
REPORT OF THE INTERNATIONAL SYMPOSIUM ON

Refugee Protection in the New Era and Civil Society

NGO Perspectives from Seven Countries/Regions
in Asia and the Pacific

Organized by
Japan Association for Refugees

Sponsored by
The Japan Foundation
Center for Global Partnership

Tokyo, Japan
June 13, 2009



Report of the International Symposium on
Refugee Protection in the New Era and Civil Society
NGO Perspectives from Seven Countries/Regions in Asia and the Pacific

Japan Association for Refugees

Tokyo 2009

Edited and published by
Japan Association for Refugees (JAR)
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First published 2010

Printed in Japan

Introduction

According to the statistics provided by the United Nations High Commissioner for Refugees in 2007, 34 percent of the world's refugees (382 million people) were concentrated in the Asia-Pacific region. However the fact that most Asian countries are yet to sign the Refugee Convention means that most of them are forced to seek refuge in to the United States or European countries, or stay in refugee camps.

While Japan and South Korea have acceded to the Convention, the number of refugees that they annually accept is less than 100. This figure is pales in comparison to the tens of thousands of refugees accepted annually by the U.S., Australia and EU countries.

Nevertheless, remarkable changes in the refugee policies of both Japan and South Korea in 2008 have drawn attention from other countries. South Korea amended its Immigration Act to improve its refugee acceptance system, introducing the permission to stay on humanitarian grounds, relaxing the prohibition on employment and announcing the establishment of refugee supporting facilities. The Japanese government has moved to accept refugees from refugee camps through the "Third Country Resettlement" program for the first time ever in Asia. Against the backdrop of Asian countries' historical reluctance to accept refugees, this raft of changes can be understood as a significant step forward. Both Japan and South Korea are now expected to play leading roles in more active refugee protection.

Meanwhile, the Australian greatly relaxed the restrictions in its refugee policies after the change of government in 2007. In particular, the policy under which the government had segregated refugee applicants in detention centers in neighboring countries was dismantled.

These changes in the Asia-Pacific region are political shifts, symbolizing the dawn of "New Era." Civil society is also grappling with what form refugee assistance ought to take in the coming decades.

It was in this context that Japan Association for Refugees held an international symposium on "Refugee Protection in the New Era and Civil Society: NGO Perspectives from Seven Countries/Regions in Asia and the Pacific" in Tamachi, Tokyo, on June 13, 2009, as a part of "Asia-Pacific Network Building Project."

We invited 16 experts on refugee protection from Australia, Hong Kong, Japan, South Korea, Malaysia, Thailand and the United States. The participants discussed the current challenges in Asia-Pacific region from various points of view. In particular, legal specialists from Japan, South Korea and Hong Kong discussed the significance of legal approaches to refugee issues. The participants from the U.S. and Australia reported on successful cases of resettlement assistance. Meanwhile, officers of non-governmental organizations in Malaysia, Thailand and Hong Kong discussed civil society activities in their countries from the perspective of non-signatory countries to the Refugee Convention.

The International Symposium, the largest symposium ever hosted by JAR, was successful in drawing public attention, with more than 200 people attendees and coverage in the print media.

This report is a summary of the issues discussed as part of the symposium together with relevant references. We hope that this report gives rise to greater concern for refugee issues and the development of refugee protection policies.

Finally, we would like to express our great gratitude to the Center for Global Partnership of Japan Foundation for sponsoring the symposium, and to Japan Airlines and the Toyota Foundation for their generous support.

Hiroaki Ishii
Acting Secretary-General
Japan Association for Refugees

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Program Overview

International Symposium on Refugee Protection in the New Era and Civil Society: NGO Perspectives from Seven Countries/Regions in Asia and the Pacific

Date & Time: Saturday, June 13, 2009, 10:30~16:30

Location: Hall, 4th floor, Center for the Advancement of Working Women, Tamachi, Tokyo, Japan

Organized by Japan Association for Refugees

Sponsored by the Japan Foundation Center for Global Partnership

Supported by Japan Airlines and the Toyota Foundation

Program:

Opening Remarks (10:40-11:00)

Mr. Johan CELS

Representative, UNHCR Representation in Japan

Keynote Speeches (11:00-12:00) “Refugee Situation in East Asia”

Mr. Pill Kyu HWANG

Lawyer, Korean Public Interest Lawyers’ Group, Gong-Gam

Prof. Koki ABE

Professor, Kanagawa Univ. Graduate Division, School of Law

Mr. Mark DALY

Lawyer, Barnes & Daly, Hong Kong SAR, China

Panel Discussion I (13:00-14:30)

“Current Situation & Issues in States Parties to the Refugee Convention in the Region”

Ms. Tamara DOMICELJ

National Policy Director, Refugee Council of Australia

Ms. Eri ISHIKAWA

Secretary General, Japan Association for Refugees

Mr. Ho Taeg LEE

President, NGO Pnan, Republic of Korea

Ms. Christine PETRIE

Deputy Director, International Rescue Committee Thailand

Moderator: Mr. Takaaki MIZUNO

Editorial Writer, the Asahi Shimbun (Newspaper)

Panel Discussion II (14:40-16:20)

“New Challenges & Opportunities for the Refugee Protection in Asia”

Ms. Katrina J MALIAMAUV

Program Officer, Tenaganita, Malaysia

Mr. Rufino SEVA

Project Manager, Bangkok Refugee Center

Mr. Brian BARBOUR

Executive Director, Hong Kong Refugee Advice Center Ltd.

Mr. Adam ZERBINOPOULOS

Deputy Refugee Coordinator for East Asia, the U.S. Embassy in Thailand

Mr. TIN WIN AKBAR

President, Federation of Workers’ Union of the Burmese Citizen in Japan (Burmese Refugee)

Moderator: Dr. Petrice FLOWERS

Assistant Professor, Department of Political Science, University of Hawaii

Closing Remarks (16:20-16:30)

Prof. Hiroshi HOMMA

Professor Emeritus, Hosei University and Senior Advisor, JAR

MCs: Hiromi MORIKAWA

Member of the Board and Acting Secretary General, Japan Evangelical Lutheran Association

Megumi BAN

Senior Legal Officer, Protection and Assistance Unit, Japan Association for Refugees

Profiles of Guest Speakers, Panelists and Moderators

(In order of appearance.)



Johan Cels

Representative in Japan, United Nations High Commissioner for Refugees

Johan Cels has been working with the Office of the United Nations High Commissioner for Refugees (UNHCR) for more than 18 years in countries including Hong Kong, Bulgaria, Switzerland, and Ethiopia. He currently works as a representative in Japan (as of September 2008). Prior to that, he was a Senior Policy Advisor (Peace and Security) in New York, focusing on Sudan, Chad and Somalia, as well as on post-conflict recovery and peacebuilding strategies. He holds a Ph.D. in International Relations from the University of Notre Dame.



Pill Kyu Hwang

Lawyer, Korean Public Interest Lawyers' Group, Gong-Gam

Pill Kyu Hwang is specialized in international human rights law and human rights issues concerning migrants, refugees and transnational corporations. He has just completed his PhD coursework in public international law at the College of Law, Seoul National University. He is also a member and coordinator of the Human Rights Committee of the Korean Bar Association, and maintains active membership in the International Solidarity Committee of the Minbyun. He has been in the UK as a visiting academic at the Centre on Migration, Policy and Society (COMPAS) of the University of Oxford.



Koki Abe

Professor, Kanagawa Univ. Graduate Division, School of Law

Koki Abe was born in Izu-Oshima, Tokyo, in 1958. He obtained his doctoral degree from Waseda University. Subsequently, he completed an LL.M at the University of Virginia School of Law. His specialty is International Law and International Human Rights Law. He also is the president of NPO Human Rights Now. Some of his main works include: "The Resisting Thoughts / The Power to Create Peace" (Fuma Shobo, 2008), "The Horizon of International Human Rights" (Gendai Jinbun Sha, 2003), "The Globalisation of Human Rights - The Challenge of International Human Rights Law" (Gendai Jinbun Sha, 1998) and many more.



Mark Daly

Partner, Barnes & Daly, Hong Kong Special Administrative Region, China

Mark Daly obtained a Bachelor of Science degree in Cellular, Molecular and Microbial Biology from the University of Calgary in 1986. He then completed a law degree from Osgoode Hall Law School in Toronto in 1992. He has worked in Canada, Hong Kong, UK, etc and subsequently acquired a Master of Laws in

Human Rights from the University of Hong Kong. Since 1995, he has worked with Pam Baker and Company on judicial review, habeas corpus cases and on Vietnamese refugee cases. As Amnesty International's representative has attended the international legal observation mission.



Tamara Domicelj

National Policy Director, Refugee Council of Australia (RCOA)

Tamara Domicelj has recently joined the Refugee Council of Australia as its National Policy Director, following four years as Director of the Asylum Seekers Centre of New South Wales. Tamara has completed a Master of International Social Development with the Centre for Refugee Research at the University of NSW. She has previously managed a psycho-social settlement program for newly arrived refugees at the NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS).



Eri Ishikawa

Secretary General, Japan Association for Refugees (JAR)

Upon graduation from Sophia University, Eri Ishikawa has worked in IT and publishing companies. She came to have interests in refugee issues during the Rwanda conflict and became a staff member of JAR after working as a volunteer since its establishment. She has been involved in refugee protection activities by JAR since its establishment in 1999. As the Secretary General of JAR, she is involved in various activities, including management of JAR's protection & assistance activities, organizing and lecturing at protection-related international conferences and workshops. She is also a board member of Japan Association for Migration Policy Studies (JAMPS).



Ho Taeg Lee

President, NGO Pnan, South Korea

Ho Taeg Lee graduated from Seoul National University in 1983 with a bachelor's degree in law and master's degree in law in 1985. He worked as a staff member of Jubilee Mission and was a head of the Counseling Center for Migrant Workers from 1994 to 2008. He also worked as chief counselor of a Civilian Law Firm. He is the founder and President of the Refuge Pnan, NGO since 1996.



Christine Petrie

Deputy Director, International Rescue Committee (IRC) Thailand

Christine Petrie has over 17 years of experience in refugee relief, protection and resettlement. She oversees IRC's health programs in refugee camps along the Thailand-Myanmar border. Some 30,000 refugees currently benefit from IRC's camp-based medical programs, receiving curative health assistance, environmental health services, education on disease prevention and rapid response to gender-based violence. Ms. Petrie completed her clinical nursing degree and holds an Associate's Degree in Human Services and Bachelor of Science degree in Social Services Administration. She also served on active duty in the United States Marine Corps prior to

entering the humanitarian assistance field.



Takaaki Mizuno

Editorial Writer, The Asahi Shimbun

Takaaki Mizuno graduated from the University of Tokyo and Johns Hopkins University. He joined the Asahi Shimbun in 1982 and took the posts of Correspondent of Hanoi and Washington, D.C., and Bureau Chief in New York. He has been in his current position as a Editorial Writer since 2007. His works include: “Postwar Vietnam” (co-writer), “Boat People Quandary” (Japan Quarterly) etc.



Katrina J Maliamauv

Program Officer, Tenaganita, Malaysia

Katrina Jorene Maliamauv earned her Bachelors of Science in Psychology from Bemidji State University, Minnesota. As a program officer in Tenaganita, she is part of a team that seeks to reduce gender based violence among Burmese refugees in Malaysia. Her projects include awareness raising initiatives, case management, advocacy and networking.



Rufino Seva

Program Manager, Bangkok Refugee Center

Rufino Seva received Bachelor of Science in Social Work (B.S.S.W.) from Bicol University in 1987 and completed 18 academic units Master of Social Work in 1996 at the College of Social Work and Community Development, University of the Philippines. He engaged in social counseling in the Philippine Refugee Transit Center (PRTC), Department of Social Welfare and Development. In 1997 and worked as volunteer with the Jesuit Refugee Service's Urban Refugee and Asylum Seekers Program in Bangkok. After that he worked with the United Nations High Commissioner for Refugees Regional Office in Thailand as an International UNV Specialist. He has been in his current position since 2005.



Brian Barbour

Executive Director, Hong Kong Refugee Advice Center Ltd.

Brian Barbour received his B.A. in Philosophy at Arizona State University. He began his career in education, teaching English and Music for 3 years in Niigata, Japan. He was then recruited for curriculum development, teacher training, and library reform in Nepal for 2 years. Meanwhile, Brian implemented a global education campaign for the United Nations Food and Agriculture Organization in Rome. Brian received his J.D. from Brooklyn Law School and worked with UNHCR in New York before coming to Hong Kong.



Adam Zerbinopoulos

Deputy Refugee Coordinator for East Asia, U.S. Embassy in Thailand

Prior to joining the State Department Adam Zerbinopoulos worked as an attorney in the financial services industry and at a semiconductor manufacturer in Shanghai. He is a native of Dallas, Texas and a graduate of the University of Texas (B.A., J.D.).



Tin Win Akbar

President, Federation of Workers' Union of the Burmese Citizen in Japan (Burmese Refugee)

Tin Win Akbar was born in 1954 in Mandalay, Burma. His human rights and democracy activities began in 1974 when he participated in the demonstrations against the military junta. He was chosen as a member of Research Bureau of Mandalay division, National League for Democracy, the party led by Aung San

Suu Kyi and later started a career in freelance journalism. He fled his country to escape persecution by the military government in 1996 after being chosen as a member of the New Democratic constitution drafting syndicate. He was given the refugee status in 1999.



Petrice Flowers

Assistant Professor, Political Science Department, University of Hawaii

Petrice Flowers received her Ph.D. in Political Science from the University of Minnesota in 2002. She was a Research Fellow at the University of Tokyo from 2002 to 2004. Her article, "Failure to Protect Refugees? Domestic Institutions, International Organizations and Civil Society in Japan," was published in the Journal of Japanese Studies. Her book, Refugees, Women and Weapons: International Norm Adoption and Compliance in Japan, (2009) is forthcoming

from Stanford University Press.



Hiroshi Homma

Professor Emeritus, Hosei University and Senior Advisor, JAR

Prior to his career universities, Hiroshi Homma worked at National Diet Library and took the posts of Director of Politics and Public Administration Division and Foreign Defense Division. He then served as a professor at Hosei University until March 2008. He serves as senior advisor for Japan Association for Refugees. He is also a professor emeritus at Hosei University and Surugadai University. He obtained his doctorate degree in law. He teaches courses entitled "The refugees in

the world" at Tokyo University of Foreign Studies and "International Refugee Law and International Human Rights Law" at Surugadai University School of Law.

Summary of the Symposium

There have been drastic changes recently in the Asia Pacific region where approximately 34% of the world's refugees (3.82 million) are said to be located. The U.S. and Australia went through a change of administration, the Immigration Act was revised in South Korea, and Japan decided to launch a program for third country resettlement of refugees, the first country in Asia to do so.



These changes foresee the arrival of the new era and the great changes in civil society where the parties involved seek a new model for refugee protection.

In this new climate Japan Association for Refugees hosted an international symposium titled “Refugee Protection in the New Era and Civil Society; NGO Perspectives from Seven Countries/Region in Asia and the Pacific” in Tamachi, Tokyo on 13th June. Experts on refugee protection fields were invited from Australia, Hong Kong, Japan, South Korea, Malaysia, Thailand and the United States.

Mr. Johan Cels, representative in Japan for UNHCR kicked off the program with his remarks. He first introduced the challenges that the Asia Pacific region faces in refugee protection, followed by the increase in the number of refugee applicants, acceptance of refugees through third country resettlement and situation of immigrants and stateless persons from the perspective of the UN agency.

Next, keynote speeches were made by Mr. Pill Kyu Hwang, a lawyer from South Korea, Professor Koki Abe from Kanagawa University, Graduate Division, School of Law, and Mr. Mark Daly, a lawyer in Hong Kong. They introduced development of refugee protection in each country and region and pointed out the importance of the civil society in working to build a legal framework for refugee protection.

In the afternoon, Ms. Tamara Domicelj, National Policy Director, Refugee Council of Australia, Ms. Eri Ishikawa, Secretary General of Japan Association for Refugees, Mr. Ho Taeg Lee, President of NGO Pnan from South Korea and Ms. Christine Petrie, Deputy Director of International Rescue Committee from Thailand took part in Panel Discussion I. The moderator was Mr. Takaaki Mizuno, Editorial Writer of the Asahi Shimbun. The panelists talked about the current situation and challenges for the signatory states to the Refugee Convention as well as the discussion of a model for practical living assistance for refugee resettlement.

Panel Discussion II was with Ms. Katrina J Maliamauv, Program Office of Tenaganita from Malaysia,

Mr. Rufino Seva, Program Manager of Bangkok Refugee Center, Mr. Brian Barbour, Executive Director, Hong Kong Refugee Advice Center Ltd., Mr. Adam Zerbinopoulos, Deputy Refugee Coordinator for East Asia, US Embassy in Thailand, and Mr. Tin Win, President of Federation of Workers' Union of the Burmese Citizens in Japan and a Burmese refugee, and Assistant Professor Petrice Flowers from Political Science Department of University of Hawaii. The panelists introduced specific challenges in the countries which are not signatories to the Refugee Convention. The Q&A session discussed prospects for building partnership with governments, and the third country settlement program in Japan.

In the end, Mr. Hiroshi Honma, Professor Emeritus of Hosei University and Senior Advisor of JAR gave the closing remarks, reaffirming “the interaction with various stakeholders to develop support for refugees” and stressing the role of the international network for refugee protection.



Despite continuing for over 5 hours, the symposium was attended by audiences of 200. Audience members commented that “there is no other opportunity to hear views of people from various regions” and that “one day was too short and the symposium should have been held over two days,” demonstrating the meaningfulness of the event for many.

Opening Remarks

Johan Cels, Representative, UNHCR Representation in Japan

○Objective of this Symposium

We have not had much opportunity to think about refugee protection at Asia Pacific regional level. It is very meaningful and wonderful that an NGO is hosting such event.



○Challenges for refugee applicants

The challenge is how much information can be obtained in a language understandable for a refugee applicant. Difficulties in accessing to UNHCR and NGOs as well as prolonged detention have been issues.

○Challenges in the Asia Pacific region

- 14 countries in the Asia Pacific region are members of the Refugee Convention. Of which only 8 countries including Japan have working RSD procedures.
- There is a need to review whether the RSD process in each country is efficient and fair, and look at it more comprehensively including interpretation of the Convention, support structure and decision making.
- The interpretation of refugee definition is also an issue. Creating a standard based on the Convention definition is necessary for the Asia Pacific region.

○Situation of Japan

- We see an upward trend for the Convention refugees in Japan and many of the applicants are granted with residence permission on humanitarian basis. 57 were recognized as refugees and 360 received special permission to stay over the last year. This is a very pleasing trend and symbolizes the change in Japan.
- There are various issues such as rights of recognized refugees, obligations, employment and medical care. The challenge is how they shall be integrated into the society. NGOs are expected to play a great role here.
- The Japanese government has decided to accept 30 Burmese refugees in Thailand. Though the number is small, this is the first attempt in Asia. I hope that Japan will play a leading role in Asia in the future. The number is not an issue. What it counts is the fact that Japan did decide on accepting them. The success will bring more numbers to accept.

○Immigrants

- When asylum seekers are mixed with immigrants, human trafficking and exploitation occur. The issue is that immigrants and asylum seekers are mixed together.

○The statelessness

- It is problematic that not enough attention has been paid to stateless persons. We need to promote their access to protection based on the Convention on Statelessness and increase understanding on the issue. Actions towards persons who have fled their home need to be prepared at a community level.

Keynote Speeches

“Refugee Situation in East Asia”

1. Recent Developments in Refugee Protection in South Korea

Pill Kyu Hwang, Korean Public Interest Lawyers' Group, Gong-Gam

○Situation in East Asia

- The number of refugees protected in East Asia remains low.
- The region has no experience in accepting large numbers of refugees and those accepted are essentially do so in a form of local integration.

○Challenges in South Korea, Hong Kong and Japan

- The common challenges in the three countries and the region include the fact that work is not permitted, the lack of social assistance for asylum seekers, the long periods spent for RSD and the lack of institutionalized legal aid.
- In Japan, quite a number of lawyers are involved in refugee assistance. In contrast, there are only 10 lawyers working on refugee issues in Hong Kong and not even on full-time basis. There are institutional impediments to handling cases.
- The appeal processes in South Korea and Japan are similar. There is a similarity in that appeals to initial decisions rejecting recognition are heard by the same entity that made the original decision (Department of Justice for South Korea and Ministry of Justice for Japan).



○Refugee status determination in South Korea

- Ratified the Refugee Convention in 1994 and started receiving refugee claims in 1996.
- Two NGOs provide assistance to refugees but the number of lawyers involved is very small.
- As the South Korea's authority often presumes certain motives behind asylum seekers' claims, decision-making on appeals tends to lack rationality. Where an asylum seeker cannot be deported, he or she may be subject to indefinite detention.
- To date, around 100 out of 2,000 asylum seekers have been recognized as refugees in South Korea and 1,200 people are waiting for decisions. Applying simple math to this, we will have to wait for 30 years until we see the results of all pending cases.
- UNHCR pointed out the challenges on RSD procedure in South Korea include lack of transparency, complexity and an excessively stringent detention policy.

○New Act towards refugee protection

A new Act relating to refugee protection was drafted by lawyers, the National Human Rights Institution and 22 MPs, with 6 new provisions to the existing Immigration Act as follows;

- 1) explicit definition of refugees,

- 2) principle of non-refoulement,
- 3) provision of substantive rights to asylum seekers,
- 4) guarantee of minimum standard of living,
- 5) provision of access to information, and
- 6) recognition of rights of refugees.

It will be some time before this Act is passed, but Gong-Gam is working toward this goal.

2. “Developments in Refugee Protection in Japan”

Koki Abe, Professor, Kanagawa University Law School

○Background to Japan’s acceptance of refugees

Japan began accepting refugees from Indochina in response to diplomatic pressures. In 1982, the Japanese Immigration Act was revised to implement the Refugee Convention.



○Revised Immigration Act

The Immigration Act was revised again in 2004, lifting the “60 days rule”, introducing “provisional permit to stay” and “independent counselors”. These changes were led by the “Shenyang Incident”, the increasing number of lawyers involved in refugee assistance, and the development of legal interpretation in the Courts.

○Challenges in Japan

The majority of refugees and those given humanitarian status are Burmese, while those who came from friendly or politically sensitive countries are rarely given recognition. For example, no Kurdish asylum seekers have been granted refugee status. Neither has been the case with those from China or North Korea, for whom the highest level of recognition has been a special permit to stay.

○Lack of legal protection

- Asylum seekers live side-by-side with the risk of detention and have no social security. Even after they obtain refugee status, there is no systematic social support in place for them and many find it difficult to integrate into Japanese society.
- The background factors to this are inadequate understanding of international human rights law as well as a lack of interest into human rights laws by the judicial branch of the government.
- “The Basic Plan for Immigration Control” was announced in March 2005, and concerns over tightening border control and security have influenced refugee status determinations.
- Multiculturalism at the domestic level and political humanitarianism at the international level ought to be promoted. While dispatch of the Japan Self Defense Forces overseas could be a gesture of humanitarian policy by Japan, so would the receiving of refugees, which would be an important policy to shore up Japan’s position on the international stage.
- In Japan, international human rights law is given a low profile. It ought to be a part of the domestic law and positioned superior to statutes. However cases related to immigration matters have only

indicated the judiciary's indifference to human rights issues. For example, in 1979, the Supreme Court declared that foreigners in Japan enjoy rights only to the extent permitted by their residence status, giving no rights to non-status foreigners in Japan. This demonstrates why most asylum seekers are not protected nor given assistance under the law.

○The stateless persons

In East Asia, the issue of stateless refugees is worsening. The plight of stateless children and groups such as the Rohingya people is going largely unnoticed.

3. "Development of Refugee Protection in Hong Kong"

Mark Daly, Partner, Barnes & Daly, Hong Kong SAR, China

○Situation of refugees in Hong Kong

- Hong Kong has a separate "rule of law" from the mainland China.
- Law provides for the protection of dogs and cats, but not refugees.
- In Hong Kong, laws related to refugees and human rights are considered inferior to commercial and business laws. Refugee law is not a mandatory subject to study for a lawyer to join a bar association.
- There is no refugee registration system, as a result of underdeveloped refugee law. The practice of indefinite detention exists.
- There was formerly an acceptance program for Vietnamese refugees but such programs have not been put in place since then.



○Torture Convention

- With no RSD system in Hong Kong, lawyers involved in refugee assistance try to utilize the Convention against Torture to provide residence status to those who come under protection of the Convention.
- In December 2008, the Hong Kong High Court stated that a review conducted by the government into whether refugees are rightful claimants under the Torture Convention was unfair and unlawful.
- There have been 3,000 torture cases to date, of which 1,500 were refugee cases.
- The government has conducted over 100 interviews of claimants for Torture Convention protection in 4 years, but the findings are yet to be made. The government is clearly drawing out the decision.
- Those who made claims under the Torture Convention have no access to public assistance while the decisions are pending.

○Need for refugee protection procedure

- The government should not assume that it has no role to play merely because lawyers are working on pro-bono basis. A public legal aid system is required to address this issue.
- The government should establish a system to specifically protect refugees. They bear an the

obligation to support the lives of refugees.

- A fair and just society is one in which legal assistance is available to anyone. We need to create a society where rights and obligations can be claimed and enforced.

○Expectation for young lawyers

There are four lawyers and four interns working in our office. We always have a position for a young lawyer who is willing to work in refugee protection. We always look forward to welcoming interested talent.

Panel Discussion I

“Current Issues for State Parties to the Refugee Convention in the Region”

Panelists

<i>Tamara Domicelj</i>	<i>National Policy Director, Refugee Council of Australia</i>
<i>Eri Ishikawa</i>	<i>Secretary General, Japan Association for Refugees</i>
<i>Ho Taeg Lee</i>	<i>President, NGO Pnan, Republic of Korea</i>
<i>Christine Petrie</i>	<i>Deputy Director, International Rescue Committee Thailand</i>

Moderator

<i>Takaaki Mizuno</i>	<i>Editorial Writer, The Asahi Shimbun</i>
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Mizuno: In this panel discussion, we will be discussing the systems of and roles played by civil society in Australia, Japan, South Korea and the United States. We would also like to look at existing third country settlement programs in U.S. and Australia and what Japan and South Korea can learn from them.

1. Current situation and issues for Australia

Tamara Domicelj, National Policy Director, Refugee Council of Australia

○About Australia

In Australia, while there are still challenges related to treatment of asylum seekers, a third country settlement program is available.

○ Overview of Refugee Council of Australia (RCOA)

- NGO with 300 organizational and individual members. Four core staff, funded through public donations and member contributions.
- Acts to provide resettlement services for refugees, asylum seekers and displaced persons, advocate, and increase public awareness and media sensitivity.
- Activities centre on conducting research, policy analysis, training and community education. RCOA conducts annual national community consultations and submits to government an annual report with detailed findings and recommendations on regional engagement.
- Encourages Local Governments to declare their districts as Refugee Welcome Zones so that refugees may be recognized more widely as people who can widely contribute to the community.
- Conveys national teleconferences and discussion forums for members as well as facilitating information exchange and joint advocacy.
- Maintains ongoing dialogue with senior bureaucrats and parliamentarians. Participates in key international fora and is working towards building cross-national links with NGOs and International



Organizations.

○Australia's Refugee and Humanitarian Intake Program

- Australia signed 1951 Refugee Convention in 1954 and acceded to 1967 Protocol in 1973. It has settled 730,000 people since 1901.

There is an annual quota of around 6,000 refugees, with 12% allocated to Women at Risk.

- In addition, a Special Humanitarian Program is in place for people with a sponsor within Australia, whereby the sponsor provides support. The annual quota is 7,750 including family reunification.
- However, the number of places for the Special Humanitarian program is determined based on the size of the overall intake of refugees, a practice against which RCOA has voiced strong opposition.
- Resettlement allocation is split evenly between Africa, Asia and the Middle East.
- A 4-year planning system has been introduced, allowing government to make longer-term commitments.

○RCOA resettlement services

- RCOA has a comprehensive framework for resettlement services. It started in 1979 and resulted in the successful acceptance of a large number of refugees from Vietnam.
- The program is underpinned by principles of multiculturalism and has accepted refugees as bringing benefits to the Australian community.
- 5 days pre-arrival orientation, 6 months on arrival intensive reception program (including airport pickup, housing support, counseling and English language learning), as well as 5 years settlement support are available.

Mizuno : Australia can be considered as an advanced country in regard to refugee acceptance for the number of those who resettled, “Refugee Welcome Zones Declaration” and its long-term commitment to settling refugees.

2. Current situation and issues for Japan

Eri Ishikawa, Secretary General, Japan Association for Refugees

○Overview of Japan Association for Refugees (JAR)

- Support refugees in Japan to eat, sleep and work; to have a normal life. Even this is difficult.
- Activities are three-pronged; 1) Personal support for each individual who comes to Japan as an asylum seeker (living support and legal support for RSD); 2) Research, information-gathering and proposals for better refugee protection policies; and 3) Informing the public through symposiums, the Refugee Assistant program and PR activities.

- Established in July 1999. The Representative is Dr. Yoshiyuki Nakamura who is a Board Member of



Meiji University. FY2007 budget was 65 million yen. Primary funding source is UNHCR, other private organizations, corporations and donations from individuals.

○History of refugee acceptance in Japan

- Cabinet decided to accepting refugees from Indochina in 1978. 11,000 refugees were accepted.
- Japan acceded to the Refugee Convention in 1981, and implemented a system to accept and review applications for refugee status determination under the Immigration Control and Refugee Protection Act. The total number of applicants as at the end of 2008 was 7,000. Of this number, 500 have been approved and 882 were permitted to stay on humanitarian grounds (quasi-refugees).
- Third country resettlement of 30 refugees per year (direct intake of refugees by Japan from overseas refugee camps) was approved by cabinet last year. The program will start from 2010 as a three year pilot project.

○Current status of refugees in Japan

- The number of refugees accepted and on humanitarian grounds has almost doubled in recent years. The challenge is the prolonged review period (average 2 years, maximum 9 years) during which legal status is insecure and the applicants can be subject to detention while waiting for a decision. If rejected at initial review, an appeal process is available. However appeals are reviewed by the very same Minister of Justice responsible for the initial review, a structure which whose independence has been criticized.
- Living support while awaiting results is limited and most applicants are prohibited from working. Public support (protection fund) is limited to 3 to 4 month periods and the government provides 8 to 9 months support in average, however this falls short of the average 2 year waiting period.

○Limited public support for the refugee applicants

- This situation and the sharp increase in the number of applicants have led to a shortage in the public support budget. Support has been limited since this April. Based on information we gathered, over 150 refugee applicants who had received the fund no longer have access to it and they come to our office to seek for support almost every day.
- 7 NGOs made an appeal to secure the fund to the Ministry of Foreign Affairs which controls the budget.
- We launched an emergency aid campaign to ensure refugees are able maintain a minimum standard of living with a place to sleep.
- The private sector cannot cover everything. We are reaching out to the MOFA as well as Refugee Assistance Headquarters which essentially provides the funds to secure the budget for the applicants.
- We also build relationships with other stakeholders. We ask for funds from the private sector for the refugee applicants who do not even have means for today and tomorrow.
- There is a shortage of cash and shelter available for supporting the lives of refugees. We welcome donations of preserved food, soap, toothbrushes, underwear as well as towels, and ask for the cooperation of the audience here today.

Mizuno: We get the impression that Japan has a relatively well organized system; however the foundation is in danger. The problem is that the right to work is not given to the refugee applicants

while the public support is insufficient, and refugee applicants are having difficulties in securing food and shelter.

3. Current Situation and Issues in South Korea

Ho Taeg Lee, President, NGO Pnan, South Korea

○Refugee support NGOs in South Korea

- Various organizations provide support for refugees in South Korea, but there are only two NGOs and two lawyers' organizations, with two staff each.
- Pnan has been working for 10 years as an NGO. A new NGO called Refugee HR Center (NANCEN) also commenced activities.
- The lawyers' groups are Gong-Gam and So-Myun, the latter a Christian lawyers' group.



○Situation of refugees in South Korea

- Accumulative total of 2,168 applicants for 15 years to the end of 2008 (1992 to 2008) (since South Korea joined the Refugee Convention). 100 have been recognized as refugees.
- 71 applicants received humanitarian status and 400 were rejected.
- The recognition rate is 17.2%, of which 8.4% is by the Ministry of Justice and 3.1% is by court decisions. 5.7% is family unification.
- Main origins of countries are Nepal, China, Myanmar (Burma), Nigeria, Uganda, Congo, Bangladesh, Cote d' Ivoire, Ethiopia and Iran.

○Refugee system in South Korea

- South Korea acceded to the Refugee Convention in 1992 and became a member of UNHCR Executive Committee (Ex Com) in 2000.
- Only Article 12 of the Immigration Act is related to refugees. There are no detailed provisions on recognition procedure, legal status or social assistance.
- Another issue is the prolonged recognition process of 20 months on average. Some cases take from 5 to 6 years.
- Those who are in the process are prohibited from working and the government does not provide funding.
- There is no third country settlement program.
- There is no refugee application procedure at airports or seaports. Refugee application has to be made within one year upon arrival but over 50% of applications are submitted after one year.
- For those who apply for refugee status while their legal status is valid, a G1 visa (temporary stay visa) is provided.
- For those who applied for refugee status after the legal status expired, deportation is suspended until the end of the recognition procedure.

○Major issues

- There is an increasing number of cases whereby refugee applications are reviewed immediately upon submission of the application forms, and rejected due to ineligibility.
- Inadequate quality of interpreters is another issue.
- The native language of the majority of applicants' is not English, however 66% of the interviews are conducted in English, 20% in Korean and 70% without interpreters.
- Applicants have no access to the interview notes, and only the applicant may view the records of investigation.

○ **Amendment of the Immigration Act**

- Recent amendment to the Immigration Act provides work permit to those who are with visa on humanitarian basis and waiting for refugee application results over 12 months as well as people with permission from the Ministry of Justice.
- Refugee support facilities are to be established, however there are also certain movements against such facilities.
- Pnan undertakes various activities such as legal aid by paralegal volunteers (non-lawyers) and operation by volunteers of schools for refugees.

Mizuno: South Korea and Japan have similarities. Despite South Korea having no third country resettlement program, it is more advanced in terms of provision of work permits under the amended Immigration Act and availability of refugee support facilities. We hope to work together in advocacy among civic organizations so that support organizations in the two countries can build an even better relationship moving forward.

4. Situation and Issues in the United States

Chirstine Petrie, Deputy Director, International Rescue Committee Thailand

○ **Overview of IRC**

- IRC has refugee assistance and humanitarian programs in over 40 countries and operates resettlement support facilities in 23 cities in the United States.



○ **Current situation in Thailand**

- There are about 140,000 refugees in Thailand, living in refugee camps along with its border with Myanmar. There are tens of thousands of unrecognized refugees too.
- They are sometimes called illegal migrants - a term used with the intention of blocking their recognition as refugees.
- IRC conducts its activities through partnerships with Thai government, UNHCR, EU and US government.

○ **U.S. Resettlement Program**

- U.S. has an annual quota for refugee intake. 80,000 people to be accepted for FY2009.
- There are 9 NGOs supporting refugees in U.S. and IRC is specialized on resettlement.
- IRC was established in 1933 based on request from Albert Einstein. Initially, the organization was involved in resettlement programs for the Jewish people who had fled from Nazi Germany.
- Refugee applicants are allowed to work immediately upon arrival to the US and can acquire citizenship with due process after 5 years of residence in the country.
- IRC supported resettlement of over 9,200 people last year.
- The critical issue in the U.S. is to encourage independence of refugees through efforts such as employment. But it is quite difficult in reality.
- Refugees are encouraged to start looking for work after two to three weeks of arrival. IRC has employment service as its top priority.
- IRC's placement program starts with refugee's arrival at airport and continues until the person acquires U.S. citizenship.
- Support services include cultural orientation, English language classes, enrollment for higher education, certification, vocational program, social integration, legal aid and counseling.
- Asylee (those who are recognized as refugees who applied for refugee status at the time of landing to U.S. or within U.S.) and victims of human trafficking are also supported by IRC.

5. Questions and Answers

Mizuno : There is groundswell of public opinion that why we have to accept refugees under such severe economic conditions and that the world is going through depression. What do you do to evoke public opinions in such environment?

Domicelj: We stress that refugees and immigrants are contributing to Australian society. We also talk about cases that refugees are playing active roles in emergency care measures for the elderly.



Ishikawa: We have not seen such rise in public criticism over acceptance of refugees yet, but this is so for immigrants. There are arguments for and against whether Japan should become an immigrant country, but the topic is rarely fully discussed in society. Some people ask me “is there large backlash for accepting foreigners into local communities?” but a survey by a sociologist (with 600 Japanese respondents) shows that “more contact you have with foreigners in a daily-life, the better feelings you have about them.” It is called contact hypothesis in sociology. We, NGOs would like to provide such “opportunities for contact”.

Lee: There is always a backlash against foreigners. It is not the case for South Korea only. What I always point out is that even though South Korea is one of the 10 greatest economic nations in the world, the number of refugees accepted to the country is little. In other countries, the ratio of refugees against the total population is one in a few hundred. It is important that we accept more refugees and

share our burdens. Refugees come to South Korea individually, not in mass groups. There are refugees with resourceful skills. They are not burden of the society, rather they contribute to the society and we should regard them as blessing by the God, not as a burden.

Petrie: We stress the fact that refugees contribute to the society economically through purchase and consumption. They are people who fled from difficulties. We need to understand that and respect them.

Mizuno: How should we provide language education programs? Any specific period set or goal to be achieved?

Domicelj: Australia has a 6 month full-time language program. But there are opinions that this is not sufficient. There are two curriculums, one for employment and the other for more general for everyday life.

Ishikawa: The uniqueness in the Japanese system is that the Japanese language program is provided upon the long review procedure. Many people learn the language through their daily lives during the application stage. They can acquire mainly speaking skills. There are requests to continue it with the intermediate and advanced programs after the basics provided by the government. I know a person who now works as an interpreter through self-study. I feel there is a real need for services in various languages.

Lee: There is no public language education program for refugees. We are currently planning a 6 month Korean language program.

Petrie: The United States provides English language classes for maximum 5 years free of charge. In most cases, they only spend the first year for study. Refugees will be too busy to continue the course after one year's language class, therefore we implement volunteer tutor programs where tutors visit refugees' homes and teach the language.

Mizuno: What kinds of effects can multiculturalism have on acceptance of refugees?

Domicelj: The principle of multiculturalism is very important for one to consider the refugee acceptance programs in Australia. Half of the citizens in Australia were born outside of the country or have a parent originally from overseas; therefore we have worked for multiculturalism as a national policy for many years. The refugee resettlement program is based on the view that multiculturalism can help a society prosper and refugees form part of such diversity.

Mizuno: How are labor unions or business owners involved in civil society?

Petrie: Many Americans have lost their jobs in the current economic circumstances and there is severe criticism of employment of refugees. The types of jobs that ordinary Americans have are often different from the ones refugees have. The labor for the bottom end of manufacturing and service

industries is always in shortage. We therefore try to stress that this is where refugees can provide reliable manpower. We do our best to build long term relationships with employers and make sure they understand the importance of this labor.

Mizuno: In terms of issues facing refugee applicants in detention centers, the “bail money” required for release in Japan is very high. Do other countries have a similar system?

Domicelj: Australia has a long history of detaining applicants. They are detained for illegal overstay if they entered the country without a visa. The government newly announced a change in its policy on detention and the situation is improving. There was a debate on the impact of long term detention on children, and the government standpoint on detention is often opposite to that taken based on humanitarian and international viewpoints. On the other hand, there is an issue that a refugee may suffer extreme poverty if he or she is sent to a community without any support. We are planning a system where refugees may receive various services in the community to replace the use of detention centers. There is also the thinking that only those considered a security risk or who have worked repeatedly without a work permit should be detained for a limited period.

Ishikawa: In Japan, all cases are subject to indefinite detention in principle, but most applicants are provisionally released after one year of detention. The bail money for release varies from zero to 3 million yen, and some are provisionally rereleased in the discretion of the Immigration Office. The lack of third party inspection of detention centers was a problem, however the recent revision to the Immigration Act proposes establishment of “Inspection Committee on Foreigner Detention Centers”. This allows an external inspection on the facilities and it is a step forward for us. Detention is a significant psychological pressure upon applicants. It is hoped the legislature will design a system where detention is not a general rule and is rather exercised for exceptional cases and with limitations. As an NGO, we pay attention to “surrogate acceptance in communities in Australia.” When a large number of shelters are available it may become easier for the government to increase the number of releases. This is something we would like to work hard on.



Lee: In South Korea, applicants are not detained. However someone who has not applied for refugee status and does not hold a valid visa will be detained. If the person applies for the refugee status after detention, he or she has to wait for the result while in the detention center. For cases in which applications or appeals are rejected, applicants are detained. The number of detention cases is less than 20. Some are detained after working without work permit. Work permits expire at the end of the administrative process, so there are also cases where illegal work is detected during the legal proceedings and people are subsequently detained.

Petrie: This is a very sensitive issue in the U.S. Detention without reasonable grounds is a

humanitarian issue. Special consideration must be given to detention of juveniles under the age of 18 years of age, as well as making legal representation available when an application is rejected.

Mizuno: How are North Korean defectors treated?

Lee: Under the South Korean Constitution, North Korea is considered part of Korea. As a result defectors ought to be protected just as South Korea citizens. There are 15,000 North Koreans living in South Korea and treated as citizens.

Mizuno: Please tell us more about the Human Rights Clinic for stateless persons in South Korea.

Lee: Stateless persons arriving in South Korea are protected by the Convention on Statelessness. There have been cases where such people have come to South Korea claiming marriage that was ultimately found to be fake, but could not return to their country of origin after having their visa revoked. These cases mainly involve people of Chinese background. But there is no specialized organization dealing the issue of statelessness and we are reviewing the possibilities in this area.

Mizuno: Any questions or comments to other panelists?

Domicelj: Japan will start a pilot case to accept refugees through third country settlement. Australia also has a pilot program to provide counseling to the refugee applicants on appropriate legal advice, living support and repatriation. We believe it is important to support asylum seekers in a way that they can make decisions as to stay in Australia or return home at an early stage. Based on “Case Management Principle”, we can support them with respect for dignity from an early stage, and this program makes easier for us to provide support on resettlement for rejected cases as well as repatriation support. We have a keen interest in the outcome of the pilot program in Japan.

Ishikawa: Australia accepts refugees for resettlement from various countries in evenly allocated numbers. We would also like Japan to accept refugees from countries other than Myanmar. We would like to work harder with South Korea, we can learn from each other and make improvements step by step here. Pnan uses a Korean TV star as its goodwill ambassador and the IRC uses George Clooney. JAR similarly hopes get various people involved.

Lee: The US and Australia are “advanced countries” for refugee protection but they are also “countries of immigrants.” In this sense, they are different from South Korea. On the other hand, South Korea is one of the advanced countries and shifting towards being a country of immigrants. South Korea can learn from countries who have accepted immigrants. We have common ground with Japan in various aspects, but we are behind by 10 years in terms of refugee acceptance and the number of accepted refugees is one fifth of that of Japan. We would like to continue this friendly race with Japan in the future.

Petrie: NGOs in Japan, South Korea and Australia have a lot in common in terms of refugees’ human rights and humanitarian aspects. However there are many differences in the governments’ policies.

Though the number of refugees to be resettled under the pilot program in Japan is small, it is a very important step. We have a lot to learn from each other. The United States created its current model over a long period time. It is necessary to apply this model in accordance with the particular conditions faced in each country.



Mizuno: The number for the resettlement program in Japan is indeed small, but the success and development will draw attention from the international community. There are commonalities in the US and Australia such as backlash from local communities and employment issues. We should continue the dialogue like this and hope for ongoing advice and dialogue on these issues.

Panel Discussion II

“New Challenges & Opportunities for Refugee Protection in Asia”

Panelists

<i>Katrina J Maliamauv</i>	<i>Program Officer, Tenaganita, Malaysia</i>
<i>Rufino Seva</i>	<i>Program Manager, Bangkok Refugee Center</i>
<i>Brian Barbour</i>	<i>Executive Director, Hong Kong Refugee Advice Center Ltd.</i>
<i>Adam Zerbinopoulos</i>	<i>Deputy Refugee Coordinator for East Asia, U.S. Embassy in Thailand</i>
<i>Tin Win Akbar</i>	<i>President, Federation of Workers' Union of the Burmese Citizen in Japan and Burmese refugee</i>

Moderator

<i>Petrice Flowers</i>	<i>Assistant Professor, Political Science Department, University of Hawaii</i>
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MC: In panel discussion II, we will discuss realities and issues relating to refugee protection in countries which are not signatories to the Refugee Convention. Although Malaysia and Thailand are not a part of the Refugee Convention, they accept the largest number of refugees in Asia. China is a member of the Convention, but its obligations do not extend to Hong Kong.

1. Current Situation and Challenges in Malaysia

Katrina J Maliamauv, Program Officer, Tenaganita, Malaysia

○Current refugee situation in Malaysia

- As of April 2009, there were about 50,000 registered refugees in Malaysia. The largest group is Burmese. There are about 100,000 people unregistered.
- Malaysia refuses to sign the Refugee Convention, thus does not recognize these people as refugees and continues to treat them as illegal migrants.
- The reason for such refusal is a concern over a large influx of refugees from Burma into the territory. This may sound illogical but that is the official reason.
- A systematic resettlement program was provided to Vietnamese refugees.
- Since refugees are unrecognized and without status, they are not respected as humans by the government. Not only their livelihoods but their lives themselves are not respected.
- A birth certificate is not issued to a refugee child, resulting discrimination in access to education.
- Refugees do not have access to medical care and are not allowed to work, and some refugees are working and exploited in a poor environment.
- Limited access to the judicial system.
- Illegal immigrants are treated as criminals and become victims of violence and abuse.
- Refugees are subject to monitoring for security reasons and the government believes that refugees are



a threat to the national security.

○Case of Burmese refugees

Two detained Burmese refugees died in a facility last month. Although their death was caused from infection from an animal within Malaysia, Immigration alleged that the migrants are the ones who carried the disease into the country. The detention centers are unhygienic and crowded, and there is abuse. Some are detained for infinite periods, and some become subject to human trafficking after forced deportation.

○Response from the international society

The UN Periodic Review was conducted last month whereby many states criticized the human rights situation in Malaysia. Non-recognition of UNHCR policies was also raised as a major issue. Though the recognition of the issue has improved, there is no sign of the government changing the policies. Such a change cannot be expected.

○Policy proposals by attorneys

Civil society groups and Bar Council are working to make a comprehensive policy proposal to the government on refugee issues. The goodwill is important for working with refugees and the policies should be created with such a mindset.

2. Current Situation and Issues in Thailand

Rufino Seva, Program Manager, Bangkok Refugee Center

○Current situation for refugees in Thailand

- There are about 2 million refugees in Thailand from Laos, Burma and Cambodia. They are urban refugees and some are subject to detention.

- About 500,000 refugees are registered and there are 9 refugee camps along the Thai-Myanmar border. While the refugees in those camps have legal status, their freedom of movement is limited without right to higher education.

- There are urban refugees although the Thai government does not recognize them. Bangkok Refugee Center provides assistance to such urban refugees. However those who are registered as refugees by UNHR cannot receive assistance from BRC.

- UNHCR handles refugee registration procedures in Thailand but the majority of urban refugees are unregistered. As of April 2008, 1,302 refugees and asylum seekers are registered.

- Bangkok Refugee Center's main concern is urban refugees and can offer very limited support for asylum seekers. Other NGOs and churches also support asylum seekers but the capacity is small.

- Urban refugees and asylum seekers live in dire poverty and do not have access to hospital care. BRC provides them basic medical services.

- Social assistance service is provided as financial assistance based on the level of their vulnerability assessment. Food is allocated to supplement such social assistance.



- In terms of educational services, the learning center is established which provide vocational training, training on SGBV and HIV AIDS. Psychological therapy is also available.
- Refugee support activities are difficult due to budget constraints and detention.

3. Current Status and Issues in Hong Kong

Brian Barbour, Executive Director, Hong Kong Refugee Advice Center Ltd.

○Current situation of refugees in Hong Kong

- China acceded to the Refugee Convention in 1951, but Hong Kong has no procedure for Refugee Status Determination.
- UNHCR RSD mechanism and the Government CAT mechanism are available. The prolonged UNHCR procedure had been an issue but has improved. Legal representatives are now allowed into interviews.
- Various organizations are involved in RSD procedure in HK and the coordination is necessary. There is a huge gap among the involved organizations and some of the activities are overlapping. Misperception among the public is also an issue.



○Asia Pacific Refugee Rights Network

- “Asia Pacific Refugee Rights Network” was held in Malaysia last year where we can build the network of relevant organizations and address the refugee issue as the regional agenda. It was the first attempt for the parties from the Asia Pacific region gathered in one meeting. The joint statement was made and advocacy was undertaken towards UNHCR and the government.
- What needs to be stressed here is the importance of collaboration among the government, UNHCR and NGOs. Hong Kong has brought success to some extent with this regard but there is room for improvement.

○Challenges for refugee protection in Hong Kong

- Hong Kong has adopted 7 Human Rights instruments and reports the human rights situation to the respective treaty bodies on regular basis. HK Courts have consideration to the Refugee Convention and review the possibility of making recommendations on that basis. Where such recommendation is available, the government is urged to take action, a trend which can assist in meeting the needs of refugees.
- Hong Kong Refugee Advice Center provides legal services to refugees. The laws regarding refugees are very complicated, as can be interpretation of the definition of one.
- The general public does not know the definition of refugees and some people even think that refugees are people who had lost home from an earthquake. The definition is complex and there is a wide variety of factors to be taken into account. It is almost impossible to handle RSD procedure without legal knowledge.
- Traumatized refugees distrust authority having been treated as illegal immigrants. They may therefore sometimes lie to the authorities even when unnecessary.

- Legal aid is critical and we need to provide customized legal aid along with the general legal support. It is also important to have a representative.

- There are currently 5 law offices providing legal aid on pro bono basis. We provide training for caseworkers and interpreters. For applications, we prioritize support for traumatized refugees, more complex cases and refugees who have no access to courts.

- While 9 out of 10 refugee claimants are rejected by UNHCR, we do see some progress with cases of traumatized refugees and other more complex cases.

4. Refugee Protection by the U.S. Government

Adam Zerbinopoulos, Deputy Refugee Coordinator for East Asia, the U.S. Embassy in Thailand

○Overview of the State Department

- I am a Deputy Refugee Coordinator for East Asia at the U.S. Embassy in Thailand, in charge of operations by the State Department's Bureau of Population. Our activities are funded directly by the U.S. Congress and this shows the U.S. government's commitment to refugee protection.

- We are responsible for refugee protection, monitoring, health management and reception coordination in East Asia.



○Challenges in South East Asia

- Prolonged review period, provision of goods including shelter, and political issues. Only two states; Cambodia and the Philippines have ratified to the Convention.

- Advocacy is difficult too. We have to rely on the international organizations like UNHCR. Refugees have no legal status and are exploited by employers and government officials.

- For many countries, mass refugees are “unwelcomed guests” and are associated with national security issues. In the long term it is necessary to protect refugees by changing the views held by the citizens and governments in the region.

○Activities conducted by the U.S. Embassy

- U.S. Embassy provides advocacy and funding support in alignment with various groups in South East Asia as its commitment to issues related to refugees and stateless persons without visas.

- We managed to recognize legal status for tens of thousands of refugees including Karen refugees in Thailand thanks to the cooperation of scholars, politicians, NGOs and civilians in Thailand.

- Civil society plays a very important role, in terms of lobbying, in amendment of refugee related laws. Japan may be able to learn from this point.

○Placement in the U.S.

Placement of refugees into the U.S. is realized with cooperation between the government and civil society. This is unique in that it is driven by civil society, with local people allocating places for refugees. Civil society also aims for local integration considering the conditions of the community.

Ordinary people act as various resources including financial support. Each citizen is volunteer-minded and involved in the refugees lives. This is one of the best models for resettlement.

5. Current Situation of Burmese Refugees

Tin Win Akbar, President, Federation of Workers' Union of the Burmese Citizen in Japan (Burmese Refugee)

○Situation in Burma

- Burma was once very rich regarded as the rice bowl of Asia. Since military rule of 1962, it has gradually waned and become one of the world's least developed countries.

- Burma is one of the main sources of the world's refugees, with about 500,000 people fled from persecution of the country into neighboring countries.

- Burma is a multi-ethnic nation with over 130 ethnic groups.

- Shan, Karen and Mon take part in pro-democracy activities in neighboring countries.

- About 50,000 Chin people have fled into neighboring India, but the government has not recognized them as refugees. There are about 120,000 ethnic Rohingya in Bangladesh. Chins and Rakahines have fled to Malaysia. Compare to these Asian countries, the number of Burmese refugees fled to Japan and South Korea is small.

- There are about 130,000 Burmese refugees living in camps along the Thai-Burma border. Karen people make up the majority and about 8,000 have become orphans. Some Burmese refugees live in the camps for over 20 years.

- On the other hand, many of the Chins have left the camps and live in the urban areas of India and Malaysia. There are about 60,000 Chins in East India.

- Rohingya refugees are stateless and are in a more vulnerable situation than other groups of Burmese refugees. Host countries should cooperate with UNHCR and other partners to recognize them as refugees.

- The Rohingyas are from the Northern Arakan State in Western Burma near the border with Bangladesh. They were deprived of the civil rights in 1992 and forced to flee the country. They are not permitted to go out of the Northern Arakan State or to get married. There is no freedom of religion. The Northern Arakan State faces the worst situation in Burma and there is widespread forced labor and arbitrary arrest.

- Aung San Suu Kyi says "Burma is Disneyland for Fascists. Refugee camps are like human zoos." Burmese refugees are not allowed to maintain their ethnic rights and have been stripped of their freedom.



6. Comments from the Moderator

Petrice Flowers, Assistant Professor, Political Science Department, University of Hawaii

- While there are many challenges in refugee protection there are many chances. What is ideal is to emphasis on the chances.

- Refugees' suffering must be relieved and they have to be recognized as persons objectively. It is important to respect their diversity, and utilize their network and rich experiences, rather than just supporting them financially. That could lead to building an affluent world.

- There was a mention on the issue of national security. The important thing is how scholars, politicians and the media understand refugees. If the assumption is made that they are the national threat, then the debate is naturally limited. If we do not see refugees as persons integrating into our society, then we risk fettering ourselves.

- Another important point is recognition. We need to understand on what human rights are based, and that legal aid is necessary for protecting them. A comprehensive refugee policy is also significant. Resettlement programs have been introduced but even the established systems have room for improvement.



7. Questions and Answers

Flowers: The central government has explicit refugee policies but the role they can play in practice of refugee acceptance is limited. What are your views on the relationship between civil society and the central government?

Maliamauv: In Malaysia, the refugee issue is not yet well understood. We are pressuring the members of the ruling and opposition parties in the congress at the national and state levels. We are also working at the local level to ease the tension between the local community and refugees.

Seva: In Thailand, asylum seekers and refugee claimants can be detained or arrested anytime. Bangkok Refugee Center keeps records of arrest and detention in our partnership with UNHCR. The records are disclosed to the public and thanks to this, the public awareness has increased and the number of arrest and detention has largely decreased.

Barbour: In Hong Kong, we exchange our views with policy makers in informal sessions. We also approach international human rights bodies and local communities, as well as utilizing the media.

Zerbinopoulos: NGOs and civil organizations in U.S. work with the local governments to support resettlement programs.

Tin Win: In Japan, many illegal foreign workers have lost their jobs because of the recession. Most of them have not consulted with the official agency; therefore the number of the unemployed announced by the government does not include these foreign workers. The policies by the Japanese government are discriminative. They have more protective measures for Brazilians of Japanese extraction but no support for refugees who have no home to go back to. The media plays a very important role in

publicizing this situation. The local governments also have a large role to play.

For Burmese refugees in Japan, no efficient local integration program is available. The Burmese refugees in Japan today are people who had made applications for RSD and were recognized as refugees. They are not resettled refugees. It is therefore different from third country resettlement cases. Many of the Burmese refugees here are devoting themselves into political activities for democracy in Burma and therefore lack a clear view of how to lead their lives in Japan. It becomes necessary for them to think about their children's education and the longer term settling into life in Japan.

Flowers: How does each organization support repatriation to countries of origin?

Seva: In Thailand, UNHCR takes care of repatriation. Repatriation is basically voluntary. When a refugee does not have sufficient funding for repatriation, we may provide financial aid. Only one urban refugee has requested for repatriation so far. In some cases, the Immigration Office detains and returns them home.

Maliamauv: Tenaganita supports Burmese refugees. Some of them return home due to family issues. That is an individual's choice and we support it.

Flowers: Where do the refugees who do not wish to stay in Hong Kong go to?

Barbour: The refugees recognized by UNHCR have to apply to the agency for resettlement. But the process takes time.



Flowers: Is there any effort made by the East Asia region for refugee protection?

Zerbinopoulos: A regional effort is necessary to stop flows of refugees. East Asia as a regional council for refugees and they hold a ministerial level meeting among governments. It recently discussed the issue of Burmese refugees in East Asia. The Bangladesh and Thai governments understand it as a regional issue rather than an issue of one nation. The Burmese government has adversarial position to this. Although there is a cross government movement, NGOs and civil society are not part of it. The voices of refugees are not reflected there either.

Flowers: Please tell us three things you need for support.

Barbour: 1) funding, 2) collaboration, 3) let me think about it.

Seva: 1) funding, 2) community support, understanding by the local people and world, 3) partnership among NGOs, local community and government.

Maliamauv: 1) greater awareness and people thinking about and participating in refugee issues, 2) freedom of media (Malaysia has very strict control over the media), 3) change of administration.

Tin Win: 1) With change of the military government, many Burmese people will be able to return to their homes, 2) a mechanism which helps not to generate refugees and to stop flux of people, 3) the Japanese government to stop supporting the Burmese military government.

Flowers: What are your hopes for the Japanese government's resettlement program?

Tin Win: It is better than nothing. We need to change the mindset of the people, not only the government. There are very conscious members of the parliament but they say that they cannot act very aggressively because the refugee issue is difficult to get support from voters. We need to change the attitude of the Japanese people. Please think the issue with a long term perspective like 50 years and 100 years. Japan will not be able to survive this aging society without accepting refugees and immigrants.



Flowers: What actions should Malaysia and Thailand take against human trafficking?

Maliamauv: We issued a report on the issue of human trafficking in Malaysia and we are putting pressure on the government. The issue of human trafficking has attracted attention in recent years and the Malaysia government has become more cautious about deportation of refugees than it used to be. This is a good change. Tenaganita provides support for victims of human trafficking such as psychological care. Many refugees in Malaysia become the subject of human trafficking and we need to promote awareness on this issue.

Flowers: What are the activities Mr. Tin Win is taking part in?

Tin Win: Our activities are funded by Rengo and JAM (Japanese Association of Metal, Machinery and Manufacturing Workers) . One thing is to protect rights of foreign workers. I hope to utilize the activities of the Japanese labor union in my home country when Burma is democratized. In Burma, people are exploited at work and I would like to realize a mechanism where people can freely organize labor unions. Currently, our main activity is to support foreign workers who are facing various issues in Japan.

Flowers: I hope that this panel discussion helped you to understand the importance of the International Law. Signing to the Refugee Convention does not solve all the problems. NGOs like those who are here today are always required. International Law will be a very important tool and as such we need to continue our discussion on this.

Closing Remarks

Hiroshi Homma, Professor Emeritus, Hosei University and Senior Advisor, JAR

Today, we heard very valuable inputs from experts in the Asia Pacific region. In this symposium, I reaffirmed my understanding of the importance of interaction with various stakeholders to develop support for refugees.

Mr. Cels, Representative of UNHCR Representation in Japan talked about the comprehensive issue of refugees while focusing on the current situation in Japan. Professor Abe showed us a model of a society which Japan should aim for.

The issue of refugees should be addressed with a perspective on how Japan shall improve its stance. While the acceptance of Indochina refugees in the past was made possible in response to requests by US, the third country resettlement is a policy driven by the Japanese government. This is a very important point. Some people pointed out that the number is too small, but how this policy develops will not only be about the national policy issue but also an issue of civil society. In this regard, the experience of the third country settlement program in Australia was very helpful for us.

Japan and South Korea have similarities in their systems. The RSD mechanism may be a little more advanced in Japan than in South Korea, but the Japanese system itself has major issues too. In this regard, the revision to the Immigration Act in South Korea constitutes a large step forward and this will be a very stimulating change for Japan. We need to work harder together in order to effect revisions of systems in the two countries that could lead to better protection of human rights.

We, civil society, should not be just waiting for the policies to be issued by the government. We must lobby the government. I urge the citizens to take an interest in the issue of refugees.

The issue of countries who are not signatories to the Refugee Convention; how do we share the responsibility of international protection? The causes of mass flux of refugees and measures to address such flux - international society has not yet been able to show solidarity in sharing those responsibilities. How to build a specific mechanism to address these situations is an agenda for the citizens of the Asia Pacific. I would like to propose this as a challenge that we all shall all take steps address.

Presentation Materials

Recent Development of Refugee Protection in East Asia and South Korea

Mr. Pill Kyu Hwang

Joint Position Paper by the Law Society of Hong Kong and Hong Kong Bar Association on the Framework for Convention Against Torture (“CAT”) Claimants and Asylum Seekers

Mr. Mark Daly

Current Situation and Issues in State Parties to the Refugee Convention in the Region: an Australian NGO perspective

Ms. Tamara Domicelj

Current State and Challenges of Signatory Countries to the Refugee Convention: A Japanese NGO Perspective

Ms. Eri Ishikawa

Current Refugee Situation and Issues in South Korea

Mr. Ho Taeg Lee

U.S. Refugee Resettlement Program

Ms. Christine Petrie

Challenges and Opportunities for Refugee Protection in Malaysia

Ms. Katrina J Maliamauv

Assistance to Urban Refugees and Asylum Seekers

Mr. Rufino Seva

Refugee Legal Aid in Hong Kong

Mr. Brian Barbour

Refugee and Migration Affairs, U.S. Embassy Bangkok


Mr. Adam Zerbinopoulos

New Challenges and Opportunities for the Refugee Protection in Asia

Mr. Tin Win Akbar


**International Symposium on
Refugee Protection in the New Era & Civil Society
NGO Perspectives from Seven Countries/Regions
in Asia & the Pacific
13 June 2009, Tokyo, Japan**


**Recent Development
of Refugee Protection
in East Asia & South Korea**



Pill Kyu Hwang
Korean Public Interest Lawyers Group
GONGGAM

**Countries/Territories
in East Asia and the Pacific**






Korean Public Interest Lawyers Group GONGGAM

**Countries/Territories
in East Asia**

■ **“Eastern Asia” (UN DESA Statistics Division)**
China, Hong Kong, Japan, Macao, Mongolia,
North Korea, South Korea

■ **UNHCR Data & UN Population Division**

	China	Hong Kong	Japan	Macao	Mongolia	North Korea	South Korea
Ratification of Refugee Convention	X	-	X	-	-	-	X
No. of Refugees in 2007	301,083 (300,897 Vietnamese)	101 (20 Somalis)	1,794 (975 Vietnamese)	-	5 (5 Chinese)	-	93 (30 Burmese)
Population in 2005 (thousands)	1,312,979	7,507	127,897	473	2,581	23,616	47,870



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**Common Challenges
for Refugee Protection in East Asia**

■ **Asylum seekers**

- No work permit & no/little provision of social assistance
- Delays in RSD
- No institutionalized legal aid
- Appeals dealt with by the same entity in charge of initial decisions
- Narrow interpretation of **“well-founded fear of persecution”** & **“an unusually high standard of proof”**
- Indefinite detention

■ **(Recognized) Refugees**

- No/little program for social integration or social and legal protection



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**Recent Development of
Refugee Protection in South Korea**










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**Overview of Refugee Situation
in South Korea**

■ 1994 – South Korea ratified the Refugee Convention.


■ 1996 – South Korea began to receive refugee claims.

■ 2000 - A Convention refugee was recognized for the first time after Korea was elected as a member state of the UNHCR Ex-Com.

■ **General Procedure for Refugee Recognition:**
1st Decision: Minister of Justice (→ Appeal: Minister of Justice (Review Committee))
→ Seoul Administrative Court → Seoul High Court → Supreme Court)

■ **Ministry of Justice Statistics**

	Applicants	Recognized	Granted Humanitarian Status	Rejected	Withdrawn	Pending
Nos. as of April 30, 2009	2,262	107	71	529	341	1,214



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Comments on Refugee Situation in South Korea

- **UN Human Rights Council Universal Periodic Review (2008)**
Korea is recommended "to implement the Refugee Convention, and ensure that refugee recognition procedures be improved in line with international refugee law."
- **UN Committee on the Elimination of Racial Discrimination (2007)**
 - "The Committee notes with concern ... a complex procedure and long delays in the decision-making process on asylum claims.
 - "The Committee recommends ... that asylum seekers and persons granted humanitarian protection be allowed to work, and that comprehensive measures be adopted in order to facilitate the integration of refugees in Korean society."
- **Amnesty International Report (2006)**
 - "Refugee recognition procedures lack transparency and fail to take account the threats faced by asylum-seekers."
 - "Detention policies for asylum-seekers are vague and arbitrary."



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Revised Immigration Control Act to be in effect from June 20, 2009

- Time limit for filing an appeal: 7 days → **14 days** after being rejected
- "Government shall **make efforts** to ensure that recognized refugees be guaranteed the status and treatment stipulated in the Refugee Convention."
- Explicit provision of **humanitarian stay permit**
- **Possible work permit** for refugee claimants after 1 year from application and those granted humanitarian stay permit
- **Possible refugee assistance facilities** – Korean language education & career counseling; Social adaptation training & settlement assistance; Medical assistance; and Others needed for assistance



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Draft Bill of Act on the Status and Treatment of Refugees, etc. introduced on May 25, 2009

■ BACKGROUND

- **Preparation of a draft bill** by Refugee NGO Network for more than 1 year (local and international NGOs, lawyers' groups, scholars including UNHCR and NHRI as observers)
- **Field research** on human rights situation of refugees conducted by the Network supported by NHRI
- **3 Public hearings** organized by the Network, Seoul Bar Association & Parliamentary Human Rights Forum respectively
- **Formal legislation petition** of the draft bill by Seoul Bar Association
- **Introduction of the draft bill** to the General Assembly by 24 MPs



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Contents of the Draft Bill of Act on the Status and Treatment of Refugees, etc.

■ General

- Explicit provision of the **definition** of refugees, refugee claimants & humanitarian stay permit
- Principle of **non-refoulement** without exception

■ Substantive Rights of Refugee Claimants

- Explicit provision of **residence status** of refugee claimants
- Guarantee of decent living for refugee claimants:
living allowances/work permit



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Contents of the Draft Bill of Act on the Status and Treatment of Refugees, etc.

■ Procedural Rights of Refugee Claimants

- **Procedural Guarantees:** Access to information; Refugee claim procedures at ports; Limited review period; Right to counsel; Lowered burden and standard of proof; Restricted detention; Right to oral statement in appeals; Independent appeal body; Same procedural guarantees for humanitarian stay permit

■ Rights of Recognized Refugees

- **Protection of refugee rights** stipulated in the Refugee Convention
- Provision of **family reunification** & possible **resettlement**
- Same treatment as refugees for those granted **humanitarian stay permit** except for immigration control



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Recent Development in Jurisprudence

- Refugee Recognition under the Immigration Control Act
 - Step 1: Identifying a refugee under the Refugee Convention
 - Step 2: Exercising **authorities' discretion for granting asylum**
- No clear standard concerning **burden of proof or standard of proof**
- Persecution: "threat to life or physical freedom" → **"threat to life or freedom"**
- MOJ insisting on lack of '**good faith**' in every **refugee sur place** case without exception; Courts denying the requirement of 'good faith' but actually applying it in their judgments
- **Criteria for denying refugee status:** genuine passports, reason for arriving Korea, economic activities in Korea, timing of submitting refugee claims, family members without persecution in home countries, etc.



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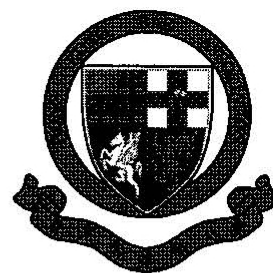
Challenges Ahead & Need for 'Problem-Solving Network' in East Asia

- Mainstreaming Rights-Based Approach in Refugee Protection
- Exchanging Policy Reform Experience & Jurisprudence Development
- Involving East Asian Countries other than HK, Japan & ROK
- Playing a Crucial Role in Asia & the Pacific Network
- Interaction with Migration & Other Human Rights Networks



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Mr. Mark DALY



Joint Position Paper by the Law Society of Hong Kong and the Hong Kong Bar Association on the Framework for Convention Against Torture (“CAT”) Claimants and Asylum Seekers

On the 5 December 2008, in the case of *FB & Ors v Director of Immigration & Anor* (HCAL 51/2007) (*FB*), the High Court declared the CAT assessment process to be unfair and unlawful in a number of respects including:

- The practice of not permitting the presence of a legal representative during the completion of the questionnaire or during the interview;
- The practice to refuse to provide, at the expense of the Respondents, legal representation to a Convention claimant;
- The systemic anomaly in which the examining officer and the decision-maker are not the same person;
- The fact that the decision-makers are insufficiently trained (at the first level and on petition); and
- The failure to provide for an oral hearing on a petition and, as before, the lack of provision for legal representation at that oral hearing.

At the Opening of the Legal Year on 12 January 2009 the President of the Law Society expressed his concerns given the “*momentous importance*” of the decision for the individual concerned and urged the Government to address the “issues stemming from these cases” and called for a legislative or regulatory framework to ensure high standards of fairness.

On the 3 February 2009, at a meeting of the Legislative Council’s Security Panel, Deputy Secretary for Security Ngai Wing-chit said the Government would submit a “*legislative framework*” for a regime to assess the CAT claimants by the end of the year.

New Information

The Law Society, The Bar Association and the Hon. Ms. Margaret Ng (Legal Functional Constituency) have only recently (March 2009) been made aware of the following:

1. Security Bureau has already been negotiating with the Duty Lawyer Service (“DLS”) on the provision of legal services;
2. The HKSARG propose to put a system in place to assess CAT claimants by mid 2009—prior to the introduction of a “legislative framework”; and
3. Some training of immigration officers has already taken place.

Concerns and Questions Arising

In addition to the developments above, the Law Society is mindful of the recent Concluding Observations of the United Nations CAT Committee (November 2008), which are only the latest in a long list of criticisms from the UN bodies and human rights advocates over the years, which express the concern that “*there is no legal regime governing asylum and establishing a fair and efficient refugee status determination procedure*” and “*The Committee is also concerned that there are no plans to extend to HKSAR the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol*”. Further, the Committee recommends that the HKSAR should:

- a) *incorporate the provisions contained in article 3 of the Convention under the Crimes (Torture) Ordinance;*
- b) *consider adopting a legal regime on asylum establishing a comprehensive and effective procedure to examine thoroughly, when determining the applicability of its obligations under article 3 of the Convention, the merits of each individual case; ...*

The Law Society and the Bar Association also note that the Refugee Convention has been extended to the Macau SAR which has legislated for the assessment of asylum seekers.

Both The Law Society and the Bar Association are also aware of the procedural deficiencies and potential for abuse in having a separate assessment process for refugee status determination (“RSD”) in the HKSAR which is presently carried out by the United Nations High Commissioner for Refugees (“UNHCR”). The UNHCR assessment process, if it was amenable to the jurisdiction of the Hong Kong courts, would not meet the high standards of fairness and would most likely be declared unlawful for substantially the same reasons as in *FB*. Further, it is unfair and anomalous that the ultimate decision on the individual’s refugee status by the UNHCR is not amenable to judicial scrutiny. Indeed, the UNHCR itself has been calling on the HKSAR to legislate and carry out RSD for a number of years.

Given that the HKSAR has an obligation to screen CAT claimants and by its own numbers there are more persons availing themselves of that process than the procedurally unfair UNHCR process (3,196 vs 1,591) and given the similarity in the nature of the processes, the Law Society and the Bar Association invite the HKSAR to consider responding favourably to the recommendations of the UN CAT and put in place comprehensive legislation for refugee status determination (“RSD”) and CAT screening. Undoubtedly the majority of applicants will claim both. Since the HKSAR must interview for CAT, if increasing resources are to be spent on a complete revision of the

process, and a decision on refugee status can be made based on the same interview process (as is done in other developed jurisdictions), there does not seem to be any impediment to the HKSAR taking control, in a fair and efficient way, of the entire process and putting in place a comprehensive legislative framework. This would include, *inter alia*, basic screening legislation, including the setting up of an independent tribunal, legislation governing immigration status pending a decision and legislation for related issues such as provision of social assistance during the process. All of these are presently lacking.

The Law Society and the Bar Association note that this is a matter of great public importance and concerns. At stake are fundamental rights of the most serious kind.

The Law Society and the Bar Association are of the view that this is a critical juncture and an opportunity to implement a coherent and comprehensive system. Legislation should be passed to help prevent abuse which may affect not only CAT claimants but asylum seekers and claimants. An inadequate system will only invite abusive claims that exploit weaknesses in the system, and further poor decision-making and legal challenges. The lack of legislation or a detailed and accessible policy governing detention of CAT claimants was criticized by the Court of Appeal in *A & others and DOI* (CACV 134/2007) and may result in costing the HKSARG millions in legal fees and damages for unlawful detention.

Consultation with the Legal Profession/LegCo

Consistent with and in furtherance of fundamental rights, rule of law and procedural fairness set out above, both the Law Society and the Bar Association are of the view that the legal profession and LegCo should be consulted at the earliest stages of development of any proposed administrative scheme. Both the Law Society and the Bar Association are concerned that they have not hitherto been consulted even though the DLS is a creation of the Law Society and the Bar Association. Not only is it important to ensure that any such proposed scheme meets the highest standards of fairness but issues such as proposed models for rendering legal advice (legal aid system or DLS?), training for the profession and selection and training for proposed Tribunal members all require input and expertise from the legal professional bodies and LegCo.

Questions for the HKSARG

In light of the above the Law Society and the Bar Association request the HKSARG to provide as a matter of priority the following information:

- 1. Full details of the proposed scheme including any comparative research and possible models that have been considered.**
- 2. Details of the proposal to the DLS and the present status of the negotiations including any timetable.**
- 3. Details of the steps taken to implement the judgment in the case of *FB* including the details of the training that has taken place to date.**

- 4. What consideration has been given to the HKSARG taking on RSD and putting in place comprehensive legislation to effectively and efficiently manage the issues of status while awaiting decisions under CAT or RSD, social welfare, education for minors etc.**

Both the Law Society and the Bar Association will continue to monitor developments in this area and engage all stakeholders and look forward to the early provision of the information requested above. Both organizations can then effectively contribute its expertise and views on the early implementation of a fair and efficient administrative system in line with the HKSAR's international obligations to assist genuine claimants.

**Law Society of Hong Kong
Hong Kong Bar Association
31 March 2009
123819v3**

JAR International Symposium

REFUGEE PROTECTION IN THE NEW ERA AND CIVIL SOCIETY

Current situation and issues in State Parties
to the Refugee Convention in the Region:

an Australian NGO perspective

13 June 2009

Tamara Domicelj
National Policy Director



The Refugee Council of Australia (RCOA)

- aims to promote the adoption of flexible, humane and constructive policies towards refugees, asylum seekers and other displaced persons by the Australian and other Governments and their communities
- is a national, non-profit, peak organisation, which was established in 1981
- has over 300 organisational and individual members, involved in many areas of refugee support including: assisting refugees in countries of first asylum and when they repatriate to their homelands; providing settlement support to refugees in Australia; providing protection and legal advice to refugees and asylum seekers; and advocating on behalf of particular refugee communities
- is governed by an elected Board, has 4 core staff and is funded through member contributions, public donations and project grants
- was recently granted Special Consultative Status with the United Nations Economic and Social Council (ECOSOC)



RCOA seeks to achieve its aim by:

- acting as a unifying and representative body for its members
- advocating strongly on matters relating to refugees, asylum seekers and displaced persons wherever appropriate
- increasing public awareness of and media sensitivity towards refugee circumstances, needs and contributions and
- building the capacity of the refugee sector



RCOA's activities centre on conducting research, policy analysis, member representation, training and community education



The core activities of RCOA include:



- conducting annual national community consultations on Australia's Refugee and Humanitarian Program (including regional engagement) and submitting detailed recommendations to government
- coordinating and promoting national Refugee Week activities
- encouraging Local Governments to declare their districts Refugee Welcome Zones
- undertaking research and developing position papers on priority issues
- facilitating information exchange and joint advocacy by the sector, including by convening national teleconferences
- maintaining ongoing dialogue with senior bureaucrats and parliamentarians
- participating in key international fora and building links with international NGOs/IGOs



Snapshot of Australia's
Refugee and Humanitarian Program (RHP)



- Signed 1951 Refugee Convention in 1954 and acceded to 1967 Protocol in 1973
- Has settled c.730 000 people since 1901
- RHP (c.8% overall Migration Program) comprises:
 - a Refugee component (currently 6 000 places, largely identified and referred by UNHCR, with 12% allocated to Women at Risk)
 - a Special Humanitarian component (currently 7 750 places for people subject to gross violation of human rights, outside their country of origin and with a sponsor)
 - an Onshore component (onshore refugee and humanitarian visa grants are dedicated from SH quota)
- Resettlement allocation currently evenly split between Africa, Asia and Middle East
- 4-year planning framework is being introduced, allowing government to make longer-term commitments to resettling refugees from protracted crisis situations



Overview of settlement services

A comprehensive framework exists for integrated refugee/humanitarian settlement support, including service streams to cater for specific vulnerabilities. The framework is underpinned by principles of multiculturalism.

Key components include: English language learning/interpreting assistance; case management; housing support; income support; employment support; health assessment /treatment; short-term torture & trauma counselling; pre-arrival cultural orientation

Program has been very successful, but there is scope for improvement. Concerns include: Impact of competitive tendering upon services; impact of prolonged family separation on settlement outcomes; housing crisis; significant barriers to employment; need for rigorous training /debriefing of volunteers



Overview of Australia's reception and processing of asylum seekers

- Average 4-5000 asylum claims annually, vast majority arriving by air. c90% of boat arrivals are found to be refugees (versus c40% of air arrivals)
- Policies have been highly controversial
- Many recent reforms have included:
 - end to processing of claims on Nauru, although unauthorised boat arrivals are still assessed on remote Christmas Island (excised territory), without guaranteed access to onshore RSD



- abolition of punitive Temporary Protection Visas
- move to a risk-based approach to immigration detention, with increasing emphasis upon securing community alternatives



Reforms to Australia's reception and processing of asylum seekers

- Swifter processing timeframes for RSD decisions and greater focus on status resolution, including assisted voluntary return options for those not requiring protection
- Reforms to work restrictions
- Intention to implement a complementary protection process
- Eligibility for settlement support for some granted onshore protection visas



Key challenges and opportunities for RCOA



- Countering myths and framing key messages to encourage positive public perception of refugees and asylum seekers, and greater appreciation of global dimension and circumstances within the region
- Strengthening own and members' capacity to respond swiftly to emerging issues, notwithstanding lack of core funding and increasingly scarce resources
- Stimulating rational, values-driven and fact-based domestic public debate regarding asylum and settlement policy
- Positively influencing Government policy regarding Australia's role and responsibilities regionally
- Optimising engagement with and effectively supporting emerging regional NGO networks such as APRRN



The role of government and civil society in refugee protection



- Government is responsible for setting policy, drafting/enshrining legislation, and funding settlement and status resolution services
- Civil society is involved in advocating for fair and effective policy and legislation, in keeping with Australia's international human rights obligations
- Civil society is involved in delivery of government-funded settlement services (increasingly in competition with commercial ventures) and delivery of services to asylum seekers (often without government support)
- Both are involved in building a positive climate for reception of refugees and asylum seekers and pursuit of regional solutions

THANK YOU



Current state and challenges of signatory countries to the Refugee Convention A Japanese NGO Perspective

June 13, 2009

Eri Ishikawa
Secretary General
Japan Association for Refugees (JAR)



JAR (Japan Association for Refugees) - 1

The organization supports the refugees in Japan to eat, sleep and work – to have a normal life.



1. Personal support - for each individual who comes to Japan as a refugee.

2. Ongoing research, information gathering, proposal of solution/policy - for better refugee protection policy.



3. Promoting and informing the public about refugees.

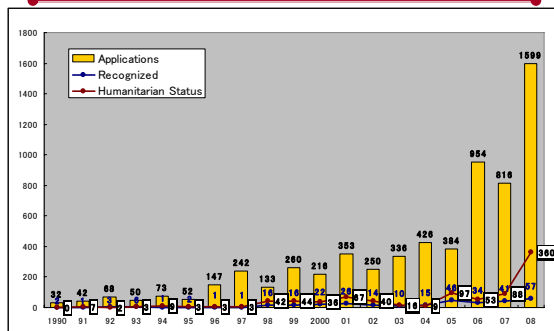
JAR (Japan Association for Refugees) - 2

- Primary Activities
 - Support each individual refugee
 - Legal support: Assist in application procedures, preparing documents, coordinating with Lawyers.
 - Living support: Assist in housings, accompany to hospitals, temporary financial support.
 - PR, Marketing
 - Research, Policy proposals
- Establishment : July, 1999
- Representative: Dr. Yoshiyuki Nakamura
(Board Member of Meiji University)
- FY 2007 Budget : JPY 65,242,507
- Primary funding sources: UNHCR, other private financial organizations, corporations, and donation from individuals.

Acceptance of refugees in Japan

- 1978 – Approved by the government.
Accepted 11,000 Indochinese refugees.
- 1981 – Joined the Refugee Convention.
- 1982 – Establishment of Immigration Control and Refugee Recognition Act (ICRRA).
- By end of 2008 – Total applicants: 7297, approved: 508, permitted on humanitarian grounds: 882.
- 2010 onwards: 30 people will be accepted, for third country asylum in the resettlement program.

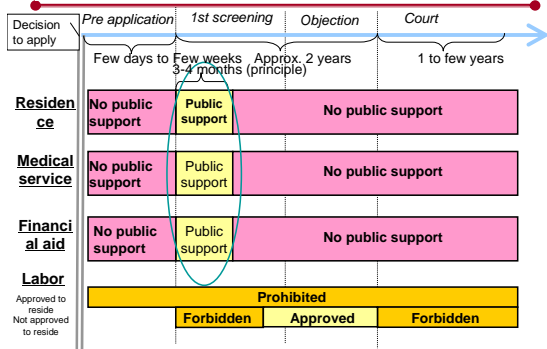
Number of accepted refugees



Challenges for refugee protection in Japan

- Length of application process: average 2 years, maximum 9 years
- Insecured legal status while awaiting for the results (possibility of indefinite detention).
- Ensure independence of institutions for appeal.
- Limitation of living support, and applicants are prohibited from working while waiting for results (especially while in trial).

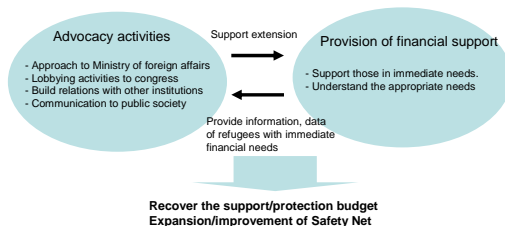
Refugee support scheme, current status



Refugee aid emergency campaign

URGENT!

Seeking urgent donation to support Refugee applicants who have difficulty maintaining a minimum standard of living.



Immediate Needs

- Cash to support living
- Housing/Shelter
- Food (Preferably preservable, and easy to cook/instant foods e.g. cup-noodles)
- Daily necessities (Soaps, toothbrushes, under wears, towels)



Thank you!



Mr. Ho Taeg LEE

Current Refugee Situation and Issues in South Korea

Ho Taeg LEE, The Refuge Pnan
pnan@pnan.org

1. Introduction

(1) The Refuge Pnan

- Founded on June 14, 1999
- The leading NGO for refugees in South Korea, including North Korean refugees

(2) Others

- Koramdeo : A temporal shelter to accommodate about 10 refugees.
- NANCEN (Refugee Human Rights Center): new organization opened recently
- Lawyers groups: Gong-Gam (Empathy), So-Myung (Calling)

2. Refugee Situation in Korea

(1) Refugee Statistics

Year	Applied	Recognized	Humanitarian Status	Rejected
Total	2,168	101	71	413
'94-'2000	96	0	0	35
2001	37	1	0	3
2002	34	1	8	7
2003	84	12	5	2
2004	148	18	1	7
2005	410	9	13	79
2006	278	11	13	115
2007	717	13	9	86
2008	364	36	22	79

a) 10 main origin countries are Nepal, China, Myanmar, Nigeria, Uganda, Congo, Bangladesh, Cote d'Ivoire, Ethiopia, and Iran

b) Recognition rate: 17.2%, (by Ministry of Justice 8.4%, by Court 3.1%, by family unity 5.7%)

Protection rate (including humanitarian status): 29.3%

(2) Refugee situation in Korea

a) Korea signed 1951 refugee convention in 1992, and became a member of UNHCR executive committee in 2000, but until then, no one was recognized as a refugee.

b) In Korea, the Immigration Control Act stipulates refugee-related issues.

- But, Immigration Control Act has only 12 clauses on refugees, and no detailed provisions on refugee recognition procedures, and legal status. Reference about social treatment is not stipulated.

c) Assessment process is prolonged over 20 months on average, and some cases are over 5~6 years.

d) Refugee applicants are not allowed to work, nor are they provided with a living allowance or basic necessities such as food, clothing and shelter by government.

e) Only foreigners in Korea (who have landed or entered) can apply for refugee recognition. There is

no resettlement program, and no airport/seaport application procedures.

g) The application should be made within 1 year after arrival, but around 50 % of applications are submitted after one year.

- If applications are made within legal stay, G-1('and other reasons' sojourn status) visa is given
- If applications are made while staying illegally : Applicants can get G1 visa only when they pay overstay fine. Otherwise, without having legal status, they only are not deported until refugee recognition process is finished.
- Recently, applications often have been rejected after the summary screening on the written statements of applicants.

h) Most of the applicants are from non-English speaking countries, but 66% use English and 20% use Korean during interviews. Around 70% of interviews have being done without translator.

The chance to check the written record of interview is not given to applicants properly with understandable language (50%), and the copy of the interview record is not given. Only the application form and self written statement is given if requested.

i) Provisions of the maximum length of detention, judicial control on adequacy or necessity of continuing the detention, and alternative system about detention are insufficient (one applicant has been detained for over 3 years).

(3) Refugee section in Immigration Control Act was amended on Dec.19, 2008

(Will come into effect on June 20, 2009)

a) Provide work permit to:

- ☐ humanitarian status holders
- ☐ refugee applicants whose cases are protracted to certain period of time as defined by presidential decree (12 months).
- ☐ persons deemed to be permitted by the Ministry of Justice.

b) Establishing refugee assistance facilities(which can be partly entrusted to NGOs):

Korean language classes, job counseling, social adjustment training,
integration, medical support for refugee applicants, recognized refugees,
humanitarian status holders

c) Others

- Extension of the time limit for filing an appeal from 7 days to 14 days
- Government's obligation to make an effort to provide protection according to refugee convention.
- Provision on humanitarian status (semi-refugee).
- Elimination of the Reciprocity Principle.

3. Challenges and Opportunities for our organization and refugees in Korea

(1) Challenges

a) Mass rejection

- Mass rejection of refugee applications, which have been prolonged for more than one year, are taking place.
- Applications for an appeal are rejected without interviews or proper examination process.

b) Infringement of refugee applicants' basic right to live.

- No living allowance or support. No accommodation facilities., No work permit
- It is expected that refugee applicants without legal sojourn status will not be given work permit even one year after initial applications were made.
- c) Increased administrative litigation.
 - Most of applicants rejected want to file administrative litigation.
 - Even if they file a suit, they are not given a legal sojourn status (G1 visa) merely the enforcement of deportation order is postponed
 - People in litigation are not given work permits, or any means to support themselves.
 - If a person in litigation gets caught working, he/she will be sent to a detention center.

(2) Opportunities

- a) Refugee applicants are supposed to receive a work permit one year after the initial application, thus the recognition process will be normally completed within this time. Cases which have been delayed more than one year are being accelerated ; however, NGOs are urging the government to give them work permits six month (not one year) after the initial application.
- b) From June 20th, 2009, refugee applicants with legal sojourn status (G1 visa) will apply and be given work permits if their recognition process is prolonged over one year.
Even before one year, work will be permitted if there is an urgent need. Also, facilities to accommodate refugees will be built to provide food and a place to stay.
- c) A draft Refugee bill (The Act on refugees' status determination and treatment of refugees and others) will be proposed.
 - Since 2005, NGOs, refugee aid lawyers and activists have prepared separate refugee act from the Immigration Control Act, and on Dec 2nd, 2008 a public hearing or forum for the legislation was held in the national assembly by a lawmaker Hwang Woo Yeo, so it will be proposed to the National Assembly as a bill.
 - The National Human Rights Commission of Korea recommended that another act is needed to be made apart from the Immigration Control Act. (2006.6.12)
 - Abolish the current one year time limit within which applications must be made.
 - Make it possible to apply for refugee status upon arrival at an airport or seaport.
 - Make a stipulation about the recognition process such as interviews, investigations, cooperation with related organizations, accompanying by a confidant, participation of UNHCR, translation, counsel assistance, being able to read and obtain copies of related documents, confidentiality,
 - Make a reasonable stipulation about the burden of proving grounds or providing evidences.
 - Apply refugee recognition procedures to humanitarian status.
 - Having oral proceedings in an appeal process.
 - Set up a refugee committee as an independent organization, which will determine protest applications and deliberate refugee policies.
 - Introduce a time limit on the detention of refugee applicants.
 - Adopt a system for refugee resettlement.
 - Regarding the treatment of refugees, guarantee refugee's basic rights in accordance with Convention Relating to the Status of Refugees

Make a special stipulation regarding social security, basic life, medical care, education, integration training, recognition of school career,, recognition of vocational license, etc and establishment a supportive system for this.

- Stipulate the family unity principle
- Provide same treatment as refugees to those who were granted humanitarian status except for entry into and departure from the country.
- To refugee applicants,, providing a living allowance, work should be permitted six months after the initial application.
- Provide support for housing, medical care, and education to refugee applicants
- d) Immigration Control Act was announced to be wholly revised
- Immediate rejection of applications in cases of re-application without change, application using false or improper method, application for economic purposes or extension of sojourn period in Korea, non-attendance more than twice;
however,; it was withdrawn
- If detention period is more than three months, the immigration has to obtain permission from the Minister of Justice to extend the detention period every three months.

4. The role of the government and civil society organizations in the field of Korean refugee protection

(1) Government

- a) Protection of refugee applicants.
 - Recently the government attempted to build a refugee support center in a suburb, but couldn't secure a estate for this due to residents' opposition.
- b) Protection of refugees.
 - Introduce a law guaranteeing basic living standards of citizens to refugees.
 - Some refugees started to apply for naturalization.

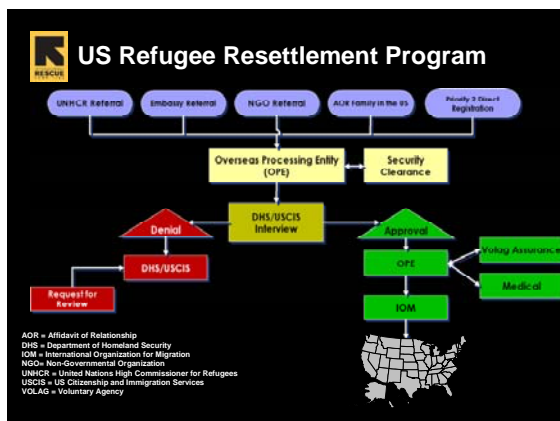
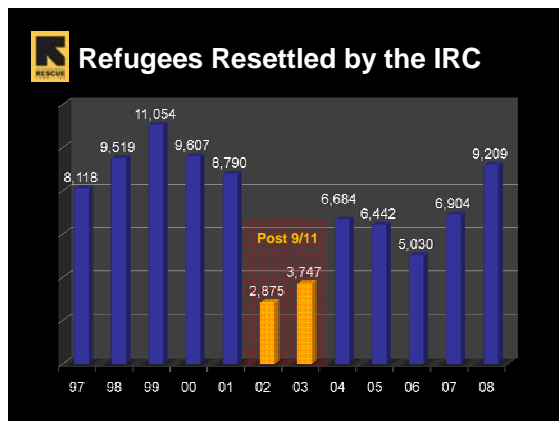
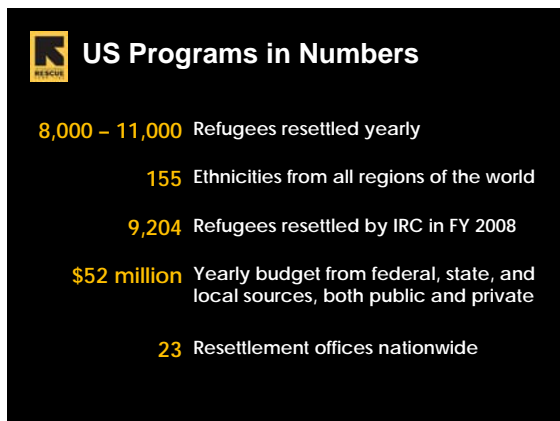
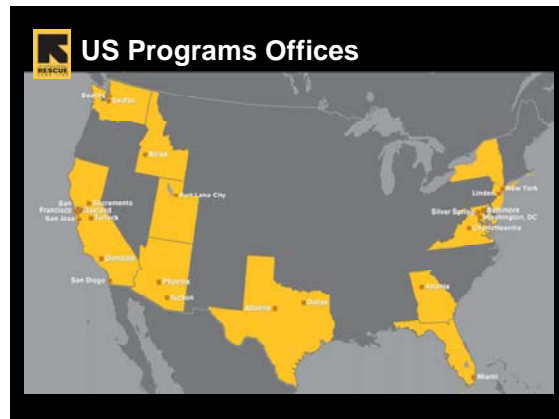
(2) Civil society

- a) Our main activities are
 - Operation of the 'Refugee School' for refugees, refugee kids, and volunteers
 - Legal aid for asylum seekers
 - Assisting of refugee life and culture by sharing goods (Refugee Sharing Closet), cultural events, and integration programs
 - Activities for North Korean refugees: Jayoutuh (evening school for North Korean refugees)
- b) 2008 programs
 - Counseling
 - Day-center, Drop-in cafe
 - World refugee day
 - Green culture village for Jumma refugees
 - Refugee women art plaza
 - Refugee sharing closet
 - Chin Refugees in Malaysia Jungle camp

c) 2009 programs

- Human rights clinic for refugees and stateless persons
- Refugee community school (subjects taught: refugees, emergency rescue, Korean. Computer)
- Refugee Taekwondo Performance team
- Cultural events at the entrance to Namsan Mountain in central Seoul
- Environmental refugee studies
- Operating a shelter
- Manual for refugee life in Korea

Ms. Christine PETRIE



Primary Considerations

Ethnicity & Nationality

Language

Arrival Projections

Employment

Unanticipated
Challenges

Special Cases

Expedited Cases



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LIFE

IN THE

UNITED

STATES



Pre-Arrival Preparation



Case
Assignments



Coordination with
Family Member



Pre-Arrival Preparation



Housing Acquisition &
Apartment Set-up



Appointments for
Benefits



Arrival



Airport Pick Up



Culturally Appropriate –
Ready to Eat Meal Upon Arrival



Post Arrival (1 Week)



Apartment
Orientation



Emergency Contacts
Initial Intake and Orientation



Prep


Arrival

1 week


2-3 weeks

4-8 weeks

Post Arrival (1 Week)



- Resettlement and Employment Plan
- Family Budget



Assessment of Immediate Health & Mental Health Needs
Health Screening Appointment within 30 Days

Prep

Arrival

1 week

2-3 weeks

4-8 weeks

Post Arrival (1 Week)



- Application for Public Benefits
- Social Security Card Application



- Cash Assistance
- Transportation

Prep

Arrival

1 week

2-3 weeks

4-8 weeks

Post Arrival (2-3 Weeks)



Extended Community Orientation



English Language Classes

Prep

Arrival

1 week

2-3 weeks

4-8 weeks

Post Arrival (2-3 Weeks)



Volunteer/Family Mentor Assignments



EMPLOYMENT PROGRAMS

Employment Preparation

Prep

Arrival

1 week

2-3 weeks

4-8 weeks

Post Arrival (2-3 Weeks)



School Enrollment for Children



Enrollment in US Gov't-funded Programs

Prep

Arrival

1 week

2-3 weeks

4-8 weeks

Post Arrival (4-8 Weeks)



Employment



Customized Services



Transportation



Financial Literacy



GED, Certifications



Elderly



Women & Children



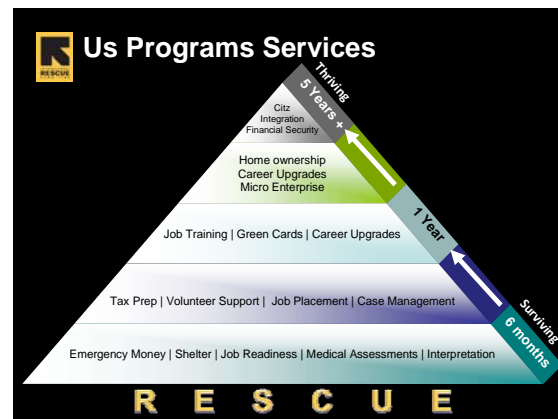
Vocational Training



Special Medical



Immigration





International Rescue Committee

US Programs Department



www.theIRC.org

CHALLENGES & OPPORTUNITIES FOR REFUGEE PROTECTION IN MALAYSIA

KATRINA JORENE MALIAMAUV
TENAGANITA
MALAYSIA



Background on Malaysia

- As of 1st April 2009, there were close to 50 000 registered refugees in Malaysia:
 - 42 370 Burmese
 - 2 452 Sri Lankans
 - 700 Somalis
 - 555 Iraqis
 - 546 Afghans
 - 275 Thais
 - 151 Palestinians

Background on Malaysia

- Malaysia **refuses** to sign the UN Convention 51 on REFUGEES.
- The only reason given so far is that the whole population of Burma will wade into Malaysian territory.
- Malaysia then recognizes all refugees as "illegal" migrants.

CHALLENGES

The biggest challenge
to
refugee protection?



**NON
RECOGNITION**



MULTI-LAYERED DISCRIMINATION AT ALL STAGES

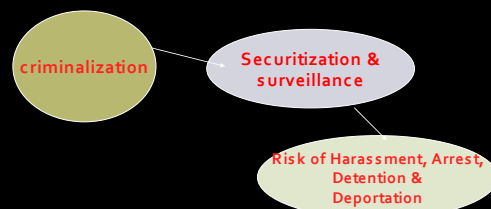


We are

- **UNEQUAL**
- **STIGMATIZED**
- **DISCRIMINATED**
- **CRIMINALIZED**
- **UNRECOGNIZED**

CONSEQUENCES

- **Cycle of Violence, Abuse and Torture**



OPPORTUNITIES

- Universal Periodic Review (2009)
 - Malaysia came under fire and felt the pressure
 - Non-recognition of UNHCR cards was a big issue raised
 - **Changes:** Increased recognition; not in policy but in practices observed post-UPR

OPPORTUNITIES

- **Comprehensive policy** on refugees needed:
 - Civil society groups working on a comprehensive policy on refugees ; NGOs & Malaysian Bar Council working together
 - Need to address Malaysia's piece-meal approach to refugees

OPPORTUNITIES

- **Strengthening refugee communities**
 - The more disintegrated = more vulnerable
 - Building & supporting community organizations : Critical



WHAT IS “PROTECTION”?

- Understanding what “Protection” means:
 - It cannot merely be “registration”
 - Provision of special status critical
 - Access to basic services; healthcare, education
 - Access to legal redress
 - Right to work
 - **Right to live**
 - **Etc.**

THANK YOU

'Justice is conscience, not a personal conscience, but the conscience of the whole humanity. Those who clearly recognize the voice of their own conscience usually recognize also the voice of justice'

- Alexander Solzhenitsyn



Mr. Rufino SEVA

Bangkok Refugee Center (BRC)
Catholic Office for Emergency Relief and Refugees (COERR)

Assistance to Urban Refugees and Asylum-Seekers

THE SITUATION OF URBAN REFUGEES IN THAILAND

Thailand is not a party to the UN Refugee Convention and has no government mechanism to respond to refugee claims or to determine who is, and is not, a refugee outside of the designated refugee camps along the Thai-Myanmar border. Therefore, the protection and rights of the urban refugees and asylum seekers are not guaranteed. The process of registering asylum seekers in Bangkok and other urban centers and in determining their refugee status rests with UNHCR, and RSD is conducted only in Bangkok.

Urban refugees and other persons of concern under the mandate of UNHCR do not have access to gainful employment and higher education, are liable to arrest and deportation, and subjected to social and racial discrimination. The UNHCR certificate issued to refugees and asylum seekers does not guarantee protection for urban refugees in Thailand because under the Thai immigration law, if a person does not have a valid passport and Thai visa, they are considered illegal aliens and can be arrested, detained and deported. Resettlement and voluntary repatriation are the only durable solutions available to urban refugees.

Despite restrictive policies and difficult life situation, hundreds of asylum seekers nevertheless continue to arrive each year in Bangkok in search for a safer life. Almost 1300 refugees living in Bangkok are currently under the protection and care of UNHCR. An additional several hundreds of asylum-seekers and other people of concern (over 800) are registered with the HCR Office for the refugee status determination (RSD) procedure.

The change in political landscape in Thailand after the Thaksin government was ousted by a military coup in 2006 and the succeeding governments have serious ramifications on the role of UNHCR in registering and conducting RSD and the protection of urban refugees and other persons of concern under its mandate. In May 2007, Thai government directed UNHCR to stop conducting RSD. The process was suspended and that UNHCR cannot conduct RSD on any new applicants until an agreement is in place or a system is promulgated by the government. More and more restrictions and strict compliance to new guidelines in relation to access to detention centers, registering new applicants, and resettlement and pre-departure for third country were imposed.

Common concerns brought up by refugee focus groups and individuals during the AGDM participatory assessments in 2006 have considerably at its worst. Urban refugees' protection risks reached a critical and serious level during the six-month period of 2007. Thai immigration police authorities have been

targeting refugee populations, notably Sri Lankans and Lao Hmong, ignoring issued UNHCR refugee and asylum certificates and arresting and detaining them. Several refugees were threatened with deportation. Thai police apprehension and fear of arrest, detention and deportation, intimidation and exploitation by the host community, extreme poverty, and the lack and high cost of higher educational opportunities which are the main concerns voiced by refugee women and continue to occur.

In reference to AGDM participatory assessments findings: A slight variation in prioritization of concerns was found between the different nationality and age groups. While Cambodian adolescents and younger adults deplored the lack of employment possibilities as their main concern, older adults of all nationalities almost unanimously prioritized physical security. For some children, addressing the needs for more clothes and shoes was more vital than addressing their safety and schooling needs. A number of Cambodian men over 50 singled out psychological distress as their main problem while freedom of religious expression was identified by some Chinese women and men almost as essential as the need for food and protection.

Participatory Assessments in Urban Areas, September - October 2006

Protection risks/issues	Root causes	Capacities and solutions proposed by refugees
<ul style="list-style-type: none"> • Arbitrary arrest and searching of household including extortion of money by police • Physical and verbal abuse by police • Restricted movement due to fear of arrest and detention • Lack of security in the household • Fear of spies from country of origin • Limited work opportunities, lack of income, potential engagement in illegal activities • Psychological problems • Overcrowded accommodation • Unhealthy living conditions • Stress-related diseases 	<ul style="list-style-type: none"> • Absence of national legislation on refugees and asylum seekers • No policies and guidelines for law enforcement authorities • Lack of awareness of refugee rights • Discrimination based on race • Perception of refugees as criminals • No work permits, low allowances • Lack of professional skills • Language barrier • Unequal gender power relations • Change of lifestyle 	<ul style="list-style-type: none"> • Accelerated intervention in police arrests • Improved hot line service • Training of Thai police at all levels • Improvement of incident report system, documentation of incidents/cases • Acceleration of resettlement • Vocational training (English, Thai, computer skills) • Increased living allowance and provision of transportation money • Coverage of costs for education • Provision of clothes, shoes, school materials • Temporary work permits/legal employment or income-generation projects • Stress management activities • Adolescents' involvement in life skills training • Building rapport with host community

Legal and psychological assistance, intervention with authorities on behalf of refugees, training of Thai police to increase knowledge and awareness on refugee issues, increased material support, improved access to UNHCR officers and accelerated resettlement were among solutions that sub-groups believed fall under the UNHCR's responsibilities. Capacities proposed by respondents were numerous and elaborate, focusing mostly on refugees' eagerness to learn new skills, their experience in financial management and their community bonds, helpful especially in times of trouble with authorities.

The BANGKOK REFUGEE CENTER (BRC) as the PROJECT

The objective of the Bangkok Refugee Center is to ensure that all asylum seekers and recognized refugees enjoy personal security and safety through an increased protection and more efficient provision of assistance. The Bangkok Refugee Center (BRC) covers a range of sectors to ensure that the assistance programme meets the basic living standards in terms of accommodation, food, medical care, education, psychological and social services and adequate community support.

BRC has five operational units that assist in achieving the project objectives through the implementation of activities in social, medical, education, legal and administrative and financial matters. The five units carry out activities under the direction, supervision, monitoring and evaluation of the project manager.

PROGRAMS AND SERVICES

Financial and Material Assistance

All asylum-seekers who approach UNHCR are provided, upon registration, with information on the policy and guidelines for the available services and assistance. Those requesting assistance from UNHCR will be first interviewed by the Protection Unit, in order to be assessed whether they fall under the category of persons of concern to UNHCR. Once the status of asylum-seekers is determined, their request for financial assistance will be subject to vulnerability and needs assessment, which will be referred to and carried out by COERR/BRC. Priority is given to refugees considered as vulnerable and in need. Asylum seekers can avail basic medical care and those considered as extremely vulnerable and at risk and with emergency medical problem are referred for medical care and treatment, temporary shelter, and necessary material assistance.

Of the almost 1300 refugees and other persons of concern, over 1100 persons receive financial assistance according to eligibility or needs assessments as per guidelines on the provision of subsistence cash allowance (SA). Among these, increasing number of extremely vulnerable and indigent refugees continue to receive supplementary food supplies to meet their nutritional needs. Detainees in immigration detention centers and jails are visited and provided with monthly pocket allowance.

Medical Care and Health Services

The number of and the medical costs for IPD, serious and emergency cases, continue to increase, particularly in Bangkok, as hospitals charge for the treatment of refugees in the same range as ordinary foreigners. COERR/BRC continues to negotiate the payments with hospital administrations to obtain reductions. Additional costs for IPD and OPD treatments are covered by the project. Basic medical checkup, care and treatment is made available by BRC medical team and regularly conducted for the asylum-seekers at the BRC on-site medical clinic.

Seminars and workshops on health related issues, sexual and gender-based violence are provided to increase the awareness of, and knowledge on how to avoid the threats arising from refugees' vulnerability. Volunteer refugee staff after being trained will conduct informal and gender-based violence, HIV/AIDS counseling, home visits and outreach me

The medical services unit is responsible for the provision of medical care services and referral to Thai hospitals for IPD/OPD treatments, screening/evaluating and verification of supporting documents for medical bills prior to reimbursement and payment. The unit also manages the on-site OPD clinic, inventory and stock and prepares purchase requisitions for the largest medical supplies, with procurement being handled by COERR's supply unit. Medical records and files of all individual medical cases are managed by BRC's medical unit as well. Training and activities related to maternal and child health care, as well as monitoring of SGBV and HIV/AIDS related cases are conducted by staff members of this unit. In addition, the medical services unit conducts community medical outreach, taps local public health offices for the provision of basic immunization of refugee children and disseminates information on prevention of serious diseases such as dengue, avian flu, malaria and others.

Social and Psychological Services

Under the social and psychological services sector, BRC continues to monitor the most vulnerable refugees in order to assist them improve their situation, regularly conduct assessments of the needs of all refugees and asylum seekers and address their most ardent problems. Orientation to newly recognized refugees takes place to familiarize them with the available BRC's financial and material assistance, medical, social, psychological and educational services, as well as to inform them on basic protection and legal issues. The monitoring undertakings and orientation sessions are conducted in collaboration with UNHCR.

Refugees and asylum seekers are referred for psychological assessment and the reports are for reference for RSD decisions and resettlement, for treatment and clinical intervention. In consultation with and participation of, refugees, developed and conduct therapeutic interventions and activities.

The social workers are responsible for the organization of needs assessments among refugees, management of casework, social counseling, home visits and follow up with individual case needs,

assistance to vulnerable families, provision of temporary shelter, food and relief items distribution, regular monitoring of refugees receiving subsistence cash allowance and other basic material assistance.

Consultations on income-generating activities along with classes of vocational training in a range of trades have been provided to refugees to increase their chances of employment. Although employment is illegal for refugees, many of them nevertheless find temporary jobs, for which they need some practical skills. They are also prepared for their resettlement to third countries.

Education Services

The education services unit is responsible for the administration and operation of the Bangkok Refugee Learning Center (BRLC), which provide vocational and learning opportunities to refugees unable to access private and public vocational, primary, secondary and language schools or centers. The BRLC runs learning language facilities, library resources, computer training classes, vocational courses, art classes, health education, socio-cultural activities and training on SGBV, HIV/AIDS and human rights. The unit also designs a curriculum and conducts teacher training at BRLC. The head of the unit supervises the teaching staff, identifies primary and secondary schools for refugee children to study and negotiates the admission and enrolment to Thai schools and education centers.

Although with a shortage of classroom space and library facilities, non-formal education is available to refugees unable to enter formal Thai schooling. COERR/BRC increased efforts to identify new resources and facilities to accommodate the educational and recreational needs of all refugee children and adults. Many volunteer teachers mostly expatriate teaching in international schools are involved in teaching English. In late 2006, a new location to enlarge the Bangkok Refugee Learning Center became a reality and resulted in increased refugee student populations attending English Thai, basic mathematics and computer courses. Refugee children attending school receive hot meals, an assistance which comes as a response to one of the requests advanced by refugees during the AGDM participatory assessments last year.

Volunteer and Internship

BRC has set up and hosts internship and volunteer programs of certain universities and institutions in Thailand and overseas to augment the needed technical and support staff and as part of lobby and advocacy. It also maintain close cooperation and referral network with organizations and individuals involved in and with interest in assisting urban refugees and advance the cause of BRC/COERR and UNHCR.

Protection and Security

In view of protection and security realities, UNHCR officers intervene in security incidents involving persons of concern and generally advocate for more relaxed regulations for refugees. Prison and detention visits and management of especially difficult cases are integrated into this project as well. UNHCR assigned legal officer, community social services assistant, and resettlement officers to meet refugees in BRC compound for dialogue and counseling sessions related to protection, assistance and durable solutions issues and concerns.

Procedures to facilitate the resettlement have been undertaken to assist urban refugees who were accepted by resettlement countries. UNHCR also facilitates the process of obtaining traveling documents, visas and departure clearance.

GENERAL INFORMATION ON REFUGEE POPULATION

Urban refugees have various professional, educational and cultural backgrounds, religious beliefs and political opinions. They come from over 30 countries. Most of refugees are of working age and are very active. The Lao Hmong, Sri Lankans, Somalis and Chinese are the biggest groups of the refugee population. The Lao Hmong refugee group is the largest, with family cases of over four children. It is considered as the most disadvantaged among the urban refugees, because most of Lao Hmong seeking refuge in Thailand are marginalized farmers with no formal education and no previous access to basic health and social services.

The number of urban refugees and asylum seekers in Bangkok is increasing and their needs and problems are enormous. Few NGOs are providing assistance to asylum seekers. COERR-BRC is the main NGO providing basic survival needs to urban refugees, and in 2007, to some extremely indigent and vulnerable individuals.

IMPACT ON PROTECTION ISSUES AND POLICIES

The protection of the population of concern

This urban project assistance is a direct response to refugees' protection needs. Urban refugees in Thailand are viewed as illegal immigrants by the Royal Thai Government and thus require assistance in protection and in finding durable solutions. Refugees are often arrested for their illegal stay and work in Thailand. Together with UNHCR Protection Unit, the BRC visits refugees in detention centers and prisons, refugees are assisted for court trial and amnesty. Counseling and guidance on legal aspects are provided by UNHCR. These include obtaining of national documentation such as marriage and birth registration, information on illegal migrant registration, Thai visa and residency status, administration of justice, business permit/license, and funeral and cremation papers in case of death. In addition, extremely vulnerable individuals (EVIs) receive special services and home visits by BRC. Protection assistance ensures that asylum seekers in Immigration Detention Centers have access to the RSD process and are assisted to receive resettlement exit clearance.

The specific situation of children, including adolescents

Although Thailand is party to the Convention of the Rights of the Child, it has made reservations to Articles 7 and 22 dealing with birth registration and nationality of refugee and asylum seekers' children. As their parents reside in the country illegally, most refugee children are excluded from practically all social services. Urban refugee children continue to be referred to the Thai district/municipal office for registration and certificates, and continue to receive assistance from BRC in that regard. BRC also continues to refer refugee children with the necessary qualifications to local Thai primary and secondary schools. Some language and vocational training as well as other recreational activities are also made available to refugee adolescents. UNHCR will also try to secure admission to mercy centers in the event of children's detention, identify foster families or assess their best interest in finding solutions to their problems. In the event that there are children with special need and such need not available in Thai children centers/institutes, COERR/BRC will find other means or options to meet the need.

Combating HIV/AIDS

The BRC medical unit is responsible for conducting HIV/AIDS information and education campaign dissemination activities, referral, follow up and monitoring of HIV/AIDS cases. The unit also makes sure that refugees living with HIV/AIDS have access to medical care and treatment such as ARV. The BRC OPD clinic provides pre-test and post-test counseling, and when a case in need for investigation and treatment, refers cases to government hospitals where medical treatment and other related services are available to refugees at low costs. Other BRC services include health counseling, psychological, recreational and vocational activities, and referral of serious medical cases such as those in terminal phases to Thai health/social centre for special support services.

Mr. Brian BARBOUR



Refugee Legal Aid in Hong Kong: Challenges & Opportunities

The Hong Kong Refugee Advice Centre
Brian Barbour, Executive Director

Challenges



- Resistance to refugee protection obligations in Asia
- Lack of legal & procedural foundations
- Limitations on local integration
- Lack of Coordination
- Public Preconceptions/Misconceptions
- Limited resources
- Diverse Needs

Resistance to refugee protection obligations in Asia

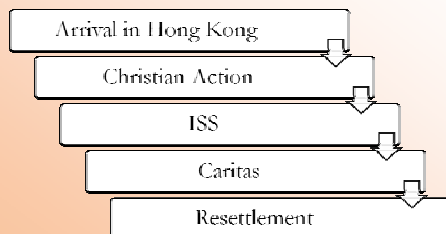


Lack of legal & procedural foundations



- Two separate mechanisms exist in HK
- Government CAT Mechanism: Recently declared unfair by the HK Courts because:
 - Publicly funded legal aid was not provided
 - Legal representatives were not allowed
 - Examining officer was not the decision-maker
 - Decision-makers were not sufficiently trained
 - No oral hearing on appeal.
 - UNHCR RSD Mechanism
 - Limited resources mean long waiting periods
 - Legal Representation only recently allowed
 - Written rejection reasons only recently provided
 - Inconsistency

Lack of Coordination



Preconceptions & Misconceptions



“Reopen Refugee Camps, say S. Asians”
-*Sunday Morning Post*, 8 March 2009

“Increase in Illegal Immigrants from S. Asia Seeking Asylum”
-*Sing Tao Daily*, 18 March 2009

“Illegal Immigrant ‘Bomb’ Damages Public Security”
-*Sing Tao Daily*, 18 March 2009

Opportunities



- Developing and Strengthening Networks
- Government/UNHCR/NGO Collaboration
- Utilizing Human Rights Mechanisms
- Utilizing the Courts
- Advocacy

Developing and Strengthening Networks



- Asia Pacific Refugee Rights Network
- Southern Refugee Legal Aid Network
- East Asia Sub-Regional Network

Government/UNHCR/NGO Collaboration



- Regular Consultation
- Training Courses
- Conferences
- Information Sharing
- Referrals Guides

Human Rights Instruments Adopted by Hong Kong



1. Convention on the Elimination of All Forms of Racial Discrimination ("CERD")
2. International Covenant on Economic, Social and Cultural Rights ("ICESCR")
3. International Covenant on Civil and Political Rights ("ICCPR")
4. Convention on the Elimination of all Forms of Discrimination against Women ("CEDAW")
5. Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment ("CAT")
6. Convention on the Rights of the Child ("CRC")
7. Convention on the Rights of Disabled Persons.

Judicial Review



- High Standards of Fairness must be applied to CAT claims
 - *Secretary for Security v Sakthivel Prabakar* ("Prabakar"), FACV 16/2003
- Non-refoulement is a principal of customary international law, but does not apply to Hong Kong as a persistent objector
 - *C v. Director of Immigration*, HCAL 132/2006
- Hong Kong's CAT Procedures do not satisfy the high standards of fairness required by "Prabakar"
 - *FB v. Director of Immigration*, HCAL 51/2007
- The grounds and procedure for detention of CAT claimants must be accessible and ascertainable by the detainee
 - *A v. Director of Immigration*, CACV 314/2007
- Claimants must be provided with shelter and food while awaiting a decision on their asylum claim
 - "Bag of Rice Case", settlement with the Hong Kong Social Welfare Dept.
- CAT claimants and asylum-seekers released on recognizance cannot be prosecuted for taking up employment
 - *Iqbal Shahid v. Secretary for Justice*, HCAL 150/2008 (subject to appeal)

Importance of Legal Aid



- Refugee law is complicated
 - Refugees will rarely have much knowledge of refugee law
 - Complicated area with nuanced definitions
 - Difficulty of providing a legally relevant, chronological account
- Procedural Constraints
 - Inconsistency among UNHCR Field Offices
 - Rejection reasons
 - Appeal to the same office
- Communication difficulties
 - Communication is often through interpreters
 - Refugee claimants have often experienced trauma making trust & open communication difficult
- Rights at stake could not be more serious
 - Mistaken Rejection means deportation back to persecution
 - Risk of re-traumatization is high

How do we assist refugees?



- Full Representation
- Customized Legal Advice
- General Legal Advice
- Information Dissemination

Volunteer & Pro Bono Model



Training



- Caseworker Training
 - 3 annual trainings for lawyers, volunteers, & students
 - Focus on international refugee law, refugee status determination, casework management, and ethics
- Interpreter Training
 - Training of Interpreter Trainers
 - Community Interpretation for Refugee Legal Aid

Representation



- Testimony
- Legal submission
- Supporting documents
- Interview preparation
- Attendance at UNCHR interview(s)
- Supplementary submissions

Priorities



- Unaccompanied minors
- Women Heads of household
- Victims of sexual and gender-based violence
- Victims of torture
- Victims of trafficking
- Individuals with psycho-social needs
- Individuals with serious medical conditions or physical disabilities
- Individuals with serious security issues in Hong Kong
- Individuals from linguistically or socially isolated groups
- Claims involving complex legal issues
- Claims involving with potential exclusion/cessation issues
- Claims involving military service evasion
- Claims with religious conversion issues

Our Success



- 240+ refugees and their families assisted
- 150+ lawyers and interpreters trained
- Strong relationship with UNHCR & the HK Government
- Endorsement by HK legal community and global authorities

Does HKRAC make a difference?

9 out of every 10
asylum-seekers without legal
representation are rejected



1 out of every 2
asylum-seekers we represent are
successful



Thank You!

Questions?

Refugee and Migration Affairs U.S. Embassy Bangkok

Refugee Protection in the New Era and Civil Society:
Challenges and opportunities for refugee protection in Asia

June 12 – 13, 2009

RMA Bangkok

- Overseas arm of the State Department's Bureau of Population, Refugees and Migration (PRM)
- Regional portfolio of East and Southeast Asia
- Responsibilities include:
 - Protection issues where appropriate
 - Assistance programming
 - Resettlement coordination



Refugees in Thailand

- A diverse caseload representing over 30 nationalities and 61 ethnic groups (speaking countless languages)
 - Burmese of many ethnicities
 - Chinese
 - Iraqis
 - Lao Hmong
 - North Koreans
 - Sri Lankans
 - Many more



Refugees in Thailand

- Historically, host to large refugee populations
- Not a signatory to 1951 Convention
- General adherence to non-refoulement
- Refugees have no legal status but in practice some protections are extended
- Nine official camps along the Thai-Burma border
 - Protection for an estimated 140,000 refugees
 - Mostly ethnic minorities fleeing conflict and oppression



Challenges

- Lack of legal status
- Little awareness of or constituency for refugees
- Fear of negative consequences attributed to refugees
- Refugees viewed primarily as national security issue
- Particularized cultural and historical tensions



U.S. Resettlement

- The U.S. Refugee Admission Program (USRAP) admits tens of thousands of refugees to the U.S. annually
- Locally-driven, public-private partnership integrated with civil society groups







New Challenges & Opportunities for the Refugee Protection in Asia.

Tin Win Akbar

Federation of Workers' Union of the Burmese Citizens
(in Japan).



Union of Burma

Resource-rich and fertile, Burma was once regarded as "the rice bowl of Asia." Under military rule since 1962, its fortunes have steadily declined, and today it is one of the world's least developed and least free countries. It is also the source of one of the world's most protracted refugee crises. More than half a million refugees from Burma, also called Myanmar, are in mainly neighboring and nearby countries such as Bangladesh, India, Malaysia, and Thailand. Burma is one of the most ethnically diverse countries in the world. Within the eight main ethnic groups inhabiting the country, anthropologists have counted more than 130 distinctive subgroups.





Refugees & Internally displaced Burmese

An estimated 600,000 to 1 million Burmese were internally displaced at the end of 2001. A continuing lack of access to the country made it difficult to assess accurately the number of displaced or the conditions in which they were living.

Nearly a million Burmese refugees and asylum seekers were in neighboring countries. These included 276,000 in Thailand (mostly ethnic Karen, Shan, and Karenni, along with some ethnic Burman pro-democracy activists); 52,000 mostly ethnic Chin in India; approximately 122,000 ethnic Rohingya in Bangladesh; 20,000 Rohingya and nearly 5000 in Malaysia; and an unknown number in China (mostly Kachin). Smaller numbers were in Japan, South Korea, and elsewhere.



Karen & Karenni refugees

Around 250,000 people, mostly ethnic Karen and Karenni, are living in designated camps and other places in Thailand; some have been in these camps for more than two decades.





Chin refugees

Most Chin refugees have never set foot in a refugee camp; they live as urban and undocumented refugees in India and Malaysia.

Like many other ethnic nationalities in Burma, widespread human rights abuses have caused tens of thousands of Chin from Burma's western hills to flee Burma in search of survival elsewhere.



Rohingya Refugees

Among Burma's ethnic minorities, the Rohingya, a stateless population, stand out for their particularly harsh treatment by Burmese authorities and their invisibility as a persecuted minority. Despite decades of severe repression, there has been minimal international response to the needs of this extremely vulnerable population compared to other Burmese refugees. The United Nations (UN) and donor governments should integrate the Rohingya into their regional responses for Burmese refugees. Host countries should allow the UN Refugee Agency (UNHCR) and implementing partners to provide basic services to all the Rohingya and officially recognize them as a refugee population. The Rohingya are a Muslim population from western Burma. Numbering almost two million, they are concentrated in just three townships located along the Burmese-Bangladeshi border, known as Northern Rakhine State (NRS). In 1982, the Burmese government stripped the Rohingya of their citizenship, formally codifying an ongoing campaign to encourage them to leave the country. Official Burmese government policy on the Rohingya is repressive. The Rohingya need authorization to leave their villages and are not allowed to travel beyond Northern Rakhine State. They need official permission to marry and must pay exorbitant taxes on births and deaths. Religious freedom is restricted, and the Rohingya have been prohibited from maintaining or repairing crumbling religious buildings. Though accurate statistics are impossible to come by inside Burma, experts agree that conditions in Northern Rakhine State are among the worst in the country. Rohingya refugees commonly cite land seizures, forced labor, arbitrary arrests, and extortion as the principal reasons for flight. Once a Rohingya leaves his or her village without permission, he or she is removed from official residency lists, and can be subject to arrest if found.



The Consequences of Marginalization of Rohingya refugees

The separation of the Rohingya by the international community and by Burmese groups has led to an overall lack of support for a traumatized population for twenty years. This has led to severe illiteracy and an overall lack of education, substandard health and living conditions, and few options for a productive future. It is striking that many Rohingya said that their life is over. All they want is for their children to have a chance at a better life." Two generations of the Rohingya have said this, only to see the vast majority of their community suffer the same neglect and lack of opportunity that their parents faced.



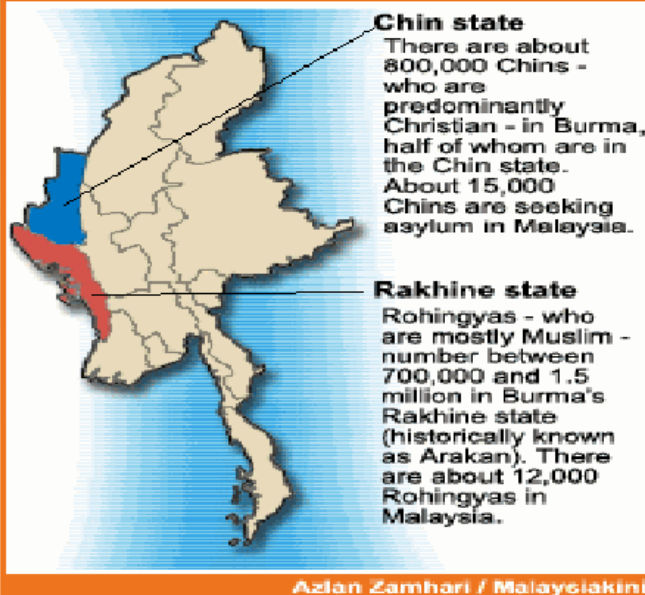
Rohingyas in Malaysia

Rohingya, like other refugees in Malaysia, are targeted by immigration authorities and Rela, a volunteer corps charged with arresting illegal migrants. There has been a sharp increase in arrests, detentions, and deportations of refugees in recent years, including UNHCR registration card holders. Refugee women and children are also vulnerable to arrest and detention. UNHCR continues to have difficulty accessing detention centers to secure the release of registered refugees and asylum seekers. Detention conditions are substandard, and detainee abuses have risen since Rela was given the contract to provide security in these facilities in early 2008. Deportation of detained refugees to the Thai-Malaysia border poses additional protection concerns. At the border, Malaysian authorities reportedly hand over deportees to human traffickers who demand payment for their release. Most Burmese refugees in Malaysia have formed ethnic-based community organizations that can pool funds to pay for the release of a deportee. The lack of community organization among the Rohingya forces them to rely on friends and family to secure their own release. As a result, the Rohingya are especially vulnerable to abuse, forced labor, and to being trafficked at the border.



Burma Chin and Rohingya in Malaysia

Burma: Chin and rohingya



Refugee Children in Malaysia

The UN refugee agency partnered with a non-governmental organization, the Taiwan Buddhist Tzu-Chi Foundation, to open five new education centres within the Klang Valley, serving some 400 Rohingya refugee children. The project received funding from the United States government, bringing education to the Rohingya community on an unprecedented scale in Malaysia. After nearly two decades in Malaysia without education for their children, Malaysia's 15,400 Muslim Rohingya refugees from north-east Myanmar are especially hungry for formal schooling. In Malaysia, there are some 8,000 refugee children of school-going age (from all ethnicities, including Rohingya), but UNHCR estimates that less than a third of them have access to any kind of education.



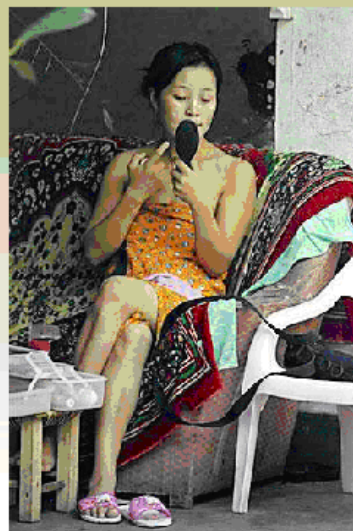
Fascist Disney Land

The Long neck Karen (Karen-Padaung) are not actually Karen at all, but they are also refugees, escaping the genocidal madness in Burma. They have become a symbol of tourism in Thailand's Mae Hong Son province. On the Burmese side of the border, agents of the junta gather the Karen, Akha, Lihsu, Lahu and other tribal people into human zoos. In Burma's Tachylek, there are Disney-like villages and each village maintained one family from each tribe, wearing their traditional dress, and living in an authentic tribal house. The "cultural villages" like the one in Tachylek, are easily the most horrible and flagrant exploitation of human rights I have ever witnessed. On the Thai side of the border, the Padaung are also exploited, but not to such a degree as inside of their home country, Burma.



Burmese refugees in western Thailand.

Ethnic cleansing in Burma causes refugees in Thailand
Over 100,000 refugees who fled conflict and alleged persecution in Burma live in nine camps in often remote parts of western Thailand. Unable to return to Burma, their lives are tightly curtailed. A new generation has grown up in the camps. Thailand hosts not only the "official" refugees but a much larger number of economic migrants from Burma approximately, four million. Human trafficking is also wide spread.



national

Refugee treatment under spotlight

Asia-Pacific region watching how Japan handles new program for people fleeing Myanmar

Setsuko Kamiya
STAFF WRITER

Nongovernmental organizations in the Asia-Pacific region supporting asylum seekers say they are watching with great interest how Japan will handle the resettlement of people from Myanmar starting next year, because it will influence their nations.

Panelists at an international symposium titled "Refugee Protection in the New Era and Civil Society" in Minato Ward, Tokyo, on Saturday also said getting the word out on the need for humanitarian assistance is growing increasingly necessary in these dire economic times when people are losing their jobs and feel supporting refugees should not be a priority.

Organized by the Japan Association for Refugees, the symposium drew participants from NGOs in Australia, the United States, South Korea, Hong Kong, Malaysia, Thailand and Japan.

In December, Japan announced it will accept 30 Myanmar people a year from refugee camps in Thailand for the next three years, with the support of the U.N. High Commissioner for Refugees.

Japan will be the first Asian country to take in refugees living in foreign camps. The U.S. and Australia have taken in thousands of such refugees, but a majority of people seeking asylum in Japan came directly from their homeland. A total of 1,599 people applied for political refuge in Japan last year.



Helping hands: Panelists from the U.S., Myanmar, Hong Kong, Thailand and Malaysia discuss refugee support at an international symposium Saturday in Minato Ward, Tokyo. SETSUKO KAMIYA

"Resettling the 30 refugees each year for the next three years, this may not be a significant number but is a significant milestone for your country," said Christine Petrie, deputy director of the International Rescue Committee in the U.S., a group that helped about 10,000 refugees settle in America last year. The country as a whole took in more than 60,000.

"It's an initiative that cannot afford to fail, because this small number will then set the tone as we move forward in further developing refugee programs," she said.

Eri Ishikawa, secretary

general of JAR, said that if the three-year pilot program is successful, she hopes to see Japan expand the number of nationalities that will be accepted, like Australia, which uses an allotment system.

Malaysia and Thailand have yet to sign the U.N. Convention Related to the Status of Refugees but have the most seekers registered with their local UNHCR offices. NGOs in these countries said they work to protect and empower the refugees, who do not hold legal status and face severe discrimination.

Although China has signed the convention, it does not ap-

ply to Hong Kong because of the two-government system, but legal professionals there are providing assistance to refugees.

Asked how NGOs are dealing with prejudice against refugees as well as the overall lack of understanding by society toward humanitarian aid, Tamara Domicelj of the Refugee Council of Australia said demonstrating how refugees are making significant contributions to their new country is important.

This was echoed by Lee Ho Taeg, president of South Korean NGO Pnan, who said he tells opponents that "South Ko-

rea is the 10th major economically developed country in the world but only a small portion of refugees are being accepted, which is much smaller than other developed countries," he said. "The refugees devote themselves to Korean society. . . . They are not burdens. They are blessings."

Tin Win, a refugee from Myanmar who was granted political asylum by Japan in 1999 and is now president of the Federation of Workers' Union of Burmese Citizens in Japan, said that while he welcomes the resettlement program, there are still problems regarding local integration of the refugees.

He criticized the Japanese government for giving much more support to the Brazilian community than to refugees.

"I sympathize with many Brazilians who lost their jobs, but they can go back to their country. We refugees can't," he said.

Tin Win said the Myanmar community in Japan has focused on political activities in the hope that the situation in their home country will improve and they will be able to return. But as the number of refugees increases, they are facing integration issues as their children grow up and start attending school.

"We have been expecting that the situation in our country will change quickly and we will be able to get back. But the reality is not like that. So now I think we have to think about long-term settlement and about our children's future," he said.



Japan Association for Refugees