

# A GLOBAL CRISIS: REFUGEES, MIGRANTS, AND ASYLUM SEEKERS

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## HEARING

BEFORE THE

## COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

## SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS

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# A GLOBAL CRISIS: REFUGEES, MIGRANTS, AND ASYLUM SEEKERS

February 26, 2019

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC*

The subcommittee met, pursuant to notice, at 2:02 p.m., in Room 2200, Rayburn House Office Building, Hon. Karen Bass (chairwoman of the subcommittee) presiding.

Ms. BASS. Good afternoon, I welcome everyone to the first hearing of the 116th Congress for this subcommittee.

I want to welcome the new members of our subcommittee.

This hearing is now called to order. Without objection, members have 5 legislative days in which to submit their statements and materials for the record.

Since I do not have a gavel, I will just knock on the table. So given that there are many new members on this subcommittee, I wanted to take time for the first few hearings to really do an overview of the jurisdiction. I mean we are blessed to have our ranking member here who has been on this committee and working in the subject area for more than 3 decades, but for the new members that are here we really wanted to take time and review all of the different subject areas. So delving into U.S. policy toward Africa, having a hearing on global health, looking at international organizations. And we will do this through a series of hearings.

I also wanted to invite the members to a meeting that we are going to have on March 11th, which will be with all of the Ambassadors from the African continent. In April we will do a congressional delegation to Africa, looking at the role of the U.S. military on the continent. This specific hearing focuses on the intersection of global health, human rights, and international organizations.

The world is experiencing what many experts say is an unprecedented humanitarian and displacement crisis. I am sure many of us have seen images flash across our TV screen that include massive numbers of citizens displaced from Syria, Myanmar, the Democratic Republic of the Congo, Yemen and others. But we also have to acknowledge that this is also happening right here on our own doorstep.

According to the U.N. High Commissioner for Refugees in 2017, more than 68 million people were forcibly displaced worldwide. Those displaced included 25 million refugees, 3.1 million asylum seekers and 40 million IDP's are internally displaced persons.

People leave their countries for a variety of reasons, but most are forcibly displaced due to armed conflict, widespread or indiscriminate violence, human rights violations and/or persecution. Another

category of displaced people includes the millions affected yearly by natural disasters, such as earthquakes, storms or drought.

We can all imagine that the choice to leave one's home cannot be easy. After escaping some of the most challenging circumstances in their home countries, these migrants, refugees, and asylum seekers endure difficult journeys that often puts them at risk for exploitation.

While there are many more cases, including people displaced from Afghanistan, Iraq, Sudan, and South Sudan, the situations I have referenced highlight that there are numerous root causes for why people are forced to leave. This is why it is critical for the United States to continue to support the State Department and USAID, given that their programs are often aimed at investing in women, girls, and youth. It is better to address the root causes for why people have to leave their countries.

I would be remiss if I did not mention that the United States is also confronting our own challenges on how to engage with refugees, migrants, and asylum seekers. As we watch images of these vulnerable populations making their difficult journeys, we have to ask the same questions that we were asked if it were the Rohingya, arriving exhausted, hungry and sick, after walking for days through jungles or mountains or braving dangerous sea voyages. This is important because we should also hold ourselves accountable. It is also important because it gives us more credibility in the world as we attempt to tackle the important issue of displaced persons around the world.

I look forward to hearing the testimony of our witnesses as we attempt to understand the magnitude of this crisis. I want to thank the witness, especially our colleague Representative Raul Ruiz.

I yield to my friend and colleague, Ranking Member Smith.

Mr. SMITH. Thank you very much.

Madam chair, congratulations to you on taking over the helm of this very, very important committee. It has been my privilege as you said to be on it as either chairman or ranking member since the 1990's. So it is great to be with you and we have worked very well together over the last several years. I deeply appreciate that.

We have been bipartisan on so many important issues, we have traveled together to places, we have been denied entry, for example DR Congo, but we did get into certainly Ethiopia. We have been to as well to South Sudan and had some very contentious meetings with Salva Kiir, very much deserved for his dropping the ball, particularly when it comes to refugees, IDPs, and basic humanitarianism.

Today's hearing is an interesting and a complex topic, a very important topic. I think it is right that we focus on refugees, and IDPs. I would like to side step some of the politics and focus instead on one category of people. But before I do I would note, and I think it is worth noting, that according to CRS the U.S. continues to be the largest donors of humanitarian assistance worldwide, providing nearly one-third of the total global contributions, more than 7 billion in 2016, 9.3 billion in 2017 and 9.4 billion in 2018.

The U.N. Office for Coordination of Humanitarian Affairs anticipates that in 2019 more than 132 million people worldwide were requiring humanitarian assistance and protection as a result of

conflict and disaster. Moreover, the U.N. High Commissioner of Refugees says that in 2018 more than 68.5 million people were forcibly displaced worldwide due to war and conflict, widespread or indiscriminate violence and human rights violations. A huge number of people of great, great burden on each of these individuals and their families. The government that often are inadequate because of resources to care for them, putting an even more burden on the developed countries to step up and to assist.

I would point out that, you know, we—the last Congress I introduced H.R. 390 to assist those men and women who were escaping from ISIS. I chaired no less than 10 congressional hearings on their plight. There were 70,000 strong who made their way into Erbil. Every one of them a survivor of ISIS' genocide. And I am happy to say that the bill was signed into law in December, and it is designed to assist those individuals who went largely unassisted during several years of genocide by ISIS.

I do believe that there are a large number of people who are people of faith all over the world, including the people in China, who are kind of internally displaced, given that they are in concentration camps. Put there deliberately, the Muslim Uighurs because of Xi Jinping's horrific crackdown on religion, he called it Sinification. It is an effort to say that everyone, whether you be Falun Gong, Christian Tibetan Buddhist, or a Muslim Uighur, or anyone else need to comport with and conform with the communist ideology or else. You go to a gulag, you become internally displaced and you are just harassed and in many cases tortured.

In the last administration we did have trouble with allowing Christians from Syria to come into the United States and I held hearings on that as well. It was less than one half of 1 percent who came as refugees. I think that was unfortunate. It could have been rectified. I never got to the bottom as to why that was the case.

There was reliance on the UNHCR, which I greatly admire and respect as an organization. But frankly, there are a lot of Christians who simply will not go there. If they did the women would be harassed, sexually abused, raped in many cases and the men would be beaten. So they chose another route, many went to Lebanon, many went to Erbil in the case of the Christians who escaped, and again I went and visited, talked to those people, and they wondered where was the United States? Why were you not helping us? That is being rectified.

Anna Eshoo who is the cosponsor of my bill, we had a number of bipartisan cosponsors, including the gentlelady who is now the chair, really is making the difference to reach out to those people who were persecuted and so maltreated.

We also need to continue to help the Rohingya in Burma who are persecuted, the Ahmadiyya in Pakistan who are considered apostate by the Sunni majority and are in greater need of asylum as well. Again to underscore, the Muslim Uighurs this number approximates what we saw in the second world war. With so many people being put into concentration camps.

Last year, I had 2 hearings on this. One woman Mihrigul, who is a Muslim, Tursten testified and said she was tortured in the chair, a hideous device used by the Chinese Government and was hoping for death. She goes, I wanted to die, it was just so painful.

And why was she—she asked her jailer, why am I being so maltreated? He said, because you are an Uighur and because you are Muslim. Those two things.

I think the whole world has to speak up even more aggressively to this carnage being visited upon people of faith and others who do not conform to the communist dictatorship of Beijing. And again we need to do more, always more for refugees, IDPs, because they are—and I do see my old friend who used to be at the National Security Council for the Clinton Administration, who when we had a problem with people who were being forced back to Vietnam, pursuant to the comprehensive plan of action and I thought it was a very major mistake on some but in the Clinton Administration to do so, we had a friend and ally in Eric Schwartz, in fighting.

I offered an amendment on the floor of the House to deny any funding for forced repatriation. It passed unexpectedly, people thought it would not. Now I am working with Eric and other like mind, but he took the lead within the administration. We were able to get rereviews of these refugees. 20,000 people who were originally told you do not qualify came to the United States. So thank you Eric.

Ms. BASS. Thank you very much, Mr. Ranking Member.

Let me introduce our first witness, U.S. Representative Raul Ruiz, grew up in the community of Coachella, California. Where both of his parents were farm workers. Dr. Ruiz graduated from UCLA. He went on to Harvard where he earned his medical degree as well as a masters of public policy from the Kennedy School of government and a masters of public health from the school of public health, becoming the first Latino to earn three graduate degrees from Harvard University. He completed his residency in emergency medicine. And during his training he served as a consultant to the ministries of health in both Serbia and El Salvador.

In 2010, Dr. Ruiz started the Coachella Valley Healthcare Initiative which brought together stakeholders from around the region to address local healthcare crisis. In 2010 Dr. Ruiz flew to Haiti immediately following the 2010 earthquake and served as the medical director for the Haitian relief organization.

The U.S. Army's 82d airborne awarded him the Commander's Award for public service. We appreciate you coming in to testify and please begin.

**STATEMENT OF THE HON. RAUL RUIZ, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF CALIFORNIA**

Dr. RUIZ. Good morning Chair Bass, and Ranking Member Smith. Thank you for the opportunity to testify before the subcommittee to discuss a critical and urgent matter, the treatment of migrants, refugees and asylum seekers. It is a topic I am moved to discuss, because frankly our Federal Government needs a lesson on the humanitarian standards that should govern our treatment of the individuals in our custody.

Some background on me, I am an emergency medicine physician, and a graduate of Harvard Medical School. I am also a graduate of the Harvard School of public health where I specialized in humanitarian aid and disaster response and completed a fellowship

in the international emergency medicine with the Harvard humanitarian initiative.

In 2010, I traveled to Haiti immediately following the devastating earthquake where I worked alongside the 82d airborne division as the medical director of the largest camp of approximately 70,000 internally displaced Haitians in Petion-Ville Port-au-Prince. Caring for individuals in life or death situations is not new to me in the emergency department or as medical command or out in the field after a humanitarian disaster.

I am very familiar with the international humanitarian norms that guide our treatment of individuals affected by humanitarian crisis. As this committee knows well after the atrocities of the Holocaust and World War II, the international community came together many times to establish the conventions, covenants, and declarations to establish basic humanitarian standards. Some of these include the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the convention against torture and other cruel, inhumane or degrading treatment or punishment. The implementation of these standards make up the basis of humane treatment of all human beings.

There are also specific guidelines for the humane treatment of migrants, refugees, and asylum seekers. This Sphere Handbook, internationally recognized for its use in the evaluation, planning, and delivering of humanitarian operations set forth guidelines for health, shelter, nutrition, hygiene, water supply, and sanitation. International organizations such as the U.N. High Commissioner for Refugees and the International Committee of the Red Cross have also established standard of care for asylum seekers and detention.

The United States is currently not meeting these minimal basic standards. Following the death of Jakelin Caal, the 7 year old Guatemalan girl who died in Customs and Border Patrol custody last year, I visited the CBP facilities where she was held before her death. The conditions I witnessed were heartbreaking.

Women, infants, toddlers and the elderly packed and piled on top of each other in a cold windowless concrete room, so many bodies you could not see the floor. Open toilets in crowded cells without any privacy. Visibly sick children coughing on one another. The facility lacked lifesaving equipment and basic medications for infants and toddlers, no diapers, no baby food, no formula, no feminine products available. In short, they were understaffed, under-equipped, and unprepared to provide meaningful health screenings to individuals in their custody, let alone respond to medical emergencies.

We are the wealthiest Nation on Earth, but the conditions I saw were worse than those I saw in Haiti after their most challenging and devastating disaster. It is clear to me that these deficiencies put children and our agents at risk. As a public health expert I know that if Border personnel had access to the necessary resources, training and medical backup, they could triage and prevent more tragedies. This is not just about treating individuals in our custody in a humane manner, it is also a matter of law, both the U.S. law and international law give individuals the right to seek asylum.

In the event that the Federal Government restricts the free movement of an individual, including their detainment by U.S. Customs and Border Patrol, then it is the Federal Government's responsibility to provide for these basic rights and to ensure the protection of their humanity throughout the asylum process. That is why I am drafting legislation that would implement a basic set of uniformed humanitarian standards that guide the way CBP cares for detained asylum seeking children, families, and high-risk individuals that reflect our humanitarian values.

First, to prevent deaths in CBP custody we need to meaningfully address the health needs of individuals entering our borders, especially through vulnerable populations like infants, children, pregnant women, elderly, and the disabled. That requires an initial medical screening including vital signs and a basic physical exam to identify risks, signs and symptoms of life threatening vulnerabilities.

Second, we need a better response to emergencies by having emergency medical equipment available for patients of all ages and trained medical personnel to administer emergency medical care.

Third, we need to provide individuals in temporary custody with safe, hygienic and humane temporary shelters to address public health and uphold human dignity. These are straightforward reforms based on the international standards outlined previously in my experience working in the emergency department and alongside disaster medical assistance teams and the U.S. Army in Haiti. They will bring humanity back to our treatment of women and children seeking asylum and prevent needless loss of life.

Migrants, refugees and asylum seekers around the world have the courage to leave the devastating and often dangerous conditions in their home countries and travel to find safety in a better future for themselves and their families. That was the case with the men and women who founded our Nation, seeking freedom, refuge, and a better life.

I look forward to work, with you and CBP to bring the conditions that children and families are held under here in the United States in line with the basic humanitarian standards observed in even the most dire and severe circumstances across the globe.

[The prepared statement of Dr. Ruiz follows:]

Testimony of Raul Ruiz, M.D., M.P.P., M.P.H.  
Member of Congress

Hearing on “A Global Crisis: Refugees, Migrants and Asylum Seekers”  
U.S. House of Representatives  
Committee on Foreign Affairs  
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

February 26, 2019

Good morning Chair Bass and Ranking Member Smith. Thank you for the opportunity to testify before the subcommittee to discuss a critical and urgent matter: the treatment of migrants, refugees, and asylum seekers.

It's a topic I'm moved to discuss because frankly, our federal government needs a lesson on the humanitarian standards that should govern our treatment of the individuals in our custody. I saw that firsthand in December, when I visited the U.S. Customs and Border Protection facilities where 7-year-old Jakelin Caal was held before she died. These facilities failed to meet the most basic humanitarian and public health needs of women, children, and other individuals in CBP custody. It's why I am spearheading legislation to fix the very real, humanitarian crisis on our southern border.

So, some background on me. I am an emergency medicine physician and a graduate of Harvard Medical School. I am also a graduate of the Harvard School of Public Health, where I specialized in humanitarian aid and disaster response. I completed my residency in emergency medicine at the University of Pittsburgh and a Fellowship in International Emergency Medicine with the Harvard Humanitarian Initiative at Brigham and Women's Hospital.

In 2010, I travelled to Haiti immediately following the devastating earthquake, where I worked alongside the 82nd Airborne Division as the medical director of the largest camp of approximately 70,000 internally displaced people in Pétion-Ville, Part-au-Prince. Caring for individuals in life or death situations is not new to me. I am very familiar with the international humanitarian norms that guide our treatment of individuals affected by natural disasters or living in extreme poverty.

As this committee knows well, the international community has come together many times to establish conventions, covenants, treaties, and declarations to outline a set of basic humanitarian standards. These standards aim to uphold the protection of human rights and specify the living conditions and treatment consistent with human dignity. They are rooted in the Universal Declaration of Human Rights, which emerged after the atrocities of the Holocaust and established a legitimate basis for more comprehensive standards identifying access to food and water, adequate shelter, basic medical care, and other needs essential to the humane treatment of all human beings.

The United States is one of the original signatories of the Universal Declaration of Human Rights, proclaimed in 1948, which states that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” The United States is also a State Party of the International Covenant on Civil and Political Rights, ratified in 1992, which states that governments should provide adequate medical care during detention. We are also a State Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified in

1994, which prohibits cruel, inhuman, or degrading treatment. These agreements provide a general framework for the humane treatment of all individuals.

There are also pragmatic, specific guidelines for the humane treatment of migrants, refugees, and asylum seekers. The Sphere Handbook sets forth guidelines for health, shelter, nutrition, hygiene, water supply, and sanitation. The Sphere Handbook is the oldest resource in the field of humanitarian standards that is internationally recognized for its use in the guidance, evaluation, planning, and delivering of humanitarian operations.

In addition, international organizations such as the United Nations High Commissioner for Refugees and the International Committee of the Red Cross have also established standards of care for asylum seekers in detention. The United States is currently not meeting those standards.

All individuals have a right to be treated in accordance with basic humanitarian standards. Both U.S. law and international law give individuals the right to seek asylum. Basic humanitarian standards guarantee that an individual should have unrestricted access to food, water, and health care. In the event that the federal government restricts the free movement of an individual – including their detainment by U.S. Customs and Border Patrol (CBP) – then it is the federal government’s responsibility to provide for these basic rights and to ensure the protection of their humanity throughout the asylum process. Unfortunately, we have not always met those standards.

When I joined several of my colleagues to visit the facility where Jakelin Caal—the Guatemalan girl who died in CBP custody—was held, the conditions I witnessed were heartbreaking. Women, infants, toddlers, and the elderly packed and piled on top of each other in a cold, windowless, concrete room—so many bodies you couldn’t see the floor. Open toilets in crowded cells without any privacy. Visibly sick children coughing on one another. They did not have formula or baby food, or diapers for infants or toddlers. We are the wealthiest nation on earth, but the conditions I saw were worse than those I saw in Haiti, the most impoverished country in the Western Hemisphere, after their most challenging and devastating disaster.

The U.S. Border Patrol facility in Lordsburg was under-staffed, underequipped, and unprepared to provide meaningful health screenings to individuals in their custody, let alone emergency medical services. The lack of privacy and equipment, as well as the conditions of the detention facilities, was dehumanizing. I saw a hard, tiny utility table in a storage space serving as a resuscitation bed. The facility lacked life-saving equipment and basic medications for infants and toddlers. And agents relied on spotty cell phones to directly contact emergency response teams.

It is clear to me that these deficiencies put children and our agents at risk. Both are endangered by a lack of access to emergency medical services. As a public health expert, I know that if border personnel had access to the necessary resources, training, and medical back-up, they would be able to triage and prevent more tragedies.

Our American values, moral conscience, and our constitution require us to treat all individuals humanely. This is why I am working to implement a basic set of uniform, humanitarian standards to guide the way we care for children and families who cross our borders, reflective of humanitarian norms.

First, we need meaningful medical care of individuals entering our borders—especially for vulnerable populations like children, the elderly, and the disabled. That requires an initial medical screening including vital

signs, and a basic physical exam to identify risks, signs, and symptoms of life-threatening vulnerabilities. It is also critical that the exam and health assessment are conducted with interpretation services available to eliminate misunderstandings that could cost lives.

Second, we need emergency medical equipment and trained medical personnel available to respond to emergencies. When medical care is far away, as is often the case at the border, agents need immediate access to the resources, equipment, and expertise to administer emergency care not only to migrants, but to their fellow agents.

Third, we need to provide individuals in temporary custody with living conditions that are safe, hygienic, humane, and worthy of human dignity. This means adequate amounts of food and water. This means access to sanitation facilities and personal hygiene products—the ability to wash your hands with soap and water, to bathe, and to have clean diapers and access to feminine products. This means not packing them into small, windowless, cold, concrete, prison-like rooms where people are held like animals.

These are straight-forward reforms based on the international standards outlined previously and my experience working in the emergency department and alongside Disaster Medical Assistance Teams and the U.S. Army in Haiti. They will bring humanity back to our treatment of women and children seeking asylum and prevent needless loss of life.

Migrants, refugees, and asylum seekers around the world have the courage to leave the devastating and often dangerous conditions in their home countries and travel to find safety and a better future for themselves and their families. That was the case with the men and women who founded our nation, seeking freedom, refuge, and prosperity. It is my hope that we can move forward, recognizing the inherent human dignity of all individuals. I look forward to working with you and CBP to bring the conditions that children and families are held under here in the United States in line with the basic humanitarian standards observed in even the most dire and severe circumstances. Our values as a nation demand we take action to prevent the needless loss of another child in our custody.

Ms. BASS. Thank you very much Dr. Ruiz. We expect votes to be called in the next 10 minutes so I am going to keep us—we do not have a clock here, but I have my stopwatch, so I will keep us to asking questions for 5 minutes. And I will be brief to give more opportunity to my colleagues.

Dr. Ruiz, given that I do not see the situation ending any time soon, on our border, and looking at resources that might be proposed by this committee in legislation and you just mentioned legislation you were talking about as well, what resources, what should we ask USAID or other governmental entities to provide on the border?

I am also thinking about the people. I hope at another hearing we could look at addressing the root causes of why so many people were coming from Central America. I mean we are providing aid to Central America. But I do not know that that aid that we are providing is really getting at the root causes so that people do not make the journey in the first place.

So I think that is for another hearing. But if you are thinking about the people after they leave on that journey, what type of aid should we be giving to those countries so that once they leave they are dealt with safely? And also when they are at the border, what would you recommend?

Dr. RUIZ. In terms of aids to the other country or the needs of our own country to address—

Ms. BASS. Right. Both. I am actually referring to both.

Dr. RUIZ. So let us go ahead and first start with the aid to other countries. First of all, we know that many, and the vast majority, of the asylum seekers were fleeing violence and threats, oftentimes due to drug cartel or gang members that exist within in what I would refer to as a failed State in a nontraditional way in the sense that their own governments cannot provide law, order and safety for their communities. Oftentimes they are the villages in the remote areas, indigenous communities who are socially isolated without the social capital to gather and protect themselves that are preyed upon.

What we can do to provide assistance to create that order and safety and security for their populations would be very helpful. There are many who come as economic migrants and building the opportunities for microloans for example for women and children. Studies have shown that that has helped in places like India and Africa to foster a community development at a grassroots community level, which will give them hope opportunity and the means to provide for themselves and their family.

In terms of the United States, my legislation and my focus is on the what, creating these basic humanitarian standards and allowing CBP and Department of Homeland Security to determine the how, because they will need flexibility to meet these specific needs. So what is in the what. For example, I think that they need to be able to have partnerships or have more individuals who know how to conduct a questionnaire, and vital signs, and a rudimentary physical examination, especially starting with vulnerable populations like infants, toddler, pregnant women, elderly and the disabled. And then once identified an abnormality to be able to consult with an emergency care professional who can then triage and

determine a short, medical plan of observation or treatment or even immediate evacuation.

If that was done in Antelope Wells, where Jakelin Caal was detained, then she would still be alive today, because no child looks healthy 8 hours before they die of septic shock. Right? They do not look healthy. If you had just done a rudimentary vital signs on the child, you would have found most likely, temperature, fast heart rate, and that would have alerted to you that there was something wrong with the child.

Ms. BASS. They did not have the resources. They were not medical people.

Dr. RUIZ. They did not have the resources and they did not have the care. So resources making sure that there is medical equipment for infants and toddlers, which there was none. You need resources like basic formula, baby food. Oftentimes families and individuals were given a box with a burrito, infants, neonates, toddlers that is not what they eat so they do not eat that. Being able to provide an sufficient amount of clean water, as well as nutrition caloric intake of an adult and age specific weight based for children is important.

Other things like soap, and toothbrush, and toothpaste. And a facility where they can wash their hands or bath daily will go a long way with public health. When you pile individuals in a concrete room that is cold and you keep the lights on and people are awake all night, all day their immune system decreases. When you add the stressors of what they have gone through, including being exposed to people coughing and sneezing on them, you are going to infect everybody and—with a common cold or what other virus that may exist that they acquired at that facility.

Being able to have enough private clean toilets, latrines for a certain amount of people in the international humanitarian norms. It is usually one latrine for 15, 20 individuals. We work with international organizations to provide that amount of latrines in Port-au-Prince in Haiti.

So those are some of the equipment for example, temperature, adequate clothing, and blankets, and bedding. What I saw at the Border Patrol station were very thin aluminum sheets and they pretty much tried to sleep on the floor, oftentimes they would make accommodations so that their child could sleep on their arm, or on their chest so they wouldn't have to sleep on the floor.

These were the—diapers for babies was also very important, because a child's feces is more infectious than an adult's feces. If you do not provide diapers or a disposal area where you can throw them away and wash your hands afterwards, then you are risking exposure to everybody and that is just basic, basic public health.

Ms. BASS. Thank you. Mr. Smith.

Mr. SMITH. Thank you very much doctor for your testimony.

Let me just ask you, you said the U.S. border facility in Lordsburg was understaffed, underequipped and unprepared to provide meaningful health screenings to people in their custody, let alone emergency medical services. Has that changed?

Dr. RUIZ. The CBP has requested some change after our encounter. They requested more fundings through the appropriations to be able to contract with healthcare professionals.

When I went to the border, the agents were still devastated from the death of Jakelin Caal. They are humans, they are fathers as well, and mothers so they were in sorrow. They often expressed anxiety and fear of now dealing with families and children where they have no experience and no training to do so. They are welcoming these resources and these norms.

Mr. SMITH. When were you in Lordsburg?

Dr. RUIZ. I think it was in December I believe. It was Antelope Wells in December. I went as a delegation with the congressional Hispanic Caucus.

Mr. SMITH. So like in January, do you know if any of it has been fixed?

Dr. RUIZ. There are certain areas that they are focusing more bringing in these resources, but I cannot tell you to the full extent whether or not the systemic problem has been fixed. They have not started training—

Mr. SMITH. But you and your staff recontact like a month later—

Dr. RUIZ. Sure.

Mr. SMITH [continuing]. Did they tell you, we got this fixed? We are doing health training we are doing—

Dr. RUIZ. No. We have been following up with the commissioner and task forces within CBP. I have been advising the task force for CBP on these humanitarian and public health criteria and standards. They are still developing their recommendations for the Secretary of DHS. So this is a work in progress. It has not been fixed.

Mr. SMITH. But given, you know, the very dire picture that you paint, it seems to me by the next week they should have been moving heaven and Earth to get this fixed. That is not the case?

Dr. RUIZ. Well I agree with your assessment that they should have been moving heaven and Earth to meet those criterions. They started looking into how to do it, but I do not believe these standards have been met.

Mr. SMITH. OK. Is Lordsburg the exception or is it the rule for these facilities?

Dr. RUIZ. Well, I think that the facilities that we visited were one of the most remote and rural areas. So it was probably one of the more worse case scenarios. However, the problem that we see is that the conditions or the current treatment is very vague and inconsistent throughout the different Border Patrol.

Part of that is a lack of fundamental understanding of how to respond to the humanitarian needs of asylum seeker which our laws permit and which we have been accustomed to within the international humanitarian community. So what we need is a systematic way to bring in these humanitarian norms and standards and have training for our agents and those within the agency so we can meet those requirements.

Mr. SMITH. Doctor, is this a new problem or does this predate this new administration?

Dr. RUIZ. I believe we have had—

Mr. SMITH. If I could, I have had hearings in the past and I asked questions previously, many questions about whether or not for example neglected tropical diseases were being screened for since there are many who could be carrying worms or other

parasites and I got a big, we do not know. And we followed up, and we keep asking. My question would be, you know, is this something that happened within the last 2 years or does this predate this administration?

Dr. RUIZ. Well, the movement of asylum seeking migrants has been going on for several years and predates this administration.

Mr. SMITH. Right. But in terms of the crisis and the lack of providing essential medical healthcare to those in need, is this brand new?

Dr. RUIZ. This is an issue that has not been addressed, period. So—

Mr. SMITH. Even before this administration?

Dr. RUIZ. Even before, yes.

Mr. SMITH. It is important, because we want to be fair to all players.

Dr. RUIZ. See, I think it is important to understand.

Mr. SMITH. We want to get it right.

Dr. RUIZ. This is something we have been talking to CBP about. And they recognized that they were not designed to address the humanitarian needs of families and children. And that is why this is a great opportunity for us as legislators and experts in the field to come together in a bipartisan way to help the CBP reform so that they can address the humanitarian needs of asylum seekers.

Mr. SMITH. But again, I just wanted to make clear for the record that it does predate the Trump administration. Yes?

Dr. RUIZ. Yes, the lack of humanitarian norms within a system has never been in our CBP.

Ms. BASS. Thank you.

Mr. SMITH. If I could ask one more followup question—

Ms. BASS. Oh, sure.

Mr. SMITH. Unaccompanied minors was absolutely, you know, a great focus as it should be, I went to one of the shelters and there were staff from one of my centers who was there as well, that is in New Jersey. And frankly I was shocked on the upside just how well they were being treated.

Dr. RUIZ. Where?

Mr. SMITH. They do not us to tell you. I will tell you off the record, because they do not want people knowing where it is, but it is in New Jersey. And there must have been 40 young people there and they were very well treated. Now there could be others where they are very poorly treated. Cory Booker's staff was there with me and Leonard Lance was there, and I was there. We stayed for hours asking questions, talking to young people who were there.

So I always wanted to get it clear, one, if this is all brand new, because I think it is long-standing, because we have had hearings in this Congress that predated Trump. And there has been a call for significant increases in humanitarian aid by the administration.

Dr. RUIZ. Yes.

Mr. SMITH. I think that is a good thing and I think we need to provide that. So you would agree with that.

Dr. RUIZ. And also I just want to make it clear that unaccompanied minors are detained in several situations. They are not—they are with ICE and that is one set of facilities, and then they are also in the care of the Office of Refugee Resettlement under the

Department of Homeland Security. And they oftentimes contract with nonprofits and community agencies which provide homes and programs and education.

So what we are not—we are not seeing that model which I also visited a location in Los Angeles throughout the whole system and there are unaccompanied minors that do not get treated or have the services like those that are under the care of the Office of Refugee Resettlement.

Mr. SMITH. Thank you.

Ms. BASS. I am going to move on. Mr. Phillips.

Mr. PHILLIPS. Thank you, Chairwoman Bass. And greetings to my esteemed colleague. I celebrate your extraordinary position for this work. I am grateful to you.

My first question is relative to funding and the White House has acknowledged that we have a humanitarian crisis at the border, asked for funding. We approved I think \$414 million if I recall correctly. Do you believe that is an adequate amount to fulfill the response to the humanitarian responsibilities?

Dr. RUIZ. No, I do not think that that is sufficient to meet the what that we need to address. But that is a very good first step. Those conversations occurred within the appropriate appropriations subcommittees. And we have been working with the appropriations subcommittees of Department of Homeland Security to identify these humanitarian norms.

So right now there is a working relationship to get the requests inline with what these humanitarian norms are and that was the 2019 appropriations bill that we just passed. In 2020 there will be another step to bring them in line to the humanitarian standards that should exist in CBP custody.

Mr. PHILLIPS. OK. I know we have to run, one more quick question if I might. Are you familiar with the country around the world that does this better than we do, and if so that we should look to as a source of best practices?

Dr. RUIZ. You know I think that the source of best practices would be within the international humanitarian community. If you look at organizations that manage large internally displaced camps and refugee camps throughout the globe, ICRC and some practices from the U.N. commissioner for refugees and Doctors Without Borders who do this day in and day out, oftentimes at risks of their own life in the most dire disasters in the most impoverished countries. And they are able to meet the nutritional water needs to provide a camp that is reflective of human dignity. And so I think that working with them and realizing what their standards are would be a very good idea.

Mr. PHILLIPS. And employing that in their home country.

Dr. RUIZ. Yes.

Mr. PHILLIPS. I appreciate it.

Dr. RUIZ. Yes.

Ms. BASS. Thank you very much. I really appreciate you coming as our expert witness. I appreciate your input, I look forward to joining you on your legislation.

Dr. RUIZ. Thank you.

Ms. BASS. So votes have been called. I am going to recess subject to call of the chair and I would encourage members to return. I be-

lieve we have two votes so we should be back in half hour, 45 minutes. Thank you.

[Recess.]

Ms. BASS. Could I call the panel forward? Eric Schwartz, Ryan Mace, and Annigje Buwalda.

Thank you very much, thank you for your patience. Sorry we were pulled away for votes, but we are going to go ahead and get started.

Eric Schwartz has been the president of Refugees International since June 2017. He has a 3 decade career focused on humanitarian and human rights issues. Between 2009 and 2011 he served as U.S. Assistant Secretary of State for Population Refugees and Migration. As assistant secretary he was credited with strengthening the State Department's humanitarian advocacy around the world initiating and implementing critical enhancements to the U.S. refugee settlement program and raising the profile of global migration issues in U.S. foreign policy.

Ryan Mace is the grassroots advocacy and refugee specialist for Amnesty International. He works to mobilize constituent pressure to advance AI USA major advocacy initiatives, in addition to lobbying Congress to protect and advance the rights of refugees and asylum seekers.

Our third witness and I am sorry if I mispronounce your name. Miss Buwalda. From 1991 through the present time Ann Buwalda has served as executive director of Jubilee Campaign USA, focusing on international religious freedom, advocating for the release of prisoners of conscious and resettlement of refugees combatting trafficking for the protection of children and providing support to victims, in practice since 1992, Ms. Buwalda founded the law firm Just Law International in 1996, a firm handling all aspects of immigration law, including asylum and refugee cases.

Thank you very much and you can begin your testimony. And we have your full statement so if you could summarize in 5 minutes, that would be greatly appreciated.

And I will keep a clock here.

**STATEMENT OF ANNIGJE BUWALDA, EXECUTIVE DIRECTOR,  
JUBILEE CAMPAIGN, USA**

Ms. BUWALDA. Thank you. I would like to thank Chairwoman Bass—

Ms. BASS. If you could turn your microphone on.

Ms. BUWALDA. I would like to thank Chairwoman Bass, Ranking Member Smith and members of the subcommittee for providing the opportunity to address the panel on the crisis of religious and ethnic minority refugees and asylum seekers in Thailand and elsewhere.

The U.S. has traditionally been a beacon of hope for the oppressed and persecuted suffering around the world. And even in one of his statement Ronald Reagan said, quote "Can we doubt that only a divine providence place this land, this island of freedom here for as refuge for all the people who yearn and breathe to be free."

It is a sincere hope that today's hearing will contribute to renewing the calling that the divine Providence has placed on this land. Jubilee campaign seeks to draw the subcommittee's attention to

the need to protect and aid religious minority refugees. Under both international refugee law and domestic asylum law, one of the five grounds of protection is a well-founded fear of persecution on account of one's religion. At times religious refugees have been placed behind other types of refugees, indeed that was one of the reasons that the International Religious Freedom Act of 1998 was so needed and it has been a remarkably effective tool since then and we are very pleased with many of the provisions within it.

Those provisions I think need to be applied as it relates to refugees and refugee processing. My testimony today seeks to expose the circumstances in Thailand pertaining to a vulnerable refugee population, those seeking asylum from Pakistan. Verifiable statistics are difficult to obtain but we currently estimate that there are 3,000 to 4,000 Pakistani Christians in Thailand who fled religious persecution and whose cases are pending, some of them are approved and awaiting resettlement, but some cases are closed and affording them with no place to go.

I would like to feature in today's testimony the case of Michael D'Souza, who on account of his denial by the UNHCR in Bangkok, Thailand of his case, he was forced to stay in their immigration detention facility in deplorable conditions, so much so after 1 year of suffering through that and no hope, he returned to Pakistan. Michael D'Souza was brutalized by the very people he feared would persecute him. His case should not have been denied and he remains stranded in Karachi, Pakistan.

I use his case to demonstrate the fact that cases that are putting forward their claim as believers in a faith should be provided with opportunities to have their cases heard more—with more reasonableness. We have found with many of the cases within the UNHCR in Bangkok, there are denials because there is an unreasonable standard and burden of proof placed upon them.

We have many cases, as do colleagues of ours who assist with this refugee processing where it clearly appears to us that the UNHCR in Bangkok has placed a higher burden of proof on Pakistani Christian asylum seekers. This is something which we have attempted to place attention on. We have approached UNHCR, they are sympathetic, but the conditions in terms of the interviews have not changed and we wish to see that change take place.

We also wish to point out that the conditions in the immigration detention centers within Bangkok and Thailand are absolutely deplorable. We want to mention the Montagnard asylum seekers from Vietnam who are stranded also in Bangkok. There is upwards of 500 of them. They are in the horrible situation at the IDC detention center where they are actually mothers are separated from their children and not allowed to even give them breastfeeding. So the conditions there are horrible. This is a very vulnerable religious minority community of Montagnards that need help there.

There are many issues and reasons for why this is taking place that we have submitted within our written submission for my testimony today. And it is my hope that we can enable the UNHCR in Bangkok to do a better job of paying attention to religious minority asylum seeker cases.

And finally, I wish to mention that we desperately need additional numbers for refugee resettlement to the United States. We

do not believe that there is sufficient attention placed on this vulnerable population of refugees. And we wish to see that the United States admissions program would accept more of them. Thank you.  
[The prepared statement of Ms. Buwalda follows:]

Annie Buwalda  
Executive Director  
Jubilee Campaign USA

Hearing on "A Global Crisis: Refugees, Migrants and Asylum-Seekers"  
U.S. House of Representatives  
House Foreign Affairs Committee  
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

February 26, 2019

I would like to thank Chairwoman Bass, Ranking Member Smith, and members of the Subcommittee for providing the opportunity to address the panel and submit this statement on the crisis of religious and ethnic minority refugees and asylum seekers in Thailand and elsewhere.

The United States of America has traditionally been a beacon of hope for the oppressed and persecuted suffering around the world. Ronald Reagan stated at the end of his 1980 acceptance speech as the Republican Party presidential candidate, "Can we doubt that only a divine Providence placed this land, this island of freedom, here as a refuge for all those people in the world who yearn to breath freely: Jews and Christians enduring persecution behind the Iron Curtain, the boat people of Southeast Asia, of Cuba and of Haiti, the victims of drought and famine in Africa, the freedom fighters of Afghanistan and our own countrymen held in savage captivity." The founding of my organization's branch in the United Kingdom stems back to the Siberian Seven refugees who gained their freedom from religious oppression in the Soviet Union through the efforts of President Ronald Reagan and who were welcomed to the United States as a result of his leadership. We are again at a cross roads of history requiring leadership where our traditional values as a welcoming nation to those suffering oppression and persecution, especially those fleeing religious based persecution, is in debate and doubt. It is my sincere hope that today's hearing will contribute to renewing the calling that the divine Providence has placed on this land.

Jubilee Campaign seeks to draw the Subcommittee's attention to the need to protect and aid religious minority refugees. Under both international refugee law and domestic asylum law, one of the five grounds of protection is a well-founded fear of persecution on account of one's religion, which includes the right to choose a belief and practice as well as maintain one's religious

beliefs or none at all and the right to perform one's religious practices. At times religious refugees have been placed behind other types of refugees. Indeed, one of the reasons many of us pursued the International Religious Freedom Act of 1998 was to ensure that sufficient training and attention is placed by refugee and asylum adjudicators on religious based claims seeking refugee protection. The International Religious Freedom Act of 1998, 22 U.S.C. §§ 6401 et seq., was a response to increased religious persecution around the globe. It establishes the infrastructure for advancing religious freedom as American foreign policy and for protecting individuals who are being persecuted because of their religion. Several of its provisions address religious persecution and should be applied in giving consideration to refugee resettlement to the United States.

My testimony seeks to expose the circumstances in Thailand pertaining to a vulnerable refugee population - those seeking asylum from Pakistan. Verifiable statistics are difficult to obtain, but we currently estimate that there are 3,000 to 4,000 Pakistani Christians in Thailand who have fled religious persecution and whose cases are pending, approved and awaiting resettlement, or closed affording them with no place to go. Despite the widespread and serious persecution of religious minorities in Pakistan, a significant number of applicants in recent years are being unfairly denied refugee status by the United Nations High Commissioner for Refugees (UNHCR). More about that below, but first some context. Within a host country and based on its agreements with a host country, the UNHCR performs a critical role in protecting asylum seekers and processing refugee claims. In Thailand, the UNHCR has attempted to adhere to its commitments to asylum seekers who have swelled in numbers on account of increasing persecution in home countries. At the same time the UNHCR needs to placate the Thai government's limitations on its ability to protect asylum seekers, provide assistance, and properly adjudicate claims.

We understand from anecdotal information because exact statistics are not released by the UNHCR that in the past couple of years approximately 50% of Pakistani religious minority applicants are being granted refugee status by the Bangkok UNHCR office. However, this statistic is misleading, as information we have collected shows that upwards of 90% of cases from the Pakistani Ahmadiyya community are granted, leaving the percentage of granted Pakistani Christian cases between 10% and 30%. We find this to be disturbingly low, given the pattern of persecution of the Christian minority in Pakistan. This year the U.S. Department of State under

the IRF Act of 1998 placed Pakistan “on a Special Watch List for severe violations of religious freedom.” In its 2018 report the US Commission on International Religious Freedom (USCIRF) recommended Pakistan for Country of Particular Concern designation under the IRF Act. In light of these findings and so many other human rights reports, all religious minorities from Pakistan should be afforded the same burden of proof and that burden of proof should be reflective of the recognized severe violations of religious freedom experienced by these minorities in Pakistan.

Despite the severity of country conditions, the UNHCR in Bangkok unreasonably denies cases. There have been several reasons for the denials, many of which seem to be unjust. One reason appears to have been the rush to adjudicate cases during a period of extreme backlogs during 2016-2017. The backlogs at the UNHCR in Bangkok seem to have improved but potentially at the cost of denying legitimate refugee claims, and I provide below specific examples of cases we have assisted to seek re-openings and reversals of the rejections. Other organizations also active in assisting the vulnerable Pakistani Christian refugee population such as Christian Freedom International have many examples of cases we believe to be legitimate but whose claims were rejected. Some of these denials appear to be based on general skepticism as to threats faced by Christians in Pakistan, or a lack of knowledge of country conditions. There further seems to be a minimization of persecution by non-state actors, even when it appears clear that their actions either represent the positions of local law enforcement officials or are in any case unopposed by them. Another shortcoming we have observed is a perception of bias causing the UNHCR contracted interpreters to inaccurately interpret the interviews of Christian asylum seekers. This may have impacted the case of Michael D’Souza described below. Most disturbing, however, has been the imposition by the UNHCR of an unreasonable credibility test and significantly higher burden of proof as well as standard of perfection imposed on the Pakistani Christian asylum seekers. The adverse credibility findings declared in many of the decisions end up damning those Pakistani Christians, even though their claim is legitimate. I describe below the glaring example in the adjudication of Talib Masih’s claim.

Jubilee Campaign has attempted to assist some of the denied cases in their appeal process with the UNHCR which have resulted in re-openings and approvals. However, those approved now have no country to which they can be referred for resettlement leaving them stuck and

vulnerable in Thailand. The conditions for refugees in Thailand have been extensively detailed by Amnesty International<sup>1</sup> (AI), and these findings confirm our organization's observations. The 2017 AI report notes that refugees in Thailand face many difficulties due to their lack of legal status including, "limited employment prospects, trouble accessing medical care and educational opportunities, financial stresses, self-imposed restrictions on movement and social interactions, and the constant fear of arrest. Refugees and asylum-seekers arrested for immigration violations may face prolonged and indefinite detention in appalling conditions in IDCs....UN human rights bodies, UNHCR and civil society organizations have repeatedly raised concerns about the prolonged detention of refugees and asylum-seekers, the poor conditions in IDCs, and the impact of these factors on the physical, psychological and social wellbeing of those seeking protection in Thailand....**Given the stark realities of detention and refugee life in Thailand, some refugees and asylum-seekers make the difficult decision to return to their home countries and face the dangers and hardships that caused them to seek protection abroad.**"<sup>2</sup>

This is where the other shoe drops for these refugees; whether they have been denied refugee status or are subjected to prolonged waiting for a resolution to their case, the deplorable conditions of the Immigration Detention Center (IDC) and the refugees' lack of domestic legal status, leaves them hopeless, with little choice but to return to the dire circumstances they once fled from. We must emphasize the fact that people die in the IDC because they are not given access to medical treatment or are unable to pay for their medical care, medicine, or proper food.

#### D'Souza

Such was the situation for Michael D'Souza, a Pakistani Christian who fled to Thailand with his family in 2012. Mr. D'Souza and his family had been verbally harassed and threatened with bodily harm because of their Christian faith by various groups of Pakistani men and mullahs since 2005. Mr. D'Souza endured numerous beatings including one in which his persecutors threatened to "hang him like Jesus," as they stretched his arms out to the side and kicked his back. In 2012, two of Mr. D'Souza's sisters-in-laws were kidnapped and a group of men beat Mr.

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<sup>1</sup> *Between A Rock and A Hard Place: Thailand's Refugee Policies And Violations Of The Principle Of Non-Refoulement*. © Amnesty International, 2017.

<sup>2</sup> *Ibid.*, pgs. 41-42.

D'Souza unconscious outside his home. After seeing a poster on a mosque wall with his photograph and a charge of blasphemy, Mr. D'Souza followed the advice of his friends and took his family out of Pakistan for their safety.

The D'Souzas arrived in Bangkok, Thailand, in November 2012. Mr. D'Souza received his asylum seeker certificate in December but later that month was arrested and the D'Souzas had to spend a day in the Immigration Detention Center (IDC). After paying 50,000 Thai baht, they were released. Mr. D'Souza's Refugee Status Determination (RSD) interview was held on October 9, 2013. While waiting for a determination, the D'Souzas were arrested again and spent three weeks in the IDC. After paying bail, they were released. Mr. D'Souza's UN refugee application was rejected in 2015, and Mr. D'Souza has provided to us several examples of where his interpreter mistranslated. A subsequent appeal was denied in 2016, and the D'Souzas were again placed in IDC. After a year in IDC in difficult circumstances and with no place to go, the D'Souzas made the painful decision to self-deport to Pakistan in hopes of better things. But that was not to be.

Returning to Pakistan, Mr. D'Souza was unable to find a job, so with money from church friends in Bangkok, he bought a motorized rickshaw (tuk-tuk) to work as a taxi driver. Two months later, he was recognized by a group of men who told him that they were members of the Taliban and that they had been looking for him for years. They severely beat him with a cane and burned his tuk tuk. Mr. D'Souza cannot work, his children cannot go to school, and he now lives in constant fear for his safety and that of his family. Sadly, Mr. D'Souza's return to Pakistan confirmed the reasons why he should have been granted his refugee status determination by the UNHCR, those whom he feared, found and bludgeoned him just as they had threatened to do years earlier.

Although refugees may appear to "voluntarily" self-deport, serious questions arise as to whether those deportations are truly "voluntary" or, due to the overwhelming economic, emotional, and physical difficulties for refugees in Thailand, whether the refugees are insidiously, indirectly coerced to deport. The AI report states, "refoulement [forceable deportation] need not be accomplished using physical coercion." International law also prohibits "constructive" refoulement, which occurs when states use indirect means to coerce the return of individuals to

situations where they are likely to face human rights violations. UNHCR's "Handbook on Voluntary Repatriation" states, "The principle of voluntariness is the cornerstone of international protection with respect to the return of refugees." While a number of factors, including the economic, social and cultural pressures may affect whether a return is voluntary, lack of legal status and indefinite confinement can be chief drivers in an involuntary decision to return to one's country of origin.<sup>3</sup>

For good reason, the Human Rights Watch Organization (HRW) this past November, sent a formal letter to the Prime Minister of Thailand strongly requesting that Pakistani asylum seekers in Thailand, **not be sent back to Pakistan.**<sup>4</sup> Most of these asylum seekers come from the Christian and Ahmadiyya communities in Pakistan and have been the main targets of the blasphemy law which carries with it the death penalty.<sup>5</sup> Jubilee campaign joins with HRW in pointing out that while Pakistan has primary responsibility for protecting the religious rights of its communities, **"Thailand also has a legal responsibility to not return refugees to a place where their lives or liberty would be in danger,"** as the above mentioned case of Michael D'Souza and the case of "James" featured in the AI report tragically illustrate.

Other cases currently languishing in Thailand include:

Sunny Gill

Sunny Gill is a well-known Christian journalist and documentary photographer from Pakistan. Through his political and religious activities, he has continuously raised the issues of Pakistan's voiceless minorities. Because of his work, Mr. Gill was physically assaulted by members of a criminal group associated with the Awami National Party (ANP) leading to his fleeing to Thailand where he applied to the UNHRC for refugee status. The UNHRC denied Mr. Gill's petition in 2016 with a second denial issued in 2017. Since his first denial, five activists matching Mr. Gill's profile disappeared in Pakistan. Similar to Mr. Gill, the activists were well-known for speaking out against the Pakistani military and religious militants and advocating for

<sup>3</sup> Ibid., pg 42.

<sup>4</sup> Human Rights Watch, Letter to Thai Prime Minister Prayut Chan-ocha, 11/6/2018.

<sup>5</sup> Pakistan is one of only three countries which punish blasphemy with the death penalty. See, U.S. Commission on International Religious Freedom Legislative Factsheet; Blasphemy, November 2018.

religious minority rights. Thankfully, the UNHCR granted a request that Mr. Gill's appeal be reopened, he was re-interviewed, and he has been granted refugee status more than a year ago. However, there is no country to which his approved case has yet been referred on account of the global retraction by countries accepting referred refugees from the UNHCR.

#### Talib Masih

Talib Masih, a Christian Pakistani, attended an Indian wedding celebration in 2009. Five days later, Talib and Mukhtar Masih were accused and beaten by a group of Muslim men who alleged that Mukhtar had torn pages from the Koran, burned them, and humiliated the Prophet in a pre-wedding ceremony. Local Muslim clerics accused Talib and Mukhtar of blasphemy, made inflammatory statements against the blasphemy-accused, and incited Muslim residents who destroyed the homes and business of Christians in Korian village, as well as the burning of two Protestant churches. Violence continued for days, spreading into the town of Gojra in Punjab Province. A mob of 3,000 Muslims was responsible for burning at least 107 houses, shooting indiscreetly and killing 8 Christians. Other Christians died from burn injuries. The violence forced villagers to flee. Talib Masih, after receiving severe threats, was forced into hiding for nearly two years before travelling to Thailand in 2012 seeking asylum. UNHRC denied Mr. Masih's application in 2014; and he was given a second notice of denial in 2016. Following a request prepared by Jubilee Campaign, the UNHCR reopened Mr. Masih's refugee status, re-interviewed him, and granted his refugee status in April 2017. However, Mr. Masih remains in hiding in Thailand with no country to which his approved refugee case has yet been referred on account of the global retraction by countries accepting referred refugees from the UNHCR.

#### Yasmin Saleem

Yasmin Saleem is a Pakistani Christian married to a Pakistani journalist. In 2012, her husband sought to help a 16-year-old Christian girl procure a divorce from a Muslim man, who had kidnapped her at gunpoint, forced her to convert to Islam, and forcibly married her. The girl's parents let her stay with Yasmin's family for protection. With the help of a Christian lawyer, the Muslim divorce was granted. The now ex-husband, who was in jail at the time of the divorce, became aggressive and tried to harass those who helped the girl. He threatened Yasmin by phone and text, threatening to kidnap Yasmin's daughter and do the same things he had done to this other

girl. One day as Yasmin left work, she was struck by a car dislocating her vertebrae. Later, she received a call from the ex-husband saying that next time she wouldn't be so lucky. Yasmin didn't contact the police because she believed the ex-husband would tell the police that she had kidnapped his wife and converted her from Islam. By the middle of 2012, the girl was no longer with Yasmin's family and thought the harassment would end, but the threats continued. She was harassed at work, resulting in her employer asking her to resign. After one particularly harrowing encounter with the gun-toting ex-husband at Yasmin's house, Yasmin fled to Thailand. Her husband remained in Pakistan to secure passports for their children who joined Yasmin in 2013. The UNHRC rejected Yasmin's case in 2014 citing a lack of evidence, denied the subsequent appeal in 2017; a second application was made which was also rejected for lack of evidence in 2018. In December 2018 a third application with evidence has been filed on Yasmin's behalf. She remains in Bangkok, fearful of arrest by Thai authorities, unable to provide schooling to her children with her there, and terrified of being returned to Pakistan.

Another refugee community facing severe persecution are the Montagnards of Vietnam. USCIRF has cataloged the severity of persecution of this religious minority community. Our sources estimate that there are presently 500 Montagnard Christians in Bangkok, but the number is rising, as persecution increases for the million or so Montagnards in Vietnam. The treatment of Montagnard asylum seekers in Thailand is unique because immigration authorities separated families, including nursing children from their mothers. Although some mothers have been bailed out of the IDC, many mothers still remain detained, separated from their children. Most, if not all of these mothers have been recognized as persons of concern by UNHCR. It's also sensitive for them because Vietnam has a history of extrajudicial kidnappings in Thailand, most recently in the case of a Radio Free Asia blogger. Also, note that a Memorandum to End Child Detention was recently signed between Thailand and the UNHCR. As a result/prequel to this, bail is open for mothers and children registered with UNHCR, and Thai immigration now transfers mothers with children out of IDC and to more humane shelters. However, mothers from Vietnam remain separated from their children, and there are, in fact, still children in IDC.

We urge the United States to increase its efforts to welcome Pakistani Christians and other minority religious refugees such as the Montagnards awaiting resettlement in Thailand. A number

of Christians have been granted refugee status by the UNHCR in Thailand but have yet to be resettled to another country. In the year 2018, the United States welcomed 338 refugees from Thailand pertaining to the Muslims religion. In contrast, only 101 Christian arrivals were reported. Pakistani Christians awaiting to be resettled need protection and prompt intervention from supportive countries such as the United States is needed. The refugee crisis facing religious minorities is by no means confined to Thailand.

#### Eritrea

The precarious political environment in Eritrea makes it of special concern. Human rights violations in Eritrea identified by the State Department include<sup>6</sup>:

- Arbitrary deprivation of life;
- Disappearances;
- Torture and other cruel, inhumane, and degrading treatment by security forces, including for political and religious beliefs;
- Harsh prison and detention center conditions;
- Arbitrary arrest;
- Denial of fair public trial;
- Arbitrary or unlawful interference with privacy, family, or home;
- Restrictions on freedoms of speech and press;
- Restrictions on internet freedom, academic freedom, and cultural events;
- Restrictions on freedom of peaceful assembly, association, and religion;
- Limits on freedom of internal movement and foreign travel;
- Inability of the citizens to choose the government in free and fair elections;
- Corruption and lack of transparency;
- Restrictions on international non-governmental organizations;
- Violence against women and girls, including in military camp settings and national service positions;
- Human trafficking;
- Criminalization of same-sex sexual conduct;
- Forced labor, including forced participation in the country's national service program, routinely for periods beyond the 18-month legal obligation.

<sup>6</sup> "Country Reports on Human Rights Practices for 2017: Eritrea." *U.S. Department of State*, Bureau of Democracy, Human Rights and Labor, [www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper](http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper).

In an attempt to assume complete control of religious activities and teachings, the government only recognizes four religious denominations: Islam, Eritrean Orthodoxy, Catholicism, and Lutheranism. Church leaders are often selected by the government, while sermons and activities are regulated. Other faiths and denominations including Evangelicals, Pentecostals, and Jehovah Witnesses are forced to meet and worship in secret, and if discovered, face severe consequences including arrest, torture, and imprisonment. It is estimated that over 1,000 people are in prison on account of their faith in Eritrea, including church leaders.

In 2018, 14,567 Eritreans fled the country to Ethiopia alone comprising slightly less than 40% of the total number of people seeking refuge in Ethiopia<sup>7</sup>. Of particular concern is the high number of unaccompanied and separated children fleeing the impending military conscription. Eritreans aged between 15 and 40 are most likely to leave to avoid national service and in response to their perceived limited prospects within the country. Forty-four percent of refugees in Ethiopia are children and of that number 27% are Eritrean.<sup>8</sup> The UNHRC noted that the onward movement of unaccompanied and separated children originating from Eritrea to urban centers and third countries was up substantially with up to 60 percent estimated to leave camps within a given year exposing the children to risk of smuggling, trafficking and sexual and gender-based violence.<sup>9</sup>

Eritreans who left their country illegally fear the consequences of returning. They may face torture, prison, disappearance, and discrimination given their continuing objections to national service requirements and repressive government policies. In addition to that, Eritreans are subject to pay the diaspora tax and must sign a “letter of apology” at the Eritrean embassy prior to returning home (Human Rights Watch, 2015). While serious concerns about treatment on return have generally prevented the deportation of Eritreans, Sudan has repeatedly forced back Eritrean asylum-seekers and refugees to Eritrea, where they risk persecution (GSDRC, 2016). The UK removed 49 Eritreans between April and June 2015 (ibid). One Eritrean whom the United States removed last year was so distraught that he committed suicide during a layover on his return.<sup>10</sup>

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<sup>7</sup> Ethiopia Country Refugee Response Plan, January 2019 - December 2020, UNHCR. Pg.6

<sup>8</sup> Ibid.

<sup>9</sup> Ibid., pg. 20.

<sup>10</sup> News Release, ICE detainee passes away in transit to home country, U.S. Department of Homeland Security, Office of Public Affairs, June 8, 2018

Aster Tewelde

Aster Tewelde is one such Eritrean who left her native country for fear of an indefinite conscription and the associated dangers for conscripted women of rape, forced marriage, and death. Aster fled to Yemen in a small boat dangerously crossing the Red Sea. While in Yemen, she married and had a son. In 2001, after Aster became a Christian, her boss began harassing her because of her Christian faith. She had to defend herself and eventually quit working altogether. Her son was suspended from school because he would not practice Islam and, later, beaten by his teacher due to his Christian faith. The teacher and students demanded that he become Muslim to stay in school, resulting in him being out of school for over a year. He received death threats after he had written in his notebook that Mohammad was a false prophet. In 2015, Aster's husband, died. It took 2 weeks to bury him because the local burial sites would not accept Christians. A neighbor helped for a few weeks, but she had to rely on others for food and help. Young men and boys continually mock her son because his father died and he was pressured to join ISIS, which he rebuffed because of his Christian faith. However, her son is afraid to leave his home as Muslims are looking for young men to recruit in the streets. Aster is unable to work due to restrictions on women in Yemen and she is unable to leave her home unless a male friend of her husband comes and takes her and her son to buy food. The UNHCR granted Aster and her son refugee status in 2014 and again in 2016, but the UN is currently unable to get to Sanaa, to renew her refugee documents. Aster has relatives in the U.S. and is seeking to come to the U.S. as a refugee. Despite the clear vulnerabilities of Aster in the country of Yemen, the United States is not processing refugee cases from Yemen, and there is no possibility of referral to any country for resettlement.

Speaking of Yemen, there are Yemeni converts in Egypt, Ethiopia and Chad who are in difficult circumstances. Converts from Islam to Christianity from Yemen and other countries face unique vulnerabilities. Children of converts are forced to take Islam in school; they cannot attend a Christian school as it could lead to the school being closed. Even when converts are registered with the UNHCR they still do not have the right to live as Christians in the country of refuge such as Egypt and Jordan. Even when they receive permission to leave the country (RSD) they can face difficulties with birth certificates and marriage certificates. For example, a woman born Muslim

and whose documents state her religion at birth is not legally allowed to marry a non-Muslim. This issue is found mainly in Jordan and Lebanon.

Recommendations:

- The UNHCR in Thailand apply a consistent burden of proof and equally apply adjudication standards before making adverse credibility findings, as well as address perceived bias towards Pakistani Christian asylum seekers.
- The United States increase its refugee admission and adjust its refugee admission criteria<sup>11</sup> to accept additional religious based refugees. The current refugee admission priorities should more intentionally incorporate religious minority refugees.

I thank you again for convening this hearing and allowing me to testify to the ongoing crisis of religious and ethnic minority refugees and asylum seekers.

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<sup>11</sup> Priority 1 – Individual cases referred by designated entities to the program by virtue of their circumstances and apparent need for resettlement; Priority 2 – Groups of special concern designated by the Department of State as having access to the program by virtue of their circumstances and apparent need for resettlement; and Priority 3 – Individual cases from designated nationalities granted access for purposes of reunification with family members already in the United States.

Ms. BASS. Thank you very much. Mr. Mace. Hold on 1 second. Go ahead.

**STATEMENT OF RYAN MACE, GRASSROOTS ADVOCACY AND  
REFUGEE SPECIALIST, AMNESTY INTERNATIONAL**

Mr. MACE. Thank you for having us here. Chairwoman Bass, Ranking Member Smith, and members of the subcommittee, thank you for inviting us to this hearing. You have my submitted testimony so I will be summarizing it today.

My name is Ryan Mace and I am a refugee specialist At Amnesty International, USA global human rights movement. Last November I joined an AMNESTY delegation traveling to Jordan and Lebanon where we had the opportunity to hear from dozens of refugees. As global displacement has reached historic highs, affecting every region of the world, we must remember, this is a global crisis, but people are at its core. Refugees are human beings with human rights, rights that are at risk.

Unfortunately countries around the world have responded with restrictive policies and fail to offer permanent protection on a scale that even begins to match the need. This is born out with the drastic reduction to refugee resettlement globally and an increase and detention used to deter and punish people who seek asylum. We are now helping lead this race to the bottom. Whether it is the Muslim refugee or asylum bans, increased detention of asylum seekers or targeting NGO human rights defenders, these policies can rightly be viewed as a violation of human rights. It is no exaggeration to say that the ability of people to seek safety and enjoy lasting protection is not only at risk, it is in crisis.

I would like to tell you about a Syrian refugee family that has been living in Lebanon since 2013. Mr. Amari, father of four children aged 4 to 11 shared his two priorities with me. His first is the education of their children. Sadly more than half of refugee children in Lebanon attend no school at all.

His second is to ensure they do not have to rely on others generosity to get by. In late 2016 they were notified they would be resettled to Richmond, Virginia. They packed up their bag and were ready to go. With the announcement in January 2017 of the Muslim ban their dreams were shattered, they would not be going to Richmond. We come in peace, he said to us. We are looking for security and safety. We are asking for your help. The U.S. refugee program has long been a partnership between the Federal Government, local communities and private investments built up over decades.

Today it is needlessly at risk. At its peak the program admitted over 200,000 this year we will be lucky if we get to 20,000. The dramatic decrease in resettlement has put untenable pressure on refugee hosting countries around the world, countries including Turkey, Uganda, Jordan, and Lebanon all whose significant populations of refugees straining their social service programs.

In recent years many countries have designed policies to keep people from ever even accessing their borders, putting up barrier after barrier to keep them out. States are violating their right to seek asylum. Forcing them to wait for weeks or longer in unsafe

conditions or make the terrible decision to take dangerous routes to safety.

Since 2016, European governments have practically shut down Mediterranean sea routes that refugees have used in the past with devastating results.

In the U.S., Amnesty International has documented the dangerous trend of pushing back asylum seekers at the U.S. southern border in a recent report titled *You Don't Have Any Rights Here*. The report titled quotes a CBP official speaking to a Brazilian mother in Texas last year as they separated her from her child. That is the message that our frontline officials are communicating to those in search of safety.

Unfortunately, many migrants and asylum seekers around the world are detained, often in appalling conditions and for indefinite periods. In Libya, migrants and refugees in detention centers are routinely exposed to torture, extortion and rape. In the U.S., over 40,000 people are held in detention any given day. Everyone should have the right to freedom from arbitrary detention and detention should always be the last resort.

The assault on refugees and asylum seekers has now reached such heights that even advocates are targeted. An increasing number of countries are enacting policies to limit refugee rights organizations from doing their critical work. Here in the U.S., asylum advocates have reportedly been targeted by authorities, including facing criminal prosecution for providing water to exhausted migrants in the desert.

Here we are, 2 years later and the Amari family is still in limbo, without a permanent home, despite one waiting for them in the U.S. As an advocate, I feel powerless, but the members of this committee have the power to change this family's life and others like them.

These are our recommendations, first the U.S. should restore its commitment to refugee resettlement. Second, this cannot be the last time this subject is before this committee or this Congress. I am glad to hear that that will be the case. Third, this Congress must support legislation that overturns destructive policies that target these populations. And finally, our government has long been a leader in helping displaced populations around the world and we must continue to play that role.

In closing, the world is rightly wondering if the U.S. is still an active partner in offering protection for those who need it most. We need to listen to refugees and asylum seekers and from those directly working with them.

I thank the committee and look forward to your questions.

[The prepared statement of Mr. Mace follows:]

Testimony of Ryan Mace  
Grassroots Advocacy & Refugee Specialist  
Amnesty International USA

Hearing on “A Global Crisis: Refugees, Migrants and Asylum-Seekers”  
U.S. House of Representatives  
House Foreign Affairs Committee  
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

February 26, 2019

Chairwoman Bass, Ranking Member Smith, and Members of the Subcommittee, thank you for inviting us to this vital, and overdue, hearing on the challenges facing refugees, migrants, and asylum-seekers around the world. I am grateful for the opportunity to speak with you today.

My name is Ryan Mace, and I am the refugee specialist at Amnesty International USA, the U.S. section of Amnesty International, a global human rights movement with over seven million members worldwide, dedicated to the principle that everyone has human rights that must be protected, respected, and fulfilled. For the past several years, refugee protection has been one of Amnesty International’s top priorities, both globally and here in the United States.

Last November, I joined a small Amnesty delegation travelling to Jordan and Lebanon, where we had the opportunity to hear from dozens of refugees, as well as service providers, and U.N. agencies. The primary goal of the trip was to better understand what the impact of U.S. policies have been on refugees themselves.

As we struggle with how to best respond to the unprecedented increase of asylum-seekers and refugees, affecting every region of the world and on a scale that is hard to fathom, we must remember: this is a global crisis, but people are at its core. While the sheer numbers may overwhelm us, we cannot forget that every one of those numbers is a person. Refugees are human beings with human rights. Rights that are at risk. The rights of refugees and asylum-seekers are under assault from all sides, around the world and here at home.

Unfortunately, despite the global need, countries around the world have responded with restrictive, harsh policies and a complete failure to come together to offer permanent protection to refugees and asylum-seekers on a scale that would even begin to match the need. In the last two years we have seen a drastic reduction in the international community’s commitment to refugee resettlement as a vital and lasting protection for those who need it, for which the U.S. is squarely to blame. Further, our own government, and many others across the globe, are increasingly using detention to deter and punish people for exercising their human right to seek asylum.

At one time, the U.S. was both an author and a champion of refugee protection principles globally. Sadly, we are now leading this race to the bottom, devising harsh and exclusionary policies targeting refugees and asylum-seekers at home and abroad. Whether it is the Muslim, refugee, and asylum bans, a policy of separating families along the Southern border with Mexico, pushing people back from our borders or forcing them to remain in Mexico,

dramatically increasing the detention of asylum-seekers, or reportedly targeting NGO human rights defenders - the United States' policies towards refugees, migrants, and asylum-seekers can rightly be viewed as extreme, violating international law, including international human rights law, and just downright cruel. And our policies mirror many of the restrictive policies other countries have adopted around the world.

It is no exaggeration to say that the ability of people to seek safety, and enjoy lasting protection is not only at risk, it is in crisis. While there are certainly critiques to be made of how other countries have responded, we must first look to our own policies. The Trump administration is waging a deliberate campaign of human rights violations against asylum-seekers and refugees, to broadcast globally that the United States no longer welcomes refugees. Simultaneously, the Trump administration is seeking to dismantle the U.S. asylum system, including by narrowing definitions of who qualifies for protection – in violation of international law. Setting a dangerous precedent, the U.S. government's failure to acknowledge or meet its obligations under human rights and refugee law is undermining the international framework for refugee protection, grossly violating the right to seek asylum, and inviting a race to the bottom by other countries.

#### **A Family's Life on Hold**

It is important that we center the voices and experiences of impacted populations when discussing this crisis. I wish you could hear directly from some of those we met during our travels as many of their stories are by one measure heartbreaking, but by another, filled with resilience and hope.

To illustrate just how cruel these policies can be in practice, I would like to tell you about one family we had the opportunity to meet while my colleagues and I were in Lebanon. While in Beirut, we went to the bustling U.N. High Commissioner for Refugees (UNHCR) reception center where refugees go to obtain their refugee status determination, provide biometric information, ensure their case files are up to date, and receive information about how to access basic support services. There we met the Amari<sup>1</sup> family. With four kids ranging from age four to eleven, the family reminded me of my own sister's. All the kids had big smiles on their faces and could not wait to tell us what they wanted to be when they grew up. Three of the four wanted to go into medicine, with the middle girl confidently declaring she wanted to be a bone specialist. All of them were excited about their futures and doing exactly what any child their age should be doing – dreaming big.

Mr. Amari told us his first priority is the education of their children. While their children were able to access some level of schooling, that is not the case for all refugees we met with, nor is their future ability to go to school in Lebanon certain. Lebanon hosts nearly a million refugees from Syria, almost half of whom are school-aged children. While some can attend at least a few hours of school a day, more than half are not in any school at all. None of them are receiving the adequate levels of schooling required for their development.

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<sup>1</sup> Name changed to protect identity.

Mr. Amari's second priority is being able to work and ensure his family can be self-reliant. They do not want to have to rely on others' generosity to get by. And they do not want to just "get by" – they want to be self-sufficient and see their children thrive.

While they did briefly recount the story of why they were forced to leave their home, what was most compelling was why they remain stuck in Lebanon.

Originally from Syria, the Amari family has been living in Lebanon since 2013. They have gone through the lengthy process of being accepted for resettlement to the U.S. and then undertaken the U.S.' significant and rigorous multi-agency security reviews. In late 2016, the Amari family was notified they were in the last steps of their resettlement case to the United States and would soon travel to their new home – a stage of the process that can take years to get to. They went through the final required steps, packed up their bags, and gave away to other refugees anything they could not bring with them. They knew where their new home was going to be – a place called Richmond, Virginia. Describing the moment when he learned his family would move to Virginia, Mr. Amari recalled: "we felt, at the time, this was our new home."

Then the dream all came crashing down. In January 2017, the first iteration of the Muslim ban was announced, banning Syrian refugees indefinitely. They would not be going to Richmond. Since that time, the Amari family has heard nothing further on their case except periodic and maddeningly vague updates that their case is under "security review." With tears in his eyes, Mr. Amari told me: "We come in peace. We are the victims. We are looking for security and safety. We are asking for your help."

#### **Refugee Resettlement at Risk Globally**

The U.S. Refugee Admissions Program is a partnership between the Federal government, local communities, and private investment, built up over decades by the hard work of dedicated Americans alongside refugees and immigrants alike. Today, it is needlessly at risk as the Trump administration slashes our refugee admissions goal and then does nothing to meet the lowered goal. This should alarm all of us.

Following the unspeakable horrors that occurred during both world wars and the resulting refugee crisis, the international community gathered together and created the 1951 Convention Relating to the Status of Refugees. The Convention was grounded in Article 14 of the Universal Declaration of Human Rights, which mandates that "everyone has the right to seek and to enjoy in other countries asylum from persecution." The 1951 Refugee Convention and its 1967 Protocol, to which the U.S. is a signatory, protects refugees from being returned to countries where they are at risk of being persecuted and gives the international community a set of guidelines, laws, and norms to ensure the protection of refugees' rights.

The U.S., for its part, implemented its obligations under international law through the 1980 Refugee Act, championed by the late Senator Kennedy, which not only codified the international definition of refugee in U.S. law, but also provided the basis for the modern U.S. Refugee Admissions Program and other vital programs that ensure that refugees have access to protection here in the United States. At its peak, the U.S. refugee program admitted over 200,000 refugees,

and during every year of the George H.W. Bush presidency the U.S. admitted more than 100,000 refugees annually.

Not even two years ago the U.S. was the world's leader in resettling refugees. That time is no more. In 2016, 126,291 refugees were resettled around the world, of which the U.S. resettled 96,874.<sup>2</sup> In 2018, that number has fallen to 55,692 refugees resettled globally, of which the U.S. resettled, 22,874. The dramatic decrease in resettlement, fueled by the U.S.'s abdication, has put untenable pressure on refugee-hosting countries around the world. Countries including Turkey, Uganda, Jordan, and Lebanon all host significant populations of refugees per capita, straining their educational, health care, and other social services programs. Further, many of these countries already have high unemployment rates. Thus, refugees, even if permitted to work in any employment sector, have great difficulty in securing steady and sustaining employment. Of course, the people most directly affected are the refugees themselves, who are forced to live for years and sometimes decades in dismal conditions and have no choice but to remain dependent on international assistance.

By dismantling the institution of refugee resettlement, the U.S. gives up not just its moral obligation towards refugees seeking lasting safety, but also the many, wide-ranging contributions that refugees bring to our communities throughout the country. Refugees and asylees work in all sectors of our economy, serving as teachers, doctors, musicians, chefs, and shaping policy as elected and public officials all over the country. We used to provide leadership to the international community on the issue of refugee resettlement; today, we leave the Amari family and their four school-aged children languishing when they could be safely settled in Richmond by now, likely thriving, with the children fully in school. We are capable of so much more.

#### **A System Designed to Keep People Out**

In recent years, many countries, including the United States, have designed policies to keep people in search of safety from ever accessing their borders. These policies violate states' international human rights and other legal obligations.

By turning away asylum-seekers at ports-of-entry or putting up barrier after barrier to keep them out, numerous states, including the U.S., are violating their right to seek asylum from persecution. While Amnesty International recognizes the sovereign power of states to regulate entry and stay of foreign nationals in their territories, migration policies and border control measures must be consistent with international human rights law and refugee protection frameworks.

The turning away of asylum-seekers violates the core principle of non-refoulement – the cornerstone of all international law on refugees. Forcing or deporting someone back to where they will be in danger, including turning away people to territories where their “life or freedom” would be threatened, is a violation of international law. UNHCR has further advised that “states will be required to grant individuals seeking international protection access to the territory and to fair and efficient asylum procedures.” Besides violating international customary law, arbitrarily

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<sup>2</sup> <http://ireports.wrapsnet.org/>

closing border crossings creates new harms for people seeking safety. It increases the risks to the safety of those who are forced to wait for weeks or longer in precarious and unsafe conditions or forces them to take far more dangerous routes to continue their journey to safety.

For example, since 2016, European governments have implemented a series of measures to shut down Mediterranean Sea routes that refugees and asylum seekers have used in the past to escape, and instead outsourced their responsibilities to neighboring countries, notably Turkey and Libya, to devastating results. Our researchers have documented how refugees in Turkey live in perpetual legal limbo, fearing forced deportations to warzones and barely managing to eke out a living, much less establish a life.<sup>3</sup> In Libya, the European Union's policies have contributed to horrific abuses: refugees are held in modern-day dungeons, and have been brutally tortured, extorted, raped, and sold in slave markets.

Closer to home, asylum-seekers have not fared much better. Over the last two years, President Trump's administration has implemented immigration policies that have caused irreparable harm to thousands of people, have manifestly violated both U.S. and international law, and appear to be aimed at dismantling the U.S. asylum system. These policies include the ban on seeking asylum for irregular border crossers, the pushbacks and metering of asylum-seekers and migrants, and the so called "remain in Mexico" policy.

Amnesty International documented the dangerous trend of pushing back asylum-seekers at the U.S. Southern border with Mexico in a recent report titled "*You Don't Have Any Rights Here*."<sup>4</sup> The report title directly quotes a Customs and Border Protection (CBP) official speaking to a Salvadoran father in California in November 2017 and to a Brazilian mother in Texas in March 2018 as they summarily separated the two parents from their children. That is the message our front-line officials are communicating to people coming to the United States in search of safety.

By turning away asylum-seekers at its ports-of-entry, the United States has grossly violated their right to seek asylum, as well as its obligation not to return asylum-seekers to places where they would face grave harm. This principle is incorporated into U.S. law, which requires border and immigration authorities to receive and refer asylum-seekers for an interview with an asylum officer and conduct individual assessments of any risk of persecution or torture that they may face upon return. Practically since the start of the Trump Administration, however, U.S. authorities have forced thousands of asylum-seekers to queue on the Mexican side of the border, where many have reported facing violence at the hands of criminal gangs, and possible detention in Mexico and forcible deportation back to their countries of origin. The practice of limiting how many can request asylum at our border is known as "metering." CBP personnel have regularly turned away Mexican nationals seeking asylum in the United States, including unaccompanied minors. In January 2019, the U.S. government further sowed chaos and confusion among asylum-seekers when it announced that individuals seeking asylum at U.S. ports-of-entry along the southern border would be expelled to Mexico for the duration of their asylum claims – a process which can take years to complete. These practices collectively constitute flagrant

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<sup>3</sup> <https://www.amnesty.org/download/Documents/EUR4430222015ENGLISH.pdf>

<sup>4</sup> <https://www.amnestysusa.org/wp-content/uploads/2018/10/You-Dont-Have-Any-Rights-Here.pdf>

violations of the right to seek asylum and the U.S. government's obligations under international law not to forcibly return people to places where they will face harm.

#### **Detention of Asylum-Seekers**

Unfortunately, many migrants and asylum-seekers around the world are detained, often in appalling conditions and for indefinite periods. From Libya to Greece, to Nauru off the coast of Australia to detention centers in the United States – governments are detaining migrants, asylum-seekers, and refugees, often in appalling conditions and for indefinite periods of time.

In Libya, Amnesty International has documented that as of November 2018, nearly 6,000 foreign nationals – mostly of African origin – are being held in detention centers across the country. The detention centers where refugees and migrants are kept have no judicial oversight, meaning detainees are held without any judicial order, cannot challenge their detention and are not offered legal counsel, making their detention unlawful under international law. Torture and other ill-treatment are rife, being used by guards to exploit the detainees and extract money from their families.

In Greece, refugees have been trapped in overcrowded and squalid EU-sponsored camps on the Greek islands.<sup>5</sup> Moria, and other refugee camps on the Greek islands, are dangerous for everyone, but women and girls, unaccompanied minors and members of the LGBTI community are particularly at risk. Showers and toilets often do not have locks and lighting is poor. Even simple daily tasks such as taking a shower or getting water can be stressful and risky. This will be the third winter that Moria and thousands of its inhabitants will have to endure such conditions. Not surprisingly, this coincides with the third winter of the implementation of the EU-Turkey deal, the main driver behind the inhumane conditions refugees and migrants face today on the Greek islands.

Hundreds of individuals remain trapped in offshore detention centers on Papua New Guinea and Nauru. Nauru has failed to provide refugees with the health care they desperately need, and the Nauru government has passed a law banning medical transfers based on tele-medic assessments, effectively circumventing a law passed in Australia earlier this month which allows refugees in Manus and Nauru needing urgent medical attention to be brought to Australia. Denying them medical transfers is yet another blow and demonstrates just how far the human rights of refugees have slipped down Nauru and Australia's agendas. The misery of indefinite detention is pushing increasing numbers of refugees and people seeking asylum to suicide attempts and self-harm, a report from the Refugee Council of Australia (RCOA) and Amnesty International found in November 2018.<sup>6</sup>

In the United States, over 40,000 people are held in detention every single day – many of them asylum-seekers. The policy and practice of indefinitely jailing individuals based solely on their migratory status constitutes arbitrary detention in violation of both U.S. and international law, including the U.N. Convention Against Torture, which the United States ratified and integrated

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<sup>5</sup> <https://www.amnesty.org/en/documents/eur25/9442/2018/en/>

<sup>6</sup> <https://www.amnesty.org/en/documents/asa34/9422/2018/en/>

into U.S. law. Everyone, including migrants and asylum-seekers, has the right to liberty and to freedom of movement, including protection from arbitrary arrest and detention. Alternatives to detention should always be considered first and detention should be a measure of last resort.

In practice, U.S. authorities have leveraged the agony of prolonged detention to compel asylum-seekers to “voluntarily” give up their asylum claims and accept deportation back to their countries of origin where they had fled persecution. That practice constitutes forced return under international law. The anguish of indefinite detention has often been amplified by family separations and inadequate conditions of detention, including routinely substandard medical care that has contributed in some cases to asylum-seekers’ deaths in immigration detention facilities.

Further, international law also makes categorically clear that children should never be detained for immigration-related purposes, as it will never be in their best interest. Amnesty International opposes all detention of children – whether accompanied or unaccompanied – solely for immigration purposes and, calls for a presumption against the detention of asylum-seekers and other migrants to be established in law, and that immigration detention is exercised only when determined to be necessary and proportionate to a legitimate purpose and based on an assessment of the individual’s circumstances.

Many children now in the custody of the U.S. government were placed there after being forcibly separated from their caretakers and families. For example, Abel, a seven-year-old child, was forcibly separated from his mother, Valquiria, at the U.S. border in March 2018. Though Abel has since been liberated from government custody, his mother still sits in an adult detention facility in El Paso, Texas. Their story is emblematic of the enormous human costs of the U.S. addiction to detention. Separating families violates multiple fundamental human rights all at once, including the right to family unity, the right to liberty, and the right to freedom from torture and other ill-treatment. Both the prosecution of asylum-seekers for irregular entry, and the forced separation of families, is a violation of U.S. obligations under international refugee law. Children’s rights are also violated in multiple ways through family separations, including by exposing them to extreme and unnecessary trauma after being separated.

#### **Crackdown on Defenders of Refugees and Migrants**

The assault on refugees and asylum-seekers has now reached such heights that even advocates for these populations are being targeted. States have the duty to foster a healthy civic space, and to enable and protect those who operate within that space - including those who seek to advocate for refugees, asylum-seekers, and migrants – and to do so without discrimination. However, an increasing number of countries are enacting laws and policies designed specifically to limit the ability of refugee and migrant rights organizations from doing their critical work.

For example, in Amnesty International’s recently released report, “*Laws designed to silence*,” we detail how in Hungary, a recent package of laws passed in 2018 is purposefully designed to target individuals and organizations who carry out activities in support of refugees and migrants. The new law creates the criminal offence of “facilitating illegal immigration” and applies to both individuals and organizations that are accused of engaging in certain “organizational activities” that assist people who are seeking asylum and those who have entered Hungary irregularly and

are attempting to secure a residency permit. The vague terminology contained in this law could see criminal penalties imposed for a broad range of activities, including campaigning, providing legal support to migrants and refugees, or conducting research into human rights violations.

Here in the United States, asylum advocates and lawyers have described being targeted by U.S. authorities, including by having “alerts” placed on their passports and being criminally prosecuted simply for providing water to exhausted migrants in the desert along the border.

Penalizing such activities is a direct assault on the work of civil society actors who support or advocate on behalf of refugees, asylum-seekers, and migrants. This should alarm anyone who cares about the rights of asylum-seekers, and the organizations and committed professionals seeking to help them through an increasingly difficult and dangerous route to safety.

#### **Conclusion and Recommendations**

Two years later, and the Amari family is still in limbo, without a permanent home despite one waiting for them here in the United States. Advocates for their rights can be left feeling powerless. I cannot personally help move their resettlement case forward. I cannot help them go to school. I cannot help them feel safe.

But the members of this Committee have the power to change this family’s life, and to help other families like them.

To that end, these are our recommendations to this Committee:

- I. Increase our commitment to refugee resettlement:** At times of far less need, our country has done far more. The U.S. has cut its commitment to refugee resettlement to the lowest levels in the history of the U.S. refugee program and appears to be making little effort to even try and reach this lowered goal. The U.S. should restore its commitment to offering refugees who need it access to resettlement by increasing the U.S. resettlement goal to at least 75,000 refugees to be resettled every year and provide the vetting agencies responsible the resources and tools they need to meet the goal we set.
- II. Hear directly from those affected through congressional delegations and further testimony:** Today’s hearing cannot be the last time this subject is before this Committee or this Congress. We need to hear from those most directly implicated by these policies on what life is like for them, what do they need, and how U.S. policies along with humanitarian and development assistance can better help them. We also need to hear from those directly working with refugees, asylum-seekers, and migrants at all levels. I would also encourage this committee to organize bipartisan congressional delegations to see the impact of these policies, and human rights violations, firsthand.
- III. Support legislation that overturns President Trump’s damaging policies:** The 116<sup>th</sup> Congress must support and pass legislation that overturns President Trump’s destructive policies that target refugees, migrants, and asylum-seekers. This Congress must reaffirm the clear intent of the laws passed by this body that ensure the safety and wellbeing of refugees, migrants, and asylum-seekers. I encourage every Member of Congress to support and pass legislation that would:

- a. Nullify the Muslim, refugee, and asylum bans;
- b. Ban the separation and/or detention of families with children;
- c. End the policy of pushing people back from our borders or forcing them to remain in Mexico;
- d. And stop allowing the detention of asylum-seekers to be the norm both here in the U.S. and around the world.

**IV. Support increased humanitarian assistance:** The U.S. government has long been the single largest donor to helping displaced populations around the world and we must continue to play that role. The U.S. invests in life preserving and lifesaving humanitarian assistance that helps forcibly displaced people who lack access to the most basic necessities of life, including food, clean water, safe shelter, healthcare, and education, all of which are human rights. Further, these funds aid people displaced by natural disaster, conflict, and war. For example, funding supports efforts to eradicate famine in countries including South Sudan, Yemen, and Somalia, and address long-standing humanitarian crises in countries including Afghanistan, Somalia, and Colombia, which have caused significant internal displacement. Congress should robustly fund humanitarian assistance accounts including the Migration and Refugee Assistance, International Disaster Assistance, and Emergency Migration and Refugee Assistance accounts.

The world is rightly wondering if the United States is indeed still committed to the principles contained within the refugee convention and is still an active partner in offering protection for those who need it most. We must show them that we are. I look forward to your questions.

Ms. BASS. Thank you.  
Mr. SCHWARTZ.

**STATEMENT OF THE HONORABLE ERIC SCHWARTZ, PRESIDENT, REFUGEES INTERNATIONAL, FORMER ASSISTANT SECRETARY OF STATE FOR POPULATION, REFUGEES, AND MIGRATION**

Mr. SCHWARTZ. Thank you for the opportunity to testify on these critical issues. Members have referenced the numbers at the end of 2017. There were nearly 70 million people worldwide confronted by persecution and by human rights violations and 24.5 million of those people were refugees, those outside their countries of origin, and about 40 million were internally displaced.

According to the well respected organization, Development Initiatives, governments and the private sector spend over \$27 billion annually in humanitarian aid. The United States is the largest donor. But as a percentage of GDP, we are not near the top. And U.S. aid amounts to less than 1 percent of the Federal budget.

So what are some of the key issues on refugees and migration confronting this Congress? First, there is the issue of support for refugee solutions, solutions that have been overwhelmingly endorsed by governments in a recently adopted Global Compact on Refugees, solutions which are reflected in international programs supporting education and employment of refugees, in countries like Jordan, like Turkey, like Uganda, like Ethiopia and others.

The United States had been at the forefront of this solutions effort, but frankly, policies have shifted. With the Trump administration pressing for dramatic cuts in humanitarian aid, opposing the Global Compact on Refugees, and slashing U.S. refugee resettlement. Congress has a role to push back against these measures. And the dramatic decrease of refugee resettlement, in particular Muslim majority countries, should be the subject of careful oversight.

On the challenge of global forced migration generally, and despite the administration's decision to boycott another set of negotiations around a new agreement, or compact, on global migration that was also overwhelmingly endorsed by governments, Members of Congress should press for substantial increases in support, in funding, for key initiatives that were envisioned in that global migration agreement. These include efforts to minimize drivers of forced migration in countries of origin, measures to ensure respect for migrant rights, enhanced pathways for regular immigration and alternatives to migrant detention.

On another critical issue, the rights and well-being of refugee women and girls, Congress should seek to lift restrictions on aid for sexual and reproductive health services, and on services related to response to gender-based violence, restrictions that have been imposed by the administration. And those should be particularly alarming in light of violence against women and girls in places like Burma, otherwise known as Myanmar, South Sudan, and the Democratic Republic of the Congo. And Congress should reject actions that politicize humanitarian aid. In 1984, it was the Reagan Administration that declared that a hungry child knows no politics. And we should be deeply concerned by departures from this prin-

ciple, reflected for example by the administration's decision to end humanitarian aid to Palestinian civilians due to the political positions of Palestinian leaders. This has had serious consequences for life sustaining assistance and Congress should protect aid to civilians at risk without discrimination.

Finally, Congress cannot ignore refugee protection at home, where we have recently witnessed measures that dramatically limit the ability of Central Americans to make claims for asylum. Beyond enacting legislation to ensure that the administration acts consistent with U.S. law and values, Congress could legislate, should legislate a special refugee and humanitarian resettlement program to address humanitarian challenges at our southern border. We have done it with Soviet Jews, we have done it with Cubans, we can do it with Central Americans.

The consensus—the consensus in our country for respect of refugee rights—that is a consensus that has always been a fragile one, with loud voices of intolerance often appealing to our fears, rather than to our ideals and our interests. And this is precisely why at this moment in history the voices of Members of Congress are so critical. I urge that you use those voices in Washington and beyond the beltway to ensure a brighter, a more affirming, and a successful future for all Americans.

Thank you.

[The prepared statement of Mr. Schwartz follows:]

Testimony of Eric Schwartz  
President  
Refugees International

Hearing on “A Global Crisis: Refugees, Migrants and Asylum-Seekers”  
U.S. House of Representatives  
House Foreign Affairs Committee  
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

February 26, 2019

I want to thank the Chair, Representative Bass, as well as Ranking Member Smith and the members of this subcommittee for holding this important and timely hearing.

It is a special pleasure for me to testify before this Subcommittee, in part because of my and my organization’s personal connections with so many of your members: Representative Chris Smith, with whom I’ve collaborated on a number of refugee issues, including a special resettlement initiative for Vietnamese refugees when I was at the National Security Council in the mid-1990s; Representative Bass, with whom Refugees International (RI) has worked on issues such as the Democratic Republic of the Congo and Libya; and with your Midwestern members—Representatives Omar, Phillips, and Sensenbrenner—each of whom has been involved with the University of Minnesota’s Humphrey School of Public Affairs, where I served as dean for six wonderful years.

Refugees International is a non-governmental organization that advocates for lifesaving assistance and protection for displaced people in parts of the world impacted by conflict, persecution, and forced displacement. We conduct fact-finding missions to research and report on the circumstances of displaced populations in countries such as Somalia, Mexico, Colombia, Syria, and Bangladesh among many others. RI does not accept government or United Nations funding, which helps ensure that our advocacy is impartial and independent. Some of what we are sharing below is drawn from prior RI reporting, including our *Report Card* on the Trump administration’s performance on refugee and humanitarian protection.

**1. The State of the Humanitarian World:**

According to the United Nations High Commissioner for Refugees (UNHCR), there were at the end of 2017 nearly 70 million persons around the world forcibly displaced as a result of conflict, human rights abuses, and persecution. This is the highest total since recording of these figures began after the Second World War. The numbers include some 24.5 million people

deemed to be refugees—that is those outside their country of origin—and some 40 million internally displaced people—people displaced within their countries of origin. And UNHCR reported some 3.1 million asylum seekers, those outside their countries of origin who seek legal status in countries that have received them.

Beyond these numbers, we have witnessed some 25 million or so people displaced annually in recent years as the result of disasters borne by natural hazards and exacerbated by the impact of climate change.

UNHCR figures reveal that as of the end of 2017, nearly 70 percent of the world's 24.5 million refugees came from just five countries: Syria, South Sudan, Afghanistan, Myanmar, also known as Burma, and Somalia. Most have been in that status for many years or more, and contrary to popular perception, most do not live in camps but rather in urban, semi-urban, or rural areas. Eight countries at the end of 2017 hosted about 45% of all the world's refugees. Those countries included Turkey, Pakistan, Uganda, Lebanon, Iran, Germany, Bangladesh, and Sudan. And well over half the world's internally displaced people live in just seven countries: Syria, Colombia, the Democratic Republic of the Congo, Iraq, Sudan, South Sudan, and Nigeria.

If that is a brief description of the challenge, what about the structure and operations of the international system of humanitarian response?

### ***2. International Humanitarian Aid – the Landscape:***

According to the Global Humanitarian Assistance Report published by the well-regarded Development Initiatives organization, the vast majority of funding for international humanitarian response—about 75 percent—comes from governments, with the rest coming from private sources. And in 2017, governments and private sources spent over 27 billion dollars in support of humanitarian aid, numbers that do not include resources used by the governments, usually in the global south, hosting refugees.

For humanitarian crises and displacement crises that outstrip the capacity of an individual government but in which forced displacement occurs within the borders of the country in crisis, international involvement is loosely coordinated by the UN Office for the Coordination of Humanitarian Assistance (OCHA), with assistance provided by a broad range of actors organized by sectors and which include UN Funds and Programs like UNICEF, the World Food Program,

UNHCR; international NGOs; and national and local NGOs—all of which coordinate with local authorities.

For refugee crises—that is, those that cross borders—UNHCR generally plays a leading role, supported by many of the organizations I have just listed.

The United States is the largest donor to these international humanitarian assistance efforts, probably accounting for between a quarter and third of expenditures, but as a percentage of GDP, the United States is nowhere near the top—and U.S. humanitarian assistance amounts to less than 1% of the entire federal budget. U.S. support comes principally from two sources, the State Department’s Bureau of Population, Refugees, and Migration, and USAID’s Bureau for Democracy, Conflict, and Humanitarian Assistance.

### ***3. Some Key Refugee and Migration Issues for U.S. Policy Makers***

#### ***A. Support for Refugee Solutions – a Major Current Issue of Concern***

**Background:** Ultimately, there are three durable solutions for refugees: repatriation to the country or origin when the conditions in the country of origin permit return; local integration, in which the government of the country to which the refugee has fled permits the refugee to reside there permanently with legal status; and, finally, third country resettlement, when a government agrees to permanently resettle a refugee who had been obtaining temporary refuge and protection elsewhere.

In recent years, as the number of refugees in protracted situations has grown, governments, international organizations, and advocates have made greater efforts to promote stability, as well as work and education opportunities for refugees, even when so-called durable solutions have not been available.

At a New York Summit on Refugees and Migrants held in 2016, governments affirmed these objectives and concluded that host governments in the global south hosting refugees needed much greater support from wealthy countries, including support not only for the refugees, but for the host communities in these host countries; and that governments like the United States needed to expand their refugee admissions programs to meet the third country resettlement needs identified for refugees by UNHCR—and to demonstrate to countries hosting millions of refugees that the United States and other rich countries were prepared to do their fair share.

These kinds of conclusions, which offer real hope to refugees, were endorsed in a recently adopted Global Compact on Refugees (GCR)—and they are reflected in relatively new programs of financial and other support for education and employment of refugees in refugee-hosting countries such as Jordan, Turkey, Uganda, Ethiopia and many others.

**The Trump Administration and Refugee Solutions:** Until early 2017 the United States had been in the forefront of many if not most of these efforts to support solutions, but policies have shifted in the last couple of years.

Rather than look for additional humanitarian resources that would support host governments, the Trump administration in early 2017 unveiled fiscal year 2018 budget proposals calling for unprecedented cuts of some 30 percent in humanitarian aid. Congress rejected these cuts, but the administration unveiled in February 2018 proposals for dramatic cuts in fiscal year 2019, which again have been resisted by the Congress.

In addition, the Trump administration was one of only two countries that voted against adoption of the GCR, the other being Hungary, with 181 governments voting in favor—and this sent an unfortunate signal to the rest of the world about U.S. support for this refugee solutions effort. Finally, the administration significantly changed U.S. policy and practice on third country refugee resettlement.

Under the 1980 Refugee Act, the president each year determines a U.S. refugee admissions ceiling—that is, the maximum number of refugees the United States will choose to bring to the United States for third country resettlement. In the final year of the Obama administration, the U.S. Refugee Admissions ceiling was raised from 85,000 to 110,000 for fiscal year 2017, in large measure to signal U.S. support for the kinds of global initiatives I have just mentioned.

But upon coming to office, President Trump reduced that 110,000 figure to just over 50,000 through executive action, and also ordered a temporary suspension in the admissions program. He subsequently reintroduced the Refugee Admissions program but with new security screening and other procedures that have substantially impacted not only overall numbers, but distribution of those numbers, resulting in a dramatic decrease in the percentage of individuals resettled from Muslim-majority countries. For fiscal year 2018, the President authorized a U.S. refugee ceiling of 45,000, though only about half that number ultimately arrived in the United

States. And for fiscal year 2019, the President authorized a U.S. refugee ceiling of 30,000. Not surprisingly, this has been accompanied by a worldwide decrease in refugee resettlement.

**What Congress Can Do:** First, Congress must continue to strongly resist efforts to cut U.S. humanitarian assistance. There is no question that your support saves lives every day. In addition, although Congress cannot force the United States to join the GCR or force the president to increase the refugee admissions ceiling, Members can and should strengthen oversight efforts. For instance, the president's demonization of the refugee program and suggestion that it has posed a security threat is not evidenced-based and should be carefully scrutinized, with the assistance of refugee and counter-terrorism experts from outside the government. And the dramatic decrease of resettlement of individuals from Muslim majority countries should also be the source of serious concern and careful oversight.

***B. Addressing the Needs and the Rights of Internally Displaced People (IDPs)***

Although international agencies provide food, shelter, and protection and other assistance to IDPs, the challenges facing these populations are often greater than those faced by refugees—because refugees, who live outside their countries of origin in host countries that are generally prepared to accept a role of international organizations, are the beneficiaries of a relatively well-developed international system of protection and assistance. The international system's protections for IDPs, in contrast, is less robust—in large measure because these displaced people are within their own countries, and governments of those countries tend to be jealous guardians of sovereignty, especially when it comes to their own citizens.

**What Congress Can Do:** Largely at the behest of the government of Norway, several governments have been discussing the creation of a UN-sponsored blue ribbon panel to consider additional measures to strengthen the system of assistance and protection for IDPs. This is a good idea, and members of Congress can express their support to both the administration and to the UN Secretary General.

***C. Global Migration and Mixed Flows***

As a practical matter, refugees are now broadly defined as individuals fleeing persecution, conflict, and human rights violations, but history and current conditions around the world demonstrate that there is a broader category of forced migrants that merit the concern of governments. For example, the movement of individuals to and through Libya represents a case of such mixed migration, in which both migrants and refugees have been subjected to

unspeakable abuses. In December 2018, governments of the world overwhelmingly approved a Global Compact on Migration (GCM), designed largely to address these kinds of issues. The *desiderata* that emerged from the GCM, if implemented, would go a long way toward addressing mixed migration challenges. The GCM envisions efforts to minimize drivers of migration in countries of origin, provision of accurate and timely information to would-be migrants, measures to ensure respect for migrants in transit, enhanced pathways for regular migration, use of migration detention as a last resort, and exploration of alternatives to migrant detention, among many other measures. Unfortunately, the Trump administration withdrew from negotiations around this Global Compact, but members of Congress should remain engaged.

**What Congress Can Do:** The migration office in the Bureau of Population, Refugees, and Migration (PRM) has traditionally operated with very limited funds in a bureau that is otherwise funded very generously by the Congress. Through a variety of legislative means, Members could communicate their strong desire for a substantial increase in funding for the migration component of PRM, to support initiatives envisioned in the GCM.

**D. Avoiding the Politicization of Humanitarian Aid**

In 1984, in justifying its decision to provide humanitarian aid to famine-affected Ethiopia, the Reagan administration declared that “a hungry child knows no politics.” This sentiment—although implemented imperfectly by U.S. administrations over the years—has nonetheless guided U.S. policymakers. Yet the Trump administration departed dramatically from this principle when the president and his administration said they were cutting off aid to the UN Relief and Works Agency for Palestine Refugees (UNRWA) due to the political positions espoused by the Palestinian political leadership. The withdrawal of support—in clear violation of international humanitarian principles to which the United States has long subscribed—has had tangible and negative humanitarian consequences for life-sustaining assistance to children, women, and men in Jordan, Lebanon, Syria, and the West Bank and Gaza.

**What Congress Can Do:** In light of UNRWA’s critically important role and the unfortunate rationale for ending assistance, the Congress can and should protect U.S. financial support for this organization.

**E. Humanitarian Assistance and Protection for Women and Girls**

Women and girls are particularly vulnerable to significant and substantial abuses in humanitarian settings, and the Trump administration has instituted policies that put at risk gains

for protection of women and girls. In particular, in January 2017, the administration reinstated and expanded what had been known as the Mexico City Policy, also known as the Global Gag Rule, and blocked U.S. health assistance to foreign NGOs that advocate for or provide information, referrals, or services related to legal abortion, even when such activities are financed by private or other non-U.S. government funds. While the State Department announced an exception to this prohibition involving humanitarian accounts, much non-emergency funding, which has been impacted by the prohibition, builds resilience for women and girls who may find themselves in humanitarian emergencies.

In a separate action, the United States has withheld funding from the UN Fund for Population Activities (UNFPA), the lead UN agency for ensuring that women and girls who have fled conflict obtain access to critical sexual and reproductive health services, as well as the services relating to prevention and response to gender-based violence. These measures are all the more concerning in light of recent and widespread crimes of violence against women and girls in places like Myanmar, South Sudan, and the Democratic Republic of the Congo, among many other areas.

**What Congress Can Do:** We understand that there is legislation that has been introduced on the Global Gag rule. Moreover, Congress can legislatively seek to protect funding for UNFPA, which has played a key role on these issues.

***F. Practicing at Home What the United States Has Traditionally Preached Abroad***

For many decades, the United States Government has pressed other governments around the world to promote generous policies of refugee protection, including respect for the most critical guarantee in the Convention Relating to the Status of Refugees and its Protocol: the guarantee that no refugee applicant should be returned to a place where their life or freedom would be threatened. U.S. capacity to credibly play this role is undermined when the United States fails to practice at home what the United States preaches abroad, and recent restrictive measures relating to the southern border and access to asylum raises such concerns. In particular, the Trump administration and U.S. officials have implemented measures that have dramatically limited the ability of individuals at U.S. borders to make claims for protection within the United States in accordance with U.S. law implementing U.S. obligations under the Refugee Convention and Protocol.

Such measures have included the blocking of access to ports of entry to asylum seekers by officials; the metering of asylum requests at ports of entry at the southern border, in which U.S. officials have indicated to asylum seekers that there is not enough processing capacity and have told them to return at another time; and the criminal prosecution of asylum seekers who entered the United States between ports of entry, which is in contradiction to American law that allows for the application of asylum regardless of manner of entry. This also conflicts with a provision of the Refugee Convention that indicates that people will not be prosecuted for illegal entry if they promptly present themselves to the authorities and show good cause for such entry.

But all this has been prologue, as the Trump administration has now rolled out a new policy effectively designed to prevent processing at ports of entry of Central Americans seeking asylum at the southern border. The administration has indicated that such persons, after registering their claims, will be returned to Mexico where they can wait to have those claims processed. Although the administration has stated it is acting pursuant to a law that permits return to a contiguous territory of an alien pending a removal proceeding, RI believes this action is in violation of basic due process rights and will also run afoul of the Refugee Convention and Protocol's prohibition against return of refugees to a place where their life or freedom will be threatened.

**What Congress Can Do:** While most of these actions will be subject to court challenge, Congress can enact legislation to ensure that the administration acts in accordance with U.S. obligations under the Refugee Convention and Protocol. Beyond asylum law, Congress could take a separate action that would both respond to challenges related to Central American migration and demonstrate a broadened commitment to refugee and humanitarian resettlement. In particular, Members could authorize a Central American refugee and humanitarian resettlement program, mandating admission of several hundred thousand Central Americans over several years, through an orderly process that could be administered by the State Department's Bureau of Population, Refugees, and Migration. As migration scholars Roberto Suro and Alex Aleinikoff argued in a recent *Washington Post* piece, the United States has had targeted legislative measures like this in the past, for Cubans, Soviet Jews and others, and such an arrangement could prove to be a highly effective and humane way to address humanitarian challenges at our southern border.

#### **4. Conclusion – the Imperative of Political Leadership**

The perceived consensus within the United States about tolerance and respect for refugees has always been a fragile one. Even worse, nativism and chauvinism are nothing new to our political culture. Whether it is our original sin of slavery, 19<sup>th</sup> century Know-Nothing appeals to anti-immigrant sentiment, early 20<sup>th</sup> century anti-semitic rants like those spewed by Charles Edward Coughlin, who had tens of millions of followers during the 1930s, or later 20<sup>th</sup> century trafficking in innuendo and guilt by association of Senator Joe McCarthy, there have always been loud voices of intolerance appealing to our fears rather than to our hopes and our aspirations.

This is why, at this particular moment in our history, it is your voices, the voices of leaders in Congress—Republicans and Democrats—that are so critical. I urge that you use those voices in public and in private, in Washington and beyond the Beltway, to best ensure a brighter, more affirming, and successful future for all Americans.

Ms. BASS. Thank you very much. I appreciate your patience through our voting and the recess that we took. And would like to ask questions that focus on recommendations for what you think that we could be doing, how we could direct our assistance.

Mr. Mace, you talked about restoring the refugee resettlement piece. I would like for you to elaborate a little more on that. You also spoke about the Muslim ban. And knowing that that is a policy that I do not see changing at any time, but what can we do in terms of as Congress as we put legislation forward to support refugees in terms of resources that we could give. What are some examples?

And I would ask that of all of the witnesses, but will start with Mr. Mace.

Mr. MACE. Sure, thank you for the question. On resettlement first, just in terms of the recommendation itself, our ask would be to see if restored this cannot be a new normal. The goal is 30,000 for this Fiscal Year and as I said we will not even get to 20,000 if we continue at this rate. We cannot let that be a new normal. We cannot let that be a new normal now and in future administrations as well.

And would encourage Congress to through appropriations make that clear, make that clear to the administration that that is not what we want. In terms of the Muslim ban, and in terms of Syrians in particular I spoke of the Amari family from Syria. There are 5.7 million people, Syrians, refugees and UNHCR has actually said that they are one of the populations in highest need of resettlement. The U.S. has settled 40, to date, four, zero this fiscal year. I think that anyone could say we can do better than that, especially when we are faced with such need.

And I would echo others on the panel that we should really call as in times past the Congress has said we are in an emergency, we are in an urgent situation, we need to recognize that, it does not matter, we do not need to wait for the end of the Fiscal Year to do that. I understand the President has a lot of power with setting the refugees' admissions goal, but Congress has power too and should reassert that.

Ms. BASS. Thank you.

Ms. BUWALDA.

Ms. BUWALDA. I would like to make a comment to that. I do not see it as a Muslim ban. I see it as a ban specific to countries because we represent Christians in the very same countries that have the same—that are suffering under the same plight of being unable to come to the United States. And these are minorities within those countries that are subject to the ban.

And so I wish to make that point for the record. Thank you.

Ms. BASS. Mr. Schwartz.

Mr. SCHWARTZ. Yes, I appreciate the question and in my testimony, it was very important that every part of my testimony had a section on what Congress can do. And let me talk a little bit about some ideas there.

First, oversight is really important. In 2016, we resettled more than 9,000 Somalis. In 2016, we resettled more than 12,000 Syrians. As of January 31, those numbers were respectively 14—not 14,000—14 and 13. Since 9/11, we have resettled 1 million refugees

more or less. In those years since 2001 there is not one case, there is not one case of an American citizen being killed in an act of terror perpetrated by a resettled refugee.

In 10 years we had more than 250,000 people killed by gun violence. We have resettled 1 million refugees since 9/11, not one case of a refugee being responsible for an act of terror that led to the loss of an American life. Yet, we have gone from 9,000 Somalis in 2016 to 14 Somalis in 2018–2019. So that requires oversight. You need counterterrorism experts who are not in the government to get in here and talk about evidence-based policy. So oversight is critical.

Second, I think the Congress can legislate a refugee resettlement program. The President, yes, under our current program has the authority to determine the number of refugees who come in. But if you want to resettle 100,000 Central American refugees, and humanitarian cases and family cases, over a 5 year period, you can legislate that. And why not? To create a more orderly process at our border. To practice at home what we are preaching abroad to so many other governments. The President himself in 2017 at the United Nations declared that countries should take care of refugees who are close to their homes. Well, Central America is at our border and are pretty close to their homes.

So you could legislate, coming from this committee, the PRM Bueau could implement it, a refugee resettlement, program.

Ms. BASS. Did you say PRM?

Mr. SCHWARTZ. The State Department's Bureau of Population Refugee and Migration.

I will just give you a couple of other recommendations: you could legislate support for the U.N. Relief and Works Agency for Palestine Refugees—an agency that by all impartial accounts, including a General Accounting Office report, has diligently sought to implement humanitarian assistance. Yet all of that aid was cutoff by the Trump administration. You could legislate programs that have been cutoff on the protection of women and girls in humanitarian situations; you can do all of that and much more.

Ms. BASS. Thank you. Before I go to my esteemed colleague here, my ranking member, it was interesting what you said about Christians minorities in those countries when the ban was put in place, the target was the Muslim population, I think it is unfortunate that Christians are being—there is consequences for them as well, but remember that was the original intent. It was changed to be countries for it to follow the Supreme Court.

Mr. Ranking Member.

Mr. SMITH. Thank you so much, Madam Chair.

Thank you all for your testimoneys, it provides a great deal of guidance and wisdom I think for the subcommittee, it is deeply appreciated and all of your work for decades in most cases.

Let me just ask a couple of questions. You know, your point, Mr. Schwartz, I think was very well taken about people not being killed by refugees but there are threats out there as we all know, and maybe there have been some but they were not identify by police or whatever as refugees. And your point on gun violence I thought it was very well taken as well.

There is right now in the news we hear about the so-called ISIS bride from Alabama who has called for sleeper cells with ISIS to kill Americans, especially during patriotic holidays such as Veterans Day, Memorial Day. I remember during the Balkan war, I was there frequently in Bosnia and Croatia. And when the fighting went into Kosovo, was in Stankovich refugee camp in Macedonia, met with many of the people there and frankly the open door welcoming for people from that camp to the United States. Many of them disembarked in my district.

They came to McGuire Air Force Base. Many of us went out to the airplanes and met them. Some of those people I am sure I met when I was at the camp because I was there for hours. But there was one guy who became part what they called the Fort Dix Five who had become radicalized at some point. And they were trying—because he lived at Fort Dix, which is adjacent to McGuire.

Mr. SMITH. And he was the weapons procurer, and they planned on a mass killing of servicemembers and their families and Fort Dix. They originally intended on bringing pizza and with it AK-47s and other—to just kill people wantonly and horribly. Luckily, that was thwarted by the FBI and by—so there are threats.

And I am just wondering, you might speak to it. How do we mitigate those threats? How does the vetting process become even more aggressive? I know when we had the last administration here, they talked about very high degrees of vetting. And I know the current administration is doing the same.

Second, if I could, Ms. Buwalda, you speak very eloquently about the crisis in Thailand, and it is Christians, it is Falun Gong who are being sent back to China, it is Montagnard, the 500 who are being mistreated there, Christians. But your 10 to 30 percent of the Pakistani Christians that are granted refugee status is appalling. And I am wondering, you know, what do you recommend we do to hold UNHCR accountable, I have sent letters to them. I have talked to officials, we have talked to the UNHCR and we seem to get nowhere.

Is it a very poor staff on the ground, and Human Rights Watch has spoken about this as well, or is it something different that we are talking about, you know, there is just not enough people?

But what is the problem and how do we fix that? Because that is seems to me to be a huge, huge problem. And your elaboration of the case of Michael D'Souza after being beaten, goes to Thailand seeking help, comes back to Pakistan, and then, as you point out, his two sisters-in-law were beaten as well. If that is not well-founded fear of persecution, I do not know what is.

So hopefully the UNHCR will do a far better job. You know, many of us have been very concerned with them over the years. The secretary general who used to be the head of the UNHCR, I met with him many times when they were sending women who would make their way out of North Korea into China, many of whom would be forced into human trafficking. And as you know, I wrote the laws on human trafficking, including the Trafficking Victims Protection Act. We had women testify here in this room who they were sent back by the Chinese Government in clear contravention of the refugee convention to which they are signers of.

I mean, maybe you guys want to speak to that as well because I find that appalling as well.

And just briefly, maybe Eric you could speak to—you know, many of our concerns with UNRWA is the fomenting of anti-Semitism and anti-Americanism, but particularly anti-Semitism. I have hearings on that as well. The textbooks, maybe you can speak to whether or not they have been in all cleaned up to get rid of all the anti-Semitic hate that are then inculcated into the minds and the hearts of young children pursued under UNRWA.

On the humanitarian side, food, medicines, I am with you, just get it to whoever is in need, period. But if you could speak to that.

Mr. SCHWARTZ. Well, should I respond?

Mr. SMITH. You can start, yes.

Mr. SCHWARTZ. You raised a couple of important issues Congressman Smith, and thank you. And thank you for your kind words before. I am very grateful for the opportunity to have worked with you on that and other issues through the years.

First, let me say that my concern about the UNRWA decision was that it was explicitly and demonstrably an unprincipled decision. The President tweeted 1 day that, you know, if Palestinian political leaders do not—I do not have the quote, but essentially—do not toe the political line, we are going to stop aid. And then the next day the U.N. Ambassador to the United Nations, in response to a specific question about UNRWA, alluded to the same issue that the President alluded to. If the political leaders do not toe the line, that aid ends.

Now, whatever your views about UNRWA, that is obnoxious, unacceptable, and in conflict with the American commitment to the Good Humanitarian Donorship Principles, to which we have subscribed. That aid should be based on need, and the political opinions and views of political leaders should not impact whether or not—

Mr. SMITH. Can I interrupt for a second? How do we get the educational piece fixed—

Mr. SCHWARTZ. OK. I am going to get to that. So my point was that that decision was an unprincipled decision.

My second point is that I would refer you to the General Accounting Offices, I believe it was 2017, or the General Accountability Office, their name has changed; the 2017 report on UNRWA. And I think what it demonstrates is this is an organization which is doing the very best it can—and doing good work in trying to ensure that principles of tolerance and impartiality are promoted in its materials—under very difficult circumstances. And if UNRWA was not doing that, nobody would.

And so I would refer all Members of Congress to that GAO report, because from my perspective, it reveals that this is an organization that is operating in a difficult environment and doing very good work in trying to push principles of tolerance, impartiality, aid-based on need, human rights promotion, in circumstances where they are using, you know, national curriculum, et cetera. So they are pushing against efforts at discrimination and bias. That does not mean that they are completely successful in eliminating it, but they are pushing in the right direction.

Should I address your security question, because I do not want to—I can wait.

Ms. BASS. Why do not we have the other two people respond. We are quite a bit over time, and I want to give my other colleagues a chance to ask questions.

Ms. BUWALDA. I would like to speak to your question with regard to the UNHCR's adjudication. And I believe that there is definite need of improvement. One of the reasons for why it occurred in terms of denial rates being so high is that they have an unbalanced burden of proof placed upon them, a skepticism. We had a UNHCR official describe how—just the basic skepticism of Pakistani Christian asylum seekers there that demonstrated that they are probably systemwide within Bangkok not effectively handling these cases.

From 2016 to 2017, there was an effort to bring backlogs down. What they did was rush cases through. The fastest way for doing that is to deny them. And that also came with adverse credibility claims. With an adverse credibility claim you have almost no chance on any appeal and you are left hopeless. The anecdotal evidence we have and information we have is significant in terms of the numbers.

I would also like to point out that the UNHCR—their own reports are demonstrating that Pakistani Christians suffer persecution. One of the examples I gave in my testimony I submitted is that of Talib Masih. Talib Masih was listed in their own report prior to them denying his case for asylum in Bangkok. And we worked very hard. His case has been reversed, but now he has no place to go. He cannot come—he has not been referred to any country at this stage, 1 year later, for resettlement. So we are remaining concerned about him and others that should be resettled.

Mr. MACE. And if I may, briefly, just on UNRWA, I will say that when I was in Jordan and Lebanon, we also went to Palestinian refugee camps, it was one of the first places we went. And I just echo what you said, Congressman, that ultimately it is about ensuring this aid gets to those who need it most.

A Shatila camp we were in in Beirut, it was one of the most overcrowded places just—and because of the Syrian refugee crisis, it is the numbers—it is just the density is extreme. And we asked people at UNRWA about what do these cuts tangibly mean? Education was one of the first things they said. And that, you know, they have—other donors have helped fill in the gaps, but they were very worried about what the years to come mean if the U.S. does not restore its commitment. And would certainly encourage them to come before this committee or the full committee to really hear from them because I definitely think that they would have much to say in response, to you.

Just on the vetting, I just want to say that of refugees in general, the refugees who are resettled to the U.S. are by far and away the most vetted of any population, period. Probably in the world. And certainly we should always look to improve this program and make sure that this program is safe. We want this program to be safe. It is safe. And I think that this President and the previous Presidents have looked to that. And let's make sure this program works

and is actually doing the goals that we set out at the start of the year, which it is currently not.

Ms. BASS. Thank you very much.

Representative WILD.

Ms. WILD. Thank you, madam chair. And thank you to all of you for being here to educate us about what I consider to be a very, very important issue.

Mr. Mace, you sort of anticipated the question that I was going to ask Ms. Buwalda, but I was going to go ahead and ask her at this point. There is a perception, which is I believe not true, that refugees are not properly vetted. And this may be perpetuated by our administration, maybe it is not. But could you address, without going into exhaustive detail, the type of vetting that refugees undergo before they are allowed to come and live here?

Ms. BUWALDA. Yes, Congresswoman. The vetting system is very detailed and multilayered. There is actually a very in depth review that takes place. There are all kinds of background checks. There is even, as I understand it, DNA testing. In certain communities, such as in Syria, they go to the neighborhoods where the person claims to be from to determine whether those neighborhoods had terrorist activities, et cetera.

There is a data base that, you know, overlap in terms of how vetting takes place. I am completely in agreement with my copanelists here that the vetting process is extensive. And I do believe that there is—you know, there may always be room for improvement, but I do believe the vetting process is extensive on this population. And, consequently, it is amongst the lowest populations that we would have a threat from.

There are other types—I am an immigration attorney, there are other times of visas where there is no vetting. And so this is significant vetting that does take place.

Ms. WILD. And how long does the process take, if you know?

Ms. BUWALDA. Due to the overlapping, it can be—the shortest is well over a year, and the longest ones because of overlapping, one will expire, another one start, it can be 2, 3 years.

Ms. WILD. Thank you.

Mr. Mace, I have heard it said that the vast majority of people, wherever they were born, would prefer to stay in their home country if they can do so safely and receive adequate nutrition and so forth. Has that been your experience, and what you have observed?

Mr. MACE. In terms of people wanting to go back to their home countries?

Ms. WILD. Or—I guess my question is really based—and it is more of a statement, I suppose, that refugees are leaving untenable situations. Is that fair to say?

Mr. MACE. Absolutely. And I think it is important to note that no one wants to leave their home, but if you are forced to based on what you believe, a war, violence, that is not a choice. And, you know, when we were in Jordan and Lebanon, we met well—almost 100 refugees throughout the course of our trip, and we would always ask, Syrians in particular, we would ask, do you feel comfortable to go home? Every single one said, no, not right now. Some would say, I would like to go back, but the conditions are not right right now. And then some said, I will never be able to go back. If

I go back, I have nothing to go back to. If we go back, my son will be conscripted into the army. My name is on—these are just different things that people—my name is on a list, and if I go back, I will die. Someone point blank said that.

So I think it just goes to the point that, yes, some people do want to go back, but the conditions are not right. And, unfortunately, these crises that we are talking about, they just go on and on, and we are seeing people who live in protracted displacement, intergenerational refugees. I mean, I met children of refugees who were born in the country that they are in now. So, yes.

Ms. WILD. Thank you.

I want to ask you a followup to that, and it may sound like a rhetorical softball question, but it is actually one that I would like to hear you articulate about, and Mr. Schwartz and Ms. Buwalda, also if you care to. And that is, why is it important for the United States to lead the way in this humanitarian crisis?

And I ask you that from the perspective of a legislator who has a district where a number of my constituents may very well articulate the idea that we should just be taking care of what is happening right here in America, and why do we need to get involved with people from around the world who are suffering through these humanitarian crises.

So give us some words of—some pearls of wisdom of what we can say to address that to people who express that.

Mr. MACE. Sure, I would love to speak briefly and hear from my colleagues here.

First of all, when the U.S. leads, others follow. And, you know, we do not have to look that far back when we were the leader. We are not the leader in resettlement anymore, period. And last year, in 2018, not the calendar year, there were 55—a little over 55,000 people who resettled, not to the U.S., globally. And 22,000 or so of which was in the U.S., so we are not even the leader anymore.

A few years ago it was well over 100,000. There are 1.4 million people who need access to resettlement. I think anyone can say the U.S. can do better. And, importantly, on our U.S. refugee admissions program, it is a program that started in 1980 with the 1980 Refugee Act, it is a program that has been built up, like I said, with communities like yours, all across the country, and it benefits our communities. It is such—it revitalizes—refugees are—they are everything and anything because they are just like us.

So I just do not understand anyone who says that refugees do not contribute to the United States. And we have seen that, not only here in the U.S., but all around the world.

Ms. WILD. Thank you.

I am going to actually ask you, Mr. Schwartz, but rather than going into that question because I saw something in your written testimony that I did not hear talked about today, and that is what the effect of the global gag rule is on this crisis. And you mention it in your written testimony, and I would just like to hear from you briefly on it.

Mr. SCHWARTZ. Yes, the restrictions against provision of these services to women if the organizations concerned provide abortion-related services, even if they are not being done with U.S. funds, is a significant problem.

Now, the State Department and USAID emergency assistance is exempted. However, there is a lot of assistance that goes to the building of resilience that is critical for humanitarian emergencies that is cutoff. And also of significant concern is the complete cutoff of support for the U.N. Fund for Population Activities, which includes, you know, critically important assistance for services related to sexual and reproductive health, for prevention and response to gender-based violence.

But I also want to comment on your last question. I mean, nobody suggests that the world—that the United States or the countries of the global north—will resettle the majority of the world's refugees. Even at 1.4 million, you are at about 4 percent, 4 or 5 percent—maybe 4 or 6 percent. But the Government of Turkey is hosting 3 1/2 million refugees, the Government of Jordan is hosting upwards of a million refugees, the Government of Bangladesh is hosting a million refugees, the Ethiopia is hosting 900,000 refugees or more, and we are going around the world saying to these governments, this is what you must do. This is your responsibility.

How in heaven's name can we not demonstrate that we have skin in the game, that we are going to demonstrate a modicum of leadership by saying, perhaps we will resettle 100,000 refugees, which is a drop in the bucket. And so it is really critically important we do that.

Finally, I ran the U.S. refugee resettlement program. I do not want to take too much of your time, but I would be happy to talk about the security issues—

Ms. BASS. We need to move on.

Ms. WILD. Madam chair, my time is up, and it is my fault for asking very extensive questions. I pass to—

Ms. BASS. Representative Omar.

Ms. OMAR. Thank you, Chairwomen Bass.

Hello, everyone. Thank you so much for being part of this important discussion. It is interesting to hear people say, I wonder what this process is or what refugees are like in the United States. But as a refugee and as someone who has gone through the process of vetting, I know the many years my family waited in a refugee camp to be able to resettle in the United States. And I know with certainty the kind of anxieties that a lot of families have as they await the opportunity to get resettled and start a new life.

I just wanted to kind of look at and follow with the line of questioning that Congresswoman Wild had around what happens when we lower the refugee cap here, and how that could lead to other countries following pursuit and lowering the cap of refugees that they welcome into their own countries, and we are at risk of that because when we lead others follow. And I think we are setting a really bad example around the world right now.

But I wanted to also up lift what these particular policies that this administration has, it is really all about—according to the refugee processing portal, 68.1 percent of the 22,491 refugees admitted in 2018 were Christians, 15.5 were Muslim, 9.3 were animists, Buddhists, or Hindu. Only 369 refugees were admitted from the countries included in the modified travel ban or the Muslim ban.

The breakdown is as such. From Chad, only one refugee was admitted who was Muslim, and in totality only one person. In Iran,

41 were admitted. Of that 41, 23 were Christians, 8 Muslims, 5 Baha'i, and 3 Siberian Mandaeans, 1 Jewish, and 1 had not declared a faith. From Libya, we only admitted one person, and that person was Muslim. From North Korea, we admitted five, four Christians, one Buddhist. From Syria, we admitted 62, 42 were Muslim, 20 were Christians. From Somalia, we admitted 257. Venezuela is zero. And two from Yemen.

So when we think about—and we consider the harsh crack-downs on asylum seekers from Central America, the policy that is the Muslim ban and the sharp drop in the refugee resettlement during this administration, do you, Mr. Schwartz, agree that the President's immigration policies are not really based on whether we favor legal or illegal, whether it is about safety and security, but it is rather about the kind of people that we think we should be welcoming into this country?

Mr. SCHWARTZ. I am deeply concerned, Representative Omar, as a former dean of a public affairs school that sits in your district, that hosted at our school many Somali students. I am concerned about the dramatic decline in resettlement of refugees from Muslim majority countries. I think it merits the scrutiny of the Congress, and it is a source of concern.

This is not a mystery. President Trump has said that he does not really want the United States to be resettling very many refugees, I mean, it is what it is. The reason I think this happens, and this relates to the security question, is, look, security screening is very important, and the FBI is involved in it, the intelligence community is involved in it, the Department of Homeland Security is involved in it.

It can be a complete obstacle to resettlement of refugees from Muslim majority countries or it does not have to be, and the difference is leadership. If the President of the United States said to those agencies, "this has to work, and I am going to throw the resources necessary in terms of adjudicators, in terms of intelligence, et cetera, to meet the objective of resettling reasonable numbers of these populations", it would happen.

But it is not happening because this administration, is just not interested in that outcome, so it is not prepared to devote the resources necessary to get through the process. That is what is happening. And I think it is very unfortunate.

As a practical matter, the way Congress can address the resettlement issue, at this point in this administration because of the plenary authority of the President to decide how many refugees are coming in every year, the way you can address it is the way I suggested in my testimony. Get consensus on a Central American refugee resettlement program or some resettlement program, and legislate it. And that is how you can effect it.

But with the President's posture on this issue and his untrammelled authority to decide how many people are going to come in, the Congress is not going to significantly alter that process. It is just not going to happen. And it is a tragedy, and it speaks poorly about who we are as a country, but it is what it is.

Ms. OMAR. So sometimes there are a lot of conversations we have that are not really rooted in fact. There are people within my home State of Minnesota who will say there are thousands of Somalis

coming in every single day being resettled without your knowledge. The President himself was unfortunately in my State and said something to that regard. And in the last year, one Somali family was resettled in our State.

But I also want to go back to a statement that was made on the committee and just kind of have some facts be used to address that. You know, the ISIS bride was mentioned, and it is a fact that the ISIS bride was not a refugee that was resettled in this country. It is a fact that she was not an immigrant, but an American born to a family of diplomats. And so I would love to hear from you, Mr. Schwartz, or any of the panelists, when you state earlier that the refugees are the most vetted and have not been part of causing terror or taking American lives in this country.

Can you actually address that with some actual facts? Do you have numbers or some things to help us cleanse us of this hateful rhetoric that we have developed in thinking that people who are coming to this country to seek a new life are the ones that are causing us harm, and one that is making our communities unsafe and turning us against each other because, you know, for the most of Minnesotans who are of refugee background, most of us came as children, and we went through years of vetting and went through the process of becoming a citizen. I mean, we have been fingerprinted, tested, more than any American has ever been who was born in this country.

And so it saddens me and it is frustrating really and angering to hear people say that we are a threat to society when we are tested and policed and surveilled more than any member of our society.

So can you please help me out and put some facts to this?

Ms. BASS. Well, actually, we have gone over on time, so if one of you want to briefly respond, and then I want to make a few comments before I move on to Ms. Houlahan.

Mr. SCHWARTZ. Well, just very briefly. I think security screening is legitimate. But I also think policy has to be evidence-based. I think if you have an immigration program, and we have an immigration program, you know, some of the people who come into your country are going to commit crimes, at lower rates than native Americans, but that is going to happen, so policy has to be evidence-based. And I think we have durable and responsible screening procedures.

The Cato Institute, a conservative think tank in Washington, estimated that between 1975 and 2015, the likelihood of an American losing their lives at the hands of a refugee was one in 3.64 billion, which means almost nonexistent. And so I think policy has to be evidence-based. We have to have responsible screening procedures, but policies have to be evidence-based.

Ms. BASS. Thank you. So before we move on to our last member, let me just say that in this hearing we went over beyond 5 minutes because it is difficult when one person does it then not to allow everyone else. In the future, though, I do want our hearings to stick to 5 minutes, and then after everybody has had a chance to speak, if there is time left, then we can have people return for a second round.

Representative HOULAHAN.

Ms. HOULAHAN. Thank you. And thank you to my colleagues as well for their impassioned conversation and to you all for coming today, and to Mr. Mace and Mr. Schwartz for spending time with me last week on the phone, and bringing me up to speed on this.

I am the daughter of a refugee who came here 70 years ago, and these issues are critically important to me as well. I am trying to find a solution, just like I think everyone here, to being the Nation that we have been promised and the Nation that has given us so much, as both of us sitting here on the stage—many of us here.

And so what I am trying to figure out though also is—I am also from a community that is struggling right now, they have jobs that are open and they cannot find people to fill those jobs. They are in danger in the case of one industry in particular of literally going out of business, five generations of people have farmed mushrooms in my community, we no longer can find the labor who would like to do this, and those businesses are going under.

What I am trying to understand is in a world where we have these caps, which are not being met. In a world where we have these jobs, which are being unmet as well, how do I help as a legislator to match the supply and the demand without being, you know, crass about human lives, I am just trying to figure out how it is that we can figure out how to match what is clearly a group of people who would desperately like to fill those jobs and desperately like to be part of the American dream, and a community that would desperately like to have them be there?

I am wondering from you all, have you seen any programs that work, that can marry up these two groups with one another? Is there anything that you have seen either at the State or local level, or frankly, at the Federal level? We spoke about the idea of having this special Central American refugee policy, I was really intrigued about that. Can you put some bones to that kind of an idea? And that I think is largely—the large part of my question.

Mr. MACE. I would just say briefly that, first of all, when I was in the region, one of the very first things people would say, besides education, if they had kids it was always education of their kids, and that I want to work. I want to have a meaningful job. And whether that is in the country they are in or if they are resettled, everyone wants to work, they do not want to be reliant on aid.

In terms of that, I think that it is not surprising you have heard from people in your district. All across the country there are so many different industries and places that actually benefit from refugees, immigrants, asylees, refugee, immigrants, they contribute to our country in so many vibrant ways.

I think the first thing I would say is in terms of a refugee programing, when we are talking about that, we just need to call for an increase in the program. I think that there is other ways of looking at it, and I would say that it might be worth exploring. You know, at Embassy International we have a community sponsorship program where we encourage amnesty members to sign up to be sponsors of refugees, aligned with their local resettlement agency, like LIRS, IRC, HIAS and I think that there is innovative things that we could look to to say maybe there are ways that we can work together.

But I think it is important to note that what makes our program, the U.S. refugee admissions program such a good one, is that we do not value people based on their education, based on anything except to say who is most in need, who is most vulnerable, and that is where the U.S. refugee admissions program should always start.

Mr. SCHWARTZ. I presume you are not talking about the regular immigration law means of bringing employees in. And so, you know, what Mr. Mace said is true. The refugee program has been of pristine in that it has focussed on refugee admissions based on the five criteria related to persecution, and I honor that. But I would not oppose, and I think a special initiative focused on Central America, that broadens the categories to include other types of forced migrants.

Not every forced migrant is a refugee. But people who feel they need to leave their homes, and who we all would agree they should be leaving their homes due to violence and other factors. Forced migrants, you know, are in need. And in this special situation, I think there are opportunities for special legislation that captures both refugees and other forced migrants.

I would refer you to a *Washington Post* piece by Roberto Soro of USC and Alex Aleinikoff of the New School, the former INS legal counsel, that discusses this particular program in some detail.

Ms. HOULAHAN. Thank you very much. I will yield back.

Ms. BASS. Thank you very much, I appreciate that. Mr. Smith, would you like to—

Mr. SMITH. Thank you, madam chair. And, again, thank you for calling this very important hearing. I did want to ask Mr. Schwartz, if I could, you know, you mentioned the GAO report, which I have read, but there was a declassified GAO report, as you know, that just came out, and that tells a different story. A profoundly different story with, of course, to UNRWA and the textbooks. It does point out that UNRWA and state have taken steps to identify and address potentially problematic content of textbooks used in UNRWA schools, and there is about 370 of those schools.

But then it says, due to financial shortfalls, and this is before there was any cut, UNRWA officials told GAO that UNRWA did not train teachers or distribute the complimentary teaching materials. They point out in their report, this is GAO, again, that there was inaccurate information conveyed by the U.S. Department of State to Congress, and omitted potentially useful information, and bottom line, without a fuller explanation, Congress may not have the information it needs to oversee efforts to identify and address potentially problematic textbook content.

So my concern is, are we talking about an initiative that looked good? Had a great deal of surface appeal, but when it came down to implementation, it was an absolute sham. This GAO report, the one that was just declassified, makes it pretty clear that there are really serious problems that—I have had hearings myself in this hearing room where textbooks that are used to train, to educate young Palestinian children, contain the most horrific hate against Jews imaginable. And, you know, that is absolutely unacceptable.

Remember in that great South Pacific, Rodgers and Hammerstein, there is a famous song in there, *You Have Got To Be Taught To Hate*. That it needs, you know, it is inculcated in the minds of

these young people. Well, if the textbooks are rife with anti-Semitic hatred, that needs to be called out and excised, and that is what we have been calling for.

I met with the UNRWA board many times myself in the past and it kept calling for that. Now we have a GAO report that makes it pretty clear, still a problem. You know, they did what looked like on the surface was something, then it was not implemented at the school.

I would just say this for the record, and I know we have a fundamental difference when it comes to the right to life issue. I believe that unborn children are—should be respected. That abortion is violence against children, whether it is dismemberment or chemical poisoning, the end result is the same. That child, that girl or that boy dies. I do believe that there are two victims in every abortion, both the mother and the baby.

That said, in 1984 when Ronald Reagan announced the Mexico City policy, there were many people who said, nobody will accept these terms and conditions. I offered the amendment in 1984 on the floor of the House to protect the Mexico City policy, and that argument was made over and over and over again by my very distinguished and respected colleagues, who I like and respect, but disagreed on this issue.

Now, we found out during Reagan, Bush and Bush who had the Mexico City policy in place, that just about everybody accepted those terms and conditions because we do not want to be in the position of facilitating the killing of unborn children. You know, I know you know this, and I think most people know it. Just look at what first baby pictures are now all about. The picture of the child in utero, the ultrasound. And parents proudly send that out to grandparents and friends, and say, here is what the little girl or little boy looks like. Abortion is the antithesis of that because it either dismembers that little baby or kills that baby with chemical poisoning.

We are, out of an abundance of concern for children, the New Protect Life policy in global health, it is designed to say, let's look at birth as an event. It is not the beginning of life, but as an event, and protect to the greatest extent possible those children. The original or the current analysis is almost every foreign NGO in the world, not all, but almost every one, has accepted the terms and conditions that have been promulgated by the administration.

So the money is flowing, it is flowing to organizations that are doing the great work on the ground. So I, do believe some day people will look back upon us, and say, how could a country that so strongly protected other human rights could not see that those children had value and worth? I know we disagree, but that is where I am coming from. They are children, they deserve our respect, and hopefully our protection. And, minimally, not our financial facilitation of their demise. But if you could maybe speak to this one as well.

Mr. SCHWARTZ. Yes, I have to respond. I just have to comment. First of all, Representative Smith, you know how much I admire your commitment to humanitarianism and to the rights and well-being of refugees, it goes without saying. But we have some differences.

On the UNRWA issue, I was referring to the classified report. I was not referring to an unclassified report. I have a different view on that report, because I believe that in an imperfect world we have an organization operating in an extremely difficult climate. I believe that organization is a force for positive movement on humanitarian issues, and I believe that their removal from that situation, which would be facilitated by a U.S. cut in aid, would have dramatic and negative implications for the Palestinian people.

If I can take off my Refugees International hat for a second, I also believe it would have negative political consequences. I think it would strengthen the position of radicals in the region. So that is my first point on UNRWA.

On the other issue, I am not advocating U.S. support for abortion-related services, but I am saying that I think this policy, because it prevents assistance to organizations that use other funds to undertake such activities, I believe this policy does more harm than good. And so we have a difference of opinion about that.

Ms. BASS. So let me just before I close us out. Oh, Representative Omar?

Ms. OMAR. Could I?

Ms. BASS. Sure.

Ms. OMAR. Sorry. Thank you. I just thought of—I had a round table on immigration issues for recess week in my district, and two of the participants were lawyers who went to go help in our southern border to assist some of the asylum seekers there. They were speaking about some of the things that they witnessed. I just noticed that, Mr. Schwartz, you had mentioned that in your testimony—and so I wanted to ask you about this policy of metering and whether it is within international law to do that.

Then I wanted to ask you about our—what has our historic capacity at that border crossing has been and what does processing look like right now?

Mr. SCHWARTZ. Well, understanding the lateness of the hour, I will try to be very brief.

Ms. BASS. Thank you.

Mr. SCHWARTZ. The testimony speaks for itself. I think that practices of the administration have run afoul of our commitments under the Refugee Convention and Protocol, and under U.S. implementing legislation around that.

Criminalizing people who cross between ports of entry is in violation of Article 31 of the Convention because it says to somebody who crosses, we are going to put you in prison first and charge you, and then maybe we will consider whether or not you are a refugee. That is not the way to do it. So I have concern about that.

I have a concern about a policy that returns people to Mexico in circumstances where the conditions in northern Mexico are very dangerous, where people do not have access to lawyers, where there is very little or no due process, and there is the risk of returning to situations where people's lives or freedom may be threatened.

So for all of those reasons, I think Congress should be acting to legislate remedies here, and I think the policy is an unfortunate one.

Ms. BASS. Thank you very much.

Before I wrap up, I want to thank all of the witnesses for your testimony, for your time, and for your recommendations. As my colleague said, we do have differences of opinion. We have differences of opinion when it comes to a woman's right to choose. As a mother and as a grandmother, it is kind of difficult to hear the descriptions of what an abortion is or an abortion is not. What I worry about is that when we have policies that try to govern what women do with their bodies, it really only applies to poor women, and that is my concern.

I worry about women in other countries, that there is cases in Central America where women are criminalized, incarcerated, because they had a miscarriage, and it is not clear whether it was a miscarriage because of natural reasons or it was an abortion. So in 2019, the idea that many countries are still criminalizing women is of great concern to me. I just kind of hope when we move forward in this committee that, we acknowledge the differences, but sometimes I do not think the graphic descriptions are necessary for the point to be made.

And with that, I adjourn.

[Whereupon, at 4:50 p.m., the subcommittee was adjourned.]

APPENDIX

**SUBCOMMITTEE HEARING NOTICE**  
**COMMITTEE ON FOREIGN AFFAIRS**  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515-6128

**Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations**

**Karen Bass (D-CA), Chair**

February 26, 2019

**TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS**

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations in Room 2200 of the Rayburn House Office Building (and available live on the Committee website at <https://foreignaffairs.house.gov/>):

**DATE:** Tuesday, February 26, 2019

**TIME:** 2:00 p.m.

**SUBJECT:** A Global Crisis: Refugees, Migrants and Asylum Seekers

**WITNESSES:**

**Panel I**

The Honorable Raul Ruiz  
Member of Congress (D-CA)

**Panel II**

The Honorable Eric Schwartz  
President  
Refugees International  
*(Former Assistant Secretary of State for Population, Refugees, and Migration)*

Mr. Ryan Mace  
Grassroots Advocacy and Refugee Specialist  
Amnesty International

Ms. Ann Buwalda  
Executive Director  
Jubilee Campaign USA Inc

**By Direction of the Chair**

*The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.*

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON Africa, Global Health, Global Human Rights, and International Organizations HEARING

Day Tuesday Date 02/26/2019 Room 2200

Starting Time 2:02pm Ending Time 4:49pm

Recesses 1 (2:38pm to 3:36pm) (\_\_\_\_ to \_\_\_\_) (\_\_\_\_ to \_\_\_\_) (\_\_\_\_ to \_\_\_\_) (\_\_\_\_ to \_\_\_\_)

Presiding Member(s)  
*Rep. Karen Bass*

Check all of the following that apply:

Open Session                       Electronically Recorded (taped)   
Executive (closed) Session                       Stenographic Record   
Televised

TITLE OF HEARING:  
*A Global Crisis: Refugees, Migrants and Asylum Seekers*

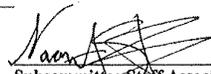
SUBCOMMITTEE MEMBERS PRESENT:  
*See attached.*

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an \* if they are not members of full committee.)*  
*N/A*

HEARING WITNESSES: Same as meeting notice attached? Yes  No   
*(If "no", please list below and include title, agency, department, or organization.)*

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

TIME SCHEDULED TO RECONVENE \_\_\_\_\_  
or  
TIME ADJOURNED 4:49pm

  
\_\_\_\_\_  
Subcommittee Staff Associate

**HOUSE COMMITTEE ON FOREIGN AFFAIRS**  
*SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND  
INTERNATIONAL ORGANIZATIONS*  
*COMMITTEE HEARING*

<i>PRESENT</i>	<i>MEMBER</i>
X	Karen Bass, CA
X	Susan Wild, PA
X	Dean Phillips, MN
X	Ilhan Omar, MN
X	Chrissy Houlahan, PA

<i>PRESENT</i>	<i>MEMBER</i>
X	Christopher H. Smith, NJ
	James F. Sensenbrenner, Jr., WI
	Ron Wright, TX
X	Tim Burchett, TN

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