urge other nations to do their fair share in resettling and caring for the world's refugee population, the United States will remain the world's humanitarian leader in refugee affairs. Thank You.
Testimony of
Gene McNary
Commissioner
U.S. Immigration and Naturalization Service
before the
Senate Committee on the Judiciary
concerning the
Refugee Admissions
for Fiscal Year 1992

September 24, 1991
Room 226, Dirksen Senate Office Building
10:30 p.m.
Mr. Chairman and Members of the Committee:

I am pleased to have the opportunity once again to discuss with you the proposed United States refugee admissions for Fiscal Year 1992 and the role of the Immigration and Naturalization Service (INS) in the program.

This has been an extremely demanding but most exciting year for INS. In November, Congress passed and the President signed into law the Immigration Act of 1990 (IMMUCT 90), the most comprehensive revision of immigration law since the enactment of the Immigration and Nationality Act of 1952. As Fiscal Year 1991 began, we faced the challenge of implementing the new asylum regulations which created a corps of highly specialized asylum adjudicators. Improvements in the asylum pre-screening program for aliens interdicted at sea were also accomplished during FY 1991. As for overseas refugee processing, FY 1991 brought about an expansion of our operational capabilities in Moscow and Ho Chi Minh City and our participation in special programs for Romanians and Iraqis.

The INS role in the United States refugee program is to determine eligibility for refugee status. A well-founded fear of persecution on account of race, religion, nationality, social
group or political opinion is the standard upon which a grant of either refugee or asylum status is based. While the Refugee Act of 1980 provided avenues of security for persons fleeing persecution, it long has been recognized that there are persons who may fail to meet the definition of refugee but who are in genuine need of the protection of the United States.

IMMACT 90 addressed this need through the creation of Temporary Protected Status (TPS) which allows eligible aliens to remain temporarily and work in the United States until it is safe for them to return to their countries of origin. The Attorney General may designate nationals of a foreign state eligible for TPS upon a finding that the foreign state is experiencing an ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions. By statute, nationals of El Salvador were designated eligible for TPS effective November 29, 1990, the date of enactment of IMMACT 90. In March, the Attorney General designated nationals of Kuwait, Lebanon and Liberia for TPS status. On September 13, Somalis were formally designated as eligible for this protection.

IMMACT 90 increased the number of asylees who may adjust status to permanent resident from 5,000 to 10,000 annually, and exempted several thousand from the numerical limitation, thereby reducing the long wait for adjustment numbers. The legislation also waived, for persons who received asylum prior to November
29, 1990, the requirement that asylees prove at the time of adjustment that they still meet the refugee definition. This provision allows asylees whose countries have experienced democratic reforms while awaiting adjustment numbers still to be considered to meet the refugee definition.

As I reported to the subcommittee last year, new asylum regulations were signed by the Attorney General and published on July 27, 1990. I am particularly proud of our progress in implementing these regulations. The development of a specialized corps of asylum officers, with an entirely new organizational structure for processing asylum applications, was realized in two phases. During the period October 1, 1990 through April 1, 1991, a transitional Designated Officer Corps, composed of 120 INS examiners, worked within existing INS district offices but under the direct supervision of the Office of International Affairs in Washington. By April 2, a specialized corps of 82 Asylum Officers and 14 supervisors, recruited from both within and outside the Government, had been established. On April 2, seven regional asylum offices opened their doors in Los Angeles, San Francisco, Chicago, Newark, Arlington, Miami and Houston. The entire asylum program now is administered from these seven locations, under the direction of INS headquarters.

The training of asylum corps officers was central to the successful implementation of the new regulations. The
significant responsibilities of the asylum corps required a program of enhanced training and sensitivity to the nature of asylum applicants and thorough knowledge of immigration laws and regulations, as well as current human rights practices and country conditions. Three reference manuals were developed for the asylum training program: the "Basic Law Manual," the primary reference source and summary; "REFLAP" (Refugee/Asylum Law and Practice), a collation of views and opinions on selected asylum issues from several international and national sources; and the "Asylum Procedures Manual," containing the basic procedures and Operations Instructions for the Asylum Program.

INS has also established the Resource Information Center to provide asylum and refugee adjudicators with easily accessible, current information on the human rights conditions in refugee-producing countries. The Center, located in Arlington, will develop country profile reports as well as issue periodic alerts on new or evolving situations which are of direct interest to or may have an impact on the work of the adjudicators.

During FY 1991, INS reviewed the Alien Migrant Interdiction Operation (AMIO), and adopted a number of changes. The AMIO, under the direction of the United States Coast Guard, has a multifaceted purpose: to interdict drugs and other goods otherwise being smuggled into the United States, to save persons from drowning at sea due to departure in unseaworthy boats, and
to serve as a deterrent for illegal entry into the United States. INS has been charged with responsibility for determining that no genuine asylum-seekers are returned. To meet this responsibility, three INS officers, assigned to the Asylum Branch, travel on Coast Guard cutters making interdictions.

This year we have refined AMIO's asylum pre-screening program through a number of measures: enhancing the training on country conditions and on interview techniques for our asylum pre-screening officers, improving the briefing given to all interdicted aliens on the purpose of the individual INS interviews, introducing a new questionnaire to ensure more in-depth interviews, and offering parole into the United States and an asylum interview to any interdicted alien expressing reasonable fear of persecution if returned home. I am pleased to report that we have received very positive feedback on the improvements to the AMIO.

It has also been a busy year on the international front. Working closely with the Department of State, we now have fully staffed our Moscow office with eight adjudicators, the Officer in Charge and Assistant Officer in Charge (AOIC). The arrival of the AOIC, who entered on duty in July, ensures improved training of our adjudicating officers and closer supervision of the interview process. Currently, approximately 6,000 Soviet refugee applicants are interviewed each month. INS interviews in Moscow
continued apace, even through the disruptions caused by the Embassy fire in late March. Throughout the recent coup attempt, our officers maintained a normal schedule, noting only a very slight increase in the number of applicants who failed to appear for interview.

The extension of the so-called Lautenberg Amendment has resulted in very high Soviet refugee approval rates. In Moscow, the vast majority of applicants interviewed during FY 1991 fit into one of the identified categories -- Soviet Jews, Evangelical Christians, Ukrainian Catholics and Ukrainian Orthodox -- whose refugee claims are judged in accordance with a specially legislated standard. That standard decrees that a well-founded fear of persecution is established by an assertion of a fear of persecution and assertion of a credible basis for concern.

We note that this legislation will expire at the end of FY 1992, and we anticipate a return to the worldwide standard of refugee adjudication. We are hopeful that the sunset of the Lautenberg Amendment will be reflected in the dawn of democracy in the Soviet Union.

Since the end of World War II, the United States has provided a safe new home to well over two and a half million refugees fleeing from political and religious persecution in countries around the world. A large number of these refugees
were escaping Communist regimes in Eastern Europe and the Soviet Union. While we at INS are proud of our participation in the generous resettlement the United States has offered to vulnerable refugees, nothing gives us greater satisfaction than to find that United States protection is no longer needed. We applaud the democratic revolutions in Eastern Europe that brought an end to our refugee program for Czechs, Poles, Hungarians and Bulgarians. We are encouraged by recent and on-going changes in the Soviet Union and look forward to the day when we can say that Soviets who once sought freedom in the United States are finding freedom at home.

We hope that FY 1992 will see the increased use of immigrant visa channels by Soviets. IMMACT 90 created several categories of priority workers which may be accessible to those highly educated professionals who currently emigrate from the Soviet Union through the refugee route. We also believe that during FY 1992 discussions should be initiated on whether it is appropriate to continue to offer public interest parole to all Soviets found ineligible for refugee status.

In April, INS joined the Department of State in streamlining processing in the Orderly Departure Program (ODP). Consequently, our processing capabilities were increased, and the INS/consular teams are able to interview as many as 10,000 Vietnamese per
month. Much of the INS workload consists of interviews of former re-education camp detainees.

In FY 1991, INS worked closely with the Department of State in responding to the needs of a number of refugee populations. Beginning last August, a special in-country processing program for Romanians also took place. The Embassy in Bucharest had identified a group of Romanians, dubbed "The Miserables," who had suffered persecution during the Ceaucescu regime and had been unable to reintegrate into Romanian society. There were 2,522 such persons interviewed by INS; 1,835 were approved for United States refugee resettlement. Many of these individuals were members of fundamentalist Christian groups; others had endured severe hardship based on perceived disloyalty to Romania arising out of efforts to emigrate.

During August in Diyarbakir, Turkey, we interviewed over 800 Kurds who had fled chemical warfare in Iraq in 1988. Processing of this group had been delayed several times due to the Gulf War and lingering security concerns. In Ankara, interviews were held of eleven Iraqi families who had been evacuated from Iraq to Turkey because of the high risk that they would suffer retribution for their assistance to coalition forces during Operation Provide Comfort.
eligibility pool for in-country processing in Havana was expanded during FY 1991 to allow consideration of Cuban political prisoners, dissidents, religious and human rights activists, and former employees of the United States. The overall refugee approval rate rose with the inclusion of persecuted religious minorities.

INS participation in the very successful Private Sector Initiative continued in FY 1991 with Cubans in Spain and several countries of Latin America interviewed for resettlement in the United States under the sponsorship of the Cuban American National Foundation.

As FY 1992 opens, we are about to begin yet another new program, the processing of Liberians who fled civil war in their country. We await other challenges that no doubt will present themselves in the coming year and stand ready to respond.

We endorse the overall refugee admissions ceiling of 134,000 and the regional ceilings, as proposed by the President. We believe that these ceilings are both responsive to evolving refugee situations in the world and reflect the need for refugee resettlement in the United States.

Thank you. I would be pleased to answer any questions you may have.
Mrs. HUEC Minh Tho
President of LIEU SHAOH
- Political Prisoners Assoc.
N.O. Box 5915
Arlington, VA 22205-0655