

VIETNAMESE ASYLUM-SEEKERS RESETTLEMENT, REPATRIATION, AND ASSISTANCE

By Le Xuan Khoa

Today, I have both a challenge and an opportunity to address an issue of great concern among refugee advocates. I am referring to the plight of some 40,000 Vietnamese asylum-seekers in Southeast Asian camps who have been denied refugee status and are now resisting a return to their homeland — either voluntary or forced.

It is a *challenge* to me because there are conflicting opinions, even among refugee advocates, on how to deal with the current situation in first asylum camps, which may burst into tragic incidents of violence.

It is also an *opportunity* for me, as a former refugee and as a long-time advocate for refugees and human rights, to suggest a solution to this tragic dilemma that is both *humanitarian* in nature and *realistic* in terms of resettlement, repatriation, and assistance.

The organization of which I am president, the Southeast Asia Resource Action Center, better known by the acronym SEARAC (once known as the Indochina Resource Action Center) is perhaps the oldest Southeast Asian refugee advocacy group in the United States. It was founded sixteen years ago to help as the numbers of refugees from Southeast Asia swelled during the great migrations of the 1970s and 1980s. We actively serve as an umbrella organization for more than 100 ethnic refugee mutual assistance associations throughout the country. We view ourselves as a voice and a resource for Southeast Asian communities in the United States — primarily Cambodian, Laotian, and Vietnamese.

SEARAC'S mission for the 1990s is to promote community empowerment and leadership development in the U.S. and to participate in the process of economic development, reconstruction, and human rights in Cambodia, Laos, and Vietnam. This new direction is in tune with changes in Southeast Asia in the aftermath of the Cold War, and mirrors the new era of positive relationships between the U.S. and the three countries of Indochina.

As for myself, I have been involved actively on behalf of refugees since I first arrived here after the fall of Saigon in 1975. The plight of my fellow-countrypeople has been my constant overriding concern, and it is this concern that has brought me before different committees and subcommittees of the Congress, and again brings me here today.

How did we arrive at today's dilemma? The background is complex and not always well-understood. It is closely tied with a 1989 international agreement, to which the United States was a party, called the Comprehensive Plan of Action. This Plan sought to resolve, once and for all, the problem of those refugees remaining in camps around the rim of Asia — in Malaysia, Indonesia, Thailand, the Philippines, and particularly Hong Kong.

The plan called for screening *by these countries of first asylum* to determine who were "true" refugees. For those "screened in," resettlement in third countries was to be permitted. But for those "screened out," return to their homelands — voluntarily or as a last resort forcibly — was envisioned.

Unfortunately, the screening was flawed in a number of cases. Inevitably, there were those who fell through the cracks of the system. This occurred because of a lack of uniformity among the screening countries, and instances of corruption and bribery, and also because of the physical difficulties of screening so many people. There are documented cases of refugee status being denied by the host countries to such patently obvious refugees as former political prisoners, former U.S. government employees, religious leaders, split families, and some people in compelling humanitarian situations. We call these the "egregious" cases.

The logic of the CPA was that once hope of third country resettlement was removed, those who were "screened out,"

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realizing they could not qualify as refugees, would voluntarily return home. Sadly, to prod people into such decisions, the host countries often reduced services in the camps.

The result was predictable. While some people have returned home, many others have asked for more time to make a decision. And with camp services deteriorating, conditions are ripe for the kind of reports we have all received — violence in the camps, violence by host country authorities against the refugees, violence between refugee groups, and self-violence, mutilation and even suicide. These incidents feed a sense of abandonment and hopelessness among the refugees that robs them of the ability to make reasoned judgements about their future.

Word of the original earmarking of thirty million dollars by the House in H.R. 1561 for re-screening, a well-intended gesture, spread like wildfire through the camps. Decision-making stopped, and everyone waited, exacerbating conditions even further. And while those in camps welcomed what they saw as new hope, the host countries strongly resented and opposed what they viewed as an impending violation by the U.S. of the CPA international agreement. Now, unfortunately, although the thirty million dollar earmark has been removed from the legislation, word of this removal is not understood or accepted in the camps or by many Vietnamese in the United States.

And so the uncertainty has taken on a new life, and has slowed down a resolution to this tragic problem.

Today, I would like to offer what I believe is a fair and realistic approach to this problem.

1. We must carry out a limited re-screening of a clearly defined body of cases which we see as "egregious." This should include former political prisoners, certain Nung ex-soldiers, former U.S. employees, religious leaders and dissidents, split families, and compelling humanitarian cases. Adequate records now exist to verify the claims of these individuals. This will involve negotiation with the host countries to permit the re-screening.
2. This re-screening must be done, not by the countries of first asylum, but by the countries in which the possibility of resettlement exists. For instance, former U.S. employees would be re-screened by U.S. authorities.
3. Third-country resettlement would be accomplished promptly for the newly-screened-in.
4. Meanwhile, countries of first asylum must restore services that make life bearable in the camps —

adequate food, water, shelter, and other services, and must halt coercive measures.

5. Once the review of egregious cases is completed and *bona fide* refugees have been resettled, decisions by those who remain in camp will become obvious — a return home.
6. But return home must be accomplished through a good system of monitoring and re-integration into their communities. Education must be provided for children deprived of schooling in the camps. Vocational training geared to the local economies must be undertaken. Health services, including mental health services, will be especially important for people confined for years in camps.

Before elaborating on these six points, I would also like to recommend that similar steps be taken on behalf of the Laotian refugees in Thailand. In addition, the U.S. Department of State should work with the Royal Thai government to achieve agreement that all Lao/Hmong now in Thailand who are qualified as refugees and eligible for resettlement in the United States should be permitted to depart for such resettlement. Our country needs to be involved in the existing monitoring and re-integration assistance program, which is currently limited to the capital city and its environs. Especially in the case of the Hmong and other Highlanders (who were our stalwart allies during the Indochina wars), and who would generally be returning to distant, inaccessible provinces, an extra effort of site preparation is required.

Regarding the elements of the proposal outlined above, I would like to comment briefly.

While the re-screening process ideally should be carried out in the first asylum countries (Track I), it is possible that these countries might resist re-opening the process. Therefore, refugee advocacy and resettlement circles in this country have discussed what we have come to call "Track II." Under Track II, those in camps would be returned to their home countries, where the re-interviews would take place much as the successful Orderly Departure Program has functioned. Those screened in would leave for third countries, and the others would be reintegrated into local society. The Track II concept, which has been developed into a full proposal by my three colleagues Lionel Rosenblatt, Shep Lowman, and Daniel Wolf, will be described clearly by one of the authors as a part of this hearing. Most refugee advocacy groups have agreed that Track II is the most workable approach to close down the Comprehensive Plan of Action and avoid setting off another serious crisis.

I cannot stress strongly enough the importance of monitoring and re-integration services, reinforced by written safeguards and guarantees, for those who return home.

SEARAC is a member of InterAction and has collaborated with many other Non-Government Organizations (NGOs). Together with the other NGOs, we have conferred regularly and worked closely with the Department of State with respect to this problem, in providing information and suggestions. The NGOs, many with a long history of work with refugees or in Vietnam itself, are eager to be involved both with the U.S. government and the United Nations High Commissioner for Refugees — all of whom have the same goal of fairness and human rights.

I do not see it as the role of SEARAC or other NGOs to coerce those in the camps to return home, but rather to provide accurate information to help them reach reasonable decisions. For those who do return home, the NGOs including SEARAC would be willing to carry out appropriate monitoring and the provision of needed services to help these needy people repair their lives.



Resettlement or Repatriation?

Another often-voiced concern has been the deficient human rights record of the Vietnamese government. We recognize this concern, particularly regarding the arrests of political dissidents and religious leaders, and view it seriously. However, in the case of people who returned from first asylum countries, numerous international observers — including human rights organizations and journalists who have visited Vietnam to investigate possible human rights violations among repatriated persons — have found no evidence of persecution. Late last year, a delegation representing InterAction's Committee on Migration and Refugee Affairs CPA Task Force visited Vietnam, and reported that "we received no information during our visit that the great majority of returnees had any reason to fear the [Vietnamese] government upon their return." They added "...the delegation believes that the vast majority of asylum-seekers would be better off returning home to Vietnam voluntarily."

As for myself, I have visited Vietnam several times since 1991. I also do not believe there is any systematized

discrimination or persecution. It is clear that the Vietnamese government, with the end of the Cold War, has moved from its hard-line Communist stance toward a free market economy. This month, by establishing diplomatic relations with the United States and becoming a member of ASEAN, the process of Vietnam's integration into the community of nations has been accelerated. As a result, there will be more opportunities to promote democracy and improve the human rights record of that country.

In the meantime, there is a crucial need to help those who have returned from first asylum countries. For the past several years, many small groups of young Vietnamese-Americans have set up their own programs, mobilizing their own resources, to provide assistance to both the returnees and non-returnees. None of these groups have identified any case of persecution.

In July 1993, with funding from the Department of State's Bureau for Refugee Programs and with the cooperation of Vietnamese-American volunteers, my organization started a reintegration assistance program to address the needs of repatriated asylum-seekers. These people, who have virtually nothing left for them upon return, need to be assisted in their effort to rebuild their lives. Education for children, employment for adults, and health care for all, especially the elderly, women, and children, are crucial needs to be met. By the end of that pilot project, we had provided some form of assistance to each one among 3,000 people, half of whom are returnees. This year, we expanded our program to five more provinces in the Mekong Delta, serving a target population of 6,500 returnees and 6,500 poor members of the local community. Our field experience has shown that by providing direct assistance to the returnees, the non-governmental organizations (NGOs) can also monitor their safety in a practical manner. In fact, we believe this *de facto* monitoring system is in some ways even more effective than the official monitoring system implemented by UNHCR.

We are at the final stage of the Southeast Asian refugee program. As a last humanitarian gesture, we must in good conscience close down this sad chapter of history in a practical and humane manner. The crucial role of NGOs should not be overlooked. Governments and the UNHCR must work in partnership with NGOs to achieve a peaceful repatriation program, to resettle the egregious screened-out cases, and to protect and assist the returnees to reintegrate successfully into their own societies.

Thank you for this opportunity to express my views.

Le Xuan Khoa is President of SEARAC and chief editor of *The Bridge*. This article is his testimony submitted to the House Subcommittee on Asia and the Pacific and the House Subcommittee on International Operations and Human Rights. The Congressional hearing was held on July 25, 1995.