

Refugee Reports

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ADMINISTRATION TO ANNOUNCE REFUGEE CEILINGS FOR FY 87

The Reagan administration, having concluded consultations with Congress, is expected to announce a worldwide refugee admissions ceiling of 70,000 for FY 87, according to a State Department official. This would mark the first time since passage of the Refugee Act of 1980 that the admissions ceiling increased from the previous year. Last year's ceiling was 67,000, although the State Department estimates that actual arrivals in FY 86 will total about 62,500.

Southeast Asian refugee numbers would drop by 5,000 under the new ceiling, and increases ranging from 500 to 2,000 would occur in regional ceilings for Africa, Eastern Europe and the Soviet Union, Latin America and the Caribbean, and the Near East and South Asia.

The FY 87 admissions ceiling would also include an unallocated, unfunded reserve of 4,000 to respond to "unanticipated refugee admissions needs." Official sources say that this reserve would be used only after consultations with the House and Senate judiciary committees.

The administration is expected to announce the authorized refugee admissions numbers for FY 87 some time during the week of October 13, according to government sources.

<u>AREA OF ORIGIN</u>	<u>PROPOSED CEILINGS FOR FY 87</u>
Africa	3,500
East Asia	
First Asylum Countries	32,000
Orderly Departure Program (ODP) from Vietnam	8,500
Eastern Europe & Soviet Union	10,000
Latin America & Caribbean	4,000
Near East and South Asia	8,000
Reserve for Unanticipated Refugee Admissions Needs	4,000
TOTAL	70,000

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The consultations are required by the Refugee Act of 1980, and are held annually between the executive branch and Congress. Authority for determining admissions, however, rests with the President.

This year, Secretary of State George P. Shultz presented the administration's proposed FY 87 refugee admissions before the Senate on September 16. Also testifying was Ambassador Jonathan Moore, the new U.S. Coordinator for Refugee Affairs.

Shultz blamed budget reductions and the need to shift more than \$9 million from the admissions program to refugee assistance programs in Africa and Southeast Asia as "the primary reason for actual admissions in fiscal year 1986 falling some 4,500 below the ceiling."

Simpson Critical of East Asian Numbers

There was bipartisan support in the House Judiciary Committee for the administration's proposed numbers. In the Senate, that support was echoed by Sen. Edward M. Kennedy (D-Mass.), but Sen. Simpson criticized the continuing predominance of East Asian admissions numbers.

In an October 2 letter to the President, Simpson recommended that the refugee admissions ceiling "be reduced by not less than 10,000." The letter did not propose specific cuts in any of the regional ceilings, but it did say, "there simply are not 32,000 Southeast Asians of special humanitarian concern to the United States that are presently in first asylum countries."

"Are we making any progress in Southeast Asia, or are we operating an open-ended program that is never going to stop?" asked Simpson. He noted that camp populations in Southeast Asia had diminished only slightly during the past two years and that other countries had reduced their admissions numbers. "Why does it take so long for the U.S. to realize that the vast majority are economic migrants?" he asked.

Simpson said at the Senate hearing that the United States and the United Nations High Commissioner for Refugees (UNHCR) "have become mired in a single-solution approach to the Indochinese refugee program, and that's third-country resettlement."

Ambassador Moore answered, "we will do our best to bring the numbers down. We need to work creatively on voluntary repatriation and local integration, and we need to be

resourceful and dynamic in encouraging other countries to share the burden."

Moore said that the attempt to shift to immigration processing for Cambodians in Thailand, though plagued with logistical and procedural problems during the past year, represented another effort to reduce camp populations. He noted, however, that "we should not abandon the refugee process. We still have to provide protection and help for genuine refugees, and we need significant numbers to encourage the countries in the region to protect the concept of first asylum."

In addition to the 32,000 numbers proposed for East Asian refugees in first asylum countries, the administration also proposed maintaining the number of 8,500 for refugee processing of Vietnamese under the Orderly Departure Program (ODP).

On January 1, 1986, the Vietnamese government suspended UNHCR interviewing in Ho Chi Minh City for U.S. cases. The Vietnamese have said that no interviewing of new applicants will be allowed until the United States clears up a "backlog" of some 14,000 to 15,000 applicants who have already been interviewed.

"We are taking people in the backlog, but we have a finite number of refugee slots," a State Department official told Refugee Reports. "The U.S. is interested in the higher priority individuals at the moment, namely political prisoners and Amerasians."

Simpson Questions Need for Unallocated Reserve

In a report submitted to Congress as part of the consultations process, the Office of the U.S. Coordinator for Refugee Affairs indicated that the unallocated reserve of 4,000 would enable the United States to respond to such unanticipated situations as "increased emigration from the Soviet Union and Eastern Europe, release of reeducation camp prisoners in Vietnam, or increased refugee flows in Southern Africa."

At the September 16 hearing, Sen. Simpson asked Shultz, "Why is this reserve quota being proposed?" Simpson said that the Refugee Act of 1980 already provided for additional admissions of refugees in the case of "unforeseen emergency refugee situations." He asked Shultz whether the administration would use the reserve quota

U.S. REFUGEE ADMISSIONS CEILINGS AND ACTUAL ARRIVALS FY 75-86

	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83 ^{a/}	FY 84 ^{b/}	FY 85 ^{b/}	FY 86 ^{c/}	TOTAL
AFRICA						955	2,119	3,326	2,648	2,747	1,953	921	14,669
(CEILINGS)						1,500	3,000	3,500	3,000	2,750	3,000	3,000	
ASIA	135,000	15,000	7,000	20,574	76,521	163,799	131,119	73,522	39,408	51,960	49,970	39,655	801,548
						169,200	168,000	96,000	64,000	52,000	50,000	45,500	
EASTERN EUROPE	1,947	1,756	1,755	2,245	3,393	5,025	6,704	10,780	12,083	10,285	9,350	7,518	72,841
						5,000	4,500	11,000					
SOVIET UNION	6,211	7,450	8,191	10,688	34,449	28,444	13,444	2,756	1,409	715	640	704	105,101
						33,000	33,000	20,000	15,000	11,000	10,000	9,500	
LATIN AMERICA	3,000	3,000	3,000	3,000	7,000	6,662	2,017	602	668	160	136	51	29,290
						30,500	4,000	3,000	2,000	1,000	1,000	3,000	
NEAR EAST AND SOUTH ASIA						2,231	3,829	6,369	5,464	5,246	5,994	5,699	34,833
						2,500	4,500	6,500	6,000	5,250	6,000	6,000	
TOTAL	146,158	27,206	19,946	36,507	111,361	207,116	159,252	97,355	61,681	71,113	68,045	54,548	1,060,290
						231,700	217,000	140,000	90,000	72,000	70,000	67,000	

a/ From FY 81 on, the Eastern Europe ceiling was combined with the ceiling for the Soviet Union.

b/ This chart shows the adjusted regional ceilings that were established at mid-year consultations in FY 84 and FY 85. The overall annual ceilings did not change.

c/ Arrival figures for FY 86 are as of August 31, 1986.

NOTE: Figures in shaded areas represent annual ceilings.

Source: Bureau for Refugee Programs/U.S. Department of State.

without consulting Congress.

Shultz replied, "We think with the turmoil around the world, that it is predictable that there are going to be unpredictable things taking place. Rather than allocate out the whole 70,000, we thought it might be proper to make the allocations area by area, as carefully as we could, and then say right up front, frankly, that we think that we're going to have to juggle around a little bit."

Shultz said that the costs associated with using the reserve would be covered within the existing budget, and that Congress would be informed if the reserve was to be used. The testimonies of both Alan Nelson, commissioner of the Immigration and Naturalization Service (INS), and Bill Gee, acting director of the Office of Refugee Resettlement (ORR), also indicated that their agencies could accommodate the full admissions ceiling of 70,000 without the need for additional funding.

Administration to Explore Private Sector Admissions Program

Shultz testified that "given the difficult fiscal situation we are facing, we will be undertaking a study to explore the possibility of a private sector funded admissions program." A State Department official said that the idea was new, and that Ambassador Moore had agreed to form an interagency group to study the possibilities. Sources report that the

matching grants program, which ORR has proposed phasing out, and the Canadian private sponsorship program, may be examined as possible models.

The matching grants program, which cost \$3.8 million to operate in FY 86, gives matching federal assistance up to \$1,000 per refugee to voluntary agencies for providing comprehensive resettlement services.

According to a report published by the Canadian Employment and Immigration Commission, under Canada's private refugee sponsorship program, voluntary agencies and community groups formally agree to provide many of the resettlement and adjustment services that are usually supported by the government.

"We're very interested in discussing any ideas" on private sector sponsorship, Karl Zukerman, chairman of InterAction's migration and refugee affairs committee, told Refugee Reports. He expressed concern that the Canadian system "is not transferable entirely." For example, he said, "the Canadians have a system of national health insurance, and we don't."

Under the Canadian private sector sponsorship program, health care costs are covered by the government.

Administration Sees Expanded Processing in Latin America Despite the fact that annual refugee admissions from the Latin American and Caribbean region have averaged fewer

than 150 people during the last three years, the Reagan administration would raise the regional ceiling from 3,000 to 4,000 for FY 87, in order to admit up to 3,000 Cubans and 1,000 refugees from other countries in the region.

Shultz testified that the new number would be sufficient "to admit 3,000 Cubans as refugees in fiscal year 1987 should the government of Cuba lift its suspension of the Mariel Migration Agreement." He also said the administration would "expand the current refugee processing priorities used for the region," in order to consider refugees from other countries in Latin America "for whom temporary asylum or settlement in the region are not available."

At the House consultation on September 24, both Rep. Barney Frank (D-Mass.) and Rep. Henry Hyde (R-Ill.) criticized the administration's decision to hold up virtually all refugee processing of Cubans until Fidel Castro lifts the suspension of the 1984 Migration Agreement with the United States.

Under that agreement, the United States would accept up to 3,000 political prisoners and their families, if Cuba would agree to take back some 2,746 Cubans who arrived in Florida during the Mariel boatlift of 1980. This group, out of approximately 125,000 arrivals, has been excluded for permanent entry to the United States because of evidence of serious criminal behavior or severe mental illness (see Recent Developments).

"We are punishing the innocent victims of the Castro government because he is refusing to take back the Marielitos," Frank said.

Moore replied that "the suspension of the Mariel agreement is the major problem" delaying processing for many Cuban refugees, but he reiterated the administration's commitment to continue processing of "long-term prisoners" in Havana. The State Department has indicated that, at present, only political prisoners who have been jailed for more than ten years, and their families, are eligible for processing. A group of more than 100 arrived from Cuba the day before the Senate hearing.

A consultations report from the office of the U.S. Coordinator for Refugee Affairs states that "a certain number of non-Cuban refugees in Latin America will receive more

generous consideration for refugee admissions through technical revisions to current refugee processing guidance."

For the moment, government sources are unwilling to discuss what nationalities these non-Cuban refugees might include, or what technical revisions are being planned for processing priorities.

In an October 1 letter to the President, Sen. Joseph Biden, Jr. (D-Del.) and Kennedy, the ranking minority members of the Judiciary Committee and the Subcommittee on Immigration and Refugee Policy, wrote, "We want to voice our strong support for the new initiative to deal with refugees from Central America. However, the 1,000 numbers set aside for these non-Cuban refugees will only be useful if there is close cooperation between the Department of State and the appropriate offices of the UNHCR in the field and the concerned voluntary agencies."

In the last two years, only three non-Cubans have been processed as refugees from the Latin American and Caribbean region.

Processing To Be "More Accessible" for African Refugees According to the coordinator's report, there will be an effort to make U.S. refugee processing "more accessible to African refugees who are not located near processing posts in Africa, or who have been stranded in Europe for several years."

State Department figures indicate that, as of August 31, African refugee arrivals in the United States totalled 921 for FY 86. Of these, 365 were processed in Europe, and 556 were processed in Africa. Of the total, 889 were Ethiopians. The regional admissions ceiling for Africa in FY 86 was 3,000.

An official with the State Department told Refugee Reports that problems in the Sudan were a major reason for the shortfall in African admissions in FY 86. Shortly after an initial INS visit in October 1985, the official reported, the government of Sudan imposed a moratorium on all refugee departures. When the moratorium was lifted in March 1986, the Sudanese government then asked to interview refugees before granting exit permissions, a step that imposed further delays in departures.

INS has not returned to the Sudan since the lifting of the moratorium, due to security precautions imposed after the shooting of a U.S. embassy communications worker in April.

Asked what would be done in the coming fiscal year to make processing more available for African refugees, the State Department official said that further discussions were needed with the INS before any decisions could be made.

The State Department currently estimates that there are about 2.7 million refugees in Africa who have been displaced by persecution, armed conflict, civil unrest, and natural disaster. Ethiopia continues to be the major refugee-producing country in Africa. There are about 650,000 Ethiopians in Sudan and an additional 400,000 to 500,000 in Somalia.

Refugee Admissions Continue to Rise for Near East and South Asia Region Over the past six years, the number of refugees admitted to the United States from countries in the Near East and South Asia has risen steadily, from 2,200 in FY 80 to almost 6,000 in FY 86. That number is expected to increase to 8,000, under the new regional ceiling set for FY 87.

The predominant refugee groups from this region have been Iranian religious minorities--particularly Baha'is, Jews, and Christians--and Afghans. Approximately 250 Kurds from Iraq have also been admitted in each of the last several years.

Afghans comprise the largest single refugee group in the world, according to UNHCR figures, with an estimated 4 to 5 million Afghan refugees in Pakistan and Iran alone.

"We are pleased that the regional numbers have increased," Nasir Shansab of Unity for Freedom of Afghanistan told Refugee Reports, "but we had recommended 10,000." Shansab said that a larger figure was needed to convey to the rest of the world that the United States was concerned, and to convince other countries to share the burden of resettlement. Besides, Shansab said, "whenever you have a lack of available numbers, people get desperate."

Four Afghans who may have gotten desperate are now in a Boston prison, after having been detained at New York's Kennedy Airport almost a year ago for travelling without valid documentation. At the House refugee hearing, Congressman Frank asked the INS, "What's going to happen to these people? They are locked up in excessively confined conditions. How long will you

keep them there?"

Thomas Ferguson, deputy commissioner for the INS, replied, "We will not keep them there forever, but they entered illegally and we are bound by statute to detain them." He added, "We hope this will be a deterrent" to others who see this as a way of circumventing immigration and refugee processing overseas.

Ferguson said that the four are free to leave the United States and return to India or Pakistan, the countries in which they had initially sought asylum after leaving Afghanistan.

Marjorie Heins, an attorney with the Civil Liberties Union of Massachusetts, told Refugee Reports that asylum petitions by the Afghans have been rejected, but that appeals are already in progress. She said "there is no reason to incarcerate them while these cases are being resolved."

"I can't think of a better example of purposeless detention," Arthur Helton of the Lawyer's Committee for Human Rights told Refugee Reports. He said that Pakistan and India would not take back the Afghans, they cannot be deported to Afghanistan, and "the deterrence message never reaches anybody." (see Updates)

The INS began processing Baha'is and other Iranian religious minorities in Pakistan in early 1986. Previously, Baha'is who fled Iran had to make their way to New Delhi or to INS posts in Europe for processing. Firuz Kazemzadeh, vice chairman of the Baha'i National Spiritual Assembly in the United States, described the new situation as "most helpful." He estimated that 1,500 Baha'is remained in Pakistan as of July.

Soviets Continue to Restrict Jewish Emigration The State Department has indicated that, under the new regional ceiling for the Soviet Union and Eastern Europe, refugees from the Soviet Union will be principally Armenians, Jews, former Soviet officials, and dissidents. Refugees from Poland, Czechoslovakia, and Romania will be the principal groups considered for resettlement from Eastern Europe.

The emigration of Jews from the Soviet Union totalled 1,140 people in FY 85, of whom 640 came to the United States. Most of the others resettled in Israel. Only six years ago, more than 20,000 Jews were

allowed to leave the Soviet Union.

Gary Rubin, director of programs for the American Jewish Committee, warned that anti-Semitism is on the rise in the Soviet Union as migration becomes more and more restricted. "The Soviet Union has gotten tremendous PR value from the release of a few individuals," he told Refugee Reports, "but we shouldn't forget that Jewish migration has dropped since Gorbachev took power. We are concerned not only for them but for the others...Armenians...Poles...in the Soviet system."

Recent Developments

CONGRESSIONAL ATTENTION TURNS TO CUBAN POLITICAL PRISONERS, ADMISSION TO THE UNITED STATES

The day before the September 16 Senate Judiciary Committee consultations with the administration on refugee admissions for FY 87, a group of 67 former long-term political prisoners from Cuba arrived in the United States. Many of the refugees had been incarcerated for more than 20 years. About 40 family members were reported to have accompanied the released prisoners on their flight to Miami.

The latest arrivals came in the midst of on-again, off-again negotiations with Cuba to resume the immigration accord that was suspended in May 1985 (see Refugee Reports, Vol. VII, No. 9) and amidst charges in Congress that prospects for expeditious processing of additional political prisoners from Cuba were being hindered by differences between the State Department and the Immigration and Naturalization Service (INS).

On September 24, hearings on Cuban political prisoners were held before the House Subcommittee on Human Rights and International Organizations. Former prisoner Armando Valladares testified about torture and deprivation in Castro's prisons (see Resources). He voiced a plea on behalf of those remaining behind, in particular for the 110 to 120 "plantados" who have refused "political rehabilitation." Many of the plantados have been imprisoned in excess of 20 years. They have experienced severe conditions of torture and ill-treatment, including forced labor, solitary confinement,

and denial of food, water, and medical care.

Valladares said that an additional 2,000 prisoners or former prisoners also were seeking refuge in the United States. Those who have been released, he said, continue to be discriminated against. Their identification cards brand them as counter-revolutionaries. They are denied work and ration cards. Many, he said, have relatives in the United States, but have been unable to obtain visas.

Members of Congress, both in the hearings on Cuba as well as in the FY 87 consultations (see lead story), have criticized the administration for slow processing of Cuban political prisoners and for linking their admission to the United States to the resumption of the immigration accord that Castro suspended in May 1985. Under the terms of the accord, the United States would accept up to 3,000 political prisoners and their families and Cuba would agree to take back 2,746 "excludable" Cubans from the Mariel boatlift of 1980 who were found to have serious mental or criminal problems.

Valladares said that the issue of returning excludable Cubans from the Mariel boatlift should be separated from the question of processing former political prisoners as refugees. He said, "You are not punishing Castro. You are punishing the prisoners."

His comments have been echoed by several members of Congress. At the September 24 House Judiciary Committee consultations for FY 87 refugee admissions, Rep. Barney Frank (D-Mass.) called the policy "perverse." Rep. Henry Hyde (R-Ill.) added, "Linkage with the Marielitos should not be made."

State Department Supports Quick Processing of Former Long-Term Political Prisoners

Elliot Abrams, assistant secretary of state for inter-American affairs, testified before the September 15 hearing that "We have always told Cuba that we are ready to take long-term political prisoners." While saying that "bureaucratic delays" on the U.S. side were "inexcusable," Abrams went on to say, "The real goal, the real answer, is to restore the immigration accord."

Several members of Congress expressed concern that the United States was not initiating refugee processing for other former political prisoners held for fewer years. "Shouldn't prisoners held for five years...

be considered 'long-term'?" asked Rep. Christopher H. Smith (R-N.J.).

Chairman Charges Subcommittee "Left in the Dark" Rep. Gus Yatron, chairman of the subcommittee, was critical of the INS for delays in the processing of Cuban refugees. He also criticized the INS for its failure to inform the subcommittee about the status of former and current political prisoners.

Yatron said, "The absence of cooperation with the Justice Department and the INS represents a total disregard of legitimate congressional concern on these human rights issues." He added, "Further, it suggests that there is a difference of opinion within the bureaucracy with respect to U.S. policy toward Cuban political prisoners."

An INS spokesman told Refugee Reports that the Immigration Service did not send a representative to the hearing because the letter of invitation from the subcommittee violated the 14-day rule of notification for a hearing.

IMMIGRATION REFORM BILL MAY STILL REACH HOUSE FLOOR

The immigration reform bill, which was thought to be dead, may yet be voted on in the House this session.

At meetings the afternoon of October 7 and the morning of October 8, members of the House Judiciary Committee and Senator Alan K. Simpson (R-Wyo.) resolved major disagreements between Senate and House provisions regarding agricultural workers and undocumented aliens, according to Jerry Tinker, minority counsel of the Senate Subcommittee on Immigration and Refugee Policy.

The question of whether to provide extended voluntary departure to Salvadorans and Nicaraguans remained unresolved and, in fact, "hasn't been addressed," Tinker said.

In a controversial move in September, the House Rules Committee had added two bills providing temporary safe haven to Nicaraguans and Salvadorans to the immigration reform bill. The Rules Committee barred debate on the controversial amendments; the full House rejected the rule on September 26.

Another effort, by Rep. Trent Lott (R. Miss.), minority whip, to revive the

immigration reform bill by attaching it to a Justice Department authorization bill failed by a 235-177 vote on October 1.

A new rule governing debate on the immigration reform bill could be issued by October 8, according to Michael Myers, Washington representative of Church World Service. This would make a vote on the bill possible by October 9, he said. Should it pass the full House, it would come before a Senate/House conference committee and, if approved, move to the Senate for a vote.

THAI OFFICIALS SAY KHAO I DANG WILL NOT CLOSE AT END OF 1986

Senior Thai officials have told the U.S. Ambassador to Thailand, William Brown, that the facilities at Khao I Dang holding camp for Cambodian refugees will remain open beyond the end of the year, according to a recent statement made by Rep. Hamilton Fish, Jr. (R-N.Y.) at a House Judiciary Committee hearing on U.S. refugee admissions for FY 87.

Fish said he had been given this information in a meeting with Brown several days before the hearing. Previous statements by Thai officials, including Foreign Minister Siddhi Savetsila, had suggested that the camp would be closed by the end of December 1986, and that the remaining inhabitants would be moved to camps along the Thai-Cambodian border.

At the hearing, Fish asked Ambassador Jonathan Moore, the new U.S. Coordinator for Refugee Affairs, "whether we are actively supporting such a policy with the Thais." Moore replied that the United States has urged the Thais to consider two points in the closing of Khao I Dang. The first, he said, is that resettlement countries should be allowed to complete processing before the camp closes or otherwise changes status. The second point, said Moore, is that camp residents "should continue to be afforded the protection that is available to them in Khao I Dang."

The United Nations High Commissioner for Refugees (UNHCR) is responsible for protection of the estimated 25,000 residents in Khao I Dang, but has no corresponding responsibility for the 245,000 Cambodians on the border. Some observers have said that, if and when Khao I Dang is closed, the UNHCR

protection mandate should be shifted to cover the Cambodian border camp residents.

Fish also asked Moore whether he saw any need to review the files of approximately 14,500 Cambodians in Khao I Dang who have been rejected for admission to the United States by the Immigration and Naturalization Service (INS). Most of this group was rejected on the basis of suspected Khmer Rouge affiliation, using an INS screening system that Fish termed "questionable."

Moore said that he was still considering what to do on this issue, though he noted that "INS and the State Department have indicated skepticism and resistance to further review on the grounds that this question should not go on indefinitely."

Sen. Alan K. Simpson (R-Wyo.) seemed to sum up the official frustrations concerning the caseload of rejected Cambodians in Khao I Dang when he said at a Senate hearing on refugee admissions for FY 87, "we have reviewed and reviewed this group, and we'll review them again if we have to."

OAKDALE DETENTION FACILITY IN FULL SWING

Since its opening last April, the Immigration and Naturalization Service (INS) detention facility in Oakdale, Louisiana, has been active in the processing of aliens in deportation proceedings. As of September 30, 4,165 persons had been processed into the Oakdale detention center, according to Ray Rowe, the facility's associate warden for programs. During the same period, 3,341 had been processed out, he said.

"The average per week is 175," Rowe said, "and the average out is 140." Those "processed out" have "either been deported to their home countries, or bonded out subject to a rehearing at a future time," Rowe said. INS officials at the facility do not keep figures on deportations and bondings, according to a spokesman for Rowe's office.

Oakdale, which can house nearly 950 persons, according to Rowe, is almost full. Only between 80-100 beds are empty, and another unit under construction now for opening in March will have 328 beds, he said.

The female population numbers between 65-70, he said, although as of October 2

there were 105 women.

Rowe said the facility's total population is relatively stable now. "There is a INS airlift every week. It originates in El Centro, stops in El Paso, and then comes here."

Most of the arrivals are from El Salvador, Uruguay and Guatemala, Rowe said. There are also a few Nicaraguans, Jamaicans, and Haitians.

At Oakdale, all legal processes take place inside the facility, according to Rowe. "INS represents the government at deportation hearings and arranges transportation for detainees," he said. There are two immigration judges in the facility and a third one is expected this October. He said INS may have as many as four immigration judges at the site eventually.

Oakdale is administered by the Bureau of Prisons. Scott Higgins, chief of facilities development for the Bureau said Oakdale is considered a "medium security" facility. It has "secure perimeters," including fencing, electronic sensing, and patrol cars, Higgins said.

MASSACHUSETTS FUNDS CENTRAL AMERICAN POLITICAL ASYLUM PROJECTS

Massachusetts has allocated \$250,000 to five agencies in the Boston area that provide legal assistance to Central Americans seeking asylum, according to state officials, who say that as many as 320 persons will receive "full representation" because of the funding.

The \$250,000 was made part of the Massachusetts Legal Assistance Corporation's (MLAC) annual budget through legislation sponsored by State Senator Jack Backman.

MLAC's description of the project referred to policies of the U.S. government which "deny equal access to justice to persons seeking asylum as a relief from expulsion." It said that government policies and decisions based on "status" or "country of origin, rather than the probability of harm facing an individual forced to return home," caused the legislature to appropriate funds for the "immigration asylum project."

The five funded agencies, all in the Boston area, are the International Institute of Boston, Greater Boston Legal Services,

Cambridge and Somerville Legal Services, the Cambridgeport Problem Center, and Centro Presente.

Agencies Welcome Funding The International Institute of Boston, which received \$47,500 from the project, expects to provide "direct legal services" to between 40 and 50 persons according to Mariel Heiberger, director of programs.

Centro Presente, a community center which has been involved in more than 600 Central American asylum cases since 1981, received the single largest award of \$94,000.

For Centro Presente, state funding is crucial. Frank Sharry, center co-director said, "We're thrilled because our legal service program is stretched beyond capacity with the caseload growing 50 percent a year."

Cases are reviewed for legal merit, ability to pay, and other factors at weekly staff meetings. Only ten percent of the cases are taken on, said Sister Rose Marie Cummins, also an agency co-director.

Sharry said the agency handles cases of Central Americans who apply for asylum prior to being arrested, called "affirmative" claims, as well as those who wish to use asylum as a defense to deportation. "We are involved with 185 cases currently," he added.

Of the ten affirmative asylum claims Centro Presente has assisted, all have been approved, Sharry said. But, of the other Central American cases, "no one is ever given asylum as a defense to deportation," he said.

SUPREME COURT CONSIDERS STANDARDS FOR JUDGES TO USE TO DETERMINE GROUNDS FOR ASYLUM

The U.S. Supreme Court heard oral arguments October 7 on a case that will determine whether the burden of proving asylum (a "well-founded fear" of persecution) is equivalent to the burden of proof for withholding deportation (a "clear probability" of persecution).

Arguing for the Immigration and Naturalization Service (INS), Lawrence Wallace, deputy solicitor general, said that the Board of Immigration Appeals holds that the

standards for asylum and withholding of deportation are not meaningfully different and, in practical application, converge. This means that immigration judges use the clear probability standard for determining whether to grant asylum.

Wallace argued that the courts should defer the question to the Attorney General, who maintains a "highly structured exercise of discretion" in evaluating some 10,000 asylum claims per year.

Arguing on behalf of Nicaraguan asylum seeker Luz Marina Cardoza-Fonseca, attorney Dana Marks Keener maintained that the Attorney General does not have the discretion to apply the less generous "clear probability" standard to asylum cases. Keener told the Court that it was the "clear intent" of Congress in passing the Refugee Act of 1980 to make the law governing U.S. asylum consistent with the United Nations definition of a refugee.

Justices Ask Whether Attorney General Has Discretion to Decide the Issue

Both Chief Justice William H. Rehnquist and Associate Justice Antonin Scalia raised questions about the extent of the Attorney General's discretion to grant asylum. Scalia asked whether, even if the Court held that the standard of asylum is less rigid than the standard for deportation, the Attorney General could still issue regulations which, as a matter of discretion, would only grant asylum to those demonstrating a clear probability of persecution. Wallace said that he would understand such an action to be within the Attorney General's discretion.

Rehnquist asked Keener, "Is the agency entitled to no deference?" Keener replied that as a matter of statutory construction the issue of "pure law" should be decided by the Court. Both Scalia and Rehnquist, however, cited precedents for courts deferring to "the expertise of agencies" when interpreting statutes.

Scalia asked for clarification of the "well-founded fear" standard. He asked Keener whether a one-in-a-thousand chance of being persecuted would be enough to establish a well-founded fear. Keener said that the courts have been able to apply this standard without difficulty since 1948, and referred to the UNHCR Handbook for constructing the standard on a case-by-case basis. She said that a well-founded

fear of persecution involves "a lesser degree of certainty than clear probability."

Update

° The House of Representatives passed a bill on September 29 clarifying congressional intent that the Attorney General should release on parole aliens in deportation and exclusion proceedings. H.R. 4823, section 311, amends the Immigration and Nationality Act by clarifying that the Attorney General "shall provide for the release, under bond or on parole" of aliens in deportation and exclusion proceedings, unless he has reason to believe that release of the alien would pose a danger to the community, that the alien would reasonably be likely to abscond, or for several other reasons such as having committed a particularly serious crime, or having been involved in the persecution of others.

The practice of the Immigration and Naturalization Service since 1981 has been to detain all aliens arriving without proper travel documents and to allow parole only for "emergent reasons" such as serious medical conditions or when their release would be deemed by the Attorney General to be in the "public interest."

H.R. 4823 was one of several "efficiency bills" amending the Immigration and Nationality Act passed by the House on September 29 (see Refugee Reports, Vol. VII, No. 8). Senate sources said that no action on the bills is contemplated at this time.

° The Office of Refugee Resettlement (ORR) has received 11 preapplications this fiscal year for Fish/Wilson demonstration projects for alternative approaches to refugee resettlement which would reduce refugee dependence on public assistance. Of those applying, only Massachusetts has been approved to submit a full application; eight have been disapproved (seven of which were from the private sector; one from a county); and two more are still being considered (one a state proposal, the other from the private sector).

The two demonstration projects which have been in operation for the past year--state projects for California and Oregon--have also reached the application stage for

consideration for the next fiscal year. Bill Gee, ORR acting director, said during the Senate consultation on September 16 that preliminary reports show that the projects "are progressing as planned."

° Starting on October 1, foreigners will only be allowed to pass through East Germany if they have a visa to go elsewhere, according to East Germany's foreign ministry. The announcement came as a response to West German complaints that they were being flooded by third world asylum seekers entering through Berlin (see Refugee Reports, Vol. VII, No. 9). The West German interior ministry has reported that more than 72,000 asylum seekers have entered West Germany this year, an increase of 40 percent over 1985. The influx has resulted from West Germany's refusal to recognize the Berlin Wall as an international boundary. West Germany has never required passports for those entering from East Berlin.

° Reauthorization of the Refugee Act is still pending in the Senate, and has yet to appear on the Senate calendar. Funding is expected to remain at last year's levels, minus a 4.3 percent cut mandated by provisions of the Graham-Rudman-Hollings Act, a congressional source said. A spokesman for the Senate Appropriations Committee said that all appropriations may be subject to an across-the-board cut in the remaining days before Congress adjourns.

Congress will probably adjourn around October 13, and a lame duck session appears doubtful, sources said. Work on the budget deficit and the continuing resolution (CR) remain. The CR, with more than 180 amendments, includes appropriations for all government agencies.

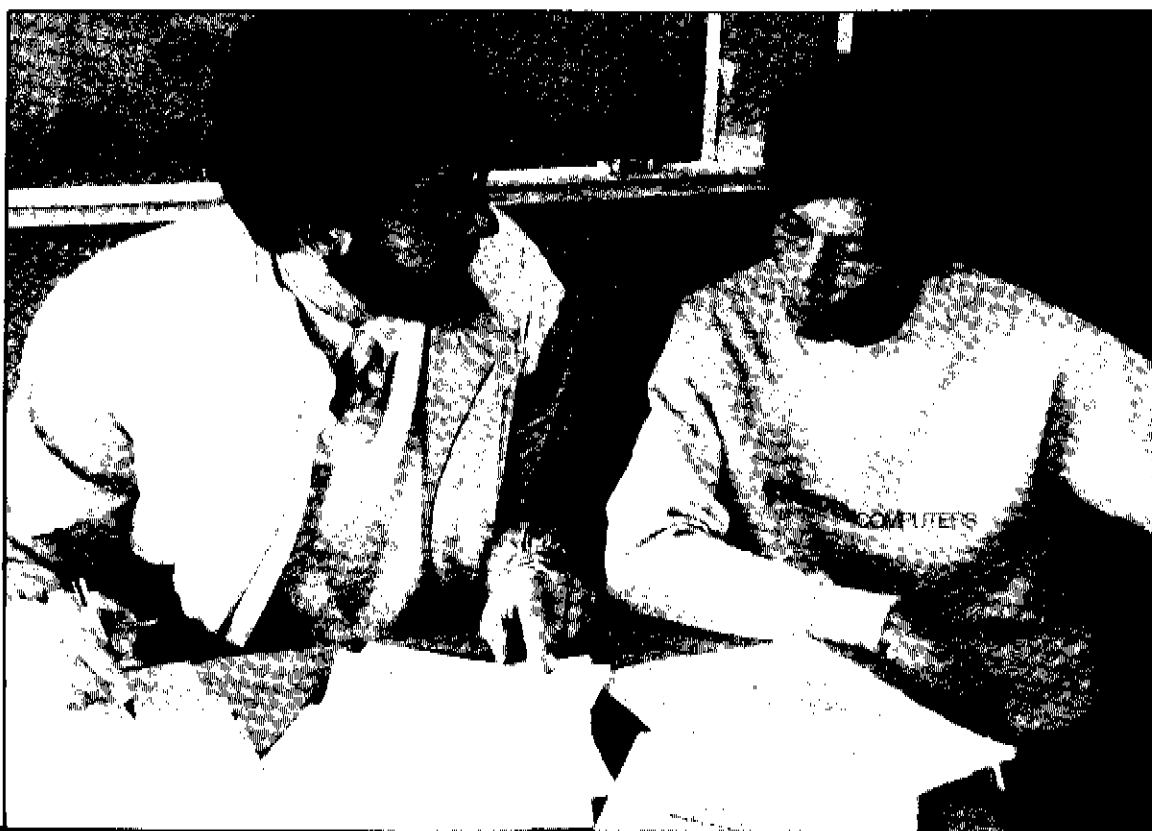
Projects and Programs

BILINGUAL PROGRAM TRAINS VIETNAMESE ENTREPRENEURS

Tran Ngoc Hai's dream is, one day, to run a small tailor shop together with his wife and sister, both accomplished seamstresses from Vietnam. Today, however, one-and-a-half years after his arrival in the United States, Hai struggles to improve his English

Georgetown
MBA student
counsels refugee
on developing
a business
plan

Hong-Phong/
Photon Photography



and to work at an entry-level position to support his family.

Hai had been a computer programmer for the U.S. army in 1971 and 1972 until drafted into the South Vietnamese army where he served until 1975. He spent six years in "re-education" camps; after nine failed attempts to escape the country, he became a fisherman and managed a boat escape. Now, he sees a chance to realize his dream through the Vietnamese Entrepreneur Training Program, a joint effort of the Center for Immigration Policy and Refugee Assistance (CIPRA) and Georgetown University.

For 15 weeks, Hai spent every Saturday learning the fundamentals of American business management. With the aid of a volunteer tutor from Georgetown's Master's in Business Administration (MBA) program, Hai developed his own "business plan," a strategy for getting his business off the ground. He also spent 35 classroom hours learning accounting and financing. "I knew the French accounting system," he said, "but I had to relearn the American system." He also devoted hours to learning the intricacies of American taxation for small businesses.

Hai said that when successful Vietnamese entrepreneurs, such as an owner of a

dry cleaner and a franchise manager, shared their experiences, it gave him self-confidence.

Although opening his own business is not on the immediate horizon, Hai said the program helped him "to learn how to start a business from the bottom."

Small Businesses Culturally Appropriate

The Vietnamese Entrepreneur Training Program is now in its third year. Originally funded by CIPRA/GU and the Howard University Small Business Development Center with funds from the Small Business Administration (SBA), the program now is funded by the Fairfax County Department of Manpower Services. A total of 85 students have graduated from the program, and 25 students have already registered for the fall session.

"Small businesses are culturally appropriate for the Vietnamese community," said Pho Ba Long, director of the program. "Families can stay and work together." These programs will help Vietnamese newcomers to help themselves, so they will not have to rely on employment services, he said.

MBAs Share Time, Expertise The program is not only a self-help initiative involving

bilingual instruction and help from the more experienced members of the Vietnamese community for the less experienced. It also has drawn on the expertise of MBA students at Georgetown who volunteer their time for 15 consecutive weeks to counsel the Vietnamese students. In the first session, 2 MBA students volunteered; the most recent session drew upon 17 students--15 percent of the Georgetown MBA student body.

The student who spearheaded the volunteer effort, David Muskat, a former Peace Corps volunteer who just graduated from the MBA program, said, "Many of the Vietnamese trainees have never had a conversation with a mainstream American." Contact with the MBAs is an important step for the refugees toward leaving the insularity of the Vietnamese community and entering the mainstream, he said.

Muskat said that the MBAs, in turn, gain new cultural understanding from their contact with the Vietnamese, as well as practical applications of their academic knowledge. The MBA students become more than tutors, according to Muskat. They go to the homes of the Vietnamese trainees, share their celebrations, and become their friends.

PROGRAMS PROVIDE SMALL BUSINESS TRAINING FOR REFUGEES

Several programs in various parts of the United States provide small business management training for refugees. The programs vary according to their locations and the national origins of the refugee students.

In St. Paul, Minnesota, the support of the Small Business Administration (SBA) was enlisted to develop a bilingual training program for Vietnamese entrepreneurs. The program has been modeled closely on the CIPRA/Georgetown Vietnamese Entrepreneur Training Program (see previous story).

The St. Paul program is cosponsored by the Asian Business and Community News, a publication promoting Asian business development in Minnesota, the Minnesota Small Business Development Centers, and SBA. Classes are held at St. Thomas College, which helps to finance the program and issues a certificate to those who complete the training.

The demand for registration into the

program indicates that it has been very popular with the Vietnamese community. After the maximum enrollment of 50 was reached for the first eight-week session last fall, another 50 quickly enrolled for the recently completed spring session. "There was not a single absentee for all eight sessions," said George Saumweber, an SBA loan officer involved in the first session.

"I was very surprised at the level of sophistication of the attendees," said Saumweber. "Some of these people were highly educated, with backgrounds in computers and engineering."

Training Uses Bilingual Approach Nghi Huynh, president of Asian Business and Community News, said that the bilingual approach helps to introduce U.S. business concepts to the Vietnamese students. The basic SBA material is translated into Vietnamese, but key terms, such as "marketing" and "accounts receivable" are introduced in English.

Both training sessions have been limited to Vietnamese students because of the bilingual nature of the program.

"I took a half-dozen calls from other refugees upset that this program was only open to Vietnamese," said Saumweber. "We are willing to try to do this for other refugee groups, such as the Hmong, but we need qualified instructors and bilingual materials."

On June 21, a day-long workshop was held for all Asian nationalities. "We covered the same topics, but more briefly," said Gene Graves, SBA assistant director for business development. A unique feature of the workshop was the involvement of members of the Minnesota Service Corps of Retired Executives (SCORE), who volunteered their time and expertise. A similar business development workshop is now being planned for Rochester, Minnesota.

Hmong Also Receive Technical Assistance

A different approach was taken for economic development of the Hmong community in the Fresno/Merced region of California.

The need, as expressed by the Hmong community, was for agricultural business assistance rather than the development of businesses in an urban environment. A grant, arising from a cooperative agreement between SBA and the Office of Refugee

Resettlement (ORR), and administered through LTG Associates, a consulting group that specializes in consultation to ethnic and minority nonprofit organizations, provided agricultural consultants to assist the Hmong in the development of an agricultural cooperative.

Technical assistance was provided on transportation and marketing. Training included cultural orientation about the working of traditional U.S. agricultural business practices, such as ordering on consignment.

"Shippers had been ripping off the Hmong," said Neal Toshima, a partner in LTG Associates. "The cooperative gives the Hmong more control and makes people deal with them more honestly."

Rhode Island Tries Multi-Ethnic Assistance

Yet another approach was taken under the ORR-SBA cooperative agreement with the Rhode Island Small Business Administration. Between May 1985 and April 1986 a series of one-time workshops was conducted on specific topics such as marketing, real estate, taxes, and advertising. The sessions were conducted in English and drew 188 participants from the Hmong, Lao, Cambodian, and Vietnamese communities.

One-on-one technical advice was then provided by native-language counselors. "The program was very successful in providing technical advice to help start 14 Lao, 11 Cambodian, 5 Hmong, and 1 Vietnamese businesses," said Phongsavan Thongsavanh, a counselor for the program.

RETIRED BUSINESS EXECUTIVES COUNSEL SMALL BUSINESS ENTREPRENEURS

Refugees who are interested in starting a business or who need advice to keep an existing business afloat can receive free consultations from retired business executives.

The retired businessmen are part of a nonprofit organization called SCORE, the Service Corps of Retired Executives. Its 12,000 members in about 400 locations in the United States have provided free one-on-one business counseling to some 165,000 clients since its beginnings in 1964.

The service, open to anyone, tries to match clients with retirees experienced in

a similar line of business. "If you have a shoe store, we'll find someone who was 'in shoes,' if a restaurant, we'll look for a former restaurant owner," said William Cohen, a retired hospital administrator with additional experience in sales, marketing and insurance, who serves as a SCORE volunteer in Boston.

Another SCORE volunteer, Ben Goldberg, recently addressed the Metropolitan D.C. Coalition for Refugee Resettlement. He shared his impression of refugee entrepreneurs as "understanding the heart of business" to be willing to "work all hours" and to take risks to get ahead. He added, however, that one out of every two new businesses fails within the first two to four years. The failures, he said, were due not only to financing, but to management practices as well. SCORE, he said, could help to sort out the management tangle for small businesses.

In many areas, SCORE sponsors pre-business workshops to help would-be business entrepreneurs to develop solid business plans.

Although SCORE has not geared its program specifically to refugees, its members are open to the challenge. "We are glad to talk to anybody," said Cohen, "and try to be flexible."

In El Paso, Texas, SCORE has been active with Mexican immigrants in particular. "We have quite a number of 'green card' holders with great talent, but little money," said Alfred Ratner, SCORE chairman in El Paso. "They are much like the early East European immigrant groups with strong family ties who pooled their resources to get a start in this country."

The El Paso SCORE chapter has published a bilingual English-Spanish booklet called Basic Steps to Starting a New Business. The booklet gives pointers about where to go for loans and licenses, includes tax information, and provides the names and numbers of people in the El Paso area who can help the new business get off the ground.

The El Paso chapter is unusual in that nearly half of its counselors are bilingual. Paul Eiseman, national SCORE executive director, said that most SCORE members do not have foreign language ability since "most people entering business 30 to 40 years ago were one-language people." The same is true of women and minority business

executives. "Most are still active in business, not retired; though the exceptions are the ones we are seriously looking for."

Local SCORE chapters are generally listed in the phone book. SCORE chapters can also be located through the Small Business Administration's toll-free number, (800) 368-3237, or directly from the SCORE headquarters (202) 653-6279.

Reader Exchange

° The Indochina Studies Program, sponsored by the Social Science Research Council and the American Council of Learned Societies, has announced a fellowship competition for research on Cambodia, Laos, and Vietnam, drawing on the knowledge and experience of the refugees who have left those countries since 1975.

The competition is open to refugees from Vietnam, Laos, and Cambodia, as well as U.S.-based writers, journalists, artists, and scholars. Projects must include the participation of refugees as informants and may be based on life histories, personal memoirs, focused interviews, studies of particular groups, the recording and analysis of oral or ritual performance, and other artistic traditions. Of particular interest to the committee are projects dealing with religion, minorities, linguistics, rural society, art, music, and popular culture in Vietnam, Laos, and Cambodia.

The maximum award will be \$25,000 for any one project. The final application deadline is December 1.

For further information, contact the Indochina Studies Program, Social Science Research Council, 605 Third Ave., New York, NY 10158. (212) 661-0280.

Meetings and Conferences

° The 1986 National Unaccompanied Minors Conference, "The Challenge to Change: The Next Decade," will be held November 16 through 19 at the Philadelphia Center Hotel. Highlights of the conference include the presentation of practitioner-oriented papers by staff of local foster care agencies; a report on the phasedown of the unaccompanied

minors refugee program; an Office of Refugee Resettlement (ORR) session on monitoring strategies; and addresses by national and international figures.

The cost of registration is \$90. For more information, contact Helen Novak, Lutheran Immigration and Refugee Service, 360 Park Ave., New York, NY 10010 (212) 532-6350 or Nancy Schulz, Migration and Refugee Services, U.S. Catholic Conference, 902 Broadway, New York, NY 10010 (212) 614-1250.

Resources

MINNESOTA MONTHLY COVERS ASIAN BUSINESS AND COMMUNITY DEVELOPMENT

The economic progress of Minnesota's Asian community, including its refugee component, is chronicled monthly in Asian Business and Community News.

Operated as a nonprofit organization (see Projects and Programs), ABCNews covers social and cultural aspects of Minnesota's Southeast Asian refugee communities, as well as Asian-American business development.

ABCNews is distributed free of charge in the Twin Cities area of Minnesota. To subscribe, send \$12 to ABCNews, 396 Roy St., St. Paul, MN 55104. (612) 645-9102.

IF YOU MEAN BUSINESS

A business development manual for Southeast Asian refugees interested in starting or expanding small businesses has been published by the Center for Southeast Asian Refugee Resettlement (CSEARR) in San Francisco, California (see Projects and Programs).

If You Mean Business: A Manual for Southeast Asian Refugees is the result of four development workshops organized in 1983 by CSEARR. The project was funded by the Office of Refugee Resettlement.

The manual includes an extensive checklist of practical considerations for beginning a business. It covers areas such as legal requirements, taxes, insurance, site location, financing, and marketing. Several technical case studies in business planning are presented, covering subjects

such as analyzing potential markets for small business services or products.

Particularly helpful for refugees is the inclusion of actual forms they are likely to encounter in the business world. These include contracts, loan applications, and balance sheets.

For more information, contact CSEARR, 875 O'Farrell St., San Francisco, CA 94109. (415) 885-2743.

ECONOMIC DEVELOPMENT FOR LOW-INCOME WOMEN

The Women's Institute for Housing and Economic Development has published A Development Primer, an introduction to housing and business development specifically geared to low-income women and their families.

The book advises service providers about initiatives to improve the economic situation for women heads-of-household living in poverty. The primer includes examples drawn from organizations working with these women and their families. A resource list of organizations and a bibliography are included.

Single copies may be ordered for \$7 from the Women's Institute for Housing and Economic Development, Inc., 92 South St., Boston, MA 02111. Four or more copies can be purchased for \$4 each. Massachusetts residents must add five percent sales tax.

TWO PRISON MEMOIRS REVEAL CASTRO'S PRISONS

The recent arrival of long-term political prisoners from Cuba has sparked public interest in the others left behind. Two recently published memoirs from former Cuban political prisoners tell their story.

Against All Hope: The Prison Memoirs of Armando Valladares describes the twenty-two year ordeal of a prisoner released in 1982.

Valladares was arrested as a counter-revolutionary, although agents of the political police found nothing when they searched his house.

He describes the physical and psychological tortures and austere conditions of prison life. Valladares contrasts his eyewitness testimony with a statement made by Castro on July 28, 1983 that "there have been no tortures here, there have been no murders."

Jorge Valls, arrested in 1964 for refusing to register for the draft, affirms Valladares' observations in Twenty Years and Forty Days/Life in a Cuban Prison.

Against All Hope: The Prison Memoirs of Armando Valladares can be purchased in bookstores for \$18.95. Twenty Years and Forty Days/Life in a Cuban Prison is available for \$8.00 from Americas Watch, 36 West 44th St., New York, NY 10036.

CMS PUBLISHES SPECIAL REFUGEE ISSUE

The Center for Migration Studies recently published a special issue of International Migration Review titled "Refugees: Issues and Directions," a collection of 17 articles arranged under four topical headings: refugee movements, asylum and protection, refugee issues in developing countries, and adjustment and resettlement. Dennis Gallagher, executive director of the Refugee Policy Group, was the guest editor.

In his introduction, Gallagher notes that an increasingly higher percentage of the refugee populations around the world "is made up of people who remain refugees several years or more after their flight." This is indicative, he says, of what has been termed the "crisis in durable solutions."

Copies are available for \$14.95 plus \$2.50 postage and handling. Make checks payable to the Center for Migration Studies, 209 Flagg Place, Staten Island, N.Y. 10304.

INDIANA UNIVERSITY DEVELOPS EMPLOYABILITY SKILLS HANDBOOK

Vocational Educational Services (VES) of Indiana University has developed a resource guide to aid in selecting instructional materials for the teaching of job-seeking and job-retention skills.

Target: Employment, A Resource Guide to Job-Seeking and Job-Retention Materials identifies and evaluates instructional materials for each of five components of employability skills: decision-making, self analysis, occupational analysis, job-seeking process, and job retention.

The guide is available for \$11.25 from Vocational Education Services, 840 State Road 46 Bypass, Room 110-111, Indiana University, Bloomington, IN 47405.

INDOCHINESE REFUGEE ACTIVITY
FY 86 as of August 31, 1986

COUNTRIES OF ASYLUM/RPC's	OCT. 1, 1985 POPULATION	FY 86 ARRIVALS	FY 86 REDUCTIONS				TRANSFER TO RPCs	AUGUST 31, 1986 POPULATION
			TO U.S.	3RD COUNTRIES	VOL. REPATR.	OTHER		
HONG KONG	10,029	2,326	90	2,443	0	8	1,297	8,515
MACAU	692	31	0	87	0	1	3	632
INDONESIA	7,048	3,237	440	2,548	0	6	2,578	4,666
MALAYSIA	6,296	6,572	606	2,720	0	13	3,185	8,294
PHILIPPINES	3,184	2,172	172	1,216	0	6	839	3,126
SINGAPORE	260	895	99	458	0	0	321	284
THAILAND	4,618	3,652	175	830	2	0	1,436	5,925
OTHER	1,331	638	76	305	0	1	199	1,374
TOTAL BOAT	35,468	19,523	1,658	10,607	2	35	9,858	32,816
THAILAND - KHMER	24,786	7,307	66	4,272	0	52	817	28,157
THAILAND - HIGHLANDERS	54,686	4,908	144	69	45	0	4,665	57,243
THAILAND - LAO	36,997	2,371	380	1,676	41	0	8,668	29,486
THAILAND - VIETNAMESE	529	7,066	192	273	0	0	1,258	890
TOTAL LAND	116,998	16,652	782	6,190	86	52	15,408	115,776
TOTAL DIRECT (ODP)	282	13,669	808	9,085	0	1	5,314	178
SUBTOTAL	152,748	49,844	3,248	25,882	88	88	20,580	148,770
BATAAN-RPC	15,333	20,752	23,984	154	0	20	0	11,857
GALANG-RPC	2,013	2,597	4,185	4	0	0	0	1,001
PHANAT NIKHOM ESL/CO	5,495	7,131	8,238	0	0	75	0	4,260
TOTAL RPCs	22,841	30,480	36,407	158	0	95	0	17,118
GRAND TOTAL	175,589	49,844	39,655	26,040	88	183	30,580	165,888

The end-of-month population figure is provided by UNHCR, and is the result of ongoing updating and adjusting of statistics. Therefore, the end-of-month population figure is not the result of a horizontal calculation based on arrivals and reductions. Admissions to the United States include those persons entering the United States in refugee status.

Source: U.S. Department of State, Bureau for Refugee Programs.

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