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CANADA'S PERIODICAL ON REFUGEES

# REFUGEE

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Vol. 3 No. 2

December 1983

## DOUBLE CHRISTMAS ISSUE

### Refugees in Central America

This issue contains a special section on Refugees in Central America. Included are two perspectives on the Guatemalan refugees in Mexico. The articles entitled, "Guatemalan Refugees in Mexico" were written by Hubert Campfens and Jeremy Adelman, both of whom are Canadian scholarly observers who spent part of this past summer in the Chiapas area of Mexico. Although their explanations of the roots of the conflict extensively overlap, one account stresses the primacy of the class nature of the conflict while the other focuses on the racial character of the dispute. The interpretations of the ruthless Guatemalan military strategy combined with a misleading public relations campaign are congruent. So are the accounts of Guatemalan military incursions into Mexico.

The scholars' descriptions differ however with respect to the situation of the refugees within Mexico. Hubert Campfens provides a figure of 200,000 Guatemalan refugees out of a total of 250,000 refugees in Mexico. Further, he asserts that many of them trekked for months over great distances to cross the border. Jeremy Adelman cites from UNHCR

sources that 95% of the refugees come from border villages within a day's walk (though they may have spent months hiding in the jungle) and gives a figure of 40,000 official and 100,000 unofficial refugees. (The May UNHCR figures are 35,000; the U.S. Coordinator of Refugee Affairs says there are 35,000 to 45,000 Guatemalan refugees.)

While Hubert Campfens suggests that huge increases in refugee flows into Mexico are imminent, Jeremy Adelman seems to be more concerned with the plight of the displaced indigenous population in Guatemala. He implies that escape is difficult because of geography and the state of emergency in Guatemala and also, that most of these individuals are probably interned there in "camps".

These different perspectives may stem from the way in which the two authors view COMAR, the Mexican Commission for Aid to Refugees. Hubert Campfens regards COMAR as humanitarian in intention and authoritative as a source of information. Jeremy Adelman interprets COMAR in terms of the am-

bivalences of Mexican political life. As a result, Hubert Campfens appears much more empathetic to the Mexican officials and their concern to limit the flow, and, when critical, seems to displace part of the responsibility onto the Americans. Jeremy Adelman is openly critical of COMAR's increasingly hard-line posture.

The authors also differ on two points of fact. Hubert Campfens claims Mexico ended its policy of refoulement in 1981. Jeremy Adelman insists it continued until almost the end of 1982. The former claims Mexico signed the UN Refugee Convention in 1982, while the latter claims Mexico is still a non-signatory. (According to the Ottawa UNHCR office, Mexico is still a non-signatory.)

The special supplement on Refugees in Central America also contains important extracts from the "Report and Recommendations to the UNHCR Regarding the Protection of Refugees in Honduras and the Promotion of Durable Solutions" by Martin Barber and Meyer Brownstone.

H.A.



## REFUGE

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## Letters

### To the Editor:

I was happy to receive the October 1983 issue of *Refuge* in the mail. I am reading it with great interest.

Please pass along my best wishes to Howard Adelman, whom I had the pleasure to meet at the Manitoba conference in August. He mentioned his son's experiences in Central America; I thought Jeremy Adelman's article, "The Insecurity of El Salvadorean Refugees," was excellent.

Shelly Pitterman  
Northwestern University

I'm writing now because I've just seen your review of *Refugee Issues: Current Status and Directions for the Future*, that you did in your October 1983 *Refuge* newsletter. As you may have noticed in the introduction, I wrote the manuscript for this pamphlet. It's a fine review and I thank you for it.

On your one point of disagreement, I of course concur that the presence of economic motives for flight does not preclude the possibility that someone could be a refugee. What I meant to say is that the intermixture of economics and political motivations generally makes it very hard to decide in any single case why a person left a country. Haitians in the U.S. now, for example, flee both oppression and poverty. To the degree they flee oppression, no other fact should figure in their case. But some may be fleeing only poverty and it is hard to separate them out from the others, but this is necessary if we are to maintain the integrity of the refugee definition. This is all I meant to say.

Gary E. Rubin, Director,  
AJC Center on Immigration  
and Acculturation, New York

## Quebec's Unaccompanied Minors Programmes

English translation on page 3.

L'article paru dans votre publication d'avril 83, Vol.2 No.4 "Quebec's unaccompanied minors programs" signé par M. John Forrester m'a beaucoup intéressée. Il décrit bien la réalité vécue par les jeunes réfugiés, leur adaptation, celle des familles d'accueil, mais permettez que je vous parle de l'application de ce programme comme il se vit encore aujourd'hui à l'A.M.I.E. (Aide Médicale Internationale à l'Enfance). Notre approche a été différente et nous continuons de fonctionner d'une façon particulière, très proche des foyers d'accueil.

Dès juillet 79 l'A.M.I.E. recevait huit adolescents âgés de 15 à 17 ans, mais ce n'est qu'à l'automne qu'un véritable programme structuré fut mis en place. Les intervenants étaient les ministères de l'Immigration et des Affaires Sociales et quatre organisations (dont TDH et l'A.M.I.E.) qui jeunes, de les placer en famille, d'assurer un accompagnement aux familles et aux enfants. Les Affaires sociales n'incluant pas ces jeunes dans le réseau des enfants aidés ici au Québec, les familles que nous retenions pour accueillir des jeunes devaient cependant être visitées et acceptées par les CSS.

Il est vrai que plusieurs réunions furent appelées où tous les intervenants jetaient ensemble les bases d'une aventure humanitaire dans une orientation nouvelle provoquée par une guerre particulièrement cruelle. Le fonctionnarisme bien encadré par des lois, surtout à l'immigration, acceptait de s'ouvrir, d'adoucir les règles pour collaborer à une action humanitaire plus engageante que tout ce qui avait déjà été fait.

Il fut bien convenu au départ que les jeunes n'étaient pas éligibles à l'adoption à moins d'être officiellement orphelins. Ils sont arrivés en grand nombre en 80 mais chacun était confié à une famille dès son arrivée; nous n'avons pas eu de centre ou de "group-home" et jamais cela ne nous a paru une lacune. Quand l'Immigration nous prévenait, soit environ 8 jours avant l'arrivée des enfants,

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les foyers se voyaient confié un nom avec une date de naissance et une nationalité. Le jour venu ils accueillait l'enfant porteur de ce nom et personne n'a exprimé le désir de "changer d'enfant". Nous avons vu évoluer ce programme dans le respect des enfants, dans la générosité et dans l'amour. Il y a eu des difficultés, c'était normal. Le choc de deux cultures si différentes, la cellule familiale que dirige la mère, l'alimentation, les coutumes d'ici ont bousculé les jeunes alors que les lacunes des enfants concernant la discipline, l'obéissance, le sens de la valeur des choses de même que leur attitude obstinée par moment ont ébranlé la patience et la compréhension de certains parents. L'accompagnement que des personnes bénévoles ont voulu assurer et continuer de donner aux parents et aux enfants fut et demeure indispensable et bénéfique. Avec un interprète, le responsable rencontre l'enfant, visite les parents, il fait le lien entre les accueillants et l'accueilli. La compréhension revient et l'attachement grandit.

Nous ne pouvons pas dire que le programme nous ait paru lourd après un plus qu'aujourd'hui, il est exigeant bien sûr mais extra-ordinaire aussi. Nous n'avons pas encore exprimé le désir de nous retirer, au contraire, de nombreuses familles d'accueil toujours disponibles nous pressent de demander plus d'enfants; leur désir vont maintenant vers des enfants plus jeunes, moins de 12 ans. L'Immigration provinciale a toujours été favorable au programme d'accueil des mineurs et l'attitude des personnes en charge nous a beaucoup aidé; leur collaboration fut un véritable appui. En décembre 80, quatre-vingt jeunes étaient arrivés au pays en passant par l'A.M.I.E., (2 en Ontario, les autres au Québec). Depuis ils continuent d'arriver et l'équipe d'accompagnement est toujours en place, toujours utile et efficace. En 1981, 20 jeunes en 1982, 18 jeunes en 1983, 10 nov. 28 jeunes. La plupart des jeunes reçus en 82-83 sont Cambodgiens et ils ont entre 10 et 14 ans. Les premiers arrivés sont maintenant adultes et seulement quelques-uns ont laissé leur foyer d'accueil pour aller vivre seul et travailler. Le grand nombre ont préféré compléter des études et sont encouragés à le faire par leur famille même si ils ont 19 ou 20 ans. Le sentiment d'appartenance est maintenant

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#### English Translation

I was very much interested in the article which appeared in your publication of April '83, (Vol.2, No.4) "Quebec's Unaccompanied Minors Programs", by Mr. John Forrester. He describes very well the living realities of young refugees: their adaptation and those of their sponsor families; but allow me to speak to you about the application of this programme as it exists today for the organization A.M.I.E. (Aide Médicale Internationale à l'Enfance). We have taken a different approach, and we continue to operate in a special way that keeps close touch with the sponsoring households.

In July 1979, A.M.I.E. received eight adolescents ages 15-17, but it was only in the autumn of that year that a structured programme took form. The parties to this undertaking were the Ministries of Immigration and Social Affairs (of Québec) and four organizations (two of which were Terre des Hommes and A.M.I.E.) which were responsible for receiving the young persons, arranging for sponsor families, and for providing services both for families and children. Even though Social Affairs did not include minor refugees in their assistance programme here in Québec, the families that we had designated to receive these young people had to be interviewed and accepted by the Council of Social Services (a division of Social Affairs.)

It is true that several meetings were called where all the interested parties pooled together the elements of a human adventure in a new mission brought about by a particularly cruel war. A civil service well protected by laws, especially in Immigration, agreed to extend itself and to soften the strict application of these rules to collaborate in a humanitarian action more involving than anything before.

It was agreed at the outset that these minors were not eligible for adoption unless they were officially orphans. They arrived in large numbers in 1980; nevertheless, each one was entrusted to a family upon arrival. We did not have any centre or group home, nor did that ever appear to be a particular shortcoming. When advised by Immigration, about eight days prior to the arrival of the children, the households were provided with a name, date of birth and nationality. On the appointed day, they

received the child bearing that name; not one expressed a desire to "change this child for another". We have seen this programme evolve in respect for children, in generosity and in love. There have been difficulties; that is normal: the shock of two different cultures, a family unit where the mother is in charge (of activities), different foods, disciplinary customs here have upset young people not trained in them as children; standards of obedience and respect, and a sense of values about things as well as momentary obstinate attitudes, have all tested the patience and understanding of certain parents. The assistance which volunteers wish to provide and continue to give to parents and children has been, and remains, indispensable and beneficial. With an interpreter, this volunteer meets the child, visits with the parents and brings together the receiver and the received. Understanding reappears, and the attachment grows.

We cannot say that the programme appeared burdensome to us a year afterward any more than today. Surely, it is demanding, but also extraordinary. We have not yet expressed our wish to withdraw from the programme; on the contrary, a number of receiving families are still available and continue to press us for more children. Their wishes lean now more towards younger children, under 12 years old. The provincial ministry of immigration has always been favourable to the programme of receiving minor refugees, and the receptivity of those directing the programme has assisted us very much; their collaboration was a real boost. In December 1980, 80 minors arrived in the province while passing through the services of A.M.I.E. (two for Ontario, the rest for Québec). Since then, they continue to arrive, and the reception team is still in place, still useful and effective. In 1981, there were twenty minors; in 1982, eighteen minors; in 1983 (at 10 November), twenty-eight. Most of the arrivals in 1983 are Cambodian, between 10 and 14 years old. The first arrivals (1980) are now adults; only a few have left their sponsoring households to live alone and to work. The majority preferred to complete their studies and have been encouraged by their family to do so, even if they are now 19 or 20 years old. The sense of

*Continued on page 4*

bien plus fort.

Nous déplorons les difficultés et les lenteurs du processus de sélection et d'admission des jeunes réfugiés mais avant de rejeter tout le blême sur des services anonymes, évaluons les sentiments exprimés par nos populations. Que de lignes ouvertes et d'articles dans les journaux pour dire "C'est assez"! Que tous ceux qui veulent "personnellement" sauver un enfant le disent à leur ministre de l'immigration, ne laissez pas des organismes faire seuls les représentations. Chaque citoyen à sa part à faire. Des centaines de mineurs seuls dans les camps espèrent encore; ils n'ont plus 6-8 ou 10 ans, ce sont des adolescents. Leur passé les a sans doute marqués, ils ont besoin de s'appuyer sur des adultes, de retrouver en même temps que la liberté une sécurité intérieure nécessaire pour grandir.

Ni le Canada, ni le Québec ne peut prendre l'engagement d'accueillir un plus grand nombre de jeunes si dans la population on ne peut plus les recevoir, les aider, les aimer.

A l'A.M.I.E. nous sommes convaincus que pour sauver ces jeunes et les adapter à notre monde nouveau pour eux, il faut passer par la famille. L'orphelinat ou le centre d'accueil où certains pays continuent de placer ces enfants ne feront jamais d'eux des citoyens à part entière.

Il y a cependant urgence pour nos gouvernants de se pencher sur le statut de ces jeunes. Leur document d'entrée en fait des "immigrants reçus" mais ils ne peuvent avoir accès à la citoyenneté avant leur 18 ans, à cet âge ils pourront la demander. Ceux qui ont 10 ans aujourd'hui, qui se savent seuls au monde resteront ils ainsi bien des années, citoyens d'aucun pays et en quelque sorte prisonniers de notre pays qui les a accueillis? Nos familles d'accueil doivent passer par bien des démarches chaque fois qu'elles veulent voyager avec leur enfant hors du pays. Sans citoyenneté pas d'accès aux prêts et bourses pour des études prolongées et que d'autres inconvénients! Il est urgent que tous les intervenants dans ce programme s'arrêtent pour bien penser la continuité de cette action humanitaire si bien commencée afin que "nos" enfants ne soient pas de perpétuels "étrangers".

Madeleine LeBlanc.  
A.M.I.E.

belonging is now much stronger.

We deplore the difficulties and delays in the process of selection and admission of young refugees; but before casting the blame upon anonymous functionaries, let us examine the sentiments expressed by our own population. What about open-line programmes and newspaper articles saying, "That's enough"! What about those who want *personally* to save a child and indicate same to their ministry of immigration: don't let organizations make the only representations. Each citizen has a role to play. Hundreds of minors are alone in the camps, holding onto hope; they are no more than 6-8 or 10 years old. They are adolescents. Their past has doubtless left its mark; they need to lean on adults, to regain at the same time as their freedom a necessary interior sense of security in order to grow.

Neither Canada nor Québec can undertake to receive greater numbers of minors if the population cannot receive them, aid them, love them.

At A.M.I.E., we are convinced that in order to save these young persons and have them adapt to our world — a new one for them — they must live in a family. An orphanage or group home where in certain countries children continue to be placed will never make them full citizens.

It is urgent, however, for our governing bodies to reconsider the status of these young persons. Their entry papers classify them as landed immigrants, but they may not have access to citizenship before their eighteenth year, at which age they may request it. Those who are ten years old today, who know themselves to be alone in the world, will they remain so, for so many years — citizens of no country and veritable prisoners of our country that has received them? Our sponsor families go through a great deal of red tape every time they want to travel with their child outside the country. Without citizenship, there is no access to student loans and grants for higher studies, among other roadblocks! It is urgent that all those officially connected with this programme stop to think carefully about the continuity of this humanitarian action so well begun, so that our children no longer be the "perpetual stranger".

Madeleine LeBlanc  
Translated by C.M. Lamphier

### To the Editor

A review of my work on South East Asian refugees which appeared in *Refuge* (Vol. 3, No.1) though rightly pointing to some of the serious difficulties faced by the refugees in Britain contains several factual errors and some serious misinterpretations of the British refugee programme. Since the review will, for many Canadians, be the only insight they have of the British refugee situation I would be grateful for an opportunity to correct some of the false impressions which it might create.

The review appears to voice some scepticism over the assertion that the Vietnamese refugees in Britain did not have a large established ethnic community which would provide support (as did, for example, the Ugandan Asians). The Chinese community in Britain numbers only 90,000 and is, with a few exceptions, very spatially dispersed.

It is an error to suggest that in Britain refugees were not kept in reception centres until they had mastered a basic understanding of the language but were resettled where and when housing became available'. A fundamental aspect of Britain's reception centre policy was the provision of a basic grounding in English. For this reason a minimum period of 3 months was established for refugee stays in these centres (though the average stay was 6 months) and a target of 20+ hours language tuition per week was set. Thus, the reception centre policy did not of itself result in 'a second resettlement without adequate linguistic tools'. Though the resettled refugees do have a poor level of English proficiency, this is more a consequence of the time available to learn (less than 18 months for most refugees in the sample) and the inadequacy of ESL provision during resettlement than of the reception policy.

Inaccuracies concerning ESL emerge again with the assertion that 'a sizable majority of the refugees have regressed in English proficiency since reception'. The actual proportion reported in the publication is 7 per cent. A further error concerns employment rates, the 18 percent in the 20-29 age group reported as unemployed in the review actually being the proportion who are *employed*.

The review stated that Canada has a 'two-track system of strong federal and provincial support complemented by strong commitments of local support'. This contrasts markedly with Britain where there are virtually no local or central government staff involved in the organisation and running of the refugee programme. Given such disparities, comparisons of staffing levels in the non-government sector alone are dangerously misleading. Furthermore, the inaccuracy of such comparisons is exacerbated when estimates of voluntary staff in



Britain are simply based on the numbers employed during the height of the reception programme. Most were short term temporary workers who dispersed as centres closed.

Finally, the review wrongly suggests that I (as I interpret the reference to "British representatives at international conferences") have argued against refugee resettlement as 'a viable alternative'. What I have argued, and still believe to be true, is that if Britain were to accept a further substantial refugee quota in addition to the boat rescue refugees it still receives, significant modifications would need to be made to the reception-resettlement programme adopted during 1979-83.

It is hoped that the points raised above go some way to removing the misleading impressions of the British refugee programme created by the review.

Peter R. Jones,  
Senior Research Officer  
Home Office, London

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Dear Dr Adelman,

We were astounded to read the centre-page article in your October issue entitled "Britain's Southeast Asian Refugees", based on the brief research papers of Peter Jones. From this useful but limited data some very inaccurate conclusions have been drawn.

First, some general points: we do not claim that the resettlement programme for Vietnamese in the United Kingdom has been a resounding success, nor that the agencies' programmes do not merit criticism. The agencies' own report (JCRV Report 1982), which has been available for a year, makes this clear. What we must point out is that the refugees who came to Britain started out with unprecedented disadvantages. The 11,500 admitted under the quotas had virtually all been rejected by the countries of their choice (USA, Canada, Australia, France). Britain imposed no selection criteria (Canada's were notoriously strict). The refugees therefore arrived with no usable educational or employment qualifications. Between 60% and 70% had come to Hong Kong from North Vietnam and had had no previous contact with a westernised society. They arrived in a country with a rapidly growing unemployment problem where there was no existing Vietnamese community and no natural bond developed with the indigenous Chinese population. Moreover, Britain's social security system effectively discourages unskilled people with 5 or 6 children from working, since they are never likely to earn more than their entitlements under State benefit. In these circumstances it is hardly surprising that satisfactory settlement has been slow for a great many of these people.

That said, can we address some of the points in the article:

We would not agree that "the main problem in Britain is housing". Good local authority housing has generally been available. The problem has been the non-availability of jobs in most resettlement areas and the consequent lack of incentive and opportunity to learn English in a natural way.

The reference in your article to "reception areas" is perhaps at the root of the extraordinary statements about the staff employed by the three voluntary agencies. In Britain the refugees move from reception centres to resettlement areas. The staffing ratios you refer to apply only in the reception centres, which required all the administrative support characteristic of any hostel. Some Ockenden Venture and British Refugee Council reception centres catered for several hundred people. The staff therefore included administrators, teachers, cooks, cleaners, interpreters etc. If Ontario had 25 staff to settle 27,000 refugees, are we to assume that Ontario has ceased educating refugee children, or does not use interpreters to help the process? Many of the staff employed by the British agencies were themselves Vietnamese refugees who now form the majority of the total of 50 people still involved in resettlement work. These refugees have received intensive training in social skills.

The comments that Ockenden Venture "grew from a very small agency" to have one staff member for 25 refugees and one reception area for 200 refugees, and that the "Save The Children Fund operated in the far north and north-east of Great Britain" are typical of cavalier writing which is wide of the mark. The Ockenden Venture, though comparatively small, had, before the Vietnamese started coming to the UK, twelve residential centres and a regular staff of 65 for its refugee work in the United Kingdom and overseas. It also had a strong constituency of voluntary support. Save The Children Fund operated in the East Midlands and East Anglia as well as Scotland, Northeast England and Northern Ireland.

The article takes selective information from Peter Jones' reports and distorts it. If we were similarly to select a few facts from your accompanying article on Indochinese refugees in Canada, we discover that 80% found English/French language training inadequate, most refugees in Canada feel "isolated and lonely" and 85% feel out of place living in Canada. Does that constitute and "excellent report card"?

Finally, we would be interested to know which "British representatives at international conferences argue that resettlement of refugees is no longer a viable alternative"? We have never heard this. What some of us do say is that resettlement cannot be the only solution to any refugee problem and is not appropriate for many individual refugees.

We are in good company. Last month the United Nations High Commissioner for Refugees said in Geneva that it was now clear that resettlement could not be the only solution to the problem of Indochinese refugees in Southeast Asia.

Martin Barber - Director: British Refugee Council

Joyce Pearce - Executive Chairman: Ockenden Venture

Julia Meiklejohn - Director: Refugee Action (ex-SCF)

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#### Editor's note:

We are grateful to Messrs. Jones, Barber et al for writing to clarify matters on our review article. We found the British Refugee Council's (BRC's) clarifications about the background of the refugees particularly helpful. We are also grateful to Jones for pointing out that the phrase "sizeable majority" in reference to regression in language proficiency is incorrect. In fact, our original manuscript had the term "sizeable minority" extracted from p.25 of the report and 'minority' somehow became transposed in the typescript to 'majority'. A similar error occurred in the alteration of 'employed' to 'unemployed'. We are most apologetic for the two errors.

However, we would like to clarify that no scepticism was stated, implied or intended about the absence of a large established ethnic community. We quoted Jones' statement about "the almost complete absence of an established ethnic community". What we did imply was surprise (not doubt) that this was the case given that Hong Kong is a Crown colony. Our surprise is somewhat diminished when we learn from Jones' letter that there were 90,000 ethnic Chinese. Evidently, "absence" referred to a concentrated community and not to the Chinese themselves.

We see no conflict between Jones' assertion that refugees were provided with a basic grounding in English and our interpretation of his report that refugees were not, as in continental Europe, kept in reception centres until they had mastered a basic understanding of a language. Jones, in his report writes (p.27), "The discussion has highlighted the low levels of English ability amongst the refugees and the relative paucity of E.S.L. provision following reception".

The BRC's disagreement with the assertion that the main problem was not housing but jobs in the resettlement areas seems to be a distinction without a difference. If refugees are not settled in areas where there are jobs because there is no housing, but are settled in areas where there is housing but no jobs, from our perspective the problem seems to be a lack of housing in areas of employment,

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since this is more easily corrected than lack of jobs in areas where housing was available.

The BRC's new information that many of the refugees were employed in the reception centres makes the unemployment figures quoted even more staggering, but it does not detract from our surprise as Canadians at the high ratio of employees to assisted refugees.

With respect to the assertion of cavalier writing re our comment that the Ockenden

Venture "grew from a very small agency", we can only quote from the report published by the British Home Office from which the comment was drawn: "The subsequent months saw Ockenden expand rapidly in size from what had been a very small organization...". It is not cavalier to accurately represent a British government report. Similarly, it may be much more accurate to detail the specific north, north-eastern and eastern areas of Great Britain, but the use of a more general geographical terminology is not cavalier.

Concerning British representatives at international conferences who argue that resettlement of refugees is no longer a viable alternative, I assure you that it was not Mr. Jones nor the other writers, though it was stated in my presence by two British representatives at an international conference that both Mr. Barber and I attended.

Finally, we invite any of the British correspondents to write a review article on any Canadian reports or on our settlement policy and we would be pleased to publish it.

The Editor.

## U.S. News

### *Senate Appropriations Committee Restores \$25 Million for Refugees*

The Senate Appropriations Committee chaired by Sen. Mark Hatfield (R-OR) marked-up the Foreign Operations Appropriation bill and restored \$25 million to the Migration and Refugee Assistance fund which had been earlier deleted by Senate conservatives. This fund contains both domestic resettlement grants and international refugee assistance.

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### *Humanitarian Aid to Central American Refugees*

A report prepared at the request of the Subcommittee on Immigration and Refugee Policy of the Senate Committee on the Judiciary found urgent humanitarian needs among a total of 754,200 refugees and displaced persons in Central America and called for increased humanitarian assistance to the area. Senator Edward M. Kennedy requested the report as Ranking Minority Member of the Subcommittee.

\* \* \*

### *Reagan's Refugee Ceilings*

The 72,000 worldwide refugee admission ceiling shall be allocated among the regions of the world as follows: 50,000 for East Asia; 12,000 for the Soviet Union/Eastern Europe; 6,000 for the Near East/South Asia; 3,000 for Africa; and 1,000 for Latin America/Caribbean; and an additional 5,000 refugee admission numbers shall be made available for the adjustment to permanent residence status of aliens who have been granted asylum in the United States, as this is justified by humanitarian concerns or is otherwise in the national interest.

## Refugee Welfare Dependency Rates in the U.S.

In the December 1982 issue of *Refugee* (Vol. 2, No. 2), we published an article criticizing the distorted use of refugee dependency rates in the U.S. Congress. The Refugee Policy Group published an analysis of the meaning of 'Welfare Dependency Rates as an Indication of the Adaptation of Indochinese Refugees in the U.S.'

The most recent increases in welfare dependency rates can be attributed fully to methodological and statistical variation rather than an actual change in patterns of welfare use. The seeming increase in welfare dependency from 1979 to 1981 was caused by two inter related factors:

- Changes in the distribution of the refugee population from greater proportions of older arrivals to greater proportions of new arrivals.
- The Refugee Act of 1980 restricted eligibility for refugee programme welfare benefits to not more than 36 months, resulting in a change in the time-frames used to calculate the welfare dependency rate.\*

The seeming increase in welfare dependency rates was compounded by other changes in calculation methods that caused an overestimate in the 1981 rate.

Until 1981, the welfare dependency rate was calculated from data collected from all states participating in the refugee programme. In 1981, however, the statistic was based on a survey of nine states. Since these states actually accounted for a larger share of eligible refugees in 1981 than they did in previous years, it is likely that there were fewer refugee welfare recipients nationwide than was assumed.\*\*

Further, included in the welfare recipient population in the 1981 survey were non-Indochinese and non-Cuban refugees, but these other groups were not included in the number of eligible refugees. Had the non-Indochinese refugees been removed from the recipient category or added to the eligible category, the welfare dependency rate would have been lower.

The welfare dependency rate of refugees who arrived in 1975 was lower during their first 36 months in the U.S. than that of refugees who have arrived within the last three years.

However, it is important to understand that the majority of 1975 arrivals were educated at the secondary or university level while the majority of post-1979 arrivals have had little or no education. The overall welfare dependency rate for each group has reflected the experiences of the dominant class within that group.

By adding a control factor for education level in calculating welfare dependency rates, much of the variation between pre and post 1979 arrivals would be eliminated.

Because of the susceptibility of these aggregate welfare dependency rates to variations caused by statistical factors, they are not the best statistics by which to measure the effectiveness of the refugee programme. It is likely, though, that welfare utilization patterns will continue to influence perceptions about refugee resettlement. Changes in methods of calculation should therefore be considered.

H.A.

\*This change took effect on April 2, 1981.

\*\*In reviewing this paper, an ORR representative notes that an adjustment factor was used, but that it underestimated the change in population size.



## SPECIAL SECTION

# Refugees in Central America

## Guatemalan Refugees in Mexico

by Hubert Campfens

*A squadron of five helicopters swooped down over the sleepy village, awakening the population with a barrage of gun fire and killing several villagers who were out in the open and unable to find shelter. A few days later, a troop of some hundred soldiers surrounded the area making escape impossible. They closed in and demanded a village assembly in the main square. The officer told the villagers that they had 15 days to "repent their sins" and admit their support of the guerrilla movement. The officer expected the villagers to come forward with names of people who were guerrilla members, or families who harboured and fed them. If they didn't, they would witness a far greater retribution than they had experienced a few days before. Stories of military atrocities carried out in other villages, and this particular experience, were enough to have the Perez family and some 50 others pack up their meager belongings and start their long trek through the Guatemala forests into Mexico.*

### Numbers

The total number of refugees in Mexico from Guatemala is now estimated at 200,000. (The most recent large entry occurred in June 1983, in the Ocoingo area of Chiapas where some 1,000 refugees crossed the border en masse.) Some 90,000 of these, principally children, women and older people, reside across a narrow strip along the Mexico-Guatemala border with the highest concentration found in the San Cristobal region where there are 77 settlements and 18 camps with 45,000 refugees.

### Background

Guatemalan refugees in Mexico are primarily in-

*Continued on page 8*

## Guatemalan Refugees In Mexico

by Jeremy Adelman

In Guatemala, the long history of ruthless military dictatorship reached its apex under the recently deposed regime of Efraim Rios Montt. Since the overthrow of Jacobo Arbenz Guzman's government in 1954, the military has exercised an uninterrupted control over the country. In the last 30 years, an estimated 50,000 to 80,000 people have died at the hands of the military — the vast majority of them peasants and rural workers.

In recent years the violence has intensified under the rules of Generals Lucas Garcia and Rios Montt. In the face of rising opposition worker mobilization (particularly resulting from the reconstruction efforts following the earthquake of 1976), the government established a conscious policy of subverting possible opposition.

The first phase of the policy was targeted at community leaders (in particular, clerical workers). As phase one failed to counteract the mounting activity of the guerrilla movement, a second phase was institutionalized under Lucas Garcia and intensified under Rios Montt which involved bombing and large-scale harassment. Its intent was to destroy the "base" of guerrilla activity. The increased repression involved destroying food supplies by burning peasant fields and killing livestock, as well as systematic elimination of "suspected" guerrillas. Moreover, the repression assumed a racist dimension as most of the perceived opposition was seen to come from the Indian populations (60% of the country).

Following the coup d'état in March of 1982 which brought Rios Montt to power, some speculated that the spiral of political violence would cease. Instead, matters worsened. On July 30, 1982, Rios Montt

*Continued on page 10*



indigenous people belonging to various tribes of the Maya people such as the Quiches, the Ixiles, and the Ketchis. Proud of their culture, ethnic and family traditions, almost *all* are poor farmers or small tradesmen. Most come from the high plains where they took shelter after the Spanish Conquest and during successive regimes. None of the ruling elites were prepared to give the Indian population even a limited opportunity to participate in the political, social and economic life of the country. Given their numbers and cultural homogeneity, the indigenous Maya people are apparently considered a major threat to the ruling oligarchy rooted in the small elite of non-Mayan descent.

As a consequence of the state's policy and military strategies, Indians have had to abandon their centuries-old habitat in the high plains; they have seen their communal mode of living broken and they have lost their link to the earth of their forefathers. To safeguard the only thing of value left, i.e., life, often suffering from torture and mutilation, they wandered through the forests and mountains, hiding in inhospitable places often up to 12 months with a bare minimum of clothes, food, or medicine, eating tree roots and leaves. Thousands died during this long trek due to malnutrition and illness. Many more who made it across the border into Mexico died as a result of their deplorable health conditions.

Personal testimonies, assembled and documented by the Mexican Commission for Aid to Refugees (COMAR), provide evidence of the planned violence aimed at systematically exterminating the indigenous Maya people and their culture in Guatemala. This interpretation of the facts is quite distinct from the Guatemalan official line which presents the basic struggle as a confrontation between capitalism and communism.

#### **Immediate Causes**

The military counter-insurgency operation of the Guatemalan Army consists of four basic strategies:

- a "scorched earth" policy aimed at isolating the guerrillas from the Indian population which is accused of providing shelter, feeding the guerrillas, and providing recruits;

- the creation of "strategic hamlets" where those dislocated by the burning villages and massacres can be limited in their activities and brought under strict control of the army;

- the establishment of a "civil defense" into which young and older men are recruited to "spy" on their own people for any possible links with the guerrillas;

- a "civic action" programme, as part of a so-called "rural pacification" policy, that forces the Indian population to rebuild that which has been burned by the military and to engage in public works for the army.

In Guatemala's interior, the army continues its excesses while the outside world is largely kept ignorant of the real facts. How many would venture into the interior for first-hand observation and interviews after the slayings of three Dutch reporters in 1982? Such a situation has given the military the upper hand in manipulating the media and world public opinion. The refugees themselves fear reprisal if they speak about the atrocities.

#### **Incursions of the Guatemalan Army Into Mexican Territory**

Not only has the Guatemalan army been active within its own country, it has attempted to maintain strong physical and psychological control over the lives of Guatemalan refugees outside its borders through a campaign of intimidation, terror, and repression. From October 1982 to the present, military incursions have occurred, often unopposed and, sometimes several kilometres deep into Mexican territory aimed at refugee camps and settlements; the Guatemalan soldiers robbed, destroyed and killed.

#### **The Diplomatic Offensive**

A diplomatic offensive initiated in February of this year (in anticipation of the Papal visit), and continued into the month of May, was an attempt by the Guatemalan government of Rios Montt to seek repatriation of all the Guatemalan refugees residing in Mexico through peaceful, more persuasive means.

The first link in this offensive involved a visit to Mexico by the Guatemalan Red Cross. This organization agreed to serve as guarantor for the general amnesty offered to the refugees by the government. The Guatemalan radio served as a second link, broadcasting the "good"

news across the border, while the Guatemalan Consul in the Mexican city of Comitán in the State of Chiapas used the local radio to exhort refugees to return to their place of birth. Furthermore, it was learned from information passed on to the Mexican press (Feb. 22) by several Mexican farmers residing in the area that members of the Guatemalan "civil defense" had entered many refugee camps to harass refugees and plead with them in the name of the Guatemalan government to return to their country. Finally, in May, various missionaries of the American Christian Fundamentalist sect to which the Guatemalan president Rios Montt also belonged (Gospel Outreach of Eureka California), arrived in the Tziscaco zone of Mexico bordering Guatemala with the objective of convincing refugees of the peace that would await them upon return with the guarantees offered by a "Christian" president.

As COMAR put it (July 1983): "In general, the Guatemalan refugees do not (allow) themselves (to be) misled by this type of campaign. People who continue to leave Guatemala seeking refuge from the massacres perpetrated by Rios Montt's army are the best witnesses to the deceitfulness and untruth of these invitations extended by this regime. There (can be) no peace in Guatemala while horrors...denounced by different international tribunals, (continue). Evidence gathered by eye-witnesses indicates that those refugee families who, deceived by this propaganda, returned to their place of origin, and were brutally murdered upon arrival." (This release, no doubt, was issued by the external wing of COMAR.)

#### **The Mexican Response**

Mexico, which even up until 1981 expelled thousands of refugees from Guatemala and did not until 1982 sign the UN Convention dealing with the protection and basic rights of refugees, has become one of the world's major recipient countries for displaced persons, principally from Guatemala and El Salvador. The total number from these countries presently residing within Mexico is estimated to be anywhere from 200,000 to 250,000. Considering that a staggering one million Guatemalans (out of a population of 7 million) are dislocated by the Civil War and in hiding somewhere in the interior of that country, many more tens of



Photo: J. Adelman 1983 La Cascada Settlement, Chiapas

thousands can be expected to eventually cross the border, either seeking refugee status or as illegal immigrants.

Some Mexican authorities consider the continuing migration flow across the border to be a destabilizing factor both politically and economically. A series of measures has been introduced recently to put the brakes on the swelling numbers of refugees.

Mexico's deep economic troubles and the huge number of unemployed and under-employed among the 70 million people of Mexico provide reason for Mexican authorities to be cautious in allowing more refugees to enter the country even though most Guatemalans and other Central Americans do not enter Mexico to seek work or to improve their standard of living, but rather to flee repression with an explicit desire to return as soon as the hostilities come to an end.

Refugees within Mexico are required to carry special passes which call for renewal every three months. These passes provide a lease on life for refugees, and at the same time Mexican authorities can bide their time hoping for a political solution within Guatemala. Refugees can stay in Mexico as long as they refrain from using that country as a stopover for eventual entry into the United States. Mexico cannot ignore legitimate U.S. apprehensions about the estimated half-million illegal Latin American migrants (including Mexicans) entering the United States each year, nor resulting U.S. pressure to contain the influx of Central Americans within Mexico. However, American official motives are less plausible with reference particularly to Salvadorean and Guatemalan refugees in the United States. After all, the U.S. sends military aid to the two coun-

tries and implicitly supports the counter-insurgency strategies carried out in the very region from which the largest number of refugees originate.

Mexico's *official* public response may be reluctant, yet, the Mexican people have been extremely generous to the refugees. (Spokesmen of voluntary agencies did not want to be too harsh and critical of Mexican official policies. As they pointed out, the government is in a political dilemma vis-a-vis the United States, and at least tolerates the voluntary sector doing its bit.)

Fears were expressed by some refugee workers about possible friction between local Mexican farmers and refugees because of the scarce resources available, but no such tension was apparent. On the contrary, Mexican Indians seemed to readily share their meager belongings with the Guatemalan Indian refugees and welcomed the opportunity of extending a helping hand to their own people from across the border. As far as the larger Mexican landowners are concerned, they look upon refugees as a new source of cheap labour to be exploited in the coffee and cotton plantations, working under inhuman conditions. The refugees working in such settings hardly complain for fear of being sent back to Guatemala. Refugees in the older settlements and camps, with the assistance of Mexican volunteers, have organized and mobilized their own people to the point where they are able to meet many of their own basic needs (i.e., clothing, food preparation, primary health care, shelter) but they cannot be fully self-reliant as a community unless they have land to produce their own food and feed their families.

One of the most supportive and influential individuals related to refugee work

in Mexico is the Bishop of San Cristobal, Monsignor Samuel Ruiz, who is the church leader for the diocese that contains the largest concentration of refugee settlements and camps in Mexico. A "progressive" bishop among a generally "conservative" college of over 100 Mexican bishops, he has spoken out strongly against attempts at returning refugees to their country. A Catholic Solidarity Committee within his diocese leads and coordinates refugee help.

The Solidarity Committee is currently working on long-term plans that involve renting land from neighbouring large landowners to be farmed by the refugees for their own food production. This would help significantly to reduce the dependency level of refugees on the Mexicans, to diffuse possible tension in the region where local farmers are tested in their patience and increase self-esteem among the refugees themselves. This land rental plan would also help distribute the burden of supporting the refugees to the nation at large and to other countries like Canada through financial contributions.

### Mexican Views on Canada's Role

Mexican voluntary officials active with refugees felt that Canadians could assist in several ways:

1. by actively supporting and promoting the peace initiative of the Contadora group of nations (Mexico, Colombia and Venezuela);
2. by taking a stronger stand against the increased U.S. military build-up in Central America, and the general militarization of the region;
3. by speaking out against the flagrant abuse of human rights by the Guatemalan army;
4. by supporting morally and financially the work of the Mexican and Canadian voluntary organizations active in alleviating the problems experienced by refugees in Mexico, such as the work carried out by Canada's major Christian churches, Oxfam and others;
5. by taking in a sizeable number of Guatemalan in-homeland refugees or those currently in Mexico who are uprooted victims of civil war lacking adequate protection for their safety and fearing persecution by the Guatemalan state.

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declared a state of siege for "30 days" - by December 30, it was still in effect; and the President is on record as having stated that "we declared a state of siege so we could kill legally." In the first month of the siege, 9,000 Guatemalans fled to Mexico.

The following nine months witnessed a cumulative increase in the flow of refugees, primarily from the northern provinces bordering on Mexico (El Quiche, Huehuetenango, San Marcos, Quetzaltenango, Tolonicapan, Solola, Chimaltenango, Alta Verapaz and Baja Verapaz). These provinces also have large percentages of indigenous populations. Virtually all the refugees are Indians whose long history of subjugation in a traditionally racially divided society reached its culmination under Rios Montt. Though the depiction of the military's policy as genocidal may be excessive, there is little doubt that the indigenous peoples have been singled out for political persecution or death.

Shortly after the implementation of the siege, on July 17th, the entire village-rural-estate of San Fransisco, comprised of Chij Indians was massacred. Only four men survived. According to an American Anthropological Association estimate, 350 men, women and children of all ages were systematically killed. Many of the refugees in the state of Chiapas in Mexico cited the San Fransisco massacre as the incident which drove them to flee. They feared the spread of the government's policy of destruction.

The massacre of San Fransisco, though not untypical, was important in one other respect. A combination of pressure by the U.S. administration (to reform the Guatemalan military's anti-guerrilla tactics), and a massive outcry in response to the publicity attracted by the massacre, provoked Rios Montt to alter his strategy. His continued offensive would henceforth involve: (1) a professionalization of the military; (2) the introduction of compulsory service in civilian militias; and (3) a so-called "frijoles y fusiles" (beans and rifles) campaign. The latter attempt would provide beans for those sectors willing to tolerate the regime and treat so-called insurgent sectors forcibly.

A sophisticated merger of civic action programmes and public relations served to obscure the continued repression. Thus Guatemala could testify to an im-

proving human rights record. Obscuring of reality was extended to the understanding of the plight of the refugees in an attempt to diminish the criticism that was directed at Rios Montt.

The peak flow of refugees to Chiapas occurred in the period between October and December 1982 under the revised version of Rios Montt's anti-guerrilla movement. In the last week of October and the first week of November, 10,000 refugees (UNHCR estimates) crossed the border. Many of these were expelled. The Coordinator of Programs for the UNHCR, Alfredo Witschi, suggests that most of the refugees arriving up until February of 1983 had left their villages the preceding June and had been wandering until their arrival in Chiapas.

Witschi estimates that 95% of the refugees are from villages in the border provinces of Guatemala. All the refugees spoken to came from within a day's walk from the camps. The option of fleeing to Mexico for those further away from the border was precluded by the rough terrain and the difficulties of travel in the region. They are forced to remain in Guatemala. Consequently, according to the Director of the Anthropology Resource Centre, 500,000 to 1,000,000 people are believed to be homeless within Guatemala. But Guatemalan authorities have ensured that little can become known of these internal refugees.

In fact, no involved nation is prepared to expose the reality of the refugee situation. Little can be learned about the condition of the refugees who have managed to escape. One complicating factor is Mexico's non-committal to the Protocol of 1967 or the 1951 Convention. Mexico's fear of the spread of the "Central American Syndrome", compounded by the tradition of social unrest in Chiapas, has led to an attempt to curtail the flow into Chiapas of potentially disrupting Guatemalan refugees.

Nor has Mexico ever maintained a coherent policy vis-a-vis Guatemala in general (unlike their open support of Nicaragua and the FDR of El Salvador). Some commentators add that U.S. pressure on Mexico to deliberately contain and downplay the refugee issue is designed to minimize potential criticism of the Guatemalan military regime in Reagan's bid to supply military aid.

The administration and care of the

refugees who have fled to Mexico is undertaken by the Mexican Commission to Help Refugees (COMAR). But the implementation of its policy is wrought with confusion. COMAR's plans for the future, for instance, are nebulous. Not only has there been no consistent policy (aside from isolation) on the part of the government, but the Commission itself is under a state of flux as the new administration of Miguel de la Madrid begins to percolate through the bureaucracy. It is clear, however, that COMAR is becoming more "hard-line".

COMAR comprises several ministries. The major ones are External Affairs (the haven for the more progressive wing of the ruling PRI party), Labour, Internal Affairs and Immigration (the haven for the more conservative-xenophobic members of the PRI). In June 1983, Ortiz Monestario, an appointee of ex-president Lopez Portillo's from the Internal Affairs ministry, was replaced by an Immigration man: Mario Vallejo. And the gradual marginalization of the External Affairs branch in determining policy was illustrated by the fact that the news of the COMAR shake-up was discovered by External Affairs the day after it had already occurred. As COMAR moves more "hard-line", matters will not improve substantially for the refugees.

The result of the Mexican government's ambiguity and COMAR's drift to a "hardline" position has been to deny the refugees the benefits of attaining refugee status. Indeed, Interior Minister Manuel Bartlett refers to the refugees, as "desplazados" or displaced people, the intention being to place them where they belong. This at least permits the authorities to contain the flow and mobility of the refugees, and isolate them from the rest of the world. This permits the new Mexican regime to adopt a policy to remove the refugee disturbance altogether.

The alternative of repatriating the "desplazados" to Guatemala floats through the COMAR ranks as an increasingly serious option. The Guatemalan government regularly makes overtures promising passive resettlement (including land offerings and supervision by missionaries) and guaranteed safety to the refugees and Mexican authorities. But Interior Minister Bartlett is committed to no refoolment of *refugees*. Herein lies the

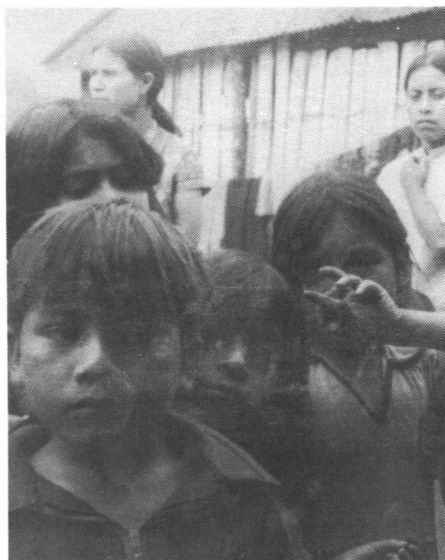
problem: Guatemalans are yet to be recognized as refugees. As "desplazados" their repatriation would contravene no laws. Hence, technically the refugees could be forced to return even though this is not official policy.

However, the general lack of coherent policies vis-a-vis the totality of the Guatemalan situation prevents a decision whether or not to evict the refugees. In all probability, a preservation of the status quo and derailment of international pressure by containing and isolating the refugees will continue to be the Mexican approach, if only to allow the Mexicans some flexibility and to minimize potential criticism by internal or external sources.

In southern Mexico, there are currently 40,000 refugees organized into 57 different camps administered by COMAR and supported primarily by the UNHCR. The remaining approximately 100,000 refugees are integrated into Mexican villages (mostly communal "ejidos") in the southern zone of the border region. Apart from assistance provided by the Church, the latter group of refugees receives no official support.

The government policy in the region has changed considerably in the past. Mexico pursued a policy of refoulment (contrary to the Convention and Protocol) for an extended period until sufficient international pressure was brought to bear on their policy. On October 21, 1982, 1,500 refugees were expelled from Mexico even though they were told by immigration officials that they were to be relocated further inside Mexico. Five days later, 2,000 refugees living in Camp Rancho Tejas were ordered back to Guatemala. Though the practice of refoulement has ceased, rumours of repatriation of the refugees continue to abound.

Until March of this year, incursions by the Guatemalan armed forces into Mexican territory were frequent. The Rios Montt regime justified the violation of Mexican territorial integrity by claiming, as Presidential Press Secretary Escobar Arquello did, that "the fact that they are refugees in Mexico shows that they are rebel collaborators and their false accusations reveal the subversives' capacity to spread lies about the government." Mexican official response to such actions had been muted. Troops were not sent and the tone of Mexican warnings was unduly soft. This failure



Guatemalan Refugee Children, Chiapas  
Photo: J. Adelman 1983

to act decisively was indicative of Mexico's general lack of policy on the Guatemalan issue and its hesitancy to become involved too deeply in the geopolitics of the region. Some analysts suggest that the cessation of raids was a result of international outcry as well as U.S. pressure on Rios Montt to avoid attracting attention if military aid were to be ratified by Congress. The major actors sought to play down the issue to serve their own interests until the military could be convinced of an alternative approach to the refugees. The effect is to obscure reality; the refugees suffer in the process.

Moreover, it is clear that the Mexicans would like the refugees removed from their soil and, not having signed the Protocol or Convention, the authorities are allowed widespread and arbitrary control. The refugees' status as "desplazados" and the formal legal infrastructures permit the Mexican authorities to prevent adequate verifiability of projects and aid (funded by the UN and other international agencies). Alfredo Witschi, from the UNHCR, visits the refugee area only once a month, and admits that the best existing or allowed mechanism for critical assessment is through the auditing process. (The UNHCR is permitted to systematically screen the budgeting of COMAR — but this does not fulfil the requisites for adequate verification.)

The UNHCR is aware of its jurisdictional limitations as in the case of Honduras (also non-signatory). It is subject entirely to national and local law and

custom. Recognizing the tenuousness of its position, rather than jeopardizing the entire project, the UNHCR prefers not to assert itself excessively.

Information and examination are further restricted. No agencies except the Church (whose own status vis-a-vis the refugees is subject to scrutiny by the authorities) are permitted to work in the region. Press access is highly restricted, as are international observer visits to camps. Roads and nearby small airports are constantly patrolled to prevent entry into the zone. The less information that flows out of the region, the more autonomy the authorities have in exercising their policy. They are not accountable to any agency, nor are they subject to criticism by the international community.

As it stands, Mexico is reluctant to offer the fleeing Guatemalans the benefits that would be granted were they to receive refugee status. They are neither protected nor are there plans for a "durable solution". Instead, the threat of renewed Guatemalan army attacks persists and they are denied freedom of movement, access to gainful employment and access to land. They have no schools (except where run by the Church). They have no health clinics (except where one may exist to treat local populations) and the problem of disease and malnutrition, though better than a year ago, is dealt with only on an ad hoc basis. The refugees exist only as dependents of COMAR. The fostering of occupational projects is hampered by the UNHCR's limited logistical position. But essentially, the Mexican approach is to preserve a situation in which the refugees enjoy a minimum of requirements for day-to-day existence, thereby minimizing the attractiveness to their staying in Mexico.

By impeding the outflow of information and minimizing the ability to critically assess the situation, Mexico leaves the world in the dark, ensuring that little pressure can be brought to bear on the authorities to improve the lot of the Guatemalans. And due to their static and miserable lot, the refugees may find the option of returning to Guatemala more attractive, thereby allowing the Mexicans to evict the refugees without resorting to coercive measures.

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# Relocating Refugees

by  
Martin Barber and Meyer

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*This is an edited version of the Barber-Brownstone "Report of the UNHCR Regarding the Protection of Refugees in Durable Solutions". Martin Barber is Director of the Brownstone is a professor of Political Science at the University of the Canadian Council for International Cooperation Canada.*

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## Introduction

There is continued widespread concern about plans to relocate the nearly 20,000 Salvadorean and Guatemalan refugees from their present camps to new sites in the interior of Honduras. In addition, there is concern regarding the access of new arrivals to reception centres in the border area and regarding the security situation within the camps.

It is important to note a number of significant factors.

1. The attitude of the Honduran Government to the different groups of refugees is quite distinct. The 13,500 Misquito refugees from Nicaragua are being allowed to settle on agricultural land in the Mosquitia area of Honduras. The 2,000 Ladino refugees from Nicaragua are living in two Honduran villages near Danli; although they have freedom of movement they are not at present allowed to take paid employment within the Honduran economy. The 18,000 Salvadoreans and 550 Guatemalans are restricted to camp sites under Honduran military control.

2. The total of 34,500 refugees from three countries now living in Honduras represents only a very small part of the vast number of people who have been uprooted as a result of the continuing conflict in Central America. We believe that the UNHCR, through the UN Secretary-General, should now make available his good offices to the governments of El Salvador, Guatemala, and Nicaragua to assist them in alleviating the desperate plight of displaced persons within these countries. Estimates of the numbers of such people vary, but figures of over one million in Guatemala alone and of 450,000 persons in El Salvador have been reported to us by reliable sources.

3. The key to much of the debate over the situation of the refugees in Honduras is the clear definition of ap-

propriate durable solutions and of when and how such solutions can be promoted and implemented.

4. We do not try to offer ready-made solutions to a complex and difficult problem. We do believe, however, that our analysis of the issues involved can be of help to those who must make decisions.

## Position of the Government of Honduras

1. At the most general level, the Government of Honduras will continue its humanitarian policy of accommodating refugees now in Honduras and of admitting additional refugees. A continued flow was anticipated. The Government of Honduras was not prepared to sign the Geneva Convention but the Ministry of Foreign Affairs was considering the question.

2. The Government of Honduras has taken a firm decision with respect to relocation on grounds of national security. One part of this decision is not to relocate either the refugees in Mesa Grande or the Nicaraguan refugees. The other part is to relocate the refugees in the El Tesoro, San Antonio and Colomoncagua camps. Reference was made to the proximity of Colomoncagua to the border and security problems related to guerrilla activity. The Commission for Refugees has informed the refugees of Colomoncagua of its firm intention to proceed with relocation. The timing of relocation remains uncertain. The government regards relocation as a "necessity" but not a matter of "urgency". Furthermore, there is no decision on the matter of relocation sites. These are now being sought through the joint work of the armed forces and the National Institute of Agriculture (a technical institute which has responsibility for administering the Honduran Agrarian Reform Law).

3. The Salvadorean and Guatemalan

refugee situation is seen as temporary. Given this and given the government's responsibility to the Honduran peasantry seeking land under the Agrarian Reform Law, the Minister stated that it would not be possible to consider allocating more extensive land resources for the Salvadorean and Guatemalan refugees in a relocation context. He was open, however, to extension of workshop activities as part of the refugees' economic base.

4. Colomoncagua would be retained as a reception centre in which refugees would be received initially and relocated to an interior camp following a brief stay.

5. General satisfaction was expressed regarding the work of UNHCR and the various service agencies. While the refugee program did not constitute a significant fiscal or programme burden on the government, reference was made to costs associated with immigration and military functions.

## Position of the UNHCR

1. The UNHCR believes that all the Salvadorean and Guatemalan refugees in Honduras should be relocated to a new site(s) in the interior of the country, since UNHCR is unable to guarantee their security in the places where they are now living. This policy applies to the refugees in Mesa Grande, even though that camp is substantially further inland than the other camps and even though the refugees there have already been relocated from camps and villages at La Virtud and Guarita.

2. The UNCHR also intends to ensure that the refugees can achieve full food self-sufficiency, with increased freedom of movement and access to markets, and lead a more normal and dignified life than in the present camps. Efforts are currently being concentrated on ob-

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# Refugees In Honduras

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by  
Barber and Meyer Brownstone

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*Barber-Brownstone "Report and Recommendations to the Protection of Refugees in Honduras and the Promotion of the Return of Refugees to Their Country". Barber is Director of the British Refugee Council. Meyer is Professor of Political Science at the University of Toronto, a member of the International Commission on International Cooperation, and Chairperson of Oxfam.*

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taining enough land in Yoro Province for 19,000 refugees.

3. On grounds of the UNHCR's fear of security problems, priority would be given to moving the refugees in Colomoncagua, San Antonio, and El Tesoro. Representatives of the refugees would be invited to view the sites selected, and the refugees would be moved in groups of 1,000 to 2,000. Relocating the first 9,000 refugees would therefore take several months from the start of the move, and it is not expected that anyone could be moved before the end of 1983. Movement of the refugees in Mesa Grande would follow a pragmatic evaluation of the relocation of the first three camps. The UNHCR would continue the presence of international Protection Officers in Honduras so long as the refugees remained in the country. In addition, the UNHCR would insist on maintaining the present reception centres at La Virtud and Guarita for new arrivals and at Colomoncagua and San Antonio once the present refugees had been relocated.

4. In spite of the opposition to the move expressed by the refugees, the UNHCR believes that a substantial majority of the refugees will move when presented with a specific proposal. Some refugees might opt to return to El Salvador or Guatemala. Those who agreed to be relocated would be clearly indicating that they were genuine refugees and not in any way involved in the continuing conflict within their own country.

5. The UNHCR representative does not believe that this proposal can be classified as a "durable solution". It is conceived of as somewhere between temporary camp life and permanent settlement. The land would be owned by a Honduran voluntary agency, and, once the Salvadorean and Guatemalan refugees had returned home, it would be made available to Honduran peasants.

## The Position of the Refugees The Guatemalan Refugees

1. Conditions in Guatemala make it impossible for them to consider returning home at this time. In particular, persecution of their section of the Catholic Church in the area of Guatemala from which they come continues to be brutal.

2. All refugees in El Tesoro wish to be resettled to a third country. Eleven refugees have already gone to Bolivia, and it was understood that family members of those eleven may be resettled there soon.

3. The refugees do not wish to be relocated within Honduras, since they do not expect security to be better than it is now in El Tesoro, and they would not wish to take land which might otherwise be available to Honduran peasants.

## The Salvadorean Refugees

1. The refugees in Mesa Grande complained forcefully about the false promises made by the UNHCR to persuade them to move from La Virtud and Guarita to Mesa Grande in 1981-82. They claim that the UNHCR promised fertile land to work, more freedom of movement, better security, sufficient water and that the refugees would not be moved from Mesa Grande until they were able to return home to El Salvador, unless the situation demanded that they be resettled in a third country. The premises were all false, since the site was "like a desert" when they arrived, and they have suffered continuous harassment there by the Honduran military forces. Now, the UNHCR informs them that they must be relocated further into Honduras, bringing up "the same false promises about land and better security".

2. The refugees in both camps expressed their strong opposition to relocation

for the following reasons:

- They do not believe their security can be guaranteed anywhere in Honduras. They think there will be worse security problems in the interior of the country. The refugees in Colomoncagua pointed out that there have been many fewer security problems in their camps than in Mesa Grande even though they are much closer to the border.

- They would prefer to return to die in their own country rather than be relocated. If forced to relocate, they would ask for voluntary repatriation "under an international flag".

- The refugees point out that Yoro (the relocation site) is close to the training base at Puerto Castillo on the Atlantic coast of Honduras, and they note that Salvadorean troops are to be trained there.

- They do not believe that anybody is in a position to fulfil the promises of greater freedom of movement, security, and access to markets which have been made by the UNHCR.

- They feel protection will be more difficult if they are dispersed into agricultural communities than if they remain in the present large camps. They are concerned as to whether the UNHCR would be able to assure their protection over many years, once their assistance needs lessen.

- They fear that relocation will bring them into conflict with Honduran peasants. They note that government statements already label the refugees as "subversives" and feel sure that they would be treated as such if settled in rural communities. They noted the traditional hostility of Hondurans towards Salvadoreans in Olancho Province and the past history of conflict between landowners and peasants in Yoro.

- They are unwilling to throw away the huge investment of work and money



Camp Benito Juarez, Chiapas, Mexico

which has gone into building up the present camps. They claim they would not be willing to work on creating the infrastructure in a new location.

3. In response to the UNHCR's suggestion that representatives of the refugees visit the proposed new sites, the refugee leaders said that even to do that would be to compromise their position.

4. Refugees in both Mesa Grande and Colomocagua expressed their satisfaction with the material conditions of life in the camps and their gratitude to the UNHCR and the agencies for their assistance.

5. In concluding their written petition, the refugees in Mesa Grande state, "For these reasons we say once and for all 'No!' to relocation, and if they want to relocate us by force, it would be better to let us return to die in our places of origin in El Salvador".

### Position of the Agencies

We learned that agency workers have played a comprehensive support role in the camps. Although individuals involved have a primary technical responsibility with respect to functions such as health, education, infrastructure, workshops, and others, in reality their total role includes: (a) direct technical activity, (b) training of refugees in technical roles, (c) assistance in forming refugee organizations and camp structures, (d) supplementary protection, (e) maintaining a communications channel, (f) personal counselling and support. All of this results from the direct contact

which agency workers have with refugees and, in Mesa Grande and El Tesoro, the fact that they live in the camps and share many aspects of daily life there. As a result, the agency workers see themselves as basically "with the people", supporting them. listening to them and responding to them. This is, in their view, the relationship they want and must have as supportive individuals. That is, they must respect the refugees' decisions; they must voice the desires of the refugees and they must be channels of communication to the UNHCR and to their own agencies on behalf of the refugees.

Agency workers may not necessarily reflect the official positions of the agencies themselves.

1. They reject both the security argument and the possibility for any improvement in human rights or socioeconomic conditions of refugees relocated elsewhere in Honduras. Their explanation for the relocation policy tended to stress political-military purposes on a national and regional scale.

2. They oppose the specific position of the UNHCR on relocation and feel the way in which it has been presented by the UNHCR has worked against a constructive dialogue between the UNHCR and the refugees.

3. Attempts to relocate are expected to produce tragic results in terms of virtually forced repatriation at great personal danger, serious loss of morale, physical and psychological damage,

and loss of the impressive progress which has been made in building up infrastructure and services in the camps. (Since many agency workers were personally involved in the relocation from La Virtud and Guarita to Mesa Grande, they reflected the same difficult experiences that the refugees had.) They shared the refugees' justifiable satisfaction with what had been achieved in existing camps.

4. Agency workers as individuals and groups say they would stand with the refugees in opposition to relocation and would not abandon them.

### Analysis

Our basic approach is predicated first and foremost on our responsibility to the refugees and our identification with their tragic situation, which means supporting them, listening to them and respecting their decisions. It is predicated also on the experience and understanding of the groups and individuals working supportively with the refugees. At the same time it is essential to understand the national and regional context in which they find themselves as defined by the Government of Honduras (and in observations made to us by Honduran citizens involved in human rights and other aspects of Honduran life), and by the relationship between the Government of Honduras and the UNHCR, and by the policies and programmes of the UNHCR in the region.

1. The refugee and agency workers do not find either the UNHCR or the Honduran Government relocation policies acceptable, with the important exception of the government's decision to retain the Mesa Grande camp.

• As refugee camps, and accepting the obvious constraints, the present locations and internal conditions are not a question at issue. Indeed, any objective analysis would find a remarkable adjustment in terms of material daily life and of a healthy community situation. The people and support workers have worked very hard under difficult conditions to produce impressive results which they identify as their achievements and which they resist abandoning. Furthermore, there has been little evidence of security problems in either Mesa Grande or Colomocagua for some time, although a serious incident did occur in El Tesoro recently. It is therefore difficult for us to anticipate a significant improvement in an already



reasonably secure situation.

- The refugees all define their stay in Honduras as temporary, and this brings into question the UNHCR arguments favouring relocation which are based on considerations of expanding the refugees' land base, access to markets, and freedom of movement. None of these are being demanded by the refugees who are quite prepared to stay in present camps under present conditions at Mesa Grande and Colomoncagua. Quite literally, refugees are not requesting "freedom" in Honduras.

- The Mesa Grande refugees and agency workers have vivid and painful memories of the relocation from La Virtud and Guarita and neighbouring villages, and they have received little assurance that another relocation will not be a repeat performance. The refugees at Colomoncagua are fully aware of the La Virtud relocation.

2. The refugees, when we raised the possibility of their being confronted with relocation, stated their preferred options; that is, resettlement to a third country or repatriation. Unfortunately, both options appear to us to be highly doubtful, in terms of the availability of a suitable third country on the one hand, and the enormous risks in repatriation on the other. In the latter case, under present circumstances the refugees would not have UNHCR protection available.

3. In relation to the institutions on which the refugees are primarily dependent, that is, the Government of Honduras and the UNHCR, two main comments emerged which affect their response to relocation:

- There is a profound lack of confidence in the UNHCR promises surrounding relocation.

- There is virtual certainty that, despite being received by Honduras, the Honduran Government and military regard them with a high degree of suspicion in terms of their political character, compounded by the historical tension between the two countries.

Under such circumstances the best option for the refugees would appear to be the status quo, and we feel that this is the best basis for continued discussions involving the refugees, the UNHCR and the Government of Honduras.

4. We have found it difficult to understand the logic of the UNHCR's position in some regards. If the UNHCR believes

that there are serious security risks for the refugees in their present camps, then we would expect them to be taking urgent measures to move them to safer sites. (We noted that no such sense of urgency was expressed either by the Honduran Government or by the refugees themselves.) However, the conditions which the UNHCR are imposing on the relocation plans (essentially enough land to allow self-sufficiency in food) would seem to militate against any likelihood of a speedy relocation. Our discussions with the Government of Honduras led us to believe that the government was unlikely to accede to these conditions.

#### Recommendations

1. The UNHCR should accept the policy of the Honduran Government to retain the present camp at Mesa Grande. If the site should become overcrowded, then new arrivals might be placed in a new camp.

2. The UNHCR should not pursue the

idea of relocating the refugees in Yoro or Olancho, or any other province in sites which would lead to self-sufficiency in food and access to Honduran markets, since we believe this to be an unrealistic objective in the circumstances which exist in Honduras.

3. If and when the Honduran Government nominates a site(s) for the relocation from Colomoncagua, San Antonio and El Tesoro, the UNHCR should examine the proposal in the light of the views of the refugees and should consult directly with the refugees and agency workers in the three camps.

4. The UNHCR should use its good offices to help in relieving the appalling plight of displaced persons in Central America, particularly in El Salvador, Guatemala and Nicaragua. In addition, the UNHCR should seek to develop ways of monitoring the situation of refugees who have returned voluntarily to El Salvador and of obtaining all possible guarantees for their security.

### Number and Nationality of Refugees Under UNHCR Assistance in Honduras

<u>NATIONALITY</u>	<u>CAMP</u>	<u>TOTAL</u>
Guatemalans	El Tesoro	567
Nicaraguan (Miskitos)	Rio Warunta	3,235
	Rio Mocoron	5,683
	Rio Patuca	3,770
	Cocobila	230
	Tapamlaya	247
	Prunmitara	186
		<hr/> 13,351
Nicaraguan (Ladinos)	Jacaleapa	1,008
	Teupasenti	990
		<hr/> 1,998
Salvadoreans	Mesa Grande	10,238
	Colomoncagua/San Antonio	8,154
		<hr/> 18,392
	<b>TOTAL ASSISTED</b>	<b>34,308</b>

Source: UNHCR

Tegucigalpa, D.C.  
August 25, 1983

# Recommendations for Changes in Canada's Refugee Status Determination Procedures\*

## Introduction

In his address to the National Symposium on Refugee Determination, Toronto, February 20, 1982, the former Minister of Employment and Immigration, Lloyd Axworthy, underlined that the development of a humane, fair and workable system for determining refugee status is an evolutionary process, moving "from practices which met our former needs to those that will respond to our needs today and in the future." The Concerned Delegation has been an active participant in that evolutionary process. On March 13, 1979, a brief on "Recommended Changes in Canada's Refugee Status Determination Procedure" was presented to the Honourable Bud Cullen. In that brief, recommendations were made to support four key principles.

"The refugee claimant should:

- have the right to appear in person and present his case before the people who make the decision;
- know the reasons for the decision in his case;
- be assisted to obtain competent legal counsel;
- have the right to know and to respond to information which can be used against him."

On May 9, 1980, a second brief, "The Refugee Determination Process", was presented to the Honourable Lloyd Axworthy.

Several changes have been effected during this period which have the potential to improve our refugee determination procedure:

- The issuance of new guidelines with respect to the application of the refugee definition and assessment of credibility;
- the separation of the Refugee Status Advisory Committee from the Immigration Commission;
- the appointment of additional independent members to the Refugee Status Advisory Committee;
- the initiation of an oral hearing "pilot project."

A key issue is the need for an oral hearing — a need that was overwhelmingly supported in the Report of the Task

Force on Immigration Practices and Procedures on the Refugee Status Determination Process, November 1981, by participants at the National Symposium on Refugee Determination, February 20, 1982, by the Canadian Bar Association, and by the Standing Committee on External Affairs and National Defence in its Eleventh Report on "Canada's Relations with Latin America and the Caribbean." It is time to act concretely to implement this widely supported principle.

## Recommended Refugee Determination Procedure

It is felt that the recommended refugee determination procedure would ensure fairness to the claimants as well as protect the integrity of the process. Claimants with strong cases would be accepted quickly and without the necessity of convening a full oral hearing. Claimants who may be refugees would be ensured an oral hearing and would be entitled to work to support themselves while waiting for the hearing and final determination. Claimants abusing the system would be screened out without a hearing but would be guaranteed the right to fully contest the initial recommendation. As the work authorizations are dependent on a recommendation to accept or to refer to an oral hearing, non-bona-fide claimants would be discouraged from applying as the present material benefits associated with making the claim would be removed.

The proposed scheme would streamline the refugee determination process. The present cumbersome process of automatically preparing the transcript would be discontinued and transcripts would be necessary in only a small percentage of cases. The costs involved in providing an oral hearing to every claimant are high and the procedure may well be unnecessary. Initial interviews conducted by staff officers will be a less costly and more efficient mode of screening cases. Clearly well-founded cases need not go to a hearing. Manifestly unfounded cases — providing the qualifying guidelines be strictly controlled — need not be

granted a hearing and yet these claimants would be given a full opportunity to reply in writing to initial assessment of their claim. Thus, the Refugee Review Board can concentrate its efforts on those cases most requiring its expertise.

As well, the cumbersome procedure associated with the present redetermination application through the Immigration Appeal Board will be abolished and this will free the Immigration Appeal Board to deal more efficiently with appeals to it from other areas of jurisdiction.

## Recommended Transitional Procedure

The most difficult impediment to an efficient transitional refugee determination process is the legislative requirement that transcripts be prepared for all refugee claimants. We feel, however, if legislative change will take some time and a transitional procedure is required, the following recommended scheme parallels the ideal process outlined above as closely as is possible within present legal confines.

It is recommended that the Refugee Status Advisory Committee be established as a full board with offices in the major centres. This can be done within the context of the present provisions of the Immigration Act. Staff officers of the Refugee Status Advisory Committee in various centres can be delegated by the Minister as Senior Immigration Officers for the purpose of conducting the examination-under-oath. These officers will play essentially the same role as contemplated for the staff officer of the Refugee Review Board under the ideal system. No more than 60 days should elapse before an examination-under-oath is held. While an examination-under-oath must be held, there is no prohibition to prevent the staff officer, acting as an SIO from examining the claimant in any way he/she wishes.

Therefore declarations or outlines of the claimant's case could still be presented, documentary evidence provided and the person examined by the senior staff officer. The Federal Court of Appeal has



made it clear that documents such as affidavits from witnesses would not form part of the transcript for the purposes of the application for redetermination to the Immigration Appeal Board. However, there is no bar to their use in the examination-under-oath per se.

The staff officer conducting the interview would then make a recommendation to the Refugee Status Advisory Committee within 30 days of the interview.

The staff officer would again make one of three recommendations to the Refugee Status Advisory Committee:

- that the claim be accepted outright without need for an oral hearing;
- that the case proceed to an oral hearing before the Refugee Status Advisory Committee;
- that the claim be rejected without an oral hearing on the grounds that it is manifestly unfounded.

#### **Refugee Definition and Assessment of Credibility Guidelines**

It is recommended that the guidelines be incorporated into the Immigration Regulations. The guidelines if left as such cannot offer the protection intended to a claimant.

If the guidelines are incorporated into the Regulations as recommended, this will ensure that the Refugee Status Advisory Committee can apply them without the danger that presently exists of reaching decisions which do not correspond with present judicial interpretation and without the danger of having their decisions overturned on review as being an incorrect application of the law.

Unless future court decisions reinterpret the law in a manner consistent with the guidelines, the guidelines will have no legal force and effect. Incorporating the guidelines into the Immigration Regulations would avoid this problem without the necessity of relying on courts to perhaps reinterpret the specific points in the future — a reliance at best uncertain and indefinite.

#### **Review of the Recommendations of March 1979 and May 1980**

In light of the above recommendations for change in the present procedure, not all of the previous recommendations made by the Concerned Delegation need be reviewed.

#### **Transfer of Claimants' Files**

Difficulties continue to be encountered

by claimants and counsel in transferring cases to the centre nearest to the person's intended destination. Under the proposed ideal and transitional system, Immigration Centres would have to be prepared to transfer claimants' files in order that applications for work authorizations and other immigration proceedings could be conducted within the same general area where the Refugee Status Advisory Committee office or the Refugee Review Board office is located.

#### **Family Reunification**

Mr. Cullen originally promised Minister's Permits to all spouses and children of refugee claimants. This commitment was later withdrawn by the Commission through subsequent ministers, both Mr. Atkey and Mr. Axworthy. Spouses and children are routinely required to make claims in inquiry and thereafter are generally permitted to include themselves in the major claimant's claim.

Family members should be entitled to claim under the spouse's application as a matter of course without the necessity of separate proceedings. Children in all cases should be entitled to apply for a student authorization once the claim is made, and the right to the student authorization should not be dependent on the parent receiving a work authorization.

The Commission did implement a program of reunification of refugee families once a claimant has been accepted and prior to the granting of permanent resident status to the claimant. Visa officers do not appear to be treating such cases as ones deserving of priority. Some officers have not shortened their procedures; they are following the regular procedure in applications for permanent residence, requiring that the IMM-8 be completed first, then the family member interviewed, and then medicals given and approved before a Minister's Permit is issued. Children and spouses can wait for up to a year or more to be reunited. Moreover, even where the program is applied it is not being applied to all family members as intended. In international law, "de facto" family members can claim under the person's application for refugee status. The reunification program is only being applied to family members who are sponsorable under the Regulations.

#### **Right to Counsel**

Persons arriving at the port of entry are still denied counsel even when counsel is waiting outside the Immigration office. The right to counsel is guaranteed to all inland claimants and should also be guaranteed to all port of entry claimants.

Although the Commission has prepared a pamphlet outlining the refugee procedure and made it clear that this pamphlet would be distributed to persons making refugee claims, the pamphlet is still not widely distributed. As well, to the Delegation's knowledge, claimants are not always advised of their right to counsel.

#### **Examination-Under-Oath**

There is still no consistent practice with respect to the conduct of examinations-under-oath. Some officers continue to conduct the examination while others permit counsel to conduct the initial examination.

Under the proposed transitional and ideal system, the senior staff officers would have no responsibilities other than to conduct examinations-under-oath and could be trained to conduct the interviews. As the initial interview is envisaged as being more informal than is presently the case, the individual should be permitted to have conduct of the basic presentation of the claim before being questioned by the interviewing officer.

"Fully competent translators should be provided for refugee examinations. Translators who have proved inadequate should be removed from service." In principle, every minister involved in the process has agreed with this recommendation. To the Delegation's knowledge, this review has never been conducted and the situation has improved little. Translators known to be inadequate still interpret in examinations-under-oath. The Commission cannot hope to offer competent service in this area if it is not prepared to pay rates similar to those offered in the private sector.

#### **Claimant Review of Transcript**

"The claimant and counsel should be provided with a copy of the transcript of the examination-under-oath and should be given the opportunity to correct it prior to it being forwarded to the Refugee Status Advisory Committee." The claimant does review a copy of the transcript and has the opportunity to

correct it. However, as such corrections are not then transferred to the original transcript it may be difficult for the Refugee Status Advisory Committee members making the decision to properly utilize the corrections.

Under the transitional and ideal programme, the transcript would still be prepared for consideration by the Refugee Status Advisory Committee and Refugee Review Board in oral hearing referrals and in cases where the interviewing officer recommends rejection as being manifestly unfounded. However, while the claimant is entitled to receive the transcript, the time period

given to correct it prior to its being sent to the Refugee Status Advisory Committee or Refugee Review Board could be eliminated. Persons referred for an oral hearing could present corrections at the outset of the hearing. Persons who have been determined to have frivolous claims could append corrections to the transcript as part of their declarations under oath to the Board.

#### Reasons Provided for Rejected Claims

In principle, "The claimant should be provided with the reasons for the Committee's decision at the time that he/she is notified of the decision." However,

the reasons are incomplete and often irrelevant. They are often stock reasons for rejection without any real analysis of the claim.

Under the recommended procedure, the Refugee Review Board would be required to give reasons for its decisions. Under the transitional procedure, the Refugee Status Advisory Committee would provide reasons when a claim is rejected after an oral hearing or because it is determined to be manifestly unfounded.

*\*This is an edited version of a report prepared in April 1983 by a Delegation of Concerned Legal, Church and Humanitarian Organizations.*

## Books and Periodicals

The *World Refugee Survey 1983*, 25th anniversary issue, contains articles on international and U.S. definitions of refugees, repatriation as a solution to refugee situations, resettlement in the U.S. and Australia, emigration of Soviet Jews, and congressional perspectives on refugee policy. Country-by-country descriptions of refugee situations in Africa, East Asia, the Pacific, Europe, Latin America and the Caribbean, the Middle East, and Southeast Asia are provided. Extensive statistical information includes numbers of refugees in need and resettled and contributions by international refugee aid agencies in 1982.

\* \* \*

*Escape to Freedom: The Story of the International Rescue Committee*, by Aaron Levenstein, has been published to commemorate the 50th anniversary of the IRC. Originally founded to help those fleeing Hitler's Germany, the IRC has continued its work since then, tirelessly helping refugees from all over the world. In the course of attempting to sum up IRC's diverse experience, the book notes the many invaluable contributions refugees have made over the years. The late Reinhold Niebuhr, prominent theologian and one of IRC's chairmen, recognized the value of refugee work in a quote recorded near the end of the book: "Never before in the 20th century has any nation been presented a greater opportunity to contribute so directly to the preservation of invaluable creative sources and to the enrichment of its own civilization." 338 pages. Greenwood Press, 88 Port Road West, P.O. Box 5007, Westport, CT. 06881 U.S.A. (203) 226-3581. Hardcover \$29.95.

## New Indochina Studies Program

The Committee on Southeast Asia — jointly sponsored by the Social Science Research Council and the American Council of Learned Societies — is pleased to announce a new Indochina Studies Program. The Program is intended to encourage and support research, writing, and the archiving of materials on Cambodia, Laos, and Vietnam, drawing on the knowledge and experience of the refugees who have left those three countries since 1975, and who are now residing in North America.

The Indochina Studies Program will sponsor an annual fellowship competition open to researchers, writers, journalists, artists, and other professionals and individuals. Fellows will be expected to produce a written product which will contribute to understanding the three countries, or the lives of specific people within them. Individual applicants must be residents of the United States or Canada. Joint projects involving one or more North American scholars and one or more refugees are encouraged. In these cases, at least one of the applicants must be a resident of North America. As needed, the Program will assist Fellows to obtain an academic affiliation for the period of the award.

Projects may be based on life histories, personal memoirs, focused interviews, studies of particular groups, the recording and analysis of

oral, ritual, performance, and other artistic traditions, or written literatures. Specifically excluded are projects concerned with the American experience in Indochina, and the experience of Indochinese refugees in North America. Program Fellows will be expected to place project materials in a selected archive to help assure their availability for others in the future.

Fellowships may be short-term, or for up to as much as 12 months. Projects should be designed to be completed within a single year. Skill in the relevant language(s) will be a major criterion in the selection process. Fellowships may include full-time or part-time maintenance, essential travel and research expenses, as well as summer language training or refresher courses in Hmong, Khmer, Lao, or Vietnamese. Supplemental funding for archival purposes will be considered. In exceptional cases, awards may be renewed for a second year, and support may be provided for a full year of language training in Khmer or Lao if in preparation for a subsequent research and writing project. The maximum award for any project will be \$25,000.

For application materials or other inquiries, please send the information requested above to the Indochina Studies Program, Social Science Research Council, 605 Third Avenue, New York, New York 10158.

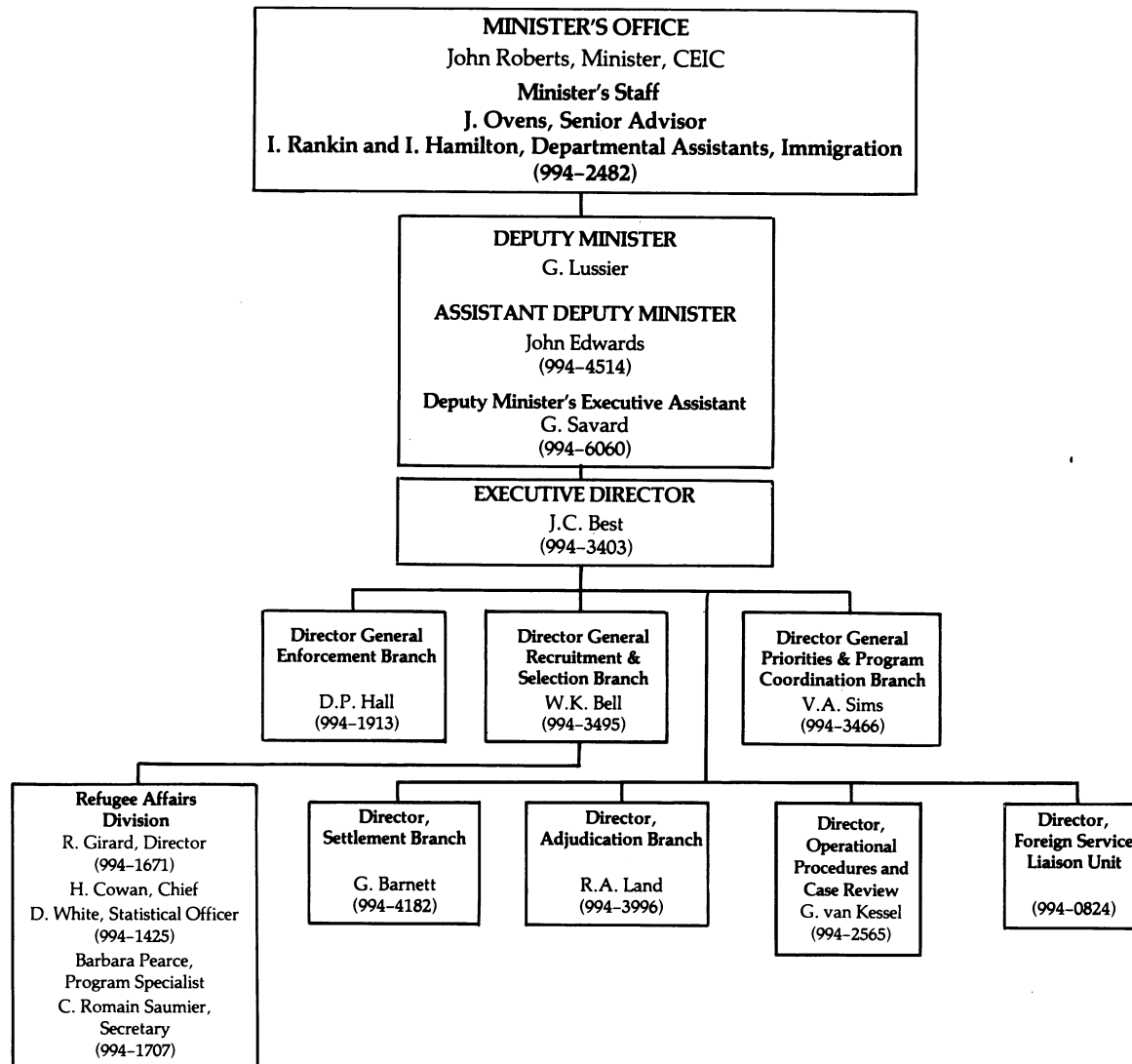
# REFUGEE POLICY

## WHO'S WHO

### IN

## CANADA'S EMPLOYMENT AND IMMIGRATION COMMISSION

### (C.E.I.C. — OTTAWA)



**RECRUITMENT AND SELECTION** branch is responsible for the establishment and monitoring of immigration levels and the policies and programs related to the selection of the three classes of immigrants: family class, refugees and workers. Responsible for consultations with provinces concerning immigration agreements and working arrangements, and for consultations with refugee and other non-governmental organizations.

**REFUGEE AFFAIRS DIVISION** takes specific responsibility for refugee policy within Recruitment and Selection.

**ENFORCEMENT** branch has functional responsibility for the application and enforcement of Immigration law within Canada and at ports of entry.

**OPERATIONAL PROCEDURES AND CASE REVIEW** monitors the interpretation of the Immigration Act and Regulations by Canadian and overseas offices concerning all immigration admission matters. Inquiries on specific refugee cases are handled by this branch, rather than by the Refugee Affairs Division.

**SETTLEMENT** branch has functional responsibility for program and service activities delivered to immigrants and refugees at posts abroad, on arrival at ports of entry and at final destination in Canada.

**ADJUDICATION** branch directs the mechanism for adjudication of immigration inquiries at ports of entry and inland and renders decisions respecting permission of visitors to enter or remain in Canada and decisions respecting exclusions, deportations and departure notices.

**PRIORITIES AND PROGRAM COORDINATION** branch is responsible for program management, operational support and resource planning as well as secretariat services.

**THE FOREIGN SERVICE LIAISON UNIT** was established to provide a single responsibility centre within the Immigration and Demographic Policy Group to finalize any outstanding issues relating to the Foreign Service consolidation Exercise and to identify and develop supportive arrangement for the effective delivery of the Immigration Program overseas.



## Extracts from the Annual Report 1982-83, Employment and Immigration Canada

### Annual Refugee Plan

Canada is the fourth largest contributor to the United Nations High Commissioner for Refugees (UNHCR), and makes significant donations to international refugee relief organizations such as the International Red Cross. Canada is a member of the executive committee of the UNHCR, and seeks diplomatic solutions to refugee-producing problems. Canada's borders are open to controlled refugee resettlement, as outlined in an Annual Refugee Plan. The Plan, which forms a chapter of the Annual Report to Parliament on Immigration Levels, is determined by the federal government after consultation with the UNHCR, provincial government, and Canadian refugee aid and advocacy organizations, particularly church groups. Refugee intake can be planned only one year in advance owing to the volatile nature of the international refugee situation.

Statistics for 1982 indicate that the Annual Refugee Plan for the acceptance of 12,000 government-assisted refugees was 94 per cent fulfilled. Although the allocations for Latin America and Africa were not fully met, programs in these areas are now gaining wider recognition and momentum, and Canada is continuing its efforts to identify persons with special needs in these regions, where there are large refugee populations.

Refugees who are resettled in Canada may be assisted by the federal government or sponsored by private groups or families. In 1982, more than 4,000 persons came to Canada through private sponsorships, and more than 5,000 were granted permanent residence under special humanitarian programs for family members from Lebanon, Poland, and El Salvador. In addition, some refugees are landed without government assistance or private sponsorship, since they appear to have the ability to become self-supporting on arrival. In all, Canada's refugee and humanitarian programs benefitted about 22,000 persons in 1982.

Government assisted refugee allocations in 1983, as announced in the immigration levels report, will comprise 3,000 from Indochina, 3,000 from Eastern Europe, 2,000 from Latin America and the Caribbean, 1,000 from Africa, 800

from the Middle East, 200 from other world areas, and an unallocated contingency reserve of 2,000.

### Consultations

The Immigration Act requires that the Minister consult with provincial governments before the federal government determines future levels of immigration. Territorial governments were also consulted in 1982. In addition, some 100 non-governmental organizations, including employer, employee, academic, and environmental groups, were canvassed. Refugee consultations involved the United Nations High Commissioner for Refugees, provincial governments, and Canadian refugee aid and advocacy organizations, particularly church groups. Special consultations were begun to seek ways of further improving the provisions for refugee sponsorship. Special consultations on immigration settlement and adaptation were also launched.

### Persecuted Minorities

On November 5, 1982, a new Designated Class Regulation came into effect. It covers political prisoners and oppressed persons who are still in their countries of citizenship, are citizens of a country listed in the Schedule to the Regulation, are seeking resettlement in Canada, and

a) as a direct result of acts that in Canada would be considered a legitimate expression of free thought or a legitimate exercise of civil rights pertaining to dissent or to trade union activity, have been (i) detained or imprisoned for a period exceeding 72 hours with or without charge, or

(ii) subjected to some other recurring form of penal control, or

b) by reason of well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group, are unable to avail themselves of the protection of their country of citizenship. Countries listed in the Schedule are Argentina, Chile, Poland, and Uruguay.

### Polish Refugees and Visitors

Growing unrest in Poland in 1981 prompted the Canadian government to introduce measures to help Poles in Canada as well as those in Poland and in refugee camps in western Europe. Polish visitors in Canada were given the choice of seeking permanent residence or of extending their visits temporarily. Canadians with relatives in Poland were given an opportunity to submit guarantees of assistance to facilitate admission of these family members as immigrants under relaxed selection criteria.

### Salvadorean Refugees

Salvadoreans in the United States who were in danger of being deported to El Salvador, where their lives could have been in peril, were made eligible in 1982 for the Canadian Program for Salvadoreans. Under operational procedures established at that time, urgent cases could be referred to Canadian posts by voluntary groups. Guidelines for Salvadorean refugees in need of resettlement were broadened following a mission to Central America, Mexico, and the U.S.A. by a special team of Ministerial advisors headed by Dennis Dawson, M.P.

### Comparison of 1983 and 1984 Refugee Plans

	1983	1984
Central and Latin America	2,000	2,500
Southeast Asia	3,000	3,000
Europe	3,000	2,300
Africa	1,000	1,000
Middle East	800	800
Other Regions	200	400
<b>TOTAL</b>	<b>10,000</b>	<b>10,000</b>
Contingency reserve	2,000	2,000
<b>TOTAL</b>	<b>12,000</b>	<b>12,000</b>



## *New Attack on Baha'i Faith in Iran*

September 19, 1983 (Toronto, Ontario)  
Iranian authorities have launched a new attack on the Baha'i Faith in Iran by officially banning all its worship and administrative activities.

Baha'is may practice their beliefs as private individuals. Any communal activity, however, has now been defined as a criminal act.

Douglas Martin, General Secretary of the Baha'is of Canada, stated that the authorities' suggestion that Baha'is may "practice their faith as individuals" is meaningless in a country where 156 Baha'is, including women and youths were judicially murdered when they refused to recant rather than accept an offer of freedom if they did so, where Iran's Baha'i children cannot attend schools if they do not deny their Baha'i beliefs, and where Baha'is cannot bury their dead or even receive the bodies of their slain fathers, mothers, husbands, wives or children.

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## *ICM News*

The September movement programme included 8,630 Indochinese from the asylum countries of Southeast Asia, 990 Africans, 350 Iranians from Spain, 647 Afghans from India and Pakistan, 166 Polish ex-detainees and their families from the Bad Soden facility, 3,050 refugees and migrants from Europe, and 210 Latin Americans (Return of Talent and other returnees). Among the Indochinese were 2,206 Vietnamese nationals who travelled from Ho-Chi-Minh Ville via Bangkok to 20 different immigration countries.

The emigration of Soviet Jews remained at a relatively low level with 136 arrivals in Vienna. Of these, 44 proceeded to Israel and 82 were transferred to Italy for resettlement processing to other countries.

Apart from the above, 4,345 Indochinese were transferred from the asylum countries of Southeast Asia to the Refugee Processing Centres in Bataan, Philippines (4,241) and Galang, Indonesia (104).

\* \* \*

## *Repatriation of Eritreans and Ethiopians*

The controversial repatriation of Eritrean and Ethiopian refugees in Djibouti began in mid-August. The U.N. emphasizes the voluntary nature of the repatriation.

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## *Unaccompanied Minors*

A seminar on Unaccompanied Minors is being planned by the European Consultation on Refugees and Exiles. It is to take place in Frankfurt from 13-15 March 1984.

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## *Seminar on Integration of Refugees in Europe*

Representatives of governments and voluntary agencies from 19 European countries have completed a four-day seminar on the integration of refugees in Europe, held in Geneva under the auspices of UNHCR, from 12 to 15 September 1983.

Participants stressed that the numbers of asylum-seekers arriving in European countries and the numbers of refugees already residing in European countries did not represent, either in absolute figures or as a proportion of the total population, a problem of any significance. While the average proportion of refugees as a percentage of the total population is 0.14%, in 11 countries it is less than 0.1%.

It was, however, recognized that problems arose in the admission and integration of refugees from the fact that a number of European countries have ad-

mitted large numbers of aliens, particularly in the last 20 years, and that asylum-seekers and refugees are often perceived by the public at large as part of the overall aliens problem.

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## *Nansen Medal for 1983 Awarded to President Nyerere of Tanzania*

Mwalimu Julius Kambarage Nyerere, President of the United Republic of Tanzania, is to receive the Nansen Medal for 1983.

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## *Palestinian Refugees — Latest Reports*

**Food:** The general distribution of food-stuffs to some 800,000 refugees was suspended in September 1982 except in Lebanon where special arrangements were made for those affected by the crisis.

**Housing:** UNRWA has provided assistance to more than 13,000 families in repairing or rebuilding their homes (in Lebanon).

**Registration:** UNRWA has initiated a new registration system to provide one card for each person rather than one card per family to be completed by mid-1984.

**Protection:** As of June 1983, the Commissioner-General of UNRWA, Olof Rydbeck, considered the prospects bleak for increased civilian security in Lebanon.

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## *CHANGE OF DATE ICARA II*

ICARA II, the Second International Conference on Assistance to Refugees in Africa, will take place in Geneva from 9 to 11 July, 1984.



## Reports Received

### Canada

- CEIC Report on CEIC/DSOS Consultation with Provincial Officials and Voluntary Sector Representatives on Immigrant Settlement and Integration. April 25-May 17, 1983.

### U.S.

- The Congressional Record of May 18, 1983 which includes the (S-6907-6987) debates and proposed amendments to the U.S. Immigration Reform and Control Act dealing primarily with illegal immigration.
- Brief Answers to Frequently Asked Questions About Refugee Resettlement and Asylum, Refugee Policy Group, Washington.
- Testimony (June 1983) before the Senate and House Committees dealing with Immigration, Refugees and International Law by Dennis Gallagher and Julia Taft on behalf of the Refugee Policy Group re reauthorization of the Refugee Act of 1980 and program reforms.
- The Refugee Health Care System, A Background Paper on Policies, Programs and Concerns by the Refugee Policy Group, Washington.
- "Refugees and Migrants: Problems and Program Responses." The Ford foundation has written this 64-page report, which includes an overview of the global situation and description of the Ford Foundation's work around the world as part of its response to the world-wide refugee crisis.

### U.N.

- "Refugee Aid and Development".
- Note on Procedures for the Determination of Refugee Status Under International Instruments".
- "Action Taken on Decisions by the Executive Committee". Outlines decisions made regarding problems related to asylum-seekers at sea, military attacks on refugee camps and settlements, assistance in Africa, the Americas, the Middle East and Southwest Asia..
- "Report of the United Nations board of Auditors to the Audit of the Accounts of Voluntary Funds Administered by UNHCR for the Year 1982". (Addendum)
- "Report on UNHCR Assistance Activities in 1982-1983 and Proposed Voluntary Funds Programme and Budget for 1984".

## The Canadian Input

### The 34th Executive Committee UNHCR Geneva, Oct. 14, 1983

*Ambassador J. Alan Beesley, in the opening address to the UNHCR Executive Committee, genuflected appropriately to support the High Commissioner's efforts with respect to the fundamental issue of protection and the need to address the root causes of refugee situations as outlined in the Aga Khan's report. Canada focussed on four issues, and it is not clear whether the ordering is significant: repatriation, local integration in countries of asylum, resettlement in third countries, and utilization of traditional settlement assistance to lessen both the likelihood and the impact of refugee situations.*

*Through the work of the subcommittee on protection, Canada assisted in developing a set of principles for the review of manifestly unfounded claims to refugee status, concurred in an agreement on a trial project for rescue at sea to which Canada makes a contribution, and urged continuing effort to develop a policy on preventing military attacks on refugee camps (on which there was no consensus). Canada also supported the promotion of existing legal instruments for the protection of refugees and urged the development of new, flexible and imaginative protection techniques.*

*The review of specific refugee situations around the world was supportive and diplomatic; it was neither analytic nor critical.*

*The address given by Canada's Permanent Mission in Geneva follows:*

The Canadian delegation would like to add its voice to the numerous tributes to Director Moussali and Ambassador Kharma for their respective reports.

Given the difficulties and complexity of the issues discussed in the Committee, we categorically reject the suggestion of Ambassador Kharma that he failed in any way.

The subcommittee has achieved a number of positive results:

1. We have a set of principles for the review of manifestly unfounded claims to refugee status.

2. The subcommittee has agreement on a trial project for rescue at sea to supplement DISERO (which works well and to which, Canada makes a contribution).

3. On military attacks on refugee camps there was, it is true, no consensus but in our view, precision is more important than haste. As our Ambassador remarked during the general debate, even if it takes a year or two to gain consensus, it will be worth the effort.

On balance therefore we can take some satisfaction in the advancement of these issues which are vital to protection of refugees in various situations.

Mr. Chairman, the Note A/AC 96/623 on International Protection is a very useful document which highlights in a global perspective many of the problems member countries have been grappling with individually. We are encouraged by the paper, despite the gravity of problems it discusses in the field of international protection, and while there are ominous signs of deterioration in the standards of protection afforded refugees in some parts of the world, there is an essential belief expressed that the problems are not beyond our collective ability to solve. Despite some setbacks, the level of generosity displayed toward refugees particularly in the developing world, has been commendable.

It is evident in the paper submitted by the High Commissioner that there are two kinds of problems - that of *structure* of the system of international legal protections and equally important, of *application* of the principles toward people in need. Progress is needed in both areas if we are to meet today's challenges.

There is a thesis put forward in the paper that protection is being eroded because of the non availability of durable solutions. To some extent this is valid. But it must be borne in mind that in an historical perspective the current level of assistance to refugees and the number of refugees being resettled is ex-

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tremely high. While there have been decreases in some of these activities since the peak years of 1979/80, the level of international sensitivity toward the needs of refugees remains strong, which gives ground for optimism and the belief in the fundamental goodwill of countries to see that refugees are protected.

With regard to the structure of the international legal system, some of the lacunae are mentioned in the paper, such as the lack of standards to be afforded asylum seekers until their claims have been determined. This also raises the classical problem that countries are required to allow refugees to remain but there is no requirement on states to admit refugees to their territories. A third contemporary problem is the growing tendency of refugees with de facto protection in one country to move spontaneously to another for the purposes, not of improving their protection, but of improving their standards of subsistence. In this regard the rights of the asylee and the obligations of country of first asylum and those of secondary or tertiary asylum, are not clear. Mr. Chairman, Canada supports the view that the legal principles of protection must be broadened in a creative way to better address these and other contemporary problems in the area of individual protection and the response to mass outflows. These gaps in the legal structure need to be filled in the interest of ensuring fair treatment and adequate protection to refugees.

Turning to the question of process, there are equally important problems. Not only is the issue that countries must live up to their obligations, but processes must be created to allow countries to apply the principles in a practical and fair manner. This latter issue is probably the most serious one facing us today.

The question of confusion between economic migrants and bona fide refugees is not simply a cynical rationalization used by countries to avoid having to honour the Convention

obligation in respect of individuals or groups. The round table at Florence convened by the Institute of Humanitarian Law was particularly helpful in illuminating the issue of mass movements of which refugees form only a small part.

The Protection Subcommittee advanced the discussion on fair but expedient ways to cope with phenomenon through procedural devices to cope with abusive or manifestly unfounded claims. Canada is attempting to construct a model for dealing with claims on this basis to ensure fair treatment of asylum seekers, but at the same time protecting our asylum structure against abuse by other people seeking only a better standard of living.

While work goes ahead on these issues in Canada and elsewhere, Mr. Chairman, member governments are coming under increasing domestic pressure to use arbitrary means to curb what is often perceived to be penetration of their labour markets and social welfare systems through refugee processes. Unlike international instruments, domestic immigration laws can be changed in very short order. This creates the risk that the principle of non-refoulement will be seriously eroded. In Canada's view, Mr. Chairman, it would be useful if standards to be observed by signatory countries in regard to the treatment of persons seeking admission could be codified.

In this same connection there has been considerable comment about the use of visas to control the influx of asylum seekers. Although the negative connotations are obvious, I would like to say that the consequences of the imposition of visas on citizens of countries that produce large numbers of claims are not necessarily all bad. It is normal practice in Canada, Mr. Chairman, to offset the effect of visa requirements by implementing special immigration measures to ensure refugees in need of resettlement will still have access to Canada through our embassies and consulates abroad. This allows us to target our help to those

in most need while forestalling the spontaneous influx of those who are perhaps the best informed or the most resourceful, but not necessarily those in most need.

Finally Mr. Chairman, I would like to touch briefly on the question of compliance with the obligations laid on states by accession to the refugee Convention and Protocol. It has been stated in the document that the High Commissioner can only act through governments whose goodwill and cooperation are of paramount importance.

We feel, however, more use can be made of the stature of the High Commissioner's office to bring about redress to individual and general problems of non-compliance.

We should not underestimate the moral force of the HCR which was acknowledged in the Nobel Award in 1981.

It seems to us as well that where efforts of moral suasion by the UNHCR fail, interested countries should be prepared to join forces to add weight to the representations to individual governments. This might be done in tandem with other agencies of the United Nations especially when political approaches become necessary.

Mr. Chairman, I would also like to pay tribute to the many non governmental organizations which both nationally and internationally have been vigilant and determined to combat breaches of asylum practices. The statement made by the representative of the International Council of Voluntary Agencies, during the general debate, serves to remind us of the importance of NGO's in the area at both the domestic and international levels.

In conclusion, Mr. Chairman, I would like to reiterate that in the absence of effective protection, discussion of any other forms of relief to refugee problems, is meaningless. We therefore support the suggestion that the legal principles need to be further developed and would be prepared to contribute to the process in a constructive way.

## No Exit for the Boat People

*Excerpts from*  
*Hong Kong, No Exit for the Boat People*, Government Printer, Hong Kong.

### STATISTICS: Hong Kong Boat People

#### 1983 Arrivals Thus Far:

46% from North Vietnam  
 (20% in 1982  
 30% in 1981  
 14% in 1980)  
 98% of the arrivals are ethnic Vietnamese  
 (in early 1979, only 27% were ethnic Vietnamese)

#### Arrival Numbers:

	Boat Cases	Ship-rescue Cases
Jan-Dec 1980	5,908 in 200 boats	880 in 20 ships
Jan-Dec 1981	6,642 in 235 boats	1,796 in 34 ships
Jan-Dec 1982	7,407 in 263 boats	433 in 7 ships
Jan-Aug 1983	2,844 in 124 boats	331 in 6 ships

#### Resettlement Figures

The rate of resettlement has been falling — 37,468 in 1980, 17,818 in 1981 and 9,247 in 1982. Only 2,574 have been resettled so far this year.

On September 1, there were still 13,606 refugees awaiting resettlement overseas; 4,474 (33%) have already spent more than two years here and 3,259 (24%) more than 4 years.

#### Relation to Other Southeast Asian Countries of First Asylum

Hong Kong continues to have the highest boat refugee population in the region, with 13,366 (28%) out of a regional total of 47,546 as at July 31, 1983.

#### Distribution in Hong Kong

The distribution at September 1, 1983 was:

UNHCR Centres	7,649
Kai Tak Transit Centre (HK Red Cross)	4,880
Chi Ma Wan Closed Centre	4,450
Other Closed Centres	1,423
Other Government-controlled Centres	84

#### Financial Cost to Hong Kong

Since 1979, the total cost of the Government of establishing and running refugee centres, and feeding and transporting refugees has been HK\$387 million (US\$69 m). The major voluntary agencies in Hong Kong have also spend about HK\$50 million (US\$9 m) on providing services to the refugees which have involved over 400 workers in their agencies.