



**Written Testimony
of
Ann Buwalda
Executive Director
Jubilee Campaign USA**

**Submitted to the House Foreign Affairs Subcommittee on Africa,
Global Health, Global Human Rights, and International
Organizations for the Hearing Record on
“A Global Crisis: Refugees, Migrants and Asylum Seekers”**

February 26, 2019; 2 pm

Jubilee Campaign promotes the human rights and religious liberty of ethnic and religious minorities; advocates the release of prisoners of conscience imprisoned on account of their faith; advocates for and assists refugees fleeing religious based persecution; and protects and promotes the dignity and safety of children from bodily harm and sexual exploitation. Jubilee Campaign holds special consultative status with ECOSOC at the United Nations.

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I would like to thank Chairwoman Bass, Ranking Member Smith, and members of the Subcommittee for providing the opportunity to address the panel and submit this statement on the crisis of religious and ethnic minority refugees and asylum seekers in Thailand and elsewhere.

The United States of America has traditionally been a beacon of hope for the oppressed and persecuted suffering around the world. Ronald Reagan stated at the end of his 1980 acceptance speech as the Republican Party presidential candidate, “Can we doubt that only a divine Providence placed this land, this island of freedom, here as a refuge for all those people in the world who yearn to breath freely: Jews and Christians enduring persecution behind the Iron Curtain, the boat people of Southeast Asia, of Cuba and of Haiti, the victims of drought and famine in Africa, the freedom fighters of Afghanistan and our own countrymen held in savage captivity.” The founding of my organization’s branch in the United Kingdom stems back to the Siberian Seven refugees who gained their freedom from religious oppression in the Soviet Union through the efforts of President Ronald Reagan and who were welcomed to the Unites States as a result of his leadership. We are again at a cross roads of history requiring leadership where our traditional values as a welcoming nation to those suffering oppression and persecution, especially those fleeing religious based persecution, is in debate and doubt. It is my sincere hope that today’s hearing will contribute to renewing the calling that the divine Providence has placed on this land.

Jubilee Campaign seeks to draw the Subcommittee’s attention to the need to protect and aid religious minority refugees. Under both international refugee law and domestic asylum law, one of the five grounds of protection is a well-founded fear of persecution on account of one’s religion, which includes the right to choose a belief and practice as well as maintain one’s religious beliefs or none at all and the right to perform one’s religious practices. At times religious refugees have been placed behind other types of refugees. Indeed, one of the reasons many of us pursued the International Religious Freedom Act of 1998 was to ensure that sufficient training and attention is placed by refugee and asylum adjudicators on religious based claims seeking refugee protection. The International Religious Freedom Act of 1998, 22 U.S.C. §§ 6401 et seq., was a response to increased religious persecution around the globe. It establishes the infrastructure for advancing religious freedom as American foreign policy and for protecting individuals who are being persecuted because of their religion. Several of its provisions address religious persecution and should be applied in giving consideration to refugee resettlement to the United States.

My testimony seeks to expose the circumstances in Thailand pertaining to a vulnerable refugee population - those seeking asylum from Pakistan. Verifiable statistics are difficult to obtain, but we currently estimate that there are 3,000 to 4,000 Pakistani Christians in Thailand who have fled religious persecution and whose cases are pending, approved and awaiting resettlement, or closed affording them with no place to go. Despite the widespread and serious persecution of religious minorities in Pakistan, a significant number of applicants in recent years are being unfairly denied refugee status by the United Nations High Commissioner for Refugees (UNHCR). More about that below, but first some context. Within a host country and based on its agreements with a host country, the UNHCR performs a critical role in protecting asylum seekers and processing refugee claims. In Thailand, the UNHCR has attempted to adhere to its commitments to asylum seekers who have swelled in numbers on account of increasing persecution in home countries. At the same time the UNHCR needs to placate the Thai government's limitations on its ability to protect asylum seekers, provide assistance, and properly adjudicate claims.

We understand from anecdotal information because exact statistics are not released by the UNHCR that in the past couple of years approximately 50% of Pakistani religious minority applicants are being granted refugee status by the Bangkok UNHCR office. However, this statistic is misleading, as information we have collected shows that upwards of 90% of cases from the Pakistani Ahmadiyya community are granted, leaving the percentage of granted Pakistani Christian cases between 10% and 30%. We find this to be disturbingly low, given the pattern of persecution of the Christian minority in Pakistan. This year the U.S. Department of State under the IRF Act of 1998 placed Pakistan "on a Special Watch List for severe violations of religious freedom." In its 2018 report the US Commission on International Religious Freedom (USCIRF) recommended Pakistan for Country of Particular Concern designation under the IRF Act. In light of these findings and so many other human rights reports, all religious minorities from Pakistan should be afforded the same burden of proof and that burden of proof should be reflective of the recognized severe violations of religious freedom experienced by these minorities in Pakistan.

Despite the severity of country conditions, the UNHCR in Bangkok unreasonably denies cases. There have been several reasons for the denials, many of which seem to be unjust. One reason appears to have been the rush to adjudicate cases during a period of extreme backlogs during 2016-2017. The backlogs at the UNHCR in Bangkok seem to have improved but potentially at the cost of denying legitimate refugee claims, and I provide below specific examples of cases we have assisted to seek re-openings and reversals of the rejections. Other organizations also active in assisting the vulnerable Pakistani Christian refugee population such as Christian Freedom International have many examples of cases we believe to be legitimate but whose claims were rejected. Some of these denials appear to be based on general skepticism as to threats faced by Christians in Pakistan, or a lack of knowledge of country conditions. There further seems to be a minimization of persecution by non-state actors, even when it appears clear that their actions either represent the positions of local law enforcement officials or are in any case unopposed by them.

Another shortcoming we have observed is a perception of bias causing the UNHCR contracted interpreters to inaccurately interpret the interviews of Christian asylum seekers. This may have impacted the case of Michael D'Souza described below. Most disturbing, however, has been the imposition by the UNHCR of an unreasonable credibility test and significantly higher burden of proof as well as standard of perfection imposed on the Pakistani Christian asylum seekers. The adverse credibility findings declared in many of the decisions end up damning those Pakistani Christians, even though their claim is legitimate. I describe below the glaring example in the adjudication of Talib Masih's claim.

Jubilee Campaign has attempted to assist some of the denied cases in their appeal process with the UNHCR which have resulted in re-openings and approvals. However, those approved now have no country to which they can be referred for resettlement leaving them stuck and vulnerable in Thailand. The conditions for refugees in Thailand have been extensively detailed by Amnesty International¹ (AI), and these findings confirm our organization's observations. The 2017 AI report notes that refugees in Thailand face many difficulties due to their lack of legal status including, "limited employment prospects, trouble accessing medical care and educational opportunities, financial stresses, self-imposed restrictions on movement and social interactions, and the constant fear of arrest. Refugees and asylum-seekers arrested for immigration violations may face prolonged and indefinite detention in appalling conditions in IDCs....UN human rights bodies, UNHCR and civil society organizations have repeatedly raised concerns about the prolonged detention of refugees and asylum-seekers, the poor conditions in IDCs, and the impact of these factors on the physical, psychological and social wellbeing of those seeking protection in Thailand....**Given the stark realities of detention and refugee life in Thailand, some refugees and asylum-seekers make the difficult decision to return to their home countries and face the dangers and hardships that caused them to seek protection abroad.**"²

This is where the other shoe drops for these refugees; whether they have been denied refugee status or are subjected to prolonged waiting for a resolution to their case, the deplorable conditions of the Immigration Detention Center (IDC) and the refugees' lack of domestic legal status, leaves them hopeless, with little choice but to return to the dire circumstances they once fled from. We must emphasize the fact that people die in the IDC because they are not given access to medical treatment or are unable to pay for their medical care, medicine, or proper food.

D'Souza

Such was the situation for Michael D'Souza, a Pakistani Christian who fled to Thailand with his family in 2012. Mr. D'Souza and his family had been verbally harassed and threatened with bodily harm because of their Christian faith by various groups of Pakistani men and mullahs

¹ *Between A Rock and A Hard Place: Thailand's Refugee Policies And Violations Of The Principle Of Non-Refoulement*. © Amnesty International, 2017.

² *Ibid.*, pgs. 41-42.

since 2005. Mr. D'Souza endured numerous beatings including one in which his persecutors threatened to "hang him like Jesus," as they stretched his arms out to the side and kicked his back. In 2012, two of Mr. D'Souza's sisters-in-laws were kidnapped and a group of men beat Mr. D'Souza unconscious outside his home. After seeing a poster on a mosque wall with his photograph and a charge of blasphemy, Mr. D'Souza followed the advice of his friends and took his family out of Pakistan for their safety.

The D'Souzas arrived in Bangkok, Thailand, in November 2012. Mr. D'Souza received his asylum seeker certificate in December but later that month was arrested and the D'Souzas had to spend a day in the Immigration Detention Center (IDC). After paying 50,000 Thai baht, they were released. Mr. D'Souza's Refugee Status Determination (RSD) interview was held on October 9, 2013. While waiting for a determination, the D'Souzas were arrested again and spent three weeks in the IDC. After paying bail, they were released. Mr. D'Souza's UN refugee application was rejected in 2015, and Mr. D'Souza has provided to us several examples of where his interpreter mistranslated. A subsequent appeal was denied in 2016, and the D'Souzas were again placed in IDC. After a year in IDC in difficult circumstances and with no place to go, the D'Souzas made the painful decision to self-deport to Pakistan in hopes of better things. But that was not to be.

Returning to Pakistan, Mr. D'Souza was unable to find a job, so with money from church friends in Bangkok, he bought a motorized rickshaw (tuk-tuk) to work as a taxi driver. Two months later, he was recognized by a group of men who told him that they were members of the Taliban and that they had been looking for him for years. They severely beat him with a cane and burned his tuk tuk. Mr. D'Souza cannot work, his children cannot go to school, and he now lives in constant fear for his safety and that of his family. Sadly, Mr. D'Souza's return to Pakistan confirmed the reasons why he should have been granted his refugee status determination by the UNHCR, those whom he feared, found and bludgeoned him just as they had threatened to do years earlier.

Although refugees may appear to "voluntarily" self-deport, serious questions arise as to whether those deportations are truly "voluntary" or, due to the overwhelming economic, emotional, and physical difficulties for refugees in Thailand, whether the refugees are insidiously, indirectly coerced to deport. The AI report states, "refoulement [forceable deportment] need not be accomplished using physical coercion." International law also prohibits "constructive" refoulement, which occurs when states use indirect means to coerce the return of individuals to situations where they are likely to face human rights violations. UNHCR's "Handbook on Voluntary Repatriation" states, "The principle of voluntariness is the cornerstone of international protection with respect to the return of refugees." While a number of factors, including the economic, social and cultural pressures may affect whether a return is voluntary, lack of legal

status and indefinite confinement can be chief drivers in an involuntary decision to return to one's country of origin.³

For good reason, the Human Rights Watch Organization (HRW) this past November, sent a formal letter to the Prime Minister of Thailand strongly requesting that Pakistani asylum seekers in Thailand, **not be sent back to Pakistan.**⁴ Most of these asylum seekers come from the Christian and Ahmadiyya communities in Pakistan and have been the main targets of the blasphemy law which carries with it the death penalty.⁵ Jubilee campaign joins with HRW in pointing out that while Pakistan has primary responsibility for protecting the religious rights of its communities, **“Thailand also has a legal responsibility to not return refugees to a place where their lives or liberty would be in danger,”** as the above mentioned case of Michael D’Souza and the case of “James” featured in the AI report tragically illustrate.

Other cases currently languishing in Thailand include:

Sunny Gill

Sunny Gill is a well-known Christian journalist and documentary photographer from Pakistan. Through his political and religious activities, he has continuously raised the issues of Pakistan's voiceless minorities. Because of his work, Mr. Gill was physically assaulted by members of a criminal group associated with the Awami National Party (ANP) leading to his fleeing to Thailand where he applied to the UNHRC for refugee status. The UNHRC denied Mr. Gill's petition in 2016 with a second denial issued in 2017. Since his first denial, five activists matching Mr. Gill's profile disappeared in Pakistan. Similar to Mr. Gill, the activists were well-known for speaking out against the Pakistani military and religious militants and advocating for religious minority rights. Thankfully, the UNHCR granted a request that Mr. Gill's appeal be reopened, he was re-interviewed, and he has been granted refugee status more than a year ago. However, there is no country to which his approved case has yet been referred on account of the global retraction by countries accepting referred refugees from the UNHCR.

Talib Masih

Talib Masih, a Christian Pakistani, attended an Indian wedding celebration in 2009. Five days later, Talib and Mukhtar Masih were accused and beaten by a group of Muslim men who alleged that Mukhtar had torn pages from the Koran, burned them, and humiliated the Prophet in a pre-wedding ceremony. Local Muslim clerics accused Talib and Mukhtar of blasphemy, made inflammatory statements against the blasphemy-accused, and incited Muslim residents who destroyed the homes and business of Christians in Korian village, as well as the burning of two Protestant churches. Violence continued for days, spreading into the town of Gojra

³ Ibid., pg 42.

⁴ Human Rights Watch, Letter to Thai Prime Minister Prayut Chan-ocha, 11/6/2018.

⁵ Pakistan is one of only three countries which punish blasphemy with the death penalty. See, U.S. Commission on International Religious Freedom Legislative Factsheet; Blasphemy, November 2018.

in Punjab Province. A mob of 3,000 Muslims was responsible for burning at least 107 houses, shooting indiscreetly and killing 8 Christians. Other Christians died from burn injuries. The violence forced villagers to flee. Talib Masih, after receiving severe threats, was forced into hiding for nearly two years before travelling to Thailand in 2012 seeking asylum. UNHRC denied Mr. Masih's application in 2014; and he was given a second notice of denial in 2016. Following a request prepared by Jubilee Campaign, the UNHCR reopened Mr. Masih's refugee status, re-interviewed him, and granted his refugee status in April 2017. However, Mr. Masih remains in hiding in Thailand with no country to which his approved refugee case has yet been referred on account of the global retraction by countries accepting referred refugees from the UNHCR.

Yasmin Saleem

Yasmin Saleem is a Pakistani Christian married to a Pakistani journalist. In 2012, her husband sought to help a 16-year-old Christian girl procure a divorce from a Muslim man, who had kidnapped her at gunpoint, forced her to convert to Islam, and forcibly married her. The girl's parents let her stay with Yasmin's family for protection. With the help of a Christian lawyer, the Muslim divorce was granted. The now ex-husband, who was in jail at the time of the divorce, became aggressive and tried to harass those who helped the girl. He threatened Yasmin by phone and text, threatening to kidnap Yasmin's daughter and do the same things he had done to this other girl. One day as Yasmin left work, she was struck by a car dislocating her vertebrae. Later, she received a call from the ex-husband saying that next time she wouldn't be so lucky. Yasmin didn't contact the police because she believed the ex-husband would tell the police that she had kidnapped his wife and converted her from Islam. By the middle of 2012, the girl was no longer with Yasmin's family and thought the harassment would end, but the threats continued. She was harassed at work, resulting in her employer asking her to resign. After one particularly harrowing encounter with the gun-toting ex-husband at Yasmin's house, Yasmin fled to Thailand. Her husband remained in Pakistan to secure passports for their children who joined Yasmin in 2013. The UNHRC rejected Yasmin's case in 2014 citing a lack of evidence, denied the subsequent appeal in 2017; a second application was made which was also rejected for lack of evidence in 2018. In December 2018 a third application with evidence has been filed on Yasmin's behalf. She remains in Bangkok, fearful of arrest by Thai authorities, unable to provide schooling to her children with her there, and terrified of being returned to Pakistan.

Another refugee community facing severe persecution are the Montagnards of Vietnam. USCIRF has cataloged the severity of persecution of this religious minority community. Our sources estimate that there are presently 500 Montagnard Christians in Bangkok, but the number is rising, as persecution increases for the million or so Montagnards in Vietnam. The treatment of Montagnard asylum seekers in Thailand is unique because immigration authorities separated families, including nursing children from their mothers. Although some mothers have been bailed out of the IDC, many mothers still remain detained, separated from their children. Most, if not all of these mothers have been recognized as persons of concern by UNHCR. It's also sensitive for

them because Vietnam has a history of extrajudicial kidnappings in Thailand, most recently in the case of a Radio Free Asia blogger. Also, note that a Memorandum to End Child Detention was recently signed between Thailand and the UNHCR. As a result/prequel to this, bail is open for mothers and children registered with UNHCR, and Thai immigration now transfers mothers with children out of IDC and to more humane shelters. However, mothers from Vietnam remain separated from their children, and there are, in fact, still children in IDC.

We urge the United States to increase its efforts to welcome Pakistani Christians and other minority religious refugees such as the Montagnards awaiting resettlement in Thailand. A number of Christians have been granted refugee status by the UNHCR in Thailand but have yet to be resettled to another country. In the year 2018, the United States welcomed 338 refugees from Thailand pertaining to the Muslims religion. In contrast, only 101 Christian arrivals were reported. Pakistani Christians awaiting to be resettled need protection and prompt intervention from supportive countries such as the United States is needed. The refugee crisis facing religious minorities is by no means confined to Thailand.

Eritrea

The precarious political environment in Eritrea makes it of special concern. Human rights violations in Eritrea identified by the State Department include⁶:

- Arbitrary deprivation of life;
- Disappearances;
- Torture and other cruel, inhumane, and degrading treatment by security forces, including for political and religious beliefs;
- Harsh prison and detention center conditions;
- Arbitrary arrest;
- Denial of fair public trial;
- Arbitrary or unlawful interference with privacy, family, or home;
- Restrictions on freedoms of speech and press;
- Restrictions on internet freedom, academic freedom, and cultural events;
- Restrictions on freedom of peaceful assembly, association, and religion;
- Limits on freedom of internal movement and foreign travel;
- Inability of the citizens to choose the government in free and fair elections;
- Corruption and lack of transparency;
- Restrictions on international non-governmental organizations;
- Violence against women and girls, including in military camp settings and national service positions;
- Human trafficking;
- Criminalization of same-sex sexual conduct;
- Forced labor, including forced participation in the country's national service program, routinely for periods beyond the 18-month legal obligation.

⁶“Country Reports on Human Rights Practices for 2017: Eritrea.” *U.S. Department of State*, Bureau of Democracy, Human Rights and Labor, www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper.

In an attempt to assume complete control of religious activities and teachings, the government only recognizes four religious denominations: Islam, Eritrean Orthodoxy, Catholicism, and Lutheranism. Church leaders are often selected by the government, while sermons and activities are regulated. Other faiths and denominations including Evangelicals, Pentecostals, and Jehovah Witnesses are forced to meet and worship in secret, and if discovered, face severe consequences including arrest, torture, and imprisonment. It is estimated that over 1,000 people are in prison on account of their faith in Eritrea, including church leaders.

In 2018, 14,567 Eritreans fled the country to Ethiopia alone comprising slightly less than 40% of the total number of people seeking refuge in Ethiopia⁷. Of particular concern is the high number of unaccompanied and separated children fleeing the impending military conscription. Eritreans aged between 15 and 40 are most likely to leave to avoid national service and in response to their perceived limited prospects within the country. Forty-four percent of refugees in Ethiopia are children and of that number 27% are Eritrean.⁸ The UNHRC noted that the onward movement of unaccompanied and separated children originating from Eritrea to urban centers and third countries was up substantially with up to 60 percent estimated to leave camps within a given year exposing the children to risk of smuggling, trafficking and sexual and gender-based violence.⁹

Eritreans who left their country illegally fear the consequences of returning. They may face torture, prison, disappearance, and discrimination given their continuing objections to national service requirements and repressive government policies. In addition to that, Eritreans are subject to pay the diaspora tax and must sign a “letter of apology” at the Eritrean embassy prior to returning home (Human Rights Watch, 2015). While serious concerns about treatment on return have generally prevented the deportation of Eritreans, Sudan has repeatedly forced back Eritrean asylum-seekers and refugees to Eritrea, where they risk persecution (GSDRC, 2016). The UK removed 49 Eritreans between April and June 2015 (ibid). One Eritrean whom the United States removed last year was so distraught that he committed suicide during a layover on his return.¹⁰

Aster Tewelde

Aster Tewelde is one such Eritrean who left her native country for fear of an indefinite conscription and the associated dangers for conscripted women of rape, forced marriage, and death. Aster fled to Yemen in a small boat dangerously crossing the Red Sea. While in Yemen, she married and had a son. In 2001, after Aster became a Christian, her boss began harassing her because of her Christian faith. She had to defend herself and eventually quit working altogether. Her son was suspended from school because he would not practice Islam and, later, beaten by his teacher due to his Christian faith. The teacher and students demanded that he become Muslim to

⁷ Ethiopia Country Refugee Response Plan, January 2019 - December 2020, UNHCR. Pg.6

⁸ Ibid.

⁹ Ibid., pg. 20.

¹⁰ News Release, ICE detainee passes away in transit to home country, U.S. Department of Homeland Security, Office of Public Affairs, June 8, 2018

stay in school, resulting in him being out of school for over a year. He received death threats after he had written in his notebook that Mohammad was a false prophet. In 2015, Aster's husband, died. It took 2 weeks to bury him because the local burial sites would not accept Christians. A neighbor helped for a few weeks, but she had to rely on others for food and help. Young men and boys continually mock her son because his father died and he was pressured to join ISIS, which he rebuffed because of his Christian faith. However, her son is afraid to leave his home as Muslims are looking for young men to recruit in the streets. Aster is unable to work due to restrictions on women in Yemen and she is unable to leave her home unless a male friend of her husband comes and takes her and her son to buy food. The UNHCR granted Aster and her son refugee status in 2014 and again in 2016, but the UN is currently unable to get to Sanaa, to renew her refugee documents. Aster has relatives in the U.S. and is seeking to come to the U.S. as a refugee. Despite the clear vulnerabilities of Aster in the country of Yemen, the United States is not processing refugee cases from Yemen, and there is no possibility of referral to any country for resettlement.

Speaking of Yemen, there are Yemeni converts in Egypt, Ethiopia and Chad who are in difficult circumstances. Converts from Islam to Christianity from Yemen and other countries face unique vulnerabilities. Children of converts are forced to take Islam in school; they cannot attend a Christian school as it could lead to the school being closed. Even when converts are registered with the UNHCR they still do not have the right to live as Christians in the country of refuge such as Egypt and Jordan. Even when they receive permission to leave the country (RSD) they can face difficulties with birth certificates and marriage certificates. For example, a woman born Muslim and whose documents state her religion at birth is not legally allowed to marry a non-Muslim. This issue is found mainly in Jordan and Lebanon.

Recommendations:

- The UNHCR in Thailand apply a consistent burden of proof and equally apply adjudication standards before making adverse credibility findings, as well as address perceived bias towards Pakistani Christian asylum seekers.
- The United States increase its refugee admission and adjust its refugee admission criteria¹¹ to accept additional religious based refugees. The current refugee admission priorities should more intentionally incorporate religious minority refugees.

I thank you again for convening this hearing and allowing me to testify to the ongoing crisis of religious and ethnic minority refugees and asylum seekers.

¹¹ Priority 1 – Individual cases referred by designated entities to the program by virtue of their circumstances and apparent need for resettlement; Priority 2 – Groups of special concern designated by the Department of State as having access to the program by virtue of their circumstances and apparent need for resettlement; and Priority 3 – Individual cases from designated nationalities granted access for purposes of reunification with family members already in the United States.