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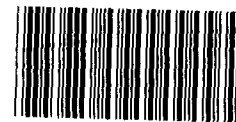
Testimony

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PROPOSED LEGISLATION FOR
GAO INVESTIGATION OF DISPLACED
SALVADORANS AND NICARAGUANS

Statement of
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Before the
Subcommittee on Immigration, Refugees, and
International Law
Committee on the Judiciary
House of Representatives



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Mr. Chairman,

We appreciate this opportunity to provide our comments on H.R. 618, a bill to provide for the temporary stay of detention and deportation of certain Salvadorans and Nicaraguans pending GAO's investigation and report and subsequent congressional review. The bill would require that we make various determinations concerning displaced Salvadorans and Nicaraguans--those in Central America forcibly returned from the United States and those presently in the United States in an unlawful status--and to submit a report of our findings to the Congress within 14 months of the bill's enactment.

In November 1985, we provided comments to your Committee on a similar bill introduced in the 99th Congress (H.R. 822), stating that should the bill be enacted into law, we would make every effort to conduct the study it called for. We make the same commitment concerning the current bill while expressing neither support nor opposition to the provisions calling for a temporary stay of deportation for Salvadoran and Nicaraguan nationals to their home countries.

Our comments are specifically directed toward Title I - General Accounting Office Investigation and Report and are intended to bring to the Committee's attention information which we obtained pertinent to the situation in El Salvador and to describe some difficulties we could encounter in carrying out certain provisions of Title I.

We recently completed a study for Congressman Hamilton Fish, Jr. to determine the extent to which Salvadorans have experienced violations of fundamental human rights upon their return home from the United States. This study covers a portion of what section 101(c)(1) of H.R. 618 would require us to investigate. Based on our findings, we believe that the availability and usefulness of information which can be obtained is limited and that qualifications would have to be placed on the scope of work to be performed and on any conclusions we would reach resulting from the proposed investigation.

Pursuant to Congressman Fish's October 1986 request, we studied the situation of Salvadoran nationals who had been required to leave the United States to return to El Salvador. We were specifically asked to comment on (1) whether they have been targeted for violence or persecution upon their return and (2) the reliability and use made of reports by the Intergovernmental Committee for Migration (ICM) on its reception program for returning Salvadorans.

A part of the ICM reception program is to reestablish contact with returnees through mail-in questionnaires, follow-up letters, and field surveys. During this process, ICM collects information volunteered by returnees about problems they have experienced. ICM's data has been cited by the State Department as an indication that persecution of returnees is non-existent. Those who believe

that Salvadoran returnees do experience human rights violations have questioned this use of ICM's data.

We found that ICM met and maintained some follow-up contact with 9,530, or about two-thirds, of Salvadorans required to leave the United States during December 1, 1984 to December 31, 1986. Some individual cases of reported violence and persecution were identified, however, the data developed by ICM is limited and cannot be used to estimate the overall incidence of violence or persecution to Salvadoran returnees.

ICM records showed that, as of February 1987, it had determined through personal interview or correspondence with returnees, that 70 had reported personal security problems, a classification that ICM uses for reports of threats of violence or persecution. ICM has decided that such cases warrant its assistance to individuals to apply for emigration to other countries that have humanitarian resettlement programs. Australia, Canada, and Sweden have accepted 5 returnees determined to be in life-threatening situations from either government security or guerrilla forces and were considering the applications of 32 others. We did not verify the validity of ICM's determinations or whether, in fact, the reported violence or persecution had occurred.

As a part of our review, we sought to determine (1) the extent of violence or persecution experienced by the general population of El

Salvador and (2) whether the returnees experienced more violence and persecution than this group. On the first issue, evidence obtained from the U.S. embassy and human rights monitoring organizations in San Salvador indicates that human rights abuses in El Salvador are still occurring but with distinctly less intensity and frequency than previously. However, the limitations on data collection that exists for all organizations monitoring human rights violations in San Salvador weaken the validity of information on the extent of such occurrences. On the second issue it cannot be determined whether Salvadoran returnees, as a group, have experienced more violence or persecution than the general population. This is because (1) organizations that gather data on returnees do not have adequate information about returnees' experiences after they return to El Salvador and (2) organizations that gather data on human rights violations do not identify returnees as a separate group.

Despite the efforts of the U.S. embassy, ICM, and others concerned with the status of Salvadoran returnees, we noted that limited access to individuals or sites affected by civil strife, and a reluctance of returnees to make their personal circumstances known to investigators prevented a definitive determination of the returnees' situation. We believe that we would encounter similar if not greater problems in attempting to make such a determination in Nicaragua, because no reception program for returnees is operating in that country and the State Department and the press

are reporting that the Nicaraguan government exercises substantial censorship of speech, press, and other civil liberties.

To be able to respond effectively to some of the specific points raised in the legislation and do so in the 14-month timeframe, we would need to obtain clarification on or to limit the scope of certain requirements that the bill places on us. Also, we would have to rely to a large extent on information already available or being developed by others. For example, the determinations required by sections 101(b)(1-5) and 101(c)(2) regarding the condition and status of displaced Salvadorans and Nicaraguans located in various Central American countries would be difficult to make under most circumstances because of the size and dispersion of the displaced population. However, we are concerned that these determinations would be even more difficult because the responsibility for providing food, housing, medical, and other assistance to these displaced persons rests primarily with intergovernmental, host-country Central American government, and private voluntary organizations. In this circumstance, we would be very dependent on the level of cooperation afforded to us by these non-U.S. government agencies.

As is evident from the foregoing, we have some concerns about carrying out certain provisions of H.R. 618 as they relate to GAO. We would need to work with the Committee on the specific assistance we can provide. We would make every effort to conduct the

investigation as required.

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Mr. Chairman, this concludes my prepared statement. I would be pleased to respond to any questions you or members of the Committee may have.