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Statement of  
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Before The  
Subcommittee on Immigration, Refugees, and International Law  
Committee on The Judiciary  
United States House of Representatives  
On  
[Indochina Refugee Assistance Programs]

PSL 02506

Madam Chairwoman and Members of the Subcommittee:

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

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



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

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

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

appreciably helped relieve the burden on these countries by accepting refugees for resettlement.

At the end of February 1979 there were about 143,000 land refugees in 13 camps in Thailand and over 75,000 boat refugees. One small Malaysian island camp held 29,000 refugees and had virtually no health or sanitary facilities. Because refugee arrivals into the camps have far surpassed refugee resettlement offers from other countries, and because further waves of refugees are likely to continue to seek escape from repressive governments, the asylum countries feel they are being expected to bear an unfair burden of what should be a worldwide humanitarian relief effort. Each of these countries has served as a place of temporary asylum for Indochinese refugees. In all these countries, there is deep-seated hostility to Vietnamese settlement--in any numbers. Except for 1,500 Moslems resettled in Malaysia, no country has yet indicated any willingness to accept Vietnamese refugees for permanent resettlement.

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

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

Concerning the High Commissioner's responsibilities for protecting the refugees, our review has shown that since 1975 most of the people who fled Indochina have been able to find asylum in Asian countries. However, there have been several instances when asylum for the refugees has not been provided or was in jeopardy.

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

The High Commissioner finances the temporary care of refugees. His organization functions mostly as a conduit

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

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

With little immediate prospect of any end to refugee departures from Indochina or of increased resettlement offers, it is imperative that these people be provided appropriate first asylum and that necessary temporary care facilities be provided and effectively managed. These temporary facilities should be situated in surroundings that are as free as possible of restraints created by internal

political and international relations problems of first-asylum countries. We believe the camps should be situated in areas that minimize the visibility of the refugee populations. We, therefore, have recommended that the Secretary of State, through the U.S. Mission to the United Nations in Geneva:

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

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

The U.S. Response to the Indochinese Refugee Problem

More than a billion dollars have been made available (or are pending approval) by the Congress to help the Indochinese refugees from the period beginning with the

evacuation from Vietnam in April 1975 through fiscal year 1979. These funds have been and are being used for the temporary care of the refugees in first-asylum countries (including Department of Defense camps in the United States operated for this purpose in 1975); for transportation to resettlement countries; and for their resettlement in the United States through the efforts of U.S. voluntary agencies and State and local governments.

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

In 1978 alone, the United States authorized the admission by parole of 7,000 Indochinese refugees in January; 25,000 in June; and an additional 21,875 refugees in December. The administration recently stated that it is planning to admit 7,000 refugees each month over the next few years. The first action on this plan was initiated on April 13, 1979, when the Attorney General authorized the parole of an additional 40,000 Indochina refugees, through September 30, 1979. However, existing immigration law provides only for

the annual admission of 17,400 refugees--on a conditional basis--who have fled from Communist countries or from the Middle East because of persecution. Because of the ideological, geographic, and numerical limitations of this law, refugee admissions have had to be made on an ad hoc basis--principally through the use of the Attorney General's discretionary parole authority, and, to only a limited extent, through the conditional-entry provision of existing immigration law.

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

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

Land refugees in Thailand are selected for admission by U.S. officials overseas based on four criteria: (1) close



family ties in the United States, (2) previous employment by the U.S. government, (3) close association with the U.S. Government, and (4) humanitarian reasons. A fifth criteria was recently added to implement a separate quota for Cambodian refugees. For boat refugees, present U.S. policy is that all those not receiving resettlement offers from other countries are eligible to be admitted to the United States, using the four criteria only to determine the order in which they are to be admitted. All of the land refugees spend at least a year, and some spend over 3 years, in camps in Thailand before coming to the United States. By contrast, boat refugees in the other asylum countries have sometimes had to be moved out of those countries within several months to encourage the governments of those countries to continue to accept refugees, or because of asylum-government refusals to accept boat refugees for longer periods.

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

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

- clearly communicate the documentation required to substantiate representations of refugees qualifications for admission to the United States,
- require uniform and consistent application of admissions guidelines at all locations, when possible.

#### Refugee Resettlement in the United States

The Indochina refugee population in the United States is predominantly Vietnamese, with a small mix of Laotians and Cambodians--about 10 to 12 percent.

To avoid the kind of geographic concentration experienced with the Cuban refugees, an effort was made at the time of the initial resettlement wave in 1975-76, to distribute the refugee population throughout the United States. Nevertheless, there

is a substantial concentration of Indochinese refugees in California resulting from refugee movements there for reasons of family ties, warmer weather, better job opportunities, and a larger refugee community. HEW statistics as of March 22, 1978, show California as having an Indochina refugee population of 50,861, Texas with about 17,000, and Pennsylvania, Louisiana, and Virginia with populations in the 7,000-8,500 range. Because of interstate refugee migrations to California, it is likely that the HEW figure understates the refugee population there. Except for the INS annual alien registration figures, there is no precise way to measure the movements of refugees within the United States, and estimates of California's current refugee population vary widely.

No comprehensive surveys have been made of the educational and employment levels of the current Indochinese population in the United States. Surveys based on a sample of the early wave of Vietnamese refugees have been made on contract through HEW and provide some information on the refugee population. According to a survey performed in the summer of 1977, about 66 percent of the refugees age 16 and older were estimated to be in the United States labor force--a rate closely comparable to that for the overall United States population. Of all refugee households surveyed, 89 percent derived at least a portion of their income from employment; thus, refugee dependency on welfare for total

financial support was estimated to be at most 11 percent of the households. About 80 percent of the employed refugees were earning less than \$200 a week, and it is said that these low wage levels combined with large, extended families, account for the high percentages of refugees on welfare--about 33 percent nationwide. No comprehensive studies have been made, however, of the welfare caseload for refugees, and the States we visited could not provide information on the length of time refugees receive cash assistance or explain monthly fluctuations in the refugee caseload.

As the principal systematic effort to gather nationwide statistics on refugee skill levels and employment rates, these contract studies have been widely reported. However, because these studies are based on interviews with a sample of the early wave of Vietnamese refugees and do not reflect the experience of the more recently arrived refugees, they probably do not present a current picture of the present Indochina refugee population.

We believe there is an important need for more reliable statistical information on resettlement progress, including information on the reasons for, and length of time, refugees are on welfare.

Although the development of a formal statistical profile or comprehensive study of the refugee population was beyond the scope of this review, we were able, through our fieldwork in

the States of California, Washington, and New York, to formulate generalized impressions of the resettlement effort through interviews with refugees, voluntary agencies, refugee sponsors, and Federal and State officials handling refugee programs.

We found that the refugees arriving in the past year or so are generally less educated and much less able to speak English than the Vietnamese refugees evacuated to the United States in 1975. These newer refugees also tend to have more serious medical problems (a result of 2 to 3 years in the refugee camps) and have suffered more traumatic experiences in the process of escaping. In addition, some refugees, particularly some of the Hmong Laotians, cannot read or write and are virtually unexposed to Western culture, and thus may have some special adjustment problems.

Nevertheless, these newer refugees are reported to be no more difficult to resettle than the previous groups of Vietnamese professionals and military officers, in the sense that they appear to be very willing to take the survival-type jobs generally available to refugees. The newer refugees may be less "work-ready" at the time they reach the United States because of initial medical and adjustment problems, but many of these refugees have already established a reputation for being industrious and reliable workers.

There have been reports around the country of community sensitivity to the presence of refugees and resentment that refugees are receiving benefits not available to other disadvantaged groups, but we did not encounter this as a widespread problem. In most States, the refugee population is small relative to other immigrant or minority groups.

The absence of a previously existing Indochinese community in the United States is a major factor distinguishing these Indochinese refugees from most other recent immigrant groups here. Now that the earlier wave of refugees have had some time to become settled here, they have started to serve the functions of an immigrant community. Some of these earlier refugees are now serving as sponsors of recently arrived family members, but it does not appear they are capable yet of providing the kind of financial support to new arrivals that the voluntary agencies have provided. For the immediate future, the most important role of the 4-year old Indochinese community is likely to be cultural support and information sharing.

#### Problems Faced in Refugee Resettlement in the United States

The Federal Government's involvement in the refugee resettlement effort is comprised of (1) direct financing of "special projects" for English and job training and mental health counseling and (2) reimbursements to State Governments

for welfare, medical, and social service costs for refugees. Most of these programs are funded and administered by the HEW Office of Family Assistance in the Social Security Administration, but its Office of Education has also funded and administered adult education projects for refugees and assistance for school districts with high refugee populations. Other than the State Department's grants to the volags, there are virtually no other Federal funds specifically earmarked for Indochina refugee resettlement programs. Refugees are eligible for other Federal programs--through the Labor Department or HUD, for example--but refugee participation in these is not identifiable.

Since 1975, about \$505 million has been appropriated for HEW's Indochina refugee programs. HEW funds obligated for medical and welfare assistance and social services and for State and local administration were about \$98 million in 1978.

Unpredictability of funding and  
resettlement levels

Two of the major difficulties encountered by Government officials and the voluntary agencies in the resettlement effort are the unpredictability of refugee admissions to the United States and uncertainties about the future of Federal Government refugee programs. Funding uncertainties and the consequent "starting and stopping" of programs have

meant that in some states, experienced staff were lost and never replaced, and some social services like employment counseling and placement were never resumed.

A result of these uncertainties is that HEW, state government officials, and voluntary agencies have had a difficult time planning and managing the refugee program on any but a very ad hoc basis. Over the past 3 years, HEW's Indochina Refugee Program Office has gone through several reorganizations. Its staff levels have fluctuated, detailed program guidelines have never been formulated, and some important evaluation and monitoring responsibilities have not been carried out. For example, HEW staffs have not made systematic, nationwide audits or evaluations of state government refugee programs or of claims for Federal reimbursements, although this has been done on an occasional individual State basis.

HEW's regional refugee staffs were given responsibility in late 1977 for monitoring the States' federally-funded social services contracts for refugee programs. The regional office staffs, however, said they had little experience in this area. They were aware of a current lack of oversight of State Government contracts and of the potential for abuse in this area. In fact, one State Government refugee program contractor was recently found guilty of criminal fraud.



Some HEW officials, however, have said that the time and money spent monitoring these federally reimbursed social service contracts more closely would be out of proportion to the amount of funds involved, particularly since these were originally viewed to be temporary, one-time expenditures, and that these Federal reimbursements thus have tended to be administered on the assumption of the "good faith" of the grantee. Because these States social service contracts are 100 percent federally funded, there may be a tendency, we believe, for States to be less conscientious in monitoring the effectiveness and expenditures of these refugee programs. With HEW's regional refugee staffs presently not equipped to monitor these adequately, we believe the potential for abuse continues and needs to be corrected, particularly if the U.S. sets up a formal, long-term refugee resettlement program.

HEW's Office of Education has no representation in its regional offices, and there has been little coordination between its staff handling refugee projects and the HEW refugee program staff in the regions, with the result that its monitoring of these special refugee education projects throughout the country was inadequate. If special refugee education programs are to be continued through the Office of Education, we believe there is a distinct need for improved coordination with HEW's regional refugee program staff and for closer oversight of their grantees.

Summary

For the most part, the refugee needs are generally being served by the volags and federally funded projects, but it appears this is being accomplished despite the absence of, rather than because of, a comprehensive national refugee resettlement policy. / Hard-working and dedicated individuals in both the public and private sectors are devoting efforts to the challenge of assisting refugees to become integrated and self-sufficient in U.S. society. / A positive and predictable Federal policy for refugee admissions and resettlement would help assure that effective refugee resettlement is a product of a more organized and consistent national effort, rather than of fortunate circumstance.

Comments on Proposed Legislation,  
Recommendations to HEW and a Matter  
for Consideration of the Congress

We have reviewed the basic provisions of the Administration's refugee admissions and resettlement proposal, and <sup>were reviewed</sup> ~~believed~~ it addresses the major problem areas we have encountered regarding U.S. refugee admission and resettlement programs. If enacted, it would manifest the intent of the Congress as a basis for the formulation of national policy relative to the program. / In addition to the redefinition of the term "refugee," the bill increases refugee admissions to a level more in line with U.S. intentions to share in resettling the anticipated continuing flow of

refugees from Indochina, the Soviet Union and Eastern Europe, and other areas of the world. It also provides for dealing with large groups of refugees that may result from unanticipated emergency situations, and it retains parole authority for individual situations.

With regard to HEW's management of Indochina refugee assistance programs, we are recommending that the HEW Secretary require that monitoring refugee program grant funds be tightened (1) through closer surveillance by responsible personnel of HEW Regional Offices and State and local government agencies and (2) by requiring audits of the use of HEW-administered refugee program funds, including "special projects", social services, and cash and medical assistance.

We also believe that the Congress, in its deliberations in authorizing or appropriating funds for temporary care and U.S. resettlement programs for Indochinese refugees, should require long-range forward planning data that encompasses

- anticipated number of refugees;
- numbers to be resettled in the United States;
- estimated components and costs of all aspects of the program, including care of the refugees and their selection, admission, resettlement, and integration into American communities; and

--the extent to which the U.S. Government is to  
provide funds./

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