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Statement of  
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before the  
Subcommittee on Asian and Pacific Affairs  
House Committee on Foreign Affairs  
on *420 01117*  
[Indochina Refugee Assistance Programs]

Mr. Chairman and Members of the Subcommittee:

We are pleased to appear before you today to discuss the results of our most recent review of the Indochinese Refugee Assistance Programs. Our report to the Congress on that review, "The Indochinese Exodus: A Humanitarian Dilemma," was issued on April 24, 1979. With me today are Dominick Binetti, Assistant Director of our Development Assistance Group, and review team members Virginia Sammon and Ann Lec.

After the fall of Vietnam, Cambodia, and Laos in the spring of 1975, we reported on the evacuation of refugees from Indochina and on the U.S. programs for their temporary care and resettlement. However, the continuing and escalating flow of



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refugees into Thailand and other Asian countries of first asylum gave rise to important questions concerning the U.S. commitment and involvement in the resulting resettlement requirements. For this reason, and because of the intense interest of your subcommittee and other committees of the Congress in these questions, we undertook another review of the assistance provided to refugees by the United States, the United Nations, and the countries of first asylum.

#### The Nature and Growth of the Refugee Problem

Changes of political regimes in Vietnam, Cambodia, and Laos in the spring of 1975 set off massive refugee migrations throughout Southeast Asia, which continue today as a problem of both humanitarian and political concern to the United States. Refugee migrations also continue to pose potentially disruptive political problems for Southeast Asian countries of first asylum--Thailand, Malaysia, Indonesia, Singapore, the Philippines, and Hong Kong--and challenge the ability of the United Nations High Commissioner for Refugees to deal effectively with this problem. Worldwide attention was drawn to the Indochina refugees, particular this past fall and winter, by the plight of thousands of boat refugees turned back to sea by asylum countries. Only a very few countries, however--the United States, France, Australia, and Canada--have appreciably helped relieve the burden on these countries by accepting refugees for resettlement.

At the end of February 1979 there were about 143,000 land refugees in 13 camps in Thailand and over 75,000 boat refugees. One small Malaysian island camp held 29,000 refugees and had virtually no health or sanitary facilities. Because refugee arrivals into the camps has far surpassed refugee resettlement offers from other countries, and because further waves of refugees are likely to continue to seek escape from repressive governments, the asylum countries feel they are being expected to bear an unfair burden of what should be a worldwide humanitarian relief effort.

Individual political factors also explain the reluctance of these countries to accept more refugees

--Thailand views these refugees as a possible irritant to its people and to stable relations with its neighbors--Vietnam, Cambodia, and Laos.

--Malaysia sees a large influx of boat refugees (many of which are ethnic Chinese) as potentially disrupting its delicate Malay-Chinese racial balance and its future relations with Vietnam.

--Singapore sees any relaxation of its basic no-refugees policy as potentially leading to large-scale refugee migration onto its already crowded island.

--Hong Kong views the refugee flow as compound-  
ing its problem of coping with the concurrent  
influx of people from the People's Republic  
of China.

--Indonesia also perceives potential tensions  
resulting from any large influx of ethnic  
Chinese.

Each of these countries has served as a place of temporary  
asylum for Indochinese refugees. In all these countries,  
there is deep-seated hostility to Vietnamese settlement--  
in any numbers. Except for 1,500 Moslems resettled in  
Malaysia, no country has yet indicated any willingness to  
accept Vietnamese refugees for permanent resettlement.

The Role of the U.N. High Commissioner  
for Refugees

The United Nations High Commissioner for Refugees con-  
siders his most important responsibility to be the protection  
of the refugees. He also seeks permanent solutions to  
refugee crises, and he attempts to insure that refugees  
are provided with acceptable temporary care in the countries  
of asylum.

Concerning the High Commissioner's responsibilities for  
protecting the refugees, our review has shown that there have  
been brief periods when Thailand allegedly forced repatriation  
of some refugees; and Malaysia recently threatened to discon-  
tinue accepting refugees. Singapore allows no boat refugees

to enter its waters and it places strict requirements to insure quick departure of those rescued on the high seas by ships and brought to Singapore. Indonesian policy has been to allow as few refugees as possible to land, and there were times in the past when its Navy allegedly diverted as many seaworthy refugee boats as possible from their intended landings in Indonesia. Also, Malaysia, Indonesia, Singapore, and the Philippines have all publicly denied landing permission for large ships carrying refugees from Vietnam.

In seeking more durable solutions to the problem, the High Commissioner has sought to broaden worldwide participation in alleviating the refugee crisis in Indochina through changes in his funding programs and through international conferences to obtain increased resettlement offers. From August 1975 to January 31, 1979, the United States has provided about 52 percent (almost \$58 million) of total contributions to the U.N.'s program for Indochina. A change made last fall, switching the program for 1979 from a Special to a General Program could conceivably result both in increased funds and wider participation (from 19 to about 64 member government contributors). The most recent attempt by the High Commissioner to increase resettlement offers at a December 1978 conference, however, resulted in resettlement pledges for only 11,000 additional refugees--a number which would take care of only about half of the November arrivals in Malaysia alone.

The High Commissioner finances the temporary care of refugees. His organization functions mostly as a conduit of funds rather than as an operational agency, and the refugee camps in Southeast Asia are administered by the asylum-country governments and voluntary agencies, with only limited monitoring by the High Commissioner's organization. Thus, in implementing care programs for Indochinese refugees, the High Commissioner's field representatives are constrained in their ability to influence asylum-government treatment of the refugees or to closely control the use of U.N. funds.

In most of the camps we visited, we found deficiencies in the quality of care sought by the High Commissioner. In Malaysia, particularly, the High Commissioner, the Government of Malaysia, and the Red Crescent Society had not made adequate preparations for the establishment and use of a Malaysian island as a refugee camp. Coupled with the extraordinarily large influx of refugees in the late fall of 1978, at a rate which exceeded 20,000 in 1 month, this resulted in an inability to provide many of the most basic needs to the refugees on that island.

With little immediate prospect of any end to refugee departures from Indochina or of increased resettlement offers, it is imperative that these people be provided appropriate first asylum and that necessary temporary care facilities be provided and effectively managed. These

temporary facilities should be situated in surroundings that are as free as possible of restraints created by internal political and international relations problems of first-asylum countries. We believe the camps should be situated in areas that minimize the visibility of the refugee populations. We, therefore, have recommended that the Secretary of State, through the U.S. Mission to the United Nations in Geneva:

--press for the establishment of additional temporary care holding camps, located on islands in the South China Sea or at other locations in the Far East, to reduce the visibility of the refugee populations to the local population, and relieve the pressures of the large refugee populations now in first-asylum countries. The camps should be administered by the United Nations and operationally managed by voluntary agencies and international organizations.

--inform the High Commissioner of the need to have more aggressive field monitoring and of the need to act to ensure that refugees are provided asylum and that they receive suitable levels and types of care.

The U.S. Response to the Indochinese  
Refugee Problem

More than a billion dollars have been made available (or are pending approval) by the Congress to help the Indochinese refugees from the period beginning with the evacuation from Vietnam in April 1975 through fiscal year 1979. These funds have been and are being used for the temporary care of the refugees in first-asylum countries (including Department of Defense camps in the United States operated for this purpose in 1975); for transportation to resettlement countries; and for their resettlement in the United States through the efforts of U.S. voluntary agencies and State and local governments.

In response to the Indochina refugee crisis, the United States has admitted more than 187,000 refugees for permanent resettlement from the spring of 1975 to March 22, 1979. About 130,000 of these are the people evacuated from Vietnam in the spring of 1975. The other 57,000 ~~were~~<sup>ACE</sup> either land refugees that had first sought asylum in Thailand or ~~were~~<sup>ACE</sup> "boat cases" that had gone to Thailand or the other Asian countries of first asylum.

In 1978 alone, the United States authorized the admission by parole of 7,000 Indochinese refugees in January; 25,000 in June; and an additional 21,875 refugees in December. The administration has recently stated that it is planning to admit



7,000 each month over the next few years. The first action on this plan was initiated on April 13, 1979, when a new parole for an additional 40,000 Indochinese refugees was announced.

The two provisions of the Immigration and Nationality Act currently used for the admission of refugees to the United States are the conditional-entry provision and the parole provision. The conditional-entry provision authorizes the annual admission of 17,400 refugees who have fled from Communist countries or the Middle East because of persecution, or who are the victims of natural disasters. Refugees under this provision are counted against the annual immigration ceiling of 290,000 persons.

The parole provision authorizes the Attorney General, at his discretion, to temporarily parole any alien into the United States, under conditions prescribed by him, in emergencies or for reasons in the public interest. When the parole provision was enacted, legislative history suggests that the Congress intended it to be used by the Attorney General only on an individual basis. Because of its flexibility, however, the parole provision had been used on several occasions to accommodate groups of refugees not eligible for admission because of the definitional and numerical limitations of the conditional-entry provision.

Thus, existing immigration law provides only for the annual admission of 17,400 refugees. Because of the ideological, geographic, and numerical limitations of this law, refugee admissions have had to be made on an ad hoc basis, principally through the use of the Attorney General's discretionary parole authority, and--to only a limited extent--through the conditional-entry provision of existing immigration law.

The absence in the law of a clear expression of U.S. intentions and commitments to participate in the refugee resettlement has also made any sort of planning very difficult, both for U.S. officials overseas processing refugees for U.S. admission and for U.S. domestic officials and voluntary agencies involved in refugee resettlement. We believe that such commitments need to be more formally embodied in law to serve as a clear expression of the will of the Congress. The firm commitment by the United States to finite numbers of refugees it can and will accept can serve to impact on refugee numbers and to serve notice to other nations of the degree they must share in humanitarian refugee relief efforts.

#### U.S. Processes for Selecting and Admitting Refugees

Land refugees in Thailand are selected for admission by U.S. officials overseas based on four criteria: (1) close family ties in the United States, (2) previous employment

by the U.S. government, (3) close association with the U.S. Government, and (4) humanitarian reasons. A fifth criteria was recently added to implement a separate quota for Cambodian refugees. For boat refugees, present U.S. policy is that all those not receiving resettlement offers from other countries are eligible to be admitted to the United States, using the four criteria only to determine the order in which they are to be admitted. All of the land refugees spend at least a year, and some spend over 3 years, in camps in Thailand before coming to the United States. By contrast, boat refugees in the other asylum countries have sometimes had to be moved out of those countries within several months to encourage the governments of those countries to continue to accept refugees, or because of asylum-government refusals to accept boat refugees for longer periods.

From June through December 1978, the United States has authorized the parole of 30,000 boat refugees and 16,875 land refugees, although there are over twice as many land refugees as boat refugees. This disproportionate number of admissions authorized for boat refugees, apparently justified because of the unwillingness of asylum governments to accept them, results in the admission of boat refugees before higher priority land refugees.

We believe that the effective implementation of our recommendation calling for the establishment of United Nations

camps, that are free of the internal political pressures now felt by the governments of first-asylum countries, will permit more uniform and equitable treatment of land and boat refugees who are potential selectees for admission to the United States. Without the pressures that ultimately lead to the need to expedite processing and resettlement of boat refugees faster than land refugees, selection and processing procedures and directives could be effectively formulated by, and promulgated from, a single centralized organization which would

--clearly communicate the documentation required to substantiate representations of refugees qualifications for admission to the United States,

--require uniform and consistent application of admissions guidelines at all locations, when possible.

Programs for Resettlement of Refugees in the U.S.

The use of sporadic, ad hoc parole actions for refugee admissions to the United States has also resulted in important uncertainties for the voluntary agencies and U.S. officials participating in the resettlement effort in the United States. The current lack of a consistent and predictable refugee admissions and resettlement policy has made it difficult for those involved in resettlement to plan for finding refugee sponsors, for funding and staffing resettlement programs with qualified and experienced persons, and for setting up English and job training programs necessary to help refugees become integrated

and self-sufficient in U.S. society. In particular, with regard to HEW's role in resettlement, GAO found a management system lacking detailed program guidelines and an inability to effectively monitor the use of Federal refugee program funds. The dedication of many hard-working individuals around the country, rather than an effective management system, is largely what is being relied on to help integrate America's most recent community of newcomers.

To improve HEW management and control over the use of Federal funds expended in refugee resettlement, GAO has recommended that the Secretary of HEW require monitoring of Indochinese Refugee Assistance Program grant funds be tightened (1) through closer surveillance by responsible HEW regional office personnel and State and local government agencies and (2) by requiring audits of the use of HEW-administered refugee program funds, including special projects, social services, and cash and medical assistance.

#### Need for New Legislation

In order to give a greater degree of consistency, continuity, and predictability to U.S. refugee admissions and resettlement policies, we believe current immigration laws need to be revised to eliminate the existing impediments to effective U.S. participation in the resettlement of Indochinese refugees. Such revisions in the legislation should clearly manifest the intent of the Congress as a basis for

the formulation of national refugee admissions and resettlement policy. Revisions that would need to be addressed include (1) the redefinition of the term "refugee;" (2) increasing of refugee admissions to a level more in line with U.S. intentions to share in resettling the anticipated continuing flow of refugees, ~~from Indochina~~, the Soviet Union, and Eastern Europe, and other areas of the world from which refugees have been fleeing in recent years; (3) the inclusion of provisions for dealing with large groups of refugees that may result from unanticipated emergency situations; and (4) the retention of parole authority for individual situations. ]

The Executive Branch has recently submitted a bill for congressional consideration, proposing revisions in current laws regarding refugee admissions and resettlement. We believe this bill addresses the major problem areas encountered in this review that stem from existing legislative provisions. If enacted, we believe that it would manifest the intent of the Congress, relative to the program. We also believe that the formal embodiment in law of such an expression of the Will of the Congress might possibly motivate other nations to participate or to increase their participation in humanitarian refugee relief efforts.

We also believe that the Congress, in its deliberations in authorizing or appropriating funds for temporary care and U.S. resettlement programs for Indochinese refugees, should

require that it be provided with long-range forward planning data that encompasses:

- { --numbers and anticipated rate of flow of refugees from countries of origin to first-asylum areas;
- the numbers and rate of flow of refugees to be resettled in the United States;
- estimated costs related to all of the above elements of the program;
- the extent to which the U.S. Government is to provide funds. }

Since data on each of these elements are interrelated, although difficult to estimate or project, appropriate coordination among the several U.S. and international agencies that participate in their development is essential. A principal function of the U.S. Coordinator for Refugee Affairs, recently appointed by the President, should be the coordination and annual presentation of such proposals to the Congress.

#### Suggestions for the Subcommittee

Mr. Chairman, our review was designed to be a broad assessment of the nature and extent of the Indochinese refugee problem and of a wide spectrum of activities, both international and domestic, for assisting and resettling the refugees. As such, time considerations did not permit indepth analyses or

studies of a number of potential issues and problems noted during the course of our work. Some of these, which may be appropriate areas for examination by your subcommittee, are:

--the policies and processes used by the U.S.

Immigration and Naturalization Service in allocating numbers authorizing admissions to the United States,

--the justification for continuing the involvement of the Intergovernmental Committee for European Migration for providing transportation and medical examination services for the refugees,

--the impact that the so-called "regularization of the flow of refugees from Vietnam" would have on existing assistance and resettlement programs,

--the costs and other problems associated with the establishment and operation of new temporary care facilities in remote, uninhabited locations, such as the island offered by the Indonesian Government,

--the costs and benefits of establishing a holding center in the United States for refugees awaiting sponsorship assurances, as an alternative to the retention of these people in Asian camps, and



--the need for and/or benefits that can be expected from having all refugee programs centered in and managed by the Agency for International Development rather than by the State Department's Office of Refugee and Migration Affairs.

This concludes our statement, and we will be pleased to consider any questions members of the subcommittee may have.