



Appendix E: Overview of U.S. Refugee Policy

The United Nations High Commissioner for Refugees (UNHCR) estimates the world's refugee population to be 12 million persons. Millions more are displaced within their own countries by war, famine, and civil unrest. The United States works with other governments and international and nongovernmental organizations to protect refugees, internally displaced persons, and conflict victims, and strives to ensure that survival needs for food, health care, and shelter are met. The United States has been instrumental in mobilizing a community of nations to work through these organizations to alleviate the misery and suffering of refugees worldwide, supporting in FY 2001, major relief and repatriation programs.

In seeking durable long-term solutions for most refugees, the United States gives priority to the safe, voluntary return of refugees to their homelands. This policy, recognized in the Refugee Act of 1980, is also the preference of the UNHCR and the international community of nations that supports refugees. If safe, voluntary repatriation is not feasible, other durable solutions are sought, including resettlement in countries of asylum within the region and in other regions. Resettlement in other countries, including the United States, is appropriate for refugees in urgent need of protection and for refugees for whom other durable solutions are inappropriate or unavailable.

The United States considers for admission as refugees persons of special humanitarian concern who can establish persecution or a well-founded fear of persecution in their home country on account of race, religion, nationality, membership in a particular social group, or political opinion. The legal basis of the refugee admissions program is the Refugee Act of 1980, which embodies the American tradition of granting refuge to diverse groups suffering or fearing persecution. The act adopted the definition of "refugee" contained in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

Over the past decade, the U.S. Refugee Admissions Program has been adjusting its focus away from the large refugee admissions programs that had developed during the Cold War for nationals of Communist countries and toward more diverse refugee groups that require protection for a variety of reasons, including religious belief. The following describes the program's efforts, by region, in meeting the needs of refugees worldwide who have faced religious persecution.

Africa

For the majority of countries in sub-Saharan Africa, religious freedom and peaceful coexistence are the rule, even where other conflicts hold sway. The primary exception to the rule is Sudan, where the long ongoing civil war has a religious dimension. Islam is the state religion and Muslims dominate the Government. The Government continues to restrict the activities of Christians, practitioners of traditional indigenous religions and other non-Muslims. Security forces reportedly harass and use violence against persons based on their religious beliefs. In areas controlled by the Government, access to education as well as other social services is far easier for Muslims than for Christians and non-Muslims. The Government has conducted or tolerated attacks on civilians, indiscriminate bombing raids, and slave raids in the south, all with a religious as well as an ethnic dimension.

The U.S. admissions program has in recent years increased its focus in Egypt, Ethiopia, and Kenya on these Sudanese victims of religious discrimination and repression. The refugee-processing program in Cairo was expanded in 1999 with Sudanese refugees as the primary beneficiaries. During FY 2001, some 3,600 young Sudanese refugees who were in camps in Kenya were resettled in the United States. This effort included some 500 unaccompanied minors who entered foster care programs in various states.

Religious freedom is also a growing concern in Nigeria, where northern states have adopted and expanded Islamic law (Shari'a). Many non-Muslims have left the northern states and returned to the south because they fear the application of Shari'a. These internally displaced persons face harassment and loss of opportunities if they remain in the north.

East Asia

Most countries in the region permit freedom of worship. However, the religious freedom situation in China is worsening. The Government actively suppresses those groups that it cannot control directly, most notably the Vatican-affiliated (underground) Catholic Church, Protestant "house churches," some Muslim groups, Tibetan Buddhists, and members of the Falun Gong spiritual movement. The Vietnamese constitution provides for freedom of worship; however, the Government restricts those organized activities of religious organizations that it defines as being at variance with state laws and policies. Most independent religious activities either are prohibited or restricted severely. For example, Buddhist monks are required to work under a party-controlled umbrella organization. The situation for some religious groups in Laos is similar. In Burma, the Government actively suppresses most non-Buddhist religions (particularly for minority ethnic groups such as the Karen and Chin). The religious freedom situation in North Korea is particularly hard to gauge given the extreme lack of access provided by the Government; however, most indications are that religious freedom is circumscribed severely.

The U.S. admissions program for East Asia accepts refugee cases referred by the UNHCR and U.S. embassies. Over the past several years, the Department of State has worked closely with the UNHCR to strengthen the referral process so those individuals in need of resettlement can have access to the program.

Europe

The breakup of the Soviet Union initially led to a resurgence of religious practice throughout the region, but in recent years the fear of newer religious groups, many of them with ties to coreligionists in other countries, has led to a backlash in a number of the newly independent states. Most states regulate religious groups and

activities, specifying a set of "traditional" religions with certain privileges denied to other groups. In some countries, one's faith may be associated with ethnicity, patriotism, nationalism, or even with terrorism and authorities may be suspicious of religious groups perceived as having political agendas and organizations. This is especially true in the Central Asian republics where, in the case of Uzbekistan and Turkmenistan, Muslims groups not approved by the State are seen as potential terrorists and suffer harassment or imprisonment. The U.S. refugee admission program provides resettlement opportunities to religious minority members (as identified in the Lautenberg Amendment) with close family ties to the United States. In addition, UNHCR has recently increased the number of referrals to the program.

Refugee admissions based on grounds of religious persecution have been significant in both the Bosnia and Kosovo resettlement efforts. The U.S. refugee admissions program has provided protection to Muslims, Catholics, and Orthodox Christians, as well as individuals of other religious minorities. The Department of State will continue to work with the UNHCR, nongovernmental organizations (both faith-based and non-sectarian), human rights groups, and U.S. missions to identify persons who qualify under the 1980 act on religious grounds for whom resettlement is appropriate.

Latin America/Caribbean

In general, religious freedom is widely recognized and enjoyed in Latin America. The key exception is Cuba, where the Government engages in active efforts to monitor and control religious institutions, including surveillance, infiltration, and harassment of clergy and members; evictions from and confiscation of places of worship; and preventive detention of religious activists. It also uses registration as a mechanism of control; by refusing to register new denominations it makes them vulnerable to charges of illegal association. However, despite these obstacles to religious expression, church attendance has grown in recent years.

The U.S. refugee admissions program specifically includes religious minorities and other human rights activists among the list of eligible groups.

Near East and South Asia

Repression of religious minorities is common in some countries in the Middle East and South Asia. In Pakistan discriminatory legislation has encouraged an atmosphere of violence, which has led to acts by extremists against religious minorities, including Christians, Hindus, Ahmadis, and Zikris. In India responses by state and local authorities to extremist violence were often inadequate. In Saudi Arabia public non-Muslim worship is a criminal offense, as is conversion of a Muslim to another religion. In Iran members of minority religions continue to face arrest, harassment, and discrimination.

Iranian refugees who belong to religious minorities (Baha'is, Jews, Zoroastrians, and Christians) are able to apply directly for U.S. resettlement. In addition, the UNHCR and U.S. embassies in the region facilitate access to the admissions program for individuals of other nationalities who may qualify on religious grounds. The Department of State will continue efforts to improve access to refugee processing through dialog with nongovernmental organizations and human rights groups who may identify victims with valid claims based on grounds of religious persecution. The UNHCR also has addressed religious persecution issues in several regional workshops to increase the sensitivity of protection and resettlement officers to victims of religious persecution.