



LIRS

LUTHERAN IMMIGRATION
AND REFUGEE SERVICE

Burmese Refugees

of Interest to LIRS
in India & Thailand



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Contents

**Introduction and
Acknowledgments**3

India

Observations4
Findings.....4
Summary6
Recommendations7

Thailand

Observations8
Findings.....9
Summary10
Recommendations11

Conclusions12



In a nation built by immigrants, Lutheran Immigration and Refugee Service (LIRS) has carried on the Lutheran tradition of welcoming the stranger, bringing new hope and new life through ministries of service and justice, since 1939. In the spirit of our mission and the American way, we have sought to serve those who cannot go home. This report calls attention to the plight of several groups of refugees from Burma who cannot go home. We are called to serve, accompany and empower these refugees who find themselves among the most voiceless, forgotten and vulnerable. Our nation, with its history of being a safe haven for those fleeing persecution, has the same calling. These refugees from Burma clearly need the support and intervention of our agency, the refugee advocacy community and our country.

For many of the Burmese refugees, their refugee journey began in 1988. Many citizens of Burma marched that year to protest deteriorating economic conditions in their country and to demand that the

military junta relinquish power. Soldiers responded by firing into unarmed crowds. Thousands were killed. Thousands were arrested. And thousands fled to neighboring countries in search of asylum.

Since then the military regime has continued its brutal persecution of any opposition, particularly targeting religious and ethnic minorities. A steady stream of refugees has continued to leave Burma, which was renamed Myanmar by the military dictatorship in 1989. There are more than 50,000 in India's border state of Mizoram and in the capital city of Delhi. In Thailand another 140,000 refugees from Burma languish in camps along the Thai-Burmese border while another 200,000 are stranded throughout Thailand without protection or humanitarian support.

LIRS responded to requests from the Burmese community in the United States by organizing a trip to the region to learn more about the status of their brothers and sisters in exile and to offer recommendations for resolving this protracted situation. Creative and persistent advocacy is particularly important in these situations because neither India nor Thailand are signatories to the 1951 U.N. Refugee Convention or the 1967 Protocol Relating to the Status of Refugees.

We started our journey in Delhi where approximately 1,500 refugees from Burma reside in extremely poor conditions, suffering from continued discrimination, harassment and violence from local residents.

From Delhi we traveled to Thailand to visit the camps and learn more about the plight of 7,000 children who are separated from their parents.

We found that many refugees from Burma long for a change in regime so that they may return home to rebuild their once wealthy nation. For others, 30 years of political oppression and internal warfare

have robbed them of hope of returning any time soon. As the human rights community continues to advocate for an end to the persecution in Burma, we commend this report to the U.S. government, the U.N. High Commissioner for Refugees (UNHCR) and the international community, and we urge all to pursue viable durable solutions to protect these refugees, including resettlement as appropriate.

Florentina Chiu

Director for Resettlement Strategy and Planning

Diane Landino

Director for Community Integration

Paul Pai Uk

Burmese Asylee Project Coordinator

Acknowledgments

United States

Larry Yungk, Resettlement Officer, UNHCR, Washington, D.C.

John Fredriksson, Coordinator for External Affairs, UNHCR, Washington, D.C.

Mitzi Schroeder, Director for Policy, Jesuit Refugee Service, Washington, D.C.

Staff from the U.S. Department of State, Bureau of Population, Refugees and Migration

India

All Burmese Refugees Committee, Delhi

Lennart Kotsalainen, Chief of Mission, UNHCR, Delhi

Carol Batchelor, Deputy Chief of Mission, UNHCR, Delhi

Richard M. Sherman, Deputy Consul General and First Secretary, U.S. Embassy, Delhi

Leila Binner, Refugee Coordinator, U.S. Embassy, Delhi

Henry G. Eager, Immigration Attach , U.S. Embassy, Delhi

Joseph P. Galoski, Assistant Officer-in-Charge, Immigration Attach, U.S. Embassy, Delhi

Zaw Zaw, Local Coordinator, Burma Project, Open Society Institute

Thailand

Cynthia T. Buiza, Information and Advocacy Officer Jesuit Refugee Service, Asia Pacific, Bangkok

Ms. Rachanee Sareechaithaweepong (Took), Secretary Jesuit Refugee Service, Asia Pacific, Bangkok

Sister Gaye Lennon, RSM, Education Coordinator, Jesuit Refugee Service, Mae Hong Son

Pippa Curwen, Burmese Relief Center, Chiang Mai

Michael J. Honnold, Refugee Coordinator for Southeast Asia, U.S. Embassy, Bangkok

Jeffrey Savage, Resettlement Officer, UNHCR, Bangkok

Yoko Iwasa, Associate Protection Officer, UNHCR, Bangkok

Nang Hseng Nong, General Secretary, Women's League of Burma, Chiang Mai

Observations

Beginning in the late 1980s the Burmese military forced thousands of its citizens to flee to neighboring countries, including India, which is host to many of the region's refugees. Today approximately 50,000 refugees from Burma live in the Indian border state of Mizoram. This report focuses on 1,500 who found their way to Delhi between 1988 and 2003. The relatively small Delhi group is predominately ethnic Chin and predominately Christian. Most Chin refugees in Delhi fled brutal Burmese military persecution based on their ethnicity and their belief in Christianity and democracy.

Living conditions in Delhi are deplorable. Many refugees live 10–45 to an apartment that typically consists of a 15 foot by 20-foot room without kitchen facilities or running water. The refugees are often unable to afford food and are forced to scavenge for fruit and vegetables that have been discarded after the night markets close. They move frequently because they are unable to pay their rent, thus perpetuating a sense of displacement.

Although the Burmese are allowed to work if they earn less than 3,000 Rupees, about \$75, per month, it is difficult to secure gainful employment. The unemployment rate in India is 9.1 percent, and 25 percent of Indians live below the poverty line.

The U.N. High Commissioner for Refugees (UNHCR) through its implementing partners provides vocational classes and refers clients to jobs that UNHCR is told will pay a decent wage. But refugees reported that when employers learn that a client is from Burma and does not speak Hindi, the wages are often reduced by 50 percent. At the time of our report less than 1 percent had permanent paid employment according to the Burmese community.

The refugee children are allowed to attend school, but many parents are unable to afford the associated costs such as clothing, transportation and registration fees. In response community leaders organize informal classes at churches and in homes so that the children can continue their studies.

Many Burmese feel vulnerable and fear for their safety. In November 2003 a group of 500 refugees staged a protest outside of the UNHCR office in Delhi to advocate for adequate protection and assistance. The Indian police used water cannons, electric batons and clubs to disperse the group. More than 20 of the demonstrators were injured, some seriously, and another 40 were arrested and detained.

There is also considerable tension with the local Indian community. While we were conducting interviews at a Burmese community center several young Indian men accosted a group of Burmese men demanding that the group disperse. Several refugees were slapped and threatened with sticks. The police were called, and the group disbanded, yet there were no repercussions for the offenders. Refugees reported that this was not an isolated incident; violence against the refugees occurs regularly.

Of the 1,500 Burmese in Delhi, 921 are recognized as refugees by UNHCR and at the time of our visit were receiving a modest monthly stipend. In an effort to encourage self-reliance UNHCR reduced this allowance by 30 percent in March 2003 for able-bodied adults and their dependents, and announced plans to eliminate it by June 2004. Many Burmese are unsure how they will survive without support from UNHCR.

Burmese Refugees in Delhi

- Over 1,500 refugees
- 921 registered by UNHCR
- 186 families
- 262 singles
- 220 children under 12

Findings

Because India is not a signatory to the 1951 U.N. Refugee Convention or the 1967 Protocol Relating to the Status of Refugees, the relationship between UNHCR and the Indian government is fragile.

From the meeting with the Chief of Mission and Deputy Chief of Mission for UNHCR in Delhi it was clear that UNHCR is pursuing temporary local integration as the durable solution for the refugees from Burma. Further, because UNHCR's presence is merely

tolerated by the Indian government, that vulnerable position makes UNHCR unwilling or unable at this time to refer this group for resettlement.

UNHCR staff members meet with leaders of the Burmese community periodically, but they had not visited the community in nearly four years.

Another obstacle to referring the Burmese for resettlement is that the Indian government does not issue exit visas for the refugees from Burma. Interestingly, the Indian officials *do* regularly issue exit visas for refugees from Somalia, Sudan and other African countries. Finally, both UNHCR and the Indian government fear that referring the Burmese for resettlement will attract large numbers of refugees from Mizoram state to Delhi.

According to officials of the U.S. Embassy and the Department of Homeland Security (DHS) in Delhi, their staff would process the urban Burmese for resettlement if UNHCR would refer the cases and the Indian government would issue exit visas. The embassy and DHS have a small, but permanent and experienced staff to efficiently process the cases. The embassy would prefer to collaborate with UNHCR rather than initiating consular processing through a Priority 2 (P-2)¹ designation. Collaboration through UNHCR referrals, however, will not be possible unless UNHCR reverses its current practice of not referring the Delhi caseload for U.S. resettlement. In fiscal year 2003, for example, UNHCR in Delhi referred just 75 individuals for resettlement to the United States.

From our final meeting with leaders of the Burmese community in Delhi, it was clear that morale in the community is deteriorating as time passes and opportunities for a safe and promising future seem elusive. Although many dream of democracy and peace in Burma, few believe it will happen in the foreseeable future. They continue to advocate with UNHCR, the U.S. Embassy and international nongovernmental organizations (NGOs), describing the situation in Burma, the bleakness and danger of living in Delhi, and their hope of being resettled to a third country where they can rebuild their lives, and their children can live safely and freely. A brief survey of the community revealed that most have friends and relatives in the United States, especially in Florida, Georgia, Indiana, Maryland, New York, Texas, and Washington, D.C.

¹ "The current worldwide priority system sets guidelines for the orderly management and processing of refugee applications for admission to the United States within the established regional ceilings. Priority 1 (P-1) is reserved for compelling protection cases or refugees for whom no other durable solution exists who are referred to the program by UNHCR or a U.S. Embassy. Priority 2 (P-2) is used for groups of special humanitarian concern to the United States designated for resettlement processing. It includes specific groups (within certain nationalities, clans or ethnic groups) identified by the Department of State in consultation with DHS/BCIS, non-governmental organizations, UNHCR, and other experts." from *Proposed Refugee Admissions for Fiscal Year 2004: Report to Congress*, submitted on behalf of the President of the United States to the Committees on the Judiciary, United States Senate and United States House of Representatives

How Long?

Asking for shelter and refuge in different countries.
 With shame they do this only out of necessity.
 Oh! How long will these sufferings continue?
 I long for the day when the uniform-wearers' rule is uprooted.
 When people are free from fear, and faces are smiling.
 When prosperity is achieved on the native soil by its real owners.

Excerpt from Chin poem by Deidengmang, from About the Chin Refugees by Salai Za Bik, Joint Action Committee, New Delhi, 2002



India

Summary

- Living in a protracted situation in Delhi, the refugees from Burma are mired in a humanitarian crisis. They face the following chronic problems:
 - crowded, substandard housing
 - inadequate sustenance for rent, food, clothing, transportation
 - virtually no meaningful employment
 - lack of affordable education for their children
 - serious community safety concerns
- UNHCR has now eliminated its allowance for all but the most vulnerable of the Delhi group.
- Several factors make the refugees from Burma currently in Delhi an appropriate group for resettlement:
 - The refugees have not been able to integrate with the local population, and repatriation would put them in great danger.
 - The persecution they would face in Burma if deported and the deplorable living conditions in Delhi are matters of deep humanitarian concern.
 - The group is well defined, is already recognized and registered by UNHCR, and has considerable family and ethnic ties in the United States.



Recommendations

- The Department of State (DOS) Bureau for Population, Refugees and Migration (BPRM) should designate the 921 refugees from Burma in Delhi who are registered with UNHCR as a P-2 group of interest to the United States. This would avoid encouraging refugees from Burma living in Mizoram state from migrating to Delhi solely to seek resettlement.
- UNHCR should refer the refugees from Burma in Delhi for resettlement, applying the same standards as those that are referred for resettlement from Malaysia and Thailand.²
- The US Department of State (DOS) should encourage the Indian government to issue exit visas for all refugees from Burma in Delhi who are recognized by UNHCR as refugees and qualify for resettlement.
- DOS should support UNHCR's proposal to the Indian government to enact a national law to ensure that refugees from all nations have equal protection, including the rights to work and freedom of movement. The Indian government currently provides such protection to refugees from Bhutan, Sri Lanka, and Tibet.

India

² As of April 2004 UNHCR started referring urban Burmese refugees in Bangkok, Thailand, for resettlement to the United States.



Observations

Historically Thailand has been a refugee receiving country. In the aftermath of the Vietnam War more than 80,000 refugees from Vietnam and 100,000 from Cambodia were housed in camps along the Thai-Cambodian border. Today Thailand is host to more than 400,000 refugees, including three groups from Burma, 200,000 ethnic Shan and 140,000 Karen and Karenni.

Thailand is not a signatory to the 1951 U.N. Refugee Convention or the 1967 Protocol Relating to the Status of Refugees, and has developed its own, more limited criteria by which to define refugees. Thailand considers only those fleeing from military fighting to be refugees, thus excluding from protection and assistance many others who escape persecution based on race, religion, nationality, membership in a particular social group or political opinion.

We met with refugees from three of Burma's many ethnic groups: Karen, Karenni and Shan. According to recent human rights reports, if returned to Burma these groups could face persecution from the military regime, "including forced relocation and land confiscation, internment at relocation sites, forced labor, extortion, arbitrary arrest, torture, rape and summary executions."³

The Karen and Karenni

Since the 1980s some 140,000 Karen and Karenni refugees have fled to Thailand and now live in nine camps along the Thai-Burmese border. The camps are administered by the Thai government and supported extensively by the international community.

We visited the Mae Hong Son refugee camp, located five miles from the Burmese border. Some 19,000 refugees live there on two square miles of steep jungle terrain.

Security has increased there in recent months in response to allegations of human rights abuses committed by Thai military personnel against refugees from Burma. In order to gain access to the camp, one must file an application with the Ministry of the Interior in Bangkok, and be interviewed by a local civil servant. This policy is applied to all camp visitors, including partner NGOs.

Life in the camp is very routine. The camp is divided into sections, each with a leader who reports to the camp committee. The camp judge resolves disputes among camp residents. Families live in huts they construct with bamboo walls and banana leaf roofs. They sleep on cots and bathe at communal wells. Some grow vegetables or raise pigs. Others operate small businesses such as restaurants and shops within the camp confines.

Children attend classes through the 10th grade at schools run by Jesuit Refugee Service. NGOs provide basic medical care to treat ailments such as malaria, dysentery and skin infection, which are common in a tropical and overcrowded environment.

There are four informal orphanages in the camp that house and care for approximately 300 children. Also, many families have opened their homes to approximately 2,700 children whose parents' whereabouts are unknown. Little is known about these children's histories, and no assessments have been made of their current living conditions. Some of the children were dropped off at the camp so they could go to school while their parents work in the agricultural sector or hide in the jungle. As for the others, their parents were killed, died or are missing. The International Committee of the Red Cross has limited access in Burma, thus tracing is not a viable option. Every two months, teams of 10-20 volunteers furtively venture out of the camp into the jungle to deliver medicine and letters to the children's relatives. It is a dangerous pursuit; landmines line the border and soldiers from both countries patrol the region, but camp residents consider it worth the risk when they learn that a child's mother or father is alive.

Statistics: Mae Hong Son Camp, Site One

- 18, 559 refugees
- 3,846 families
- 4 average family size
- 9,650 women
- 3, 499 boys under 15
- 3,647 girls under 15
- 3,319 separated children

³ From Veronika Martin, "Myanmarese Refugees in Thailand," in World Refugee Survey 2004 (U.S. Committee for Refugees, Washington, D.C.), 82-89.

Life for the Karen and Karenni is very restricted and their future is uncertain. Many of the residents of the Mae Hong Son camp have lived there since the late 1980s. A majority of the older adults express the desire to return to Burma and help rebuild their country, while the younger generation longs for access to higher education and opportunities to succeed. Some refugees implied that more might be willing to consider resettlement if they better understood the selection criteria. They noted that there is a stigma attached to those who seek resettlement and are denied. At this stage we are not certain of the number of people interested in being resettled to a third country.

LIRS staff left the camp particularly concerned about the thousands of children separated from their parents. It is widely accepted that separated children are vulnerable to physical and sexual abuse, forced labor, trafficking, and military conscription. Their concern was echoed in LIRS's testimony at the BPRM public hearing, that protracted refugee situations have dire consequences for all refugees, but especially for refugee children separated from their parents. Time for them is even more precious. Each year they wait for a durable solution is a year of their childhood lost.

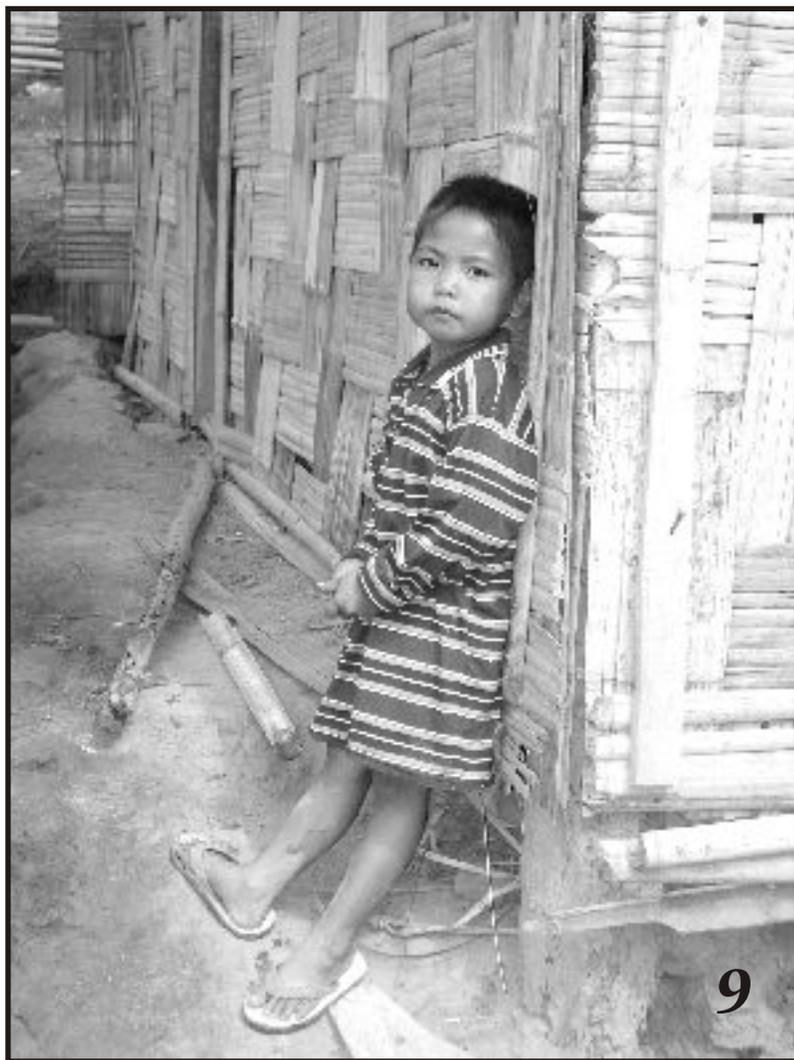
The Shan

Historically the Shan people have entered Thailand as migrant workers. However, since 1996 the Burmese military has subjected the Shan to mass forced relocation and systematic human rights abuses including extra judicial killings and rape in order to seize land to build a dam on the Salween River in Shan State. Thousands have crossed the border into Thailand seeking refuge. Unlike the Karen and Karenni a vast majority of the Shan are not recognized as refugees in Thailand and are not provided with refugee protection or support. They lead a precarious existence as they are forced to live in hiding in the jungle or work in the agricultural, factory or construction sectors. They risk their health and sometimes their lives to work in higher paid positions in the fruit orchards where pesticide usage is not regulated and respiratory disease is common. Their children are unable to attend Thai schools, and they refuse to see doctors because they fear being identified as illegal migrants and deported to Burma.

Fighting between the Burmese military and the Shan resistance army escalated in 2002, forcing another group of Shan to cross the border into Thailand. Appeals from human rights organizations led the Thai government to provide temporary shelter to the group, which currently numbers 600. This is a positive and unprecedented action by the Thai authorities.

Findings

In January 2004 the Thai government, in an effort to strengthen ties with the Burmese government, requested that UNHCR suspend the registration of new refugees. At that time 119,000 refugees were registered with UNHCR. Now approximately 20,000 additional refugees live in the camps unofficially, relying on friends or family members for housing and material support. Some are fearful of entering the camps because of the proximity to the border as well as political and ethnic conflicts within the camps. They live outside of the camps as "illegal migrants," and are subjected to harsh living conditions, human traffickers, police raids and the threat of deportation.



Thailand

The Thai government “informally deports” as many as 10,000 Burmese migrants each month. Another 400 are released directly to a holding center operated by the Burmese military. If apprehended, those recognized as refugees by UNHCR are responsible for identifying themselves in order to avoid deportation. NGO representatives report that this system has failed and that refugees registered with UNHCR have been deported.

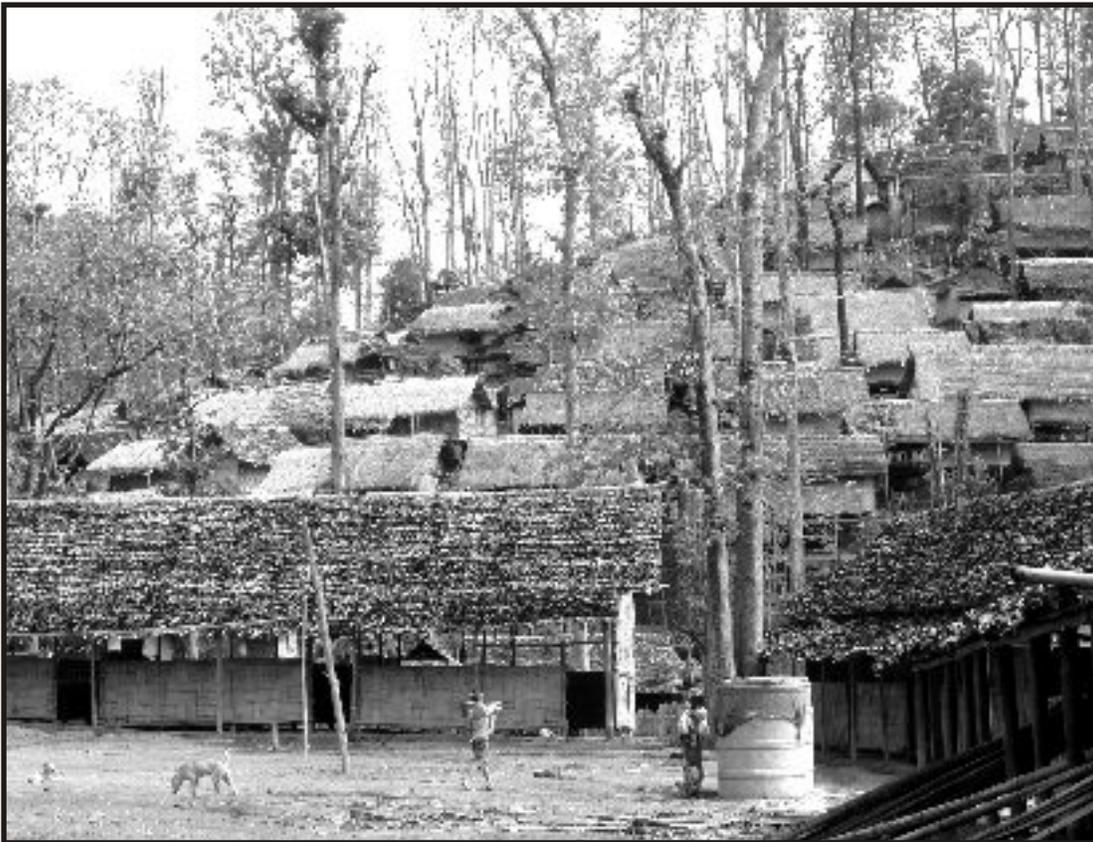
According to UNHCR plans are in place to reregister refugees living in the camps beginning in July 2004 with the most crowded of the nine camps, Tham Hin. At the same time UNHCR will conduct assessments to determine the most appropriate durable solutions. They will identify the most vulnerable as well as those who desire to be resettled. It was refreshing to hear that UNHCR staff is amenable to considering strategic resettlement as a viable durable solution before all other options are exhausted. At the time of the visit approximately 2,000 refugees from Burma living in Bangkok were being processed for resettlement in the United States.

UNHCR had little information about orphans or separated children in the camps, and consequently had no plan to conduct assessments or suitability determinations for this group. They do not have staff that specializes in children’s issues. UNHCR currently does not interview children younger than 15, and considers only the caretaker’s views in cases with younger children, even though the outcome may not be in the best interest of the child.

U.S. Embassy officials are discussing with BPRM the possibility of resettling refugees from Burma who are not able to repatriate. They work closely with UNHCR and have a good relationship with the Thai government. Embassy staff members are in the process of developing standard operating procedures to guide the Thai government’s management of refugee crises.

The Thai and Burmese governments are evaluating the possibility of creating an economic development zone in East Burma. The plan is endorsed by the Thai business community, but has

received extensive criticism from human rights advocates who are concerned that the jobs created will be low paying and exploit natural resources. In addition, the infrastructure in Burma is not adequate to support the influx of workers to the region. There are few hospitals or schools there, and the road system is poor. Some believe that this project will solve the problems of those that leave Burma for economic reasons, while others contend that generating income for the Burmese military junta will sanction its use of torture, political imprisonment and forced labor, thus perpetuating the exodus of refugees. UNHCR officials stated that they are supporting a local NGO in East Burma in



developing vocational training. UNHCR made clear that this project is not related to the development zone project, and is not in preparation for repatriation.

Summary

- Many Karen and Karenni have been in a protracted refugee situation since the late 1980s. Many Shan have been in a protracted refugee situation since 1996. Karen and Karenni and Shan in Burma face continued persecution from the Burma military regime, “including forced relocation and land confiscation, internment at relocation sites, forced labor, extortion, arbitrary arrest, torture, rape, and summary executions.”
- Thailand is not a signatory to the 1951 U.N. Refugee Convention, and uses a narrow definition of refugee.
- Shan are almost never registered as refugees in Thailand, and they do not receive protection or assistance by Thailand or UNHCR, although Thai officials recently provided temporary shelter to a group of some 600 Shan.
- Thai officials are forcibly returning refugees to Burma where they face persecution.
- The Thai camps house a reported 7,000 refugee children separated from their parents, but there has been no screening to collect important data about these children or to determine what durable solution might be in their best interest.

Recommendations

- DOS should urge the Thai government to adopt the international standards outlined in the 1951 U.N. Refugee Convention, which defines a refugee as someone with a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion, and should urge them to provide protection to all those who qualify, including the rights to work, freedom of movement and basic humanitarian support.
- DOS should advocate for Thai officials to abide by customary international law by ending the forcible return of Burmese who may face persecution in Burma.
- BPRM should provide UNHCR with the resources necessary to reregister the 140,000 refugees from Burma in the camps along the Thai Burmese border, and to conduct vulnerability assessments to determine the most appropriate durable solution for each refugee. LIRS commends UNHCR for considering strategic resettlement as a viable durable solution before all other options are exhausted
- UNHCR should recognize the Shan Burmese that fled after 1996 as refugees, and provide protection and assistance to the group.
- BPRM should collaborate with voluntary agencies to deploy a child welfare team to conduct suitability determinations for the 7,000 children that are separated from their parents in order to determine appropriate durable solutions.
- The camp leaders should collect more detailed information regarding the status of separated children.

Refugees Without a Camp

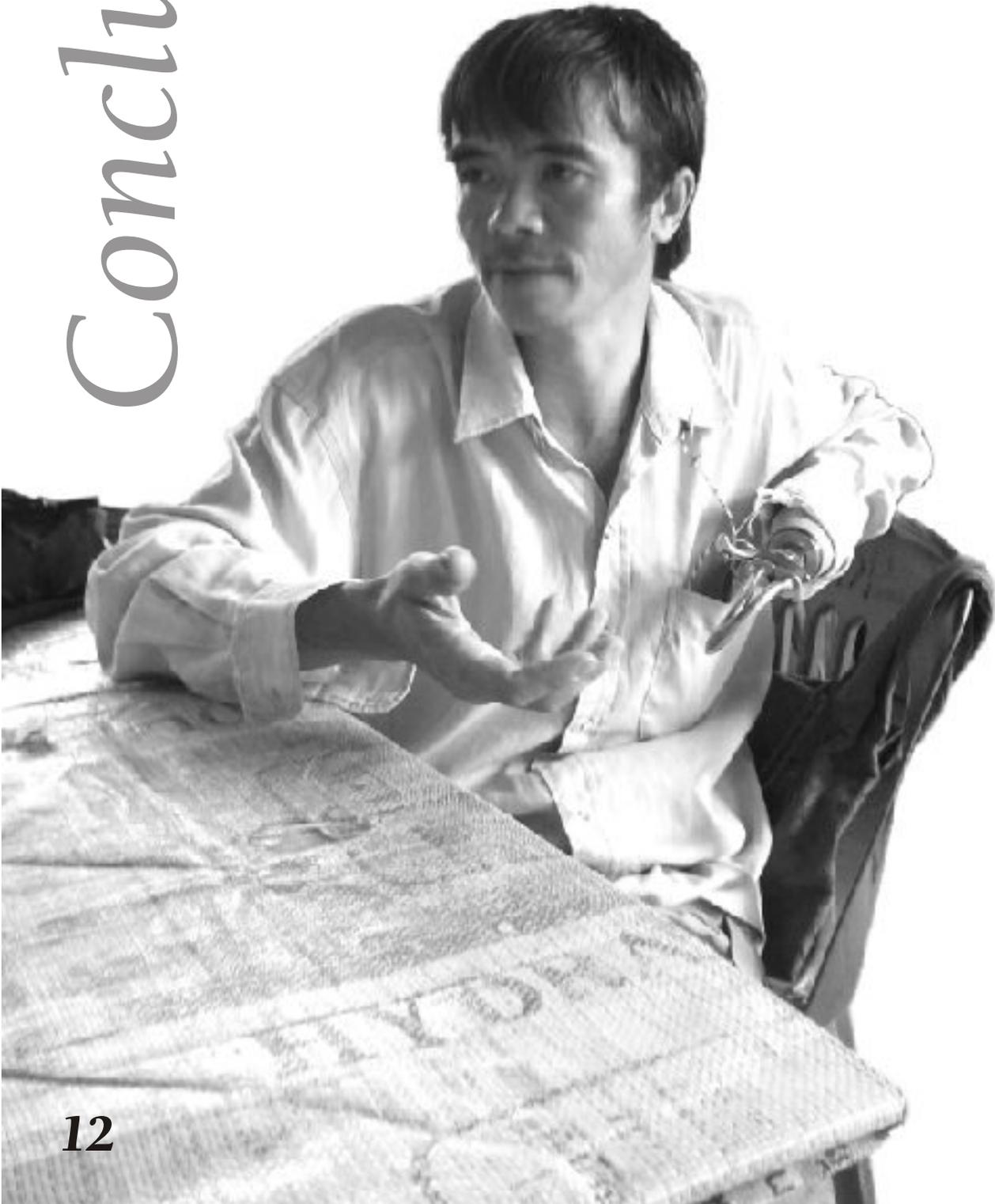
The regime's soldiers advance.
 They kill our animals, take our rice.
 From our schools they take the learning and light.
 They burn our villages and steal our minds.
 We hear the soldiers' voice, and we are filled with fear and hate.
 And we must run, run, run, until our legs break,
 Refugees without a home, without a camp.

Excerpt from Shan poem by Lenghsim, English adaptation by Bernice Kohler Johnson. From Shan Refugees: Dispelling the Myths, Shan Women's Action Network, Chiangmai, Thailand, 2003



Conclusions

We urge the U.S. government, UNHCR and the international community to carry out the recommendations set forth in this report. Some of the recommendations, if followed, would immediately contribute to viable durable solutions, including resettlement where appropriate, for the Chin, Karen, Karenni and Shan refugees from Burma who continue to languish in protracted refugee situations in Delhi and in Thailand. The other recommendations, if followed, would encourage the Indian and Thai governments to strengthen their legal framework for protecting all refugees now hosted by the two governments.





LIRS

LUTHERAN IMMIGRATION
AND REFUGEE SERVICE

700 Light Street
Baltimore, Md. 21230
410/230-2700
www.lirs.org