

US RESETTLEMENT FOR DISPLACED PERSONS FROM MYANMAR:
PROTECTION IN A PROTRACTED REFUGEE SITUATION IN MAE LA SHELTER

MISS SARINYA MOOLMA

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นางสาวสรินญา มุลมา

วิทยานิพนธ์นี้เป็นส่วนหนึ่งของการศึกษาตามหลักสูตรปริญญาศิลปศาสตรมหาบัณฑิต
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By Miss Sarinya Moolma
Field of Study International Development Studies
Thesis advisor Naruemon Thabchumpon, Ph.D.

Accepted by the Faculty of Political Science, Chulalongkorn University in
Partial Fulfillment of the Requirements for the Master's Degree.

..... Dean of the Faculty of Political Science
(Professor Supachai Yavaprabhas, Ph.D.)

THESIS COMMITTEE

..... Chairperson
(Associate Professor Vira Somboon, Ph.D.)

..... Thesis Advisor
(Naruemon Thabchumpon, Ph.D.)

..... Thesis Co-advisor
(Professor Supang Chantavanich, Ph.D.)

..... External Examiner
(Navita Direkwut, Ph.D.)

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เป้าหมายของระบบสากลสำหรับผู้ลี้ภัยคือการแก้ปัญหาอย่างถาวรเพื่อยุติวงจรการพลัดถิ่นของผู้ลี้ภัย ซึ่งทางแก้ไขมีอยู่สามประการ คือ การส่งกลับโดยสมัครใจ การกลมกลืนกับท้องถิ่น และการส่งไปตั้งถิ่นฐานยังประเทศที่สาม กรณีที่การส่งกลับโดยสมัครใจและการกลมกลืนกับท้องถิ่นไม่สามารถเป็นทางเลือกของผู้ลี้ภัย สำนักงานข้าหลวงใหญ่เพื่อผู้ลี้ภัยแห่งสหประชาชาติ (UNHCR) จะประสานความร่วมมือกับองค์กรอื่นๆเพื่อหาหนทางปกป้องชีวิตของผู้ลี้ภัย เมื่อนั้นการส่งไปประเทศที่สามจึงถูกหยิบยกขึ้นมา

ในกรณีของประเทศไทย ผู้ลี้ภัยสัญชาติพม่าได้เข้ามาขอหลบภัยตามค่ายต่างๆ บริเวณชายแดนเป็นเวลานานกว่าสองทศวรรษแล้ว ปัจจุบันนี้ปัญหาของผู้ลี้ภัยจากพม่านั้นทาง UNHCR จัดให้อยู่ในระดับสถานการณ์ลี้ภัยแบบยืดเยื้อ อาจกล่าวได้ว่าผู้ลี้ภัยสัญชาติพม่าที่อาศัยในดินแดนไทยมายาวนานกำลังถึงทางแยกของปัญหา เนื่องจากประเทศพม่ายังคงเต็มไปด้วยปัญหาภายใน ส่วนประเทศไทยในฐานะให้ที่หลบภัย ก็แก้ปัญหาการทะลักของผู้ลี้ภัยได้ลำบาก ในกรณีนี้ สหรัฐอเมริกาเป็นชาติพัฒนาแล้วที่มีแผนสนับสนุนโครงการนานาชาติที่จะช่วยแก้ไขสถานการณ์ลี้ภัยแบบยืดเยื้อ ด้วยเหตุนี้ วิทยานิพนธ์ฉบับนี้จะวิเคราะห์โครงการตั้งถิ่นฐานใหม่ในสหรัฐอเมริกา ในฐานะเป็นเครื่องมือแก้ปัญหาสถานการณ์ลี้ภัยแบบยืดเยื้อของผู้ลี้ภัยพม่า เพราะนับเป็นโครงการที่รับผู้ลี้ภัยจำนวนมากกว่าประเทศอื่นใด ขอบเขตงานวิจัยอยู่ที่ศูนย์พักพิงชั่วคราวแม่หละ ซึ่งเป็นศูนย์พักพิงที่ใหญ่ที่สุดในประเทศไทยและมีจำนวนผู้เดินทางไปประเทศที่สามมากที่สุด

นับตั้งแต่โครงการตั้งถิ่นฐานใหม่ในสหรัฐเริ่มขึ้นในปี ค.ศ.2005 ก็ได้นำผู้พลัดถิ่นพม่าจำนวนมากไปสู่บ้านใหม่หลังการอาศัยอยู่ในภาวะลี้ภัยยืดเยื้อ จากการวิจัย การตั้งถิ่นฐานใหม่ในสหรัฐเป็นการแก้ปัญหาอันถาวรที่เหมาะสมในการณ์ปัจจุบัน แต่ก็มีจุดข้อบกพร่องของเกณฑ์การคัดเลือกในด้านการตรวจสอบประวัติ ผู้สมัครที่อาจใช้เวลาในการปลอมแปลงในขั้นตอนสมัคร และการที่ผู้ลี้ภัยที่ไม่ได้ลงทะเบียนไม่สามารถร่วมโครงการได้ อย่างไรก็ตาม การตั้งถิ่นฐานในสหรัฐ เป็นวิธีทางแรกและทางเดียวเพื่อแก้ไขภาวะยืดเยื้อของผู้ลี้ภัยพม่าในประเทศไทย ดังนั้นโครงการตั้งถิ่นฐานใหม่ที่ประกอบด้วยความร่วมมือจะนำไปสู่การเปลี่ยนแปลงที่ดีขึ้นในระยะยาวได้

สาขาวิชา การพัฒนาระหว่างประเทศ
 ปีการศึกษา 2554

ลายมือชื่อ นิสิต.....
 ลายมือชื่ออาจารย์ที่ปรึกษาวิทยานิพนธ์หลัก.....
 ลายมือชื่ออาจารย์ที่ปรึกษาวิทยานิพนธ์ร่วม.....

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The objectives of international refugee regime are to provide the three durable solutions for refugees in an attempt to end the cycle of displacement: voluntary repatriation, local integration, and third country resettlement. In case the voluntary repatriation and local integration are not viable options for those in exile, the UNHCR in collaboration with NGOs would seek another approach to protect the lives of refugees, and therefore the third country resettlement would be preferred.

In case of Thailand, the Burmese refugees have sought asylum in the refugee camps along the border for over two decades. The problem of Burmese refugees is recognized by UNHCR as one of the protracted refugee situations. Put another way, the prolonged existence of Burmese refugees in Thailand is now at the crossroad because Burma remains in the middle of internal conflicts, while Thailand, as country of asylum, finds difficult to cope with the refugee flows. Meanwhile, USA is one of the developed countries that are supporting international programs to alleviate the protracted refugee situations. Hence this thesis examines the United States Refugee Admission Program as the tool to resolve the protracted situation of Burmese displaced persons because the program provides the greater number of refugee admissions. The site selection is in Mae La temporary shelter, the largest shelter in Thailand with the largest number of departures to the third country resettlement.

After the US resettlement process has begun in 2005, the program has brought new homes to a number of Burmese refugees from protracted displacement. From this study, it reveals that US resettlement is a suitable durable solution for the time being. But the gap could be found from the selection criteria as security check on individual is time-consuming, the fraud application, and that the unregistered refugees are excluded in the process. Nevertheless, the US resettlement is the first and only durable solution to address the protracted situation of Burmese refugees in Thailand. The cooperative resettlement program would lead to the positive change in long term.

Field of study: International Development Studies	Student's signature.....
Academic Year 2011.....	Advisor's signature.....
	Co-advisor's signature.....

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By all means, this study is especially dedicated to thousands of refugees from Burma who are living in misery and limited hope. This reminds me what Aung San Suu Kyi once famously said, “We must hope for the best, but prepare for the worst”. As long as we believe in human kindness, we have good reason to be hopeful about future and peace of Burma.

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ABBREVIATIONS

BPRM	United States Bureau of Population, Refugee and Migration
CCSDPT	Committee for the Coordination of Services to Displaced Persons in Thailand
DKBA	Democratic Karen Buddhist Army
EU	European Union
IDPs	Internally Displaced Persons
IOM	International Organization for Migration
ICRC	International Committee of the Red Cross
IRC	International Rescue Committee
KNU	Karen National Union
KRC	Karen Refugee Committee
MOI	Ministry of Interior, Thailand
NGO	Non-Governmental Organization
NSC	National Security Council, Thailand
OPE	Overseas Processing Entity
PAB	Provincial Admission Board
PRS	Protracted Refugee Situations
NLD	National League for Democracy (based in Burma)
NLD-LA	National League for Democracy- Liberated Area (based in Thailand)
DHS	Department of Homeland Security
USCIS	United States Citizenship and Immigration Services
RSC	Resettlement Support Center
RTG	Royal Thai Government
TBBC	Thai Burma Border Consortium
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency for Palestinian Refugees in the Near East
USRAP	United States Refugee Admissions Program

CHAPTER I

INTRODUCTION

“If we cannot bring protection to refugees, we must bring refugees to protection”

UNHCR Projected Global Resettlement Need 2011 (2010, p1)

In the world of rapid change and conflicts, millions of people are being suffered from wars, military oppression, poverty, famine, natural disaster. To escape from those fears, the decision to flee and seek asylum in other boundaries creates the condition of becoming refugee. Refugees could be found everywhere in this world, as they are the by-products of every crisis. (Loescher and Monahan, 1989)

In case of Thailand, the Burmese refugees have sought asylum along the border for over two decades. More than twenty years in exile, those refugees have been trapped in the country of asylum because their homeland remains in conflict of ethnic wars and widespread human right violations. The problem of Burmese refugees in Thailand is now recognized by the UNHCR as one of the Protracted Refugee Situations of global refugee crisis. Considering the three durable solutions by UNHCR mandate, the repatriation and the local integration of Burmese refugees prove to be inapplicable for the current situation. As long as the peace and democracy have loomed under the Burmese military regime, displaced persons from Burma are fearful to return home. On the other hand, the approach to assimilate the Burmese refugees to the Thai kingdom is negatively criticized as the refugee existence is perceived rather as a threat to host nation.

Lastly, the option of third country resettlement would serve as the appropriate durable solutions for those Burmese refugees under the current political and social context. The USA is one of the developed nations which support international programs that address protracted refugee situations in every part of the world. Therefore, to ameliorate the protracted refugee situations is one of U.S. foreign policies and humanitarian concerns. According to the U.S. Department of State, the existence of Burmese refugees in Thailand is one of six focus areas of protracted

refugee situations (see Appendix A), and the U.S. resettlement efforts have been strengthened to accelerate the progress of durable solution (BPRM, n.d.).

1.1 Statement of Problem:

Currently, approximate 35 million people around the world have been forced to leave their homes, and become permanently or temporarily displaced people. UNHCR is providing relief assistance to 20 million displaced people; approximately 12 million of them are refugees living in camps or temporary shelter (Mayell, 2003). Among this number, 10.3 million refugees worldwide live in protracted refugee situations in 30 countries, comprising two-thirds of the global refugee population. This included the prolonged existence of Burmese refugees along Thai-Burma border (BPRM, n.d.).

Protracted Refugee Situations now become the major concern according to UNHCR mandate. The term refers to refugee population of 25,000 or more who find themselves in a long-lasting state of limbo for at least five consecutive years in developing countries, and are unable to secure durable solutions to their plight. (Loescher, 2006)

Thailand is a country which has played host to refugees for centuries. The most recognized group of refugees in Thailand was the Indochinese exodus in 1970s. The problems of Indochinese refugees have been resolved by mechanism of massive third country resettlement and repatriation process. A decade after the Indochinese war, the outmigration from Laos and Vietnam had been significantly stabilized at a low level (Zolberg, Suhrke, and Aguayo, 1989). Hence, in 1993, the Royal Thai Government (hereinafter RTG) announced no more refugees would be accepted into the nation. As a consequence, no new camps on the Thai eastern border have been established (Risser, 1996). This is despite the fact the in the western border of Thailand, the quiet civil wars of ethnic minorities in Burma have forced thousands of displaced persons to seek refuge in the Thai territory.

The ethnic conflicts in Burma were never a central interest in the political climate of cold war (ibid). Burma is one of the most impoverished countries in this world due to the prolonged authoritarian military junta. Burmese military government is known for being a state committing the violence against the ethnic minorities within its territory. For several decades, the armed conflicts of ethnic minorities in Burma have been resulted in the massive plights and flights of ethnic people to seek asylum and protection in the Thai border.

Nonetheless, Thailand is not a signatory of Refugees Convention (1951) and therefore has no obligation to support or protect the refugees in Thai territory. Thai kingdom also lacks of domestic legal framework for the determination of refugee status. Consequently, those Burmese refugee camps are termed as ‘temporary shelters’, and the Burmese refugees are officially referred as the ‘temporary displaced persons fleeing fighting’, meaning that refugee cannot stay permanently and cannot work or go outside the camp (Kenggoonchorn, 2006).

Being the victim of the conflict, it is part of UNHCR’s core mandate to find the proper solution for those Burmese refugees residing along nine camps of Thai-Burma border. One of UNHCR’s responsibilities is to seek for durable solutions for the refugees, and there are three main availabilities: voluntary repatriation; local integration; and resettlement to a third country. Repatriation is the return of refugees to country of origin with safety and dignity, while the local integration is to naturalize the refugees to the country of asylum. Third country resettlement is the last option in situation where it is impossible to go back home or remain in the host country. According to UNHCR (2010), resettlement is a crucial solution to “bring refugees to protection” in the third country.

At present condition, the Burma’s general election 2010 has unconvincingly formulated the new democratic regime due to the fact that the military leaders remain overshadowing the parliament and cabinet. The tensions continue to escalate since the Burmese government has failed to negotiate with the armed groups to become part of Border Guard Forces. At the border, moreover, the conflict of interest created the

multiple clashes between the regime troops and the ethnic guerrillas, such as the breakaway DKBA. As a result, in August 2010, thousands of civilians from Burma fled from the series of fighting to the Thai border (Weng, 2010).

In term of the policy from Thai authorities, the RTG maintains its policy of accepting displaced persons from Burma to stay only temporarily until they can repatriate safely. In April 2011, the plan to close the camps was cited by the Thai media that the National Security Council would consider the repatriation of Burmese displaced persons (Saw Yan Naing, 2011). On account of this, however, the UNHCR's regional spokeswoman replied that the voluntary repatriation is unlikely to happen because those Burmese displaced persons "wanted to return home only when Burma becomes a democratic country." (ibid)

Conclusively, the protracted existence of Burmese refugees in Thailand is now at the crossroad because the sending country (Burma) remains in the middle of internal conflicts, while the receiving country (Thailand) finds it is difficult to cope with the ongoing refugee flows. Comparing the other durable solutions, the resettlement has been selected as the initiative approach to solve the protracted refugee situations in Thailand.

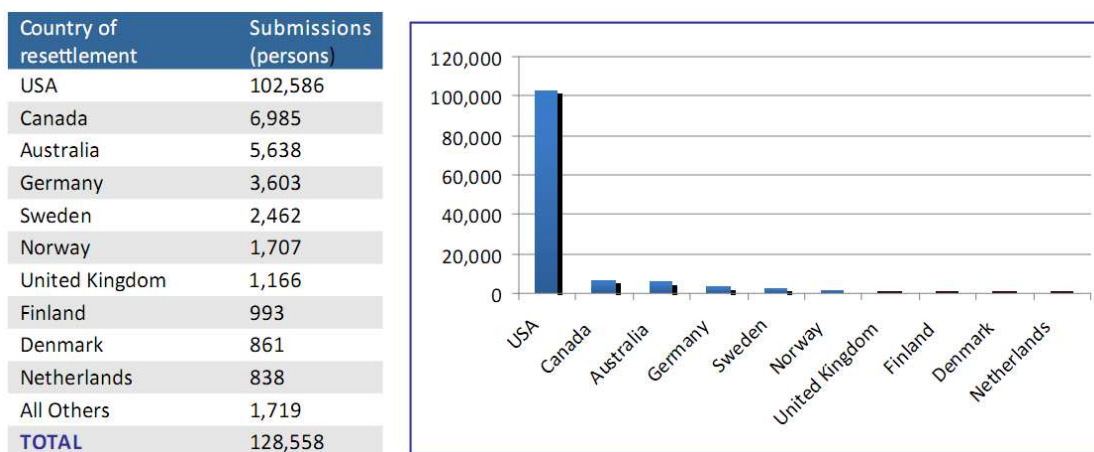
Open Door for Group Resettlement to the USA:

From the UNHCR website (2009), the third country resettlement for Burmese refugees was launched since 2004, but got an enormous boost in early 2005 when the United States made a very huge offer to refugees from the camps. This resettlement program was under the permission of the RTG to the UNHCR and the U.S. resettlement agency to conduct the U.S. group resettlement program for the Burmese refugees, starting from Tham Hin camp. The U.S. resettlement group referrals in all nine camps along the Thai-Burma border have been served as response to the protracted refugee situation which has been prolonged for over two decades. Therefore, the U.S. resettlement should have been examined its mechanism as one of

the significant durable solution for the current situation in term of its role as the protection tool, and its selection and transfer process.

The United States has sought to cultivate the image of “being a country where the politically oppressed might find relief” (Loescher 1993, p18). The USA is consequently a country which accepts the refugee resettlements in a greater number than any other third countries combined (see Figure I). From 1975 to present, nearly 3 million refugees world-wide have made new homes in the United States. Moreover, from the UNHCR resettlement statistics, the United States resettlement program has constituted up to 73.49 % of global refugee resettlement in 2009 (Department of State, 2011). In case of Burmese refugees in Thailand, more than 48,000 Burmese refugees from nine camps along Thai-Burma border have been accepted to build their new lives in the U.S. (TBBC, 2010b). Therefore, this research would emphasize on the US resettlement program for Burmese refugees, with a site selection in Mae La temporary shelter.

Figure I: Top Ten Country of resettlement in 2009



Source: UNHCR Projected Global Resettlement Needs 2011 (2010, p47)

This thesis would explore the U.S. resettlement program as it has been served as the tool to resolve the protracted situation of Burmese refugees in Thailand for the time being. US resettlement will be examined with an emphasis on the dimensions of selection, transfer, and protection. In searching for the findings of those dimensions,

the main actors in the process; international refugee regime, Thai government, and the refugees themselves, would be taken into account in finding for the better approaches for durable solutions.

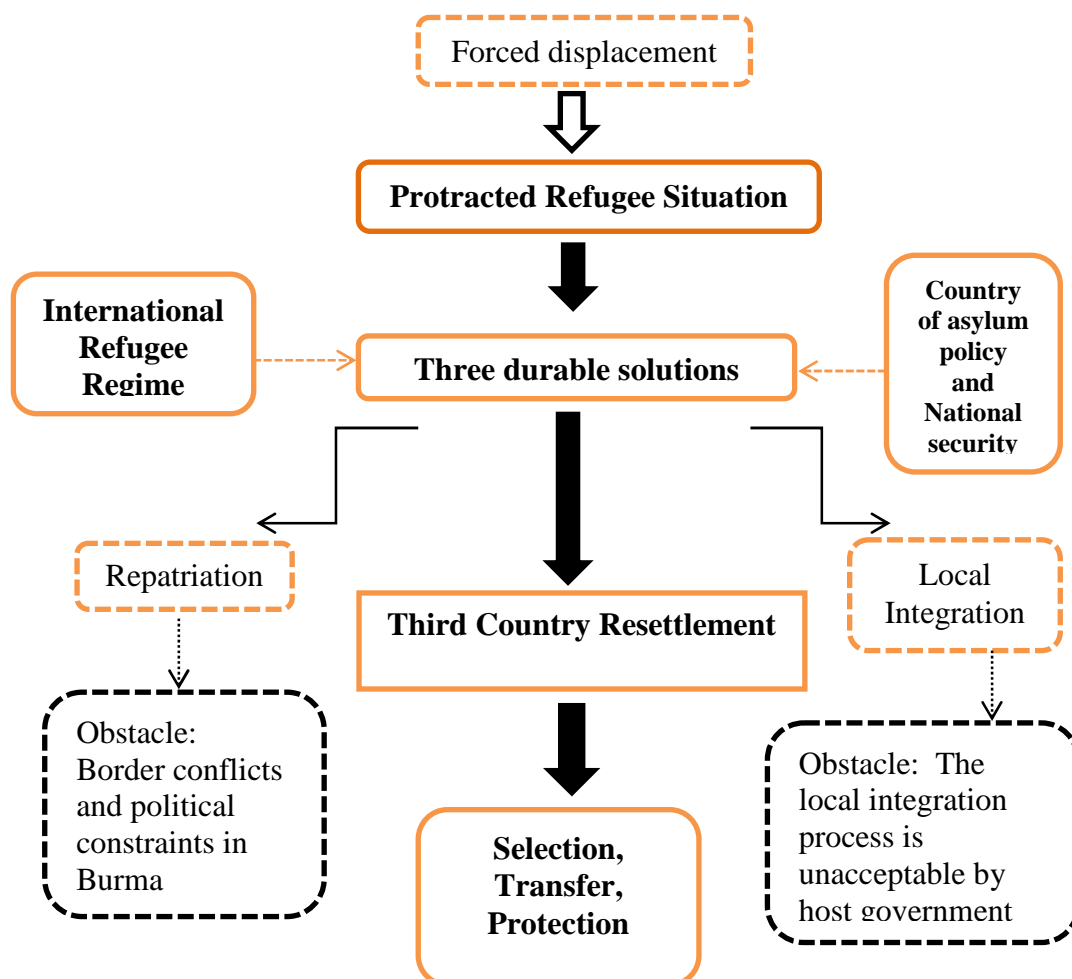
1.2 Research objectives:

- ❖ To explore the policy and security reason of the RTG as well as the United States resettlement mechanism for the displaced persons from Burma in Thailand
- ❖ To identify protection gaps for displaced persons from Burma in the process of resettlement
- ❖ To propose the alternative approaches in optimizing the durable solutions for Burmese refugees in temporary shelter

1.3 Research questions:

- ❖ What are the policy and rationales of the Thai and the U.S. government in finding the durable solutions for the displaced persons from Burma?
- ❖ What are the gaps in protection of displaced persons from Burma in US resettlement process, with a focus from Mae La shelter?
- ❖ How to resolve or ameliorate the challenges of U.S. resettlement program in order to strengthen the durable solutions for displaced persons from Burma?

1.4 Study framework:



1.5 Methodology:

1) *Desk review*: Documents related to Thai's policy towards the Burmese displaced persons in Thailand, and the literature on resettlement program from UNHCR and U.S. refugee agencies are examined, with an emphasis on the resettlement process and its protection aspect.

2) *Field research*: Field research was conducted in Mae La temporary shelter with the primary target to obtain the variety of perspectives from the residents in the temporary shelter, and the in-depth interviews with the Mae La camp committees. Meanwhile the researcher also conducted an interview with the Deputy District Governor (Palat) of Mae La temporary shelter, who is in charge of supervising and monitoring to the displaced persons in Tha Song Yang district.

3) *Bangkok-based interviews*: The researcher conducted the in-depth interview with a senior policy analyst from the National Security Council (NSC) of the Thai government, who is expertise in the area of Burmese displaced persons. I also have a private interview with the former Field Team Leader of the Overseas Processing Entity (OPE), who wished to be anonymous. Meanwhile, the in-depth interview with the Refugee Coordinator from the U.S. embassy in Bangkok is included in Bangkok-based interviews.

1.5.1 Key organizations within the US resettlement program

- **Ministry of Interior (MOI)** is RTG agency responsible for registration the Burmese refugees under the consideration of Provincial Admission Board (PAB), and implementation of policy at temporary shelter.
- **National Security Council (NSC)** is the RTG's government body responsible for policy-making and negotiation on the issue of displaced persons.
- **United Nation High Commissioner for Refugees (UNHCR)** is the UN refugee agency. Its mandate includes making refugee status determinations, providing protection and humanitarian aid services, and facilitating durable solutions. In the U.S. resettlement program, the role of UNHCR has been limited by making the Resettlement Referral Forms to the U.S. resettlement agency (Harkins, Direkwut and Kamonpetch 2011)
- **Overseas Processing Entity (OPE)** is the U.S. resettlement agency contracted by the U.S. government to facilitate the refugees with the application and admission process (ibid). In Thailand, International Rescue Committee (IRC) is granted by U.S. government to perform the OPE office.

OPE's task is to make a prescreen interview to determine whether the applicants qualify for access. Currently, in 2011, the OPE is renamed as *Resettlement Support Center (RSC)*, but the name OPE would be used throughout this research.

- **The U.S. Department of Homeland Security (DHS)** functions as the U.S. immigration representative and is responsible for adjudication of refugee admission. It is a re-structuring of the works of the Immigration and Naturalization Service (INS) to a new government body in the aftermath of September 11 (Department of Homeland Security, n.d.)
- **International Organization for Migration (IOM)** is responsible for providing the medical check-ups and facilitating travels to the U.S. because the IOM staffs would assist and accompany the displaced persons to the airport. (Harkins, Direkwut and Kamonpetch, 2011)

1.5.2 Interviews methods:

- Semi-structured interviews have been conducted to the camp residents in Mae La in obtaining their point of views and expectations towards the resettlement. The time for each individual participant ranged from 15 up to 30 minutes, depending on their backgrounds and interests in USRAP. The interview questions are varied according to the background and categories of each Burmese displaced person, e.g. the registered refugees and unregistered refugees would have been interviewed by slightly different questions based on their engagements and interests to the U.S. resettlement.
- In-depth interviews are used in the discussion with the key informants from Mae La camp committee, Thai authorities, and international agencies. The interview questions are also varied according to each individual's responsibility in the U.S. resettlement program.

In summary, the target group of the interviews could be categorized into three major sectors;

1) *International refugee regime*: to obtain the background of resettlement and overall understanding of the Burmese refugee resettlement.

- U.S. embassy, Bangkok: East Asia Regional Refugee Coordinator, Refugee and Migration Affairs
- Overseas Processing Entity (OPE), the U.S. prescreening resettlement agency: former Field Team Leader, Mae Sot area
- International Organization for Migration (IOM), Bangkok: Regional Program Coordinator, Resettlement and Voluntary Return

2) *Thai authorities*: to obtain the RTG's policy framework and its implementation.

- National Security Council (NSC) in Bangkok: Senior Plan and Policy Analyst who is expertise in the area of displaced persons from Burma
- Ministry of Interior (MOI): Deputy District Governor (Palat) of Mae La temporary shelter, Tha Song Yang district, Tak province

3) *The displaced persons from Mae La camp*: to obtain the first-hand information regarding their viewpoints towards the U.S. resettlement and its challenges. Interview can be divided into two categories, the camp residents and the camp committees

- Mae La residents: 40 interviewees participated in the data collection with random basis from each zone
- Mae La camp committee: the Camp Leader, one Zone Leader, one Section Leader

1.5.3 Data collection tool

The qualitative research tools implemented in this research were: literature review, observations, semi-structure interview, and in-depth interviews. While collecting the data in the field, the basic demographic information was taken such as age, occupation, family member background.

1.6 Criteria of site study: Mae La temporary shelter

Mae La temporary shelter is located in Tha Song Yang district, Tak province, and is 8 kilometers from Burma border. The opposite site of Tak Province is Karen state, which has been under control of the ethnic rebellion KNU (Karen National Union). The camp was originally established in 1984 as the Karen leader first negotiated permission for the displaced Karen people to seek refuge in the Thai border (TBBC Mae Sot area, n.d.).

Mae La camp is strategically and historically crucial for the Karen people and the Karen ethnic guerrilla, with the massive refugee population and accessibility to the main road. As Mae La is the largest camp with the highest number of departures to the third country resettlement, the study on the resettlement program of Mae La camp would be beneficial and be applicable to other refugee camps in Thailand. Besides, Mae La is a camp with biodiversity of ethnicities and religions; the Karen as a majority (Christian, Buddhist, Muslim) and other minority groups from Burma. Hence, the challenges in the resettlement processing found in Mae La shelter could represent a broader category than any other temporary shelters.

1.7 Significance of research

As the information on the U.S. resettlement to Burmese refugee is quite a specific study, it is hoped that this thesis will contribute to the broader understanding of the U.S. resettlement as a response to the protracted Burmese refugees in Thailand. In addition, this research will provide the academic knowledge on U.S. resettlement under the framework of Thai authorities, and its major contribution as the protection tool to the protracted Burmese refugees. Ultimately, this proposal would seek for the appropriate approaches to strengthen the durable solutions for displaced persons from Burma with an emphasis on the resettlement and combination of other durable solutions.

1.8 Ethical consideration

This research may contain a minimal risk since the objective of this study is to examine the resettlement program of the Burmese refugees in Mae La temporary shelter. Refugees are regarded as a vulnerable social group, especially for the Thai government which considers the refugee population as a sensitive issue. Hence, the researcher would be obliged to protect the identities of the refugees and certain key informants due to the confidentiality of information they may contribute.

1.9 Limitation of study

The major limitations of this research are the sensitivity of Burmese refugee issue and the RTG's bureaucratic system for permission to the temporary shelter. Due to the sensitivity, there is limited access to temporary shelter, while some of key informants or camp residents prefer to be under anonymity. Also, the time constraint is another concern because the researcher is basically not allowed to stay in the camp, and the visit must be under permission from local authorities. Nonetheless, the access to camp residents is quite a smooth task because the majority of Mae La inhabitants are willing to participate in data collection.

This thesis is divided into six chapters. Chapter one comprised of the introduction and methodological approach. Chapter two is literature review on the refugee regime and the essence of resettlement as a durable solution. Chapter three provides the rationale of the Thai authorities toward the Burmese refugees. Chapter four explores the background of the U.S. refugee admissions program. Chapter five emphasizes on the research findings in the field data collection in Mae La shelter. Chapter six goes to the analysis, recommendations, and conclusion.

CHAPTER II

LITERATURE REVIEW

*"Refugees have been deprived of their homes,
but they must not be deprived of their futures,"*

UN Secretary-General Ban Ki-moon, World Refugee Day 2010

This literature review is intended to give an overview of the literature on the refugee regime and the three durable solutions, in which the 'third country resettlement' is part of those solutions. This section encompassed the following issues:

2.1 Human Migration theory

There is no single, comprehensive theory of human migration pattern (Cohen 1996 cited in Berg, 2009) because the migration decisions are influenced by other factors more than economic concern. Man is an economic animal. Yet the economic motivation has played an important but nevertheless limited role in human migration. The integration of complex motivation of immigration rests on other drives; such as the desire for security. (Taft and Robbing, 1995)

Theoretically, migration refers to the "movement of person or group from one place of origin to stay in a place of destination with the intention to settle and earn a living" (Chantavanich, 2007). By this terminology, there are two major types of migration;

1) Voluntary migration: economic migrant is a person leaving his or her habitual place of residence to settle outside country of origin in order to improve quality of life.

2) Forced migration: Asylum seekers, refugees, and displaced persons would be the main focus groups of the term 'forced migration' by conflict-induced in this research. Broadly speaking, forced migration refers to the movement of people who

are forced to flee their homes due to the armed conflicts or generalized violence where the states are unable or unwilling to protect them (FMO, n.d)

2.1.1 Forced displacements

In “The global migration crisis” by Weiner (1995), the forced migration is served as the means to achieve the cultural homogeneity, or a dominance approach over another ethnicity. Many of the population movement in post-independence could be linked to the ideology of nationalism and the emergence of new nation-states. In some cases, the state’s intention is to strengthen the hegemonic identity of its citizen. The ethnic minorities were therefore threatened by the state’s antagonistic policies due to their distinctive religion, language, or culture. This policy resulted in the massive exodus of the minorities to receiving country.

Currently, however, there is widely understood that the factors behind the displacement of people in Burma are the combination of both coercive and economic factors. This is because the Burmese migrants have to leave their homes due to the Burmese military order or due to some kinds of oppressions, such as forced labor, extortion and land confiscation. These factors affected to widespread the poverty as well as decline the local incomes. As a result, leaving their homes would become the last option for those Burmese displaced persons (ibid).

The challenge to narrow definition of displaced persons was also discussed further by Therese Caouette and Mary Pack (Bosson, 2007) that the majority of people leaving Burma are clearly fleeing persecution and human right abuses, although superficially the initial reasons for their flight may be expressed in economic terms.

2.1.2 Refugees, Asylum Seekers, and Internally Displaced Persons

1 *Refugee*: Under the 1951 Refugee Convention, a *refugee* is any person who is outside his or her country of origin or habitual residence and is unable or unwilling to return there owing to:

- A well-founded fear of being persecuted for reasons of race, religion, nationality, membership of particular social group, or political opinion
- Serious and indiscriminate threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order. (UNHCR, 2005)

2 *Asylum seeker*: This term refers to “an individual who is seeking international protection whether as an individual or on a group basis” (ibid, p13), or who crossed a border and not yet obtained a refugee status. (Chantavanich, 2007)

3 *Internally displaced persons*: IDPs are people who have been forced to flee their homes as a result of armed conflict, internal strife, human rights violations, or natural or man-made disasters and who are within the territory of their own country (UNHCR 2005: 14). Besides, in the *Handbook for Applying the Guiding Principles on Internal Displacement* (Bosson, 2007), the author noted that in some cases “the internal displacement may be caused by a combination of coercive and economic factors” (ibid, p7)

By these definitions, the refugee and asylum seekers are forced migrants who “flee their homes to escape persecution or conflict”, which differ from voluntary migrants who move for economic benefits (Castel and Miller, 2009, p188). Nonetheless, the increasing number of refugees and asylum seekers become a political issue in some Western countries due to the fear of mass influxes from the global south into Western nations (ibid). Yet the majority of refugees remain in the poor countries, especially in Africa or Asia.

2.2 International Refugee Regime

The *Convention 1951 and Protocol 1967 on the Status of Refugees* are crucial treaties of the regime. The Refugee Convention was the outcome of negotiations among major Western states in dealing with the upsurge of displaced persons in post-war Europe (Loescher and Monahan, 1989). Nevertheless, the inability of the convention to provide effective framework to world-wide refugee problem outside Europe led to the 1967 Protocol which “removed the time and geographical limitations from the refugee definition” (ibid, p190).

The primary agency for international refugee regime is the United Nations High Commissioner for Refugees, and the refugee regime is the collection of conventions, treaties, governmental and non-governmental agencies, which adopted to support and protect those displaced persons from their country by persecutions or wars (Keely, 2001). The objectives of refugee regime are to provide the three durable solutions for refugees. The preferred solution is repatriation, or if failing, the local integration at country of asylum or the third country resettlement would be preferred. (ibid)

In “An Introduction to International Protection” by UNHCR in 2005, the responsibilities of international protections rest on both the States and UNHCR. The country of asylum would be a primary provider of international protection according to the international human rights law and customary international law, especially the signatory States to the 1951 Refugee Convention. The UNHCR, indeed, it remains the only international organization with a specific mandate to protect refugees at the global level (ibid).

In 2007, the UNHCR initiated the approach to manage the current refugee flow under the title “A 10-Point Plan of Action”, which re-defined the refugee protection and the mixed migration in accordance to the global refugee movements. This matrix Plan of Action contains the goal and suggestions on activities to be undertaken of the ten component parts, and the 7th point is directly related to refugee protection. At this part, the refugees are recognized for international protection that includes a mix of solutions offering the best chances, which will depend on

opportunities and constraints in each situation. In this regard, the receiving countries are included as the host country “may benefit from international assistance to strengthen national protection capacities” (UNHCR, 2007b, p4).

Bali Process: In Asia, the apparent initiative for Discussion in addressing the mix flows of refugees and migrants was in 2009. Briefly, the Bali process is a response to deal with the complex flow of refugees which interrelated to the global migration trend, therefore the practical solutions need to be broaden the protection space. Bali process also provides mechanism of State members to promote dialogue on migration, examine ‘push and pull’ factors and promote the regional cooperation in addressing the refugee problems (UNHCR, 2009b).

At present, however, the UNHCR is facing the refugee dilemma since the global perspective toward refugees is ‘less tolerance and more hostility’; meanwhile the developed or developing countries alike are closing their doors to refugees (Deardorff, 2009). Therefore, the United States and UNHCR recognize the third country resettlement as a vital tool for providing refugees protection and durable solutions. In this regard, the United States is a country which actively supports efforts to provide protection, assistance, and durable solutions to refugees, in accordance to the policy of humanitarian objectives and national security interests. (Department of State 2011)

2.3 International Refugee Protection System

Traditionally the responsibility of States is to protect their citizens. However, when governments are unwilling to protect their citizens or rather prosecute them owing to conflict, those individuals may suffer the serious violations and in several cases they are forced to leave their homes to seek safety in another country. Because of this, the international community then steps in to ensure that those basic rights are respected when the governments of home countries no longer protect the basic rights of civilians (UNHCR, 2001). In order to protect people who can not avail themselves in state system of their country of origin, another state needs to be assigned to provide

protection, at least in short term. In theory, asylum-seekers and refugees are supposed to be protected by the international refugee law. In Article 33 of the Refugee Convention provides the primary protection of ‘non-refoulement of refugees’ meaning the state shall not forcibly repatriate the refugees to territories where she or he will be threatened. (Loescher, 2001).

To manage the refugee protection, the state where the refugees are present has to decide whether or not to give its protection to those individuals. In doing so, “International refugee law is thus not only protecting individuals but also protecting integrity of the state system”. (Newman and Van Self, 2003: 89).

2.4 Three durable solutions

A durable solution for refugees is one that ends the cycle of displacement or life in exile. Traditionally, the Three Durable Solutions are;

1) Voluntary repatriation

Refugees return in safety and with dignity to their country of origin.

2) Local integration

Country of asylum provides the permanent residency to refugees.

3) Third country resettlement

Refugees are transferred from the country of asylum to a third State willing to admit them on a permanent basis

The different implications of each solution are;

“Voluntary repatriation is the durable solution which has historically benefited the largest number of refugees. Resettlement is a key protection tool and a significant burden- and responsibility-sharing mechanism. Local integration is a complex and gradual process and comprises distinct but inter-related legal, economic and socio-cultural dimensions.” (UNHCR, 2008a, p10)

As mentioned above, the primary solution is the voluntary repatriation which has to be under the international monitoring system to ensure the security and peace of returnees. In case the repatriation is not feasible in short or long term, the UNHCR will explore whether it is appropriate to arrange the local integration with the host

countries. Finally, when the refugees are in dilemma at the country of asylum, the resettlement is a strategy of burden-sharing arrangement to ease pressure on host countries (UNHCR 2007b).

The UNHCR and several refugee agencies believe that voluntary repatriation would be the most appropriate and satisfactory solution for refugees. (Loescher and Monahan, 1989) However, the repatriation to the country of origin which still ruled by the oppressive regimes is highly controversial in the international standard. In this case, the human right agencies often express concern over the repatriation without the physical and economic security at country of origin. For the success of repatriation process, “development assistance, in order to create a favorable economic and social environment, must be channeled into those areas to which the refugees wish to return”. (ibid, p28)

On the other hand, if the local integration is a viable solution for refugees, the key to success is the attitude of the host country and local authorities. In reality, many States have concerns about allowing refugees to stay on their soil. This is due to the fear of the impact on resources, the security concern, and may include the concern on controlling migration. (UNHCR, 2005)

In case of Thailand, likewise, the Thai kingdom expressed the disagreement against the local integration since the period of Indochinese refugees. At that time, the concept of national integration of Indochinese refugees to the Thai kingdom was rejected by the Thai government due to the fact that its own population was also suffering from economic hardship. Consequently it was quite impossible to permanently naturalize the Indochinese refugees to the kingdom. (Songprasert, 1998)

For current circumstance of Burmese refugees in Thailand, the repatriation or local integration remains a contested idea. As mention earlier, the current condition of Burma and the unwelcome policy toward Burmese refugees of the Thai authorities prove that the third country resettlement would serve as the suitable durable solution for such political climate.

2.5 Third country resettlement

In case the voluntary repatriation and local integration are not feasible for refugees, the UNHCR in collaboration with NGOs would seek another approach to protect their lives. Consequently, the third country resettlement would be preferred in case the other solutions are unavailable. The traditional resettlement countries are prominently USA, Australia, Canada, and New Zealand. In order to benefit from resettlement refugees must meet UNHCR's criteria and must also be accepted under the criteria of the resettlement country (UNHCR, 2001)

Per UNHCR, the definition of resettlement *“involves the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them- as refugees- with permanent residence status”* (UNHCR, 2004a, p2). The resettlement not only brings refugees to protections, but also helps them to resolve long-standing refugee situations. Moreover, resettlement also reflects three dimensions: it provides refugee protection, it serves as a major durable solution, and it has an element of burden-sharing toward the host country by the developed nations (ibid).

2.6 Resettlement and Protection:

In term of resettlement as a tool of protection to refugees, the resettlement agencies and UNHCR have agreed that the resettlement should prioritize 8 categories of refugees (Loescher and Milner, 2006, p10);

- *Refugees with legal and physical protection problems in the country of asylum*
- *Women at risk, especially female-headed households who do not benefit from traditional community support structures*
- *Survivors of violence and torture*
- *Medically vulnerable cases*
- *Unaccompanied minors*
- *Elderly refugees*
- *Refugees with family members abroad*

- *Refugees with no local integration prospects in their country of first asylum*

2.7 Protracted Refugee Situations (PRS)

Since early 1990s, international community has focused on refugee crisis, with an emphasis on humanitarian assistance and repatriation process. Yet, the vast majority of refugees have been forgotten and trapped in the poor region. The term refers to refugee population of 25,000 or more who have been in exile for five consecutive years or more in developing countries, excluding Palestinian refugees who fall under the mandate of UNRWA (UNHCR, 2004b).

The issue of Protracted Refugee Situations has become the major challenge to UNHCR as the efforts must be made to improve conditions for the world's long-term refugees despite the financial deficit (UNHCR, 2008b). Currently, 10.3 million refugees worldwide live in protracted refugee situations in 30 countries, comprising two-thirds of the global refugee population. The UNHCR is reviewing its plans and will set up the specific strategies to strengthen the refugees' self-reliance, education and development. (UNHCR, 2011)

Considering the long-time existence of refugees, this would lead to the security concern among host government and subsequently the regional level. The USA, as one of developed nations, the Burmese refugees in Thailand are included as one of the protracted situations in six focus areas, (BPRM, n.d.). In 2005, the U.S. resettlement program for Burmese refugees was launched under the cooperation of the UNHCR and RTG. Until now, the International Organization for Migration (IOM) marked a milestone of its resettlement program in Thailand as a success of over 62,000 refugees accepted to the USA (Lom, 2010)

Resettlement is one type of human migration when the opportunity to escape the encampment of refugee situation is being promoted by the UNHCR, the country of asylum, and the resettlement country. On the other hand, the availability of asylum or resettlement for refugees is assumed to be under the foreign policy in the receiving countries, therefore the reception of refugees reflects the "implicit political intent and

consequence”, such as the Indochinese refugees who had been given tremendous international support (Zolberg, Suhrke, and Aguayo, 1989, p176).

2.8 Push and Pull factor of forced migration

In chapter 1 of “Beyond Charity” by Gil Loescher, the push and pull factors are behind the reasons of people fleeing their homelands. Apart from systematic factors such as warfare, repression, external intervention, the refugee movement is being studied by the Push-Pull factors. Push factors are generally negative --conflict, political instability, social inequalities, and poor economic opportunities from the country of origin. On the contrary, the Pull factors are generally positive facets at the country of asylum, such as higher standard of living, job opportunities, and freedom of expression. Additionally, the ethnic and migrant networks also play as a crucial reason for refugee mobilization. (1993, p16)

Theoretically, one might say that *“If you are pushed you are refugee, and if you are pulled you are an ordinary migrant”* (ibid, p16). Nonetheless, this push-pull approach is being debated by the policy-makers because it is extremely difficult to assess which factors have forced those refugees to leave their home country, especially those who are from impoverished country. At present, the cause of refugee flows become increasingly complex and the recent refugee movements could be linked to the pattern of global migration from South to North (Loescher and Monahan, 1989). Roughly speaking, there is a grey area of distinction between politically and economically motivated flight of refugees and migrants from their homeland to the destination.

2.9 National interest and National security

In the literature of State System and Humanitarian regime (Loescher and Monahan, 1989), the political fashion is major force of humanitarian action. Although there are two streams in society; emotions of conscience and the state system, the first is prevented by the second. States seem to be on the opposite site of humanitarian

conscience, since states are “*devoid of sentiment and have no friends. States only have interests*” (ibid, p64). The State behavior is assumed to be motivated by the pursuit of national interests. Apparently, the pursuits for national interest of states would somewhat obstruct the humanitarian assistance to the global refugee situations.

National security, similar to national interest, is a concept of certain core value that must be protected, as Alangappa (1987, p14) mentioned that “the object of national security is preservation of the state”. The question of to what extent whether the national security has been violated depends on the perception of authoritative decision-maker of the state. By all means, there is no end point of national security, since it has to address with the dynamics of both the international and domestic environments (ibid).

In term of refugee existence in country of asylum, the refugee movements also portray the security implication and are deemed to have a direct impact on state security, particularly the presence of the armed wings of ethnic guerrillas (Loescher, Betts, & Milner, 2008). The presence of refugees may cause the concern of economic security because the local residents may perceive of disparity as those refugees gain access to humanitarian benefits and may replace them in the labor forces. Meanwhile the upsurge of refugees may lead to the increase in crime and insecurity (ibid).

2.10 Complexity of forced migration

Anyone who fled his or her own country for economic reason would not be recognized as refugees. This also reflects to the complex refugee definition in the millennium era, since the economic refugee and IDP (Internally Displaced Persons) are still mostly ignored by the refugee regime. The UNHCR even has no concrete definition of IDP “partially because IDPs are so difficult to define operationally.” (Barnet, 2002, p11)

In the Third World, however, the poverty or the severe economic underdevelopment plays as the significant factor of refugee flows. The authoritarian

rule together with the government instability has aggravating the capacity of economic development of the country (Hakovirta, 1993). The government's mismanagement leads to the crisis and resistance, and in case of military government, they tend to spend their budget on armaments than any other country development (ibid). The fact is that the international refugee regime has been ineffective in dealing with the root causes of refugee problem. Most of the time, the international humanitarian organization have traditionally refrained themselves from the politics, and avoided directly involved with the country of origin. (Loescher and Monahan, 1989)

CHAPTER III

RATIONALE OF THE THAI'S POLICY TOWARDS THE DISPLACED PERSONS FROM BURMA

“Conflicts create refugees, but refugees also create conflicts”

(Weiner 1995, p137)

3.1 Background: Thailand and the role as host country of Indochinese refugees

As the neighboring country to Burma, Lao, Cambodia, and strategically closed to Vietnam, Thailand became the sanctuary for the refugees from those countries since the Vietnam War. The Indochinese refugee era is perhaps the most recognized group of the Thai kingdom in terms of the remarkable influx of refugees. The exact number of refugees from Laos, Cambodia, and Vietnam entering to Thai soil in 1980s and 1990s were fluctuated, but believably it may reach one million of asylum seekers from those communist regimes (Loescher, 1989).

The Royal Thai Government (RTG) put a tough stance against those refugees according to the country's security concern and economic hardship at that time. Their presence on Thai territory was perceived as a legitimate threat. Therefore, the RTG put more pressure of hard-line policy, while third country resettlement was the preferable option by the RTG at that time (Songprasert, 1988).

In the Indochinese war, Thailand has organized the large-scale refugee services with humanitarian agencies along the eastern the border. After several years with refugee burden, Thailand has decided that it is no longer willing to maintain a role in refugee service. The Humane Deterrence policy is said to be the response to the Indo-Chinese influx in the 1980s, and evidently it was the RTG's crucial policy to control the population movement across the border. The RTG was concerned that the new arrival refugees, particularly from Laos, were largely motivated by the

resettlement to the west, and thus those were rather the 'economic refugee' than the people fleeing danger (Loescher and Monahan, 1989).

Thereafter, the Human Deterrence policy was adopted by RTG on three main aspects; the imposition of restricted camp condition, the denial of resettlement opportunity to the new arrivals, and the attempt to expel the new arrivals at border (ibid) Despite its inhuman facet, this deterrence policy proved to be somewhat successful approach to prevent the further arrivals of refugees. Comparing to 1980, the number of the new arrivals from Lao in 1981 dropped to less than half, while, Vietnamese boat people also dropped considerably (ibid). In this regard, removal of resettlement opportunity seemed to act as disincentive to those new arrivals. In 1979, the repatriation was offered as another alternative, and in 1983 the UNHCR emphasized on the repatriation program for Indochinese refugees (Chantavanich, 1988). In 1993, the Indochinese refugee situation became lessened and that virtually all the refugees have returned or departed to the third country resettlement. The RTG, after signing the Paris Peace Accords, said the refugees would be no longer accepted into the nation (Risser, 1996).

3.2 Thai policy on displaced persons from Burma

The Thai kingdom, despite its long experience in hosting the refugees, lacks of formal asylum law due to the fact that the country is not a signatory to the 1951 Refugee Convention. With the lesson from the upsurge of Indochinese refugees, the Thai authorities tried to avoid internationalizing a refugee issue because, in their view, it only made it harder to persuade the repatriation (HRW, 1998; Muntarbhorn, 1992). Nonetheless, the internal conflict and political instability in Burma have ceaselessly forced a massive influx of ethnic minorities to Thailand, mostly ethnic Karen and Karenni.

From the RTG's Security Policy 2007-2011 on the framework of international relation, RTG emphasizes on creating the cooperative engagement with neighboring countries and regional communities (NSC, 2010). In order to maintain a smooth

relation with the Burmese government, the Thai authorities did not recognize the asylum seekers from Burma as 'refugees' (Berg, 2009). Instead, the RTG uses the term "displaced person from fighting" in attempt to establish the standpoint to host those asylum seekers on humanitarian reason, not legal basis. The refugee regulations practiced in the Thai kingdom are therefore determined by the cabinet resolutions of each government at certain period of time (Pongsawat, 2007). The domestic law to manipulate the influx of Burmese displaced persons is only the 1979 Immigration Act. Under this law, all undocumented asylum-seekers are considered "illegal immigrants" and subjected for deportation (HRW, 1998)

As per interview with the Thai's National Security Council on 19 July 2011, the policy-making process on Burmese displaced persons is administered by the joint-venture called Sub-Committee for Displaced Persons. The ministries and departments taking part in policy making within the RTG are the Foreign Affairs Division of Ministry of Interior (MOI), the Ministry of Foreign Affairs, Ministry of Defense, and the National Security Council (Vungsiriphisal et al, 2011). In terms of implementation, the MOI by the Deputy District Governors at the temporary shelters would carry out those policies.

The major principles that RTG implements to Burmese displaced persons adopt from the practices from Indochinese refugees, such as encampment, or responsibility-sharing. The displaced persons are restricted to stay only in the shelters because they are illegal entrants according to Thai Immigration Act B.E. 2522 (AD 1979). The RTG permits them to stay temporarily in the provided areas for two reasons: national security and their safety (Chantavanich, 2010)

3.2.1 Cold War: 1984-1988:

According to Jirattikorn (2001), Thai policy toward refugees from Burma during the context of Cold war could be explained that the policy demonstrated the 'omni-direction of security oriented policy', which meant that the insurgency of ethnic minority in Burma was considered as 'buffer state' for Thailand due to the fear

of communism. Besides, Thailand and the U.S. proved to be a strong alliance in the cold war climate. The M.A. thesis of Nakorn Sivilai (2001) also describes the RTG policy of ‘omni-direction’ during 1984-1988 that the foreign policy emphasized on the ‘Security first, economic prosperity second’ (p90). By this initiative, the economic dimension has begun to play a role in the international relation between Thailand and Burma.

3.2.2 Post-Cold War, from 1988-1997: ‘from battlefield into marketplace’

Thereafter, the turning point of Thai policy to the ethnic minority in Burma was in the era of Chartchai Chunchawan, who served as Prime Minister from 1988-1990. The Open Door Economic policy was formulated; paving the way for the *Constructive Engagement* which the mutual benefit outweighed other considerations such as the national security. The investments in Burma of Thai business had increased the income to the Burmese military government, and subsequently increase their capability to purchase more weaponry to defeat the ethnic guerillas. This effected to the ethnic wars and the more influxes of displaced persons from Burma to Thai border. Meanwhile, the Thai bubble economic at that time had drawn a massive number of construction laborers and resulted in the upsurge of Burmese migrants to Thailand (Jirattikorn, 2001).

Despite the pressure to isolate Burma by the international community, the RTG’s policy-makers in 1988-1995, in contrast, believed that Thailand could not follow the sanction approach because geographically Burma shares the longest border to Thailand. According to Boonma-kee (1997), the Thai government during the period of Chartchai’s Government was aware that sanction and isolation against Burma were Western concept, and were inapplicable for Thailand. On account of this, Thai policy towards Burma was shaped by the economic benefit and security concern rather than the human rights standard. Thai government conditionally continued its engagement with Burma with an aim to initiate the democracy to Burma, an approach which would eventually strengthen the regional stability (Sivilai, 2001).

From 1984 to 1997, the RTG thus did not permit the UNHCR or the ICRC to involve with the displaced persons from fighting along Thai-Burma border, except for the protection of Burmese activist students (Muntarbhorn, 1992). However, since 1984, RTG invited the Committee for the Coordination of Services to Displaced Persons in Thailand (CCSDPT) and NGOs to provide basic humanitarian assistance to displaced persons from Burma. This was expected to be a short-term relief because the Thai Ministry of Interior tried to avoid creating draw-factor (TBBC, n.d.). The RTG thereby considered that the humanitarian assistance of UNHCR would provide a 'pull factor' to draw more displaced persons to Thai kingdom, as it happened in the Indochinese War, and that UNHCR's presence might worsen the international relation between the Thai kingdom and Burma. (Vatcharcup, 2001)

3.2.3 UNHCR and the displaced persons from Burma: 1998-2005

As the pressure from international community was stepped up, in 1998 the RTG by the Prime Minister Chuan Leekpai officially invited the UNHCR to act as the observers to the screening process and registered refugees in the camps. RTG agreed to permit UNHCR to provide the protection for Burmese displaced persons under the three major conditions (Sivilai 2001, p98);

- 1) Those displaced persons from Burma are permitted on Thai soil for temporary basis, the assistance for the safe temporary shelter based on humanitarian concern
- 2) The areas are recognized as temporary shelters, not refugee camps, and the displaced persons must reside only in the restricted areas
- 3) In case the fighting has ceased and the peace process would be resumed, the displaced persons must return to Burma. The Thai kingdom would facilitate and assist them to return to their home country with safety and dignity

Thereafter, in 1998-1999, the official screening and status determination called Provincial Admission Board (PAB) was set up. In 2003, the Appeal Board was set up for status determination of displaced persons from Burma. Subsequently in 2005, the

MOI signed the Memorandum of Understanding with UNHCR to set up the registration system for displaced persons from Burma in temporary shelters. (Vungsiriphisal et al, 2011).

3.2.4 Refugee Registration process in Thailand

In the process of refugee registration and status determination, UNHCR assists the Ministry of the Interior (MOI) in all registration activities. The first registration of the Burmese displaced persons was undertaken by the Ministry of Interior (MOI) and the UNHCR in 1999. Few years later, a new border-wide registration was set up to determine the status of the influx of new asylum seekers along Thailand-Burma border in 2004-2005 by MOI/UNHCR (TBBC, 2010a). The approval criteria on Burmese refugees are varied according to PAB consideration in each province.

Steps in PAB screening are as follow (Chantavanich, 2010):

- (1) Thai authorities inform asylum seekers on receiving procedures*
- (2) Screening Task Force classifies and register the personal data*
- (3) PAB determines status as persons fleeing from fighting situation*
- (4) Screen-in persons are accepted to stay temporarily in the shelter*
- (5) Those screen-in persons who are unable to return to Burma may wait for resettlement*
- (6) Screen-out persons would be sent to holding area for deportation, but they can submit petition for reconsideration*

3.2.5 From 2005 to present: Group resettlement to USA

The negotiation for U.S. resettlement was held in 2004 when the high-ranking delegates from the U.S. government discussed with the Thai's National Security Council on the possibility to launch the U.S. resettlement for the Burmese displaced persons as the burden-sharing approach since the repatriation has remained nonviable option. (NSC Plan and Policy Analyst, pers. comm., 19 Jul 2011) Hence, in 2005, the RTG agreed to permit the group resettlement for those Burmese displaced persons who have been registered in the latest time of 2005 MOI/ UNHCR registration (ibid). The group resettlements have been served as response to the protracted refugee

situation. At the beginning, the US resettlement was believed to be a tool to alleviate the cost and responsibility that RTG has spent in the temporary shelters, as well as it responded to the RTG's stance to permit the Burmese displaced persons to stay only for temporary basis.

After hosting the Burmese refugees for over twenty years and permitting the U.S. group resettlement in 2005, however, the third country resettlements has not led to the decrease in number of the camp population. According to TBBC population database in June 2010, the statistics of unregistered refugees from Burma were 55,042, or 38% of total camp population (TBBC 2010). This is despite the fact that the RTG ideally plans to set the deadline of camp closure when the political climate permits (Saw Yan Naing, 2011).

3.3 Impact of RTG's policy to the durable solutions of Burmese refugees

Reason behind the U.S. Resettlement: As per former OPE team leader, there seems to be only two available solutions for RTG, resettlement and repatriation. Nonetheless, from the lesson of Indochinese refugee, the RTG believes resettlement to western countries is a pull factor so they try to avoid the resettlement until the Burmese refugees have become the protracted situation. The resettlement has not been operated for the residents in temporary shelters until the U.S. group admission was permitted in 2005 as a burden-sharing (pers. comm., 28 April 2011).

Possibility of local integration: During the crisis of Indochinese refugees, the local integration was raised by the international agencies. But Thai government was definitely brushed aside this approach, saying that "There is no government in the world daring to give assistance to such an extent while her own people are suffering from hardship" (Songprasert, 1998, p30). This attitude of Thai government still exists until present day. According to the NSC analyst, the RTG's milestone in coping with displaced persons from Burma remains "to repatriate them with dignity and safety" (NSC Plan and Policy Analyst, pers. comm., 19 Jul 2011).

In case of overpopulated or developing countries, they are less likely to accept the large number of refugees (Kunz, 1981). The developing countries normally reduce their openness to refugees particularly because of the worries over consequent foreign policy problems, risks of political stability, and insufficient guarantees of international refugee aids (Hakovirta, 1986). Moreover, to permit those refugees to remain in the country would induce the people from the impoverished or dictator regime to emigrate in a hope that nonetheless they could stay in another country (Weiner 1995).

Repatriation: As mentioned earlier, the voluntary repatriation is currently the most preferred solution for Thai authorities since local integration of Burmese displaced persons in the kingdom is quite unacceptable, while the third country resettlement has not resulted in the reduction of camp population. Nonetheless, the feasibility of repatriation with safety would be another ordeal for all sectors.

3.4 Conflict of hosting refugees

In the current situation between Thai and Burma, the ethnic minorities from Burma fleeing to Thai territory also create the tension between the two neighboring countries. The Burmese military government perceives that Thailand is hosting their enemies with suspicion that some ethnic fighters, such as the KNU militants and other political dissidents from Burma, are living in exile in Thailand. On the other hand, Thailand, for humanitarian reason, has to bear the refugee services for those who affected from the fighting situations in Burma. Thailand could not avoid the humanitarian responsibility influenced by international community, especially under the pressure to raise the country's human right standard by receiving the asylum seekers. Thailand is, therefore, at the crossroad of Burmese refugee problems, because the host country's decision to grant refugee status of refugees from neighboring country often creates hostility with the Burmese government, the 'refugee producer'.

The policymakers at the country of asylum are obviously contested and influenced by two sides: the international refugee regime and the sending country (Jacobsen, 1996). Practically, the international refugee agencies often persuade the

receiving country to provide assistance to refugees. By doing this, the UNHCR inevitably carries pressures from donors to the host country, since the donor states may withhold or decrease the contribution to UNHCR by the outcome of refugee treatment. Most governments want to be in good international standing, including Thailand which received the refugees for a long period of time. (ibid)

At present, the majority of refugee movements originate in the third world. This raised the concern for international refugee regime that refugee service may be less manageable, since the first asylum countries often have their own problem of severe poverty or political instability (Kritz, 1983). Furthermore, the refugee presences in neighboring country also lead to the interstate conflict. The presence of refugees as the group of aliens in one's country creates the internal and international conflicts in terms of economy, demography, or security.

3.5 CONCLUSION:

The refugee policy of Thai kingdom depends on the political climate and economic atmosphere at certain period of time. Nonetheless, due to the fact that Thailand has always inevitably played the role of 'country of asylum' for several decades, the policy toward the immigrants and refugees is on the harsh attitude in order to protect the national's interest and stability. From lesson during Indochinese influx, the preferred solutions for RTG are the resettlement and repatriation, while the local integration is forbidden because of national security and economic concerns. Besides, from my interviews with Thai's MOI in Mae La shelter and NSC in Bangkok, naturalization of the protracted refugees from Burma is considered a non-viable option for RTG.

Overall, policy is about the 'state' and 'interest'. It is therefore quite common that the states would react to refugee situations by trying to contain them at the beginning, and later would attempt to eliminate the refugees from territory (Gordenker, 1987). The efforts to control or eliminate the refugee situations are response to the continuing influx of refugees to the country of asylum. The massive

influx of refugee may endanger the social and economic security of the receiving country, particularly in countries already suffering from economic or political instability (Loescher, 1993). Thailand, falling into this scenario, also reacts to the refugee situations in this approach.

CHAPTER IV

UNITED STATES REFUGEE ADMISSIONS PROGRAM AND RESETTLEMENT PROCESS

“Four years ago I believed that humanitarian relief was above politics.

Now I know that humanitarian relief is politics”

(Loescher and Monahan 1989, p65)

4.1 Background

In the United States, the Refugee Act was promulgated in 1980 as an effort to provide the permanent authority for admission and assistance to refugees (Chantavanich & Reynolds, 1988). The United States is a country drawing millions of immigrants from all over the world. Since the foundation of the nation, the United States sought to achieve the image of being a country where people fleeing oppression might find relief (Loescher, 1993). The refugees from all parts of the world, therefore, come to the United States because of its cultural diversity, political freedom, and prospective greater economic security. In case of Asian immigration to the U.S., the Southeast Asian refugees mainly involved with the political concern, such as the Indochinese refugee after the fall of Phnom Penh and then Saigon in April 1975.

In this regard, the Indochinese exodus could be categorized as one of the largest refugee movements in modern history (Stein, 1986), and the U.S. has become the resettlement place for more than 800,000 individuals (Chantavanich & Reynolds, 1988). After this massive resettlement, the Western nations become more reluctant to take in large group of refugees and those industrialized states tend to avoid the involvement in the open-ended commitments to resettle the refugees again (Loescher, 1989). The figure of those Indochinese refugees has constituted to the readjustment of the U.S. immigration policy.

4.2 United States Refugee Admissions Program (USRAP):

In the resettlement program, the key policy-makers from the stateside are the Department of State; Bureau of Population, Refugees, and Migration (PRM); and the Department of Homeland Security by office of U.S. Citizenship and Immigration Services (DHS/USCIS). In this regard, the Bureau of Population, Refugees, and Migration is responsible for coordinating and managing the U.S. refugee admissions program (USRAP), and determining which individuals or groups of refugees worldwide will be qualified for the US resettlement consideration. The U.S. resettlement program offers resettlement to over 50 nationalities per year, and Burmese are the newest refugees to arrive in the U.S. in 2005.

The U.S. resettlement program is one approach to resolve protracted refugee situation in focused areas. As per Bureau of Population, Refugee and Migration (BPRM), protracted refugee situations arise from political constraints that prevent refugees from returning home in safety or integrating into their countries of asylum. The U.S. government foreign policies aim to resolve this refugee situation as it is one of humanitarian priority. By U.S. government, the Burmese refugees in Thailand are included in the focused areas of Protracted Refugee Situations.

United States is a country operating the immigration that permits the legal entry to migrants, asylum seekers, and resettled refugees. After one year of residence in the U.S., the resettled refugees would be eligible for adjustment to lawful permanent residence status (Green Card immigrant) and are exempted from the annual limitation of granting the Green Cards (Newman & Van Self 2003, p69). Each year, the U.S. government establishes the refugee ceiling for admission worldwide. The numbers established are ceilings, not quotas, thus they do not have to be met exactly (UNHCR, 2009c). Below is the proposed ceiling of refugee admissions to the US in fiscal year 2011 by East Asia region, which included refugees from Thailand;

Figure II: Proposed ceiling of USRAP fiscal year 2011

Proposed FY 2011 East Asia Program:

<i>Approved pipeline from FY 2010</i>	<i>6,600</i>
<i>Priority 1 Individual Referrals</i>	<i>300</i>
<i>Priority 2 Groups</i>	<i>12,000</i>
<i>Priority 3 Family Reunification</i>	<i>100</i>
<u>Total Proposed Ceiling</u>	<u>19,000</u>

Source: Department of State 2011

The U.S. refugee admission, according to the section 207 of Immigration and Nationality Act, states that the resettlement program shall allocate the admissions to refugees of special humanitarian concern determined by the President after appropriate consultation (Department of State, 2011). There are three priorities of cases, combining with Visa 93, which have access through the U.S. Refugee Admissions Program priority system.

Priority 1 – Individual cases referred to the resettlement program.

Priority 1 allows consideration of refugee claims from persons of any nationality in any location. The refugee of priority 1 are often with compelling protection needs, therefore the resettlement appears to be the appropriate durable solution for them. UNHCR, which has the international mandate to provide the international protection to refugees, has referred the majority of cases under this priority to the program. Overall, the Priority 1 cases are identified and referred by UNHCR, a U.S. Embassy, or a designated NGO. (ibid, p8)

Priority 2 – Group referrals

Priority 2 refers to the groups of cases designated as having access to the program. The designations to certain group of refugees are normally based on a UNHCR recommendation which provides the eligible criteria that should apply to individuals in a specific location (ibid). The specific groups (within certain nationalities, clans or ethnic groups) are identified as being in need of resettlement. Once the U.S. government agrees to open the access of U.S. resettlement, the

UNHCR or other referring entity would submit the bio-data of eligible refugee applicants for processing. Often predefined groups are composed of persons with similar persecution claims. The Burmese displaced persons the nine temporary shelters in Thailand fall into this category, Priority 2 designation.

Priority 3 – Family Reunification

Individual cases granted access for purposes of reunification with anchor family members. This category affords to members of designated nationalities who have immediate family members in the United States who initially entered as refugees or were granted asylum. For this priority, the U.S. Bureau of Population, Refugee and Migration would establish the nationalities eligible for processing in each fiscal year. Burmese is one of nationalities eligible for this Priority (ibid, p15).

VISAS 93 – Family Reunification Following-To-Join Petitions

Visa 93 refers to the petition of immediate family members of those who entered to the U.S. under the refugee resettlement program. For Visa 93 procedure, a spouse or any unmarried minor children of a refugee receives refugee status on a derivative basis, providing that the relationship existed prior to the entry of the refugee into the U.S. (UNHCR, 2009c). The initial process of Visa 93 is when a refugee arrives to the United States, he or she may request the petition of following-to-join' for his or her spouse and children under the age of 21(ibid, p15). The difference of Visa 93 and Priority 3 is that the context of Visa 93 includes the spouse and children of refugees of *any nationalities*.

4.3 US resettlement: Selection, Transfer, Protection

Selection:

The U.S. definition of a refugee derives from the U.S. Immigration and Nationality Act (INA), which closely follows the 1951 Refugee Convention. Under certain circumstances, the refugee definition could be specified by the President as certain persons who are within the country of nationality. The applicant searching for admission to the U.S. must meet the following criteria (UNHCR, 2002, p USA/2):

1. *Meet the definition of a refugee contained in Section 101(a)(42) of the INA*
2. *Be among those refugees determined by the President to be of special humanitarian concern to the United States;*
3. *Be otherwise admissible under U.S. law; and*
4. *Not be firmly resettled in any third country*

Background check: Prior to the interviews with U.S. Department of Homeland Security (DHS), all refugee applicants are required to undergo background security checks. The DHS conducts the security checks in partnership with the national security and intelligence agency (Department of State, 2011)

Criteria for Burmese displaced persons in Thailand

Eligibility for USRAP in Mae La shelter: Only the registered refugees in the camps who have been referred by UNHCR or by the U.S. embassy are eligible for U.S. Resettlement Admissions Program. The registered refugees are by means of obtaining official refugee status from Ministry of Interior (MOI) and are given UNHCR household registration in 2005, whereas the non-registered refugees are currently ineligible for the U.S. resettlement program (OPE, 2009).

Priority-2cut-off date: Considering the flight reason, the displaced persons from Burma is categorized as the Priority 2-Group Referrals. For Priority 2, the cut-off dates for admission in all nine temporary shelters have been finalized. For Mae La shelter, the eligible registration date is on *July 27, 2006* (OPE, 2009). The registrations after the above-mentioned date are ineligible for the current USRAP. For other temporary shelters in Thailand, the cut-off dates vary according to the PAB resolution in each province.

Nonetheless, this PAB consideration in Mae La was brought to a halt since 2007 (MOI, 2011). Subsequently those who arrived after that period of time have been categorized in the “pending PAB consideration”, meaning they are unregistered persons in Mae La shelter. In case the PAB process would resume, the UNHCR will also work with the MOI team to screen new arrivals and prepare for PAB submission. Nonetheless, the NSC senior analyst states that the PAB consideration seems to be on a slow pace, possibly because the Provincial District Governors, who must act as the

head of PAB registration, are occupied with several duties and therefore have limited time for PAB approval. (NSC Plan and Policy Analyst, pers. comm., 19 Jul 2011)

Transfer:

Processing Times: The duration required to process the resettlement varies according to several factors such as the capability of U.S. immigration officers, the procedures of security checks on individual background. For Burmese refugees in Thailand, a rough estimate time to complete entire process is generally 6 or up to 10 months (OPE, 2009). However, the emergency cases would be expedited in a short period of time. Before departure to the USA, the cultural orientation sessions are provided to ensure that refugees accepted to the USA are prepared for life changes (Department of State 2011)

Transportation: The U.S. Department of States funds the transportation cost through the International Organization for Migration (IOM). Refugees accepted to the U.S. are provided this service in the form of interest-free loan. Hence, they are responsible for repaying these loans, beginning six months after their arrival. Besides, during the first 30 days, the resettlement agency will pay basic living expenses, including English classes and health services (OPE, 2009). The U.S. government emphasizes the principle that refugees should become self-sufficient as quickly as possible (Department of State 2011)

Protection:

According to the U.S. government, the definition of Protection refers to “any of the activities that provide safety, meet basic needs, or secure the rights of refugees in the places to which they have fled” (BPRM, n.d.). In some cases, the U.S. resettlement enhances the opportunity to expedite those refugees who are defined as cases in which the risk of the refugee is critical that the processing must be completed by emergency basis. Those cases must be referred by UNHCR, an organization submitting the designated cases to U.S. government. Furthermore, in the system of U.S. resettlement program, there are special categories which would be conducted with special concerns (UNHCR, 2002, p USA/9):

1. *Refugees with Medical Needs*
2. *Survivors of Violence and Torture*
3. *Women at Risk*
4. *Minor Children: children who are following to join refugee parents in the U.S., or unaccompanied minors who seek admission to the U.S. without parents*

Family Reunification of Refugees:

Family unity is an important element of the refugee admissions program. Therefore, certain family members may join relatives in the United States by one of the following means: Priority 3 case and Visa 93 case. All family reunification cases count against the annual regional refugee admissions ceiling (ibid)

4.4 U.S. Policy after September 11: Slight burden to Burmese refugees

The aftermath of 9/11 terrorist attack in the U.S. has raised the critical concerns to the U.S. immigration policy. After the attack in 2001, there was an obvious fall-off in refugee admissions for fiscal year 2002 and 2003 (Saleyhan, 2008). Besides, the USA PATRIOT Act (*USA PATRIOT -- Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism*) was signed in October 2001, which imposed more measures on counterterrorism. The major impact is that the refugee applicants from predominantly Muslim countries face more complicated scrutiny and suspicion. (ibid)

Together with this affect, the USA PATRIOT Act has become more controversial implication to the Burmese refugee admissions to the U.S. because some Burmese refugee applicants have been categorized of affiliating with certain rebel movements under the terms of terrorism. Since the beginning of U.S. resettlement for Burmese refugees in 2005, this restriction effectively has blocked the prominent ethnic rebel groups or democratic movement in Burma, such as the KNU, NLD (based in Burma), or NLD-LA (based in Thailand).

Noticeably, the admission of the Burmese refugees is on the different context of the Vietnam War. Since the cold war was over, the US government has not been directly involved in the military or warfare support in Burma. Therefore, the combatants of ethnic guerillas or members of anti-government movements in Burma have been barred from the resettlement, unlike the warriors from Indochinese refugees who were prioritized to resettle in the U.S. due to their affiliations with the CIA and U.S. army. Nonetheless, some ethnic guerillas were subsequently removed from the banned list in 2008, including the KNU and NLD, but some hard-line organizations remain in concerns (former OPE team leader, pers. comm. 28 April 2011).

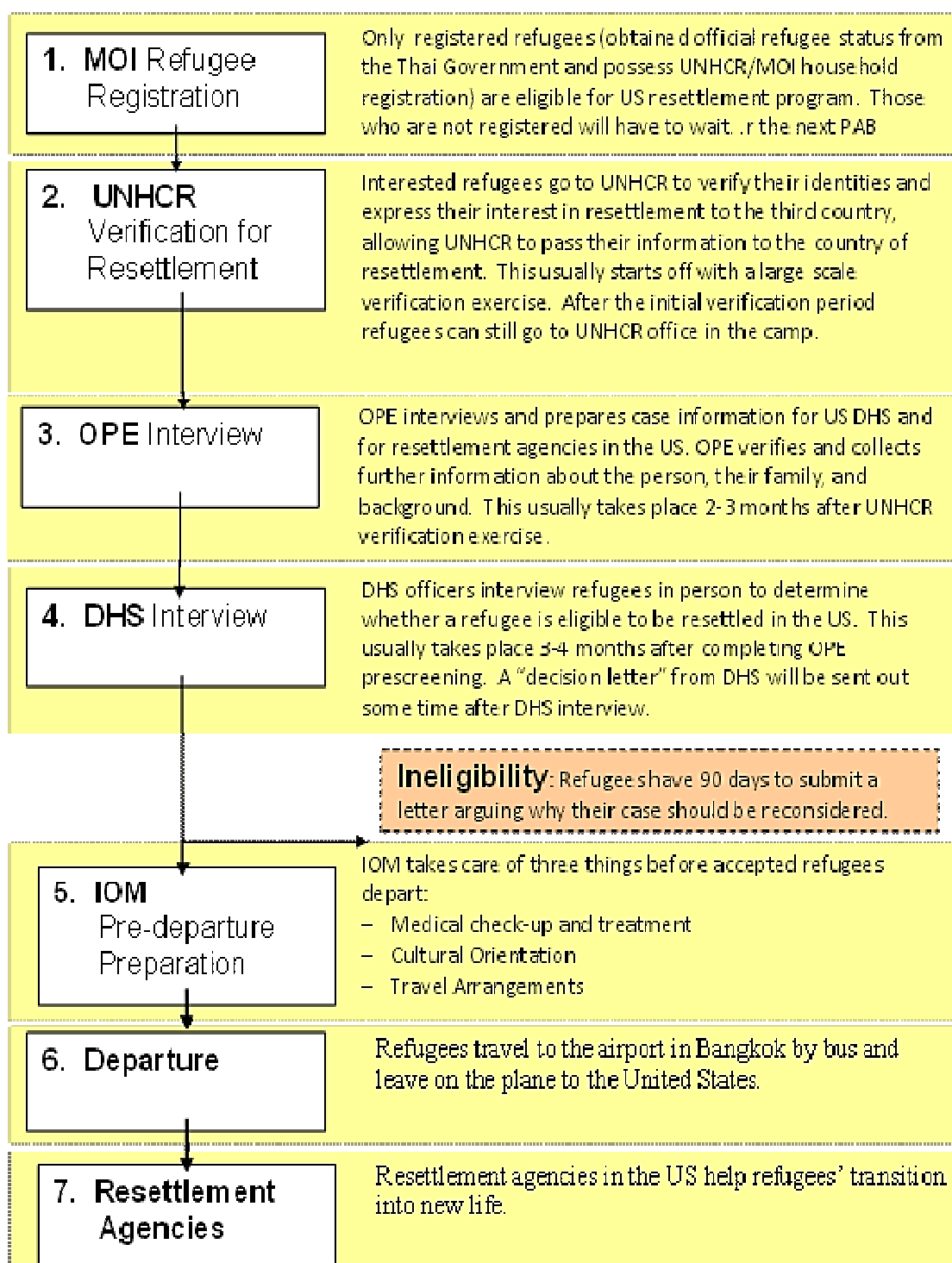
4.5 Brief process of U.S. refugee admission program

In general, there are six major steps to resettle in the USA (OPE 2009; see figure IV);

- 1) Only registered refugees are eligible for USRAP
- 2) Interested refugees express their interest in resettlement with UNHCR
- 3) Refugees will be called for pre-screen interviews with OPE
- 4) Refugees will be scheduled for the interviews with DHS (Department of Homeland Security) for adjudication of their U.S. resettlement
- 5) In case of approval, the IOM will arrange the medical check-ups and transportation arrangements. The cultural orientation is also provided prior to the departure.
- 6) After departure, every refugee who resettles to the U.S. is assisted by the voluntary agencies

Figure III: Overall process of US Refugee Admission Program in Thailand

Overall Process:



Source: OPE 2009

CHAPTER V

RESEARCH FINDINGS

*"They may take away our homes; they may take away our land;
But they cannot take away our will to survive" Klo Say, a Karen refugee
from Mae La camp and has resettled in the USA*

This chapter is divided into two major parts: data collection from residents in Mae La temporary shelter and the in-depth interviews with the key-informants working in the refugee relief organizations and the Thai authorities. In the first part, the interviews with the inhabitants of Mae La will illustrate the opinions from the displaced persons in the temporary shelter with an emphasis on the challenges of USRAP.

5.1 Mae La temporary shelter: Background information

Mae La temporary shelter is located in Tha song yang district, Tak province, Thailand. The camp covers approximately 1,150 rai (573 acres), divided into 3 zones (A, B, and C), and further sub-divided into sections A1- A5, B1- B5, C1A, C1B, and C2- C5 (UNHCR 2007a). It was first established in 1984 as one of a number of small shelters of refugees fleeing from fighting and conflict in Burma. A decade later, the influx of displaced people from Burma had been increased due to a series of attacks of Burmese army on ethnic minorities. From 1996, the Burmese military launched a massive village relocation to control the ethnic minority and eliminate the rebellion presence, especially the KNU. From 1984 and 1996, the inhabitants from several shelters closed to Mae La, such as Kamaw Lay Kho, Kler Kho, Shoklo, and Bae Klor, were transferred to the current location of Mae La. Thus, it becomes the largest temporary shelter on the Thai-Myanmar border (TBBC, n.d.).

In terms of ethnic breakdown, the Karen represents 97% of the camp population, then 2% of Burman ethnicity and 1% of other minorities (UNHCR, 2007a). The religious compositions are predominantly Christian (47%), followed by Buddhist (38%), Muslim (13%), and Animist (2%) respectively (ibid).

5.1.1 Demographic data:

Figure IV: Burmese border refugee sites with population figures: December 2010

<u>Tak Province</u>				
Mae La	22,671	23,021	45,692	30,287
Umpiem Mai	8,506	8,985	17,491	12,196
Nu Po	7,613	7,930	15,543	9,664
Subtotal:	38,790	39,936	78,726	52,147

Source: TBBC 2010a

There are two demographic figures for displaced persons. The first is RTG figure which illustrates only the registered refugees, and the second is general population represented by TBBC which includes the unregistered displaced persons arriving after the 2005 MOI/UNHCR registration. In 2010, the number of registered population by Thai authorities is 30,278, however the total population verified by TBBC is 45,692 (TBBC, 2010a). Besides, Karen Refugee Committee reports that 19,759 persons are recognized as the new-arrivals in Mae La shelter (KRC, 2011). However, the actual number of population in Mae La remains fluctuated. As per conversation with the Deputy District Governor at Mae La on 01 July 2011, from latest census in Mae La this year the approximate number of ‘hidden population’ (unregistered/ new-arrivals) may reach 22,000. Moreover, approximate 5,000 of Mae La residents failed to identify themselves for the latest headcount in 2011. The reasons those people have been missing from the shelter are unknown, but supposedly many of them go out to work.

5.1.2 Camp Administrative system

- 1) Security provision by the Thai authorities

Internal security: under supervision of Camp Commander from Ministry of Interior

External security: under supervision of the 4th Infantry Task Force, Royal Thai Army, based in Mae Sot

- 2) In-camp management:

Karen Refugee Committee (Maesot-based) comprises of refugee leadership from various camps. They have administrative oversight for the management of seven Karen camps, and the office in Mae Sot is the headquarters for coordination of their activities. Mae La camp is run under Karen Refugee Committee (KRC), UNHCR, and MOI guidance. KRC facilitates communication between the Thai authorities, donors, NGOs, and the camp committees. The camp committee is responsible for all aspects of camp administration, including recording the new-arrivals, births, and deaths.

Camp Committee:

The present Camp Committee members are elected for a three-year term. The Committee is made up of 15 members. Sub-committees focus on such sectors as education, health, food distribution, judiciary, women's issues, security, and youth. In the operational level, Camp Leader is on the top of camp administration. Each zone (A,B,C) is administered by Zone Leader and Zone committees, and each section is under supervision of Section Leaders (MOI, 2011).

5.2 Mae La shelter and the resettlement situation

Figure V: Resettlement from Mae La temporary shelter as of June 2011

List of resettlement from Mae La camp from January 2006 to June 2011		
No.	Countries of resettlement	NO. of resettled refugees
1	USA	20,125
2	Australia	2,280
3	Norway	154
4	New Zealand	88
5	Canada	78
6	United Kingdom	73
7	Netherlands	44
8	Sweden	43
9	Japan	27
10	Finland	1
11	Belgium	1
	Total	22,914

Source: Mae La Camp Committee, as of July 2011

Currently, there are 11 countries of resettlement, which Japan becomes the latest and the only Asian nation. More than 60 % of Mae La registered population has verified their identities and expressed their interests for the third country resettlement with the UNHCR, and USA shares 85% of entire resettlement figure from Mae La shelter (MOI 2011; Mae La camp committee 2011). In June 2011, it was estimated that 22,900 displaced persons have been resettled from Mae La camp (ibid). From this figure of refugee departures, the registered population of Mae La has fallen to just under 30,000, but it remains the biggest refugee camp along the Thai-Myanmar border due to increasing number of new arrival displaced persons.

5.3 Interviews with Mae La residents

From the field research in July 2011, there were 40 interviewees participated in the data collection. As Mae La camp is divided into three Zones (A,B,C), the researcher gathered the interviews from each zone, with the selection by random basis. The researcher promised all interviewees that their personal information, such as name and family background, are subjected to confidentiality. The number of the interview is put in numerical order. The classifications of interviewees are as below;

Gender: Female 20 persons, Male 20 persons
 Ethnicity: 38 Karen ethnicity, 2 persons Non-Karen (a Burman and a Kachin)
 Religion: 16 Christian, 17 Buddhist, 7 Moslem

Registered persons: 20 cases

- 1) Registered and in the US resettlement process: total 4 cases
- 2) Registered and no wish to go to any third countries: total 4 cases
- 3) Registered and wait for resettlement in other countries (Australia): total 3 cases
- 4) Registered and in US resettlement process but some of family members are unregistered: total 9 cases

Unregistered persons: 20 cases

- 1) New-arrivals or unregistered residents: total 14 cases

- New arrivals after 2005 MOI/UNHCR registration: total 12 cases
- Formerly registered in 1999: total 2 cases

2) Family reunification and Visa 93 cases: total 6 cases

5.3.1 Opinions from registered refugees

1) Registered and in the USRAP process (4 cases)

In general, the registered refugees are quite satisfied with the current U.S. resettlement program and are waiting for their results or resettlement procedure. In terms of the prospect of USRAP, majority of registered refugee in Mae La agree that they want to resettle in the USA because they could not perceive the 'better future' from the life in the camp.

From field research, there was one applicant whose case has been pending for US resettlement for over a year. Interviewee 2 is registered refugee and fled Burma to Thailand with his parents and siblings for roughly 15 years. He decided to go to U.S. because he believes his life would be better and he would have opportunity to work and earn more money. He does not want to remain in Mae La or return to Burma because he is aware that fighting remains prevalent in Burma. The only problem is that he has been waiting for quite a long time (since 2008) and he was explained that his case has been implicated by the 'name check' for security reason of the USRAP. Once this name check is to be resolved, he would leave the camp (pers. comm. 01 July 2011)

2) Registered and no wish to resettle (4 cases)

Many of the long-term refugees with registered status prefer to remain in the camp, simply because they feel comfortable with the ethnic Karen environment of Mae La. They thought that of life in Mae La provides a moderate security. They do not want to go to the third countries or even go back to Burma. Some of them wish they could get more job opportunities in Thailand. Apparently, this group only wishes

to remain in the camp as long as they cannot go back to Burma, and wishes to gain more freedom to work if possible.

For example, Interviewee 7 has been living in the camp for more than 10 years. She is uneducated. The eldest son has resettled in the USA, but she does not want to resettle in the U.S. with her son because she is afraid of the life in USA because of her inability to speak English. Also, her son rarely contacts, so she does not know how things are going with his life. Besides, she states she is satisfied with the camp life because it is a safe Karen community with sufficient food distributions. (Interviewee 7, Pers. comm. 05 Jul 2011).

3) Registered and wish for resettlement in other countries; Australia (3 cases)

The researcher found three registered refugees who prefer to resettle in Australia rather than the USA. One of them claims that they believe the resettlement in U.S. would lead to the difficult life because they have heard hearsay of troubles after the resettlement in the U.S., whereas in Australia, they have heard that the resettled refugees are being treated properly.

Interviewee 38 fled Burma to Thailand for over 20 years and lives with three children in the camp. He states his children want to resettle in Australia, so he would comply with their decision. Although they do not make any final conclusion of resettlement, apparently they would not choose USA because "I'm not healthy and uneducated, so I afraid to face a hard life in the U.S.". When asking about the benefits of Australian resettlement, he replied "I heard that if you don't work, the government still takes care of you" (Interviewee 28, Pers. comm. 07 Jul 2011)

4) Registered and in USRAP, but some of family members are unregistered (9 cases)

The condition of this group is when the families comprising of one or more members who are of unregistered status, and the unregistered persons are ineligible for resettlement. Those families remain in the camp because they do not want to be separated. They also wait for the possibility to resettle together as a family unit. Many of them would like to appeal to RTG on the necessity of family reunification. They hope that the PAB consideration will be resumed so that the family would not be separated.

From interview on 06 July 2011 with Interviewee 31, his 17-year-old daughter is unregistered and definitely he cannot leave her alone in the camp although the entire family has been approved for USRAP. Until now, however, there remains no solution for his family. In case it is impossible to bring the unregistered daughter together, they would have to oblige to separate their family as the Interviewee 31 will remain in the camp with unregistered daughter, and let his wife and registered children resettle in the U.S. They explain that “this is for the better future of our children”.

Similarly, Interviewee 15 is ethnic Kachin woman with four children. Two of them are unregistered because they fled to Thailand when the PAB registration was over. Her husband decided to resettle in the U.S. ahead because he wanted to work and support his family. Her husband departed to the U.S. in 2007, and he filed the family reunification case for the two unregistered children. Interviewee 15 has been interviewed for USRAP as a normal case in 2007, while her unregistered children were interviewed on a separate case (family reunification). But until now, no progress has been made on the case of her unregistered children. Subsequently she learns that it is because the RTG does not allow the exits permit to unregistered persons. Interviewee 15 expresses that her concern on the family reunification, “Sometimes my husband fell ill but there’s no one look after him while he is alone in the U.S. As a family, we want to take care of each other.” (Interviewee 15, Pers. comm. 05 Jul 2011)

5.3.2 Opinions from unregistered displaced persons

From field data collection, majority of the unregistered displaced persons in Mae La camp are interested to resettle in the third country. Moreover, all of the unregistered residents agree that they wish the RTG would re-start the PAB registration so that they would be recognized with refugee status and protected by international refugee regime. Furthermore, they are looking for employment opportunities as they want to earn a living for their families.

1) New-arrivals or de-registered residents: total 14 cases

This subgroup can be divided into two categories as below;

- Formerly registered persons (2 cases): As the refugee registration was held for two occasions at Mae La shelter (in 1999 and 2005), some persons who took part in the previous registration in 1999 have missed the 2005 MOI/ UNHCR registration. As a result, they become non-registered persons. From the field research, Interviewee 26 reflects the absence from the latest registration, but interviewee 10 becomes non-registered because her case is implicated with *Fraud Resettlement*.

Interviewee 10 was substituted by her elder sister in the USRAP. She was registered in 2005 with her family, while her elder sister did not. When USRAP was launched, she confessed she went outside to work. One year after that, she returned to Mae La and found out that her sister has gone to the U.S. by substituting her UNHCR household registration. Therefore Interviewee 15 becomes de-registered and is no longer eligible for USRAP. Asking whether she want to resettle in the U.S., she replied that “Yes, I believe resettlement is the best choice because my son would gain a better education. Besides, I would have a chance to work and earn more money”. However, considering her non-registered status, she admits that she has lost the opportunity to join the US resettlement (Interviewee 10, pers. comm., 05 JUL 2011).

-Newly-arrivals after 2005 MOI/ UNHCR registration: 12 cases: The number of unregistered persons in Mae La is remarkably high, possibly up to 22,000 persons as mentioned by the Deputy District Governor. Therefore the researcher has interviewed

a large number of unregistered persons, and found out that many of them wish for the better life.

Interviewee 32 fled to Thailand in 2006 with his family, and all of them are unregistered. He explains the Burmese military forced the local residents to do hard labor or to pay tax. Unable to bear this dictatorship, he decided to flee to Thailand. He compares that in terms of law and protection, the life in Burma is the worst since it was the authorities that abuse the Karen people. In Mae La shelter, he states, at least, it is better than living in Burma because they have not been abused, and receive the food rations on monthly basis. Nonetheless, he claims that the camp regulations could not function properly to ensure the safety for all residents.

In his opinion, resettlement in third country would bring the best protection because they can live with residency status and being protected by the well-functioning legal system. More importantly, he believes that his children would gain better educational opportunities of the developed nations. His expectation is the re-opening of PAB registration because the unregistered persons will be given the appropriate refugee status. He also adds he expects to gain more freedom than the present living condition; “I know I cannot become a Thai national, but at least please provide me the basic rights and freedom.” (Interviewee 32, pers. comm., 07 JUL 2011).

2) Family reunification (Priority-3 or Visa 93): 6 cases

This category comprises the unregistered residents in Mae La who have been engaged to USRAP through the Family reunification program. All of them are in the process of Priority-3 or Visa 93 cases, being petitioned by families in the USA. The scenario covers not only the husband-and-wife separations, but also some cases when parents left the unregistered children for the resettlement. All interviewees explain they agree to let their registered family members go to the USA because they believe the resettlement would bring the better future. Most importantly, they admit that the

life would be more secured after resettlement because they would obtain the legal residency status.

Among these people, four of them (interviewee no. 5, 8, 18, and 29) have been sponsored by spouses and have completed the entire USRAP process. Until now, however, they are not permitted to leave Mae La due to the fact that RTG is pending the exit permits of any unregistered persons. The other two interviewees (no.1 and 9) are at the beginning of family reunification cases, and are aware that they would face the obstacle at the end of USRAP. Being unregistered, all of interviewees wish the RTG will sympathize with their family reunifications.

For example, Interviewee 18 is a Karen refugee whose wife and two children have resettled in the U.S. He claims he fled Burma to Mae La camp in Thailand in 2004, but he went outside during the UNHCR/ MOI registration in 2005. Therefore he missed the registration when he returned to Mae La in 2006. He and his wife agreed to separate as his wife brought all children to resettle in the US. Subsequently, he was sponsored as Visa 93 case from his wife and he has completed all process with U.S. resettlement agency. However, his case has been pending for exit permit for roughly 4 years due to his unregistered status. According to this, he expresses his concern that family is very important for all of them, and they do not want to be apart for any longer, “I just want to stay with my family, with freedom and right to life” (Interviewee 18, pers. comm., 05 JUL 2011)

In conclusion of this category, the reunification cases of Burmese displaced persons will be increased in the near future. Several interviewees have been waiting for exit approvals for years, ranging from 1 up to 4 years after their cases have been adjudicated by the US immigration. Hence, the RTG should manage to cooperate with the refugee agencies on how to consider the family reunification of displaced persons in Thailand.

5.4 Perspectives from key informants

In-depth interviews are utilized as the tool to collect detailed information and clarification from the main actors relating to Burmese displaced persons and U.S. resettlement. The researcher conducted these interviews with the officers from U.S. embassy, OPE (resettlement agency), IOM, Deputy District governor (under MOI) at Mae La camp, and NSC in Bangkok. This is combined with the in-depth interviews with Mae La camp committees.

5.4.1 Problem found in the USRAP: Resettlement Fraud

According to UNHCR, *Resettlement fraud* is fraud committed in the context of resettlement processing, referring to any activity which assists a person, whether a refugee or otherwise, in getting resettlement when they would not normally be entitled to it (UNHCR 2008c). From the field research, several key informants mentioned that Resettlement Fraud is one of difficulties in the U.S. resettlement process. This issue is confirmed by the Mae La Camp Leader, Zone Leader, former OPE Team Leader, and is included in the MOI report (2011) on “Summary Document: Mae La Temporary Shelter”.

From the discussion with former OPE Team Leader; he admits that fraud applications used to be the major problem of U.S. resettlement in Mae La camp because approximate 75 % of all fraud allegations came from the applications at Mae La (pers. comm. 28 April 2011, TBBC 2010). In response to this, UNHCR held the fraud investigation in 2009 and suspended the resettlement in Mae La camp for six months as the sanction (ibid). After this incident, the field staffs of UNHCR and other NGOs have been trained to be more vigilant. After the resettlement was resumed in 2009, the fraud actions have been successfully lessened and resolved. (ibid) As the resettlement fraud investigation is treated confidentially, the researcher is unable to access in more detailed information.

5.4.2 Third country resettlement as a ‘pull factor’

The massive departures of Burmese refugees to the third country have not been reduced the camp population as new refugees are taking the place of those who are departing. According to TBBC population database in June 2010, 38% of total camp populations (TBBC 2010) are unregistered displaced person. Considering this circumstance, resettlement to western country may be perceived rather as a 'pull factor'.

The host country may perceive the resettlement program for Burmese refugees as a 'pull factor' while looking at the continuing number of displaced persons or migrants from Burma. According to Mae La Camp Leader, he partially agrees with this point. He states that when the USRAP was launched in Mae La camp in 2007, there was an upsurge of the new arrivals from Burma, approximately 38,000, in Mae La camp. Nonetheless, this influx was subsequently declining when those new arrivals discovered that the eligibility to join the resettlement was not easy due to the time-consuming PAB process and the unwelcome policy of Thai authorities. Therefore, a number of new arrivals decided to leave Mae La camp and became the migrant workers in Thailand, while some of them returned to Burma. Until now, however, the Camp Leader reveals that the number of new-arrivals in Mae La camp continue to grow, since the displaced persons fled to Thai border because of the ongoing ethnic conflicts and unrest in Burma (Mae La Camp Leader, pers. comm., 04 July 2011).

On the contrary, the Zone Leader and Section Leader disagree with this statement; saying that the new-arrivals fled Burma to Thailand because of the 'push factor', such as the fighting in Karen state. Moreover, the new-arrivals refugees must be aware that they are not initially included of USRAP since this program is only for those registered population (Mae La Zone Leader, pers. comm. 06 July 2011). The Section Leader also replies that "even there is no resettlement; people would come to Mae La anyway because Burmese government always oppress the people" (Mae La Section Leader, pers. comm. 07 July 2011)

5.4.3 Three aspects of resettlement: Protection, durable solution and burden-sharing

Considering three functions of resettlement (protection tool, a durable solution itself, and burden-sharing), the success of each aspect could be seen on varied perspectives.

From the field interviews Mae La residents, many of them perceive the USRAP as a positive future because they heard many success stories of those who have resettled and the benefits of living in the USA. The ‘protections’ for Mae La residents are perceived by the means of being recognized by the legal status at the country of resettlement, combining with right to work and freedom of movement. Many of interviewees believe that life would be more secured in the third countries.

U.S. resettlement: Burden-sharing?

According to the Deputy District Governor of Mae La shelter, the third country resettlement is of course a burden-sharing mechanism because it did reduce the registered population in Mae La shelter. But he also points out that the total number of departures has not reduced the general population because of new arrival displaced persons and the new-born figure. Besides, the resettlement is by voluntary decisions, and many of them do not want to resettle;

“From my point of view, resettlement should be the compulsory option, e.g. set up the timeframe that within 5 years, you have to decide whether to apply for a third country resettlement, or else, return to your country” (Deputy District Governor at Mae La, pers. comm., 01 Jul 2011)

An officer from National Security Council also states that the primary goal of RTG in permitting the USRAP is to function as a burden-sharing tool; and this would subsequently lead to the camp closure in the future. In 2004, the discussion to launch the USRAP for the Burmese displaced persons was held with a positive sign that this program would alleviate the burden and responsibility of RTG as the host country. As per NSC’s analyst, she admits that the U.S. resettlement works quite well, but nevertheless there are many of eligible displaced persons who are uninterested to join,

e.g. the shelter in Kanchanaburi province where only half of camp residents have expressed their interest (NSC Plan and Policy Analyst, pers. comm., 19 Jul 2011). Arguably, the aspect of burden-sharing remains a question for the Thai authorities.

As per a refugee coordinator from U.S. embassy, however, the burden-sharing should emphasize on the figure of registered Burmese refugees because those are the genuine 'protracted refugees' and are primary concern of the resettlement program. At least, the refugee departures of USRAP are quite satisfactory in terms of alleviating the protracted refugees in Thailand, although currently there are a mass of new arrival refugees from Burma. Hence, it would be better solve the refugee problem step by step. (Refugee Coordinator U.S. embassy, pers. comm. 22 July 2011)

5.4.4 Significance of U.S. resettlement

Comparing other third countries, the U.S. is the largest refugee resettlement country in the world. Apart from the soaring number of refugee ceiling each year, the USRAP imposes less limitations and qualifications on screening criteria. According to Mae La camp leader, he also agrees that USRAP plays a vital role because the program imposes only few criteria, thus all registered refugee are eligible to apply (Mae La Camp Leader, pers. comm., 04 July 2011). Overall, from my observation during the data collection, the majority of Mae La inhabitants, no matter being the registered or the non-registered, agree that U.S. resettlement is a significant option to liberate them from the long-term encampment, and bring them to the brighter future.

In other words, U.S. resettlement also carries another significant role to the circle of refugee camp. From the interview with the former team leader of OPE, he mentions that during Indochinese refugee era, the major changes in the U.S. resettlement always affected to related refugee agencies. He perceives that the if the U.S. resettlement slows down, the steps of camp cycle would be as following; 1) will be the first country terminating the resettlement program, 2) Other third countries would close the resettlement programs, 3) RTG and UNHCR would discuss on the

repatriation program, 4) Voluntary repatriation would lead to the camp closure. (OPE team leader, pers. comm., 28 April 2011).

5.4.5 Future of displaced persons from Burma

From various opinions of key informants, the future of Burmese displaced persons in Thailand results in quite a similar perspective; resettlement slowdown, camp closure, and repatriation.

This point of view is in accordance with the Thai authorities, which is the country of asylum with an obvious standpoint to host the Burmese displaced persons only for temporary basis. The NSC reveals that the EU and international donors have discussed on the issues of budget deficits and the possibility of local naturalization, but this request creates the discomfort to RTG because it is against Thai's policy. The principle of RTG is only for humanitarian reason and pending for the positive transition in Burma to the extent that the displaced persons would repatriate without any threat to their lives. (NSC Plan and Policy Analyst, pers. comm., 19 Jul 2011). On the other side, the deputy district governor of Mae La also agrees that camp closure is a final solution, but admits that it would take long time because the problems and difficulties in Burma have not been alleviated much.

In this regard, the OPE field team leader explains that the resettlement closure and camp closure are different process, but normally they are likely to occur in parallel. From his long experience with the Indochinese refugees, he believes once the resettlement is on a slowdown, the repatriation process and camp closure would subsequently occur. In case of the current USRAP, Tham Hin camp (located in Rachaburi province) is the first camp of group resettlement and the USRAP has closed the Priority-2 U.S. program in 2009. The remaining camps are likely to be terminated in the future. Nonetheless, he states the repatriation of Burmese displaced persons in Thailand would be difficult because the country of origin has not been developed much in terms of economic and political stability. But he is of the opinion that "US resettlement would not operate forever. It is designated to solve refugee

problems only for certain period of time” (OPE team leader, pers. comm., 28 April 2011).

To this point, the Camp Leader of Mae La shelter acknowledges that repatriation would be implemented in the future, possibly within 5-6 years in his opinion. He is aware that the Thai kingdom is hosting millions of Burmese migrants so the naturalization of Burmese refugees is quite unacceptable. Looking at the future of Mae La camp, he admits that “repatriation would be the best solution”. But he points out that the refugee problems and ethnic conflicts in Burma have rooted in the chronic human right violations and political instability. Thus, he hopes that the genuine democracy would be resumed in Burma in paving the way for the repatriation with safety and dignity (Mae La Camp Leader, pers. comm., 04 July 2011).

In the discussion with IOM Regional Program Coordinator, his viewpoint also agrees with repatriation. In his opinion, Burma must have been developed to the extent that allows the displaced persons to return home. Hence, to instruct the human rights in Burma is a crucial path for such development to ensure the rights of ethnic minorities. In the meantime, the self-reliance program and skill-trainings for Burmese displaced persons in Thailand will create more opportunities for them after the repatriation process would put into account. In response to the future of resettlement, he clearly notes that “the full cycle of resettlement would end up in the repatriation to the country of origin” (pers. comm., 01 June 2011).

CHAPTER VI
ANALYSIS FINDINGS, RECOMMENDATIONS
AND CONCLUSION

“We must hope for the best, but prepare for the worst”

Aung San Suu Kyi

6.1 Resettlement as vital instrument of protection

In case of Burmese displaced persons in Thailand, resettlement program has been served as the crucial solution because other durable solutions, repatriation and local integration, are unfeasible as follows;

Difficulty of repatriation: Many key informants agree that it must take long time for the voluntary repatriation. Besides, to define the appropriate timing to voluntarily repatriate all Burmese displaced persons in Thailand would be another concern. To compare with, the Hmong refugees in Thailand have remained in the camp until recently they were forced to return to Laos by the RTG in 2009 (Mydans, 2009). Likewise, the return of Burmese refugees would become the next ordeal because it lacks of the political change from Burma. Hence, the Burmese refugees in Thailand would exist as long as the there is no political stability or safety for ethnic minorities in Burma.

Constraints of local integration: According to the interviews with Thai authorities, both officers from MOI and NSC never mentioned the possibility of local integration. At present, the naturalisation of Burmese displaced persons definitely cannot be served as one feasible option. In the meantime, the humanitarian supports to the Burmese displaced persons in the shelters impact on the disparity attitude of the local Thai citizen that the refugees are being well-treated by the international agencies (Deputy District Governor at Mae La, pers. comm., 01 Jul 2011). It should be noted that Thailand is not a signatory to 1951 Convention; therefore, the opportunities for naturalization in the country of asylum are quite limited. On the other hand, the

absorption of the refugees to the host country may be "economically, socially or politically destabilizing, especially in large-scale influxes" (UNHCR, 2004a, p10)

Resettlement: From this study, the resettlement is therefore the first and only available solution to address the problem of protracted Burmese refugees in Thailand. Serving as a durable solution, the U.S. resettlement works quite well for those registered refugees who have been trapped in temporary shelters for long period of time. Resettlement has freed them from the 'protracted situation' to a prospering future.

Apart from the role as a durable solution, resettlement is a principle objective to provide international protection for refugees in situation when returning to country of origin or remaining in the country of refuge is impossible. At country of asylum, moreover, the authorities may be unable to unwilling to provide effective protection. Such circumstance, third country resettlement becomes a priority when there is no other way to guarantee the security of the refugees (UNHCR, 2002). For this reason, the milestone of UNHCR regarding resettlement program is to bring refugees to protection by transferring them to the third country resettlement (UNHCR, 2010).

Moreover, major contribution of resettlement in the principle of protection is by means of assisting the country of asylum in task of caring for refugees. Besides, the long-term contribution of resettlement is that the refugees can become the source for development as the skilled personnel in the return to their country of origin, when repatriation is viable at some future time (ibid).

6.2 The gap in the U.S. resettlement

As mentioned earlier, the protection aspect and the transferr of refugees to the U.S. could function quite properly, and majority of Burmese displaced persons in Mae La are relatively satisfied with the overall US resettlement procedures. However, the duration for security checks for certain refugee applicants take quite a long period of time, e.g. interviewee 2 whose case has been pending on name check for security

reason for over a year. Moreover, in Mae La shelter, fraud resettlement used to be one major challenge of the US resettlement program.

Furthermore, the challenge arises from USRAP when some of family members of displaced persons are ineligible for the program due to their unregistered status. Due to the current selection criteria, the displaced persons arriving after the 2005 MOI/UNHCR registration are recognized as the new-arrivals and are excluded from resettlement program. While U.S. resettlement has brought new homes to thousands of protracted Burmese refugees in Thailand, the unity of family becomes a challenge because in some cases the unregistered persons are family compositions of the registered ones. The issue of family separation would become the imminent concern for refugee agencies in Thailand due to the ongoing USRAP and uncertainty of the re-opening of PAB registration.

From direct experience of field research, several cases the refugee families are pending decision on whether to wait for the re-opening PAB registration or to separate the families for resettlement. Moreover, there are a number of unregistered Burmese displaced persons who have been petitioned to join by their families to the USA, but none of them have been departed due to their unregistered status and the RTG remains pending decision on their exit permits.

Currently, all refugee agencies are working with RTG to regularize PAB registration and hopefully the RTG will resume the process. It is, however, uncertain since the negotiations are still underway about how to improve the effective refugee screening system to 'legitimate' the genuine refugees instead of economic migrants (OPE 2009). Regarding the unregistered refugees who have been approved to join their families, the Refugee Coordinator from U.S. embassy expresses their concerns that the family is the core mandate of resettlement program. (pers. comm. 22 July 2011).

From the interview with policy analyst from National Security Council, however, their priority currently emphasizes only on the registered population

because the RTG's goal is to diminish the number of displaced persons in Thailand. For those unregistered persons who are pending exit permits, the NSC officer explains that they should be registered under the PAB mechanism and should not 'jump the queue' ahead of the registered persons. Besides, Thai authorities are uncertain if there are any motivations behind the family composition of the unregistered persons with the registered ones. (pers. comm., 19 Jul 2011).

The reluctance of RTG in taking any initiative in the resettlement process or PAB registration lies in the concern of the 'pull factor'. The MOI/ UNHCR registration in 2005 was a latest PAB registration which has been impeded until now. Regarding this, the former OPE team leader is of the opinion that the RTG considers the PAB registration as the 'pull-factor', and this is the outdated mindset of the RTG since the era of Indochinese refugees. Instead, the RTG should solve this problem by re-open the PAB registration for those who are 'in need' of resettlement, especially the family reunification cases (pers. comm., 28 April 2011).

Recommendation for family reunification:

In case of Family Reunifications, many of the unregistered refugees in Mae la have been barred from resettlement by host country. Hence, from the point of views of Mae La residents, many of them would like to appeal to the RTG to re-open the PAB consideration for those unregistered persons on the condition that the refugees have been sponsored by their families and have been approved for U.S. resettlement.

In case the PAB registration will be re-launched, the RTG may seek the cooperation for the screening mechanism from the UNHCR, TBBC, or the Camp-based organizations. From the interview with Mae La camp committee, they have set up the special panel called *New Arrival Working Group* to ensure that their screening procedures of the newly-arrived displaced persons are in accordance with the standard of refugee recognition (Mae La zone leader, pers. comm. 06 July 2011). On the other hand, all of unregistered refugees that I interviewed in Mae La have been recorded in TBBC population database to access to the food distribution. This shows that the

camp-based organizations have systematically recorded the unregistered persons in Mae La camp.

In other ways, in case the exit permits for those family reunification cases remain unresolved, the U.S. resettlement agency may seek cooperation with UNHCR to re-designate them to be individual refugees or the Priority-1 cases. This is because currently those unregistered Burmese refugees face the limitations of Group Resettlement (or Priority-2) which impose the specific criteria and eligible date of registration. Therefore, to re-designate their category for resettlement may solve this problem.

6.3 Current refugee situations

Diminished opportunities for U.S. resettlement:

Although the current U.S. resettlement program continues its operation, the U.S. embassy's Refugee Coordinator mentions that when the number of 'eligible refugees' in Thailand is decreased, the U.S. resettlement will slow down. Thereafter, the current group resettlement (Priority-2) will be terminated in the near future (pers. comm. 22 July 2011). Nevertheless, she notes that the other Priorities of cases in USRAP would continue operating as the U.S. embassy will make sure that the refugee families would be reunited.

Since the beginning of U.S. group resettlement, the program reached a peak in Thailand during the year with massive processing in all nine temporary shelters. In 2009, the U.S. resettlement in Tham Hin camp was terminated, and the U.S. government anticipates to close the resettlement program in two additional shelters in the end of U.S. fiscal year 2011 (Department of State 2011). The resettlement slow down signifies the next step of Burmese displaced persons in Thailand: resettlement closure in all temporary shelters and subsequently repatriation.

Diminished international supports:

TBBC reported in 2010 that the refugee aids of TBBC started a year with budget deficit because of increasing number of refugees and the currency fluctuation (TBBC, 2010a). Consequently, the income generating program would be another area to develop for the Burmese displaced persons, and this will serve as burden-sharing for the RTG and international refugee organizations. From my field interviews, majority of Mae La residents also request for the work permits or the right to work, especially for those who do not wish to resettle and the unregistered persons who are ineligible for the resettlement program.

In response to this issue, the NSC analyst explains that the job availability of displaced persons from Burma must be different from the migrants. For example, the displaced persons should be employed in a factory closed to their temporary shelter (NSC Plan and Policy Analyst, pers. comm., 19 Jul 2011). Up to present, the TBBC is evolving the programs to reduce the aids dependency as major effort, such as agricultural projects or micro-enterprise development (TBBC, 2010a).

On account of this, the more flexible policies from host country to provide the vocational training or self-sufficient program would be a progressive path to promote the income generating activities. This is not only for those who wish to remain and return to Burma, but also will contribute to the better self-preparation for those who would join the resettlement program.

6.4 Long-term recommendations: *from resettlement to other solutions*

At present, the USRAP has reached its peak of refugee admissions in all nine temporary shelters and the program is likely to slow down in the near future. From the opinions of key informants, the future of Burmese displaced persons in Thailand results in similar perspectives; resettlement slowdown, camp closure, and repatriation.

Base on the field research in Mae La, however, the majority of refugees from Burma are unwilling or unable to return homes for the time being. Meanwhile, the number of camp residents never decline in spite of the huge resettlement statistics.

On the contrary, the diminished international budgets on refugee programs pose a new dilemma to refugee regime. Hence, to resolve the forced migration, it cannot be accomplished solely by UNHCR or humanitarian organizations. This effort must inevitably involve stronger governmental, political and financial supports, and also the cooperation from the development agencies (Loescher 2001, p369)

As per Loescher (2001, p351), the crisis of refugee protection arises in present day because many western countries, after Indochinese era, refused to accept refugees, and it will be uneasy for any states to wide-open the asylum door. Meanwhile, refugees are perceived more negative especially when the host countries are in the economic constraints. Protracted Refugee Situations come from the internal conflicts that have persisted for years; the reluctance to engage of host country under the perception of refugees as a burden and security concern, and the declining of international supports from donor states (Loescher, 2006). In short, the refugees are not welcomed by any states and increasingly left behind at the country of asylum.

Considering the long-standing presence of Burmese refugees in Thailand, the protracted refugee situations has been rooted in the Burma state's instability. At the same time, the figure of Burmese refugees inevitably raises the political and security concern to Thai government and consequently to regional stability.

In this regard, the protracted Burmese refugees in Thailand acquire the cooperative engagement from all sectors, and the multi-lateral negotiation would be the key success to solve this refugee crisis. The third party involvement, apart from Thai and Burmese government, would be another facilitator to end refugee cycle. The role of ASEAN, as the potential regional community, should engage in ameliorating the impoverished condition and human right violations in Burma. At the global scale, the UNHCR and donor states should take the initiative to find out on how to cope with the Burmese protracted refugees in Thailand. Moreover, it must be a comprehensive problem-solving mechanism with the participation of Burmese government.

As per Loescher and Milner (2006), resettlement itself may trigger to a wide range of problems, such as a pull-factor or a brain-drain. Therefore, the resettlement should be well-managed in order to make the way for the comprehensive solution for displaced persons in Thailand. If the cooperation between RTG and international refugee regime works properly, the resettlement dilemma would be resolved. And if this engagement becomes successful in practice, it will positively lead to the further stage of solving the protracted refugee situation with the engagement from Burma.

In order to achieve this goal, all key-informants participated in this interview admit that the problems have to be resolved from the country of origin, Burma. From the perspective of Mae La camp leader, the real durable solution would be achieved by the genuine democratization in Burma. As long as the country of origin cannot guarantee the security of life, the Burmese displaced persons are fearful or unwilling to return.

Regarding the plan for repatriation of the Burmese refugees, apparently the RTG and UNHCR would take a long period of time to find out the appropriate timing. More importantly, without the engagement from Burmese ruling government, the neighboring countries, including other countries in the region, would face the spillover of Burmese refugees and migrants.

In sum, citing from several key informants, Burma as the ‘refugee-producer’ plays the most important role in changing the border situations. The positive transition in Burma, even a gradual development, would result in the decisions to return with safety of the displaced persons from Burma. All key informants from RTG, NGOs, and Mae La camp committees, agree that peace and political stability, or ultimately democracy, should be resumed in Burma.

6.5 Recommendation for Further Research

There are certain areas for further research which will develop the approach to solve the problem of protracted Burmese refugees in Thailand.

- Right to work for displaced persons from Burma, in case the voluntary repatriation process would not be feasible in a short period of time
- Study on the linkage between the international aids and development approach in the camp management
- The democratization and development in Burma, in order to pave the way for the safe repatriation
- The role of ASEAN to take the progressive stance to engage in Burma issue

6.6 Conclusion:

1) With experience of dealing with the huge numbers of Indochinese refugees, RTG is quite reluctant to permit the UN and international agencies to involve with Burmese displaced persons. However, over 25 years of hosting the Burmese displaced persons, no other solution has been promoted until the RTG permitted the U.S. group resettlement in 2005. Thus US resettlement program has emerged as the first durable and only solution to solve the protracted displacement of Burmese refugees.

2) US refugee admissions program is a response to address the protracted displacement of Burmese refugees in Thailand. From this study, it reveals that USRAP is a suitable durable solution for the time being and functions as the international protection to refugees because resettlement is to transfer the refugees to the protection at the resettlement country. Moreover, it functions as the initiative approach to resolve the long-standing Burmese displaced persons in Thailand. The efficient resettlement program would create mutual cooperation from each sector; RTG, international refugee agencies, and eventually it may lead to the positive change in long term.

3) From field research, the gap of U.S. resettlement is the eligible criteria by RTG that only registered refugees are entitled for the resettlement. Therefore many challenges arise from the fact that the unregistered displaced persons are in fact the family compositions of the 'protracted refugees'. This causes the break up of refugee

families. Therefore the concerning refugee organizations should coordinate in problem-solving, and further seek cooperation from RTG

4) To simplify, the Protracted Refugee Situations lie in the heart of chronic internal conflicts in one's country which affect to neighboring states and subsequently to the regional insecurity. Political stability in Burma would be the crucial factor to solve the protracted refugee situations of Burmese displaced persons in Thailand. In the meantime, the economic development in Burma, especially in the ethnic-controlled areas, would serve as the significant motivations for the displaced persons from Burma to return.

5) The multi-lateral negotiations and well-managed collective cooperation from each sector are the key success to solve the challenges arising from the current U.S. resettlement at present. The problems of Burmese refugees in Thailand need a comprehensive plan from all related sectors, including Burmese government. If the comprehensive cooperation between Burma, Thailand, and international refugee organizations is to be formulated, this would positively lead to the end of refugee cycle in further stage.

6) There are both push and pull factors behind the flights of Burmese displaced persons in Thailand. In reality, with the complexity of mixed migration, the refugees are the dynamic flows of people. Moreover, the humanitarian assistance is not above politics, but it is definitely politics is under the world economy. The current budget deficits of several humanitarian agencies imply an imminent dilemma of refugee world. To end refugee cycle, it must be done through the political economy approach and comprehensive plan.

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APPENDICES

APPENDIX B

II: Refugee Admissions to the USA fiscal year 1987-2005

Appendix. Refugee Admissions by Region, FY1987-FY2005

FY	Africa	East Asia	Eastern Europe	Former Soviet Union	Latin America/ Caribbean	Near East/ South Asia	Total
1987	1,990	40,099	8,396	3,699	323	10,021	64,528
1988	1,593	35,371	7,510	20,411	3,230 ^a	8,368	76,483
1989	1,902	45,722	8,752	39,602	4,116 ^a	6,976 ^a	107,070
1990	3,453	51,604 ^a	6,094	50,628	5,308 ^a	4,979	122,066
1991	4,420	53,522	6,837	39,226	4,042 ^a	5,342	113,389
1992	5,470	51,899	2,915	61,397	3,947 ^a	6,903	132,531
1993	6,967	49,817	2,582	48,773	4,322 ^a	6,987	119,448
1994	5,860	43,564	7,707	43,854	6,156	5,840	112,981
1995	4,827	36,987	10,070	35,951	7,629	4,510	99,974
1996	7,604	19,321	12,145	29,816	3,550	3,967	76,403
1997	6,065	8,594	21,401	27,331	2,996	4,101	70,488
1998	6,887	10,854	30,842	23,557	1,627	3,313	77,080
1999	13,043	10,206	38,658	17,410	2,110	4,098	85,525
2000	17,561	4,561	22,561	15,103	3,232	10,129	73,147
2001	19,021	3,725	15,777	15,748	2,973	12,060	69,304
2002	2,548	3,525	5,439	9,963	1,933	3,702	27,110
2003	10,717	1,724	2,525	8,744	452	4,260	28,422
2004	29,125	8,079	9,254 ^b		3,555	2,855	52,868
2005	20,749	12,071	11,316 ^b		6,700	2,977	53,813

Source: Bruno, A 2006, *Refugee Admissions and Resettlement Policy*, Refugee Admissions and Resettlement Policy, Updated January 25, 2006, viewed 13 Sep 2011, <<http://www.wrapsnet.org/LinkClick.aspx?fileticket=dR%2FcVscHXNc%3D&tabid=180&mid=605&language=ar-IQ>>

APPENDIX C

III: Refugee Admissions to the USA from fiscal year 2006-2010

U.S. REFUGEE ADMISSIONS FY 2006 to FY 2010

Region of Origin	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Africa	18,182	17,482	8,935	9,669	13,305
East Asia	5,659	15,643	19,489	19,850	17,716
Europe	10,455	4,561	2,343	1,997	1,526
L. America/ Caribbean	3,256	2,976	4,277	4,857	4,982
Near East/ South Asia	3,725	7,619	25,148	38,279	35,782
TOTAL	41,277	48,281	60,192	74,652	73,311

Source: Gauger, K 2011, *US refugee admissions outlook for FY 2011*, Bureau of Population, Refugees & Migration (PRM), Presentation for California Refugee Summit April 13, 2011, viewed 13 SEP 2011, <https://www.cce.csus.edu/conferences/cdss/refugee11/docs/handouts/Plenary%20Session%201/PLENARY1USRefugeeAdmissionsOutlook2011_KGauger.pdf>

APPENDIX D

IV: Proposed refugee admissions for Fiscal Year 2011

PROPOSED CEILINGS

TABLE I

**REFUGEE ADMISSIONS IN FY 2009 AND FY 2010,
PROPOSED REFUGEE ADMISSIONS BY REGION FOR FY 2011**

REGION	FY 2009 ACTUAL ARRIVALS	FY 2010 CEILING	FY 2010 REVISED CEILING	FY 2010 PROJECTED ARRIVALS	PROPOSED FY 2011 CEILING
Africa	9,670	15,500		13,500	15,000
East Asia	19,850	17,000	18,000*	17,500	19,000
Europe and Central Asia	1,997	2,500		1,500	2,000
Latin America/Caribbean	4,857	5,000	5,500*	5,000	5,500
Near East/South Asia	38,280	35,000	38,000*	37,000	35,500
Regional Subtotal	74,654	75,000	79,500	74,500	77,000
Unallocated Reserve		5,000	500		3,000
Total	74,654	80,000	80,000	74,500	80,000

**3,000 admissions numbers from the Unallocated Reserve were allocated to the Near East/South Asia ceiling, 1,000 to the East Asia ceiling, and 500 to the Latin America/Caribbean ceiling in the fourth quarter of FY 2010, because refugee arrivals were projected to exceed the original ceilings.*

Source: Department of State 2011, United States, *Proposed Refugee Admissions for Fiscal Year 2011: Report to Congress*, viewed 13 June 2011, <www.state.gov/documents/organization/148671.pdf>

APPENDIX E

V: UNHCR Resettlement Statistic by Resettlement Country 2009

UNHCR Resettlement Statistics by Resettlement Country

CY 2009 Admissions

RESETTLEMENT COUNTRY	TOTAL	PERCENT OF TOTAL RESETTLED
United States*	61,832	73.49%
Australia	6,720	7.99%
Canada	6,518	7.75%
Germany	2,064	2.45%
Sweden	1,787	2.12%
Norway	1,276	1.52%
United Kingdom	938	1.11%
Finland	706	0.84%
New Zealand	675	0.80%
Denmark	463	0.55%
Netherlands	341	0.41%
Italy	191	0.23%
Ireland	186	0.22%
France	158	0.19%
Chile	66	0.08%
Belgium	54	0.06%
Other**	160	0.19%
TOTAL	84,135	100.00

Source: Department of State 2011, United States, *Proposed Refugee Admissions for Fiscal Year 2011: Report to Congress*, viewed 13 June 2011, <www.state.gov/documents/organization/148671.pdf>

APPENDIX F

VI: Statistics of Burmese Border Displaced Persons as of January 2011

	TBBC Verified Caseload ¹ 31-Dec-10			MOI/UNHCR Population ² 31-Dec-10
	Female	Male	Total	Total
Chiangmai Province				
Weng Heng (Shan Refugees)	325	299	624	
Mae Hong Son Province				
Ban Mai Nai Soi ³ (Site 1)	6,876	7,437	14,313	12,349
Ban Mae Surin (Site 2)	1,711	1,794	3,505	2,246
Mae La Oon	7,367	7,621	14,988	12,579
Mae Ra Ma Luang	8,607	8,650	17,257	12,088
Subtotal:	24,561	25,502	50,063	39,262
Tak Province				
Mae La	22,671	23,021	45,692	30,287
Umpiem Mai	8,506	8,985	17,491	12,196
Nu Po	7,613	7,930	15,543	9,664
Subtotal:	38,790	39,936	78,726	52,147
Kanchanaburi Province				
Ban Don Yang	2,114	1,990	4,104	2,942
Ratchaburi Province				
Tham Hin	3,880	3,679	7,559	4,293
Total:	69,670	71,406	141,076	98,644
IDP camps⁴				
Wan Peing Fha	1,391	1,591	2,982	78.4% Karen
Doi San Ju	191	236	427	9.7% Karenni
Doi Dam	127	130	257	4.2% Burman
Doi Tai Lang	1,069	1,307	2,376	1.1% Mon
Ee Tu Hta	2,169	2,298	4,467	0.5% Shan
Halochanee	1,469	1,462	2,931	0.4% Rakhine
Bee Ree	1,824	1,854	3,678	0.4% Chin
Tavoy	1,171	1,223	2,394	0.4% Kachin
Supakee	35	40	75	4.4% Other
Total:	9,446	10,141	19,587	

Source: www.tbtc.org/camps/2011-01-jan-map-tbbc-unhcr.pdf (view 11 May 2011)

APPENDIX G

VII: Population report from Karen Refugee Committee (page 1)

Monthly Population Report In Camps (March - 2011)

Number Of Registered People In Camps

Camp	No. Families	Over -12 yrs		6-12 yrs		Under 5 Yrs		Total
		M	F	M	F	M	F	
Mae La	5,506	7,356	7,987	2,495	2,390	2,578	2,421	25227
Umphiem	3,184	3,262	3,336	1,914	1,846	717	664	11739
Nu Po	1,938	2,582	2,630	717	724	891	869	8413
Htam Hin	955	1,310	1,398	599	544	348	378	4577
Ban Dong Yang	620	863	922	259	240	225	204	2713
Mae Rama Luang	2,054	2,899	2,657	2,205	2,059	792	831	11443
Mae La Oon	2,382	3,641	3,615	1,208	1,123	944	956	11487
Total	16,639	21,913	22,545	9,397	8,926	6,495	6,323	75599

Number Of PAB, POC, PRE-SCREENING In Camps

Camp	No. Families	Over -12 yrs		6-12 yrs		Under 5 Yrs		Total
		M	F	M	F	M	F	
Mae La								
Umphiem	526	1,030	793	94	90	88	74	2169
Nu Po	2,633	2,410	2,003	453	427	376	421	6090
Htam Hin	889	1,017	977	223	205	231	218	2871
Ban Dong Yang	155	294	287	67	57	35	43	783
Mae Rama Luang	98	464	416	146	122	35	24	1207
Mae La Oon	26	237	182	15	11	21	4	470
Total	4327	5,452	4658	998	912	786	784	13590

Number Of New Arrival In Camps

Camp	No. Families	Over -12 yrs		6-12 yrs		Under 5 Yrs		Total
		M	F	M	F	M	F	
Mae La	7,713	8,606	6,709	1,340	1,340	927	837	19759
Umphiem	3,436	4,349	3,688	1,274	1,033	720	597	11661
Nu Po	392	483	521	175	163	113	109	1564
Htam Hin	133	382	414	143	125	92	83	1239
Ban Dong Yang	47	164	172	54	46	45	43	524
Mae Rama Luang	850	1,076	1,214	1,169	1,258	342	345	5404
Mae La Oon	601	982	1,008	348	342	263	275	3218
Total	13,172	16,042	13,726	4,503	4,307	2502	2289	43369

V: Population report from Karen Refugee Committee (page 2)

Number Of Outside Student In Camps

Camp	No. Families	Over -12 yrs		6-12 yrs		Under 5 Yrs		Total
		M	F	M	F	M	F	
Mae La		946	648	150	95	0	3	1842
Umphiem	17	133	97	153	137	0	1	521
Nu Po		433	389	56	42	4	0	924
Htam Hin		13	22	0	0	0	0	35
Ban Dong Yang		46	47	4	1	0	0	98
Mae Rama Luang		366	351	194	133	1	0	1045
Mae La Oon		603	445	32	22	3	0	1105
Total	17	2540	1999	589	430	8	4	5570

General Population In Camps

Camp	No. Families	Over -12 yrs		6-12 yrs		Under 5 Yrs		Total
		M	F	M	F	M	F	
Mae La	13,219	16,908	15,344	3,985	3,825	3,505	3,261	46828
Umphiem	7,163	8,774	7,914	3,435	3,106	1,525	1,336	26090
Nu Po	5,069	5,906	5,545	1,401	1,356	1,385	1,398	16991
Htam Hin	1,974	2,706	2,789	963	874	671	679	8682
Ban Dong Yang	822	1,367	1,428	384	344	305	290	4118
Mae Rama Luang	3,017	4,828	4,663	3,726	3,591	1,189	1,223	19220
Mae La Oon	3,009	5,463	5,250	1,603	1,498	1,231	1,235	16280
Total	34,273	45,952	42,933	15,497	14,594	9,811	9,422	138209

Feeding Figure In Camps

Camp	No. Families	Over -12 yrs		6-12 yrs		Under 5 Yrs		Total
		M	F	M	F	M	F	
Mae La	9,450	14,322	13,968	3,228	2,818	2,403	2,327	39066
Umphiem	4,509	4,643	4,484	2,885	2,803	1,016	973	16804
Nu Po	4,837	5,654	5,240	1,264	1,227	1,252	1,270	15907
Htam Hin	1,648	1,031	1,029	1,140	1,302	1,028	1,242	6772
Ban Dong Yang	980	1,239	1,396	378	317	299	288	3917
Mae Rama Luang	2,960	5,107	5,183	2,424	2,425	1,048	1,065	17,252
Mae La Oon	2,971	4,920	4,886	1,574	1,468	1,116	1,133	15097
Total	27,355	36,916	36,186	12,893	12,360	8,162	8,298	114815

Source: Karen Refugee Committee: Newsletter and Monthly Report as of March 2011, viewed on 01 July 2011, <www.burmalibrary.org/docs11/KRCMR-2011-03.pdf>

APPENDIX H

VIII: Refugee departure from nine temporary shelters

Figure 2.2 Refugee departures 2010: Totals from 2006

Location	Australia	Canada	Denmark	Finland	Netherlands	Ireland	Norway	NZ	Sweden	UK	USA	Other	Total
Former urban	5	5	8	5	3		10			1	3		40
Site 1	21			8			5				1,960	3	2,002
Site 2	222										483		705
Mae La Oon	146	140									1,841		2,127
Mae Ra Ma Luang	153	189					31		63		1,627		2,603
Mae la	100	1			47		1		4	3	1,495	27	1,678
Umpiem Mai	16	1							6		963		986
Nu Po	105	3					3				664		775
Ban Don Yang	51			75					3		165	23	317
Tham Hin	38			35					4		337		414
2010	857	339	8	123	50	0	50	5	80	4	9,538	53	11,107
2009	2,323	828	11	202	9	0	280	79	118	5	12,826	4	16,685
2008	1,562	637	1	283	144	97	70	24	141	29	14,280	1	17,172
2007	1,516	1,574	5	350	62	0	414	148	178	111	10,181	0	14,636
2006	734	756	5	208	115	0	324	176	348	81	2,164	2	4,913
Grand Total	6,992	4,119	30	1,166	380	97	1,138	432	865	230	48,989	60	64,513

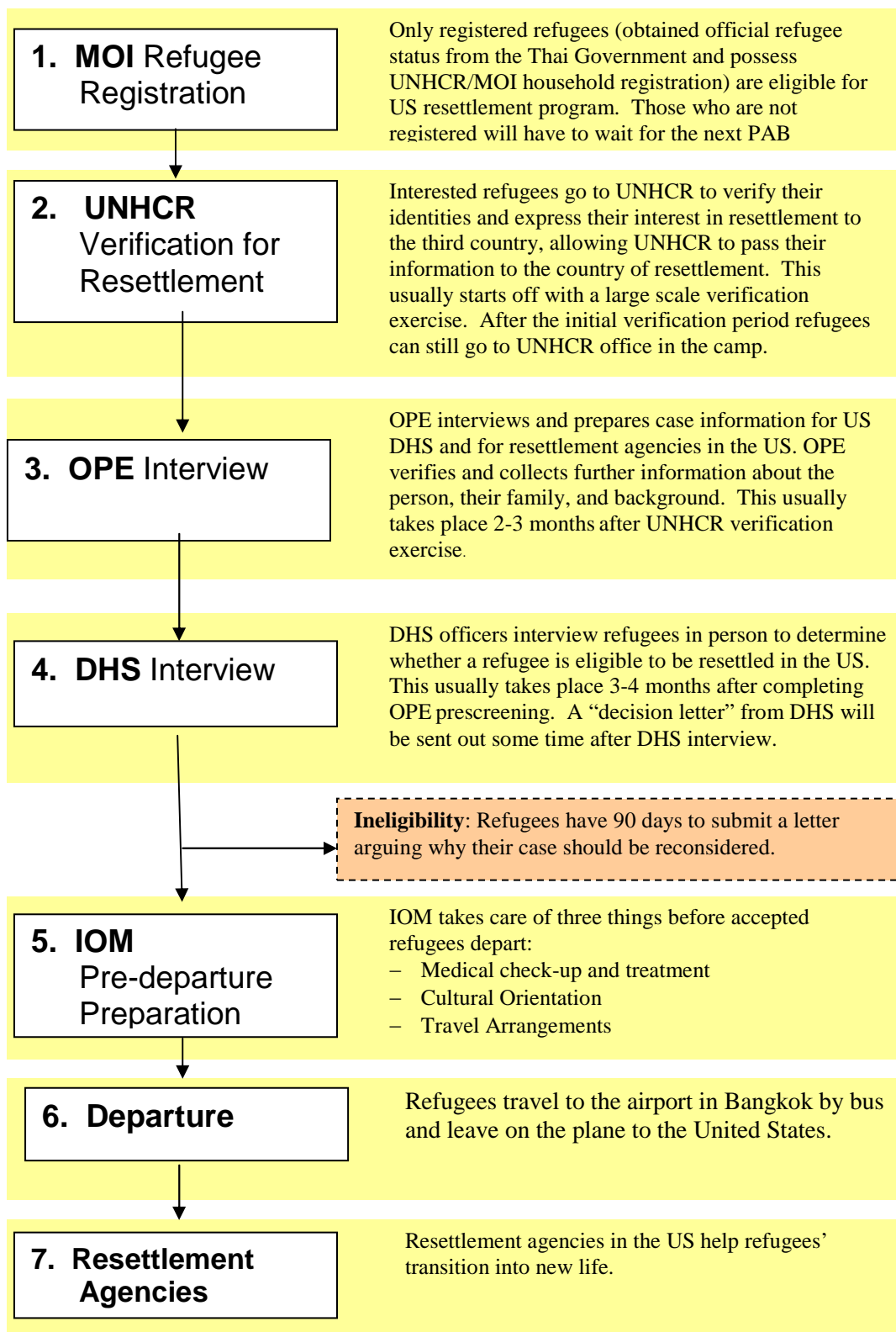
Source: International Organisation for Migration (IOM). Figures include family reunion and national migration

Source: TBBC program report July to December 2010

APPENDIX I

IX: Overall United States Refugee Admissions Program

Overall Process:



How long does it take? Refugees should expect that the entire process will take at least 10 months from the time they verify with UNHCR until departure.

Process in Detail

1. MOI Refugee Registration

Only persons registered with the Thai Ministry of the Interior (MOI) are legal residents of the temporary refugee camps and only registered persons can enter the resettlement process.

The Royal Thai Government established PAB (*Provincial Admissions Board*) as a screening mechanism to register refugees in the camps along Thailand-Burma border. Upon screening by the PAB, UNHCR /MOI issues a document called the “UNHCR/MOI Household Registration Form” which lists all the members of a given family along with photographs. Refugees need this document and identity card for the first step of the US Resettlement process, the UNHCR verification exercise.

About the PAB registration:

There are currently many unregistered people living in camps but only the Royal Thai Government (MOI) has the authority to decide when the next PAB registration will begin. All agencies are working with the Royal Thai Government to regularize PAB registration and hopefully the Thai Government will decide to begin registering people again, but it is not certain when this will happen. Negotiations are still underway within the Thai Ministries and UNHCR about how best to overhaul the system to improve effectiveness of screening ‘legitimate’ refugees instead of economic migrants.

2. UNHCR Verification for Resettlement

For those who are registered, have their names and photographs on an *UNHCR/MOI Household Registration Form*, identity card, and want to resettle, the next step is to ‘apply’ or express interest in resettlement with UNHCR. This usually starts off with a large scale *verification exercise*. After the initial verification period refugees can still go to UNHCR office in the camp.

You, your spouse, and any members of your family aged **18 and over** *must apply in person* unless they are physically disabled and unable to do so. Your children *under age 17* do not need to come with you for UNHCR verification for resettlement. Anyone aged **18 and over** can apply by themselves if they choose to.

You must bring your *UNHCR/MOI Household Registration Form*, and your individual ID cards if you have it, with you to the verification exercise. You cannot verify yourself without presenting these documents.

Important things to remember about UNHCR verification for resettlement:

1. If you are interested in being resettled to the United States, go to UNHCR with your *UNHCR/MOI Household Registration Form* and individual ID card.
2. Unregistered persons cannot apply for the US Resettlement Program.
3. Everyone *over 18* who wants to apply for resettlement *must be present*.
4. Anyone *18 and older* can decide to resettle alone if they wish. They must have their *Household Registration Form* and ID card with them to verify with UNHCR.
5. Refugees do not have to resettle with everyone on their *Household Registration Form* if they do not want to.

Family members not all on the same *Household Registration Form* should go to UNHCR with all the household registration forms if they want to resettle together.

3. OPE Interview

After verification with UNHCR, UNHCR will refer refugee names and bio data to OPE for the next step. There are two interviews in the process: The first interview is with **OPE** and the second is with **US Department of Homeland Security (DHS)**.

The OPE interview is to prepare information of each case for DHS by verifying and collecting further information about refugee family composition and background. OPE *does not* make the decision as to who is accepted; DHS makes those decisions. The interview is conducted in English. Interpreters are provided but refugees are able to communicate directly with the caseworker in English if they feel more comfortable.

Important things to remember about OPE interview:

- a. **At OPE Interview, refugees must bring:**
 1. **UNHCR/MOI Household Registration Form.**
 2. **Themselves and their family** Everyone on their Household Registration Form who wants to resettle must be present at the scheduled OPE interview. If a refugee wants to resettle with a person who is on a different Household Registration Form, they should give that person's UN number to the OPE interviewer.
 3. **Documents about refugee's family** (such as birth certificate, marriage certificates, etc.)
 4. Refugees with a **relative or friend who is already in America**, they should give that person's name, address and phone number to the OPE interviewer.
- b. **After OPE interview, if there are changes in your family composition** such as marriage, deaths, birth, etc., please bring new documents and household registration to OPE to update information before they have DHS interview.
- c. **Please be patient about the process.** Everyone who registered for the US resettlement with UNHCR will be called for OPE interview and DHS interview.
- d. **Every case is different so the length of processing time differs case by case.** You should continue your daily activities until your departure is confirmed.
- e. *Refugees must provide truthful information during your interview.* If there is something they do not understand, they can ask to have the question clarified. If they do not know the answer to a question, simply say "I do not know".

Refugees can check OPE announcement board for their interview schedule. The lists will be posted at least 2 weeks in advance.

If they miss their interview or someone in the family cannot come on that day, they should come to OPE for consultation.

4. DHS INTERVIEW

A US DHS officer interviews all refugee applicants to determine if they meet the US criteria for refugee status and eligibility to enter the US as a refugee. Interviews are conducted in English. Interpreters are provided but refugees are able to communicate directly with the caseworker in English if they feel more comfortable.

A “decision letter” from DHS will be sent out some time after DHS interview. It will be stated in the letter if the individual is “*eligible*” or “*ineligible*” to resettle in the US.

If DHS finds refugees ineligible (not accepted for US resettlement), they have 90 days to submit a written statement to DHS explaining why their case should be reviewed. Applicants requesting for DHS review need to show that a) a significant error occurred in the adjudication of their case or b) that new information is available. The statement can be written in the native language or English and should be submitted directly to DHS. If DHS is not present in the camp, then the letters can be given to OPE and they will deliver the request for review to DHS.

Refugees who missed the 90 day period to submit a statement for reconsideration should see UNHCR or OPE. .

5. IOM

IOM (The International Organization for Migration) takes care of the last step before refugees’ departure.

After approval for US resettlement, IOM provides medical screening to check for conditions that prevent the refugee from being able to enter the US immediately. There are some conditions that require further processing and/or treatment before the refugee can enter the US. IOM also offers a cultural orientation course, which prepares refugees for a new culture that they will be adjusting to in the US.

IOM arranges all transportation and accompanies refugees from camp to the Bangkok international airport. Refugees usually transit in Japan or other countries, IOM staff will also meet and accompany refugees at the airport should there be airplane changes. Each refugee will receive and need to carry with them an IOM bag containing all documents needed for their trip.

In short, IOM provides three things:

1. Medical check-up and treatment
2. Cultural Orientation training (C.O. training)
3. Travel arrangement to the United States*

*The only thing refugees need to pay back is the airfare to the US. They will be expected to start paying off their loan 4-6 months after arriving in America and they will be given approximately 36 months to pay off the interest-free loan. During IOM’s pre-departure process, refugees will need to sign a promissory note acknowledging that they are informed and committed to paying back the airfare in the US.

6. RESETTLEMENT AGENCIES

Every refugee who resettles to the US is assisted by a non-governmental resettlement agency, or VOLAG (voluntary agency). Resettlement agencies in the US are there to help refugees with their transition into a new life in the US and make sure that every refugee who is resettled in the US is doing fine.

Resettlement agencies also provide the guidance necessary for refugees to become self-sufficient. This includes assistance in enrolling children in school, teaching about public transportation and safety and other necessary life skills, and working with adult refugees to find a job as soon as possible.

During the first 30 days after arrival in the United States, the resettlement agency will pay all basic living costs such as rent, electricity and provide basic housing supplies like bed sheets and dishes. They will also explain and help apply the types of programs and services that are available to refugees in the area where they are resettled. This will include things like English classes and health services and the types of ongoing financial support programs that refugees and their family may be able to receive to be able to meet their basic living expenses.

After the first 30 days, the resettlement agency is not responsible for any financial support, but they will continue to provide other kinds of support as mentioned above. The resettlement agency will still help answer any questions and provide consultation if refugees face any problems or difficulties. Even if they cannot solve the problem, they will be able to provide information and help to refer refugees to someone who can assist.

Important things to remember about financial support:

Refugees should keep in mind that there are many types of financial assistance programs available. They may not be enrolled in the same programs as their friends and neighbors, and may even have different people within the family enrolled in different programs. In general, their eligibility for different financial programs is based on the following:

- *The number of people in the family and their ages.*
- *The number of children in the family and the ages of the children.*
- *Where they are living.* (different states--different types of programs and funding levels.)
- *The cooperation of employable adults in looking for work.* Almost all of the financial assistance available in America is based on the idea that it is temporary assistance, meant to help people for a short period of time until they are able to support themselves.

Source: OPE 2009 Overseas Processing Entity Overall Process

APPENDIX J

**X: Cut off dates of eligibility for nine temporary shelters in Thailand
(Only for Priority-2 Group Submission of US resettlement)**

CUT OFF DATES (for P2 only)
to be eligible to apply for the program

Registration Date: XX XXXXXXXX XXXX


Registration Date: XX XXXXXXXX XXXX

The date should be on or before...

UNHCR/MOI
Household Registration Document

BMN XXXXXXXX

XXXXXXX	XX	XX	XX	XX	XX
XXXXXXX	XX	XX	XX	XX	XX
XXXXXXX	XX	XX	XX	XX	XX



- November 10, 2005**
MHS (all 4 camps)
- November 10, 2005**
THI
- July 27, 2006**
MLA
- December 26, 2006**
UMP
- December 26, 2006**
NPO
- January 4, 2008**
BDY

Source: OPE, 2009, Overseas Processing Entity electronic archive

APPENDIX K

XI: List of Key Informants Interviews

- Former OPE Field Team Leader (Overseas Processing Entity), Mae Sot area, 28 April 2011
- Senior Plan and Policy Analyst, National Security Council (NSC), Royal Thai Government, Bangkok, 19 July 2011
- East Asia Regional Refugee Coordinator, Refugee and Migration Affairs, US Embassy Bangkok, 22 July 2011
- Regional Program Coordinator, Resettlement and Voluntary Return, International Organization for Migration (IOM) Bangkok, 01 Jun 2011
- Deputy District Governor (Palat), Mae La temporary shelter, Thasongyang district, Tak province, Thailand, 01 July 2011
- Camp Leader, Mae La temporary shelter, 04 July 2011
- Zone Leader, Zone B, Mae La temporary shelter, 06 July 2011
- Section Leader, Zone B, Mae La temporary shelter, 07 July 2011

BIOGRAPHY

Sarinya Moolma is a Thai national born in Udonthani province, in the northeast of Thailand. She graduated with a BA in English from the faculty of Liberal Arts, Thammasat University, in Bangkok. In 2006, she began her career with the International Rescue Committee (IRC), under the program called Overseas Processing Entity (OPE). Her work with IRC-OPE was to assist persons seeking admissions to the USA as the refugees. The scope of her work focuses primarily on the displaced persons from Burma living in nine temporary shelters along the border. While working with IRC, she also gained additional experience of her field work in other countries, such as Malaysia, Cambodia, and Mongolia