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ANNUAL REFUGEE CONSULTATION

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

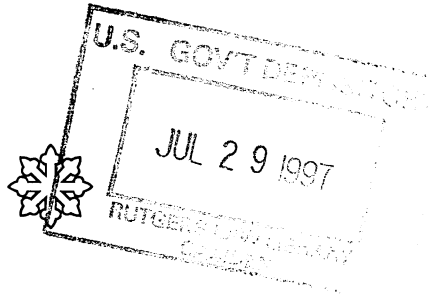
ON

REVIEWING THE ANNUAL REFUGEE CONSULTATION PROCESS

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ANNUAL REFUGEE CONSULTATION

THURSDAY, SEPTEMBER 26, 1996

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee met, pursuant to notice, at 2:21 p.m., in room SD-226, Dirksen Senate Office Building, Hon. Alan Simpson presiding.

Also Present: Senators Kennedy and Simon.

Senator SIMPSON. The hearing will come to order, and out of deference to my good colleague from Illinois, who will leave this arena at the same time as I, and whom I have thoroughly enjoyed for 25 years—we met when we were brilliant young State legislators. In fact, the cream of the crop, actually, because they picked two from each State. Do you remember? Two outstanding legislators, and there is where I met Legislator Paul Simon, down in Florida at McArthur's place of business, whatever that was, that dilapidated hotel. Well, I won't go into it any further.

Nevertheless, Paul, it has been a great run, and you are superb, somebody who, as I said the other day, you like everybody and everybody loves you, too. And since you have to go, I am going to let you go first.

STATEMENT OF HON. PAUL SIMON, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator SIMON. I just want to say I regret having to walk out on these distinguished witnesses, in particular our old Senate colleague, Tim Wirth. But we are in the last days when everybody is trying to salvage everything or defeat something, and I have a meeting over in the Capitol where we are trying to negotiate something. So I am going to have to get back over there.

Let me just add my appreciation for Al Simpson. He is this whole immigration/refugee issue. He never got a vote anywhere in Wyoming. Nobody in Casper, WY, is worried about immigration, meaning—I don't mean any disrespect to people in Casper, WY, but he has been—Al Simpson has been a public servant. We use that phrase too glibly, but he really has been.

It has been a pleasure to work with you, and I apologize to the witnesses. I have my staff here. I will get a report. But I am not going to be able to stay here.

Thank you.

Senator SIMPSON. Paul, don't go over and mess around with the immigration bill while I am over here.

Senator SIMON. This is another bill.

**OPENING STATEMENT OF HON. ALAN K. SIMPSON, A U.S.
SENATOR FROM THE STATE OF WYOMING**

Senator SIMPSON. It is hanging by a thread, anyway. Thanks, Paul.

Well, good afternoon. We are here to consult, as the statute requires us to do, regarding plans for admission of refugees during fiscal year 1997. The House held consultation some 8 days ago, and following the committee's action today, we will send the necessary communications to the President that will complete the congressional consultation process. Then the President will make the Presidential determination as to the number of refugees to be admitted in the coming fiscal year.

This will be the last refugee consultation that I will participate in. The refugee business has been a most fascinating instructor, blending issues of international politics and humanitarian concern and the more tangible matters of immigration and money and interest groups and pressure groups and ethnic groups and all the rest, and NGO's, and it has been a fascinating run.

As I look back over our refugee policy during the past 18 years, I think there is much to be proud of. But at the same time, I have serious concerns about our past and present vision of what constitutes sound refugee policy, particularly in the area of admissions.

I will tell you, there is one great certainty that the American people have to know, and that is we have acted nobly, generously, and usually very promptly to relieve human suffering in refugee-generating situations around the world. And we have used our admissions policy to bring to this country thousands of persons who genuinely feared persecution in their home countries, but we have certainly shown very little talent for disciplining ourselves to wind down those admissions programs once they had met their original goals.

We have shown far too great a readiness, in my view, to make political statements about issues of the day, both international and domestic issues, through the creation of refugee entitlements. And working through international organizations and private relief groups, we have provided vital aid, critical aid in food, shelter, relocation assistance to millions of people worldwide who have been made homeless by famine, plague, political instability, and even genocide. And that work is not done, and indeed it will never be done.

In Africa, we watched as calamities seemed to leap from one hot spot to another: Liberia, Sudan, Ethiopia, Somalia, Mozambique, Rwanda. Similar efforts were undertaken in Pakistan when the Russians moved into Afghanistan, touched of the immigration of nearly 10 million Afghans to Pakistan and Iran. And, again, we—the USA—played a leading role in providing food, shelter, health care in barren deserts that you would think couldn't support 10,000 people let alone 10 million.

So the U.S. Government role in these and other crises, which often gets too little publicity, is one that the people of this country can be very, very proud of indeed. But it is the admission programs that have lacked discipline, have allowed what began as genuine refugee programs, providing safe haven to those that genuinely

need and deserve it, and to transform themselves into back-door immigration mechanisms for groups that happen to be the special interest of the month, or more often the special interest of the decade.

In the latter part of the 1970's, we undertook a genuine humanitarian program to resettle genuine, really genuine refugees from Vietnam and Indochina, and in many cases these were people who had worked with the United States Government or with United States companies in Vietnam or had sympathized with us, and that job needed doing. And we did it. And we did it very, very well, and we kept right on doing it and gradually converted our good intentions and our sense of guilt into a virtual entitlement for persons who had a well-founded fear of hardship and a well-founded fear of economic distress, but who had precious little or no fear of persecution, which is the test. Tedious to watch.

And when INS officers could not honestly conclude in the 1980's that the Indochinese they were interviewing could demonstrate a well-founded fear of persecution, the administration of my party simply ignored the Refugee Act of 1980—ignored it totally, the craftsmanship of my friend, Ted Kennedy—and decided instead to bring these nonrefugees into the country under a new set of worldwide refugee guidelines which then set up a presumption of refugeeness if the applicants fit a certain profile. That was the first instance of making the law fit the client.

It is now 1996, more than 20 years after we left Vietnam, and we still are admitting 10,000 Indochinese refugees this year. Come, come. This is absurd. This has been and continues to be the problem. When the standards of the law do not accommodate the political trends of the day, we simply ignore or evade or change the standards. We have decided we want to make political statements with our refugee policy, and we warn and warp the legislative in any direction when necessary to do so.

The Cuban Adjustment Act, still in force now, 30 years after its passage. It is probably the most egregious example. Rather than meet the law's requirements that individuals coming here meet the definition of refugee contained in the law, we simply give any Cuban the right to avoid those standards altogether and adjust status after 1 year to that of permanent resident status, even though they have then not even qualified as a refugee. We still give them all the financial benefits that ordinarily go only to refugees.

A similar glaring example of throwing out the standards when they don't fit the client is the Lautenberg amendment. Frank is a wonderful colleague, and he speaks with great passion for his cause. So this is not a personal reference on this one, but it certainly is to the issue. The 30,000 cases of former Soviet Christians and Jews—ignoring the Indochinese for the moment—account for roughly 40 percent of all of the admissions requested by the administration for fiscal year 1997, and yet the Lautenberg amendment specified that none of them have to meet the law's definition of refugee.

This blissfully dismissive language of the amendment is that they can meet the law's requirement of a "well-founded fear of persecution" simply "by asserting such a fear and asserting a credible basis for concern about the possibility of such persecution." In other

words, nothing to prove; just saying it makes it so. But if saying it isn't somehow good enough, that is, in those few cases that ever do get denied, then the alien can be admitted to this country by parole. And that always seems to be the gimmick. If they don't qualify, then give them parole. And once the parolees under that legislation have been here for 1 year in parole status without regard to whether they ever had a well-founded fear of persecution, they can then be adjusted to permanent resident status, I guess in other words honorary Cubans.

These things I say without any attempt to make reference to ethnicity. This is just the way it is, and I have been through all this stuff, 18 years of messing with this stuff. I have been called everything, so you couldn't dredge one up. And we in this country and in this legislative body, my successors, are going to have to decide whether the definition of refugee that we took directly from the United Nations protocol and put into the Refugee Act of 1980 by the principal sponsor, Senator Ted Kennedy, whom I have the highest regard for—and I know him so well. And yet he is strapped. There is nowhere to go because of the constituents that he represents, but for me it is easier because I represent 476,000 people, and he represents millions. And the constituent groups that stream into his office are impossible to satisfy or sate in any way.

But I tell you, to me the Refugee Act and the United Nations protocol said it all. It said a refugee is a refugee, and a refugee is a person fleeing persecution based on race, religion, national origin, or well-founded fear of persecution—race, religion, national origin, membership in a political or social organization. You all know it. And we have made a mockery of it because of politics and pressure.

So if those things are going to mean anything at all, it is time to deal with it. If we don't deal with it, then the alternative is to follow the political flavor of the month, and history shows us that once we sign on to a favored group, it is extremely difficult to end that status. Look at the Polish issue. There were people who came here on that who had received a visa from the government they said they were fearful of returning to. But they are here. And then that was temporary. Salvadorans, that was temporary. All those things are temporary, and they all become permanent.

So the Cuban and Vietnamese programs are still going strong after 20 and 30 years, and the Lautenberg amendment is extended year after year. And the people are restive. That is why we do immigration legislation which in some sense is draconian, but whether this one goes this time or not, it is just going to get heavier, tougher, wringier, brutish.

Now we may soon take what I believe is a very unwise step and dramatically change the definition of refugee to which we have adhered for 16 years. And the pending immigration bill, which I support, but was unable to change in this instance, would change the statutory definition of a refugee in order to make a political statement about coerced abortion. Very unfortunately, immigration policy then has now become a new battleground in the great abortion wars of the present decade, and immigration policy will be the worse for it. It is fine to make all the political statements one may wish to about Chinese abortion policies or any other country's policies. But to change the refugee definition is to create a new immi-

gration entitlement which says not only that we feel your pain, but we feel your pain so much that we want you to come to join us in this country even if you don't qualify under current law.

That is a statement that I am not sure any of the sponsors of these flavors of the month would endorse, but it is the truth, nonetheless. So in my swan song, the one bit of counsel I would offer as I depart this subcommittee and the committee in this fascinating field of work is that we strive in the future to avoid making political statements that turn into immigration or refugee entitlements. We will do the greatest good for the fine citizens of this country if we pledge now to reserve refugee numbers, which are very expensive because of the aid that rightly goes to anyone designated as a refugee, reserve it for those individuals who truly can demonstrate a well-founded fear of persecution as the Refugee Act of 1980 required and who truly need to be resettled in the United States because it is impossible for them to go home and they cannot stay where they are, and to do that as the law intended on a case-by-case basis, not some guilt-ridden sweep of the hand.

It may sound simple, but I can assure you it is a full-time job.

Well, to the business of the day. Under Secretary Tim Wirth, appearing on behalf of the administration. Tim, you and I who served together for sister States of Colorado and Wyoming and as a former neighbor and old friend, we never did get our work done where we were going to switch the cowboys of Colorado and Wyoming with the Cossacks of the steppes of Russia. But we will work on that. We will get that done. That will be a hell of a rodeo when we get it fixed up.

So it is very pleasing to have you here today, and I also welcome Lavinia Limon of HHS, who has testified before this committee before, and Phyllis Oakley, a very steady, remarkable person I have come to have great admiration and respect for, Phyllis of the Department of State, and Phyllis Coven of the Immigration and Naturalization Service, another very able person. So I welcome you all, and we will go to you, Tim, as to how you wish to do your presentation, then take a round of questions. So we will proceed on that basis. And I wonder where the ranking member is. Where are you, Ted? Oh, no, excuse me. I thought he was sitting here. He is doing a press conference. It is not about immigration. That is all right. I let him go. But he will be here, and I understand that you are willing to put your statements in the record.

Anyway, Tim, you are up.

STATEMENT OF TIMOTHY WIRTH, UNDER SECRETARY FOR GLOBAL AFFAIRS, U.S. DEPARTMENT OF STATE, ACCOMPANIED BY PHYLLIS E. OAKLEY, ASSISTANT SECRETARY, BUREAU OF POPULATION, REFUGEES AND MIGRATION, U.S. DEPARTMENT OF STATE; LAVINIA LIMON, DIRECTOR, OFFICE OF REFUGEE RESETTLEMENT, ADMINISTRATION FOR CHILDREN AND FAMILIES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; AND PHYLLIS A. COVEN, DIRECTOR OF INTERNATIONAL AFFAIRS, IMMIGRATION AND NATURALIZATION SERVICE, U.S. DEPARTMENT OF JUSTICE

STATEMENT OF TIMOTHY WIRTH

Mr. WIRTH. Fine. Thank you very much, Mr. Chairman. We would like to, if we might, include all of our statements in full in the record.

Let me begin, if I might, Mr. Chairman, by registering on behalf of the administration our enormous gratitude to you for your remarkable dedication in this very, very difficult field. There are many who do, as you pointed out in your opening statement, make political statements. There are all too few who really care about the business of governance. And you are one for whom the art and craft of governing has been a very near and dear concern. You used the words in your opening statement "noble" and "gentle," and I would apply those to you as a legislator and as a human being, and we are deeply appreciative of the legacy that you have left and will do what we can to live up to that.

If I might, Mr. Chairman, I would just summarize very briefly my statement.

First of all, let me just begin by bragging a bit upon the Bureau which Phyllis Oakley so ably heads. As you know, this area of refugees is changing very dramatically. For example, 16 of the 55 countries from which the United States resettled refugees didn't even exist at the beginning of this decade. The remarkable transformation that this Bureau has had to see its way clear to is reflective also of the enormous changes in this field.

I might note just very briefly this last weekend, two weekends ago, Mr. Chairman, this Bureau was up all night long, all weekend long, attempting to get out—and doing it very successfully—to get out of the Kurdish section of northern Iraq those individuals who had worked for the United States Government who were clearly in imminent danger of their lives. Phyllis had to organize a group with the air flights going out, permission to over-fly 25 countries on the way to Guam where these refugees are being processed. It was a remarkable achievement, and we salute them for this very, very effective job, and also reflect upon the fact that doing this job shows how different the world is in which we are currently operating.

Second, we are very concerned that we do everything we can, Mr. Chairman, to make sure that we are better coordinated with the rest of the world. It is a good process now with UNHCR [U.N. High Commissioner for Refugees] and other countries, but there is currently a new effort underway to strengthen that coordination among the resettlement nations of the world. UNHCR is doing a terrific job. We think that the effort that they are leading, which

we are supporting, provides us with a chance to encourage burden sharing and to assure that appropriate resettlement arrangements will continue.

Third, the very difficult area of Bosnia, we are committed, obviously, to making the Dayton accords work, and we are now just beginning to see the resettlement process which we think is going to be much greater. Large-scale repatriation hasn't yet begun in Bosnia. Thus far, only about 100,000 people out of probably more than 2 million internally displaced and refugees who are outside of Bosnia are returning to their homes. This is a huge job, and we will be engaged in that, we believe, for some time to come.

Fourth, in the area of Vietnam and Indochina, you mentioned that in your opening statement. That program, thank goodness, is coming to a close. It has been a very, I think, well-run process. The Comprehensive Plan of Action, with all of the countries of South-east Asia engaged, has finally—we can see the light at the end of the tunnel. The final resettlement opportunities for Vietnamese refugees, called ROVR, are now in their final negotiations with the Government of Vietnam, and we believe that it is in a very fair but firm way coming to a close.

Fifth, on the issue of refugee admissions, as the Secretary pointed out in our luncheon with you the other day in consultations with you and Senator Kennedy, we are proposing to admit this year 78,000 refugees, a 13-percent decrease from the 1996 ceiling of 90,000. This is in the President's budget request, and we will also have in there about a 3,000-person cushion for kinds of emergencies that may arise. We think that this is an appropriate level, as pointed out, given what we think are the current needs in the world and the fact that the Vietnamese program is winding down.

Sixth, you raised the issue of entitlement, and we think that that is a way in which to look at this and look at the need for us to move away from the practice of designating certain nationalities for participation in the program. We propose instead to accept referrals for admission to the United States of refugee applicants of any nationality either by UNHCR or any U.S. embassy. This practice will provide the United States, we believe, with the flexibility to respond quickly where resettlement is appropriate, focusing our efforts to better identify individuals in the greatest need of resettlement and promoting refugee protection and the principle of first asylum.

Finally, in my statement, Mr. Chairman, in the attachments we will, region by region, go through what we think are the ceilings that will be necessary for us to effectively carry out the program.

Again, Mr. Chairman, we thank you very much for your good work on so many issues. We know that the immigration bill is moving its way through. I would be remiss if I did not reflect again the request that the Secretary has made that, if at all possible, we would certainly like to see the change in language in that immigration bill, perhaps something that might be done in an amendment to the CR on section 635 of the visa waiver program. As you know, we were hoping that two things would occur in that: one, that this could be an extension for more than a year—we were hoping for two; second, and something that I think can be done in the CR, we were hoping that we would reinsert the area where the Attorney

General and the Secretary of State would act jointly rather than having the Attorney General operate in consultation with the Secretary of State. This may sound like a minor element, but it is one that continues. If we are going to have a foreign policy and are going to be engaged around the world, there has to be a single authority responsible for carrying out our foreign policy, and in order to avoid the fragmentation and dissolution of that fundamental principle, we were hoping that this language in section 635 might go back to the original.

Thank you again, Mr. Chairman. We deeply appreciate again your superb work, and we will look forward to working with you on a whole series of other causes in the not distant future.

Senator SIMPSON. Well, I thank you very much.

And, as usual, I have a notice now of another urgent meeting that will take place at 3:20. I believe the offer was that maybe Ms. Limon and Phyllis Oakley and Phyllis Coven would put their statements into the record; are you willing to do that?

Mr. WIRTH. I did make that request, Mr. Chairman.

Senator SIMPSON. Well, I knew that an old Senator wouldn't want to just sit there and say nothing. [Laughter.]

I mean, you couldn't have done that; you would have been pulsating. So, anyway, I do appreciate this very much. Let me go to some questions.

I will get to all of you and thank you so much. I am sorry to be late, but you know how this place is in the last hours. Somebody is always loading one in and you say, where did that come from? Then they are taking one out and you say, who did that? I don't know, some staffer. But we try to find those people during the day and it takes a while to uproot them. Obsessed staffers are at their finest hour right now. I worked on that for 5 years, I am not going to lose it now. Oh, yes, well, that is another story.

All right. The State Department's inspector general in her audit report January 1996 made several key findings and recommendations. They included that most persons given refugee status are not subject to State-sponsored persecution and that the program has become, in effect, a "side door immigration program."

B, that high-levels of fraud exist in the refugee program arising from fraudulent documents and successful gimmicking of the system; C, that admissions should be limited to "only cases that strictly adhere to the 1980 Refugee Act definition of a refugee"; and, D, that the large flows under the Lautenberg amendment admitted to the United States program effectively have squeezed out "plenty of cases from the former Soviet Union which could qualify under the worldwide standards" but cannot be admitted because they do not fit the Lautenberg criteria.

These are pretty serious findings. Ones I have long been concerned about, obviously. I have stated that. I would like to know, first, what the Department has done and is doing to correct those problems; and second, whether the Department supports the recommendation that admissions be limited to cases that meet the Refugee Act definition?

Mr. WIRTH. Mr. Chairman, let me ask Phyllis Oakley, who is the Assistant Secretary. We worked very closely with the Office of the Inspector General as they were putting their report together and

there are places in that where we do not think that the discussions in the report reflect the reality of the information and we have worked very closely with your staff on that front.

But let me ask Phyllis to specifically respond to the suggestions made in the Office of Inspector General's report.

Ms. OAKLEY. Thank you.

Picking up on what Undersecretary Wirth has said, this was an inspection report that was subject to a great deal of interchange and communication between the PRM bureau and the Office of the Inspector General. There were disagreements on some of the findings and some of the conclusions.

However, we felt that their recommendations, in general, were quite reasonable and really reflected steps that the Bureau had already begun to take. And we have worked with the Office of the Inspector General very carefully and very closely to fulfill our obligation to those recommendations and those recommendations have all been cleared—frankly, they were more general than many of these conclusions—recommendations on redefining its refugee admissions programs to realign it with the post-cold-war era.

We have been actively engaged in working on those in discussions with the wider community. We have recommended and explained that when there is a law that we are bound to carry out the law and that is what we have tried to do within the general parameters of working toward ends. And, certainly, I think we would all agree—all of us who work with refugee programs—that we are better off and the programs are better and U.S. leadership is better when we adhere to the principals that you have discussed.

We recommend on the schedule to phase-out the orderly departure program by the end of 1996. We are working on that and are going to deal with that. We are working with INS on these whole questions of fraud, as we always have. And I think we all know that as the refugee program has matured that the fraud element increases and we have to be ever vigilant to those cases.

In general, I will not go through all of them but I think that I would be happy to submit to you in greater detail all of the steps that we have taken to meet the specific recommendations of the inspector general.

Senator SIMPSON. I think it is important because they are pretty serious in that sense and we cannot ignore the work of inspector generals in our oversight capacity and if there is something they should not have been saying, I'm pleased you are working with the staff and I know that will go on.

I note the administration, as it has since fiscal year 1992, is again requesting \$80 million in refugee assistance to Israel. Despite the fact that, again, this inspector general report of February 1995 specifically found that most new migrants to Israel are not refugees and that the annual grant should be considerably less than \$80 million, why does the administration in the face of the inspector general's specific recommendation continue to fund this annual grant then at \$80 million?

Mr. WIRTH. Mr. Chairman, as you know, that is a Congressional earmark that is in the legislation. So, that is one part of the equation. The second one is that in administering this money there had been some criticism of the way in which the UIA had administered

the funding. We went back and worked very closely with UIA. They are the agency that can do the job. We have not found anybody else who we think can do this as well or as thoroughly. And we are working with UIA and brought attention to them of the criticisms raised in the inspector general's report.

Again, it is our job, as in the Lautenberg amendment, to carry out the law and the intent of the Congress, as I believe, Secretary Eagleburger used to point out, it is our job to do what you all tell us to do on this front. We did not thoroughly answer your question about Lautenberg. The administration supports, as you know, the extension for a year the Lautenberg amendment and then, over a period of time, its long-term phaseout. That is something, obviously, that would have to be done very carefully in consultation with the Congress.

Senator SIMPSON. Well, that is a serious one because when we are told that the use of that amendment is squeezing out people who truly would match the definition of refugees and then real refugees continue to surface and then you are going to have real turmoil in this one. You know that. We all know that that is what is going to happen.

And then we have people who have been designated with refugee status, in the former Soviet Union, who do not come here until it's convenient for them to come here. That cannot be a refugee. It is tough enough to do this work but it's tougher when you pick up an article and they start with the term immigrant and end up with refugee and think they are talking about the same people and they are not, or asylees or refugees or permanent resident aliens. You have heard that old pitch before.

But this one is weird. When you have a presumptive status for refugees and the case-by-case people are not going to be able to get here because of the numbers and then we are going to what, designate an emergency? When everybody knows that it has not been and that is what is using up the numbers.

So, your testimony noted that the Department plans to change its usual practice from designating specific nationalities as being of concern to the United States to now accepting referrals from UNHCR and various U.S. Embassies.

I am very curious as to why you think this is a sound approach. My concern here is that this process would give the lead in U.S. refugee selection to the UNHCR and allow Embassies then to use refugee policy as a way to solve what they might regard at that time as foreign relations problems through the refugee resettlement process. And are we not likely under this approach to do just what I warned against in my opening remarks, to make refugee decisions based on the political trends and issues of the day?

Mr. WIRTH. Well, Mr. Chairman, one of the important changes that we see coming about is the changing nature of flows of refugees. We are no longer seeing very large blocks of people coming in from trouble spots but, rather, we are seeing a broad diversity. As I pointed out, a large percentage of the countries from which refugees are now coming didn't even exist 10 years ago.

We are determined to try to move as much as possible to a case-by-case basis. UNHCR is enormously helpful in the referrals that it makes and is very accurate. Obviously UNHCR is not going to

set the criteria or be the judge of admission, but they have a very helpful prescreening process, their reference has, on the whole, been very helpful and been very true to the original definition from the United Nations Charter of what refugees are supposed to be.

So, I think, from your perspective with the concerns that you have, to move away from entitlement, to move toward very real refugees, UNHCR's reference policy has been very helpful to us in identifying and helping us to screen who are very real refugees. That is why I noted, in particular, our very close working relationship with UNHCR. They are not making the decisions but they are very good at identifying who is a real refugee and that is enormously helpful to us.

Senator SIMPSON. Without naming a name, do you know people within the UNHCR office who really feel that the Lautenberg amendment is just absolutely bizarre and that it is taking numbers from real refugees?

Mr. WIRTH. Well, I don't think it is appropriate for us to speak to UNHCR and their opinions on this, nor, I think would they like to be drawn into this particular domestic discussion. It is not fair to them, I don't think.

Senator SIMPSON. Well, if they are helpful to you about designating real refugees, then they certainly can't say that the Lautenberg amendment is showing us real refugees.

Mr. WIRTH. Ms. Ogatta is a very skilled administrator and politician. I think she would put a very strong positive spin on it and say, as we would say, that it is a really very strong and good cooperative relationship with them. We depend upon UNHCR and it is a very well run operation.

Senator SIMPSON. Well, all right, Tim.

I will talk to you later.

Now, Ms. Coven, in your written testimony you state that the September 9, 1994, United States-Cuba Migration Agreement guarantees that at least 20,000 Cubans would be authorized to come to the United States each year. It is literally true that the United States agreed not merely to "best efforts" efforts there but to actually admit a minimum of 20,000 each year.

Could you share with the committee the total number of Cubans who have entered the United States this past year in each of the various categories as lawful permanent residents, refugees, parolee, and could you break down the parolee group into various sub-groups, for example, those entering under the lottery program. You don't have to do that orally, unless you wish. But if you could furnish that it would be very, very helpful.

Ms. COVEN. It probably would be best furnishing you in the future those exact numbers. What I could tell you today is what number of people were authorized for admission from Havana. I cannot speak exactly to how many people have actually entered the country.

And I believe the way in which our Havana work was done this year is set forth in our testimony with respect to the breakdown between refugees and parolees and people who are eligible for visa petition. But I would be pleased, in the future, to give you a fuller breakdown of the status of the migration from Cuba.

Senator SIMPSON. Is it literally true that the United States agreed, not merely to best efforts but to actually admit a minimum of 20,000-a-year?

Ms. COVEN. We agreed to authorize admission of a minimum of 20,000 a year. The May 2 agreement for the next 3 years brings that number down to 15,000 a year.

And the 15,000, let's say for this past year, were made up of a combination of refugees, approximately 4,000 refugees; approximately 2,000 people came in on the basis of immigrant visas; approximately 1,500, in addition to that, were paroled in connection with an extended family definition under the visa immigrants and the remainder were parolees under a lottery program.

So, for last year, this year, and the next year we will be working with a universe of 15,000 people coming in from Havana each year.

Senator SIMPSON. Well, you, in your testimony, stated that in addition to Cubans counted against the target of 20,000, almost 700 visas for immediate relatives of United States citizens were issued; 238 with approved immigrant preference petitions whose visa numbers have not become current were paroled. I realize that neither immediate relatives nor parolees are counted for purposes of the regular 20,000-per-country limit, but why should they not be counted for the 20,000 minimum under the agreement, so, that there would be less need to consider those with no close relatives here whose opportunity would arise solely because of the lottery?

Ms. COVEN. I believe that these numbers relate to the agreement which was made under the September 9, 1994 agreement to bring in people. There was a promise that we would bring in people who were in the backlog of visas. And these were individuals who we ended up processing this year from the backlog that had existed in 1995.

If you would like, Senator, I probably can give you a detailed analysis of exactly who has come in under what category in 1995 and 1996.

Senator SIMPSON. Well, let me go to Ms. Limon.

I regret I did not receive any copies of your testimony until it was so late that it was difficult to really prepare any questions. I don't blame that on you but somebody above you obviously did that. That is not appropriate. No committee should have to go through that and I don't lay that at your responsibility but it is something that is not appropriate, I don't think. We are trying to find out things and you have been very helpful in the past.

I would ask you if you can give us an estimate this go-around as to what percentage of refugees still have not found gainful employment after 1 year or after 3 years or after 5 years?

Ms. LIMON. Mr. Chairman, first of all, on behalf of HHS, let me apologize for my testimony being so late. It will not happen again. We did have some late evening discussions in the Department about it.

Senator SIMPSON. Thank you.

Ms. LIMON. What I can submit in answer to your question is our 5-year survey. We do an annual survey of those refugees who have been in the United States for 5 years or less. And that survey indicates that 37 percent of all refugees' households who have been here for 5 years or less had achieved economic self-sufficiency. That

is up 6 percent from the 1994 survey. And 22 percent have achieved partial independence, in other words, a mix of public assistance and earnings, so, they are working but have not achieved full self-sufficiency. That is up 13 percent from 1994.

Unfortunately, for 34 percent of the refugees their income still consists entirely of public assistance. So, those are our most current numbers from our 1995 survey.

Senator SIMPSON. And that is after 5 years?

Ms. LIMON. That is after 5 years. You can see, I believe, the progress. We have done many things to work on early self-sufficiency and focus on new arrivals and I think, from the conversations we have had, the earlier people get a job the more likely they are to become self-sufficient.

Senator SIMPSON. Is California still the leading dependency State? What is that percentage there?

Ms. LIMON. You would be happy to know that California has lost ground to Wisconsin, Minnesota, California, and Washington who now show the highest proportion of dependent people.

Senator SIMPSON. Which States?

Ms. LIMON. Wisconsin, Minnesota, California, and the State of Washington.

Senator SIMPSON. What are those percentages of dependents?

Ms. LIMON. Let me see, it looks like—this is AFDC utilization—Wisconsin has 51 percent, Minnesota has 45 percent, California at 27 percent, and the State of Washington at 24 percent of AFDC [Aid to Families with Dependent Children] utilization.

Senator SIMPSON. That is just AFDC, I see.

Ms. LIMON. Right. I am sorry, I don't have it broken down by all of the different categories.

Senator SIMPSON. Maybe you could furnish that for the record as to the total allocation of resources by State to the dependent refugee.

Ms. LIMON. Right. Total allocation?

Senator SIMPSON. I mean what is the percentage of those after 5 years who have not become financially independent and who still rely on refugee assistance moneys cash or in-kind.

Ms. LIMON. OK. To break down my initial numbers by State.

Senator SIMPSON. Yes.

Ms. LIMON. I would be glad to provide that.

Senator SIMPSON. That would be great.

And what sort of program assistance have you found to be the most effective in preparing refugees to find and retain employment?

Ms. LIMON. The most effective is people who never go on cash welfare services, who do not go to the welfare department. In fact, those refugees who are put on the matching grant program, which is a program we operate with the volunteer agencies, have a very high percentage of early employment. It is over 70 percent, overall success rate. That is within the first 4 months of their arrival. They are very effective programs.

So, clearly, individualized assistance, helping people get jobs, direct job placement is the most effective program to achieving self-sufficiency. And that holds over time. They may go on to different

jobs in 3 or 4 months, but they go on to new jobs, they don't tend to go back onto aid.

Senator SIMPSON. How about english language ability?

Ms. LIMON. It is crucial. And that needs to be arranged in hours where they are not working and the availability of ESL in some places is better than others. But if they are working during the day we need to get nighttime ESL or vice versa. But that can occur while people are still working to support themselves.

Senator SIMPSON. But it is, as you say, crucial. It is the language of success is it not, to placement?

Ms. LIMON. Absolutely. And, you know, everyone learns in different ways and some people can't sit in a classroom and effectively learn a language and other people need to be out and about in the world forcing themselves to speak the language but be backed up with english classes.

Senator SIMPSON. Well, that is helpful. Let me just ask one further question of Tim Wirth.

I am concerned that we have such a large number of people who are going to be reinterviewed now under the Resettlement Opportunities for Vietnam Returnees, which is now the ROVR program. I can't think of all the initials of the programs over the last 20 years, but this is a brand new one, ROVR. And when this concept was originally presented to the subcommittee I understood there could be a few hundred or perhaps 1,000 applicants. Instead we now have consistently seen throughout this program, the numbers are about 8 times that figure.

Is this just one more example of a program that refuses to wind down, that simply cannot seem to go cold turkey or are the old China hands and Saigon cowboys still infiltrated there and unable to be blasted loose from their chambers and niches?

Mr. WIRTH. I think we are winding down, Mr. Chairman, and I think we are now, as I said in my opening remarks, we can see the end of this. Refugee camps are now closed in Indonesia and Malaysia and very close to being closed in the Philippines and Thailand and the same, a few thousand left in Hong Kong. So, we are very close to the closing of all the camps by agreement.

The numbers of people going back to Vietnam, of those we believe there are about 9,000 at this point, the number of people that are registered for, again, ROVR, or the ROVR program and we are now negotiating with the Government of Vietnam on getting them interviewed. And they are ones, we believe, have a legitimate or may have a legitimate claim. They are not economic refugees.

You will remember the great numbers of people, most of the boat people or a very large percentage of the boat people, who became refugees were economic refugees and were not refugees from the political problems of the war years.

And we have gone through very carefully the selection process of all of those returning and we believe we are now at something in the neighborhood of 9,000 who we are now negotiating to be interviewed. We have not yet worked out the parameters of the interview process with the Government of Vietnam. That negotiation is going on as we speak this afternoon.

Senator SIMPSON. I want to thank the panel and we have the presence of the ranking member, and this will be our last hurrah

in doing one of these. We have enjoyed much more the meetings with the Secretary of State over a delightful luncheon at the State Department rather than these barbaric exercises here.

So, to Ted Kennedy, who got me into this game and started me off with the Refugee Act of 1980—that was the first thing that we passed really in my time in involvement—it has been a great experience. Through the years proving that we get into some good titanic struggles and partisan slapping around but it's been a delightful experience and it has been fun. And if it weren't that, I wouldn't have done it for 18 years.

And then to think of Jerry Tinker, bless him, and how he worked with us all at this table and in this room, and with Dick Day and Michael Myers. Never once did we flag or fail based on partisanship. We have come to disagreement, deep disagreement philosophically, but not once was it ever a Republican or a Democratic. And it's been a wonderful experience, a delight for me.

STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR
FROM THE STATE OF MASSACHUSETTS

Senator. KENNEDY. Thank you very much, Mr. Chairman.

I want to thank all of our witnesses and I will have just maybe one or two brief questions. But, as our chairman has spoken, I, too, am very mindful that this is our last hearing on the subject matter of refugees which has a very important and valued place in the American value system.

And I think all of us in the Senate are very mindful that there are not a lot of refugees in Wyoming, there are not a lot of illegal immigrants in Wyoming—probably some families, reunified in terms of immigrant legislation.

But, nonetheless, Senator Simpson took on this very important responsibility and being not just on this committee, but really leading the committee in the areas of immigration and also on refugees.

And, as a result of that work, there are really millions of people here in this country, many whose lives have been saved. But, certainly, many others who really look to the future with much greater sort of hope for their future and for their children's future.

So, they might not know the name of Al Simpson, but his involvement in their lives has been very profound and I think all of us understand that who have had the chance to work with him.

As I mentioned, it has not been an issue which brings great interest, only complexity I imagine, from that State. Most of us when we come to the Senate want to be on committees that have the closest kinds of identifications with the issues which our people are most sort of concerned about. But, Senator Simpson has really provided extraordinary national leadership and when the political winds blew he always tried to keep us on course. More often than not he did. But the willingness and the desire and the commitment to do so is really the definition of political courage, the way that President Kennedy would have defined it.

And, in that way I think this institution, the Senate, and, in a broader sense immigration/refugee policy was most consistent with real American values. So, we are all very grateful to him for all the good work he has done and will continue to do.

And, so, I appreciate all of the kindnesses that he has shown, Dick Day and others. He mentioned Jerry Tinker which is typical of Chairman Simpson, who has a life commitment in terms of refugees and dispossessed people and Michael Myers and others, who have been part of this whole process and have had a very important impact.

So, we are grateful to Chairman Simpson on this.

Let me just ask very briefly, if I could, with the change in the cold war—I welcome all of you and I will put my statement in the record, thank you.

[The prepared statement of Senator Kennedy follows:]

PREPARED STATEMENT OF HON. EDWARD M. KENNEDY

Today we have the opportunity to review the President's recommendations for refugee admissions for the coming year and to review our refugee program.

Americans take justifiable pride in the nation's history and heritage of assisting refugees in other lands and providing a haven from persecution for those who come to our shores.

We need to give more attention to the urgent needs of refugees uprooted or at risk in the world's most troubled areas. But it is also appropriate that we examine the direction of our refugee program today.

Leadership by the United States continues to be greatly needed. Other nations look to us as a guide for how they should meet the challenge. While our country is justifiably concerned about illegal immigration, we must not allow this concern to create an unjustified backlash against refugees who desperately need our help.

Our humanitarian tradition is being challenged by some who would close the door. But I believe Americans still want their government to play a leading role in assisting those uprooted from their homes by war, famine, and persecution. One measure of that ongoing concern for refugees is the high level of financial support that the State Department's refugee programs continue to enjoy. As other foreign aid is reduced, in these times of budget cuts, funding for refugee programs remains high.

Less than one percent of refugees worldwide require resettlement. The bulk of our efforts on behalf of refugees must be to join with other nations in assisting refugees abroad and standing with them against those who drive them from their homes and rob them of their homelands.

Whether it is Kurds fleeing Saddam Hussein, the Liberians fleeing deadly chaos, Rwandans and Burundians fleeing genocide, Bosnians fleeing ethnic cleansing, or Burmese fleeing torture and systematic violation of basic human rights—refugees worldwide must have no doubt that the United States will do everything within its power to stand by them and assist them until solutions to their plight are found.

Part of our support of freedom around the world is assistance to those who speak out for democracy and stand up for democracy's ideals. It is not enough for us to risk oppression and persecution if they fail. We must guarantee that America's refugee program is a safety net if they need it.

We already work closely with the U.N. High Commissioner for Refugees, the International Red Cross, and numerous non-governmental organizations to identify those who need our help. Occasionally, we must accept large numbers of refugees from a few countries—as was necessary in the Cold War years. But we should strengthen our efforts to identify additional persecuted persons around the world who need our help. When a dozen human rights activists in southern Africa are at risk, we can move quickly to resettle them. When a student democracy movement in Burma is under threat, we can provide haven to them as well. So I welcome this hearing as an opportunity to define these priorities and maintain America's strong and essential tradition.

Today also marks Senator Simpson's last refugee hearing in the Senate. I commend him for unwavering commitment to the best in our refugee tradition. He has always been willing to challenge Congress to do better—and not be blown off course by the prevailing political winds. President Kennedy called that quality political courage, and Al Simpson has a lot of it. Millions of refugees are in his debt, and so is Congress.

Senator. KENNEDY. In this post-cold-war period we are moving away from the large numbers that have come from particular geographical areas and we are moving to try and be responsive to

what are the real refugees' challenges. That has reflected itself both in numbers and in the makeup of those that have been coming into this country.

I am just wondering whether Ambassador Wirth or others would want to comment about how they see that phenomenon working both in numbers and also in terms of priorities. Where do you see these next several years bringing us in terms of the people that will be coming in here?

And I know it is unpredictable, given the uncertainty of the political stability in many parts of the world, but what is your own general sense about where people will be coming from over the period of the next few years and what we ought to be doing in anticipation of that development?

Mr. WIRTH. First, Senator Kennedy, let me on behalf of the administration thank you, as well, for your great responsiveness and help and, as usual, extraordinary attention to this great humanitarian cause. We deeply appreciate it.

The changes we talked a little bit about in our earlier discussion with Senator Simpson, I think one of the most striking to me, Senator Kennedy, is that the countries from which refugees come, this last year they came from 55 different countries. Of those 55, 16 of those countries didn't even exist at the beginning of this decade.

I mean almost a third of the countries from which refugees are coming didn't exist at the beginning of this decade. That outlines one, the kind of change that we are seeing. We are not seeing and don't anticipate that we will see very large flows, very large blocks of people coming from areas, but rather it is going to be a much more diverse population.

Second, Senator Simpson talked about the entitlement nature of what has happened in the past, using his word. We would see this moving in a direction that you have been very helpful to the administration on and that is providing, making sure that the administration has the flexibility that it needs to move us away from specific targets or ceilings as much as possible.

We believe, as I pointed out in my statement, that we are getting to a point now where we will move away from designating nationalities for participation in the program but, rather we will be working much more closely, say, with UNHCR who does a really good job of identifying who are real refugees and who are not. They have been very, very helpful to us and we would see very close cooperation with them as we move more to a case-by-case basis.

Third, I think we are going to see a different kind of coordination both within our Government and with other international agencies. For example, in Africa, I know you have been very interested in how we were responding to the situations in Africa. We have developed a very effective circuit rider program and with INS and other agencies where we can move around and respond to crises in Africa and we think do it in a very cost-effective way and in a way that really responds to those refugees.

We are in the process of working very closely with UNHCR on broader coordination with not only the international agencies but other countries to make sure that we are using scarce resources in the best way possible. These are some of the trends that really are going to be a much more personalized program, perhaps, than it

has been in the past. And I think that is in the spirit of what the refugees program was originally designed to be and certainly in the spirit of the original charter which came out of the United Nations.

Senator KENNEDY [presiding]. Well, I appreciate the response and also the reference to Africa because, as you know, the IG report on Africa, particularly west Africa, raised some questions. You are pointing out that the regional process for all of Africa is in Nairobi and pointed out most of the refugees admitted to the United States reside in and around Nairobi. And at least their conclusions about refugees chosen for resettlement from Africa are often chosen by logistics, not by who needs resettlement. And then it talked about the INS circuit rides still being too early to determine whether the additional INS circuit rides are an effective way to diversify the refugees admission programs in Africa. And that at most INS makes one circuit ride a year.

So, I hope, as we move on into the next Congress, that you might be able to give us an idea of your reaction to some of those points that were raised and whether you think it is appropriate either to opening up a new office in west Africa or relying on the U.N. High Commissioner in some other kind of relationship. I am not suggesting new facilities and new headquarters just to establish them but we will be very interested in how the refugees in many of those areas are being selected and particularly with all of the highlights of Liberia and other situations in west Africa. So, I would appreciate that.

I mentioned with you before the situation in northern Iraq, we are going to be letting in a couple of thousand Kurds that are being processed at the present time. And also, the importance of those who have been identified with the United States in NGO's [non-governmental organization]. And I know that there are a lot of agencies out there and a lot of them have both contracts with the United States and other countries for other functions. And we can't obviously be opening up the gates to every NGO that has had some contact in terms of Iraq over any period of time.

But as we are looking forward to working with the NGO's in more effective ways, as I understand in a variety of different ways—we have signed a contract with Cape Verde, yesterday, just in agriculture and we will be working very closely with NGO's in that country—I am just wondering whether you might let us know, if not today then later on, just about how you are evaluating the nature of the threat to those individuals who have identified with the United States and how we are beginning the process.

I know it is much more complicated than just dealing with the Kurds because you had a pretty good idea, an excellent idea who they were, but I think given Saddam's record on it I imagine there are probably a number of people in that NGO category that are seriously worried about their own situation.

Mr. WIRTH. Senator Kennedy, you are quite correct in saying that this is extremely complicated and the more we get into it the more complicated it gets. Who are the NGO's? Who is going to screen the NGO's? Where will they be screened? You know, we are trying now to set up the parameters of this and the administration is deeply engaged in this. Just to tell you where we are at this point, we are attempting to work a paper right now that will ad-

dress all of these issues and see if we can come to a definitive position early next week so that we can really put a point on this and can move.

We believe very strongly that we have very clear obligations. We are looking at what would be the best course of action for the larger and less defined group than the group that came out earlier, who had directly worked for the United States.

We are addressing the risk factors and the number of people involved and we will get back to you as soon as we come to what we think is going to be the best balanced program.

I would also say that you are very correct, the more you know about it, the more complicated it gets and we are trying to get this sorted out very rapidly. We would also add that the longer this goes on, the more complicated it gets, so, we would like to see if we can come to some decisions sooner rather than later, which means we hope very soon.

Senator KENNEDY. Let me ask you about the impact of the welfare bill changes. Ms. Limon, you know, over the past several years we have gone from 3 years down to 8 months. We have tried to be helpful on that over a period of time looking at different ways we could stretch that out. There has been an enormous pressure over a period of years.

So, you have been doing a lot more with less. And, now, the welfare reform bill allows refugees to receive Government help for 5 years and there are concerns about what happens after that, particularly for elderly refugees who may need ongoing SSI [supplemental security income].

Could you tell us what your thinking is about what is going to be the need or what is going to develop or what kind of pressures are you going to be under or the families are going to be under in this?

Ms. LIMON. There are a couple of concerns, Senator. First, as you said, refugees are exempt from the benefit restrictions that other aliens have in the welfare reform bill. But that exemption is for 5 years. After that 5 years, clearly we would hope that the vast majority of people would have become self-sufficient.

We think that the States' move to term their AFDC programs, now referred to as Temporary Assistance for Needy Families, TANF programs, into programs aimed toward self-sufficiency as a positive move. And, clearly, emulates the purposes of the Refugee Act. So, we are pleased with that.

We do have two concerns. One is that it could be as States try and move more and more people to self-sufficiency, that they work with those people with fewer barriers, first. And, as refugees, who may have language barriers or other kinds of barriers to self-sufficiency, may not be in front of the line and may be pushed back and back and not receive the kinds of services that they should receive to move on to self-sufficiency, which puts pressure on the refugee program services to move with them quickly as we always have.

The other concern is that a lot of States are talking about doing diversion programs, actually diverting people before their application for TANF/AFDC is even processed. That is something that, again, for an indigenous population makes some sense, go out and

look for a job first while we are processing your application, and for some refugees that makes some sense.

But we have already seen some situations where, for instance, a Somali widow with five young children was asked to go do job search. This is a woman who does not go anywhere without a male relative. And that was within 4 weeks of her arrival.

So, those are the kinds of situations that I think we are going to have to work closely with the States to try and alleviate.

You are correct on the elderly refugees. If they are on SSI for 5 years, they then lose that SSI eligibility and only could go back on SSI once they had become citizens. If one assumes they are capable of learning English and learning the kinds of civics that they need to, to become citizens and can take the oath then it could be just the processing time between the time that their 5 years of eligibility ends and when they become citizens.

However, if they are incapable of taking the oath with knowledge, if they are elderly or mentally incapable, then they would be off of SSI without a safety net. And, so, that is of great concern to us.

Senator KENNEDY. I would think, particularly, the older ones.

Ms. LIMON. Yes, right.

Senator KENNEDY. And, also, those that have been persecuted or tortured or have mental/physical barriers, they are going to have a very difficult time.

Ms. LIMON. We have 5 years to figure out a solution. I look forward to working with the committee on the reauthorization of the Refugee Act as we look at that in light of the new realities in the safety net in this country.

Senator KENNEDY. Let me, Ms. Coven, let me ask a question about the situation under the current law. The INS offices are the only ones that can determine a refugee. So, it poses logistical problems since, obviously the INS cannot be every place all the time. So, some of the refugees end up waiting for a year for an INS circuit rider to come to the country to hear their case.

In the past, I have suggested that in such cases the consular offices be permitted to make refugee decisions too. They could fax the case to INS for advice, they don't have to, but I think they could. Why shouldn't they be empowered to make the decision when it is clear that an INS officer can't get there right away because the consular's office can issue every other kind of visa and why can't they be empowered to make this one, too?

Ms. COVEN. Well, first, if I could say that we have made some progress over the last year in our ability to process within Africa and to get to places where there are people who are in need.

And we have been able to do that because we have focused on being able to coordinate better with UNHCR and State Department. Also, we are now able to supplement our refugee processing overseas by using some asylum officers to add to our staff overseas.

With respect to the issue of why can't consular officers make a refugee determination, an important thing which always enters into this debate, is the appropriateness of having foreign policy considerations distinct from a pure refugee determination. And the thinking is that it is best to have the actual refugee determination made by an independent party. The INS officer working for the At-

torney General being an independent party, as opposed to the consular officer who works for the State Department.

And we think that that is an important objective and do have as a goal trying to be more responsive throughout the world to refugees who are in need and to work with the State Department to address that issue within the current framework of the law and the functions of the different departments.

Senator KENNEDY. Well, I would think if that is the criteria I would think the State Department would be better equipped than the INS. I mean, they are dealing with the foreign policy issues.

Ms. COVEN. But we would like the refugee determination to not be based on foreign policy considerations alone. It should be a determination that is based on people really fleeing and having a well-founded persecution.

Senator KENNEDY. But they would be the ones that would know in a pure kind of situation that the government has been overthrown. You would think that people that would be involved in policy would know that maybe a little quicker than somebody that was dealing more with the Justice Department, the enforcement kind of mechanisms, I would imagine. Since that's the primary area that they have some responsibility assuming they are going to make a judgment based upon the criteria they would know which particular groups in a particular kind of country were those that were being targeted. That is what an awful lot of their responsibility is in these other countries—to understand what the politics are in terms of the dynamics of the political institutions and opposition and the rest.

Ms. COVEN. I think you probably are up to speed with the American Baptist Church or the ABC litigation which has been a big issue for us.

Senator KENNEDY. I'm not up to speed on that.

Ms. COVEN. In our asylum program where there were allegations early on that foreign policy considerations were inappropriately influencing adjudicator's decisions on people's applications. That the United States' foreign policy might have interests which could improperly influence an adjudication.

This issue has come up and it is something that we have looked at and talked about. Another reason why is that consular affairs officers are, No. 1, usually the quite junior officers at the post. They are also shrinking in numbers. And the demands on the consular affairs offices are growing which is another reason in the debate why we prefer the current system.

Senator KENNEDY. And if you don't get the extension of the visa waiver there will be even more work, I imagine, for them.

Ms. COVEN. That's right.

Senator KENNEDY. Well, we are going to try and help you on that as soon as my chairman and I get finished wrestling around another big bear, this immigration bill.

So, we thank you very, very much. We are very grateful for all of your good work in this area. It is very, very important and we are thankful that we have all of you involved in working through it. We will look forward to continuing our effort in these areas.

Mr. WIRTH. Senator Kennedy, if I might?

Senator KENNEDY. Sure.

Mr. WIRTH. Just two brief notes. First of all, the Secretary asked me to tell you of his personal attention to the issue in Africa that you brought up the other day. He has subsequently brought it up and we are reviewing and looking at the circuit rider piece to see how it works. And he asked me to convey that to you.

Senator KENNEDY. Good.

Mr. WIRTH. Second, he asked me once again to emphasize to you our concern on section 635 of the visa waiver program. You remember who has the authorities on that and we would like to have, if possible, that legislation returned to its initial where the Secretary of State and the Attorney General are jointly engaged rather than the Attorney General in consultation with the Secretary.

Again, this goes to the principle of who is ultimately apt to be charged in terms of conducting the foreign policy. I believed the Secretary raised that with you last week at lunch.

Senator KENNEDY. Yes.

Mr. WIRTH. It is currently not in the immigration bill and I understand that the procedure is that the immigration bill, perhaps, can't be amended, but perhaps this might be done on the CR to change what we think is a problem.

Senator KENNEDY. Yes; I think since that CR is being worked over there in the White House I think you probably have got as good a line of getting that done over there directly with Mr. Pannetta, quite frankly.

Mr. WIRTH. We will give that a shot from our direction.

Senator KENNEDY. We will see what we can do but as the time moves along it is getting pretty close to being beyond the reach here and being resolved now between the leadership and the White House.

OK. We will look into it and be back in touch with you.

Mr. WIRTH. Thank you, Senator Kennedy.

Senator KENNEDY. Thank you very much.

[The prepared statements of Mr. Wirth, Ms. Limon, and Ms. Coven follow:]

PREPARED STATEMENT OF TIMOTHY WIRTH

Mr. Chairman and members of the Committee: I appreciate very much the opportunity to meet with you to reaffirm the President's deep commitment to the United States refugee program and to present to you his proposal for the fiscal year 1997 refugee admissions program.

The United States has a long and cherished history of welcoming refugees to become part of our country. Many of us trace our ancestry to one of the refugee groups that have sought freedom here—groups that go back as far as the history of the colonization of North America. Indeed, that most American of holidays—Thanksgiving—has its origins in a religious minority seeking freedom from persecution. The world continues to look to America for leadership in responding to refugee crises. We accept more refugees for resettlement than any other country in the world. In fiscal year 1995, we accepted nearly 100,000 refugees for resettlement; this current fiscal year we expect about 72,000.

For several years, we have been witnessing a major shift in the forces that generate the refugees who come to the United States. Since World War II, most of the refugees we have welcomed have been fleeing Communism. With the end of the Cold War, old nationalist and ethnic tensions—suppressed for half a century and more—have again sprung to virulent life, claiming victims around the world.

In this context, I note that 16 of the 55 countries—29 percent—from which the U.S. resettled refugees in 1995 did not even exist at the beginning of this decade. In Europe, in Africa, in the Middle East, victims of ethnic strife seek refuge. The vast majority of these refugees want to go home as soon as it is safe to do so. That

simple wish often conceals staggering political, social, and logistical problems for the international community to address.

For other refugees, integration into other countries in the region will be the best resolution of their situation. Even though the capacity of nations to absorb repeated and growing influxes of refugees is strained, we continue to see host nations accept refugees for permanent local integration. For a small percentage of refugees, resettlement is the only real option. The United Nations High Commissioner for Refugees—UNHCR—and the nations of the world all recognize that among the three durable solutions to a refugee situation—repatriation, local integration, and resettlement—will always be a distant third. Yet it plays a vital role in the resolution of refugee crises.

In the past year, we have made progress on improving coordination of activity among the resettlement nations for the world. In October, the United Nations High Commissioner for Refugees hosted a major Resettlement Conference, where the nations that accept significant numbers of refugees came together to discuss issues of common concern. The group convened again in June, and this time included non-governmental organizations from around the world. Including these partners in our formal discussions was an important sign of our high regard for their role in the resettlement process. The group will meet again regionally—the U.S. and Canada, and Europe, Australia and New Zealand—six months from now and convene on a global basis a year hence.

We believe this institutionalized consultation process will improve coordination among the resettlement community. It also provides a chance for the United States to exercise its leadership in encouraging burdensharing among the nations of the world to ensure that appropriate resettlement arrangements can continue to be made available throughout the world—and extended to non-traditional resettlement countries.

The complex interrelations of these three “durable solutions”—repatriation, local integration, and resettlement—are nowhere more clearly seen than in Bosnia and Southeast Asia. Nor are the inextricable linkages to our broader foreign policy interests more clear than in these two regions of the world. In Bosnia, the President is committed to making the Dayton Accords work. Those accords cannot work unless the displaced persons in Bosnia and the refugees scattered across Europe feel safe to return to their homes.

Large-scale repatriation of refugees and return of internally displaced persons have not yet begun. Thus far, only about 100,000 people have returned to their homes. The U.S. is collaborating closely with UNHCR and other humanitarian organizations to promote and facilitate returns.

At the same time, we continue to fund humanitarian assistance to those who are not yet able to return. The United States remains the largest single donor to the region. U.S.-funded programs have provided desperately-needed food, fuel, shelter and medical care to millions of refugees and displaced persons and refugees in Bosnia and elsewhere in the region. So far in FY 96, the U.S. has provided over \$56 million in refugee assistance in the former Yugoslavia.

Since 1991, the U.S. Government has provided over \$1 billion in humanitarian assistance, including both cash and in-kind contributions, such as invaluable military airlift support.

In the post-Dayton map of Bosnia, some refugees find themselves now unwelcome, as ethnic minorities, in their former homes. Others, partners in marriages that cross ethnic lines, may find themselves unwelcome in any part of Bosnia. For some of these groups of refugees, resettlement in third countries may be their only hope for returning to stable and productive lives.

We have admitted more than 30,000 Bosnian refugees since our program began—some 11,000 already this year. In FY-97, as I will discuss in a few minutes, we propose to broaden our program to make it more responsive to the rapidly evolving situation there.

In Southeast Asia, our refugee resettlement program is drawing to a close, as it should. That program, born of war and expanded in response to waves of dangerous boat departures from Vietnam in the decade that followed, reflects old realities. The new realities are a Vietnamese government seeking to expand its role in the world and to become an attractive center for investment. These Vietnamese desires complement our policy of encouraging human rights and freedom of movement.

I believe the Vietnamese government understands that freedom of movement for its citizens relates not just to doing business with the United States, but it is also an international norm. For its neighbors in southeast Asia, Vietnam's acceptance of the return of its citizens who have been determined not to be refugees marks the healing of an irritant that has been festering for too long.

As this program draws to a close, we have undertaken an important new initiative—the Resettlement Opportunity for Vietnamese Returnees, or “ROVR.” This initiative was designed to encourage boat people in the camps of Southeast Asia to return home voluntarily and to give those of special interest to the U.S. an opportunity for an interview with the Immigration and Naturalization Service for possible resettlement in the U.S. More than 6,300 people registered for interviews between late April and the end of registration on June 30.

June 30, 1996, also marked the end of the Comprehensive Plan of Action for Indochinese refugees, the 1989 international agreement that responded to the waves of departures. The vast majority of the approximately 15,000 people remaining in the camps of Southeast Asia have been deemed not to be refugees. Over 80,000 more have returned to Vietnam already and resumed their lives. Neither we nor UNHCR—which monitors returnees more intensely in Vietnam than it does anywhere else in the world—has seen evidence of patterns of persecution or systematic discrimination against those who have returned.

We and the nations of Southeast Asia are determined to conclude this chapter of our common history safely, with dignity and humanity.

Also in southeast Asia, we are now interviewing, with the assent of the Thai Government, the remaining Hmong and other Lao residents of the first-asylum camps. Unlike the Vietnamese in the region, most of these people are refugees for whom direct resettlement to third countries is possible. The first of these refugees arrived in the U.S. in mid-July. We expect about 2,500 Hmong to arrive before the end of this fiscal year, with perhaps a few hundred more early in FY 97. We are working with the UNHCR to provide appropriate reintegration assistance for those who choose to return to Laos—or who must do so because they are ineligible to come to the U.S.

These two programs will virtually end our program of large scale refugee processing in Southeast Asia, bringing to a close the largest single program of refugee admissions in U.S. history. Since 1975, we have admitted more than 1.2 million Indochinese refugees and Amerasians. As conditions change inside Vietnam and our relationship with that country moves away from the legacy of war toward a partnership in peace, it is appropriate that the migration flow shift from refugees to immigrants. At the same time, in the region and throughout the world, we will encourage governments to provide asylum to those who genuinely fear persecution, and, as a result, flee their country of origin.

We have welcomed the energy and talent of the Vietnamese for the past twenty years and hope to do so for many more years—as they come to join their families and bring the skills we seek through our regular immigration programs.

Let me turn now to the President’s proposal for refugee admissions in FY 1997. I believe the Committee has already received a copy. We are proposing to admit 78,000 refugees in FY 97. This represents a 13% decrease from the FY 96 ceiling of 90,000. Most of the reduction from the FY-96 levels is the result of lower admissions needs in East Asia.

Of this 78,000, the President’s budget request—for both the Department of State and the Department of Health and Human Services—support the admission of 75,000 refugees. Because we anticipate that we will be very close to this number by the end of the fiscal year, we are proposing that 3,000 additional numbers be held in the Unallocated Reserve. We anticipate that these numbers would be needed for admissions from Vietnam, Liberia or Bosnia. Because conditions in Bosnia are so rapidly evolving and the ROVR program is still in its early stages, it is particularly difficult to predict how many people will come from those program. The continued instability of Liberia despite recent progress in the peace process also make that country of particular importance in the next year.

We would use these additional numbers only if two conditions are present:

The ceiling is otherwise exhausted.

The Departments of State and Health and Human Services can support the admissions out of existing appropriations.

We would consult with the Congress if we need to use these numbers.

As I noted earlier, we are witnessing a sea change in the nature of refugee crises. Not only are the forces that create refugees changing, but the nature of the flows is changing. No longer do we see large, ethnically homogenous, camp-based groups. Rather, we see smaller groups, ethnically heterogeneous, geographically dispersed, and often mixed with host populations.

In response to these developments, we propose to move away from the practice of “designating” nationalities for participation in the program. Rather, we propose to accept referrals for admission to the U.S. of refugee applicants of any nationality, either by UNHCR or by any U.S. Embassy. This practice will give us the flexibility to respond quickly where resettlement is appropriate. We believe focusing our ef-

forts to better identify individuals in the greatest need of resettlement, promotes refugee protection and the principle of first asylum.

Let me also say a word about the regional ceilings we propose for FY 97. As the Indochina program winds down in what we believe will be its final year, the regional ceiling is set at 10,000. If it appears that additional admissions numbers will be needed—particularly in order to complete our ROVR initiative and other Orderly Departure Program caseloads—we will consult with you about utilizing numbers available in the Unallocated Reserve.

We are also proposing expanded criteria that will allow us to resettle a small number of additional Burmese refugees now in Thailand.

In Bosnia, we expect that the Dayton Accords will continue to stabilize the country. We have resettled fewer refugees than expected this year because many are waiting to see how Bosnia stabilizes before they decide whether to return home. We expect that some of those who are now taking a wait-and-see attitude about their future will approach UNHCR to seek permanent third-country resettlement in the next year. In order to promote the return of Bosnia to peace and stability without jeopardizing the safety of some of the most vulnerable and to make the program more responsive to current realities, we propose to open resettlement to all of the ethnic groups of Bosnia. In FY-96, only Bosnian Muslims with relatives in the U.S. were able to apply directly for resettlement in the U.S. without a UNHCR referral. We expect that broadening the eligibility for family-reunification applications to all ethnic groups will lead to increased numbers of applications. For these reasons, we are proposing 18,000 places for Bosnia, 3,000 more than this year. Also within the overall European ceiling, we seek 30,000 places for refugees from the countries of the former Soviet Union, which will continue to be processed under current guidelines and applicable statutory provisions.

In Africa, we propose a ceiling of 7,000. While the continent has some of the world's most intractable refugee situations, there is hope in many instances that some may be able to return home. Significant repatriation to Somalia, Ethiopia, Mauritania and Mali has taken place this year. Integration of more than 1.5 million returnees to Mozambique has been successfully completed.

The last remaining refugees are often those who truly cannot return home. In 1996, after discussions with UNHCR, the U.S. accepted approximately 2,500 Benadir, a non-Somali minority of Somali, who continued to be unable to return home after several years in camps in Kenya. Other Somali minority groups are likely to be in a similar position in the future. In the coming fiscal year we intend to increase our efforts to identify vulnerable or other deserving cases in need of the protection only resettlement can provide.

We propose a Latin American regional ceiling of 4,000 next year, to be filled primarily from our in-country processing program in Havana. We remain committed to the Migration Accords, and will facilitate the legal migration of 20,000 Cubans in FY 96, including some 4,000 refugees.

In the Near East and South Asia, we propose to keep the regional ceiling at 4,000 again next year. The largest single component of this program will continue to be Iraqi refugees from the Rafha camp in Saudi Arabia. This population is unique in the world in that UNHCR has identified resettlement as the only durable solution for the entire population. UNHCR is making a strong effort to close the camp by the end of 1997. We support that effort, and will work with UNHCR and other nations to ensure appropriate burdensharing. More than 30 nations have resettled refugees from Rafha in the past four years.

Mr. Chairman, a final word about refugee admissions and immigration reform. The American people are rightfully concerned about the magnitude of our illegal immigration problem. The Administration supports reform to attack that problem vigorously. But study after study has shown that the American people overwhelmingly support the continued acceptance and support of bona fide refugees. We are a generous people, with a strong sense of fairness. Refugees, we know, are not trying to "beat the system." They often have been the victims of the system, sometimes literally. It is imperative that we continue to do what is right and accept people for whom the United States holds particular humanitarian concern if we are to remain true to our values, our traditions, and our dreams.

That concludes my remarks. I will be happy to respond to your questions.

PREPARED STATEMENT OF LAVINIA LIMON

Mr. Chairman, I appreciate the opportunity to submit this testimony in behalf of the President's recommendations for fiscal year 1997 refugee admissions.

The President's budget request of \$381,536,000 for the refugee and entrant assistance program in FY 1997 is based on and expected 78,000 refugee and 12,000 entrant arrivals. With this budget request, we would be able to maintain current services in the program.

BACKGROUND

The major goal of this program is to provide assistance in order to help refugees achieve economic self-sufficiency and social adjustment within the shortest time possible following their arrival in the U.S. For FY 1996, approximately \$407 million was available through six different programs: cash and medical assistance, so-called "alternative programs" under the Wilson/Fish authority, social services, preventive health services, the voluntary agency matching grant program, and the targeted assistance grant program.

Cash and medical assistance (RCA/RMA) are available to needy refugees—who are not eligible for other cash or medical assistance programs, such as the assistance under title IV-A of the Social Security Act, Supplemental Security Income (SSI), or Medicaid—who arrive in the U.S. with few or no financial resources. This refugee assistance, if needed, is paid entirely from federal funds and is available only for a limited number of months following arrival in the U.S.; currently RCA/RMA are available for a refugee's first 8 months in the U.S.

We also reimburse states for the costs incurred in the case of refugee children in the U.S. who are identified in countries on first asylum as unaccompanied minors. Depending on their individual needs, refugee children are placed in foster care, group care, independent living, or residential treatment.

At the State and local level, there has been a good deal of activity around creating alternative programs using the "Fish/Wilson" authority. Under this authority we develop alternative projects which promote early employment of refugees. For example, in New York City, one of the largest resettlement sites in the United States, the State, City, voluntary agencies and the Office of Refugee Resettlement (ORR) have developed a privatized 12-month refugee program that is inclusive of all newly arriving refugees. Refugees will receive their assistance from voluntary agencies who will also be responsible for early employment outcomes through intensive case management. This program will begin October 1.

This authority provides to States, voluntary resettlement agencies and others the opportunity to develop innovative approaches for the provision of cash and medical assistance, social services and case management. Some projects were established when the State government decided not to continue administering the program, such as in Kentucky and Nevada, and some projects are being established as refugee-specific alternatives to categorical aid programs.

To help refugees become self-supporting as quickly as possible, we also provide funding to state governments and private, non-profit agencies which are responsible for providing services, such as English language and employment training. Refugees receiving cash and medical assistance are required to be enrolled in employment services and to accept offers of employment.

For FY 1996, funds were provided to the Public Health Service to monitor overseas medical screening for U.S.-bound refugees. ORR provided grants to state public health departments for preventive health assessment and treatment services to refugees for protection of the public health against contagious diseases.

Under the Voluntary Agency Matching Grant Program agencies match Federal funds from private funds or in-kind goods and services. During the refugees' first four months in the U.S., several voluntary resettlement agencies take responsibility for resettling refugees and assisting them to become self-sufficient through private initiatives without recourse to public assistance.

The Targeted Assistance Grants program targets additional resources to communities facing extraordinary resettlement problems because of a high concentration of refugees and a high use of public assistance by the resident refugee population. Special efforts are directed to those refugees who depend upon public assistance.

Refugees may be referred to a variety of programs, such as those mentioned above, or they may receive help through the mainstream, categorical programs. Refugees qualify for the categorical programs on the same basis as citizens.

RECENT CHANGES IN THE PROGRAM

In 1996, we sharpened our focus on newer refugee arrivals, stressing the need to provide refugee-specific, culturally and linguistically appropriate services. Final regulations published in FY 1995 for the first time directed states to target refugee specific employment and other social adjustment services to refugees and entrants who

have been in the United States for less than five years. As a result of this change, 15 new counties will receive this impact aid.

As I've indicated previously to the Committee, we believe that the domestic refugee resettlement program must be able to respond quickly, visibly, and flexibly in providing refugee-specific services in response to refugee crises. One new discretionary initiative called, "Unanticipated Arrivals" has had an excellent beginning. This initiative provides timely funding to public and private providers in order to respond to unforeseen refugee arrivals. Similarly, the new Preferred Communities discretionary program initiative encourages resettlement where refugees have the best opportunity for early self-sufficiency. In addition, in coordination with the Department of State and the public and private sectors we have begun a review of refugee placement planning. The objective of this review is to improve and enhance refugees integration into U.S. society, particularly as it relates to self-sufficiency and social adjustment.

CONCLUSION

I hope I have presented to this committee a concise overview of the domestic refugee program. Next year, the program must be reauthorized and I very much look forward to working with the Committee throughout the process. The President, in an August 22 Directive, has already started us on this process by requesting that we set out a strategy of additional steps that we can take for refugees and asylees to promote social adjustment in the United States, economic self-sufficiency, and naturalization.

I would be pleased to answer any questions.

PREPARED STATEMENT OF PHYLLIS A. COVEN

Mr. Chairman and Members of the Committee, I am pleased to appear before you today to discuss the proposed United States refugee resettlement admissions program for Fiscal Year 1997 and the role of the Immigration and Naturalization Service (INS) in the program.

During FY 1996, we at INS have accomplished a great deal in meeting the challenges faced in the refugee world. In describing our activities, I would like to begin with the Cuban migration issue since that remains of particular concern to us, as I am certain it does to many of you.

CUBAN MIGRATION

When we met two summers ago, the United States was in the throes of a dangerous outflow of Cuban migrants, threatening both the lives of those taking to the seas and our ability as a nation to control our borders. It was critical that new measures be implemented to avert a crisis and to ensure that migration from Cuba to the United States would be safe, orderly and legal.

The two recent migration accords with the Government of Cuba have been remarkably successful in moving us toward our goal. The September 9, 1994 agreement vastly expanded opportunities for legal migration from Cuba by guaranteeing that at least 20,000 Cubans would be authorized to come to the United States each year. The May 2, 1995 Joint Statement on Migration established a new policy designed to deter illegal migration while affording protection to genuine refugees.

In accordance with the May 2 agreement, those Cuban migrants who are interdicted at sea or who enter Guantanamo Bay Naval Base from Cuban territory generally are returned to Cuba. Those migrants who express concerns requiring their return have an opportunity to speak in confidence with a specially trained officer of the Immigration and Naturalization Service (INS). Persons determined to have credible fear of persecution are not returned to Cuba. Instead, the U.S. Government seeks long-term resettlement opportunities for them. During the first year following the May 2, 1995 agreement, the Coast Guard interdicted 372 Cuban citizens attempting to immigrate to the United States and another 83 entered the Guantanamo Bay Naval Base without permission. We note that these are the lowest annual figures since the late 1980s.

The agreement also provided for parole consideration for all Cuban migrants who were at Guantanamo prior to May 2, 1995. Almost 31,000 Cuban migrants were found eligible for parole and had traveled to the United States before the end of January of this year. The camp population was carefully screened by INS officers and approximately 360 Cubans who had prior criminal records in the United States or Cuba or who had participated in violent activities while at the safe haven facilities were returned to Cuban territory.

We attribute much of the success of our measures to prevent illegal migration to a new awareness in Cuba that persons wishing to come to the United States may have the opportunity to do so through legal means. During our second year of implementation of the September 9, 1994 agreement, INS and consular staff in Havana were conscientious and energetic in their efforts to ensure meeting our commitment to facilitate the legal migration to the United States of at least 20,000 Cubans. On July 9, two months ahead of schedule, we fulfilled our commitment, with over 15,000 migrants approved for travel to the United States. Five thousand of those paroled from Guantanamo previously were counted toward the Fiscal Year 1996 migration goal. More than 3,800 refugees were approved by INS officers in Havana; over 3,100 of those refugees already have traveled to the United States or now are travel ready. More than 2,000 preference immigrant visas were issued and parole was granted to over 1,400 family members of immigrants and refugees.

In addition to the migrants counting against the target of 20,000, almost 700 immediate relative immigrant visas were issued and INS authorized parole for 238 preference visa petition beneficiaries who were on the immigrant visa waiting list as of September 9, 1994, and whose visas will not become current this year.

One of our objectives in rechanneling the migration flow from illegal to legal avenues has been the creation of a program to expand opportunities to those who might not otherwise have the hope of coming to the United States through regular means. The Special Cuban Migration Program (SCMP) gives all Cubans in Cuba, including those with only distant relatives or no direct family ties to the United States, the opportunity to apply for legal migration. Over 189,000 entries were submitted during the first SCMP registration period in late 1994. By the end of the first year of the migration accord, 5,400 people had been approved for travel to the United States. Since that time, 7,490 more SCMP selectees have been interviewed and approved.

Recognizing the success of the first registration, on March 15, the INS announced a second SCMP registration period, giving Cubans living in Cuba another chance to apply for legal migration, even if they do not have close family members living in the United States. As of April 30, the closing date for submitting applications, over 435,000 entries had been postmarked and received in Cuba. From this pool, thousands of Cubans will be randomly selected for further processing. We believe that the enthusiastic response to the second SCMP is an indicator of the growing awareness among Cubans that legal channels are open to those who long to live in the United States.

SOUTHEAST ASIA

Moving from Cuba to Southeast Asia, we are in the final stages of the established refugee program. Our work in the countries of first asylum is largely finished. We have just completed a final resettlement effort for Lao in Thailand, with 3,000 highland and lowland Lao approved for refugee resettlement.

All refugee applicants eligible for interview under the Orderly Departure Program (ODP) were scheduled for INS interview before June 30, 1996. INS continues to interview any eligible applicants who now have obtained exit permission from Vietnam, a prerequisite for processing under Vietnamese law.

We at INS also are preparing for our important role in the initiative known as the Resettlement Opportunity for Vietnamese Returnees (ROVR), through which the United States will offer a final resettlement opportunity to certain Vietnamese nationals of special interest to the United States due to their previous experiences or associations in Vietnam.

Resettlement interviews will be given to those individuals whose registration forms indicate they meet ROVR eligibility criteria. Specially trained INS officers, selected from our eight domestic asylum offices, will conduct interviews of those returnees determined to be eligible for processing. Eligibility for refugee status and admission to the United States will be determined on a case-by-case basis using special evidentiary procedures.

Although I have focused my remarks on the Caribbean and Southeast Asia, INS has not neglected the rest of the refugee world. During Fiscal Year 1996, we continued to work closely with the Department of State and the United Nations High Commissioner for Refugees (UNHCR) in responding to the needs of a number of other refugee populations.

BOSNIA

While we share in hopes that the Dayton Peace Accords will eventually allow the return of displaced persons and refugees, we have continued to respond to the plight of Bosnians who fled their war-torn homeland. INS officers have gone the distance

to reach Bosnian refugee applicants, conducting frequent and expeditious circuit rides to many locations in Croatia, Slovenia and the Serbian Republic to process former detention camp inmates, Bosnian Muslims with relatives in the United States, and other vulnerable Bosnians referred by UNHCR.

REFUGEES FROM THE FORMER SOVIET UNION

We continue to interview refugee applicants from the former Soviet Union in Moscow. The vast majority of applicants interviewed in Moscow during Fiscal Year 1996 fit into one of the four identified categories by the Lautenberg Amendment: Soviet Jews, Evangelical Christians, Ukrainian Catholics and Ukrainian Orthodox. Their claims are adjudicated in accordance with the statutory directive that for members of these categories a well-founded fear of persecution is established by an assertion of a fear of persecution and assertion of a credible basis for concern. We will enter the new fiscal year with over 40,000 approved refugees in the pipeline and are scheduling interviews for approximately 4,500 individuals monthly.

AFRICA

In Africa, we project that our efforts will result in full utilization of the regional admissions ceiling of 7,600 this year. We have joined in the regional approach to process Africans at various locations around the continent, working closely with the United Nations High Commissioner for Refugees (UNHCR) to ensure that a diverse population of refugees in need of resettlement is given consideration. In response to needs identified by UNHCR throughout Africa, the U.S. processing team of INS officers and Joint Voluntary Agency representatives will have visited more than fifteen countries over the course of the fiscal year, with at least 20 different nationalities being included in our program. We believe this is a remarkable achievement in light of the difficulties of travel in Africa and the complexity of conditions giving rise to refugees' flight.

IRAQI REFUGEES

The United States continues to be part of a multinational effort to resettle Iraqis who fled their country for Saudi Arabia following the Gulf War. All cases referred to INS for resettlement consideration have been found by the United Nations High Commissioner for Refugees to be refugees in need of resettlement. All of those approved by INS for refugee status fully satisfied the requirements of law and were found to have a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The majority of the Iraqis who have been interviewed in Saudi Arabia, both civilians and former military, participated in the uprising in southern Iraq following the end of the war. Other Iraqis and Iranians, principally religious minorities, are interviewed at various refugee processing posts.

Renewed problems in Iraq have put at risk a number of Kurds who were employees of the United States. As you have been informed, the Attorney General has used her parole authority to parole approximately 2,100 of these Iraqi Kurds into the United States for asylum processing in Guam. They will not be part of our refugee admissions program, since the adjudication of their need for protection from persecution will occur within the territory of the United States.

INS has sent a team of nine Asylum Officers to Guam to interview these Kurds and adjudicate their asylum applications. We expect to complete their process within the next two months, after which the Kurds approved for asylum will be resettled in various locations in the United States.

We feel that INS has been responsive to the resettlement needs of refugees throughout the world during FY 1996 and we assure you that our commitment will continue in the year ahead.

This completes my testimony. I would be pleased to answer any questions you may have.

Senator. KENNEDY. The committee is in recess.

[Whereupon, at 3:39 the committee was recessed, subject to the call of the chair.]

