



REFUGEES REFUGIES FLÜCHTLINGE REFUGIADOS

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(This Refugee Report carries news under several headings: Haitian and Salvadoran Refugees in the United States; Consultation on Immigrants, Refugees and Migrants; Polish Refugees in Austria; and The Situation of Asylum Seekers in Europe.)

Haitian and Salvadoran Refugees in the United States

Church World Service (CWS), the international relief and development branch of the National Council of Churches in the USA, is actively helping defend the rights of refugees seeking asylum after reaching US shores or crossing a border. CWS also provides other necessary assistance directly or through cooperating agencies. The focal points now for these activities are Miami, Florida, to which thousands of Haitians have come, and Los Angeles, California, which is the main US haven for Salvadorans fleeing the strife and turmoil in their country. Following are brief summaries about the CWS programme in each of these cities.

Haitians in Miami -- In response to the influx of Haitians, the US government adopted the dual policy of interdiction of boats at sea and prolonged mass detention of potential asylees pending adjudication of their claims. In addition, the government has attempted to simplify the regulatory provisions in asylum cases, resulting in minimizing the role of legal counsel, limiting appeals, removing immigration judges from most cases, and disqualifying some persons even from applying for asylum. These steps are in violation of the rights guaranteed to all asylum applicants under the US Constitution, contrary to the terms of the Refugee Act of 1980, and a departure from international legal agreements like the United Nations Protocol Relating to the Status of Refugees to which the US is a signatory.

In response to these abuses of law, CWS and other agencies are active in legal advocacy on behalf of Haitian asylum applicants by contributing to the costs of attorneys on the staffs of local service organizations. This is done in support of an important principle: that the government's legitimate concern for controlling immigration be balanced against the rights of individual refugees fleeing persecution and who wish to apply for political asylum. The issue at stake here is how to devise an efficient asylum procedure while at the same time ensuring that it is just and humane. Thus CWS and others find themselves on this matter in opposition

to their government which, they maintain, has departed from domestic and international legal obligations as well as basic humanitarian standards in its response to the Haitian influx.

Apart from legal advocacy, CWS also helps Haitians in the Miami area through financial support of several social service agencies which assist clients in job-seeking, English language training, housing, community needs assessments, etc.

Salvadorans in Los Angeles -- As in Miami, CWS involvement in Los Angeles on behalf of Salvadoran refugees features a strong legal advocacy approach. The reasons are similar because, like the Haitians, the Salvadorans are receiving illegal, inhumane treatment after their arrival in the US.

Civil war, lawlessness, fear, torture, murder, poverty and hopelessness -- these are the reasons why half a million Salvadorans -- ten percent of the population -- have either been displaced within their own country or become refugees in neighbouring lands or in the US. Before the civil war in El Salvador began in 1980, there were already 80,000 Salvadorans in Los Angeles area. Now there are an estimated 200,000, of whom perhaps only ten percent have official permission to reside.

The basic legal issue being contested is whether the Salvadorans are refugees and therefore entitled to apply for political asylum and the protection this status bestows. Although the United Nations High Commissioner for Refugees (UNHCR) determined that Salvadorans who left their country after early 1980 are refugees under the UN Convention and its Protocol, to which the US has acceded, the American government has denied even temporary asylum to Salvadorans, choosing instead to apprehend them as illegal aliens and deport them back at a rate of 1,000 per month to an uncertain fate in their home country.

CWS is helping Salvadoran refugees (and others) by maintaining a branch office in Los Angeles and through its association with the Southern California Council of Churches. Funds are channelled to local agencies which provide legal aid and necessary social services to the refugees. The main legal effort is to halt deportations of the Salvadorans and simultaneously to gain political asylum for them. The illegal detention and inhumane treatment of refugees in camps is also under attack in the courts. Efforts to reduce excessively high bail and to create a bail fund are underway, and legal clinics are conducted for volunteers assisting Salvadorans with asylum applications. Social and other services include job-finding, housing assistance, meeting emergency needs of all kinds, sponsorship of refugees, education and legislative advocacy.

Consultation on Immigrants, Refugees and Migrants

A consultation on these subjects was sponsored by the National Council of Churches in the USA in Washington, DC, between January 28 - 30. The main topics for discussion were the government's treatment of Haitian and Salvadoran refugees, the deportation home of Ethiopians residing in the US, pending legislation that will affect asylum seekers, and, finally, what should be the churches' response to all these issues. A more detailed report on this consultation will be prepared and distributed.

Polish Refugees in Austria

In mid-January Mrs. Mercedes Saitzew, Resettlement Officer for the WCC's Refugee Service, attended a meeting convened in Vienna by ICM, the Intergovernmental Committee for Migration, to assess the situation in Austria following the heavy influx of Poles to that country. Present at this meeting were representatives from the Austrian, Australian, Canadian and U.S. governments, ICM, UNHCR and voluntary agencies.

The Austrian Ministry of the Interior reported a total of 30,000 new refugees now in the country. 28,000 are Poles claiming refugee status, of whom 20,000 have completed asylum documentation and filed application for resettlement in third countries. The remainder are still being screened and will be referred to voluntary agencies when documentation is completed. There are currently about 200 new arrivals per month from all sources, but mainly they come from Poland and Rumania. There are in addition some 20,000 Poles who last year entered Austria as tourists but decided to remain, obviously with the purpose of awaiting further developments in Poland.

About 2,000 of the documented refugees have been able to move into private accommodation; the other 28,000 persons are in a camp operated by the Austrian government, in boarding houses or living with friends or relatives. Both the Catholic and Protestant churches in Austria have appealed to their members to take Polish refugees into their homes if they can.

In 1981 some 8,200 refugees moved from Austria to countries of permanent resettlement. If no higher rate is maintained, it will take at least three years until the refugee backlog in Austria has been resettled.

On the matter of quotas for refugee resettlement, Australia has agreed to take 4,000 Eastern Europeans in the 12-month period from June 1981. No increase is envisaged. Canada accepted a total of 3,149 Eastern Europeans in 1981. This will be increased to 6,000 in 1982 but with no specific allocation for Austria. The U.S. quota in 1981 for Eastern Europeans was 7,000, of which 3,800 were allocated to Austria. The total figure for 1982 is 9,000, with the Austrian share at 4,320. UNHCR has sent an appeal for permanent resettlement places to 24 countries as well as to the Council of Europe and the European Economic Community.

Of the 20,000 refugees in Austria whose asylum documentation has been completed and who have filed their resettlement applications, one-half will be handled by the International Catholic Migration Commission, one-fourth by the World Council of Churches, and the remaining one-fourth by other voluntary agencies. Thus a total of 5,000 refugees whose initial asylum documentation has been completed are now being documented for resettlement by the WCC-related office in Vienna. Here is a breakdown according to country of resettlement:

Australia	2,000
Canada	1,500
U.S.A.	1,000
Other	500
	<hr/>
	5,000

The breakdown according to nationality is:

Poles	3,500
Rumanians	800
Hungarians	300
Czechoslovakians	100
Others	300

5,000

The Situation of Asylum Seekers in Europe

A seminar on the problems of asylum seekers in Europe was held in Zeist, Netherlands, from January 20 to 22. 50 representatives of 30 voluntary agencies from 10 countries attended this meeting. Representatives of UNHCR and of the Council of Europe took part, as did Ms. Ruud van Hoogevest of the WCC Refugee Service. Mr. M. Scheltema, Secretary of State for Justice of the Netherlands, attended the opening sessions.

While exchanging views and information on the wide range of problems confronting refugees when they first arrive in a country of potential asylum, the seminar made a number of precise recommendations (which are for the most part clearly in line with Recommendation R(81)16 on the harmonization of national procedures relating to asylum adopted by the Committee of Ministers of the Council of Europe in November 1981):

1. Particular emphasis was placed on the need for a fair and sympathetic hearing for asylum seekers at their point of arrival, as this is the place where abuses are most likely to occur. Every asylum seeker must be given a full interview to establish his/her motivation for attempting to enter the country, and must be offered the chance to con-

tact a lawyer, the representative of UNHCR or a suitable voluntary agency. Particular difficulties may arise at certain major airports, and it is recommended that a voluntary agency specialising in asylum questions should be available at such airports. It was also recommended that border police, immigration officers and other concerned officials should always receive special training relating to the problems of asylum seekers and that voluntary agencies should be invited to participate in such training.

2. Serious concern was expressed about the situation in certain countries where an asylum seeker may be deported before a final decision has been taken on the asylum request, simply because the authorities believe that his/her appeal is unlikely to succeed. This practice contravenes the recommendation of the Council of Europe.
3. In some European states no consideration is given to asylum requests from people from certain countries, because people from these countries are presumed not to be subject to persecution. The seminar insisted that all requests be given individual consideration.
4. The seminar noted with concern that, in certain European countries, detention of asylum seekers is increasing. It was strongly stressed that asylum seekers should not be placed in detention other than in exceptional circumstances, and that in such cases those detained must immediately be allowed to make outside contacts and to challenge in court the legality of the detention. The seminar believed that concepts of "public order" or "national security" were frequently too loosely interpreted as a pretext for detaining asylum seekers. It was noted that certain European countries only very rarely found it necessary to hold asylum seekers in detention. Grave concern was expressed at reports of the detention of children in European states. It was felt that children should not be detained under any circumstances.
5. The seminar agreed to ask the European Consultation to draw up a list of specialists throughout Europe who would be willing to provide expert opinion on questions relating to asylum.
6. The seminar strongly recommended that all European governments process asylum applications in the shortest possible time, taking into consideration humanitarian factors while safeguarding legal guarantees. It also recommended that asylum seekers should have no restrictions on their right to work.

7. The trauma surrounding the departure from their own country and subsequent arrival and adaptation to the country of asylum has a profoundly disturbing psychological effect on some asylum seekers. Governments should provide facilities with appropriately trained staff, preferably with a knowledge of refugees and with competent interpreters. Voluntary agencies should urge governments to ensure adequate funding of social assistance to asylum seekers.
8. Asylum seekers need to be effectively assisted to overcome demoralisation during the period of awaiting a decision on their asylum request. They must be provided with occupational programmes, language training and other educational facilities.

The seminar concluded by stressing that close cooperation between specialised voluntary agencies, national and international authorities to ensure clear adherence to the internationally accepted guidelines relating to asylum requests will help to reduce the likelihood of abuses occurring at the local level.

In most European countries the churches play an increasingly active role in helping asylum seekers with legal, social and material assistance and in appealing to governments to give positive consideration to the points enumerated above.



Refugee Service, CICARWS
World Council of Churches
150, route de Ferney,
1211 Geneva 20,
Switzerland

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