

BURMESE REFUGEES: END THE EXPLOITATION OF BURMESE IN THAILAND

The recent government crackdown on demonstrations by monks and common people inside Burma focused the world's attention on the ongoing human rights and humanitarian catastrophe there. After years of conflict and repression, 500,000 have been displaced internally and an estimated three million seek sanctuary and livelihoods in neighboring countries. Thailand and other countries in the region are straining to handle the Burmese exodus. Without international pressure on the Burmese government to encourage national reconciliation and resumption of the rule of law, more refugees and migrant workers will flee. This creates a potential threat to regional stability, given the already heavily strained economic and social infrastructure in neighboring states.

1. Targeted Sanctions on the Burmese Leadership

The Burmese government continues to exploit its people through forced labor and conscription, excessive taxation, physical and sexual abuse, and restrictions on political and economic freedom. The military junta, the State Peace and Development Council (SPDC), is extracting the country's natural resources and using the proceeds for excessive military and security programs, expensive capitol projects and corruption, while decreasing support to health, education and food production. Ultimately, without change in Burma, the thousands who have fled cannot return. Because of increased security, the use of technology to track down the opposition, and the regime's control of much of the border, refugee flows may become smaller, but the vulnerability of the Burmese people will remain high.

In reaction to international condemnation of the brutal attack on demonstrators and the threats of new sanctions on the regime, the SPDC has accepted visits of the UN special envoy, Ibrahim Gambari, and the return of the Human Rights Commission envoy, Paulo Pinheiro. But to convince the aging leadership in Burma that the international community is serious about the need for a timely political settlement and national reconciliation, the United States, ASEAN members, and other governments need to increase pressure on the current government by enacting smart sanctions that target the generals and not the suffering people of Burma. Examples of smart sanctions include: banning the import of all gem stones; barring additional international financing and insurance of new major construction projects in Burma until there is a change in government; freezing the bank accounts of SPDC leaders and denying them and their families travel visas.

Policy Recommendations

1. The U.S. impose targeted sanctions on the Burmese leadership and enlist the support of other governments, especially ASEAN members, for similar measures.
2. The U.S. increase assistance to independent humanitarian programs to reach vulnerable individuals inside Burma, both through cross-border programs as well as ones carried out by credible Burma-based international organizations.
3. The U.S. Administration demonstrate active support for Congressional legislation to allow the resettlement of refugees currently barred due to membership in groups that carried out armed resistance to governments that the U.S. has labeled as persistent violators of human rights.
4. UNHCR actively engage with the Thai government to improve registration and assistance to asylum seekers, including access to detainees, and assist the government in improving the operation and timeliness of decision-making by the Provincial Admissions Boards.
5. The government of Thailand improve the operation of its Provincial Admissions Boards in conformity with international refugee law and deal more transparently and consistently with all Burmese asylum seekers regardless of ethnic group.

2. Increase Cross-Border Programs and Humanitarian Assistance Inside Burma

In speaking with new arrivals from Burma, Refugees International was struck by the stories of the grave humanitarian situation and economic privation so many Burmese endure, with per capita national incomes falling to \$220 a year and one-third of children under five malnourished. Indeed, this crisis led the Buddhist monks to take to the streets because, as one refugee monk organizer explained, "The people are hurting." The U.S. has not supported increased humanitarian assistance inside Burma even through reputable non-governmental and international organizations are delivering aid. The President's proposed budget for Fiscal Year 2008 would substantially reduce even cross-border humanitarian assistance from \$11 million to \$4 million despite increasing need.

Humanitarian aid is needed to build the capacity of community-based and other non-governmental organizations that can access areas of need that cannot be reached by international organizations and cross-border aid. While the government of Burma is responsible for the massive humanitarian problems inside the country, people cannot wait for a civilian government before they are assisted. Targeted humanitarian aid through independent organizations would decrease suffering, lessen the need for tens of thousands more Burmese to flee the country, and help build the political space to accommodate the steps required for a return to a more open society.

3. Reducing Barriers to Burmese Resettlement

In 2005 the United States generously offered to resettle 60,000 Burmese refugees over five years, but this offer was almost immediately undercut by legal restrictions in the Patriot and Real ID Acts. This legislation bars U.S. admission of any person deemed to be providing material support to any group deemed to be "terrorist," or working to overthrow repressive governments, including Burma's.

The Departments of State and Homeland Security have since agreed to give waivers for otherwise eligible Burmese Chin, Karen and Karenni applicants. But the U.S. continues to ban the admission of leaders of these groups or anyone who participated in armed actions or received military training, even many years ago. In Tham Hin camp alone, 800 people were refused admission and hundreds feared applying. These families face the terrible choice of permanently separating from loved ones to resettle in the U.S., or remaining in camp. The Administration supports legislation, H.R. 2940, to fix the material support provisions, but more efforts are needed to encourage passage of this important legislation to correct the overly broad definition of "terrorist organizations" and give greater discretion to the Department of Homeland Security to admit refugees of concern who present no security threat to the U.S.

4. Restoring Access to Temporary Asylum for Burmese

Since the mid-1980s, Thailand has tried to deter Burmese refugees and maintain austere, unattractive conditions for those admitted. At present, 140,000 Burmese are registered in refugee camps, called "temporary shelters," while 10-15,000 more have moved in without screening. An additional 1.5 to 2 million other Burmese also have fled into Thailand seeking safety and survival. At least 200,000 of these, including those of Shan ethnicity, are refugees and should be so treated, but few, including former political prisoners, have been able to obtain formal recognition, move into the overcrowded camps, or receive assistance and protection elsewhere. Instead, these victims of Burmese exploitation face further exploitation in Thailand as "illegal aliens" and are constantly threatened with arrest and deportation. They must pay heavy bribes or risk being deported to be sold into servitude by labor brokers working for fishing boats and other businesses or, worse yet, being turned over to the Burmese government. "I have been here four months and have had to pay four bribes to remain free," one former political prisoner told Refugees International. "I did not expect this to happen....if I am returned to the SPDC, it is a death sentence."

Thailand needs to establish and operate a screening system utilizing internationally accepted refugee standards to permit old and new asylum seekers to present their cases to a transparent government system that would grant successful applicants the documented ability to remain in Thailand or seek resettlement. Recognized refugees and all camp residents should be permitted to work to increase their self reliance with the ability to access education and training opportunities both in and out of the camps. Given the current crisis in Burma, the government of Thailand must improve the Provincial Admissions Boards, the government's refugee status determination bodies. Meanwhile, the government should allow UNHCR to register new arrivals and high profile protection cases (like defectors, demonstration organizers and leaders), have access to detention centers, and play an active role in assistance and protection of applicants until such cases are resolved.

Senior Adviser Dawn Calabria led the Refugees International Board of Directors delegation to the Thai-Burma border in early November.

BURMESE REFUGEES & IDPs: KEY FACTS ON INCREASING HUMANITARIAN AID

Whether inside or outside Burma, the Burmese people are extremely vulnerable. To increase stability in the region, the U.S. must increase assistance to independent humanitarian programs to reach vulnerable individuals inside Burma, either through cross-border programs or ones carried out by credible Burma-based international organizations.

- ❑ According to the UN country team in Burma, “[Burma’s] estimated per capita GDP is less than half of that of Cambodia or Bangladesh. The average household is forced to spend almost three quarters of its budget on food. One in three children under five are suffering from malnutrition, and less than 50% of children are able to complete their primary education. It is estimated that close to 700,000 people each year suffer from malaria and 130,000 from tuberculosis. Among those infected with HIV, an estimated 60,000 people needing antiretrovirals do not yet have access to this life-saving treatment.
- ❑ In FY 2007, the U.S. Congress increased funding for cross-border humanitarian assistance to the people of eastern Burma from \$4 million to \$11 million. The Thai Burma Border Coalition, the consortium of non-governmental organizations (NGOs) that assists ethnic groups in the provinces bordering Thailand, estimates that 500,000 people are internally displaced in eastern Burma due to the government’s policies of forced relocation, destruction of villages and agriculture, use of land mines, and military campaigns that target civilians. TBBC recently found that 27,000 additional people were displaced this year and dependent on cross-border assistance for their survival, particularly for medical care in areas with high incidence of malaria, dengue fever, tuberculosis and landmine injuries. Given the needs and the existing network of reliable providers, the U.S. government should not cut aid, but should increase cross border assistance in FY 2008, including providing food aid.
- ❑ In addition to increasing cross-border assistance, the U.S. should fund humanitarian aid inside Burma. The widespread impoverishment of the population, so dramatically highlighted by the demonstrations of the monks in September, points to the need for increased medical aid to prevent contagious disease and needless suffering from avian flu, HIV/AIDS, and tuberculosis and malaria, and greater efforts to improve access to clean water, education, shelter and increased food production. Reputable international NGOs and intergovernmental organizations have been operating programs in Burma for some time that directly benefit vulnerable people, and these programs deserve to be expanded.
- ❑ The government of Burma bears the primary responsibility for the suffering of the people, but placing limits on assistance only punishes the vulnerable people of Burma even further. An infusion of U.S. funding could expand the reach of existing programs, increase awareness of international concerns and help provide for the basic humanitarian needs of communities that cannot be reached through cross-border channels. Increased humanitarian aid could help encourage the development and operation of existing and new civil society organizations in Burma and spur new independent leadership.
- ❑ In Thailand, the U.S. should continue its historic levels of support for the humanitarian needs of Burmese refugees living in the camps, particularly to improve the health, sanitation, education, language skills and job training available

to those who will remain in the country. The U.S. should work with the United Nations and other governments to encourage the Thai government to open up the camps to give refugees opportunities to become more self-reliant through access to land for agriculture, through income generation activities, or by permitting able-bodied refugees to become legal “guest workers” in the country’s growing economy. The Thai government should be encouraged to increase its provision of Thai language and cultural programs to the Burmese and to consider greater involvement of the Thai health and justice systems in improving community life in the camps.

- ❑ **The U.S. should continue to provide support to key pilot programs with NGOs that work in tandem with the Thai government** to provide improved health care and access to public education for Burmese migrant workers and their children. Refugees International’s conversations with Burmese workers highlighted the need for increased services and greater public information campaigns to enable these workers to lessen risks to their health and to overcome the barriers they still face in enrolling their children in school.

BURMESE REFUGEES: KEY FACTS ON REDUCING BARRIERS TO RESETTLEMENT

The United States Administration needs to demonstrate active support for Congressional legislation to allow the resettlement of individuals currently barred due to prior membership in groups that carried out armed resistance to governments that the U.S. has labeled as persistent violators of human rights. To smooth the resettlement process the Office of the UN High Commissioner for Refugees (UNHCR) and the government of Thailand need to work together to make timely decisions on the refugee status of Burmese asylum seekers.

- ❑ The Departments of State and Homeland Security have created discretionary waivers for the admission of otherwise eligible Burmese ethnic Chin, Karen, and Karenni refugees barred due to membership and/or low level support of their national organizations. But the U.S. continues to bar the admission of leaders of these groups and anyone who participated in armed actions or military training, even if this occurred years ago. The U.S. Senate several times has considered amendments that would have corrected the overly-broad interpretations of what constitutes “material support” and its application to organizations and armed groups that operated against repressive and seriously abusive governments. The Administration should support such amendments or the enactment of H.R.2940 to fully address this issue.
- ❑ On its recent mission to Thailand, Refugees International was concerned to hear anecdotal reports that refugees were still being denied admission because they were forced to porter ammunition for the Burmese armed forces, or for making contributions to Karen National Union New Year’s celebrations. RI was also surprised to be told that there had been no DHS reversals in Thailand of any cases denied admission to the U.S. Many cases were rejected on credibility grounds. The application of any waivers was discretionary on the part of DHS, thus making it difficult for the applicant to seek to have his or her case reconsidered.
- ❑ The government of Thailand supports third country resettlement of the 140,000 “displaced Burmese” now living in nine temporary shelters and hopes to empty these camps. UNHCR pre-screens eligible families and presents the cases to the United States and other resettlement countries. To meet its pledge to resettle 60,000 Burmese by 2010, the U.S. needs to speed up its processing. To assure that resettlement can proceed at a high pace and to improve protection for Burmese and other refugees in the region, the U.S. needs to increase its regional refugee staff, particularly in Thailand.
- ❑ About 50% of the Burmese in camps have expressed an interest in resettling to a new country. The reasons some refugees hesitate include reluctance to abandon their dreams of restoring democracy to their homeland; concern about their ability to adapt to a new country, new language and culture; and fear that their leadership roles in organizations opposed to the repressive Burmese regime may render them ineligible.
- ❑ U.S. resettlement processing requires extensive documentation of the applicant, his or her background and medical condition; security checks;

and finally an interview by officers from the refugee corps of the Department of Homeland Security. DHS determines if the applicant is credible, meets the refugee definition and is admissible. This process can take more than six months from start to conclusion, and longer if any issues develop.

- ❑ **While preparing a case for resettlement, the U.S. should substantially increase the amount of English language training and cultural orientation available to the refugees.** Educational programs providing basic language skills for adults and children would give the refugees a worthwhile activity that would prepare them for an easier transition to work and community life in the United States. Such programs would provide reliable information as opposed to the rumors that circulate in the camps, and could be accomplished at costs substantially below what post-arrival services would require.

- ❑ **Some Burmese families after lengthy processing have to delay their departures or consider leaving a family member behind** because the individual does not appear on official Thai registration lists. Without evidence of camp registration, Thailand will not issue the documentation needed for an eligible refugee to exit the country. Some refugees explained to Refugees International that they needed to work outside the camps to provide for themselves and their family, and unavoidably missed the registration in 2004. For example, a young woman working in a noodle shop far from the isolated camp was unable to get back in time. Hoping for another registration, she stayed in camp for three years. Last year she married another long time resident. After waiting some time to see if his wife's registration could be fixed, her husband was advised to resettle. Now his pregnant wife waits patiently to join her husband in Texas.

- ❑ **UNHCR compiles these cases and submits lists to the provincial authorities for formal approval and issuance of an exit visa.** In some cases, no explanation has been forthcoming as to when, or even if, such cases will be approved. The government of Thailand should establish a uniform policy for approving registration requests as expeditiously as possible, given the psychological pain family separation can cause, and to expedite international resettlement and family reunification.