BURMA: UNREPORTED BIA DECISIONS 2022-2023

By David L. Cleveland

Aril 30, 2024

EOIR, in response to a FOIA request, recently released unpublished BIA decisions about Burma. Here are summaries:

BIA DECISION DATED SEPTEMBER 7, 2023

 Respondent departed from Burma more than 20 years ago. Before that time, he had not suffered torture. He is a Rohingya Muslim, a group that suffers harm, but there was no evidence that he personally would be targeted for torture upon return. It is true that Muslims suffer harm in some parts of the country, but his mother and sister lived safely, without harm, in other areas. Respondent can go and live there.

Held: no asylum; no relief under the Convention Against Torture.

Comment of the author: this respondent did not indicate that his Muslim religion was particularly important to him, and that his freedom of religion would be restricted if he returned. This respondent did not express any political opinions in the United States. No member of his family in Burma suffered harm.

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BIA DECISION DATED AUGUST 1, 2023

 Respondent is a Karen ethnic, and a Christian. This places him at “some” risk of harm, if he returns. But, there are 7 million members of the Karen ethnic group; some suffered harm, but harm to this group is not “pervasive.” It is “not sufficiently widespread.”

He was in an area “where the Burmese military engaged in indiscriminate gunfire,” but no bullet struck him.

Yes, he “will likely be detained upon reentry to Burma and may encounter a military checkpoint within the interior, where incidents of torture have been reported.” But, there is no evidence that he, personally, would be tortured.

Held: no asylum; no relief under the Convention Against Torture.

Comment of the author: this respondent did not indicate that his religion was particularly important to him, and that his freedom of religion would be restricted if he returned. This respondent did not express any political opinions in the United States. No member of his family in Burma suffered harm. He did not show that large numbers of Karen-Christians suffered harm.

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BIA DECISION DATED JULY 5, 2023

Respondent is a Karen ethnic, who departed from Burma more than 20 years ago. As a child, he was “briefly” forced to be a porter; he witnessed acts of violence by the Army, and he lived as a displaced person, but this is not “torture.”

Yes, upon return to Burma, he will be processed “as an individual being deported from the United States.” But, there is no evidence that he would be tortured during this process.

Many Karen ethnics live in a particular area in Burma, where the military harms them. So, do not live there. Live somewhere else in Burma. Respondent did not show he was unable to live somewhere else.

Held: no asylum.

Comment of the author: this respondent did not indicate that his religion was particularly important to him, and that his freedom of religion would be restricted if he returned. This respondent did not express any political opinions in the United States. No member of his family in Burma suffered harm. He did not show that large numbers of Karen-Christians suffered harm.

 Some children who witness terrible things are scarred for life, and have psychological problems as adults, and seek psychotherapy. They submit a letter from their therapist, as evidence of their current suffering. This respondent did not do this.

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*More comments of the author*

The CIA published a report dated April 24, 2024 on Burma. [Open Google, and type in “cia burma”]:

“In 2021…..General Min Aung Hlaing launched a coup….[that] resulted in the detention of Aung San Suu Kyi and thousands of pro-democracy actors.”

There are several ethnic groups in Burma: *Bamar* people are 68% of the country;, *Shan* 9%, *Karen* 7%, *Rakhine* 4%, *Chinese* 3%, *Indian* 2%, *Mon* 2%, other 5% [the “*Chin*” ethnic group is not mentioned]

If you are not *Bamar,* you are a “minority.” “Ethnic minorities face substantial discrimination.”

There are several religions: Buddhist 88%, Christian 6%, Muslim 4%, Hindu 0.5%.

February 2024, the military government announced that the People’s Military Service Law requiring mandatory military service would go into effect; 18-35 years of age (men) and 18-27 years of age (women) for voluntary and conscripted military service; 24-month service obligation.

## About the Author

David L. Cleveland was the Chair of the AILA Asylum Committee [2004-05] and has secured asylum or withholding for persons from 48 countries. Based in Washington DC, he is available at <louise.trauma.ltc@gmail.com>