

## Appendix G

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### OVERVIEW OF U.S. REFUGEE POLICY

At the end of 2009, the estimated refugee population worldwide stood at 15.2 million, with 10.5 million receiving protection or assistance from United Nations High Commissioner for Refugees (UNHCR). The United States actively supports efforts to provide protection, assistance, and durable solutions to refugees as these measures both meet the humanitarian objectives as well as foreign policy and national security interests of the United States. The U.S. government works with other governments, international organizations, and nongovernmental organizations that provide protection and assistance to refugees, internally displaced persons (IDPs), victims of conflict, and other vulnerable migrants to address a variety of needs. These include the legal and physical protection needs of refugees as well as their basic assistance needs for water, sanitation, food, health care, shelter, education, and other services.

In seeking durable solutions for refugees, the United States and UNHCR recognize that for most refugees, safe voluntary return to their homelands is their preferred solution. Where opportunities for return remain elusive, the United States and its partners pursue self-sufficiency and local integration in countries of asylum, whether temporary, indefinite, or permanent. The Department of State works diplomatically to encourage host governments to protect refugees through local integration and provides assistance to help meet integration needs through programs that promote refugee self-sufficiency and community-based social services.

UNHCR identifies some 6.6 million people worldwide who are not recognized nationals of any state and are therefore legally or *de facto* stateless. Without recognized citizenship in any country many exist in refugee-like situations, are unable to claim rights, and are denied even the most basic protections of law. The United States has supported UNHCR's efforts to achieve solutions for stateless persons including addressing gaps in citizenship laws and promoting fair application of those laws.

The United States and UNHCR also recognize resettlement in third countries as a vital tool for providing refugees protection and durable solutions, particularly for those for whom other solutions are not feasible. For some refugees

resettlement is the best, or perhaps only, alternative. The United States also encourages UNHCR to refer for resettlement stateless refugees, either as individuals or in groups, for whom other durable solutions are not possible, even if they are located in their country of habitual residence.

The United States has also supported UNHCR's efforts to expand the number of countries active in resettlement and engaged bilaterally on the issue. In 2009 UNHCR referred refugees to 27 countries for resettlement consideration.

An increasing proportion of arriving refugees do not have close family members already living in the United States to help with their adjustment and integration. The refugee population is increasingly diverse linguistically, with wide-ranging educational and employment histories. The shortage of available affordable housing, particularly in urban areas, continues. All of these factors create significant challenges for the resettlement agencies in meeting the needs of refugees in the program. The Department of State is working closely with these agencies on adjustments that will enhance capacity to provide effective services.

## **AFRICA**

In Sub-Saharan Africa, people are generally free to practice their chosen religions. Governments regularly provide for and respect freedom of religion although in some countries such as Eritrea and Sudan, religious freedom is limited – particularly in the midst of ethnic or other conflicts.

The Government of Eritrea is responsible for the most severe religious freedom abuses in Africa. In recent years the country has engaged in serious religious repression by harassing, arresting, and detaining members of a reform movement within the Eritrean Orthodox Church and of independent evangelical groups including Pentecostals and Jehovah's Witnesses (who lost certain rights of citizenship for not participating in the 1993 national referendum). Detainees are held in harsh conditions, and some of these detainees have died in custody. The government has also sought greater control over the four approved religious groups: the Eritrean Orthodox Church, the Roman Catholic Church, the Evangelical (Lutheran) Church, and the Islamic community. The government reportedly holds individuals who are jailed for their religious affiliation at various locations.

In Sudan, negotiated distinctions in the constitution as part of the Comprehensive Peace Agreement have resulted in disparities in the treatment of members of

religious minorities between the north and south. Whereas the Government of Southern Sudan generally respects the rights of Christians and Muslims in the ten states of the south as provided for in its separate 2005 Constitution of Southern Sudan, the Government of National Unity based in Khartoum continues to place restrictions on Christians in the north. Sources of legislation also vary; the northern constitution references Islamic law, while the southern constitution references "the traditional laws, religious beliefs, values, and customary practices of the people." Although there is no penalty for converting to Islam, converting from Islam is punishable by death in the north. This penalty has never been imposed by the current government, but authorities have occasionally subjected converts to intense scrutiny, ostracism and intimidation, or have encouraged converts to leave the country.

In Somalia the Transitional Federal Charter provides for religious freedom, although in practice there have been limits on the government's respect for this right, and the legal protections of religious freedom are generally not enforced. Respect for religious freedom has continued to decline primarily as a result of extremist militias assuming control of significant portions of the country. Militia groups, particularly those associated with the U.S.-designated foreign terrorist organization al-Shabaab, often used violence or the threat of violence to impose a strict interpretation of Islam on areas under their control. There were also reports that individuals who do not practice Islam experienced discrimination, violence, and detention because of their religious beliefs.

In Ethiopia, the government generally respected religious freedom in practice although on occasion local authorities infringed on this right. On a societal level, localized tensions between Muslim and Christian communities have resulted in violent episodes. Several civic and government programs have attempted to address sectarian violence.

While voluntary repatriation to the country of origin, once conditions improve, remains the most desirable solution, given the political and economic volatility in many parts of Africa, resettlement to third countries outside the region is an essential protection for certain refugees. With limited opportunities for permanent integration in many countries of asylum and the protracted nature of some refugee situations, the need for third-country resettlement of African refugees is expected to continue despite the overall decrease in the refugee population on the continent.

The United States admitted 13,305 African refugee arrivals in FY 2010. Three countries of origin -- Somalia, Democratic Republic of Congo, and Eritrea --

presently account for the vast majority of admissions to the United States from the region. U.S. refugee admissions from Africa in FY 2010 exceeded FY 2009 levels by 38 percent due to the identification of new caseloads and an increase in referrals by UNHCR.

## **EAST ASIA**

Although many governments in East Asia do not restrict religious freedom, religious believers face serious persecution in several countries. The Democratic People's Republic of Korea (DPRK) severely restricts religious freedom, including organized religious activity, except that which is supervised tightly by officially recognized groups linked to the government. Although the DPRK constitution provides for "freedom of religious belief," genuine religious freedom does not exist. Little is known about the day-to-day life of religious persons in the country. Religious and human rights groups outside of the country have provided numerous reports that members of underground churches have been beaten, arrested, tortured, or killed because of their religious beliefs. As reflected in the North Korean Human Rights Act, the United States is deeply concerned about the human rights situation of North Koreans both inside the DPRK and in other countries in the region where DPRK refugees are living. The United States began resettling North Korean refugees in 2006 and will continue this program.

The situation is more complex in China and Burma. While the constitutions of these countries ostensibly provide for freedom of religion, in practice these governments restrict or repress activities of some religious organizations. Select independent religious activities may be either prohibited or restricted, and dissenters may face physical mistreatment or imprisonment.

Despite dramatic increases in religious observance in China, the government continues to harass and interfere with unregistered religious groups, most notably the unofficial Catholic churches loyal to the Holy See, unofficial Protestant "house churches," some Muslim groups (especially ethnic Uighur Muslims in Xinjiang Uighur Autonomous Region), and Buddhists loyal to the Dalai Lama. There are many cases of arrest, imprisonment, and alleged torture of religious believers in China. Practitioners of the banned spiritual movement Falun Gong have been particular targets of arrest, imprisonment, and alleged torture.

In Burma, the government maintains a pervasive internal security apparatus that infiltrates or monitors the activities of nearly all organizations, including religious groups. The government actively promotes Buddhism over other religions as a

means of boosting its own legitimacy while controlling Buddhist activities and continues harsh discrimination against members of religious minorities.

In recent years, Vietnam has made some progress on religious freedom. The Government of Vietnam and the United States signed a binding agreement on religious freedom (as contemplated by the IRF Act) in May 2005, under which Vietnam committed to implementing fully its new legal framework on religion. However, there are still reports of harassment at the local level, including excessive use of force by local officials against Roman Catholics in several high-profile incidents that are rooted in land rights issues. Several Protestant congregations in rural areas continue to report sporadic harassment, including beatings and forced renunciations in some cases.

Nationals of the DPRK, Vietnam, China, and Burma have access to the U.S. Refugee Admissions Program through individual referrals. A significant number of Burmese will be processed in FY 2010 and FY 2011 under group referrals.

Given the continued, systematic persecution within Burma of members of ethnic minorities, including the de jure statelessness of Rohingya refugees, the repatriation of most Burmese refugees is not currently a viable solution. Due to fears of a "pull factor," countries in the region have traditionally been reluctant to integrate refugees or to grant temporary asylum. The United States and other governments continue to engage with the Government of Thailand concerning the future of the nine camps on the Thai-Burma border and urge against forced repatriation of refugees back to Burma. We recognize the Thai government's concerns that resettlement has not dramatically reduced the camps' populations as new refugees are taking the place of those who are departing for third countries. Local integration remains a difficult option due to opposition from host countries.

The United States continues to lead other countries in overall third country resettlement efforts out of the region. In FY 2010, the United States processed refugee cases referred by the UNHCR in Cambodia, China, Hong Kong, Indonesia, Malaysia, Mongolia, Palau, Singapore, and Thailand.

The United States admitted 17,716 refugees from East Asia in FY 2010. This included more than 10,000 Burmese Karen and Karenni living in camps along the Thai-Burma border, more than 6,000 Burmese Chin in Malaysia, some 800 Vietnamese processed under the former Humanitarian Resettlement (HR) Initiative in Vietnam, and a small number of urban refugees of various nationalities in the region.

## EUROPE AND CENTRAL ASIA

Freedom of religion varies widely in Europe and Central Asia. Most states regulate religious groups and activities to some degree, by granting so-called "traditional" religious privileges sometimes denied to other, newer religious groups. In some parts of Eastern Europe, majority religions such as the Orthodox Church are often provided with such special treatment and privileges. These states sometimes view other religious groups as "dangerous sects and cults." Some states in Eastern Europe and Central Asia have enacted restrictive legislation to govern the activities of foreign missionaries, especially those from Protestant or "nontraditional" denominations. Particularly in the case of Central Asia, laws restricting religious freedom have allowed governments to control virtually all aspects of religious life, and government officials actively monitor religious groups, institutions, and figures.

In Russia, several regional court decisions which have legal force nationwide concluded that the religious texts of nonviolent minority religious groups, such as the writings of Muslim theologian Said Nursi, Jehovah's Witnesses, and Scientologists, were extremist and banned their use. The anti-extremism laws being enforced to ban literature are intended to combat terrorism. Police have raided religious meetings, as well as members' homes and workplaces, and detained members of "nontraditional" minority religious groups.

In Turkmenistan, authorities have increasingly harassed Jehovah's Witnesses. Police have detained and confiscated literature from members of the Jehovah's Witnesses in the last two years. In Azerbaijan and Turkmenistan, conscientious objectors to mandatory military service have been convicted of criminal activity.

In Belarus, government officials have fined and raided religious groups including Jehovah's Witnesses, Baptists, and other Protestants. Government officials continue to arrest and prosecute conscientious objectors. There are reports that government officials are preventing religious groups from renting space to hold worship services.

In Uzbekistan, some unregistered Muslim groups have been branded as extremist and have been subject to detention, prison terms, and the possibility of torture. Particularly in the case of Central Asia, restrictive religion-focused laws have allowed governments to control virtually all aspects of religious life, and government officials actively monitor religious groups, institutions, and figures. As

a result of government abuses, as well as arrests and harassment of members of religious groups under Uzbekistan's restrictive religion law, the Secretary of State re-designated Uzbekistan a "country of particular concern" on January 16, 2009. Since August 2008, the Government of Uzbekistan has cracked down on the Nur movement associated with Turkish scholar Fethullah Gulen, arresting dozens of alleged members. Many of these individuals have since been sentenced to 6-12 year prison terms.

UNHCR has led efforts to create viable asylum systems and effective legal protections for refugees in the Balkans and in the countries that emerged from the former Soviet Union.

The United States and other resettlement countries continue to accept refugees from the region. UNHCR continues to refer to the United States, Canada, and other resettlement countries a number of at-risk individuals fleeing various forms of religious persecution within the region. Jewish emigration to Israel from the region continues, with 6,214 individuals from states of the former Soviet Union availing themselves of this opportunity in 2009 under the United Israel Appeal Program.

Since 1989, the U.S. Refugee Admissions Program (USRAP) has offered resettlement consideration to individuals from certain religious minorities from former Soviet countries that also have close family ties to the United States. Through the Lautenberg Amendment to the 1990 Foreign Operations Appropriation Act (S1434), Jews, Evangelical Christians, and certain members of the Ukrainian Catholic or Ukrainian Orthodox Churches benefit from a reduced evidentiary standard when being considered for refugee status. In recent years, fewer new applications and low approval rates have resulted in fewer departures to the United States. In addition to those eligible under the Lautenberg Amendment, individuals of all nationalities throughout the region may be individually referred to the USRAP.

In FY 2010, the United States admitted 1,526 individuals from Europe and Central Asia. Members of religious minorities processed under the Lautenberg Amendment from countries of the former Soviet Union constitute a significant portion of the caseload.

## **WESTERN HEMISPHERE**

In Latin America, religious freedom is widely recognized and enjoyed; however, significant restrictions remain in Cuba. Although the Cuban constitution

recognizes the right of citizens to profess and practice their religious beliefs, organized religious activities and gatherings are subject to strict government controls. The U.S. government continues to operate an in-country Refugee Admissions Program (USRAP) in Cuba. This program offers the opportunity for legal migration to the United States for Cubans who have been persecuted on a number of grounds, including because of their real or perceived religious beliefs and activities. In some cases the Cuban government has interfered with USRAP's communications with applicants or either delayed or denied exit permits.

## **NEAR EAST AND SOUTH ASIA**

Persecution of members of religious minorities is common in certain countries of the Middle East and South Asia. These countries are frequently points of origin for refugee populations entering the United States. State and local government responses to violence against members of religious minorities, particularly Muslims and Christians, are often inadequate. In Afghanistan and Pakistan, religious violence, discriminatory legislation, and the government's failure or delay in addressing religious hostility by societal actors fostered religious intolerance, acts of violence, and intimidation, particularly against members of religious minorities. In Afghanistan, Christian groups and individuals continue to be targeted and face governmental and social discrimination on the basis of their religion. In Pakistan, Ahmadis continued to face governmental and societal discrimination and legal restrictions on the practice of their religious beliefs. Christians, Sikhs, and Hindus also reported governmental and societal discrimination. Acts of violence and intimidation against religious minorities by extremists increased and exacerbated existing sectarian tensions. In Iran, members of all non-Shia religious groups including Sunni Muslims, Bahais, Sufis, Jews, Zoroastrians, and Christians continue to face discrimination, harassment, and arrest.

Sectarian violence in Iraq has resulted in what UNHCR considers the largest dislocation in the Middle East since the Palestinian exodus following the creation of the State of Israel. The greatest relative impact has been seen on Iraq's small religious minority communities. These minorities, including Christians, Yezidis, Sabeian-Mandaeans, and others, have experienced wide-scale displacement by as much as 90 percent of some populations over the past seven years. Approximately 20 percent of registered Iraqi refugees are members of religious minorities – a figure disproportionately larger than their proportional representation within the overall Iraqi population. As a result, some of these religious communities along with their ancient languages and customs are on the verge of disappearing forever.



The USRAP provides resettlement access in various ways to refugees who suffer religious persecution. Members of religious minorities in Iran benefit from the Lautenberg Amendment's reduced evidentiary standard for establishing a well-founded fear of persecution. More than 99 percent of eligible applicants are approved for admission to the United States. In addition, USRAP accepts UNHCR and embassy referrals of religious minorities of various nationalities in the region. Nationals of any country may be referred to the U.S. program by UNHCR or a U.S. embassy for reasons of religious persecution.

While most Iraqis gain access to USRAP via a referral from UNHCR, and in some processing locations, the United States also facilitates direct access to USRAP for those with close U.S. affiliations. The United States has increased its in-country processing capacity by nearly 200 percent since establishing an Overseas Processing Entity in Baghdad in FY 2008.

Although U.S. resettlement processing in Pakistan resumed in 2009, the number of Afghan refugees living in the country referred by UNHCR remains low due to the uncertain security situation for UNHCR personnel and U.S. government operations.

The United States admitted 35,782 refugees from the region in FY 2010. This includes more than 18,000 Iraqis, 12,000 Bhutanese, and 3,500 Iranians.