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Recovering from Statelessness:

Resettled Bhutanese-Nepali and Karen Refugees Reflect on Lack of Legal Nationality[[1]](#footnote-1)

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**Abstract**

The very notion of international human rights relies on state governments to serve as the legal “duty-bearers” for protecting and rights, yet governments are often responsible for creating the conditions that necessitate mass displacement. For some refugees, lack of legal nationality creates an added dimension of vulnerability that exacerbates suffering. In order to illustrate the human rights challenges inherent to statelessness, this research project focuses on the lived experiences of 30 formerly stateless refugees who have been resettled to the United States. Qualitative research interviews with 15 Bhutanese-Nepalis and 15 members of the Karen ethnic minority (from Burma and Thailand), all currently resettled in the United States, provide insights into the everyday realities of stateless individuals. In both cases, statelessness represented a human rights violation in itself as well as a contributing factor for further abuses related to recognition and membership, denied education, and serious impediments to employment and livelihoods.

The very notion of international human rights relies on state governments to serve as the legal “duty-bearers” for protecting and promoting rights (Donnelly 2012: 24), yet governments are often responsible for depriving individuals of their basic protections and creating the conditions that necessitate mass displacement. According to international law, a refugee is a person outside of their country of nationality or habitual residence who, due to a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” is unable or unwilling to return home (United Nations High Commissioner for Refugees 1951: 14). In some cases, an added dimension of vulnerability exacerbates the problem: Statelessness, or lack of legal nationality to any country. For statelessness individuals facing persecution from their home governments, the “safety net” of state protection is non-existent. In their home communities, the stateless are denied basic human rights ranging from education and employment to freedom from police brutality. That precarious lack of legal status often prompts displacement across international borders, when a stateless person becomes a stateless refugee and faces a double threat to human rights protection. “People would say things like: ‘You have no rights. Our dogs have rights, our cats have rights. You do not,’” said 24-year-old Bupal[[2]](#footnote-2), a Bhutanese-Nepali reflecting on his experiences as a stateless refugee living in Nepal.

The condition of statelessness is a violation of international human rights standards, as well as a root cause of further rights violations. Article 1 of the 1954 Convention Relating to the Status of Stateless Persons defines a stateless person as "a person who is not considered as a national by any State under the operation of its law” (United Nations High Commissioner for Refugees 1954). This condition violates the basic human right to a nationality, which was formulated by Article 15(1) of the 1948 Universal Declaration of Human Rights (United Nations General Assembly 1948) and reinforced by various international legal instruments[[3]](#footnote-3). Statelessness also creates vulnerabilities to further rights abuses and constitutes a threat to human security and dignity. According the United Nations High Commissioner for Refugees (UNHCR), which launched a campaign against statelessness in September 2014, stateless persons are often excluded “from cradle to grave – being denied a legal identity when they are born, access to education, health care, marriage and job opportunities during their lifetime and even the dignity of an official burial and a death certificate when they die” (2014: 2).

In order to illustrate the human rights challenges inherent to statelessness, this research project focuses on the lived experiences of 30 formerly stateless refugees who have been resettled to the United States. Qualitative research interviews with 15 Bhutanese-Nepalis[[4]](#footnote-4) and 15 members of the Karen[[5]](#footnote-5) ethnic minority (from Burma and Thailand), all currently living as resettled refugees in the Northeastern U.S., provide insights into the everyday realities of stateless individuals. Since interview respondents had also either acquired U.S. citizenship or were in the process of gaining citizenship while holding permanent residency status, participants were also able to reflect on the condition of statelessness as individuals who had experienced the shift from lack of status to legal recognition. First, this article outlines the fundamental challenges of statelessness and the background of the two case studies. In both cases, statelessness represented both a human rights violation in itself as well as a contributing factor for further abuse. Second, interview data centers on three key obstacles for stateless individuals: Inequalities related to recognition and membership, denied opportunities for advanced education, and serious impediments to employment and livelihoods. Participants reflected on these challenges as stateless individuals before resettlement, as well as within the United States as resettled refugees. Third, this article briefly concludes with recommendations for combatting these human rights challenges.

**Situations of Statelessness**

 Citizenship was famously described by political theorist Hannah Arendt as “the right to have rights” (Arendt 1973: see chapter 9). Without legal nationality, stateless individuals are denied so-called “universal” human rights regularly available to citizens, such as the right to participate in government, freedom of movement, and various economic rights (van Waas 2011: 26-27). In many cases, citizenship serves as a divider; citizens have a voice in their government and are provided “a unique level of security of residence or presence in a state,” (Gibney 2011: 43) while the stateless face “serious impediments” to “a good life” because they are denied the capacity to make claims on the state and to access a variety of resources (Bhabha 2011: 1). The human rights implications of this status (or, the lack thereof) ranges from vulnerabilities to human trafficking and police brutality to the inability to access basic rights to education and healthcare. For instance, those without passports or other government identification documents are often unable to seek medical treatment, work legally, travel (sometimes even within their own country), register for school, get legally married, or access credit. “Those who have never been deprived of official papers may find it hard to imagine the powerlessness which results,” notes Bronwen Manby (2009). “Even in the poorest countries, a passport or identity card does not just provide the right to travel, but forms the basis of the right to almost everything else.” The following case studies illustrate two situations of statelessness with severe human rights implications.

*Bhutanese-Nepali*

 Legislation on Bhutanese citizenship became increasingly exclusionary during the 1970s and ‘80s, which led to widespread denationalization among Bhutanese-Nepalis. The Nationality Law of 1958 had provided three paths to citizenship: birth to a father who was a Bhutanese national, petitioning an official (as long as certain residency and/or government employment conditions were met), and petitioning an official upon marriage to a Bhutanese national. The last two of these paths also required an oath of loyalty to the Bhutanese state. A new Citizenship Act in 1977 adhered to the same basic principles as the 1958 Law, but lengthened residency and service requirements while making it more difficult for non-national wives to acquire citizenship. Under the terms of the 1977 Act, an applicant for citizenship was required to reside in Bhutan for a minimum of 20 years, or 15 years if a government servant (compared to 10 years or 5 years under the 1958 Law). The non-Bhutanese wife of a Bhutanese national had to apply for citizenship under the same terms as any other foreign applicant, which included the need to have some knowledge of the spoken and written Bhutanese language, as well as the history of Bhutan. These language and culture provisions were early signs about increasing government anxiety over cultural matters within the country (Hutt 2003: 147). The Marriage Act of 1980, which was adopted with retroactive effect, introduced punitive measures against Bhutanese nationals who married foreigners. For instance, government servants would not be promoted beyond the rank they held at the time of their marriage or be employed in departments related to defense or foreign affairs. Those citizens forfeited their rights to government assistance for education and training; for instance, government scholarships would end from the day of marriage and students were required to repay the funds they had received from the government. In 1985, a third act provided for citizenship by birth (but only when both parents were Bhutanese citizens), by registration (for those who were “permanently domiciled” in Bhutan on or before 31 December 1958 and who were registered with the Ministry of Home Affairs), or by naturalization. To acquire citizenship by naturalization, an applicant had to reside in Bhutan for 20 years (15 years for government servants), be able to speak, read and write Dzongkha fluently, and pass written tests to prove knowledge of Bhutanese culture, customs, traditions and history (Hutt 2003: 148).

 Despite these far-reaching changes in citizenship law, research suggests that few people were affected by (or perhaps even aware of) the legislation of Bhutanese citizenship until such laws were enforced in new census exercises, which began in 1988 (Hutt 2003: 149). The 1988 census “amounted to a selective, arbitrary, and retroactive implementation of the 1985 Act,” which only took place in southern Bhutan where Bhutanese-Nepalis resided. Bhutanese-Nepalis were denied the 1985 Act benefits accorded to citizenship by naturalization; in these cases, Bhutanese citizenship was restricted to those who could prove residency since before 31 December 1958. Identity documents issued after previous censuses were disregarded, so anyone who couldn’t prove residency before the 1958 cut-off date were classified as illegal immigrants – even if they possessed a citizenship card. Starting with the 1988 census, people were placed into one of seven categories; only those who could prove residence since 1958 were categorized as “genuine Bhutanese”. Everyone else was placed in the remaining six categories, such as that of “returned migrants” for people who had left Bhutan and returned again.[[6]](#footnote-6) Census officials often confiscated citizenship cards for those who couldn’t prove residency since 1958, creating a state of fear and anxiety among the Bhutanese-Nepalis as the government became increasing focused on enforcing a distinct national identity in line with its “one nation, one people policy”. The king issued a 16 January 1989 degree requiring all citizens to observe the traditional Drukpa code of values and dress, for instance, and in February 1989 the decision was made to remove Nepali from school curricula in southern Bhutan (Human Rights Watch 2007; see also Hutt 2003: chapter 11). Any protest against these policies, which were perceived as “a direct attack on the cultural identity of the ethnic Nepalis,” was met with swift government action. Demonstrators were classified as *ngolops* (anti-nationals), arrested and detained, subjected to ill-treatment and torture, and sometimes even killed in detention. Security forces frequently raided homes and there were numerous accounts of Bhutanese-Nepali women and girls being raped during these raids (Human Rights Watch 2007).

 Bhutanese-Nepalis began fleeing Bhutan en masse begin in 1990, often under severe pressure from the government, and most gained refugee protections in neighboring Nepal. Some demonstrators were released from prison on the condition they would leave the country, while others fled to avoid persecution. Those who were categorized as “non-nationals” under the 1988 census were told to leave the country or go to jail; security forces destroyed homes and intimidated many Bhutanese-Nepalis into signing “voluntary migration forms” (Human Rights Watch 2007). People were pressured into signing such forms, which included a promise that the person concerned would not return to Bhutan, under threat of large fines or imprisonment. Sometimes people were provided compensation for their lands, but frequently entire village communities were required to leave en masse “as a collective punishment inflicted by the local authorities following a murder or robbery in the locality attributed to ‘anti-nationals’” (Amnesty International 1994). Many of respondents in this study recalled being summoned to local government offices on the pretext of getting new or updated identity papers, only to have their existing documents confiscated without replacement. Families were frequently forced to sit for photos after signing voluntary migration forms; they were told to smile for the camera as evidence that they were leaving voluntarily and they were, in fact, happy about leaving their homes. Most Bhutanese-Nepalis who fled Bhutan ended up in refugee camps in Nepal, where they remained for years before finally being resettled elsewhere. Between 2007 and 2013, approximately 100,000 Bhutanese-Nepalis were resettled in third countries – including the United States, Canada, Australia, New Zealand, Denmark, Norway, the Netherlands, and the United Kingdom. Many of the remaining Bhutanese-Nepalis living in the Sanischare and Beldangi camps in eastern Nepal (approximately 38,000) have also expressed interest in resettlement (United Nations High Commissioner for Refugees 2013).

*The Karen of Burma and Thailand*

 Statelessness is a pervasive human rights problem that affects ethnic “hill tribes” in Burma and Thailand, leading to further human rights abuses and complicated by ongoing violent conflict. The UNHCR estimates that there will be 1.2 million stateless people in Burma by December 2015 (United Nations High Commissioner for Refugees 2014: Myanmar), with more than 500,000 stateless individuals living in Thailand (United Nations High Commissioner for Refugees 2014: Thailand). In reality, it is difficult to secure precise population or statelessness figures in this region due to persistent conflict, the lack of documentation inherent to statelessness, and the isolated geographical areas of many villages. Non-governmental organizations estimate that up to half of Thailand’s 2-3.5 million hill tribe members – which include Akna, Lanu, Lisu, Yao, Shan, Hmong, and Karen ethnic groups – may be stateless (International Observatory on Statelessness: Thailand). In Burma, discriminatory nationality laws render many children stateless if they are born outside of the country (for instance, in Thai refugee camps) or do not qualify as “full citizens” under the repressive 1982 Citizenship Law, which disqualifies a number of ethnic groups from full nationality rights (International Observatory on Statelessness: Burma/Myanmar). Statelessness among the Karen and other ethnic minorities has been linked to human rights vulnerabilities including the inability to access a basic “right to health” and risks for human trafficking (see Kingston et al. 2010), while also serving as a form of minority discrimination that places the Karen outside of state protection in times of armed conflict.

The Karen have suffered human rights abuses and discrimination in both Burma and Thailand, with the Karen frequently situated in the middle of dangerous armed conflicts and political battles. In Burma, ethnic armed groups have organized against the state since the 1950s.[[7]](#footnote-7) When Communists became entrenched in large parts of Shan state in the 1970s and ethnic-based armies controlled hill territory along the Thai-Burma border, the military regime responded to threats by cutting itself off from international trade and contact, undermining resistance movements by cutting off supplies and food, and utilizing tactics such as relocations and forced labor to control civilian populations (Delang 2000: 11). These tactics persisted for years, with the Burmese military regularly recruiting Karen villagers in conflict areas to work as porters, guides, human landmine sweepers, messengers and sentries, cooks, water carriers, and to fulfill a variety of other forced labor tasks (Delang 2000: 19). In addition to threats by state actors, Karen villagers also faced risks from opposition armies such as the Karen National Liberation Army (KNLA), the Karenni National Progressive Party (KNPP), and the Shan State Army (SSA). Villages are often required to supply food, recruits, and porters or be severely punished for their lack of support (Delang 2000: 18). In Thailand, violent conflicts related to the Cold War and later the United States-led “War on Drugs” resulted in government repression of upland minorities such as the Karen. State-building practices in Thailand aimed at increasing bureaucratic control (including monitoring political spaces, expanding national security programs, and collecting taxes) limited the freedom of Karen communities and marginalized ethnic minorities (see Scott 2009).

More recently, the Karen continue to face ongoing human rights violations in both Burma and Thailand. The Burmese army still undertakes strategies that target Karen civilians in its fight against armed insurgents, including the use of extrajudicial killings, sexual violence, forced labor, and even the planting of landmines along the Thai-Burmese border to prevent civilians from seeking refuge in Thailand (see Human Rights Watch, 2005 and 2006). Continuing internal conflict – such as 2009 fighting between the Burmese army and their proxy-militia, the Democratic Karen Buddhist Army (DKBA), against the Karen National Union (KNU) and their armed wing, the Karen National Liberation Army (KNLA) – continues to displace thousands and place Karen civilians in the middle of heavy fighting (see Human Rights Watch 2010). In its most recent annual country report on Burma, Amnesty International (2012) noted that some human rights violations in Burma’s ethnic minority areas amounted to crimes against humanity or war crimes, despite recent, limited economic and political reforms. Those seeking refuge in Thailand face ongoing persecution, as well. In 2008, Thai security forces were criticized for sending Karen refugees and asylum-seekers back to into Burmese conflict zones[[8]](#footnote-8), as well as for blocking limited health and food assistance for refugees living in overcrowded camps (Human Rights Watch 2008). In early 2010, Thai military and civilian officials began singling out Karen refugee families for return to conflict areas in Burma, despite reports that such return would expose them to risks such as landmines and situations of forced labor. Human rights advocates argued that the Thai government utilized “aggressive tactics to coerce the refugees to return” to Burma and to vacate temporary refugee sites in Thailand (Human Rights Watch 2010). Statelessness remains a pervasive human rights problem in Burma and Thailand, as well, yet the issue receives little attention by NGOs, state governments, or UN agencies. Since 2005, approximately 50,000 Burmese refugees have been resettled in the United States from Thailand, which includes Karen and other ethnic minorities (U.S. Department of State).

**Research Study**

 This study has two main aims: First, to highlight the human rights challenges created by statelessness. International human rights frameworks establish the right to legal nationality as a basic entitlement, and existing research contends that statelessness serves as a root cause for further rights abuses. Although attention to statelessness is growing, data on the lived experiences of stateless individual remains limited. This study therefore seeks to help fill this research gap and provide more data on the impacts of statelessness in everyday life. Second, this study seeks to better understand the benefits of nationality after statelessness has been remedied. Drawing from the work of Brad K. Blitz and Maureen Lynch (2011), this study expands existing comparative research on the benefits of legal nationality by focusing on the experiences of formerly stateless, resettled refugees. This study is therefore guided by Blitz and Lynch’s core three research questions: (1) Has the granting of citizenship enabled individuals to access rights and resources? (2) How has the granting of citizenship enabled individuals to enhance the quality of their lives? (3) What barriers prevent people who have been granted citizenship the full enjoyment of their rights? (Blitz and Lynch, 2011: 18).

Data was gathered using semi-structured qualitative interviews, lasting approximately 30 minutes to one hour, with 30 formerly stateless refugees who had been resettled to the Northeastern United States within the last ten years. Participants were recruited through professional and personal contacts within refugee communities; 15 of the participants were Bhutanese-Nepali who were resettled from camps in Nepal and 15 were Karen refugees resettled from Thailand. The interviews took place in participants’ homes and a local church that served as a community meeting space. On several occasions, interpreters were used to assist with language translation; in most cases, however, the participants were fluent in English after having lived in the United States for several years. The interviews were not audiotaped because of the sensitive subject matter and the desire to ensure that participants felt comfortable sharing their experiences openly, but field notes were taken during the interviews and written summaries were completed at the end of each research day. In several cases, respondents requested that more than one person be present during an interview. In those cases, questions were directed at one person at a time and recorded separately. The interview protocol focused mainly on questions about participants’ experiences related to statelessness (such as lack of legal documentation) and nationality (such as challenges associated with statelessness and reactions to gaining U.S. citizenship), but also presented opportunities for participants to share stories of their wider experiences related to human rights and identity.

*Recognition and membership*

Interview respondents connected their statelessness to group-specific discrimination that excluded them from state recognition and political membership in their home communities. Older Bhutanese-Nepali respondents recalled the days they were denationalized, or stripped of legal nationality, and forced out of Bhutan. Bhutanese-Nepali families were told to bring their documentation to local government offices in order to be updated or replaced, but documents were instead confiscated and families were ordered to leave the country. Fifty-two-year-old Anup gave up his Bhutanese driver’s license but hid his citizenship documentation. Like several other interview respondents in this study, he took his identity papers to Nepal and has kept the now-defunct documents even after resettling to the United States. When Anup went to Nepal with his family in 1992, he avoided members of the Bhutanese army for fear of being shot. He recalled women being captured and raped during that time, and 47-year-old Raj noted that “people became afraid of the government” after Bhutanese-Nepali villagers were killed by police and military forces in the early 1990s. Government officials came directly to Raj’s house to confiscate identity documents (although he hid his in a pocket and claimed they were lost). “That was it,” he said. “[The officials said] you have to go to Nepal. It was like you were a terrorist.”

Among the Karen, statelessness was part of an ongoing process of discrimination that didn’t recognize hill tribe minorities as Burmese. Older Karen respondents remembered police and military brutality in Burma before fleeing to neighboring Thailand, while younger respondents had childhood memories of attacks on Thai refugee camps and frequent moves to different camps that disrupted everyday life and disbanded refugee communities. Sixty-three-year-old Pan recalls the Burmese military fighting with various rebel groups and burning villages in the process. “They had guns and we had nothing. They burned down our villages all the time and we had to grab anything we had and run,” she said. Pan and her family originally had government-issued travel cards, but Burmese guards confiscated and destroyed the documents as they fled violence. “They took them from us and told us they were not good anymore. They stepped on them. It was really bad. We did not know what to do. Sometimes we hid them but then we could not use them so there was no point.” Ka Lu, a 24-year-old Karen refugee, was born in Burma but lived in a refugee camp for most of her childhood. When her family was forced to change camps in response to armed conflict, “whatever we had was lost when we moved from place to place.”

Without state recognition and membership to a political community, interview respondents directly linked statelessness with their inability to secure basic human rights protections. In Bhutan, for instance, Bhutanese-Nepalis were forced to give “free service” to the government by doing construction jobs such as building roads. If someone refused to provide free service, “they could kill us,” said Mitra, 27. “Whatever they wanted. They had the power. They would come at night, when everyone was home, to punish you.” Several respondents reported hearing about, witnessing, or experiencing sexual violence and harassment by police and military officials in Bhutan. Within refugee camps in Nepal, stateless Bhutanese-Nepalis faced food shortages, harassment, and sometimes violence from locals who saw refugees as a threat to their own livelihoods. Even for those with access to resources, statelessness meant the denial of simple services such as savings accounts and access to credit. “I could earn millions but I still couldn’t open a bank account,” said Mitra.

For the Karen, ongoing conflict resulted in violence against stateless hill tribe members that included murder, torture, and rape. Sixty-one-year-old Li was forced to carry weapons to the front lines as a porter for the Burmese military after her village was accused of helping rebel groups. Her family, like many others, chose to send daughters as forced recruits to avoid paying heavy fines or volunteering sons to serve as soldiers. If porters became sick or couldn’t walk, they would be killed and their bodies thrown into the valley of a mountain without burial. Li eventually escaped to Thailand with friends in the mid-1980s, using “secret, narrow roads” to avoid being caught and killed by the Burmese military. As refugees in Thailand, the Karen faced ongoing security threats and lack of opportunities that threatened their human dignity. Many respondents reported the stress of idleness inside the camps, where there were extremely limited employment opportunities and often poor educational resources. Those who attempted to leave camps to seek work or a life beyond the refugee camp faced possible deportation to Burma; young people born in Thai camps therefore risked being deported to a country they had never visited, where they did not speak the language or have social ties.

 In many cases, the negative consequences of statelessness could be avoided – or at least its impacts lessened – through bribery. Similar to how undocumented migrants acquire citizenship in developing countries (see Sadiq 2010), some interview respondents noted that legal status and protections could be purchased from corrupt officials. Prem, 28, used his family’s political connections to secure Nepali citizenship in order to access legal employment. For Bhutanese-Nepalis to gain citizenship in Nepal, refugees needed to find well-connected relatives, pay bribes, or just “flat-out buy papers”. Prem said: “Sure, you could get citizenship – but it meant breaking the rules.” That rule-breaking could have ramifications, however. Twenty-six-year-old Bhutanese-Nepali Maia faced discrimination and unemployment in Nepal but was too afraid to illegally purchase citizenship. “You could go to jail if you were caught,” she said. “Especially if you didn’t have the money to bribe yourself to freedom.” Others simply couldn’t afford the high price tag of illegally-acquired nationality. “It’s too expensive to have citizenship,” said Hema, an 18-year-old Bhutanese-Nepali born in a Nepali refugee camp. Corrupt officials sold Nepali citizenship for 10,000 rupees (approximately $1,000 USD today); her friends and family couldn’t afford the steep price, but wealthy refugee families could and did buy legal status – even from the United States for relatives remaining overseas. Among the Karen living in Thailand, some would pay bribes to camp guards so they could work in nearby towns and villages illegally. Others manipulated existing documents from Burma or lied about family relationships to gain Thai citizenship. Summer, a 30-year-old Karen refugee, pretended to be her uncle’s daughter in order to acquire legal status. (She has a fake name on her Thai documents and her real name on her refugee papers.)

 Now resettled in the United States, most interview respondents said they highly valued their U.S. citizenship (or expressed excitement about the naturalization process). Aside from the obvious benefit of having legal status by which to make human rights claims, participants frequently commented on the emotional and symbolic value of American citizenship. Dinesh, a 49-year-old Bhutanese-Nepali refugee, smiled widely at the mention of naturalization: “They took my country. I lived 18, 20 years without citizenship. For my happiness, I’d like to be a citizen of America. Just to hold it. Maybe I won’t use it for anything, but I have it.” Pan, a 63-year-old Karen refugee, reflected: “I am an American citizen now and it is so good. I feel happy…Some people care about voting but I don’t know. I do not know the candidates. I just wanted to be a citizen of somewhere finally.” Some respondents also expressed interest in visiting their home countries, but this time with the full protection of the U.S. government. One day, 52-year-old Anup would like to visit Bhutan. “When I’m a U.S. citizen, they can’t catch me. They can’t hurt me,” he said. Bupal, a 24-year-old Bhutanese-Nepali, said: “If you’re a citizen of the U.S., you will feel like a bird. You have the right to go anywhere.” Li, 62, suffered various human rights violations at the hands of the Burmese military but dreams of seeing her homeland again. “Now, I go back with U.S. citizenship and they can’t do anything to me,” Li said with a satisfied smile. “They can ask me for my [Burmese] identity card and I will show them my U.S. passport instead.” For others, however, U.S. citizenship represents access to goods such as legal employment and voting, but little else. “It’s just a piece of paper,” said 27-year-old Mitra, a Bhutanese-Nepali. “I don’t know what it means to be a citizen.”

*Advanced education*

 Stateless individuals are often denied public education, and those challenges are compounded by limited educational opportunities resulting from displacement. In Bhutan, educations were disrupted when Bhutanese-Nepalis were forced to seek refuge in Nepal. In Burma and Thailand, stateless Karen were often blocked from attending public schools without proper government identification. Within refugee camps in Nepal and Thailand, schooling was poor or at least extremely limited – and many young respondents attribute those shortcomings as directly impacting their educational success and opportunities within the United States. Govinda, a 30-year-old Bhutanese-Nepali refugee, had to walk for two to three hours if he wanted to attend public school in Nepal. Instead, he went to a camp school where students had to read under a tree because they lacked a schoolhouse. Although an NGO later build a school building, students still faced resource shortages such as lack of electricity and oil lamps for studying. Eh Da, a 20-year-old Karen, added that camp schools were “OK” but not adequate compared to public schools in the area. He noted that English classes were terrible (and did not begin to prepare him for life in the United States)[[9]](#footnote-9) and that students felt isolated from the outside world. “What sucks is that you could not leave,” said Eh Da, noting that there was no interaction with children from outside the camp. Klee May, a 27-year-old Karen refugee, was resettled without adequate English instruction and now struggles to adapt to life in the U.S. “My biggest problem here is the language,” she said. “When I need something, I always have to ask my neighbor [and I feel bad]…The refugee center helped at first but after a few months, they don’t want to help anymore. They tell us to ask our neighbors.”

In Thailand, some dedicated Karen students found ways to attend high school but could not continue on to university without citizenship. Tha, a 24-year-old Karen refugee, moved to a refugee camp as a child but later lived with Thai relatives so she could attend public school. Although statelessness wasn’t a problem for her in grade school, her lack of documentation became problematic in high school. She began to suffer bullying from teachers and students, sometimes asked to leave the classroom if debates turned toward Thai politics. She eventually completed high school but was blocked from proceeding to university, despite her excellent grades. “Even if I tried hard, I could never get a scholarship or anything,” said Tha. “Even though I grew up there, since I was six, they didn’t see me as equal.” Thirty-year-old Summer, a Karen refugee, had a similar experience in Thailand; although she managed to attend classes at a Thai public school (thanks to falsifying documents), she had no real options for higher education. When she tried to attend a special college prep program at a neighboring refugee camp, her studies were halted when Thai soldiers stopped allowing foreign teachers into the camp. The teachers – from countries like the United States, the United Kingdom, and Austria – would sometimes try to sneak into camps through fence breaks or by paying bribes, but such actions endangered Karen refugees who could be violently punished by camp guards. For the Karen who were “really desperate” to attend university, you could try to return to Burma, gain citizenship, and then return to Thailand for college. “It’s funny because you had to flee, and then people had to go back,” said Wa Wa, 25. “You needed to be a citizen *somewhere.*”

As resettled refugees living in the United States, many young respondents reported facing ongoing challenges to receiving advanced education. In some cases, their previous education in refugee camps did not prepare them academically for American high school and university. Chai, a 19-year-old Karen refugee, is in high school but can’t pass the exams necessary to continue. He hopes to take some community college and high school classes on a path toward college preparation, but he’s frustrated. “Now I want to go to college but if I don’t pass the Regents then I can’t go to college,” Chai explained. “My art teacher is really nice to me. She said I can go to college but I have to learn more English. I have to know how to talk about my art. It’s really hard. I try and I try. I don’t know what to say but I want to go to college so I keep trying.” In other cases, resettled refugees are technically too old for American high school but are ill-prepared to begin university. Ka Lu, a 24-year-old Karen refugee, came to the U.S. in her early twenties and required ESL classes to improve her English skills. Although she wanted to pursue advanced education, she was told that her age disqualified her from attending high school. A local refugee agency provided some language and job training, but her lack of a high school diploma will make it difficult for her to attend university – particularly since it’s often difficult for many stateless refugees to access their school records from previous institutions overseas. Many American community colleges admit students but they are not eligible for federal financial aid without a high school diploma or GED, frequently leaving young refugees with few options beyond low-paid and unskilled jobs. Twenty-four-year-old Tha was blocked from attending American high school due to her age, despite her passionate desire to attend university. “I was full of hopes and dreams…that everyone could go to [high] school for free,” said Tha, a Karen refugee. “I came to the U.S. for education…but they told me I couldn’t go to high school. It really hurt my feelings.” For those who do attend university, language and culture barriers remain; 28-year-old Prem feels like he has to work harder than other students, partly because he misses cultural references in class. (He writes them down and Googles terms later. He was recently surprised by a search for “bikini”.)

*Employment and livelihoods*

 Interview respondents highlighted obstacles to legal employment as stateless individuals, as well as ongoing challenges for earning a living as resettled refugees in the United States. In both Nepal and Thailand, refugee status provided various protections under international law but did not provide refugees with work papers to seek legal employment. Just as in the case with seeking education, many people bought falsified documents and engaged in other illegal practices in order to find employment and supplement meager refugee rations. Finding a job often meant “breaking the rules,” according to 28-year-old Prem. In Nepal, citizenship was often equated with employability “because no one would give you a job if you showed them your refugee card,” he said. In addition to legal challenges, discrimination also played a role; in Nepal, many employers wouldn’t offer jobs to refugees, instead noting that employment was for locals only. For the stateless who could find work, their lack of legal status made them vulnerable to exploitation and unfair labor practices. “You would get paid less than half of what citizens earned, and they could kick you out without pay if they didn’t like you,” explained 27-year-old Mitra, a Bhutanese-Nepali. “[An employer in Nepal] paid me 10,000 rupees [about $10 USD] and said ‘go find something else’.” Several of his stateless friends tried teaching at a local boarding school, but they were eventually sent home without being paid for their work. Others found work in dangerous conditions, such as breaking rocks without appropriate safety provisions. Similarly, in Thailand some stateless refugees tried to leave camps to seek out illegal work, but they lacked legal protections and could be sent back to Burma if they were caught. Nineteen-year-old Maw, a Karen refugee, remembers when relatives disappeared for months at a time; sometimes they were jailed for working illegally, crossing into Burma to work as smugglers, or leaving camp. Without access to legal employment, many turned to selling drugs, smuggling people to Bangkok, and even assisting corrupt Thai police officers with their illegal activities.

 Although UNHCR recognition provided refugees with some support, such as basic food and health care, most interview respondents noted that such “bare minimum” protections were not adequate and people wanted to work in order to purchase food and other supplies for their families. “Food, clothes, and shelter was provided [by the UNHCR], but they were basic,” said 24-year-old Bupal, a Bhutanese-Nepali. “Sometimes there was help from NGOs in other countries, too [but it was still hard].” Rama, 43, added that life as a refugee in Nepal made a person dependent on aid organizations – and that aid often wasn’t enough to ensure a decent standard of living. In Thailand, stateless Karen children were aware of limited resources in the camps. Maw, 19, recalls visiting a local Thai market with her mother: “Mom took us to the market to buy noodles, which we didn’t get to eat often, so we thought she won the lottery. She explained to us that in the camps there would not be that kind of food available…[we had to buy that kind of food with money].” Other Karen remembered eating basic UN rations such as rice, beans, fish paste, oil, and salt – but they also recalled limited supplies for necessities such as soap, as well as limited options for achieving a balanced diet. “We can eat anything we want [in the U.S.] and I like that,” said 63-year-old Pan, a Karen refugee. “In the Thai refugee camp they only gave us rice and fish sauce, and maybe some vegetables if we grew them or if we picked them outside the fence. We really wanted some meat or some noodles. Now we are all fat because there is too much, but then there was too little. We were worried about malnutrition, not obesity.” 24-year-old Ka Lu also remembers scarcity as a stateless refugee: “In Thailand, everyone was poor. Sometimes people stole the clothes off the clothesline. They took mostly the new clothes and then they could trade them for food or something. At night, we had to bring our flip flops in the house so people would not steal them. It was hard because other people had no shoes either…We really struggled at that time.”

 Now resettled in the United States, many interview respondents reported greatly enhanced standards of living but also ongoing challenges for gaining employment. Language barriers were key issue, especially for older refugees who struggled to learn English but faced immediate pressure to get a job once resettled in the U.S. “It’s easier for young people,” explains 25-year-old Wa Wa, a Karen. “They didn’t understand spoken English at first, but they learned fast. It’s harder for the older people.” Her older relatives took ESL classes at first, but were told that they didn’t have to continue and that space should be made available for younger students. Others admit to feeling overwhelmed by the job-seeking process and unsure how to navigate the American job market. “I tried to get a job but I don’t really know how,” said 18-year-old Pla Pla, a Karen refugee. “My teacher gave me some names of places that are hiring but when I went online, I cannot figure out how to do it. I don’t know where to go or if it’s a good job or not. I am afraid of the computer application because I don’t understand it.” In some cases, refugees still feel lasting effects of statelessness because they have not yet attained U.S. citizenship. 27-year-old Mitra, a Bhutanese-Nepali, has a green card but finds online job applications daunting when they ask about citizenship status. “I think the American Dream works,” said 20-year-old Eh Da, a Karen refugee. “But it works very, very slowly.”

**Recommendations and conclusions**

Interview data gleaned from this study highlight the human rights challenges inherent to statelessness, as well the ongoing obstacles faced by formerly stateless refugees after they have been resettled to the United States. Importantly, we see statelessness as both a cause and effect of discrimination and persecution. For instance, Bhutanese-Nepalis were denationalized as part of a larger government process to marginalize the minority group while the Karen were denied legal nationality based on discrimination with social and political motivations. At the same time, the condition of statelessness – itself a violation of international human rights law – served as a root cause of further rights violations, including abuses such as government-sanctioned violence and forced displacement in Nepal and Burma. These two case studies illustrate not only how discrimination and marginalization lead to statelessness, but also how lack of legal nationality strips individuals of any membership status within the political community of the state. While refugees around the world face dire human rights situations that prompt their movement across international borders, these cases show an added dimension of vulnerability that exacerbates human rights threats even further. The effects of statelessness are compounded by the struggles associated with forced displacement, and indeed interview respondents recalled suffering in refugee camps – including obstacles to education, employment, and livelihoods – that were intricately connected to both their statelessness as well as their forced displacement.

Now resettled in the United States as naturalized American citizens or green card holders, formerly stateless Bhutanese-Nepali and Karen refugees often note that legal nationality has improved the quality of their lives and their access to rights and resources but also point to barriers that prevent them from fully enjoying their human rights. In particular, concerns about access to education (ESL training, career training, and higher education) and high levels of unemployment were frequently cited in interviews as severe challenges to full integration into and success within U.S. society. It is therefore imperative that services for resettled refugees are expanded and improved to ensure that all individuals have the skills and resources necessary to become self-sufficient in their new homes. For instance, more ESL classes (including for older learners who may need more time to master a foreign language) and career training (including professional writing and computer classes) are necessary to help refugees transition into the U.S. market economy. In areas where ESL courses are plentiful, providing additional social services stipends or childcare could make it possible for refugees to attend classes longer (or at all). Obstacles that deny public high school education for some refugee youth must be eliminated; stateless youth can very rarely provide documentation of their schooling back home (if they had access to public education) and refugees frequently face educational interruptions due to ongoing violence and persecution. In cities such as Utica, New York, refugees over the age of 17 have usually been rejected by the school district as being too old for high school, despite state law that requires the schools to provide an education until the age of 21. If resettled refugee youth do not fit within American public high schools, other options such as alternative schools or increased flexibility on the part of school districts to allow students to study in vocational programs are needed to fill that gap and ensure refugees have the educational foundation to attend college and/or attain decent employment. Useful models to consider are the Newcomer Program in Central New York State and its most recent iteration, the Apple program, which is a collaboration between the Mohawk Valley Resource Center for Refugees and the Utica City School District; these programs offer ESL courses and other training for refugee youth “caught in the middle of American life – in between high school and college or work – and aren’t ready for either” (Bader 2010). For elderly who would have difficulty passing the U.S. citizenship test, more should be done to help them apply for waivers or to develop programs that allow them to gain citizenship before their welfare benefits expire after seven years. Ultimately, it’s imperative that resettled refugees have the tools necessary not only for attaining self-sufficiency and accessing basic rights, but also for achieving a sense of purpose that may interview respondents said was sorely lacking in the refugee camps.

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1. This is a conference paper. Please do not copy, cite, or distribute without the authors’ permission. [↑](#footnote-ref-1)
2. All names have been changed in order to protect the privacy of interview respondents, in accordance with the researchers’ approved Internal Review Board (IRB) project proposal. [↑](#footnote-ref-2)
3. Article 15(2) of the UDHR further stipulates that no one shall be “arbitrarily deprived of his nationality” (United Nations General Assembly 1948). Article 24(3) of the 1966 International Covenant on Civil and Political Rights contends that “every child has the right to acquire a nationality” (United Nations General Assembly 1966). The 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness are key legal instruments for protecting stateless people around the world and reducing lack of legal nationality (see: United Nations High Commissioner for Refugees 1954 and 1961). Issues related to statelessness, such as access to birth registration and non-discrimination in nationality laws, are addressed in the Convention on the Elimination of all Forms of Discrimination Against Women (UN Women 1979) and the Convention on the Rights of the Child (United Nations High Commissioner for Human Rights 1989). [↑](#footnote-ref-3)
4. The task of dividing Bhutan’s population into ethnic categories is deeply problematic, although the Bhutanese government “aspires to a single cultural identity for the kingdom” (Hutt 2003: 4). Most accounts identify three main categories: the Ngalong in the west, the Sharchop in the east, and the Lhotshampa in the south. While much of Bhutan practices various styles of Buddhism, the southerners are mostly Hindus who speak the Nepali language. They are often referred to as “ethnic Nepalis” within Bhutan, although this categorization largely relates to histories of migration and does not fully recognize the complexities of ethnic sub-categories and processes of identity politics (Hutt 2003: 4-6). British colonialists referred to this group simply as “Nepalese” or sometimes “Gurkhas” (both terms failed to distinguish this group from “Nepalis” with different national identities), and since the mid-1980s the Bhutanese government has referred to Nepali-speakers with the Dzongkha term “Lhotshampa” (“South Bhutanese”). Members of this ethnic group itself generally refer to themselves as “Nepalis” or at “Bhutanese Nepalis” (Hutt 2003: 6). For the purposes of this paper, this group will be referred to as “Bhutanese-Nepalis,” since this was the term most commonly used by our interview respondents. [↑](#footnote-ref-4)
5. The Karen are the largest ethnic minority (sometimes referred to as “hill tribe”) living in the mountain range separating eastern Burma and northwestern Thailand. There are an estimated 4 to 6 million Karen living in Burma, with more than 400,000 Karen living in Thailand (Delang 2010: xi). [↑](#footnote-ref-5)
6. Family members were frequently placed into different categories, which later led to whole families facing displacement in order to protect one or more members. Interview respondents in our study regularly mentioned this categorization process as an example of government repression and cruelty. The seven categories were: F1 Genuine Bhutanese citizens; F2 Returned migrants; F3 Drop-out cases (such as people who were not available at the time of the census); F4 A non-national woman married to a Bhutanese man; F5 Adoption cases (children who were legally adopted); and F7 Non-nationals, such as migrants and illegal settlers (Amnesty International, as cited in Hutt 2003: 154). [↑](#footnote-ref-6)
7. Burma became an independent state in 1948 following years of colonial rule by Britain. A 1962 coup d’etat established a military-controlled socialist state; the military remained in power despite years of protests and rebellion from assorted dissidents. In 1989 the government officially changed the state’s name from “Burma” to “Myanmar” (although the authors of this article continue to use the term “Burma” in solidarity with Burmese human rights advocates and the country’s pro-democracy movement). Widespread public protests in the “Saffron Revolution” of 2007, led in part by Buddhist spiritual leaders, seems to have sparked a series of democratic reforms including the release of political prisoners such as Aung San Suu Kyi in 2010 and the opening of dialogue with countries such as the United States. (For country overview, see Central Intelligence Agency.) [↑](#footnote-ref-7)
8. Thailand has not signed the 1951 UN Refugee Convention, but it is still bound by the principle of non-refoulement – a prohibition in customary international law on returning refugees to any country where they are likely to be persecuted or where their lives are at risk. By forcibly deporting asylum-seekers and refugees in this situation, Thailand breached international law (Human Rights Watch 2008). [↑](#footnote-ref-8)
9. Relatedly, many older respondents face language barriers and are afraid they will fail the U.S. citizenship exam as a result. In many cases, they did not receive English lessons back home in preparation for resettlement. Now in the U.S., they do not receive adequate ESL training because they are too busy working paid jobs or caring for children, or because there is social pressure to save seats in overcrowded courses for younger language students. For some who are not literate in their own languages or are older, learning English is very difficult and their progress is slow. [↑](#footnote-ref-9)