



Moment of Decision: Seeking Durable Solutions in Southeast Asia

July 2016

Report of Migration and Refugee Services of the
United States Conference of Catholic Bishops



TRIP DELEGATION

Most Reverend Eusebio Elizondo
Bishop of Seattle

Most Reverend Oscar Cantú
Bishop of Las Cruces

Kevin Appleby
Former Director of
Policy and Public Affairs for
USCCB/MRS

Kristyn Peck
Associate Director of Children's
Programs for USCCB/MRS

Virginia Farris
International Policy Advisor for
IJP/USCCB

Matthew Wilch
Refugee Policy Advisor for
USCCB/MRS

**United States Conference of
Catholic Bishops/
Migration and Refugee Services**

**3211 Fourth Street NE
Washington, D.C. 20017
202.541.3174**

OVERVIEW

From July 29 to August 21, 2015, a delegation from Migration and Refugee Services of the United States Conference of Catholic Bishops (hereafter referred to as USCCB/MRS) traveled to Burma/Myanmar^{1a}, Thailand, Malaysia, Indonesia, and Australia to show the U.S. Catholic bishops' solidarity with refugees and other populations of concern in those countries and with the local Catholic bishops and with Catholic and other faith-based and nongovernmental organizations (NGOs) responding to their needs. They met with officials from governments, the U.S. Embassies, the United Nations High Commissioner for Refugees (UNHCR), and the International Office for Migration (IOM). This report is based on the assessment trip and also on follow-up communication with stakeholders to assess the historic post-trip developments.

The delegation assessed the protracted humanitarian crisis of Burma/Myanmar at this critical moment in its history, including the plight of certain internally displaced people (IDPs) within the country and refugees who have fled to three neighboring host countries. This included focusing on the Rohingya challenge (hereafter "Rohingya challenge" describes the issue; "Rakhine State Muslims" the population).^{2a} The delegation also examined the unmet needs of unaccompanied

children and other refugees in the region who remain in the shadows of the crisis of Burma/Myanmar. They met with many victims of human trafficking, including children, refugees from Burma/Myanmar and elsewhere, and certain female domestic workers in the region victimized by widespread, institutionalized human trafficking.

In Thailand, the delegation, led by Bishop Eusebio Elizondo, Chair of the Committee on Migration of USCCB, and including staff from USCCB/MRS, visited a Bangkok detention center that held many urban refugees from Pakistan, Afghanistan, Somalia, Burma/Myanmar, and other countries; a refugee community center with similar populations; and a displaced persons temporary shelter where mostly ethnic Karennis reside near Mae Hong Son along the Thai-Burma border. In Burma/Myanmar, they visited Yangon and also a camp near Myitkyina, Kachin State. Kachins in the camp are internally displaced people (IDP) forced from their homes by the ongoing conflict between the Myanmar Army and the Kachin Independence Army. In Malaysia, the delegation met many urban refugees from Burma/Myanmar, including unaccompanied refugee minors and victims of human

trafficking. In Penang, Kuala Lumpur, and Selangor, Malaysia, they met refugees both in their homes and also in community centers. In Indonesia, they visited urban refugees in their homes, a community center, and a shelter in Jakarta, Yogyakarta, and Bogor Cisarua. Besides Chin, Karenni, Karen, Mon, Shan, Rakhine, Rakhine State Muslims, and other ethnic nationals from Burma/Myanmar, refugees were also from Afghanistan, Pakistan, Syria, Iran, Iraq, Sudan, and Somalia, among other places. For travel in the last two countries, the delegation was joined by Bishop Oscar Cantú, and a staff person from the USCCB's office of International Justice and Peace, both of whom had participated in a commemoration in Japan of the 70th Anniversary of the bombings of Hiroshima and Nagasaki.

Summary of the Report. Burma/Myanmar and the international community have the best opportunity in decades to take the necessary steps to resolve their protracted refugee and internally displaced persons (IDP) crisis. As detailed in the report, for more than 50 years, ethnic, religious, and political persecution have led to a protracted, massive forced migration of IDPs within the country and of those seeking refuge beyond its borders. Addressing the root causes of the



Thank you to Nations Online for providing this map as a free, valuable service. See http://www.nationsonline.org/oneworld/map_of_southeast_asia.htm (accessed March 10, 2016).

forced migration is at the heart of building an inclusive, federal democracy for all the people of Burma/Myanmar. The historic landslide victory in November 2015 of Daw Aung San Suu Kyi's party, the National League for Democracy (NLD), could potentially help institutionalize ongoing democratic reforms. The promise of meaningful political negotiations between the central government and the ethnic national leaders could potentially lead to a nationwide ceasefire with all ethnic nationalities involved and address unresolved ethnic political issues that are among the root causes of conflict, displacement, and forced migration.

Hopefully, the move toward democracy and the negotiations will help to build a situation in the seven ethnic states such that refugees will trust that a sustained, safe, and dignified voluntary repatriation is possible. International support is crucial for those ongoing reforms to continue and to make the building of trust possible. Along with the opportunities, major challenges persist. There is continued violence, persecution, and discrimination against the Rakhine State Muslims, and ongoing armed conflict between the Myanmar Army and local armed groups in Kachin State and Shan State. And there is also the open question of how the fledgling democratic government, with its newly elected leaders, will govern in a nation where the armed forces ruled for over five decades and maintain extensive political, economic, and military power.

Meanwhile, conditions are not yet in place that would enable full-scale promotion of a sustained, safe, and dignified return. And there is not yet trust that the military will allow such conditions to be established and sustained. During this time, it is crucial that the international community provide humanitarian protection and pursue durable solutions for internally displaced within the country and for refugees who have fled to neighboring countries. As detailed in our report, some IDPs within Burma/Myanmar lack basic necessities and protections as they suffer prolonged displacement. Those seeking refuge in Thai temporary shelters continue to experience a reduction in humanitarian support, including reduced food rations, and urban refugees in Malaysia have serious humanitarian and protection concerns. On the durable solution side, there continues to be the immediate need for resettlement for the most vulnerable: those needing family unity, and those for whom other solutions are not viable, including for some of those from Burma/

Myanmar—who are in protracted situations or fleeing current conflict—and also for others forcibly displaced from elsewhere. During this historic time, the United States, should also be advocating for the strategic use of resettlement as a catalyst for robust responsibility sharing in the judicious pursuit of all three durable solutions by nations in the region and the international community.

Of the countries visited in the region, only Australia is a party to the 1951 Convention and 1967 Protocol Related to the Status of Refugees (hereafter “Refugee Convention and Protocol”) and the 1954 Convention Related to the Status of Stateless Persons and the 1961 Convention to Reduce Statelessness (hereafter “Statelessness Conventions”).¹ Thus, UNHCR needs increased support in the region to play its crucial, ongoing role of providing protection and humanitarian support as well as negotiating on behalf of refugees with the host countries for protection, access to livelihood and basic necessities, and access to durable solutions.

Special focus is needed on the Rohingya challenge. Most of the Rakhine State Muslims suffer the triple vulnerabilities of being forcibly displaced as refugees or IDPs, being stateless and thus targets of human rights violations and discrimination, and being victims of human smuggling or trafficking. Yet their plight is not addressed by either the national election (most were not allowed to vote) or by the ethnic negotiations with the government (they are not part of the negotiations).

Other refugees and populations of concern in the region also deserve more attention. Unaccompanied children from Burma/Myanmar, Afghanistan, Somalia and several other African countries face a range of serious challenges related to shelter, protection, and durable solutions in Thailand, Malaysia, and Indonesia. Increased numbers of Pakistani Christians seeking refuge in Thailand and Malaysia, who now constitute some 40 percent of all UNHCR refugee status determinations in Bangkok, are in dire need of protection and durable solutions, as are Montagnard Christians from Vietnam who have fled to Thailand. Syrians, Iraqis, and Iranians who have fled to Malaysia are experiencing difficulty finding protection and building new lives. And Indonesia has become a collection area for refugees who were turned away from seeking refuge in Australia. Regionally, Australia's recent policies curbing access to asylum has led many

refugees destined for Australia to be left in uncertain protracted refugee situations in Indonesia.

There is also a disturbing pattern of human trafficking of refugees and migrant workers throughout the region. In the last three years, according to UNHCR, over 170,000 people—Bangladeshis and Rakhine State Muslims from Bangladesh and Myanmar—have resorted to dangerous sea journeys across the Bay of Bengal and Andaman Sea at the hands of human smugglers and traffickers. Human trafficking also continues to be widespread in the Thai fishing industry and in the domestic worker sector throughout the region, particularly for workers from Indonesia. Strengthening protection of victims, addressing government corruption, improving enforcement against traffickers, and reforming national laws are all needed.

I. BURMA/MYANMAR

“What is the key to peace? Trust.”

--Pu Lajong Ngan Seng,
Chief Minister Kachin State

“Does the army have a heart for peace?”

“We must take risks for peace.”

-Two Ethnic Leaders

Burma/Myanmar has an estimated population of 51.4 million people, according to the 2014 census. They live in a land area slightly smaller than the state of Texas, and there is a Buddhist-majority. It is not a party to the Refugee Convention or Protocol or to the Statelessness Conventions. It has an internally displaced population of some 245,000 in the southeast areas (Kayah, Kayin, Mon, Taninthari, and Bago), 240,000 in the north and west (Kachin, Shan, and Rakhine States), and over 350,000 people have fled the country and currently seek refuge in Thailand, Malaysia, and India (primarily Mizoram State, India) with a small number also in Indonesia.²

I-A. THE ROOT CAUSES OF BURMA'S/MYANMAR'S PROTRACTED REFUGEE/IDP CRISIS

The recent watershed victory in the national election by the National League for Democracy (NLD), Daw Aung San Suu Kyi's party, and the continued negotiations between the Myanmar government and ethnic national leaders are crucial steps toward



The rich cultural heritage of the Kachin people is alive and well, even in the face of conflict and displacement, as seen during this cultural celebration arranged for the delegation by the Most Reverend Francis Daw Tang, Bishop of Myitkyina, Kachin State, Burma/Myanmar. Photo Credit: Delegation

federal democracy and towards addressing the root causes of the country's forced migration.

On November 8, 2015, the National League for Democracy (NLD) won over 78 percent of the seats that were up for election in the two houses of the Assembly of the Union, the nation's bi-cameral legislature. Those elected assumed their seats on January 31, 2016. Following the constitution, the Assembly then chose three vice presidents, including a vice president from the military, and then voted for which of the three would become president. Myanmar's new president is Htin Kyaw, an NLD loyalist and life-long friend of Daw Aung San Suu Kyi. The two vice presidents are Henry Van Hti Yu, an ethnic Chin, Christian, and U Myint Swe, a former Lieutenant General and former Chief Minister of Yangon Region. President U Thein Sein, a former general and the outgoing president, stepped down on March 30, 2016, after which Htin Kyaw assumed office.

In a parliamentary system, ordinarily the winning party—in this case the NLD—would be able to select its top choice for president, namely Daw Aung San Suu Kyi. However, prior to democratic elections, Section 59(f) of the Myanmar Constitution of 2008 was passed. It prevents anyone from being president who has a spouse or a legitimate child who is a foreign citizen. The provision was apparently drafted with Daw Aung San Suu Kyi in mind. She has a recently deceased English husband and two sons who are British citizens. Even though the NLD won nearly 80 percent of open seats in the last election, the party does not have the 75 percent overall majority needed to change the constitutional

bar, since the 2008 Constitution also assures that the Myanmar military holds 25 percent of the seats.

Even though she is not the president, Daw Aung San Suu Kyi has said that she would work with the new president to carry out the people's will. "It is our will to fulfill the people's desire," Daw Aung San Suu Kyi said. "We will try as hard as we can to do that."³ President Htin Kyaw appointed her to lead two Ministries, the President's Office and Foreign Affairs, and a bill was passed making her State Counselor.⁴ As part of her roles, she wants to lead the central government side of the negotiations with the ethnic nationals.⁵

As the USCCB/MRS delegation arrived in Yangon, ethnic leaders were there negotiating with the central government regarding a nationwide ceasefire and political solutions for ethnic nationals. The ethnic nationals come from the seven ethnic states of Burma/Myanmar, which constitute some 40 percent of the nation's population and from which an estimated 90 percent of the refugee population has come.

At the heart of the negotiations, at their best, has been what outgoing Myanmar President Thein Sein (a retired general) himself described as the "Panglong spirit." He explained, "All national races are to establish the national unity based on the "Panglong Spirit" and to reach toward a peaceful, modern and democratic nation through a federal system."⁶ The Panglong Agreement was the original basis for Burmans and other ethnic nationalities to join together to defeat the British and create the Union of Burma.⁷

During the trip, a delegation member was able to meet with some of the ethnic leaders involved in the negotiations and the delegation as a whole was able to meet with an important Myanmar government state leader. One ethnic leader pointed to the increased military build-up by the Myanmar Army in Kachin State and wondered, based on that escalation, whether "they have the heart for peace?" Another asserted the need "to take risks for peace." Several leaders described what they consider as the indispensable role that the international community must play as an integral part of the step-by-step political dialogue, helping to build the trust and accountability between the ethnic nationalities and the central government and army. In a different

meeting, a state government official appointed by the Central Government, when asked what is the key to establishing peace and resolving the refugee situation, answered, "Trust."

Several weeks after our trip, on October 15, 2015, eight of the fifteen ethnic opposition groups involved in the negotiations signed a ceasefire with the Myanmar government, and President Sein declared, "The road to peace is now open." While eight of the ethnic groups have signed the agreement, holdouts include major groups, such as the Kachins. Nonetheless, the agreement is a work in progress, and it provides a welcome continued framework. Besides being a framework for the nation to pursue a democratic federal system and a fair share in governance and resources for the ethnic nationalities, the framework also calls for negotiations regarding the demobilization of the army in the ethnic states and also regarding the best solutions for the protracted refugee and IDP situations.

"If Myanmar is to be truly free, peaceful and prosperous, the rights of all ethnicities and religious faiths must be protected."

- Cardinal Charles Maung Bo

I-B. KACHINS, RAKHINE STATE MUSLIMS, AND

OTHER ETHNIC GROUPS⁸ ARE AMONG THE IDPs IN CONFLICTED AREAS WHO FACE LIFE THREATENING PROTECTION AND HUMANITARIAN CHALLENGES, AND OBSTACLES TO DURABLE SOLUTIONS⁹

Many of the 94,600 IDPs in Kachin and Shan States, especially those in nongovernment-controlled areas, lack sufficient access to resources to assure safe and humane conditions. The delegation traveled to the Kachin State capital of Myitkyina (Mī jē' nū) where they visited a camp of bamboo houses and community buildings where some 400 IDP Kachins live. They also met with local Kachin community leaders and NGOs that serve IDPs throughout Kachin and Shan States.

Kachin State suffers from a live, armed conflict. On June 9, 2011, a 17-year ceasefire broke between the Myanmar Army and the Kachin Independence Organization (KIO). Since then there has been a subsequent massive build-up of Myanmar Army presence and wholesale destruction of property and lives, including 300 villages and 30 churches destroyed, and extensive gender-based violence, especially against Kachin women. There are an estimated 94,600 IDPs in

Kachin and Shan States, with about half in government controlled areas and half in nongovernment controlled areas. While the delegation was in Myitkyina, a Myanmar Army offensive in Sumprabum, a township north of the capital city, had just led to a displacement of some 1,000 people. According to local sources, many of these Kachins continue to be displaced and largely cut off from humanitarian aid. With the ongoing conflict, community leaders also lamented that many of the young Kachin men continue fleeing to neighboring countries to avoid being recruited by the Myanmar Army or by the Kachin Independence Army. The conflict also continues in neighboring northern Shan State, where an estimated additional 10,000 people have reportedly been forcibly displaced.

Some 80,000-90,000 of the displaced Kachin people live in 179 IDP camps—159 in Myanmar government controlled territory and 20 in nongovernment-controlled territory (by the Kachin Independence Organization). They include camps of some 400 like the one near Myitkyina and also smaller settlements of some 50 persons given safe haven within church compounds. There is a chronic problem of regular safe access to IDP camps in non-government held territories. UNHCR is involved in coordination and camp management in 130 of the camps, including 20 in the nongovernment-controlled area. Karuna Mission Social Solidarity (Karuna or KMSS),¹⁰ the nationwide Catholic social service network, works with UNHCR and others to provide service in 114 of the camps, including comprehensive response, food distribution, shelter, coordination and camp management, and support for early childhood development and for extremely vulnerable individuals. Besides Karuna, other local groups work in the camps including the Kachin Baptist Convention, Metta Development Foundation, Shalom@Nyein Foundation, and six other groups. International NGOs include International Rescue Committee (IRC), Danish Rescue Committee (DRC), Norwegian Rescue Committee (NRC), International Medical Corp (IMC), AZG, Plan Myanmar, Oxfam, and others. Beyond UNHCR, UN agencies involved include UNOCHA, UPFPA, UNICEF, WFP, and UNDP. KMSS noted that more program resources are needed including for food, which was cut by 20 percent in 2015.

For internally displaced Kachins, obstacles to returning home include ongoing fighting, lack of resources, and fear of landmines (including fear



Bishop Elizondo greets children in a Kachin IDP camp which is one of many served by the Catholic Church, Baptist Church, UNHCR, International Rescue Committee, and others. Photo Credit: Delegation

of the mines migrating unpredictably as the earth shifts with heavy rains). According to Karuna, some 47 percent of the people fear they will not have enough food if they return. Others expressed concern about lack of security, education, seeds to plant, health care, and family unity. UNHCR noted that these protection concerns impact not only IDPs but also the non-displaced communities in Kachin and northern Shan States that are rife with “conflict, armed actors, intimidation, land mines and precarious livelihoods.” Indeed, landmines create a major obstacle for the return of IDPs and for a return to normal life for non-displaced in conflicted areas. Clearance of landmines is currently not allowed and removal of mines is sorely needed for humanitarian and economic reasons. In Kachin, Shan, and several southeastern states, such as Kayah State, roads, farmland, schools, and health clinics are usually mined, according to UNHCR.

In the larger context of Kachin State, community leaders said that there are serious livelihood, shelter, education, and health challenges facing Kachin State as a whole, including for those who might return in the future from internal displacement or as refugees through voluntary repatriation. “Our curse is too many resources,” explained one leader, noting that

Kachin State is often viewed as the state in Burma/Myanmar that has the richest natural resources in land, timber, and minerals, such as jade. Over the years, the leaders say, the Myanmar military regime and its associates have taken away traditional Kachin land that had previously been used as the people's primary livelihood and for subsistence farming, causing a migration to cities, where rural people are not equipped to participate in the urban economy. They have likewise extracted minerals with no benefit to the local population, and this practice has a new variation as the nation has been opened to the outside world. "Now many new companies are coming to Burma. Once they are in, they take natural resources, and there is no benefit to local people of those resources. Even the jobs involved in extracting them are done by workers who are brought in from southern Burma. It makes our future very uncertain."



*Many of the villages, such as this one, from which Kachins were displaced were destroyed during the conflict or have fallen into disrepair. Not only peace, but housing is needed before Kachin IDPs can return in safety and dignity.
Photo Credit: Catholic Diocese of Myitkyina.*

Leaders noted the need to strengthen the education system, pointing to a lack of secondary and university education for girls. They also said that drug traffickers and human traffickers were preying especially on young people, leaving them at high risk for drug addiction, HIV infection, early marriage, and international human trafficking (both labor and sex trafficking).

While the delegation did not travel to Rakhine State in the west or to Kayin State and other southeastern states, stakeholders expressed deep concern about the urgent protection needs related to the Rohingya challenge and the need to seek durable solutions for the internally displaced in all those areas. UNHCR reports over 1 million stateless Rakhine State Muslims (many of them IDPs), and notes that there are some 138,000 total IDPs in the state, also primarily Rakhine State Muslims. The Myanmar government does not recognize the Rakhine State Muslims as citizens but views them as immigrants from Bangladesh, referring to them as "Bengalis." Besides the insecurity of statelessness as one of a very complex number of the root causes of their displacement, they face an extremely hostile environment, according to UNHCR. This includes "segregation, severe discrimination including through particular local orders (administrative measures) and

freedom of movement restrictions that severely impact [them] in terms of access to services particularly health, education, livelihoods, birth registrations, residence documents, etc."

Some stakeholders recommended an "all-Rakhine approach" to the challenges facing stateless Rakhine State Muslims and the state as a whole. As part of addressing the root causes of the Rakhine State Muslims' challenges, this would mean addressing poverty and lack of development for the state as a whole and all of its people. While recognizing that humanitarian assistance and pursuit of durable solutions for IDPs and Rakhine State Muslims refugees continues to be important, they urge the international community to look toward longer-term, community-based development solutions, as well, that could bring together communities in Rakhine State and help to "stabilize and normalize" the situation. They also encourage progressively more freedom of movement that would facilitate every day interaction and improve social and economic interactions and conditions.

In the southeast, UNHCR has been "reorienting" its work toward seeking durable solutions for IDPs and is also beginning early preparation for possible facilitation of voluntary repatriation of refugees coming home

to Kayin State. Kayin, Kayah, and Tanintharyi have an estimated 200,000 IDPs, according to UNHCR, with Kayin State having the majority of them. The delegation heard a report of clashes in Kayin State over the building of a portion of the Asia Highway by the central government, and a leader from the state pointed to it as an example of the central government pushing through major development projects with the help of the army without involvement by the local ethnic peoples. Despite this emerging test of trust, UNHCR reports that overall progress is being made through the negotiations between the Myanmar government and ethnic nationals from Kayin State

I-C.RECOMMENDATIONS REGARDING BURMA/ MYANMAR

To Burma/Myanmar:

- Accede to the Refugee Convention and Protocol and the Statelessness Conventions.

- Sign a fair ceasefire agreement with all ethnic resistance organizations.

- Negotiate in good faith with all the ethnic national leaders to reach a just resolution of ethnic political issues for ethnic men and women, including establishing a genuine, federal democratic union with shared governance and shared resources for the ethnic states, and a resolution of the protracted refugee and IDP situation.

- Secure a just peace in Kachin, Shan, Rakhine States and all the ethnic states, and meanwhile provide protection, humanitarian help, and pursue durable solutions for internally displaced people forced from their homes by the conflict.

- Support ongoing democratic, systemic reform inside Burma/Myanmar, including the continued transition from military to civilian rule, the release of all political prisoners; and continued development of a judicial system that will assure accountability and redress for protection and other concerns.

- Address the root causes of Rakhine State Muslims'

forced migration, including communal conflict and segregation, and lack of access to citizenship, and meanwhile protect Rakhine State Muslim IDPs from human rights abuses and other violence and discrimination and provide for their basic humanitarian needs; likewise work to take an all-Rakhine State approach to the Rohingya challenge with community-based development aimed at bringing communities together and normalizing social and economic interactions, including progressively enabling safe freedom of movement.

- Achieve democratic reforms and economic development that will make safe, dignified voluntary repatriation a trusted, sustainable option for refugees from Burma/Myanmar who live in neighboring countries and for those internally displaced by conflict or natural disaster.

- Pursue sustainable, safe, and dignified durable solutions for the estimated 350,000 refugees from Burma/Myanmar who are living in Thailand, Malaysia, and India.

- Work with the United States, UNHCR, the international community, Burma's ethnic national leaders, IDP communities, refugee communities in neighboring host countries, and the voluntary sector on these various efforts.

To the United States, UNHCR, and the international community:

- Provide generous funding, diplomatic and other resources, and international protection expertise to work with one another, the Myanmar government, ethnic national leaders, IDP communities, refugee communities in neighboring countries, and the voluntary sector in Burma/Myanmar on efforts to achieve the above recommendations.

- Advocate for strategic use of resettlement not only for humanitarian reasons but also to maximize nations' responsibility sharing in providing one of

the three durable solutions for displaced people from Burma/Myanmar throughout the region, including solutions for those seeking refuge in more protracted situations in Thailand and Malaysia, and also those fleeing recent conflict situations such as Rakhine State Muslims and Kachins; and for the United States also fulfill the particular commitment to resettle Rakhine State Muslims who fled to neighboring countries in 2015.

- Provide generous funding to local institutions such as Karuna Mission Social Solidarity, Kachin Baptist Convention, Metta Development Foundation, and other reputable local groups to achieve the above recommendations.

To the Worldwide Catholic Church:

- Provide generous funding and resources through the Catholic Church and her NGOs to contribute to the above efforts, particularly to strengthen the role of the local Catholic Church of Myanmar, Catholic NGOs and INGOs, and NGO collaborators in Burma's/Myanmar's voluntary sector to facilitate durable solutions and to help resolve the protracted humanitarian crisis.

II. THAILAND

Thailand has an estimated 67 million people living in a land area about 20 percent smaller than California. It is the world's second largest Buddhist majority

country. While not a party to the Refugee Convention or Protocol or Statelessness Conventions, it has a long-time tradition of refugee protection. There are currently an estimated 106,000 people from Burma/Myanmar seeking refuge in temporary shelters along the Thai-Burma border, and an estimated 9,000 other individuals seeking refuge in Thai cities, especially Bangkok.

II-A. SOME 106,000 PEOPLE FROM BURMA/ MYANMAR LIVING IN TEMPORARY SHELTERS ALONG THE THAI-BURMA BORDER URGENTLY NEED CONTINUED INTERNATIONAL SUPPORT AS THEY PURSUE DURABLE SOLUTIONS.

Refugees and refugee advocates fear that continued reduction in humanitarian support for Thailand's temporary shelters could lead to a **de facto involuntary, unsafe, and inhumane repatriation, which would not only hurt those in the shelters but also disrupt Burma's/Myanmar's reform and rebuilding.** A member of the delegation visited displaced Karennis (also known as Kayahs) from Kayah State at Ban Mai Nai Soi Temporary Shelter (Ban Nai Soi) near Mae Hong Son. The 12,000 person shelter is one of nine along the Thai-Burma border that hold over 106,000 ethnic nationals who fled from Burma/ Myanmar over the last twenty years.¹¹ The population in Ban Mai Nai Soi includes 52 percent women, 48 percent men, and some 5,000 children between the ages of 5 and 18, including some 400-500 unaccompanied children. About one year ago, on April 7, 2015, it suffered from a major fire that destroyed 185 of its



The displaced people in temporary shelters in Thailand include the elderly, who sometimes become housebound due to illnesses. COERR, JRS, and other NGOs working in the shelters help to meet their needs. Photo Credit: COERR

bamboo houses and two community buildings.

Each of the nine temporary shelters along the Thai-Burma border looks like a rural village surrounded by fencing with gates where Thai soldiers control the points of entry. Residents cannot leave without permission and are not given work permits authorizing them to work in Thailand. The shelters are run by the Thai government and also benefit from the work of NGOs.

Over the years, there have been as many as 52 NGOs working in the temporary shelters; there are currently 19 NGOs. They include the Catholic Office of Emergency Relief and Refugees (COERR), which works in all nine of the border shelters. Its work includes protection, livelihood training, health, and psycho-social health. JRS works in two shelters near Mae Hong Son doing protection, livelihood, and education. IRC, in addition to shelter management, food and nutrition, health and psycho-social work, runs the Refugee Processing Center in Thailand to facilitate refugee resettlement to third countries. The TBC Border Consortium (TBC) is an umbrella international NGO coalition that has worked in the Thai shelters since their inception. It has evolved over time and currently has nine international member organizations.

Those seeking refuge in the shelters have faced continually reduced international funding since democratic reform began in Burma/Myanmar in 2010. Many humanitarian donors have shifted their giving away from Thailand to Burma/Myanmar. The declining aid has greatly impacted education, health care, and especially food security. As far back as 2012, the food cuts had put the daily rations below the 2100 calorie/day minimum recommended by the World Food Program. In 2013, the adult monthly rations were cut from 15 kilos of rice per month to 8 kilos of rice per month. Besides 8 kilos of rice for each adult, rations included 12 kilos of rice for each child, ½ bag of charcoal, ¾ liter of cooking oil, and ½ kilo of fish paste. Those rations were further cut beginning in September 2015. The current rations reportedly last those in the camp between 16 to 18 days. In order to make up for the shortfall, people use limited space inside the camps to grow vegetables and venture outside the shelter and seek unauthorized employment. While a usual Thai wage is some 300 baht/day, those from the shelter usually earn between 80-120 baht for seasonal agricultural work of various kinds. The success of

closing the shortfall often depends on the proximity of the camp to employment and the openness of the nearby community to hire them. Those from the Ban Mai Nai Soi appeared to be eking out a living as both men and women were traveling outside the camp the day of the visit. In difficult times of reduced funding, TBC has been operating a Community Managed Targeting program for food assistance to monitor and respond to individual and family food vulnerability.

Demographic and livelihood profiles, completed in 2014, of the 109,992 displaced persons in Thai temporary shelters show that collectively these people from Burma/Myanmar want to pursue all three durable solutions and need individual and group capacity building to do so successfully.¹² Since 2010, the Myanmar government began moving toward democratic reforms, released from house arrest Daw Aung San Suu Kyi (the aforementioned opposition leader and human rights icon), released certain political prisoners from jails, began a nationwide ceasefire and political negotiations with the ethnic nationality leaders, called a much anticipated election for November 8, 2015, and is currently allowing a democratically elected government to assume political power. In response, refugees, refugee advocates, and host countries have harbored a cautious optimism about resolving their decades-old, protracted Burma refugee situation. For many refugees, the continued caution comes from their direct, negative experience with the Myanmar Army, with the Army's continued fighting in Kachin and Shan States, and with the Army's continued widespread presence in the ethnic states. One Karenni



Producing food in the Thai shelters is both a means of survival, as rations have been reduced over the years, but also important for future livelihood. Photo Credit: COERR

leader at Ban Mai Noi Soi, who had been imprisoned in Burma for his political opposition to the military junta, still fears returning to his home in Kayah State because even though it is a state with fewer than 300,000 people, there are reportedly some 90,000 Myanmar Army soldiers stationed there.

During this time of cautious optimism, UNHCR requested and the Royal Thai Government authorized the Mae Fa Luang Foundation to conduct a survey to better understand the demographics and aspirations of those in the nine temporary shelters. UNHCR shared with us the survey's demographic conclusions¹³:

- *Population*—20,797 households of 109,992 individuals;
- *Registered/unregistered*—56,836/53,156; 51.6 percent/51.4 percent; and most have no documentation from Myanmar (over 90 percent in most shelters);
- *Resettlement Applicants*—22,539 from all shelters, at the time of the survey, had applied for resettlement;
- *Ethnicity*—79 percent are Karens (Kayah State), 9 percent Karenni (Kayah State), 6 percent Other (including Burman, Mon, Shan, Rakhine, Chin, Kachin, Pa-o, and Lisu);
- *Religion*—52 percent are Christian, 34 percent Buddhists, 8 percent Muslims, and 5 percent animists;
- *Gender*—overall 1:1 ratio of females to males;
- *Age*—40 percent younger than 15; 53 percent 15-54; and 7 percent 55+;
- *Education*—71 percent have low educational qualifications (31 percent no formal education, 24 percent primary only, and 16 percent not of school age); 7 percent graduated high school; 22 percent other (including 660 university graduates and 67 post-graduates);
- *Employment*—53 percent had skills related to agriculture or livestock/animal husbandry; 12 percent were general wage earners;
- *Desired training*—for agriculture or livestock/animal

husbandry, general wage jobs, business and trade, health care, and also general skills training;

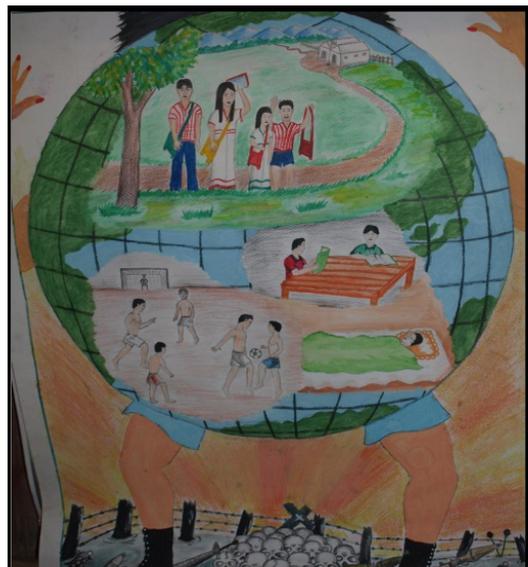
- *Time in Shelter*—64 percent less than 10 years; 30 percent between 11-20 years; and 7 percent over 20 years; with those Thai-born being 28 percent;
- *Family Origin* (state in Burma/Myanmar)—58 percent of families from Kayah State, 13 percent Kayah State, 9 percent Bago Region; 8 percent from Tanintharyi Region; 12 percent other; and
- *Family Unity* (resettlement country)—75 percent of those expressing an interest in resettlement have family members already in the desired country of resettlement, with 67 percent having family in the United States, 23 percent in Australia, and 5 percent in Canada.

Regarding their preferred durable solution at the time of the 2014 survey, of the 81,824 people who were not already signed up for resettlement, most would prefer, if possible, either remaining in Thailand, or resettling in a third country. Remaining in Thailand was particularly preferred by those who had been in the Thai shelters for over 11 years. Some people seeking resettlement pointed to past traumatic events in Burma/Myanmar that gave them serious pause at the time of the survey about returning. Also, as suggested above, 75 percent of those who prefer resettlement seek the additional benefit of unifying with already resettled family members.

For those whose first choice was voluntary repatriation, they did not want to return to Burma/Myanmar until a safe and dignified return is possible. They fear return due to lack of trust in the government or non-state actors (22 percent); lack of trust in the peace process (19 percent); landmines (12 percent); lack of identification documents (8 percent); and lack of information (8 percent). While most wanting to return hoped to go back to their state of family origin, they did not have a specific location in mind.

Regarding voluntary repatriation in the future, UNHCR described to the delegation a long-term “five pillar plan” to be used should conditions become conducive to sustainable, safe, dignified voluntary return. The five pillars include:

1. *Preparation*—A wide range of individual and



As their drawings show, children in the temporary shelters dream of playing in wide open spaces. For some, they were born in the shelters and do not know anything different. For others, there are memories to heal. Photo credit: COERR.

communal discernment is encouraged and facilitated for those in the nine Thai temporary shelters who are considering voluntary repatriation, those in receiving communities in Burma/Myanmar, and a full range of stakeholders (Myanmar government, Thai government, UNHCR, ethnic leaders and communities, civil society, international community).

2. *Assistance to spontaneous returns*—Sometimes an individual or group will decide spontaneously to return, most often to scout out conditions for more permanent return. Given the cautious optimism described above, there have been an estimated 10,000 spontaneous returns over the last four years.

3. *Facilitated return*—If greater stability arises, and refugees approach UNHCR about return, the opportunities for facilitated return of particular groups to particular places may become possible.

4. *Promoted return*—This would be the promotion of an organized voluntary return. This level of return would only be considered after bench marks are achieved to assure safe and dignified return (including a formal agreement between Myanmar, Thailand, and UNHCR).

5. *Reintegration*—This is the 6-12 month period after promoted return when work by protection and humanitarian actors would be in transition as early development stakeholders begin their work. The aim would be to assure sustainable returns for the sake of the refugees, Burma/Myanmar, and Thailand.

Fundamentally, all stakeholders with whom we met underscored how critical it is that the return is safe, dignified, and sustainable, not a premature return forced by lack of international funding or political pressure. An important part of the return includes preparing the displaced individuals and communities who are planning return so that they have the best opportunity to successfully begin their new life and contribute to the reform and rebuilding of Burma/Myanmar. Assuring the social and economic readiness of the receiving community is also crucial for success.

II-B. URBAN REFUGEES AND ASYLUM SEEKERS IN BANGKOK AND VICTIMS OF HUMAN TRAFFICKING THROUGHOUT THAILAND ALSO FACE DAUNTING PROTECTION AND HUMANITARIAN CHALLENGES.

In the last five years, the number of urban refugees and asylum seekers in Bangkok increased 389 percent to some 9,000, and they face important challenges regarding protection and durable solutions. According to UNHCR, the number seeking refuge in Thailand (besides those in the Thai temporary shelters) has gone up from almost 1,500 in 2010 to an estimated 9,000 as of January 2016. The largest increase has been seen in the Pakistani populations, which has grown from 362 Pakistanis seeking refuge in 2010 to 5,235 in February 2016. Pakistanis constitute 58.6 percent of Thai urban refugees. This increase in Thailand and also Malaysia is especially caused by the persecution of Christians

in Pakistan (See the featured asylum seeker in the next section).

Thailand is not a signatory to the Refugee Convention or Protocol and does not offer the formal durable solution of asylum and local integration, but it does allow UNHCR to interview individuals and provide documentation to persons of concern, to pursue resettlement where appropriate, and provide some emergency assistance. UNHCR notes that an average of 50 percent of urban refugees in Thailand receive resettlement. This begins with conducting refugee status determinations of adult refugees (RSDs). With limited resources, UNHCR also provides some community outreach through a local community center to help support urban refugees. Through COERR, UNHCR's partner, the center provides subsistence cash allowance for extremely vulnerable individuals, health information and referrals, education assistance (for children four days/week, for adults one day/week); social services (counseling, casework management), supplemental food for extremely vulnerable individuals, and sanitary products for women.

Unfortunately, given extreme refugee emergencies elsewhere in the world, UNHCR sometimes lacks the resources to provide timely RSDs to all those seeking refuge in Bangkok. There are reportedly waiting periods for some interviews of 3 years with decisions sometimes taking years. Meanwhile, the resettlement process can add an additional 2 years. Local NGOs expressed deep concern about long waits that urban refugees have for a durable solution. One noted that this is especially challenging given the lack of access to livelihood and the ongoing risk of arrest and detention that those seeking refuge face.

Local NGOs said that many people, including those seeking refuge, enter Thailand legally for tourism or business and then overstay. After entering, if they encounter Thai police or immigration officials—before or after they are processed by UNHCR—they are arrested as undocumented migrants and detained. People are ordinarily given a 50,000 baht bond (approximately \$1,400) to pay to be released. Between 800-1000 people are detained at any given time in Bangkok Immigration Detention Center (IDC). NGOs report that some 1500-2000 people are detained overall in Thailand.

The Bangkok IDC has a total of 14 living units. Each

living unit is an open space with a cement floor and walls, a row of windows along the top of the wall at the ceiling level. Each person has a blanket, and each unit has a communal bathroom. Once per week residents of each unit are afforded recreation in a basketball court area open to the sky. Men and women are segregated in separate units. Unaccompanied children are mixed in with adults. A Thai official said they will soon be replacing the current Bangkok IDC with a new one.

At any given time, at least 10 percent of those detained qualify for refugee status—some 100 in Bangkok and 200 nationally. In 2015, UNHCR reported somewhat higher numbers of 142 recognized refugees and 277 asylum seekers, plus several hundred Rakhine State Muslims in southern Thailand. Detained adults seeking refuge are from Afghanistan, Pakistan, the Middle East, and several African countries. Detained unaccompanied children were primarily Somalis. Many Pakistani Christians were seen taking their recreation. (A recent report detailed the vulnerability and poor conditions many of these Christians face in detention.¹⁴)

One Afghan family with six sons had fled from religious extremists after being threatened with death. One of the sons, a 20-year old man, described his and the family's ordeal. He showed long, raised scars on his back where he said he had been beaten in a previous run-in with the extremists. He reported his father was now sick. His mother was isolated in the women's unit, where she had no one to talk with, and where she waited for the monthly family visit.

Just as in the temporary shelter Thai officials provide UNHCR and the international community access to forcibly displaced people in detention. With this access, UNHCR does some RSDs of adult refugees and unaccompanied children. Through partners that work in detention, it provides cash assistance for recognized refugees and on certain occasions also hygiene kits. The NGO community has a bond program through which they raise local money to try to bond out those seeking refuge. UNHCR and the NGO community have been urging Thai authorities to institute community-based alternatives to detention that would allow for release to the community. Those released from custody generally remain in Bangkok since they have to report to authorities twice per month.

Thailand is a destination country for some and



Bishop Elizondo and the delegation discussed the Catholic Church's humanitarian role in the region with Archbishop Paul Tschang In-Nam, the Apostolic Nuncio to Thailand and Cambodia and Apostolic Delegate to Myanmar and Laos. Photo Credit: Delegation

a major transit country for many smuggled and trafficked refugees, especially Rakhine State Muslims from Burma/Myanmar.¹⁵ UNHCR estimates that since 2012 some 170,000 Rakhine State Muslims and Bangladeshis from Burma/Myanmar and Bangladesh—including 33,600 in 2015—have risked dangerous maritime journeys with smugglers out of the Bay of Bengal. UNHCR underscored the life-threatening risks during the journeys, estimating there were 370 deaths during the first six months of 2015, mostly caused by lack of food and water and by physical abuse on the boats.¹⁶ Ordinarily, the ultimate destination for most of the Rakhine State Muslims is Malaysia where there are more jobs available and also where Islam, the religion of most Rakhine State Muslims, is the majority religion. The delegation spoke with recent arrivals of Rakhine State Muslims in Malaysia. (See Section III below).

As part of an international roundtable to respond to

the highly publicized maritime arrivals related to the Rohingya challenge in the spring of 2015, affected countries urged “areas of origin” to address the root causes of the maritime movements. At the time of the roundtable, U.S. Assistant Secretary of State Anne Richard, offered U.S. resettlement of Rakhine State Muslims out of Thailand and Malaysia as the U.S. contribution to finding durable solutions for them. Most stakeholders strongly believe that unless the root causes for their flight is addressed, many more Rakhine State Muslims are likely to seek refuge during prime weather in 2016 and beyond with the help of maritime smugglers.

Human smuggling situations often turn into human trafficking situations. As a heinous action against Rakhine State Muslims and Bangladeshis fleeing from Burma/Myanmar and Bangladesh, human traffickers established camps in southern Thailand and northern Malaysia where they detained those fleeing while

extorting their family members for more money. With the discovery of mass graves, to its credit, the Thai authorities prosecuted several government officials, including a general, in connection with the camps. Since July 2015, Thai officials have reportedly also recognized some 50 percent of the Rakhine State Muslim persons of concern as victims of human trafficking. Thai authorities have used, in some occasions, human trafficking experts to identify and provide protection services for them.

Thailand is a destination country for many trafficked migrant workers.

The delegation learned of extensive human trafficking in the Thai fishing industry, in which migrants are abused on shrimp boats in inhumane conditions. The maritime industry has in effect relied on slave labor to gain profits, with fully 80 percent of fishing workers without legal status. Workers have been starved and held on ships for days and months, with little or no pay. Some have been dumped at sea. The delegation learned that following the issuance of the U.S. Trafficking in Persons (TIP) Report, the Thai government agreed to require that fishing boats register when they go out and come back to port, giving authorities some control over the vessels. Many of the victims are refugees or migrants from Burma/Myanmar, but also include Cambodians, Vietnamese, Chinese, and other nationalities. They are recruited with promises of high wages and good working conditions. The sex industry in Thailand continues to thrive, with women from Southeast Asia being forced into prostitution because of the absence of jobs. Children continue to be victims of this industry, as well.

The Thai government, as noted above, is increasing its efforts against the human trafficking industry. Nonetheless, human trafficking continues to thrive in Thailand. Most stakeholders with whom we spoke believed that the Thai government must show more results before being considered in good standing.

II-C. RECOMMENDATIONS REGARDING THAILAND

To Thailand:

- Accede to the Refugee Convention and Protocol and the Statelessness Conventions.
- Facilitate with UNHCR, the United States, and the international community for those seeking refuge in Thailand to pursue durable solutions to their humanitarian situations while meeting their protection and humanitarian needs by:

“UNHCR’s “thin blue line of protection” is a challenge to maintain in a region where the countries are not signatories to the Refugee Convention and in a time when refugees’ needs greatly exceed available funding.”

- UNHCR Representative in Malaysia

- Maintaining the generous practice of providing temporary shelters and ongoing protection and humanitarian care along the Thai-Burma border for the estimated 106,000 displaced people from Burma/Myanmar who continue to seek refuge

in those shelters until sustainable, safe, dignified voluntary repatriation to Burma/Myanmar or another durable solution is possible;

- Facilitating in the temporary shelters improvements in health, education, and skill building for individuals and increased community capacity building for communities that will best contribute to their successful pursuit of durable solutions;

- Expanding your generous practice of providing community centers in Thailand that help to facilitate the self-sufficiency and resilience of those displaced people who are seeking refuge in your country;

- Halting the detention of children, instituting a community-based alternative to detention program for adult asylum seekers and others who are not a flight risk or danger to the community, and working with local NGOs that help children and released adults find housing, legal assistance, and other critical services;

- Establishing temporary protection status with a right to work for refugees, asylum seekers, and persons of concern, pending achievement of longer-term durable solutions;

- Continuing the facilitation of the durable solution of resettlement to achieve family unity or to protect

those for whom integration or return would not be sustainable, safe, or dignified;

- Establishing local integration in Thailand for certain individuals in the Thai temporary shelters for whom it would be the most viable durable solution, thus enabling them to remain in Thailand with comparable rights and obligations as Thai citizens; and

- Working with UNHCR and the international community to provide best interest assessments and best interest determinations for unaccompanied children in the temporary shelters, in immigration detention, and those identified in urban settings, and supporting them as they pursue durable solutions found to be in their best interest (not only for children seeking resettlement but also integration or voluntary repatriation, as well).

- Adopt the following practices to protect victims of human trafficking and strengthen enforcement against human trafficking by:

- Using international trafficking definitions and standards for identifying human trafficking victims;

- Using human trafficking experts and not law enforcement officials to identify and provide protection services to possible trafficking victims;

- Increasing communication and coordination between government agencies working on human trafficking issues;

- Continuing to prosecute human traffickers and Thai officials who are complicit with human traffickers;

- Increasing the number of private learning centers (schools for displaced children), including in Thai government schools, to improve educational opportunities and protect against child labor and trafficking.

- Work with the United States, UNHCR, Thai civil society, and the international community to pursue the above recommendations.

To UNHCR:

- Continue pursuing and laying the groundwork for all three durable solutions for displaced people in the temporary border shelters and in living situations outside the shelters; include the continued and strategic use of resettlement (for the populations described under the second recommendation below “To the United States”); and increase the capacity to conduct timely refugee status determinations to keep up with the growing displaced urban populations.

To the United States:

- Provide generous funding, diplomatic resources, and international protection expertise to facilitate work on the above efforts with the Thai government, Thai-based NGOs, the Myanmar government, UNHCR, the international community and NGOs, refugees, and potential receiving communities in Burma/Myanmar.

- Work with Thailand and UNHCR to continue pursuing all three durable solutions for displaced people in Thailand; resettling the most vulnerable, those seeking family unity, and those for whom integration or return would not be sustainable, safe, and dignified, including some from Burma/Myanmar who are in protracted situations and also some fleeing recent persecution such as Rakhine State Muslims and Kachins, Montagnard Christians, Pakistani religious minorities, and others fleeing from Asia, the Middle East, and Africa;

- Provide resources to UNHCR for urban refugees in Thailand to reduce the overall time it takes between when someone comes forward seeking protection, when refugee status is granted, and when resettlement occurs, including to assure that expeditious registration and P-1 processing and referrals occur for the Montagnard Christians from Vietnam and Christians and other religious minorities from Pakistan.

To the Worldwide Catholic Church:

- Provide generous funding and resources through the Catholic Church and her NGOs to contribute to the above efforts, particularly to strengthen the role of the Thai Catholic Church, Catholic NGOs and INGOs, and NGO collaborators in Thai civil society in their efforts to facilitate durable solutions and help to resolve

the protracted humanitarian crisis of refugees from Burma/Myanmar, to protect others seeking refuge in Thailand, and to combat human trafficking and protect trafficking victims.

III. MALAYSIA

Malaysia has 30 million people living in an area a little larger than New Mexico. It is a Muslim-majority nation. While not a party to the Refugee Convention or Protocol or the Statelessness Conventions, it has a long-time tradition of refugee protection. It has a thriving economy and relies on 6 million migrant workers—two million documented and 4 million undocumented—to keep its economy going. There are an estimated 153,000 people seeking refuge in Malaysia.

III-A. HAVING FLED PAST OR PRESENT PERSECUTION, MALAYSIA'S URBAN REFUGEES, INCLUDING AT LEAST 143,000 FROM BURMA/ MYANMAR AND 10,000 OTHER REFUGEES FROM THE MIDDLE EAST, SOUTH ASIA OR AFRICA, FACE UNCERTAIN PROSPECTS FOR DURABLE SOLUTIONS AND SERIOUS HUMANITARIAN AND PROTECTION CHALLENGES.

Virtually all of the refugees from Burma/Myanmar seeking refuge in Malaysia come from the seven ethnic states, and include, among others, Chins, Kachins, Mons, Shans, Karennis, Karens, Rakhines, and Rakhine State Muslims. These groups have fled various forms of ethnic, religious, and political persecution during the more than five decades of Burma's/Myanmar's military regime. Some groups continue to flee active conflict or hostilities, such as the Kachins, Shans, and Rakhine State Muslims. The Chins and Rakhine State Muslims are the largest of these groups in Malaysia. UNHCR estimates that some 49,000 Chins currently reside in Malaysia. Most Chins fled from Burma/Myanmar during a period prior to the recent democratic openings when over 90 percent of the households surveyed across Chin State, were reportedly experiencing crimes against humanity, mostly at the hands of the Myanmar Army.¹⁷ The human rights abuses have greatly decreased during this period of reform, but according to Chin leaders, they have continued concern that there are at least 46 Myanmar Army installations across the small state, which has only 1/3 the land area of Tennessee and an estimated population of 500,000 people. Others also noted that Chin State is the poorest state in the country. They were concerned about whether return would be



Many Rakhine State Muslims and Bengalis resort to smugglers to transport them from the Bay of Bengal through the Andaman Sea. Some fall prey to trafficking as well. Photo Credit: Thapanee Ietsrichai (provided by JRS)

sustainable, that is, whether they would have long-term livelihood opportunities and the possibility of a dignified life for them and their families. Floods in Chin State have further exacerbated conditions there, forcibly displacing some 35,000 Chins.¹⁸

Many Rakhine State Muslims, who are already stateless and fleeing persecution, are at further risk as victims of human smuggling and trafficking.

In Malaysia, Rakhine State Muslims are estimated to number as high as 75,000, including some 53,000 registered by UNHCR. Increasing numbers have been fleeing recent persecution and communal violence in their home region of Rakhine State in western Burma/Myanmar. Unfortunately, in order to flee, many resort to human smugglers who take them on often life-threatening land and sea journeys. Many refugees, such as Rakhine State Muslims, are pulled into Malaysia's vortex of human smuggling and trafficking that begins with their travel out of Rakhine State and Bangladesh, through Thailand, as described in section II above.

Young Rakhine State Muslims who arrived in Malaysia in recent years, most in their twenties, described journeys of five to seventeen days after fleeing their homes in Rakhine State, sometimes leaving from Rakhine State and sometimes from Bangladesh. Some walked through Thai jungles at night to reach Malaysia, others packed into the hulls of small fishing boats destined for Malaysia, lacking sufficient food and water. One described enduring claustrophobic sea journeys in the crowded hulls of fishing boats with fellow passengers dying of hunger and being thrown overboard. The delegation met with a Malaysian journalist who had reported about jungle camps with nearby mass graves in southern Thailand and northern Malaysia where human traffickers held Rakhine State Muslims and Bangladeshis as they extorted more money from their families. (See more about human trafficking in section IV.)

In multiple conversations with ethnic leaders from all these groups from Burma/Myanmar, they discussed their prospects for a durable solution to their refugee situation in Malaysia and their ongoing protection and humanitarian challenges in the meantime. Some of their members continue to be under consideration for resettlement to the United States, Australia, Canada, and other countries. Others are not currently registered, since the last large registration occurred in 2007, but

these individuals still want to pursue resettlement both because they fear return and also because many have resettled family members whom they want to join. Some of the Rakhine State Muslims are pursuing resettlement, although others feel welcomed to remain in Muslim Malaysia and are not sure how hospitable a welcome they will receive if they pursue resettlement in the United States.

At the time of the delegation's visit, almost all of the members of these ethnic communities continued to fear returning to Burma/Myanmar. They do not trust the military--some based on current experience, others based on past experience. While many are hopeful about the recent national democratic elections, some recalled a similar election in 1988 with Daw Aung San Suu Kyi's party winning. After that election, the military did not allow democracy to take hold. Also, while many are hopeful that the negotiation between the new government and ethnic national groups is a good mechanism for beginning to address ethnic political issues described in section I, many are waiting to see whether the military will allow the new government to implement solutions that will address the root causes of forced migration.

Meanwhile, many of their community members secure jobs working long hours in Malaysia's teeming economy doing so-called "3-D" work—"dangerous, demeaning, and demanding." This includes construction, manufacturing, plantation and agricultural work, or service work such as in restaurants and hotels. Many lack adequate shelter, often sharing crowded, poorly lit flats with limited access to water. Many cannot afford health care. Among the biggest challenge for refugees is the risk of arrest and detention. Police, reportedly, often wait at night outside of employers known to have refugee workers and arrest workers as they leave. In the best case, they demand bribes from them, so-called "coffee money," and in the worst case they detain them. Detention often persists for months at a time. Chins said that seven from their community died in detention during the previous year and that some 700 Chins were detained at the time of our visit. Approximately 2,500 Rakhine State Muslims were detained as of December 31, 2015, according to UNHCR. Despite numerous requests, the delegation was not allowed to visit Malaysian detention centers.

With Malaysia not being a signatory to the Refugee

Convention or Protocol, UNHCR plays an important role in facilitating protection and durable solutions for refugees in Malaysia. UNHCR has helped secure the release of over 6,000 persons of concern from detention in 2015, and referred some 9,000 refugees for resettlement. One UNHCR official described the UNHCR role as providing a “thin blue line of protection” for refugees, referring to UNHCR’s signature light blue color in its logo and publications. Refugees noted that a UNHCR card usually prevented them from being arrested and detained, enabled them a 50 percent reduction in medical bills, and helped secure employment, a bank account and decent rental quarters.

With increased demands on refugee protection resources, UNHCR has recently conducted an assessment of how to prioritize its protection resources focusing more resources on groups that are fleeing active persecution. UNHCR is encouraging the Malaysian government to pass legislation that would provide regularization as documented migrant workers for some of those from Burma/Myanmar who are not from active conflict areas. Besides its protection and advocacy work, UNHCR provides emergency assistance for a small group of extremely vulnerable refugees. Refugees and NGOs raised deep concern that UNHCR needs more resources, particularly to protect refugees from arrest, extortion, and detention. Protection is needed both for those fleeing areas of active persecution and also those for whom voluntary repatriation would not be sustainable, safe, or dignified.

Malaysia’s 10,000 other urban refugees and asylum seekers from Afghanistan, Somalia, Democratic Republic of Congo, Syria, Iraq, Iran, Sri Lanka, Pakistan, and other countries face similar protection and humanitarian challenges. After fleeing from religious extremism in Syria, Iraq, and Iran, many well-educated individuals have enough resources to fly to Malaysia to seek refuge,



The delegation met with the Coalition of Burmese Ethnic Malaysia (COBEM) that serves the needs of many ethnic nationals in Malaysia and is a voice for advocating with UNHCR and the government. Photo Credit: Delegation

but their resources soon run out. Some of the men are homeless and move from mosque to mosque for shelter. Those with jobs are often under-employed such as the former Chief Financial Officer who now works as a convenience store clerk and the person with a master’s degree who now teaches part-time. Medical care is often out of reach, such as for the Afghan woman who was 8 months pregnant and had not seen a doctor, or the pregnant Afghan woman who gave birth in a taxi because she was afraid of going to a hospital. One NGO was helping a group of 12 unaccompanied Afghan youth, who had banded together to form a child-headed household. Thus far, Syrians, Iraqis, Iranians and Afghans have not built up ethnic mutual support groups in Malaysia to help address these challenges as those from Burma/Myanmar have done. With their racial difference from Malaysians, Somalis and Congolese reported having even more difficult times integrating.

Like those from Burma/Myanmar, refugees of these other nationalities face extortion from the police and many end up in protracted detention. One Afghan woman mentioned three families she knew whose husbands were detained for protracted periods. Several individuals from these countries who applied for asylum with UNHCR said that their interviews are not scheduled until 2017. Also, as in Thailand, Pakistani Christians and other Pakistani religions minorities seek refuge (see feature at the end of this section).

Gender-based and domestic violence are particular protection challenges for those seeking refuge in Malaysia. One Gender-Based Violence (GBV) project has been showcased by UNHCR and the international community as a best practice for carrying out community-based protection. It is operated by the International Catholic Migration Commission (ICMC) in Penang and Kuala Lumpur, Malaysia. ICMC’s GBV project, through its Refugee Women’s Protection Corps (RWPC)—comprised of females and males from different refugee groups—provides training to refugee communities on GBV, domestic violence, child marriage, and the health implications. They discuss with at-risk individuals the risks of child marriage turning into debt bondage situations (see section III-B below). The RWPC run a hotline to respond to disclosures of GBV in the refugee community and responds with case management, material goods (such as diapers) as needed, referrals to shelter, and recommendations that UNHCR expedite the highest risk cases.

ICMC also partners with the Good Shepherd Sisters who operate two shelters to meet protection needs of people fleeing from gender-based violence or other risks. The sisters provide a welcoming environment which provides for the safety, refuge, psychosocial support, education, and basic needs of refugee adults and children in need of protection. One shelter has the capacity for 15-20 children, and has been identified as a best practice because it provides a therapeutic environment which allows time for children to disclose their experiences, at which point, children are interviewed by UNHCR and a durable solution is identified. We were told that government shelters for victims of trafficking lack a therapeutic approach and therefore youth in those shelters have a much lower disclosure rate.

III-B. MALAYSIA IS A DESTINATION COUNTRY FOR HUMAN TRAFFICKING OF REFUGEES AND MIGRANT WORKERS, ESPECIALLY FROM BURMA/MYANMAR AND INDONESIA, AND CERTAIN MALAYSIAN ATTITUDES, POLICIES, AND PRACTICES FACILITATE SUCH TRAFFICKING.¹⁹

Due to its growing economy, high demand for unskilled labor, and geographic position en route to Australia, Malaysia attracts migrants and refugees from inside and outside the region; however, they lack systemic protections. Without access to legal

status or protection for asylum-seekers and refugees and for certain other foreign-born workers, these populations are particularly vulnerable to exploitation and human trafficking. The delegation learned from NGOs working with survivors of trafficking about loopholes in government labor policies that make it easy for employers to engage in exploitative employment practices. These include allowing government-issued permits for foreign workers without an employment contract, and not requiring employers to pay medical expenses for employees injured on the job. Other negative dynamics include the large supply of refugees and migrant workers that fall outside the scope of populations protected by the Malaysian government; Malaysia has some two million documented foreign-born workers and some four million undocumented ones in a country of 30 million. Also contributing to a culture of exploitation are the high demand for so-called “3-D” jobs, employment policies that benefit employers without providing protection to employees, and a social context of corruption as a way of doing business.

Human trafficking in Malaysia takes many forms, but is most prominent for women in the domestic labor area. Malaysia’s employment act recognizes “domestic servants,” contributing to a culture that normalizes and fosters domestic servitude. Women from Asian nations, but primarily Indonesia, the Philippines, and Cambodia, are recruited by labor brokers in their countries of origin. Lured by the promise of fair wages, overtime, medical coverage, and time off, they sign contracts outlining such terms. Once they arrive in Malaysia, the employment agency replaces their signed contract with a “shadow contract” outlining very different terms, in English, which the women sign, most often, without full awareness of what it is they are signing. Terms often include deduction of fees from the wages of the employee—including fees that the employer paid the government to employ foreign workers. Their passports and other identification documents are taken. They are placed in domestic servitude situations—private homes or businesses—where they are held in debt bondage, and work for 18-20 hours a day, for months or even years. Some are sexually and/or physically abused during their captivity.

Despite the presence of Malaysia’s anti-trafficking law, the delegation learned that the government offers little or no protection or rescue to victims in these situations.

This is reportedly due to corruption, the fact that many of these practices are legal under Malaysia’s labor law, and the absence of political will and accountability. For example, NGOs shared that the government refers cases of domestic workers who escaped situations of trafficking as “runaway maids” underscoring cultural beliefs and attitudes toward domestic work that are prevalent in Malaysia. NGOs report that access to justice for victims is challenging—one Victim Advocate reported that government officials bribe victims to withdraw their cases, and another reported that recouping unpaid wages and identification documents through the labor law is very difficult. Many of the unfair deductions that go to employers are deemed legal, and to challenge them requires a legal fight that can take as long as a year.

The delegation met several female victims of domestic servitude, who spoke of being kept in debt bondage, often not receiving wages for months. The women reported that their passports and other identification documents were taken from them, that they were socially isolated, and that their movements were restricted outside of those required to perform their duties. Each of the women we met escaped their employer—demonstrating incredible bravery and fortitude and requiring elaborate planning and faith. They spoke of their friends who were still in human trafficking situations who were not so lucky. One woman we met ran away from her boss because he raped her twice, while another had been locked in a room for several hours at a time. All had been denied the wages they were promised by the broker agency before being placed in a home. One was able to recoup some of her wages and return to Cambodia, with the help of her government.

Sex trafficking is flourishing in Malaysia; the delegation learned of children as young as 10 being forced into the sex trade. Migrant women are subject to threefold exploitation: forced into prostitution by criminal organizations, earning the traffickers more when they become pregnant (due to high demand for sex with pregnant women), and their newborn babies are reportedly being sold into the black market once they give birth. The delegation also heard reports of pregnant women in detention centers having their newborn babies taken from them to be sold on the black market.

Although we were unable to visit a palm plantation,

we heard reports of the exploitation and trafficking of foreign workers, primarily Burmese and Bangladeshi in the fields, with little pay or worker’s rights.

Our delegation also learned more details in Malaysia about the grisly discovery of bodies in “human trafficking camps” in northern Malaysia and southern Thailand, where scores of victims were found in mass graves in May 2015.²⁰ In May 2015, Malaysian authorities found some 139 graves with multiple bodies in each grave, and, in August 2015, after we left the country, they found an additional mass grave with 24 bodies. They discovered as many as 28 jungle prison camps used to imprison an estimated 300 refugees and migrants from Burma/Myanmar and Bangladesh, primarily, as their families were extorted. Reportedly, governmental authorities were aware of the presence of the camps in their countries. Malaysian authorities arrested twelve police officers, including two who allegedly had a direct connection to the camp near the town of Wang Kelian in northern Malaysia.

While Malaysia has increased arrests for human trafficking, the conviction rate remains low due to the ability of traffickers to bribe or threaten officials. Other reforms must be taken as well, as listed in the recommendation section below. It was clear from our findings that the Malaysian government must make a more concerted effort to address human trafficking in its country in order to be considered a nation making progress against this scourge. Malaysia was upgraded to Tier II Status in the 2015 Trafficking in Persons (TIP) Report, a matter that raised concern especially among anti-trafficking NGOs in Malaysia. Nonetheless, without improvements in enforcing provisions of its domestic law against human trafficking, and in strengthening legal rights for foreign-born domestic workers, Malaysia risks once again falling back into the bottom rung of the world community in the protection of victims of human trafficking.

III-C. CHILD REFUGEES ARE PARTICULARLY VULNERABLE BECAUSE MALAYSIA’S SCHOOL SYSTEM AND CHILD PROTECTION INFRASTRUCTURE DOES NOT EXTEND TO NON-CITIZEN CHILDREN; THUS, THE RESPONSIBILITY OF IDENTIFICATION, PROTECTION, AND SAFETY OF THESE CHILDREN FALLS TO AN UNDERFUNDED UNHCR.

Many refugee children lack access to public education and the protection it provides. In protracted refugee situations around the world, the lack of education for refugee children is recognized as a fundamental protection issue. School provides daily protection for children and equips them to be resilient adults. Children in school are generally in safe places, with trustworthy adults, socializing with their peers, being oriented to the host country language and culture, exploring arts and sciences, and developing analytical, communication, and empathetic skills that will help them be resilient, productive adults. Malaysia does not allow non-Malaysians to attend its public schools. While UNHCR works with implementing partners, NGOs, faith-based groups, and refugee communities to provide some 127 learning centers in Malaysia to help address children’s educational needs, these reach only 48 percent of refugee children in Malaysia.

Rohingya State Muslim girls risk serious protection issues as do some boys. UNHCR rescued some 39 child brides in Malaysia in 2014, with the youngest being eight years old. Rakhine State Muslim girls are at particularly high risk of becoming child brides. Early child marriage is a frequent practice of this group. Well-meaning parents often arrange marriages of their child daughters, living in Rakhine State, to Rakhine State Muslim men in Malaysia as a perceived protection strategy to get them safely out of Burma/Myanmar. We also heard of girls migrating out of Burma/Myanmar who were captured by smugglers and sold into marriage. The delegation heard reports of Rohingya children ending up in debt bondage situations once married. Some are forced to beg on the streets and turn over their earnings to the family of their spouse. Others are coerced into doing domestic work. They are also often physically and sexually abused by their spouses’ families. Since they are stateless in Malaysia, these children fall outside of the scope of Malaysia’s child protection laws. The UNHCR in Malaysia offers child protection to some Rakhine State Muslims facing these and other protection issues.

Due to the lack of safe shelters, NGOs shared with us an ethical dilemma they sometimes encounter. If they release girls, teenagers, and young women who have been married or sexually assaulted to the Rohingya community, these released individuals often will be shunned and ostracized. Thus, seeking the lesser harm,

Religious Minorities in Southeast Asia Seeking Durable Solutions*

“Aasim,” born into a Pakistani Christian family, recently fled with his wife and children to Malaysia after a decade of hostility and persecution on account of his Christian faith. He was brutally beaten twice, his delivery truck filled with Christian printed materials was hijacked, his printing business was burned, his life was repeatedly threatened, and he moved his family with frequency to try to stay ahead of his religious extremist persecutors while unable to get police protection. Pakistan’s broad, vague blasphemy laws have contributed to a climate of impunity for extremists wanting to discriminate or persecute Christians and other religious minorities. The delegation met “Aasim” and other Pakistani Christians seeking refuge in both Thailand and Malaysia.

Just after the delegation returned, JRS reported that a group of Montagnard Christians faced deportation from Thailand back to Vietnam despite strong claims of religious persecution. JRS advocacy helped protect this group from deportation; other Montagnard Christians need protection.

* Regarding Pakistani Christians and other religious minorities, see also Human Rights Watch, World Report 2015: Pakistan, <https://www.hrw.org/world-report/2015/country-chapters/pakistan> (accessed May 2, 2016). Regarding Montagnard’s see Human Rights Watch, Persecuting Evil Way Religion: Abuses Against the Montagnards of Vietnam, June 2015, <https://www.hrw.org/report/2015/06/26/persecuting-evil-way-religion/abuses-against-montagnards-vietnam> (accessed May 2, 2016).

the NGOs have been put in positions where they become marriage brokers themselves—identifying Rakhine State Muslim men in the community who are willing to marry these girls with hopes they will be protected in the community.

Boys from Burma/Myanmar fled and continue to face protection risks. We came to know one boy who had been abducted along his migration journey who was malnourished to the point that he could no longer walk. He looks like a child with cerebral palsy. We also learned that in Shan State, Burma/Myanmar, children are recruited into the Myanmar Army as young as age six. The Shan community in Malaysia reported to us about two unaccompanied

boys that were recruited to be child soldiers in Shan State, escaped, and fled to Malaysia. One now has registered with UNHCR as a refugee and the other has his asylum-seeker card.

Due to UNHCR's lack of resources in Malaysia, their child protection response is inadequate to respond to the child protection needs and pursuit of durable solutions. Refugee children's lack of access to government education, child protection, and other government services creates serious protection issues. With increased resources and partnerships with international NGOs, UNHCR could increase their capacity to fill the void by providing more education and child protection, especially in cases such as those above. In the case of unaccompanied refugee children there might also be the expanded use of best interest assessments (BIA) for children with immediate protection needs, and best interest determinations (BID) for determining which durable solution the unaccompanied child should pursue. At-risk children also need more mental health services. Meanwhile, the lack of protection for children leaves them vulnerable to basic protection problems such as physical harm, health problems, exploitation, detention, and human trafficking.

Representatives from Tenaganita, a Malaysian nonprofit organization that works to identify, protect, and advocate for victims of human trafficking, noted how vulnerable children are to human trafficking, stating that out of 624 Malaysian trafficking cases last year (2,007 individuals), 10 percent were children.

III-D. RECOMMENDATIONS REGARDING MALAYSIA

To Malaysia:

- Accede to the Refugee Convention and Protocol and the Statelessness Conventions;
- Enable those seeking refuge in Malaysia to pursue durable solutions to their refugee situation while meeting their protection and humanitarian needs by:
 - Continuing to generously allow an estimated 143,000 people seeking refuge from Burma/Myanmar and some 10,000 others from elsewhere, and others seeking refuge now and in the future to

have refuge in Malaysia;

- Stopping police extortion and other abuses against those seeking refuge;
- Instituting a community-based alternative to detention program for refugees and asylum seekers, for those for whom return to Burma/Myanmar would not be voluntary, sustainable, safe, or dignified, and also other detainees who are not a flight risk or danger to the community;
- Providing temporary protection, including through access to public education, health care, child protection, and work authorization as people seeking refuge pursue more durable solutions;
- Continuing to facilitate with UNHCR resettlement for the most vulnerable, those seeking family unity, and those for whom integration would not be sustainable, safe, and dignified.
- Establishing a durable solution of local integration in Malaysia for certain individuals seeking refuge enabling them to remain in Malaysia with comparable rights and obligations comparable to citizens.

• Enable unaccompanied children seeking refuge in Malaysia to meet their refugee and child protection needs and humanitarian needs by:

- Permitting children seeking refuge in Malaysia to fully access your public education and child protection systems;
- Increasing partnerships between UNHCR and international NGOs to increase the capacity for identification of at-risk children, for protection (such as ICMC's GBV project), and for conducting BIAs and BIDs to facilitate immediate child protection needs and durable solutions;
- Increasing partnership with UNHCR, the United States and other resettlement countries to increase the durable solution of resettlement for unaccompanied refugee minors;
- Establishing additional shelters and safe spaces for unaccompanied refugee minors and minors who are victims of human trafficking; and

- Training government shelter staff on therapeutic approaches, trauma-informed, child-appropriate care and screening of trafficking victims.

• Fortify protection of human trafficking victims and enforcement against human traffickers by:

- Improving the identification and protection of victims of human trafficking, to include collaboration with NGOs steeped in victim-centered and trauma-informed approaches to combatting trafficking;

- Allowing victims to be housed in shelters run by such NGOs as an alternative to governmental shelters;

- Improving conditions in detention centers where victims are often held;

- Improving regulation of how foreign-born laborers are brought into the country by including stronger worker protections;

- Rooting out the corruption that allows human trafficking syndicates to thrive with impunity; and

- Making the following legal reforms:

- Create a standardized, fair contract for domestic workers,
- Change the Labor Act to refer to domestic servants as domestic workers,
- Create laws to protect domestic workers, and
- Require interpreters and translation in negotiations with foreign workers.

• Collaborate with the UNHCR, the U.S. government, the international community, and Malaysian civil society to achieve these recommendations.

To UNHCR:

• Continue to advocate with the Malaysian government for access for those seeking refuge to temporary protection, including access to public education, health care, child protection, and work authorization while they are pursuing more durable solutions.

• Continue to advocate with the Malaysian government

for protection from arrest, extortion, and detention of those seeking refuge in Malaysia, and expand your capacity to expeditiously intervene to secure release from detention.

• Continue being a catalyst for refugee groups to organize themselves and build their capacity for mutual support, including the Coalition of Burmese Ethnic Malaysia (COBEM) and also the growing numbers of Rakhine State Muslims, Africans, South Asians, and Middle Easterners seeking refuge.

• Continue pursuing and laying the groundwork for all three durable solutions for those seeking refuge in Malaysia, including resettlement for the most vulnerable refugees, for those seeking family unity, and for those for whom integration or return would not be sustainable, safe, or dignified.

• Include in your protection, humanitarian, and durable solution efforts (including resettlement) those from Burma/Myanmar who are in a protracted refugee situation—both those who are fleeing active, continual persecution such as Rakhine State Muslims, and also those for whom return is not yet deemed sustainable, safe, or dignified; include the growing number of people seeking refuge from Africa, South Asia, and the Middle East.

• Increase partnership with the United States and other resettlement countries to expand access to the durable solution of resettlement for unaccompanied refugee minors.

To the United States:

• Provide generous funding and international protection expertise on the above efforts that involve the Malay government, local NGOs, INGOs, UNHCR, and the international community

- Including more resources for UNHCR and NGOs to protect from arrest, extortion, detention, and removal asylum seekers, refugees, and others for whom return to their countries would violate international law, or for whom the return would not be voluntary, sustainable, safe, and dignified (such as those from Burma/ Myanmar who are in a protracted refugee situation);

- Including more resources for UNHCR to fill the void created by lack of access to government education, health, and child protection;

- Including more U.S. investment in NGO-run, child and victim-friendly shelters for adult and child refugee survivors of trafficking, who need a safe space while undergoing refugee processing by UNHCR.

- Work with Malaysia and UNHCR to continue pursuing all three durable solutions for those seeking refuge those seeking refuge in Malaysia; increasing capacity to do timely refugee status determinations, resettling the most vulnerable, those seeking family unity, and those for whom integration or return would not be sustainable, safe, and dignified, including some from Burma/Myanmar who are in protracted urban refugee situations and also some fleeing recent persecution such as Rakhine State Muslims and Kachins, Pakistani religious minorities, and others fleeing from Asia, the Middle East, and Africa.

To the Worldwide Catholic Church:

- Provide generous funding and resources through the Catholic Church and her NGOs to contribute to the above efforts, particularly to strengthen the role of the Malaysian Catholic Church, Catholic NGOs and INGOs, and NGO collaborators in Malaysian civil society as they all work in collaboration with the international community and local civil society to serve refugees, unaccompanied children, and victims of trafficking.

IV. INDONESIA

Indonesia is the fourth most populous nation in the world with some 253 million people living in a three thousand mile long archipelago that has three times the land mass of Texas. It is also the most populous Muslim-majority nation in the world. While not a party to the Refugee Convention or Protocol or the Statelessness Conventions, it has a long tradition of refugee protection. An estimated 13,110 people are seeking refuge in Indonesia right now, including some 1,200 to 1,300 unaccompanied children.

IV-A. THE 13,110 REFUGEES, ASYLUM SEEKERS AND PERSONS OF CONCERN IN INDONESIA LACK PROTECTION, RIGHTS AND DURABLE SOLUTIONS.

Many of Indonesia's 13,110 refugees and asylum seekers struggle to secure basic human necessities and seek more timely durable solutions. Some 6,175 are from Afghanistan, 1,561 from Burma/Myanmar, 1,058 from Somalia, and the remainder from Sri Lanka, Iran, Palestine, Pakistan, Iraq, and elsewhere. Many of the Afghans in Indonesia had fled the Taliban and many are seeking refuge a second time, having received refuge previously in Syria prior to the conflict there. The delegation visited refugees in their homes, in shelters, and in school settings in Jakarta, Cisarua Bogor, and Yogyakarta. Many were languishing in difficult, indefinite, and sometimes desperate situations.

Since Indonesia is not a party to the Refugee



Middle Eastern women seeking refuge near Jakarta, Indonesia, are working together on creating crafts and learning English. Photo Credit: JRS

Convention or Protocol, it provides no access to asylum and local integration. Since most of the refugees in Indonesia are from countries with active conflicts, voluntary repatriation is only a durable solution for a few—some 257 in 2014. And since resettlement is only a vehicle for the most vulnerable, only some 1,500 or so individuals per year are referred for resettlement. Consequently, people are in protracted refugee situations. One 22-year-old Afghan refugee shared a saying that captures the frustration of many, “People say another name for dying is waiting.”

Further exacerbating this situation, many seeking refuge in Indonesia do not work because they do not have permission and fear the consequences of getting caught working without authorization. Also in Indonesia there is a lack of jobs. Many Indonesians are doing the so-called “3D” jobs, mentioned above, that are left for refugees and migrant workers in other countries. The only jobs most refugees can find are within the “refugee economy” such as baking bread for their neighbors or teaching their children for bartered food or services. With the lack of livelihood opportunities, many live on one meal a day. Many struggle to manage health concerns such as pregnancy, flu, headaches, epilepsy, TB, diseases related to unsanitary conditions such as poor digestion, diarrhea, scabies, and hepatitis and mental health issues such as depression. UNHCR reported to us that some 3,000 asylum seekers in Indonesia actually turn themselves over to authorities to be detained because they cannot survive. With these dire refugee needs, UNHCR needs more robust funding than its \$4 million dollar budget in Indonesia.

Education centers such as one the delegation visited run by JRS provided vital learning opportunities but also safe places for refugees to support one another. JRS also provides legal support services, home visits, financial assistance, medical and health services, and English and craft classes in Indonesia.

IV-B. INDONESIA IS AN EMIGRANT NATION WITH A LABOR EXPORT ECONOMY, FROM WHICH PEOPLE MIGRATE, RATHER THAN AN IMMIGRANT NATION; UNFORTUNATELY, BETWEEN 43-50 PERCENT OF THOSE MIGRATING ARE EXPLOITED BY HUMAN SMUGGLERS AND TRAFFICKERS.



These types of ads illustrate the low wages and long hours for Indonesian, Filipino, and other domestic migrant workers. Photo Credit: Catholic Archdiocese of Kuala Lumpur.

In addition to its deep concern for refugees and asylum seekers, the Indonesian Catholic Church is also concerned about exploited Indonesians who travel abroad as migrant workers. An estimated 4.3 to 6 million Indonesian migrant workers are living abroad.²¹ Some 85 percent of those Indonesians working in Malaysia and Saudi Arabia and are women, and the vast majority of these women are domestic workers. According to the World Bank their annual remittances sent back to Indonesia in 2010 totaled \$7.1 billion.²² Despite their important economic contribution to their families and country, they lack legal protections in Indonesia and abroad that would safeguard them from human smuggling, trafficking, and exploitation.

In Malaysia, the delegation met young domestic workers in Malaysia who suffered the injustices of this system, including “Aida” from Indonesia and others from Cambodia and the Philippines. Domestic workers are labelled “domestic servants” under Malaysian law and have fewer protections than other workers. Aida’s employer and the agent who arranged her foreign work exploited her in a typical way by doing a “bait and switch” on her contract, drawing her in with a promising, attractive contract when she was signing up in Indonesia and replacing it with a lower contract when she arrived in Malaysia. Also, like many others, she was kept on a kind of legal documentation leash—“to keep workers from running away”—when her agent and employer kept her passport. In addition to these problems, she found her work conditions oppressive

and decided to leave. Although Aida did not suffer gender-based violence at her workplace, which is all too common, she was threatened with gender-based violence as she sought safe living conditions while having no resources to do so. The day-to-day life of Aida and other Indonesian domestic servants have all the characteristics of someone subject to forced labor but it is not recognized as such under Malaysian law.

IV-C. WITH A RECENT EXPONENTIAL RISE IN THE ARRIVAL OF UNACCOMPANIED REFUGEE CHILDREN BEGINNING IN THE SUMMER OF 2015, SOME 1,200 TO 1,300 OF THEM NEED URGENT ACCESS TO HUMANITARIAN SUPPORT, PROTECTION, AND DURABLE SOLUTIONS.

Unaccompanied refugee minors were present only in the single digits in 2008; now there are an estimated 1,200 to 1,300 in Indonesia, 500 of them recent boat arrivals. The recent boat arrivals were destined for Australia, interdicted by the Australian Navy, and returned to Indonesia. The increasing number of stranded children are at least in part due to Australia's interdiction policy and also its recent policy of reducing its welcome of refugees and asylum-seekers.

Due to a lack of safe and appropriate placements for children, many unaccompanied refugee minors (URMs) are in detention. According to JRS, of the 521 registered children who were recent maritime arrivals in Banda Aceh (on the Andaman Sea in western Indonesia), 328 have been identified as unaccompanied or separated. Through funding from UNHCR, Church World Service (CWS) operates two URM shelters that hold 80 boys and places girls through the Indonesian Department of Social Affairs--both welcome alternatives to detention. CWS has been providing vital services like these for URMs in Indonesia since 2008.

The delegation visited one such URM shelter where 32 Afghan, Somali, Ethiopian, and Rakhine State Muslim boys live. The boys shared their refugee stories with the delegation—many had parents or other family members who had been killed or disappeared, witnessed the torture or death of their family members, came from villages that were destroyed, and sought refuge in another country before coming to Indonesia. The boys reported living in bad conditions in detention, and many reported continued nightmares and flashbacks. The comments of “Ammin,” a 15-year-

old from Somalia who had been in Indonesia for 3.5 months, were representative, “One morning, I woke up and my home was destroyed and I couldn't find my family. My father was tortured. Now I cry every night and I feel terrible. I don't know my situation. I hope to see my family.... I want to get on with my life. I want to study.”

At the time of the delegation's visit, the shelter was only staffed during business hours Monday through Friday. UNHCR now reports a welcomed development that adult refugees have been recruited to reside in each of the shelters to provide guidance and support to the boys throughout the week.

IV-D. RECOMMENDATIONS REGARDING INDONESIA

To Indonesia:

- Accede to the Refugee Convention and Protocol and the Statelessness Conventions.
- Enable those seeking refuge in your country to pursue durable solutions to their refugee situation while meeting their protection and humanitarian needs by
 - Maintaining your generous practice of allowing over 13,000 individuals and others seeking refuge to remain in your country;
 - Facilitating resettlement to the United States and elsewhere to at least 3,000 persons per year;
 - Providing work authorization for those seeking refuge in Indonesia;
 - Providing food support, as needed, and access to health insurance for those seeking refuge;
 - Facilitating access to Indonesian public schools through language training;
 - Continuing and increasing the number of refugee learning centers, informal schools facilitated by NGOs (such as JRS), and staffed by the refugees themselves to teach math, English, and science;
 - Assuring that elementary aged children are accessing basic education either through public

schools or refugee learning centers.

- Enable unaccompanied refugee children to pursue durable solutions while meeting their protection and humanitarian needs by:

- Increasing access for non-Indonesian children to the governmental child protection system;

- Establishing additional home-like shelters and safe spaces (such as those provided by CWS) to house the 1,200 to 1,300 URM in Indonesia and provide them basic life sustaining services, including trauma-related services;

- Increasing capacity to identify and protect URMS; conduct BIDs and BIAs; and

- Resettle more unaccompanied refugee minors from Indonesia.

To UNHCR:

- Increase resettlement referrals to the United States and elsewhere for 3,000 persons per year; and
- Increase URM referrals to the United States to assure that children do not age out.

To the United States:

- Provide generous funding and international protection expertise on the above efforts that involve the Indonesian government, Indonesian-based NGOs, INGOs, UNHCR, and the international community; and
- Increase admissions of URMs referred from Indonesia to assure that the children referred do not age out; and increase overall resettlement admissions to keep pace with the added UNHCR referrals.

To the Worldwide Catholic Church:

- Provide generous funding and resources through the Catholic Church and her NGOs to contribute to the above efforts, particularly to strengthen the role of the local Catholic Church of Indonesia, Catholic NGOs and INGOs, and NGO collaborators in Indonesia to facilitate humanitarian support and durable solutions

for refugees, especially unaccompanied children, and to address systemic causes for human trafficking and protect and support trafficking victims.

V. AUSTRALIA

Australia is a nation of over 22 million people living in an area slightly smaller than the lower 48 states of the United States. Historically, it is an immigrant nation, and a party to the Refugee Convention and Protocol and the Statelessness Conventions. It has recently passed some restrictive legislation related to asylum seekers, refugees, and their families.

V-A. AUSTRALIA'S RECENTLY IMPLEMENTED DETERRENT MIGRATION MANAGEMENT POLICY UNDERMINES ITS TRADITIONAL REGIONAL LEADERSHIP IN REFUGEE PROTECTION.

Since 2013, Australia has pursued a deterrence policy toward persons attempting to reach Australia from as far away as Afghanistan and Pakistan and from Burma/Myanmar. A member of the delegation traveled to Australia to better understand Australia's latest migration policies for migrants attempting to reach Australia, mainly by sea. The policy has been marked by the interception of boats heading to Australia and, in some cases, the disabling and return of these vessels to Indonesia or other source nations.

Australia has set up detention centers on its own territory of Christmas Island, on the island nation of Nauru, and on Manus Island, a part of Papua New Guinea. They are "processing" centers for migrants intercepted at sea. Reports from the International Detention Coalition and Human Rights Watch have found these detention centers to be substandard and located in remote areas, with little chance for persons to be represented by legal counsel or to have contact with the outside world. Some are held for as many as six months or longer, until they are returned to their home countries or resettled to a third country. Australia does not resettle refugees residing in these detention centers to their mainland.

The Australian government describes this interdiction policy as needed to discourage an influx of illegal immigrants into Australia and to encourage regular migration through legal channels. The government also argues that the policy saves lives since it discourages smugglers from taking a treacherous

journey on substandard vessels. Then Prime Minister Tony Abbott, while turning away 8,000 Rakhine State Muslims arriving at sea in 2015, said that accepting them would send the wrong signal to others. “Persons should come through the front door, not the back door,” he said. Moreover, Australia forbids the reunification of families if a migrant has arrived in the country without authorization, regardless of whether that person is a refugee.

The recent change in leadership in Australia to Prime Minister Malcolm Turnbull has not led to a change in these policies, since anti-immigrant sentiment in Australia remains strong. Some 267 asylum-seekers who were brought to Australia from Nauru for medical treatment and refused to leave were ordered back by the nation’s highest court. Prime Minister Turnbull also has refused to accept a long-standing offer from New Zealand to resettle refugees from Nauru and Papua New Guinea, fearful that they would achieve New Zealand citizenship and move to Australia (such migration is consistent with current law).

To be fair, Australia announced its commitment to receive a higher number of refugees in 2016, over 25,000, but processing and resettlement of this number has been slow. 12,000 Syrians and Iraqis would be part of that number, focused on the most vulnerable, including Christians, women and children. As of mid-March 2016, 29 Syrians and Iraqis have been resettled in Australia.²² As a leading democracy in the region, Australia has a higher obligation to share in the responsibility of responding to refugee crises in Southeast Asia.

As this report goes to print, the Papua New Guinea Supreme Court ruled that its government’s detention of asylum seekers sent by Australia to Manus Island is unconstitutional and has ordered their release, including 850 individuals, half of whom have already been found to be refugees.²⁴

V-B. RECOMMENDATIONS REGARDING AUSTRALIA

To Australia:

- Reconsider your interdiction policies and more fully share the responsibility for welcoming and protecting refugees and asylum seekers in the region,

including Rakhine State Muslims.

- Return to Australia the asylum seekers ordered released on Manus Island; expedite resettlement to Australia of those already found to be refugees; and bring the rest to the Australian mainland for timely processing of their asylum claims, locating them where they have access to alternatives to detention and to community resources, including legal counsel.

- Phase out the detention centers on Christmas Island and Nauru, as well, and process and adjudicate refugees on the mainland, as described above.

- Carry out your pledge to resettle a larger share of refugees through international channels and continue this level of commitment or higher beyond 2016.

- Continue resettling refugees from Burma/Myanmar who are in Thailand and Malaysia for whom voluntary repatriation would not be safe or dignified and also for whom resettlement would provide family reunification.

To the United States:

- Work closely with Australia and Southeast Asian countries to support Myanmar’s new government and neighboring refugee host nations to resolve the protracted refugee and IDP crisis.

To the Worldwide Catholic Church:

- Provide generous funding and resources through the Catholic Church and her NGOs to contribute to the above efforts, particularly to strengthen the role of the local Catholic Church of Australia, Catholic NGOs and INGOs, and her NGO collaborators in Australia to continue advocating for strong policies and services for asylum seekers, refugees, and their families.

VI. CONCLUSION

It is a historic moment of cautious optimism when the resolution of a protracted, regional refugee situation is within sight. It is a moment of decision for Burma’s/ Myanmar’s old and new, military and civilian leaders, for the neighboring host countries that continue to provide refuge for over 350,000 people from Burma/

Myanmar, for the UNHCR and its NGO partners, for the international community, including the United States, that has supported refugee protection in host countries and also the durable solution of U.S. resettlement.

Will Myanmar military leaders allow democracy to move forward after the historic election and transfer of the presidency and parliament to the NLD? Will the new democratically-elected leaders be able to work with the ethnic nationalities and the Myanmar military in the seven ethnic states to resolve ethnic political issues that are as old as the founding of the Union of Burma and are among the root causes of decades of forced migration and the protracted refugee situation? Will they be able to bring a just peace to Kachin and Shan States and all the other ethnic states? Will they be able to resolve the communal conflict and hostile environment in Rakhine State and the root causes of the Rakhine State Muslim challenge? Will they be able to address the root causes of forced migration enough for their people to trust voluntary repatriation as a safe, dignified, and sustainable durable solution? Will the international community, including the United States, deftly support these efforts to address the root causes and facilitate a comprehensive resolution of the protracted situation?

Meanwhile, will the host countries continue to welcome those seeking refuge from Burma/Myanmar? Will the welcome be accompanied with the needed protection and basic necessities for people not to feel forced back before the proper time? Will the international community share in the responsibility of maintaining such an accompanied welcome not just for those in temporary shelters but for those in urban settings and not just from the danger of refoulement but also from the danger of premature return to Burma/Myanmar when return would not be sustainable, safe, and dignified? Will UNHCR creatively pursue all three durable solutions, as appropriate, for this large refugee population? Will Burma/Myanmar, UNHCR, the neighboring host countries, the United States, and the international community judiciously and effectively pursue all three durable solutions, as appropriate for this large refugee population, including the strategic use of resettlement?

Further, future decisions remain, beyond the Burma/Myanmar refugee and IDP crisis. Having lived out a decades-long commitment to refugee protection

with refugees from Burma/Myanmar and growing numbers from elsewhere, will the nations in the region accede to the Refugee Convention and Protocol and the Statelessness Conventions? If not, how will they continue to live out their commitment to refugee and international protection with the new groups who are seeking refuge in their countries, including large groups of stateless people? How will they make UNHCR's "thin blue line of protection" stronger and more far-reaching and add protections of their own? How will the United States and others in the international community support Southeast Asia to make sure that refugee protection continues even when the refugee numbers are not as great and the resources reduced by diversion to the massive crises in the Middle East and Africa? How will civil society in the region, including the faith-based community, continue to play its role to meet these challenges?

These are among the many questions that need to be answered during this moment of decision. May we all work and pray for decisions that lead to robust refugee, child, and anti-trafficking protection, to generous support and policies for refugees and other populations of concern and to the countries that host them, and to creative and tireless pursuit of durable solutions, and an end to forced migration in the region.

Acknowledgements

Thank you to the leaders and staff of the following offices and organizations for meeting with our delegation.

Apostolic Nunciature of Thailand and Cambodia
Apostolic Nunciature of Indonesia
Atmajaya Catholic University
Caritas (Thailand)
Catholic Archdiocese of Jakarta
Catholic Archdiocese of Kuala Lumpur
Catholic Archdiocese of Yangon
Catholic Diocese of Loikhaw
Catholic Diocese of Lashio
Catholic Diocese of Kalay
Catholic Diocese of Maw Lamyine
Catholic Diocese of Myitkyina
Catholic Diocese of Penang
Catholic Diocese of Taunggyi
Catholic Organization for Emergency Response and Refugees (Thailand)

Catholic Relief Services
 Kachin State Government, Myanmar
 Church World Service
 Coalition of Burma Ethnics, Malaysia
 International Catholic Migration Commission
 International Office of Migration
 International Rescue Committee
 Jesuit Refugee Service
 Ethnic leaders from Burma
 Ethnic Nationalities Affairs Center (Union of Burma)
 Good Shepherd Sisters
 Indonesia Conference of Catholic Bishops
 Karuna Myanmar Social Services
 Malaysia Social Research Institute
 Myanmar Catholic Bishops Conference
 National Catholic Commission on Migration
 (Thailand)
 Rohingya Society, Malaysia
 Royal Thai Government
 TBC Border Consortium (Thailand)
 United States Embassies in Burma, Thailand,
 Malaysia, and Indonesia
 United Nations High Commissioner for Refugees

Cover Photo: Ethnic Karenni Catholics from Kayah State, Burma/Myanmar, worship in Ban Mai Nai Soi Temporary Shelter. They may face their own moments of decision in the next few years about whether they will prepare to return home, try to remain in Thailand, or seek resettlement. Jesuit Refugee Service (JRS) and Catholic Organization for Emergency Response and Refugees (COERR) are among NGOs providing vital services to residents of Ban Mai Nai Soi and other Thai Temporary Shelters. Photo credit: Delegation

Endnotes

1a The Union of Burma is the original name of the country. The United States, Great Britain, and other countries and most resettled refugees from Burma continue to use the name “Burma”. The UN uses “Myanmar” and the EU uses “Burma/Myanmar.” Out of respect to hundreds of thousands of refugees for whom return home in safety and dignity is not yet possible, and in acknowledgement of the current government, which now includes democratically elected officials, we use Burma/Myanmar throughout this report when referring to the country and its people. We use Burma when talking about the country prior to 1989; we use Myanmar when specifically referring to the government or army after 1989.

1 “Refugees and Stateless Persons,” United Nations Treaty

Collection, Chapter V. 2, 3, 4, 5. United Nations, https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-2&chapter=5&Temp=mtdsg2&lang=en (accessed April 21, 2016).

2a Recognizing the extreme sensitivity, we describe the issue as the “Rohingya challenge” while referring to the larger impacted population as Rakhine State Muslims, which includes both those who would describe themselves as Rohingyas and others from Rakhine State.

2 Up to 100,000 Chins from Burma/Myanmar seek refuge in Mizoram State, India, and have received virtually no international protection or access to durable solutions, with India not being a party to the Refugee Convention or Protocol. International community and UNHCR engagement is crucial in India to help resolve the protracted situation there, as well. See Seeking Refuge: The Chin People in Mizoram State, India, <http://chinseekingrefuge.com/report> (accessed February 27, 2016).

3 Associated Press, “Aung San Suu Kyi will not become Myanmar’s new president,” Daily Sabah, March 10, 2016, <http://www.dailysabah.com/asia/2016/03/11/aung-san-suu-kyi-will-not-become-myanmars-next-president> (accessed March 29, 2016).

4 “Myanmar’s Aung San Suu Kyi gets new role as special advisor,” The Times of India, April 6, 2016 <http://timesofindia.indiatimes.com/world/south-asia/Myanmars-Aung-San-Suu-Kyi-gets-new-role-as-special-adviser/articleshow/51716545.cms> (accessed April 19, 2016).

5 “Aung San Suu Kyi vows to lead peace efforts in speech to Myanmar ethnic armed groups,” The Strait Times [Singapore], January 19, 2016, <http://www.straitstimes.com/asia/se-asia/aung-san-suu-kyi-vows-to-lead-peace-efforts-in-speech-to-myanmar-ethnic-armed-groups> (accessed April 19, 2016).

6 Roughheen, Simon, “President’s Union Day Message Flags up Federalism,” Irrawaddy, Feb. 12, 2014, <http://www.irrawaddy.org/burma/presidents-union-day-message-flags-federalism.html> (accessed April 4, 2016).

7 To explain the meaning of Panglong, stakeholders on all sides point to the origins of Burma in 1948 when the then 50-year-old British colony of Burma, became an independent country. General Aung San--father of Daw Aung San Suu Kyi, the current political opposition leader and human rights icon--forged a successful collaboration through the Panglong Agreement between his majority Burmans and several of the ethnic nationalities, whereby they all agreed to fight against the British and afterward form a federal democracy that would assure equal governance and sharing of resources among all the ethnic nationalities. General Aung San was assassinated a short time after independence

and soon any hopes of a federal democracy were lost with the establishment of a military dictatorship, which continued with a brief interruption in 1988 until the recent reforms beginning in 2010. Instead of democracy, shared governance and a fair share of resources, the military asserted its will and has maintained a large on the ground presence in the seven ethnic states.

8 According to UNHCR, while Kachin subgroups and Shan are displaced in Rakhine State, the displaced also include a small number of Rakhines and also Muslim Kamans, citizens who suffer “serious discrimination and have serious protection and humanitarian challenges.”

9 On top of the internal displacement caused by conflict, there are some 459,400 people displaced by flooding, some of which occurred during the delegation’s visit. Food security through June 2016 is expected to be the most serious challenge for those displaced by floods. United Nations, Humanitarian Response Plan: Myanmar--January-December 2016, November 2015 <https://www.humanitarianresponse.info/en/programme-cycle/space/document/2016-myanmar-humanitarian-response-plan> (accessed March 29, 2016), p.2.

10 By naming the Catholic social service agency in Burma “Karuna” the Myanmar Catholic Bishops Conference show respect for Buddhist tradition and also acknowledge shared values between Christianity and Buddhism. “Karuna” is a term in Buddhism meaning “compassionate action.”

11 The Thai shelters include Ban Mai Nai Soi, Ban Mae Surin, Mae La Oon, and Mae Ra Ma Luang (Mae Hong Son Province); Mae La, Umpiem Mai, Nu Po (Tak Province); Ban Don Yang (Kanchanburi Province); and Tham Hin (Ratchaburi Province). There is also an unofficial shelter for people fleeing the conflict in Shan State called Kuang Jor (Chiang Mai Province).

12 Displaced Persons in the Temporary Shelters Along the Thai-Myanmar Border: Future Hopes and Aspirations, UNHCR & Mae Fah Luan Foundation under Royal [Thai] Patronage, October 2014. In a more recent, verification process the number in the temporary shelters was just over 106,000.

13 Displaced Persons in the Temporary Shelters Along the Thai-Myanmar Border: Future Hopes and Aspirations, UNHCR & Mae Fah Luan Foundation under Royal [Thai] Patronage, October 2014. In a more recent, verification process the number in the temporary shelters was just over 106,000.

14 Jubilee Campaign, Pakistan’s Asylum Seekers in Bangkok: Don’t Turn Them Back, April 2015, http://jubileecampaign.org/wp-content/uploads/2015/04/Jubilee-Campaign_Thailand-Report-04-20151.pdf (accessed March 8, 2016).

15 The statistics in this paragraph are from UNHCR. See

UNHCR, Mixed Maritime Movements: In South-East Asia in 2015, February 2016, <http://www.unhcr.org/en-us/protection/migration/554c6a746/irregular-maritime-movements-south-east-asia.html> UNHCR percent20- percent20Mixed percent20Maritime percent20Movements percent20in percent20South-East percent20Asia percent20- percent202015. pdf#_ga=1.29037246.3673887.1454352793 (accessed February 29, 2016).

16 Ibid.

17 Richard Sollom, Chris Beyrer, Adam Richards, Vit Suwanvanichkij, Parveen Parmar, Luke Mullany, and John Bradshaw, *Life Under the Junta: Evidence of Crimes Against Humanity in Burma’s Chin State*, Physicians for Human Rights (Cambridge, MA, 2011), pp. 26-35, available at https://s3.amazonaws.com/PHR_Reports/life-under-the-junta-burma-chin-state.pdf (accessed February 22, 2016).

18 United Nations, Humanitarian Response Plan: Myanmar January-December 2016, November 2015 <https://www.humanitarianresponse.info/en/programme-cycle/space/document/2016-myanmar-humanitarian-response-plan> (accessed March 29, 2016), p.2.

19 This section first appeared as Bishop Elizondo’s written Testimony on TIP Report for a United States House Foreign Relations Subcommittee on November 4, 2015.

20 Information in this paragraph is from a presentation by the Penang Catholic Diocese and also from the following article. Hilary Whiteman, “Malaysia finds another mass grave near Thai Border,” CNN, August 24, 2015 <http://www.cnn.com/2015/08/24/asia/malaysia-mass-grave/> (accessed April 18, 2016).

21 Unless otherwise noted, the background and statistics in this paragraph were provided in a presentation by the Catholic Archdiocese of Kuala Lumpur on August 11, 2015.

22 World Bank, *Migration and Remittances Fact Book*, 2011.

23 Stephanie Anderson, “Fewer than 30 refugees resettled since November [2015] as part of 12,000 agreed in Syria Iraq deal,” Australia Broadcasting Company, March 16, 2016 <http://www.abc.net.au/news/2016-03-17/29-refugees-resettled-under-government-12000-intake/7254784> (accessed April 1, 2016).

24 “Papua New Guinea court rules Australia’s Manus Detention Center Unconstitutional,” *BBC*, April 26, 2016, <http://www.bbc.com/news/world-australia-36136629> (accessed April 27, 2016).