

separate provinces. Many Papuans feared that such a division would increase the number of troops in the region.

Tensions were especially high along both sides of the Indonesian-Papua New Guinea border because of skirmishes between Indonesian military forces and the OPM. Thousands of members of the Java-based Laskar Jihad reportedly arrived in Papua—which is largely Christian—during 2002 and established training camps in three areas where large numbers of Muslim transmigrants reside.

In August, an ambush by unidentified gunmen near the huge copper and gold mine operated by the U.S.-based Freeport McMoran corporation left three persons dead, including two Americans, and 12 wounded. The incident garnered international attention and triggered an investigation by the U.S. government. In late December, two women—including the wife of the director of a Papuan human rights group—were shot and wounded when unidentified gunmen ambushed their minibus. Both attacks remained under investigation at year's end. The November 2001 abduction and murder of Theys Eluay, a Papuan pro-independence leader, also remained unsolved.

**East Timorese Refugees in West Timor** Approximately 28,000 East Timorese refugees remained in the Indonesian province of West Timor at year's end. UNHCR estimated that nearly all of the refugees would choose to remain permanently in Indonesia. Almost 32,000 East Timorese voluntarily repatriated to East Timor during 2002.

On May 20, East Timor achieved independence as the Democratic Republic of Timor-Leste. In December, UNHCR invoked the cessation clause of the Refugee Convention for East Timorese refugees. The cessation was to take effect January 1, 2003. Indonesia announced that any East Timorese remaining in West Timor on that date would be eligible for Indonesian citizenship.

In the violence that followed the 1999 East Timorese independence referendum, as many as 290,000 East Timorese fled—or were forcibly moved by pro-Indonesia militia—to camps and settlements in West Timor. Since then, more than 224,000 East Timorese have repatriated.

Although repatriation continued throughout 2002, the pace of returns fluctuated because of various factors, including conflicting information concerning the refugees' options. Returns surged in March and April, prior to the independence celebrations in May, and repatriation rates remained high through August. The Indonesian government vacillated on offers of various repatriation packages. At one point, the government set an August 31 deadline to close the camps and terminate repatriation assistance. Shortly afterwards, the government restarted the incentive program with bonuses for each family returning before December 31. The voluntary repatriation of many civil servants and military personnel was delayed during the year because compensation was slow to materialize.

UNHCR provided assistance to nearly all of the

32,000 repatriating East Timorese.

Although many of the remaining refugees expressed a preference to stay permanently in West Timor, the Indonesian government sought to identify permanent resettlement sites elsewhere in the country. By year's end, the government had relocated 146 East Timorese families from West Timor to three other locations: 30 families to Kotabaru in South Kalimantan, 50 families to Waringin Timur in Central Kalimantan, and 66 families to Lolokelai in West Sumba.

**Middle Eastern and South Asian Asylum Seekers** Because of Indonesia's proximity to Australian island territories off the Australian mainland, increasing numbers of Australia-bound migrants have transited through Indonesia. Most have been asylum seekers from Afghanistan and Iraq, with smaller numbers from Iran and elsewhere. Most arrived with the help of organized smugglers.

In 2000, the Australian government established "regional cooperation arrangements" with parties in Indonesia—the government, UNHCR, and the International Organization for Migration (IOM)—that have a role in detecting and assisting the asylum seekers. During 2001, more than 1,500 asylum seekers were intercepted and assisted in at least 15 locations throughout Indonesia.

Although the agreements remained in place during 2002, no asylum seekers were intercepted during the year. However, UNHCR and IOM continued to seek solutions—including voluntary return or resettlement in other countries—for the asylum seekers remaining in their care.

## Japan

More than 6,500 refugees and asylum seekers were in Japan at the end of 2002. These included some 5,900 Indochinese refugees (Vietnamese and Cambodians) admitted before 2002 who remained in Japan with temporary status; 144 Indochinese refugees admitted from overseas during the year; 14 persons granted asylum during the year; 174 persons with pending asylum claims; 250 rejected asylum seekers remaining in Japan under various permits based on humanitarian concerns (including 40 persons granted such permits during 2002); and 24 refugees recognized under the mandate of the UN High Commissioner for Refugees (UNHCR).

UNHCR does not confer mandate status on asylum applicants whose claims are still pending with the Japanese government (although it provides opinions to the government on certain cases). However, UNHCR may confer mandate status on persons denied asylum by Japan who have strong grounds for recognition.

Japan has an ongoing family-reunification program for close relatives of Indochinese refugees resettled in earlier years. During 2002, Japan admitted 144 refugees from overseas (135 Vietnamese and 9 Cambodians).

Of more than 10,900 Indochinese refugees who



were admitted to Japan (or who otherwise entered Japan and were later granted protection) between 1978 and 2001, some 5,900 remained in Japan under temporary residence permits, mostly valid from one to three years. Although Japan regularly renews such permits and allows holders to apply for permanent residence after five years, the government does not normally grant permanent residence until the individual has demonstrated his or her eligibility, including "good conduct," throughout a lengthy period—often ten years, according to sources in Japan.

The Japanese government claims that the status of the Indochinese with one- to three-year permits is stable, because the permits are normally extended and the holders can work, travel freely, own property, and obtain various benefits. However, both UNHCR and the U.S. Committee for Refugees count these 5,900 Indochinese as refugees, as this status is not durable within the sense of the Refugee Convention.

**Asylum** During the year, 250 persons applied for asylum in Japan. Most asylum applicants were from Turkey, Afghanistan, Pakistan, and Burma. The government adjudicated 225 applications, approving 14 (6 percent) in the first instance and rejecting 211. No asylum applications were granted upon appeal. At year's end, 174 cases were pending first-instance decisions, with another 98 cases pending appeal.

Requests for asylum must be filed within 60 days of arrival in Japan or after the need for protection arises, unless unavoidable circumstances prevent timely application. UNHCR has estimated that mere procedural grounds such as the 60-day rule account for about half of all rejected asylum applications in Japan. However, the government contends that it considers even post-60-day claims because it takes into account the persecution claim in determining whether the reasons for delay were unavoidable.

During 2002, Japan considered extending or eliminating the filing deadline, with a decision expected in 2003.

During the year, Japan allowed 40 rejected asylum applicants to remain in the country with various special resident permits based on humanitarian concerns, including civil war in their home countries. The permits are effective for one to three years and are generally renewable. At year's end, 250 persons with such special residence permits remained in Japan.

In August, Japan announced that it would begin providing persons granted asylum with the same settlement services already provided to Indochinese refugees, such as Japanese language and vocational training. The government had not enacted this change by the end of 2002, and was reportedly considering limitations on access to certain benefits.

The government also considered issuing temporary residence permits to undocumented immigrants who applied for asylum. UNHCR has long urged the government to issue such permits to ensure that asylum seekers are not subject to arrest and deportation. Japan said that otherwise

undocumented asylum applicants would have to agree to be housed at a state-run refugee center in Tokyo, which would expedite the asylum adjudication process. At year's end, the government had not yet enacted this change.

The government's review of its asylum program, and the proposed reforms, resulted from widespread criticism of Japan's treatment of refugees following a May 8 incident at the Japanese consulate in Shenyang, China. When a family of North Koreans sought protection at the consulate, Chinese police wrestled a woman to the ground in front of her two-year-old daughter—an image shown in videos and photos throughout Asia and elsewhere. Although China eventually permitted the family to go to South Korea, the Japanese public was outraged by the consular officials' apparent cooperation in the seizure.

**Restrictive Measures** Under Japan's immigration law, all persons who arrive without proper documents—including those who subsequently seek asylum—are initially detained. If an individual raises a refugee claim, immigration examiners assess that claim and may grant provisional release based on such factors as the strength of the claim or the applicant's financial circumstances and character. Critics have said that immigration examiners often deny provisional release until the applicant has been detained for months or even a year.

In a May 17 report entitled *Welcome to Japan?*, Amnesty International said, "The treatment of foreign nationals in detention facilities at Japanese ports of entry reveals a disturbing pattern of human rights violations, including ill-treatment and incommunicado detention." The report also described Japan's refusal of entry to asylum seekers, noting that such refusals have increased since the September 11 terrorist attacks in the United States.

Nongovernmental organizations and UNHCR have also expressed concern that Japan, like other industrialized countries, uses visa restrictions and other strategies to prevent would-be asylum seekers from reaching Japan. For example, under a readmission agreement with China, the Japanese coast guard intercepts vessels carrying undocumented Chinese and returns most to China without allowing them to enter Japan or seek asylum.

UNHCR noted some positive developments regarding Japan's treatment of refugees and asylum seekers during the year. These include more court decisions in favor of asylum seekers in 2002 than in all past years.

## Malaysia

Malaysia hosted nearly 59,000 refugees and asylum seekers at the end of 2002, the overwhelming majority (57,000) Filipino Muslims.

At year's end, 1,578 asylum seekers had claims pending with the UN High Commissioner for Refugees

(UNHCR). Another 400 had been granted refugee status by UNHCR.

At least 5,000 Rohingya and 3,000 Acehese lived in Malaysia under refugee-like circumstances.

**Restrictive Measures** Although Malaysia is not a party to the UN Refugee Convention and has no system for adjudicating asylum claims, until 1998 the government generally respected grants of refugee status by UNHCR. Thereafter, Malaysia began forcibly returning Indonesian Acehese whom UNHCR had determined to be refugees, as well as others who had not yet approached UNHCR.

In 2002, Malaysia launched a massive crackdown to rid the country of an estimated 1.5 million undocumented immigrants and amended its immigration law to confer harsh penalties against all such persons present after July 31. The government said that no exceptions would be made for asylum seekers. Prior to the amendments, Malaysia's immigration laws allowed for the exemption of specific individuals or categories of persons. The government said the measures were necessary to address crime and unemployment, and to root out terrorists—particularly in the eastern

province of Sabah, close to the conflict-prone southern Philippine island of Mindanao.

In March, Malaysia's prime minister announced the new penalties for undocumented immigration: up to five years' imprisonment, a maximum fine of \$2,000 (10,000 Malaysian), and mandatory whipping.

Hundreds of thousands of migrant workers left before the deadline. Many asylum seekers, however—particularly Burmese Rohingya and Indonesian Acehese who feared persecution if they returned home—could not. In five incidents, asylum seekers fearing arrest and deportation forced their way into the UNHCR compound in the capital of Kuala Lumpur, seeking protection.

**Filipino Muslims** More than 57,000 Filipino Muslim refugees remained in Malaysia, primarily in Sabah, having fled fighting between the armed forces of the Philippines and Muslim insurgents, including those who want a separate Muslim state. Most arrived in Sabah in the 1970s. UNHCR assisted them between 1977 and 1987. The Malaysian government regards the 57,000 Filipinos as refugees and permits them to reside legally. There is also a much larger popu-



A pregnant woman from the Indonesian province of Aceh waits outside the UNHCR compound in Kuala Lumpur, Malaysia, June 2002. Inside, 18 ethnic Rohingya Muslims from Burma await word on their refugee claims, fearing religious persecution in Burma and Malaysia's stiff new penalties against undocumented migrants. Photo: AP/T. E. Koon



lation of undocumented Filipino migrant workers in Sabah.

The Filipino refugees hold special one-year passes that must be renewed annually. The refugees can legally work, attend school, and receive basic social and medical services. However, they do not have permanent residence status, and the government must approve their movements outside of Sabah on a case-by-case basis.

In July 2001, Malaysia announced that it had revoked their refugee status. Officials said they would allow them to remain in the country if they had a place to stay and obtained work passes, which would be annually renewable. Those without work passes would be deported. According to UNHCR, however, the official change has had no practical impact.

In early 2002, UNHCR received applications from 13 persons from the southern Philippines for refugee status. UNHCR adjudicated 12 of the claims, granting all.

Malaysia's 2002 crackdown on undocumented migrants resulted in thousands of Filipino workers being detained. UNHCR said that it contacted Sabah officials to determine whether any refugees or asylum seekers were among the detained and was assured that none were.

In July, after the separatist war in the southern Philippines once again heated up, Malaysia deployed aircraft to detect Filipinos (including possible separatist rebels) entering Sabah. On July 3, Malaysia's defense minister reported that more refugees were entering Sabah than before and that the government had detained 150 of them. UNHCR said that it was not aware of this and that Sabah officials had referred no Filipino asylum seekers to the refugee agency.

In late 2001, Nur Misuari, a former rebel leader in the southern Philippines and later governor of a semi-autonomous region there, fled to Malaysia. He sought the protection of UNHCR, but Malaysia detained him and denied UNHCR officials access to him. Malaysia deported Misuari back to the Philippines in January 2002.

**Rohingya Refugees from Burma** Several thousand Rohingya Muslims have been in Malaysia for more than a decade, having fled religious and ethnic persecution in Burma. Malaysia has been unable to return the Rohingya to Burma because the Burmese regime denies that they are its citizens.

In 1998, nearly 1,600 Rohingya approached UNHCR for the first time to request refugee status. By the end of 2000, UNHCR had denied most of the claims, approving only 48. UNHCR approved one more claim in 2001 and 46 in 2002. At year's end, 139 Rohingya claims were pending with UNHCR.

In January, 28 Rohingya forced their way into the UNHCR compound in Kuala Lumpur. UNHCR officials allowed the group to stay while their claims for refugee status were considered. The next day, however, UNHCR denied all of the claims and allowed the Malaysian police to arrest the group.

In mid-June, two more groups of Rohingya, 18 in total, forced their way into the UNHCR compound. The Rohingya remained there for nine days before being denied status by UNHCR and handed over to Malaysian authorities.

Two additional break-ins occurred in late June and mid-July. In both incidents, the asylum seekers left the compound voluntarily and were subsequently interviewed by UNHCR.

On August 1, the day the new immigration penalties became effective, Malaysian authorities arrested 127 persons, including 32 Rohingya, outside the UNHCR office and transferred them to detention centers. UNHCR was granted full access to the asylum seekers to determine their refugee status.

Malaysian authorities routinely transport Burmese Rohingya to the Malaysia-Thailand border and cross the Rohingya over into Thailand after dark.

While the Rohingya Heritage Foundation believed there to be as many as 14,000 Rohingya in Malaysia during 2002, other sources put the figure at 10,000. UNHCR still considers 5,100 Rohingya (based on a 1992–93 registration exercise) to be "of concern," since they have no legal status in Malaysia.

The U.S. Committee for Refugees (USCR) considers the Rohingya denied by UNHCR and those who have not come forward for status determination—a total of at least 5,000—to be living in refugee-like circumstances.

The Rohingya's lack of legal status and the actions of UNHCR prompted human rights groups to sharply criticize the refugee agency. The groups reiterated a charge asserted in a 2000 Human Rights Watch report that UNHCR underestimated the risks faced by Rohingya if forcibly returned to Burma. UNHCR said it was constrained by the fact that Malaysia is not a party to the Refugee Convention, as well as by the Convention's definition of a refugee.

Between August and December, UNHCR issued more than 5,000 letters to Rohingya in Malaysia (including persons it had denied as refugees), confirming that the holders of the letters were registered with UNHCR as Rohingya from Burma. According to UNHCR, the so-called "Rohingya letters" appear to have afforded the Rohingya a degree of protection in the form of less harassment, arrest, and detention.

**Acehnese Asylum Seekers** Some 144 Indonesians from the province of Aceh (where a separatist movement has been active since 1976) were UNHCR-recognized refugees in Malaysia at the end of 2002. The number of Acehnese who approached UNHCR in Malaysia rose dramatically in the past couple of years, from only 53 persons in 2000 to more than 1,400 in 2002.

UNHCR decided the claims of 360 Acehnese (including cases pending from the previous year), approving 86. At year's end, nearly 1,200 Acehnese cases were pending.

Acehnese groups estimated that another 3,000 Acehnese who fear persecution were in Malaysia at year's

end. USCR considers those denied by UNHCR and those who have not yet applied to UNHCR for protection to be living in refugee-like circumstances.

As with the Burmese Rohingya, Acehese asylum seekers were arrested and detained in the immigration crackdown. Of the 127 persons taken into custody by the Malaysian authorities on August 1, nearly 100 were Acehese. All reportedly remained in detention at year's end.

In September, according to SUARAM, a Malaysian human rights organization, Malaysia arrested dozens of Acehese who had UNHCR refugee status and were awaiting resettlement in other countries.

Although members of the Acehese separatist group are among the Acehese seeking refuge in Malaysia, most arrivals have been civilians fleeing the violence, along with human rights activists, humanitarian workers, students, and journalists.

**Burmese Chin Asylum Seekers** In 2002, representatives of the Chin Refugee Committee said that between 3,000 and 5,000 ethnic Chin from Burma—who are predominantly Christian—had fled to Malaysia during the past several years. Like other asylum seekers, they are without legal status in Malaysia and face the threat of return to Burma.

During 2002, UNHCR decided the claims of 200 Chin asylum seekers, approving 60. About 100 Chin claims were pending with UNHCR at year's end.

## Nauru

Nauru hosted some 120 refugees at the end of 2002. The vast majority were Afghans and Iraqis. All had been brought to Nauru by the Australian government as part of an Australian policy toward asylum seekers initiated in September 2001 and often referred to as the Pacific Solution.

The Pacific island nation of Nauru is one of the world's smallest republics. Just 25 miles (41 km) south of the equator, Nauru has a population of less than 12,000 and a landmass of 12.6 square miles, much of which is dedicated to phosphate mining, the country's major industry.

In August 2001, in a break with previous policy, Australia refused to allow the entry of more than 400 persons, mostly Afghans, aboard a Norwegian freighter, the *Tampa*, that had rescued the group at sea and attempted to bring them to Australia's Christmas Island.

Days later, Nauru offered to house the asylum seekers while their refugee claims were being processed, and Australia agreed.

Nauru, which is not a party to the UN Refugee Convention, asked the UN High Commissioner for Refugees (UNHCR) to screen the asylum seekers taken there, and the agency eventually agreed. Australia said it would meet all of Nauru's costs for transportation and housing. Papua New Guinea later joined Nauru as an offshore processing site for

Australia, and thus the Pacific Solution was born.

Australia provided Nauru with an initial aid package worth the equivalent of \$10 million (\$20 million Australian) in return for serving as an offshore processing center for the *Tampa* asylum seekers and others subsequently brought to Nauru. The asylum seekers were housed in a makeshift refugee camp built by Australian troops in Nauru's barren interior.

UNHCR, which had only reluctantly agreed to process the first group of asylum seekers brought to Nauru, said it would not process later groups, noting that Australia's new policy of intercepting and relocating asylum seekers was "inappropriate and inconsistent with the edifice of asylum that's been built up over years." Australia sent its own immigration officials to screen the new arrivals—under the minimal requirements of the UN Refugee Convention, rather than under Australian law.

At the end of 2001, some 800 asylum seekers remained on Nauru. Nauru and Australia amended their agreement to increase the number of asylum seekers there, in exchange for additional aid.

In the early days of 2002, Australia transferred another 300 asylum seekers to Nauru from Christmas Island. Subsequently, another 40 arrived, also from Christmas Island, bringing the total there to more than 1,100.

By year's end, Australia and UNHCR had finalized the refugee claims of all asylum seekers on Nauru. Australia screened some 650 persons, approving more than 170 as refugees and denying about 470, with 6 claims otherwise finalized. UNHCR screened more than 510 persons, approving about 270 and denying more than 210, with 27 claims otherwise resolved.

Of those approved as refugees, more than 250 had been resettled in other countries, including Australia, New Zealand, Sweden, and Canada. At year's end, some 120 refugees remained on Nauru pending resettlement.

On May 16, Australia signed an agreement with Afghanistan's then-interim government providing for the voluntary return and reintegration of Afghans—including those on Nauru—who had either failed to qualify as refugees or were still in the process of having their claims adjudicated. Australia would provide Afghans in either group with \$1,100 each (\$2,000 Australian) or up to \$5,600 per family (\$10,000 Australian), as well as airfare and support services, if they accepted the offer within 28 days of being denied refugee status.

By year's end, more than 270 Afghans on Nauru had accepted the offer and returned to Afghanistan.

Nauru and Australia extended their agreement in December, despite statements in June by Nauru President Rene Harris that "The Pacific Solution, as it has been named, has somehow become a bit of a Pacific nightmare for us." Harris was referring to the uncertainty over the asylum seekers' departure and the delay in the receipt of promised aid from Australia.



A month before, the head of Australia's detention advisory group told an Australian Senate inquiry that the facility on Nauru was by far the worst detention center being used by Australia. Lack of fresh water and frequent power outages were among the deficiencies noted. Human Rights Watch characterized the situation in Australia's Pacific camps as "arbitrary detention, lack of due process in asylum procedures, and denial of family reunification."

### New Zealand

New Zealand hosted approximately 1,700 refugees and asylum seekers at the end of 2002. These included about 750 refugees admitted from overseas, more than 500 persons granted asylum during the year, and nearly 450 persons with pending asylum claims.

**Resettlement** For fiscal year 2001–2002, which ended June 30, New Zealand admitted some 750 refugees from overseas through referrals from the UN High Commissioner for Refugees (UNHCR). Some 200 of the refugees were admitted from Nauru and Papua New Guinea, having been transported there by the Australian government under the so-called Pacific Solution.

In April, New Zealand decided it would admit more refugees from the Asia-Pacific region—including Afghans and Iraqis in Indonesia, Thailand, Malaysia, and Nauru. Immigration officials said they wanted to ease the burden for transit countries in the region and encourage asylum seekers to seek refugee status rather than use people smugglers. Opposition politicians accused the government of rewarding "queue-jumpers" rather than taking genuine refugees from countries of first asylum.

New Zealand houses newly arrived refugees for six weeks at the Mangere Refugee Reception Center in Auckland, a converted World War II army barracks, where the refugees receive orientation and English instruction. After six weeks, refugees are placed into communities around the country, usually with sponsors to help them adjust. The refugees may apply for state housing and are entitled to work permits, welfare benefits, and all other rights of New Zealand residents.

**Asylum** During calendar year 2002, nearly 1,000 persons filed asylum claims with the Refugee Status Branch (RSB) of New Zealand. The RSB adjudicated more than 2,000 asylum claims during the year (including claims pending from the previous year), approving 440 (21 percent) and denying more than 1,600. Another 68 claims were granted on appeal. At year's end, 449 claims were pending a first-instance decision.

Asylum applicants are eligible for government-funded legal representation. Although the government does

not provide housing directly to asylum applicants, it funds two hostels for asylum seekers.

Asylum seekers who are not in detention may receive one work permit per family while their claims are pending, and their children may attend school.

**Detention** New Zealand's Immigration Amendment Bill, adopted in 1999, provides that asylum seekers in the country unlawfully may be detained indefinitely while their cases are being adjudicated. The law gives immigration officials the discretion to deny temporary visas to asylum seekers, thereby leading to detention. However, according to UNHCR, in the first two years after the legislation New Zealand officials "exercised this discretion with much restraint" and granted temporary visas to most asylum seekers.

In the wake of the September 11, 2001 terrorist attacks in the United States, New Zealand tightened its detention policies for asylum seekers arriving without valid travel or identity documents. Since then, nearly all newly arrived asylum seekers have been detained, in either a penal institution or a more open center (usually the Mangere facility where resettled refugees are initially housed), depending on security concerns.

The government treats with priority the claims of asylum seekers who are detained, generally making a decision within four weeks, according to the New Zealand Immigration Service. On occasion, a detained asylum seeker is released—with or without conditions—pending a decision.

In May 2002, a New Zealand court heard arguments that New Zealand's post-September 2001 detention policy violated international and domestic law by forcing refugee applicants to leave New Zealand to avoid being jailed or detained. A lawyer arguing the case said the policy change had resulted in 94 percent of asylum applicants being detained upon arrival—often for several weeks—compared with less than five percent detained under the old policy.

In July, the judge ruled that the mass detention policy was "fundamentally defective" and violated the Refugee Convention. The judge emphasized that restrictions on the movements of asylum seekers should be the minimum necessary. The ruling opened the door to compensation claims by hundreds of asylum seekers. A government appeal was pending at year's end.

Prior to the ruling, the parliament approved an immigration bill that provides for the conditional release of certain asylum applicants. When asylum applicants are released on conditions, the government may require them to reside at a government-funded hostel, or may allow them to stay with families or elsewhere.

**Other Developments** Following Australia's lead, New Zealand launched a public information campaign in June to discourage asylum seekers from trying to reach New Zealand by boat. In pamphlets distributed at Indonesian

ports, New Zealand warned potential migrants, "The voyage would take at least a month and you would be cold, ill, and miserable. But you probably won't even make it. You and your relatives would more likely drown in the attempt."

New Zealand also finalized contingency plans for boat arrivals, given fears that Australia's hard-line policies would prompt asylum seekers toward other destinations. Officials said in June that a fishing vessel carrying 34 migrants believed to be bound for New Zealand had apparently sunk near Indonesia. In July, a boat carrying 56 New Zealand-bound Sri Lankans became stranded in East Timor.

## North Korea

At least 100,000 North Korean refugees were in China at the end of 2002. As many as 100,000 North Koreans were displaced inside North Korea. An unknown number who might be refugees were in Russia and elsewhere, while more than 1,100 fled to South Korea during the year.

The famine that began in the mid-1990s—a result of both natural conditions and government policies—continued during 2002, although its severity lessened during the past few years. Up to 3.5 million North Koreans, or nearly 18 percent of the population, have died from hunger or famine-related disease since 1994.

Several major international nongovernmental organizations (NGOs) have suspended operations in North Korea, citing the government's failure to provide a transparent food distribution system and to grant access to the country's most vulnerable people. Aid groups say the government categorizes its population based on perceived loyalty and usefulness to the regime, and channels food aid accordingly. The government has also reportedly blocked aid to parts of the country—such as the northeastern coastal provinces—that have seen antigovernment rebellions and protests.



North Korean asylum seekers climb over the wall of a German government-run school in Beijing, September 2002. China later permitted the group of 15 to go to South Korea. An estimated 100,000 North Korean refugees in China live in fear of forced return to North Korea. *Photo: AP/T. E. Koon*

In July, North Korea abandoned its decades-old state rationing system in favor of private markets to supply staple food to its population. By year's end, the new policy had made no noticeable impact on hunger or refugee flows. The World Food Program warned that the famine could worsen as governments reduced aid in the wake of October revelations that North Korea maintained a nuclear weapons program in violation of a 1994 agreement.

The issue of North Korean refugees gained international attention during the year, particularly after more than 150 North Koreans sought protection at foreign missions in China.



**North Korean Refugees** The food crisis—compounded by political turmoil, repression, and mismanagement—led an unknown number of North Koreans to make the dangerous trek across the border to China in 2002, even as China continued to forcibly return North Koreans to harsh punishment or death.

The number of North Koreans living in China remained unknown. Estimates have ranged as high as 300,000.

North Korea subjects citizens who are caught and forcibly repatriated to torture, placement in work camps, and even execution. The North Korean criminal code punishes defection or attempted defection with a minimum of seven years imprisonment. The death penalty applies where the defector, while in China, had contact with South Koreans, Christians, or foreigners.

Although little is known about persecution that North Korean defectors may suffer prior to fleeing, the U.S. Committee for Refugees (USCR) believes that North Koreans who flee their country without government permission have *prima facie* claims to refugee status, based on the severity of the likely punishment should they return and its evident political motivation. USCR estimates that at least 100,000 North Koreans were refugees in China at the end of 2002.

The number of forcible repatriations by Chinese border guards has increased since 1999, although no comprehensive figures are available. During 2002, China once again intensified its crackdown on North Korean asylum seekers, particularly after several incidents beginning in March when groups of North Koreans sought protection at foreign missions in the Chinese cities of Beijing and Shenyang. China eventually permitted most of the asylum seekers—160 in all—to travel to South Korea, but it also took steps to avoid future embassy incidents and increased patrols along the border.

China forcibly returned an unknown number—possibly tens of thousands—of North Koreans during the year. On December 5, Chinese and North Korean security forces launched a 100-day campaign to locate and return North Korean refugees. According to NGOs, China returned as many as 1,000 North Koreans each day between the campaign's initiation and the end of the year.

Despite the dangers, foreign NGOs have formed an “underground railroad” of guides and safe houses to help move North Koreans from China to South Korea through countries such as Mongolia, Burma, Vietnam, and Thailand. Some North Koreans also agree to work as laborers in Russia's harsh logging camps, in the hope of escaping to South Korea.

**Internal Displacement** The number of internally displaced North Koreans was unknown, although one NGO estimated 100,000.

Because of the difficulty in gaining information from inside North Korea, most information on internal

displacement came from interviews with North Koreans in China. They reported that the displaced were generally mobile, moving from one place to another despite the government's policy of strictly controlling internal migration.

The North Korean government also forcibly relocates people for political reasons. The U.S. State Department reported that an estimated 200,000 North Koreans were political prisoners in maximum-security camps in remote areas in 2002.

## Papua New Guinea

Papua New Guinea (PNG) hosted approximately 5,200 refugees and asylum seekers at the end of 2002. Of those, an estimated 5,100 were Indonesian refugees from Papua (formerly known as Irian Jaya), an Indonesian province that shares the island of New Guinea with Papua New Guinea. The other 100 were primarily Iraqi asylum seekers who had attempted to land on Australian territory by boat. Australia transferred them to Papua New Guinea as part of the so-called Pacific Solution for unauthorized boat arrivals.

An estimated 500 persons remained internally displaced on the PNG island of Bougainville.

Papua New Guinea is a party to the UN Refugee Convention, but has not enacted domestic refugee legislation. In 2001, the government hired a consultant to draft refugee legislation and sought guidance from the UN High Commissioner for Refugees (UNHCR). However, the government took no action on such legislation in 2002.

**Refugees from Indonesia** Refugees from the Indonesian province of Irian Jaya (renamed Papua in 2002) first fled to Papua New Guinea in 1984 to escape fighting between the Indonesian army and the Free Papua Movement (OPM), a small separatist group. During 1984–86, Papua New Guinea received more than 12,000 Irian Jayans, most of whom the PNG government declared to be *prima facie* refugees. Smaller numbers of Irian Jayan asylum seekers entered and remained in Papua New Guinea between 1987 and 2000.

More than 400 Irian Jayans crossed into Papua New Guinea during November and December 2000. UNHCR did not consider them to have a *prima facie* claim to refugee status; instead, the refugee agency said the PNG government would need to determine their status individually, despite the fact that the government had never conducted such determinations for any asylum seekers.

By the end of 2001, the government had not assessed the claims, leaving the asylum seekers with no legal status. Nearly 150 of these arrivals had returned to Indonesia voluntarily (and without UNHCR assistance), while about 300 remained in the border town of Vanimo—some at a Catholic-run center and others in informal settlements. The PNG government had agreed to an Indonesian request

to return the asylum seekers, and the two countries began discussing repatriation.

In August 2002, however, the PNG government—with training and monitoring by UNHCR—conducted refugee status determinations for the 300 asylum seekers. Preliminary results indicated that some 80 percent were refugees. At year's end, a final decision regarding the asylum seekers' status—and a durable solution—had not been made.

**Limited Integration** In addition to the 300 asylum seekers who entered in late 2000, a few thousand Irian Jayans who arrived in earlier years remained in Papua New Guinea. Many resided at a settlement site at East Awin, near Kuinga in Western Province.

In 1997, Papua New Guinea began implementing a limited integration policy for Irian Jayans at the East Awin settlement. Those who lived in or moved to East Awin, and who met certain criteria, were eligible for "permissive residency" status. If granted permissive residency, the refugees could continue to live in the settlement or relocate to other areas of the country. After eight years of permissive residency, the refugees could apply for naturalization.

According to UNHCR, all but approximately 800 Irian Jayans at East Awin had been granted permissive residency by the end of 2002. UNHCR no longer considers persons with permissive residency—some 2,500 to 3,000 persons—to be refugees, because the status "is a durable solution which grants recipients similar rights and responsibilities to those of PNG nationals."

The U.S. Committee for Refugees continues to count as refugees the 800 persons remaining at East Awin who had not yet received permissive residency, as well as an estimated 4,000 Irian Jayan asylum seekers who have elected to live outside of East Awin and not apply for permissive residency.

UNHCR had no access to members of the latter group, who were among an even larger group of Irian Jayans—possibly more than 5,000—who have lived inside the PNG border for years. Despite a long history of cross-border movement, the presence of the Irian Jayans—who, like persons from Papua New Guinea, are ethnically Melanesian—has sparked security concerns, since Indonesia has claimed that the border settlements harbor OPM rebels.

**Australia's "Pacific Solution"** In August 2001, Australia refused to allow the entry of more than 400 persons, mostly Afghans, aboard a Norwegian freighter, *the Tampa*, that had rescued them at sea and attempted to bring them to Australia's Christmas Island.

Australia has transferred most unauthorized boat arrivals since September 2001 to either Nauru or Papua New Guinea, the two countries that have agreed to serve as offshore refugee processing sites for Australia in exchange for financial aid.

PNG officials chose the remote island of Manus—a former World War II air and naval staging point about 217 miles (350 km) from the PNG mainland—as the location for the processing center. Australia funded the construction of the center, which the International Organization for Migration operates and will eventually hand over to the PNG government.

Australian flew 216 mainly Iraqi asylum seekers from Christmas Island to Manus in October 2001, and another 150 during 2002. Because UNHCR refused to conduct refugee status determinations for the asylum seekers—saying that Australia's new system was "inconsistent with the edifice of asylum that's been built up over the years"—Australia sent its own immigration officials.

In September, some 50 asylum seekers broke out of the Manus facility in protest of their prolonged detention. They were all eventually returned to detention. The next month, Papua New Guinea extended its deal with Australia, despite earlier comments by the PNG prime minister that his country had become a "dumping ground" for refugees.

By the end of 2002, Australia had conducted refugee determinations for 339 persons on Manus, approving 292 as refugees and denying 40, while seven cases were otherwise resolved. Most of those approved were resettled in other countries, including Australia, New Zealand, Sweden, and Canada.

At year's end, only about 100 approved refugees remained on Manus.

**Bougainville** Fighting on Bougainville between 1989 and 1998 left up to 20,000 people dead and produced thousands of refugees and internally displaced persons. The PNG government and the separatist Bougainville Revolutionary Army signed a cease-fire in 1998, but continued to debate the island's future. In August 2001, the parties signed a peace agreement to formally end the hostilities, provide for the establishment of an autonomous Bougainville government, and allow for a referendum on full independence within 10 to 15 years.

Despite a few setbacks regarding weapons disposal during 2002, the peace process remained on track at year's end. Elections for the Bougainville government were set for 2003.

## Philippines

At least 45,000 Filipinos remained internally displaced at the end of 2002. An estimated 90,000 persons were newly displaced during the year, many of whom returned home by year's end—as did many persons displaced in previous years. Some 57,000 Filipino refugees remained in Malaysia. Almost all of the displaced persons and refugees were Muslims who had fled fighting between the Armed Forces



of the Philippines (AFP) and Muslim insurgent groups.

The Philippines hosted more than 160 refugees and asylum seekers from various countries at year's end, including 90 persons recognized under the mandate of the UN High Commissioner for Refugees (UNHCR); 24 persons recognized as refugees by the Philippines (11 approved in 2002 and 13 approved in previous years whose status was not yet permanent); and 47 persons whose claims were pending with the government.

During the year, 26 persons sought asylum in the Philippines. The government decided 15 cases (including some pending from the previous year), granting 11 and rejecting 4.

In 1999, the Philippines became the first member of the Association of Southeast Asian Nations to establish a formal refugee-status determination system. The Refugee Processing Unit (RPU), located in the Department of Justice, undertakes refugee status determinations. UNHCR receives refugee applications and forwards them to the RPU.

The government issues refugee visas, renewable Alien Certificates of Registration, and travel documents to recognized refugees. The government also issues work permits to qualified refugees and provides access to housing, education, and other services.

The provision of permanent residence to refugees is governed by Philippine immigration law, which generally requires marriage to a Filipino national or de facto local integration over an extended period of time.

The Philippines continued to host nearly 2,000 Vietnamese who had been determined not to be refugees under the Comprehensive Plan of Action (CPA), which ended in 1996. The Philippines was the only country in Southeast Asia to permit Vietnamese denied refugee status under the CPA to remain. The Philippine government has considered granting permanent residence to the remaining Vietnamese, and bills to that effect have been introduced in parliament. By the end of 2002, however, the legislation remained stalled. Australia has admitted, on humanitarian grounds, some of the Vietnamese with relatives in Australia.

**Internal Displacement: Background** Most displacement in the Philippines has resulted from conflict that began in the 1970s between the AFP and several Muslim insurgent groups. Muslims are a minority in the predominantly Catholic Philippines, but form the majority in some islands in the southern Philippines—including Mindanao, which hosts 24 percent of the country's total population.

For many years, the lead insurgent group was the Moro National Liberation Front (MNLF). In 1996, the government and the MNLF signed a peace accord—brokered with the help of the Organization of the Islamic Conference—that gave the MNLF a lead role in governing the Special Zone of Peace and Development in Mindanao. MNLF leader Nur Misuari was elected governor of the Autonomous Region for Muslim Mindanao (ARMM), established in 1989

to help convince the MNLF to negotiate peace.

Since the 1996 accord, most fighting has been between the government and a more violent breakaway faction of the MNLF known as the Moro Islamic Liberation Front (MILF), as well as the much smaller, but more radical, Abu Sayyaf Group—known for committing kidnappings for ransom and acts of terrorism.

In early 2000, the Philippines' then-president Joseph Estrada launched intensive military operations to destroy MILF strongholds in Central Mindanao. At least 400,000 civilians were displaced that year. The new Philippine president, Gloria Macapagal-Arroyo, signed a cease-fire agreement with the MILF in June 2001 and reinforced it two months later through guidelines that provided for the return and rehabilitation of internally displaced persons.

In its efforts to convince the MILF to follow the MNLF's lead in abandoning its armed struggle, the government held an August 2001 referendum in the southern Philippines to expand the ARMM. Misuari and the MNLF opposed the referendum, saying that unilateral government actions violated the 1996 peace accord. Subsequently, the government scheduled a special election for a new ARMM governor and backed a Misuari rival.

In the days before the November ballot for a new governor—in which the government's candidate was elected—Misuari and hundreds of MNLF members staged a revolt against the government on the island of Jolo that left more than 100 people dead. The counterattack launched by the Philippine military displaced more than 20,000 civilians. Misuari fled to Malaysia and sought sanctuary there, but was arrested, denied access to UNHCR, and scheduled for deportation.

Military operations against Abu Sayyaf have been escalating since early 2000, when the group staged several kidnappings, including one on the Malaysian territory of Sabah. Another kidnapping in May 2001 of 17 Filipinos and 3 U.S. citizens prompted a further crackdown. Government assaults displaced tens of thousands of civilians. After the September 11, 2001 terrorist attacks in the United States, the Philippines devoted increased resources in its attempt to eradicate Abu Sayyaf.

**Events in 2002** In January, Malaysia deported Misuari back to the Philippines, where he was placed in a high security police camp.

Despite periodic violations of the cease-fire by both the government and the MILF, negotiations continued and a fifth round of peace talks was scheduled for early 2003.

After September 11, 2001, reported links between Abu Sayyaf and international terrorists, combined with the long history of cooperation between the Philippines and the United States, contributed to a U.S. decision to support President Arroyo's efforts.

In February, 660 U.S. troops, including 160 Special Forces, joined the AFP as advisors on the island of Basilan

for a six-month exercise to defeat Abu Sayyaf. The U.S. military conducted surveillance flights and provided hardware to the AFP and the Philippine police for use against Abu Sayyaf and the MILF.

An estimated 90,000 persons became newly displaced during the year. Most fled in fear of cross fire, were ordered by the military to vacate, or were afraid of being accused of supporting the MILF or Abu Sayyaf. Others fled rebel incursions.

In January, at least 700 families in Maguindanao fled their villages when MILF rebels attacked. In March, the military abducted four men fleeing a Basilan village after hearing gunfire, and killed them, claiming they were Abu Sayyaf members. In April, three persons were killed and several wounded while sheltering in an elementary school designated as an evacuation center, when army mortar shells missed their Abu Sayyaf targets. The brigade commander reported that better maps prepared from U.S. survey data would soon be available. In September and October, at least 10,000 persons were displaced in the provinces of Lanao del Sur and Maguindanao by heavy shelling and ground fighting.

Nearly 70,000 of the 90,000 persons displaced during the year were displaced within the six-month time frame of the joint U.S.-Philippine exercises.

At year's end, while many displaced persons had returned home, thousands of others were unable to do so. In addition to the ongoing military operations and the presence of landmines, the destruction of homes prevented many returns.

Although the government had officially closed many of the evacuation centers and withdrawn support, a few thousand persons remained in the centers at year's end.

**Other Developments** During 2002, a Philippine parliamentary committee approved legislation on the treatment of refugees and asylum seekers. The bill remained pending at year's end.

In November, Francis Deng, the Representative of the UN Secretary General on Internally Displaced Persons, undertook his first visit to the Philippines. A report was expected in early 2003.

Balay—a Philippine nongovernmental organization assisting internally displaced persons—launched a campaign, coinciding with Deng's visit, calling on the Philippine government to adopt the UN Guiding Principles on Internal Displacement.

### Solomon Islands

An estimated 3,500 persons were internally displaced in the Solomon Islands at the end of 2002. Most were newly displaced on the Weather Coast of Guadalcanal island in the course of government attempts to apprehend a rebel leader.

An estimated 30,000 persons internally displaced by ethnic violence in 1998 and a coup in 2000 had returned home by the close of 2002.

During World War II, the United States brought laborers from Malaita, the most populous island in the Solomons chain, to work on Guadalcanal, the political center of the Solomons. In later years, competition for land and jobs caused tensions between the Malaitans and the Guadalcanalese, as the Malaitans achieved dominant positions in the economy.

In late 1998, the tensions erupted into inter-ethnic conflict when the Guadalcanalese initiated a rebel insurgency demanding autonomy within the Solomons and an end to new migration. The rebels concentrated on emptying villages of Malaitans, burning hundreds of homes. By mid-1999, up to 20,000 Malaitans fled back to Malaita, and as many as 12,000 Guadalcanalese sought refuge on other parts of the island.

A Malaitan rebel group known as the Malaita Eagle Force, frustrated with the government's inability to resolve the conflict, began to combat the Guadalcanalese militants. In June 2000 they staged a coup, forcing the prime minister to resign.

By the end of 2000, the violence had resulted in as many as 200 deaths and had crippled the economy of the Solomon Islands.

The government and most rebel leaders signed a series of peace agreements in 1999 and 2000, and an international peace monitoring team was established. However, Harold Keke, founder of the Guadalcanal Liberation Front (GLF), one of the militant groups, refused to negotiate.

Keke retreated to the remote and inaccessible Weather Coast region of Guadalcanal, located about 70 miles from Honiara, the capital of the Solomons. Keke reportedly admitted to killing ten men in June and a cabinet minister in August.

In late September, police—along with former rebels deputized by the police—began an operation to capture Keke and his supporters. Amnesty International reported that some former rebels and civilian volunteers tortured and beat suspected GLF members, burned homes, and killed livestock. Keke also reportedly burned nearly 200 homes in late 2002.

At year's end, Keke had not been apprehended.

### South Korea

South Korea hosted more than 1,200 refugees and asylum seekers at the end of 2002, almost all North Koreans. The remainder included 72 asylum seekers from various countries whose claims were pending, 2 persons recognized as refugees by South Korea, 8 with temporary humanitarian residency (including 2 recognized as refugees by the UN High Commissioner for Refugees [UNHCR]), and 2 other UNHCR-recognized refugees.



The 1,141 North Koreans who entered South Korea during the year was nearly double the number in 2001. North Korean defectors are automatically considered South Korean citizens.

Most North Koreans transited through China, and then through other countries such as Thailand, Burma, or Mongolia, before traveling to South Korea.

At least 150 North Koreans entered or attempted to enter various diplomatic compounds in China, garnering widespread media attention. China eventually permitted most of the asylum seekers to travel to South Korea, but also took steps to prevent future embassy incidents, increased security along its border with North Korea, and began accelerating forced returns.

During the year, lawmakers from South Korea joined counterparts from Japan and the United States in pressing China to stop forcibly returning North Koreans, to grant UNHCR unhindered access to the asylum seekers, and to establish refugee camps.

Under sweeping national security laws, the South Korean government arrests, detains, and harshly interrogates North Koreans it suspects of spying. South Korea's improved relations with North Korea have caused it to be even less inclined towards a generous asylum policy.

South Korea is highly restrictive toward asylum seekers from other parts of the world. In 2001, South Korea issued its first asylum grant since the country became a party to the UN Refugee Convention in 1992. (The government does not require North Koreans to apply for asylum.)

In 2002, the government received 34 new asylum applications. Of the cases adjudicated (including pending cases from the previous year), the government granted one asylum claim, rejected six, and granted temporary residence for humanitarian reasons to eight persons. At year's end, 72 cases were pending.

Government-recognized refugees receive one-year temporary residence visas, renewable for up to a total of three years, after which the refugee may apply for permanent residence. While in temporary status, the refugee may work if he or she finds a job and immigration authorities approve employment in that field. The refugee may enroll in the national health insurance program; however, at the end of 2002, such assistance had not yet been provided to refugees, and government officials said the coverage might not be as complete as that provided to citizens.

Temporary humanitarian status, which the government initiated in 2001, is for persons who, for various reasons—often including conflict in their home countries—are not granted refugee status, but are in need of international protection. Holders of this status have no right to work. The one-year visa is renewable as long as the government deems it necessary.

During the year, the government approved a budget that would allow asylum seekers to receive a small amount of medical assistance beginning in 2003.

Most asylum seekers in South Korea have been from Bangladesh, China, Congo-Kinshasa, and Burma. The two government-recognized refugees are Africans.

During the year, the government expanded the decision-making body for asylum applications—the Refugee Recognition Council (RRC)—to include legal academics and members of the Bar association. The RRC expansion resulted in the one new refugee recognition during 2002, as well as the decision to grant temporary humanitarian protection for eight persons, said UNHCR. The government solicited opinions from UNHCR in a number of cases.

During the year, a change in the filing deadline—from 60 days to one year—became effective.

## Thailand

Thailand hosted nearly 336,000 refugees and asylum seekers at the end of 2002. The overwhelming majority, more than 335,000 were from Burma. The Burmese include more than 133,000, mostly ethnic Karen and Karenni, living in camps; an estimated 50,000, mostly Karen, living outside the camps; at least 150,000 ethnic Shan living among the local population; some 1,400 Burmese recognized as refugees by the UN High Commissioner for Refugees (UNHCR); and 614 Burmese with cases pending before UNHCR.

An estimated 2,000 to 3,000 Burmese continued to arrive in Thailand each month during 2002, despite restrictive Thai policies.

The 846 non-Burmese refugees in Thailand included 376 persons whom UNHCR recognized under its mandate (including Cambodians, Chinese, Sri Lankans, Iraqis, and others); 34 Hmong from Laos remaining in Ban Napho camp; and 436 persons of various nationalities whose asylum claims were pending at year's end.

An estimated 250,000 Burmese and 13,000 Lao-tians were living in Thailand in refugee-like circumstances.

Although Thailand is not a party to the UN Refugee Convention, it generally allows refugees to enter, but only if they are fleeing fighting. Thailand allows members of some Burmese ethnic minorities (e.g., the Karen and Karenni) to reside in Thai refugee camps, but denies ethnic Shan similar protection. Thailand has allowed UNHCR to assess the refugee claims of some Burmese, but it regards UNHCR-recognized refugees as illegal immigrants.

**Burmese Refugees** According to the Burmese Border Consortium (BBC)—a group of nongovernmental organizations (NGOs) providing assistance to the refugees—more than 133,000 ethnic-minority Burmese lived in ten camps along the western border provinces of Thailand at the end of 2002. While most were camp residents registered by the BBC, more than 17,000 Burmese resided in the camps without being formally registered—and therefore without official access to food and other assistance. The majority were ethnic Karen

and Karenni, while others were of Mon, Pa-O, Shan, and other ethnicities.

An estimated 50,000 Burmese asylum seekers, mostly Karen, lived outside the camps in the Thai border area without assistance.

At year's end, more than 1,400 Burmese who were individually recognized as refugees by UNHCR remained in Thailand, while some 600 more had cases pending. Most resided in or near Bangkok and were part of the urban caseload distinct from the camp population.

Although Thailand formerly permitted Burmese refugees to live in Bangkok, in the late 1990s the government ordered them to move to the border camps. Most remained in Bangkok in hiding.

During the year, more than 1,400 Burmese approached UNHCR for refugee status determinations. The refugee agency decided some 800 Burmese claims in 2002 (including some pending at the end of 2001), granting about 450 and denying 350. At year's end, some 600 were pending.

The BBC provides assistance to the Burmese in the border camps. Traditionally, the BBC has provided the refugees only basic assistance, enabling them to reach a standard of living comparable to that of local villagers.

In addition to assisting the Burmese in Thailand, the BBC assists more than 11,000 mostly ethnic Mon (and some Karen) who once lived in Thai camps, but whom Thai officials forced to move to camps inside Burma in 1996.

In the mid-1990s, Thailand improved its relations with Burma's government, and began restricting refugees' movement in and out of the camps in Thailand and curtailing their ability to work on nearby farms or to rent land and grow crops. Nevertheless, Burmese forces and ethnic insurgents allied with them attacked some of the camps in Thailand, which temporarily soured relations between the two governments. Thailand insisted that some camps be moved away from the border for security reasons. The NGOs, however, while agreeing that the camps should be far enough from the border to avoid attacks, wanted the camps to remain in the border area to facilitate the refugees' ties with Burma and their eventual voluntary return.

The Thai authorities also began refusing entry to Burmese fleeing individualized persecution, contending that only those fighting between the government and insurgents could enter and receive temporary refuge—a reversal of traditional protection categories. This policy continued in 2002, despite earlier Thai pledges to change the standard.

Beginning in April 2001 and continuing throughout 2002, Thai officials went to the Burmese refugee camps in Tak Province, near Mae Sot, to promote "voluntary repatriation." The officials specifically targeted persons rejected for admission to the camps and new arrivals, as well as Burmese residing outside the camps. The government reported that more than 1,000 asylum seekers accepted about \$14 per person (600 Thai Baht) and returned to Burma during

2002. The government conducted no similar repatriation efforts in the other camp areas. UNHCR said there were some spontaneous returns, but doubted their permanence because of continued violence in Burma.

**Breakdown of Admissions Procedures** A 1998 agreement granting UNHCR access to the camps also established Provincial Admissions Boards to determine which Burmese asylum seekers could remain in Thailand and live temporarily in the camps.

Newly arrived Burmese reported to district officials, who (with UNHCR as observers) made recommendations to the boards regarding the refugees' applications. The boards then determined whether the individuals met the criteria for being permitted to stay, but a positive determination did not confer any legal status.

In 2002, the boards did not meet. In any case, the boards had rejected most new arrivals as not fleeing direct and confirmed fighting. The Thai government directed the NGOs to feed and assist only the registered camp residents, even though the camps included thousands of persons who were rejected or never interviewed.

**Camp Relocation** During the rainy season, the Thai government relocated the population of one of the Karenni camps into another camp closer to the border. Officials said the relocation was necessary because of tensions between the camp population and the residents of the nearby Thai village. UNHCR said the new camp was already overcrowded and less secure.

**Forced Return** In January, a group of 600 to 700 Mon and Karen who had been residing in a Mon relocation site inside Burma crossed the border into Thailand near Ban Don Yang camp. They had fled fighting between government troops and Mon rebels and had amassed near the border at the end of 2001. Thai troops blocked access to the camps, barred UNHCR and NGO staff from the area, and pressured the asylum seekers to return, with threats to cut off assistance. UNHCR attempts to contact the group failed. After consulting with members of the New Mon State Party, which has signed a cease-fire agreement with the Burmese government, Thai officials transported the asylum seekers back across the border and informed UNHCR that no new arrivals had been reported.

Also in 2002, Thailand raided the offices of Burmese dissident groups in the border areas and arrested and deported persons associated with them. Late in 2002, at UNHCR's request, the government agreed to identify and separate those Burmese with valid protection claims and to refer such persons to UNHCR or allow them to relocate to the camps.

**Shan Burmese** In 1996, Burmese authorities began a major forced-relocation campaign in Shan State, which contin-



ued into 2002. Fighting between ethnic Shan insurgents and Burmese troops, as well as the Burmese regime's relocation of tens of thousands of ethnic Wa into traditional Shan areas, forced thousands of Shan to flee to Thailand, as did the Burmese military's systematic rape of hundreds of women and girls in Shan State. The Shan are ethnically related to many northern Thais.

Thailand regards Burmese Shan who seek refuge in Thailand as illegal immigrants, and with few exceptions prohibits them from living in the camps.

In 2002, Thailand's increasingly vigilant effort to deport undocumented workers included the Shan.

Most Shan settle in the farms and orchards of Thailand's northernmost provinces, Chiang Mai, Chiang Rai, and Mae Hong Son. According to NGOs, there are at least two unofficial Shan refugee camps in Mae Hong Son and Chiang Rai. Shan resistance forces protect both camps, which literally straddle the border. Fighting in Shan State during 2002 increased the population of these camps.

In May, some 600 Shan fled fighting in Burma and entered Thailand at Chiang Mai Province. The Thai government permitted them to remain in a temple compound in the area, where they were assisted by the BBC, the Burmese Relief Center, and UNICEF. At year's end, about 370 persons from this group remained at the temple.

No firm figure exists for the total number of Shan who have entered Thailand seeking protection as refugees. A 2001 report by the Burmese Refugee Committee estimated that some 300,000 Shan reside in Thailand, half of whom fled forced relocation campaigns in central Shan State. UNHCR, which has not been given access to the Shan population in Thailand, acknowledges that the majority would likely be considered refugees *prima facie*.

In the absence of protection for Shan in Thailand, and given the persecution of Shan in Burma, the U.S. Committee for Refugees (USCR) counts as refugees the estimated 150,000 Shan in Thailand who fled forced relocation.

**Burmese in Refugee-Like Circumstances** As many as 2 million other Burmese live and work in Thailand without documentation. Some work as day laborers on farms, but most work in cities—in construction sites, factories, restaurants, and private homes. USCR believes that no fewer than 250,000 of these Burmese may have fled human rights violations.

In 2001, Thailand initiated a registration program for such undocumented workers, which allowed temporary stay. Although some 450,000 Burmese registered, many other Burmese were deterred from registering by the relatively high fee required and by concerns for their security, and Thailand refused to re-open the registration period. At the same time, the government began a campaign of harassment, arrests, and deportation of those who did not register.

Thailand supplies the Burmese military with lists

of potential deportees in advance for their approval. The deportees are sent back through a reception center for returnees at Myawaddy, opposite the Thai city of Mae Sot. This new process began in early 2002 and contrasts with the past practice of releasing deportees at unofficial crossing points along the border.

**Laotians** UNHCR reported that 48 refugees from Laos remained in Thailand at year's end. Of those, 14 were urban cases, while 34 lived in Ban Napho camp in Nakhon Phanaom, in Thailand's northeast, where some 40,000 Laotian refugees formerly resided.

In March 2001, UNCHR submitted voluntary repatriation applications to the Lao government for the Ban Napho population, as the residents had declined to apply for resettlement in other countries. The Lao government said it would not consider taking back this last group until UNHCR did more to help reintegrate the 1,200 refugees returned under a 1999 tripartite agreement between Thailand, Laos, and UNHCR. At the end of 2002, UNCHR said it was no longer expecting a response from Laos and had therefore made an official request to Thailand for the local integration of the refugees, the vast majority of whom were born in Thailand.

USCR considers more than 13,000 Laotians, mostly Hmong living in a Buddhist monastery about 50 miles (80 km) outside Bangkok, to be in refugee-like circumstances. The group fled from the UNHCR-run refugee camps for Laotians in the early and mid-1990s to avoid repatriation to Laos. Many also rejected an offer of resettlement in the United States. For these reasons, UNHCR decided that they were no longer in need of protection and has had no contact with the group since they left the camps. Because of these facts and because their numbers and even their nationality is in doubt, USCR considers them to be people in a refugee-like situation rather than refugees.

Thailand regards the group as economic migrants and has periodically threatened to deport them. In September, however, the Thai military announced plans to relocate some 1,200 Hmong from the monastery to Tak Province in early 2003, after which it would seek funds to relocate the remaining Hmong either to the Ban Napho camp or to military-owned forested areas in northern Thailand. The relocations were proposed because of overcrowding, drug problems, and illegal labor. Military officials said the first 1,200 to be relocated would be Hmong who had helped the military battle communist insurgents.

## Vietnam

Vietnam hosted an estimated 16,000 refugees from Cambodia at the end of 2002. Of those, some 13,000 were ethnic Vietnamese who arrived primarily between 1993 and 1994 and were living in Mekong Delta provinces. Another

3,000 ethnic Chinese, who had arrived in the late 1970s and early 1980s, resided in four refugee camps established in 1979 by the UN High Commissioner for Refugees (UNHCR) in Binh Duong and Binh Phuoc provinces and in Ho Chi Minh City.

UNHCR only considers the 3,000 ethnic Chinese—and not the 13,000 ethnic Vietnamese—to be refugees, because they view the ethnic Vietnamese as locally integrated and self-sufficient. The Vietnamese government, however, still considers both groups as Cambodians who are temporarily working and living in Vietnam.

Although the government allows the ethnic Chinese refugees living in the camps to travel anywhere in the country to work, the refugees must obtain permits from the local authorities each time they leave the camps.

In 2000, the government began considering ways to enable the Cambodian refugees to become citizens of Vietnam, although no plans had been finalized by the end of 2002.

Some 295,000 refugees from Vietnam (mostly ethnic Chinese) remained in China, including about 1,000 in Hong Kong. According to UNHCR, the 294,000 in mainland China have achieved full local integration. However, because China has not granted them citizenship, they have no status in China other than that of refugees. In addition, Chinese officials occasionally discuss repatriating some of the population. UNHCR, therefore, still considers all 294,000 to be *prima facie* refugees and provides limited assistance to some of them.

In June 2000, Hong Kong closed the last remaining camp for Vietnamese refugees, and later said that it would allow 1,400 Vietnamese who remained in Hong Kong, including the nearly 1,000 with refugee status, to apply for permanent residence.

More than 100 Montagnard asylum seekers who fled Vietnam in 2001 and 2002 remained in Cambodia at year's end, pending U.S. resettlement. An unknown number of Montagnards were in hiding in the Cambodia-Vietnam border region.

**Montagnard Asylum Seekers in Cambodia** In 2001, more than 1,000 ethnic minorities from Vietnam's central highlands, known collectively as Montagnards, sought protection in Cambodia. The Montagnards, who are mostly Christian, have reported burnings of house-churches, other human rights violations, and land-rights violations by the Vietnamese government.

The arrivals to Cambodia were the latest of a few thousand Montagnards who have fled Vietnam since the fall of Saigon in 1975. Vietnam's communist government remains distrustful of the hill tribe minorities, many of whom fought alongside American troops during the Vietnam War.

Cambodia reluctantly granted temporary asylum to the Montagnards who arrived in 2001, permitting the United States to resettle 38 and allowing UNHCR to assist

nearly 1,000 others in camps. However, Cambodia also forcibly returned at least 250 Montagnards during 2001, and said it would prevent further border crossings.

In January 2002, UNHCR signed an agreement with Vietnam and Cambodia to repatriate the nearly 1,000 Montagnards in the two UNHCR-run camps. The tripartite agreement collapsed in March, however, when UNHCR said both governments had violated the terms of the agreement. A day earlier, more than 400 Vietnamese—both civilians and government officials—had arrived in buses at one of the camps and threatened and physically abused refugees and UNHCR staff. UNHCR denounced the “unprecedented level of coercion” to return as unacceptable.

In addition, Vietnam refused to allow UNHCR access to the central highlands to monitor repatriation.

Subsequently, the United States agreed to resettle the 915 Montagnards remaining in the camps. By year's end, 791 had been admitted to the United States. The remaining 124 were likely to be admitted in 2003, along with an additional 20 Montagnards who sought UNHCR's protection after the camps' closure.

During the year, Vietnamese courts sentenced to imprisonment or house arrest a number of Montagnards for having illegally migrated to Cambodia or having helped others to do so. In one case, the court said a U.S.-based Vietnamese group had forced local hill tribe people to flee to Cambodia.

Vietnam also continued to interrogate, imprison, and physically abuse Montagnards for peaceful expression of their religious and political views.

**U.S. Resettlement** The United States continued to offer resettlement to some former Vietnamese asylum seekers who returned home. Under the Resettlement Opportunity for Vietnamese Returnees (ROVR) program, U.S. officials re-interviewed eligible returnees for possible U.S. resettlement. The United States admitted 41 Vietnamese through ROVR in fiscal year 2002, which ended on September 30. Officials said no more than 26 ROVR cases had yet to be processed.

The United States also processed residual cases from the former U.S. Orderly Departure Program (ODP), which included sub-programs for former re-education camp prisoners, Amerasians (who are granted immigrant visas, but are eligible for refugee benefits), and others. During FY 2002, the United States admitted 326 Amerasians (including their family members), 154 immediate relatives of previously admitted refugees and persons granted asylum, and 1,979 others—including former re-education camp detainees, Montagnards, and cases processed under the McCain Amendment for adult children of formerly admitted refugees. Under all ODP and ROVR programs, the United States admitted 2,500 Vietnamese during the fiscal year.