

REFUGEE S.O.S. TASK FORCE

ỦY BAN TRANH ĐẤU CỨU NGƯỜI TỊ NẠN

CORRUPTION IN THE SCREENING PROCESS IN THE PHILIPPINES

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Boat people in Palawan Camp demonstrated against unfair screening, February 1994.

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INTRODUCTION

In 1989 the United Nations High Commissioner for Refugees (UNHCR) established the screening program in Southeast Asia for Indochinese refugees. A number of international organizations have publicly criticized procedural flaws in this screening program. However, two recent reports published by New South Wales Refugee Fund Committee [1, 2] are the first to deal with the problem of rampant corruption, which has severely affected the integrity of the UNHCR-sponsored screening program and has jeopardized the very people that the UNHCR is to protect.

Many Vietnamese asylum seekers with compelling refugee claims but unable to meet the monetary or sexual demands of screening officials have been denied refugee status despite the severe mistreatment they had suffered in Vietnam. Now considered as "economic migrants" they are not eligible for resettlement in a third country and must return to Vietnam.

To rid the camps of these asylum seekers, the UNHCR has championed a policy of deprivation to make camp conditions so unbearable that the immediate hardships would overshadow the risk of future persecution in Vietnam. Even so, this policy has failed to clear the camps of asylum seekers. Thousands of wrongly screened-out refugees continue to resist repatriation at all costs and with every possible means. Some have committed suicide to avoid forced repatriation.

As first asylum countries are determined to clear the camps before year end, violence and bloodshed are almost inevitable. In February 1994, the Philippine Government sent hundreds of marines into Palawan Camp to violently break up a peaceful demonstration protesting against unfair screening. Two months later, 3,000 Hong Kong police officers attacked demonstrators in Whitehead Detention Centre. Then in October, 3,000 Indonesian soldiers assaulted demonstrators in Galang Camp, Indonesia. Over 200 suspected leaders of the demonstration have been imprisoned ever since.

In March of this year, Thailand incarcerated some 1,500 asylum seekers for refusing to sign up for "voluntary" repatriation; some 150 of them were brutally beaten. In May, Hong Kong sent in 2,000 policemen to subdue 1,500 asylum seekers resisting deportation. Also in May, hundreds of Malaysian soldiers clashed with asylum seekers in Sungei Besi Camp who protested against unfair screening decisions and the policy of forced repatriation.

At the root of the explosive situation in first asylum camps throughout the region are injustices in screening. At the root of these injustices is the UNHCR's failure to enforce its protection mandate. The UNHCR now conceals its failure under the pretense that the problem does not exist.

This report proves the contrary.

THE SCREENING PROCEDURE

In 1989, representatives of over 70 governments attended the Second International Conference on Indochinese Refugees. The Conference was convened in Geneva by the UNHCR. The participants formulated the Comprehensive Plan of Action (CPA) with the intent to bring the Indochinese refugee program to a fair, humane and dignified closure. Under the CPA, all Vietnamese boat people arriving in first asylum countries after a certain cutoff date are to be "screened" by local governments in accordance with the 1951 Convention and 1967 Protocol Relating to the Status of a Refugee. Recognized refugees are resettled while non-refugees must return to Vietnam. The UNHCR is tasked with overseeing the implementation of the CPA, including the screening process. To enhance its monitoring role, the agency is vested with the "mandate" authority to grant refugee status to asylum seekers who are wrongly denied refugee status by the first asylum governments.

In the Philippines, the Task Force on International Refugee Assistance and Administration (TFIRAA) has been set up to screen Vietnamese boat people arriving in the territory after the cutoff date of March 21, 1989 in a multi-stage procedure.

1. Pre-screening interviews are conducted by the UNHCR to collect biographical data and supporting documents via questionnaires. This material is then passed to the Bureau of Immigration (BI)--previously known as the Commission on Immigration and Deportation (CID).

2. A BI officer conducts an interview with the asylum seeker, supposedly in the presence of a UNHCR representative whose task is to ensure the quality of screening. The BI officer makes decision on the refugee status of the asylum seeker.

3. If denied refugee status, the asylum seeker has the right to appeal to the Appeal Board, which comprises officials from several governmental departments and a UNHCR representative.

4. The UNHCR has the mandate authority to grant refugee status to the asylum seeker in case of faulty appeal decision.

This multi-stage procedure was designed to guarantee fair screening, with UNHCR serving both as the monitoring authority and as the safety net.

RAMPANT CORRUPTION

In practice, the screening process suffers from many defects, such as the lack of competent interpreters, the unavailability of legal assistance to the vast majority of asylum seekers, the inexperience of BI officials conducting the screening and of UNHCR lawyers overseeing it, and rampant corruption. Their combined effects have severely affected the integrity of the screening program, and the CPA in general. Many genuine refugees--wrongly denied refugee status--are at risk of being deported to their place of persecution.

The case of Do Van Qua, a former Air Force second lieutenant of South Vietnam, should illustrate the impact of corruption on the quality of screening decisions and how it has affected asylum seekers. According to his signed testimony, Qua's entire screening

interview lasted only seven minutes. During this brief moment, his interviewer, Rosario B. Teano, only inquired him about his financial conditions, his U.S. relatives, how much money he received from them monthly, and whether he had any other sources of income. Finally, she asked him, brazenly, how he would repay her if she bestowed him refugee status.

Qua did not have the chance to present his claims. In 1975, Qua was sent to two and a half years in a Communist "re-education" camp. Afterwards, he was forced to move to a New Economic Zone (NEZ) deep in the jungle. He became extremely ill after being forced to handle a deadly toxin. In 1984, he fled to Saigon where he was denied all employment opportunities and his children were not permitted to continue their education. He was imprisoned a second time for two years for trying to escape Vietnam. When again ordered to the NEZ, he had no choice but to flee Vietnam.

Qua has a sister in the United States who could help him "buy" refugee status, but he refused to pay Teano, counting on his strong refugee claims. Teano denied him refugee status on the ground that *"the difficulties that [he] had gone through like his being re-educated... his going to the NEZ and the confiscation of his house are just consequences of the change in government."* Without having asked Qua about his refugee claims, she apparently lifted information from the UNHCR's pre-screening interview to concoct her screening decision. Qua's appeal was also rejected.

In its testimony before the Foreign Affairs Subcommittee on Asian and Pacific Affairs on November 5, 1991, Boat People S.O.S. cited the case of Do Van Qua as an illustration of the flawed screening in the Philippines. Thanks to the strong intervention of this subcommittee, the UNHCR agreed to review his case under its mandate authority. Qua was granted mandate refugee status on March 31, 1993.

He was among the very few lucky ones. Out of the thousands of cases in the Philippines, UNHCR has granted mandate refugee status to fewer than 20 cases. The problem affecting the entire screening process, and thousands of asylum seekers in Palawan, remains mainly unresolved and its consequences uncorrected.

1. The corruption racket

Corruption started as soon as screening took place in Palawan Camp. Discreet deals between individual screening officials and asylum seekers rapidly evolved into a thriving, well organized operation involving top BI officials in Manila, screening officials in Palawan, their agents inside and outside the camp, contacts overseas and a number of UNHCR lawyers in Palawan and Manila. One of the key members of this corruption network was Associate Commissioner Leonardo C. Aguilar.

Screening officials came to Palawan in teams of four to nine persons at a time for a tour of duty of three months. Some came back for a second or third tour of duty. Each team had its own leader, set its own rules and prices, and shared the proceeds of corruption. The prices ranged from a few hundred to a few thousand US dollars at the screening stage and higher at the appeal stage. In one extreme case, an American citizen

from Southern California was demanded \$20,000 for a positive decision on the appeal of her nephew.

Some teams were cautious--using middle-persons to make deals with the asylum seekers in advance, while others blatantly made their demands at the screening interviews. Do Van Qua's experience was not atypical in Palawan. Screening officials often spent most of the interview probing the asylum seekers' ability and willingness to pay for refugee status.

Rosario B. Teano, Qua's screening officer, was the leader of her screening team. For each transaction, she took half of the proceeds and the other half went to the screening official who conducted the interview. Teano was so aggressive and open in demanding bribes that by mid-1991 the UNHCR had to request the Philippine authorities (the Western Command) to post a guard keeping watch in front of her house. Teano paid off the guard and then conducted her business as usual.

In many instances, male screening officials demanded sexual favors from female asylum seekers as a condition for granting refugee status. The demands were sometimes made during the interviews, in the presence of interpreters and the victims' family members. Those who gave in had to offer their bodies for one or several nights, as determined by the screening officials. In a well publicized case, Renato O. Orlanda, once told a young woman--now living in California--during the screening interview that her fate was in his hands and that she would be screened in only if she agreed to have sex with him. Despite her strong refugee claims, she had to comply with Orlanda's sexual demand lest she be denied refugee status. (She had suffered severe persecution in Vietnam due to the fact that her father, a Major of South Vietnam, had escaped to the United States.)

After being screened in as a refugee and out of harm's way, this young woman tearfully reported the incident to the Vietnamese Camp Committee, which in turn demanded that the UNHCR prosecute Orlanda. Naoko Obi, head of the UNHCR Field Office in Palawan, filed a complaint against Orlanda. The BI assigned Leonardo C. Aguilar, who played a leading role in the corruption network, to conduct the investigation into Obi's complaint. (See Appendix A: "Immigration officer to be probed," Philippine Star, October 28, 1991.) Several months later, Obi was transferred out of the Philippines and corruption continued to flourish.

The limited tour of duty, apparently designed to reduce the chances of corruption, actually rendered the situation worse. Screening officials felt compelled to maximize their earnings during their three-month stay in Palawan. And so they did. They took advantage of the extensive network of middle-persons already in place in Manila and Palawan. These agents included interpreters--hired from the camp population by the UNHCR, in violation of the "Procedures", BI officials, local Filipinos, and a number of UNHCR employees.

Several UNHCR-provided interpreters were active members of the corruption racket. They helped arrange meetings for screening officials and their "clients" at the near-by city of Puerto Princesa, where many transactions actually took place. These interpreters often charged the asylum seekers a commission because they too had to pay for their refugee status. Some of the interpreters also made regular visits to Manila, serving as liaisons between BI officials and their "clients" in Palawan. Through them, asylum seekers without

money at the time of their interviews could still pay BI officials anytime before the screening decisions were released. Without the collaboration of these UNHCR-provided interpreters, corruption could not have occurred to such an extent as in Palawan.

Whether they took part in the racket or not, all interpreters were fully cognizant of the sexual and monetary demands made by screening officials during the screening interviews. Several of these interpreters, who have resettled in a third country, confirm that practically all BI screening officials coming to Palawan were involved in corruption.

An official known to asylum seekers as "Akado" was among the key BI contacts in Manila. Akado sent a regular envoy to Palawan to connect with potential "clients" and instruct them on how to travel to Manila for a personal meeting with Akado. This envoy took as commission 30% of the 1,500 to 2,000 US dollars normally charged by Akado. In at least one case, Akado had charged as much as \$4,000 for a positive screening decision.

Through the arrangement of agents like Akado and his envoy, hundreds of asylum seekers had trekked to Manila to pay the bribes demanded by screening officials. Nguyen Khoi, now living in Florida, was among these "trekkers". He had to travel to Manila to pay his dues to Marietta Sebastian, his interviewer. After taking the money, Sebastian told Khoi to pass her message to another asylum seeker, Pham V. Dung, that he must come and pay her \$400 or she would screen him out. Having no money, Dung had to seek the intervention of his friend Captain Rodriguez, administrative assistant to Camp Commander General Braulio Balbas. Dung was later screened in thanks to the General's intervention. He is now living in Seattle, Washington, and is willing to testify against Sebastian.

There were also several Vietnamese-Filipinos who acted as agents for BI officials. One such agent was "Rene", owner of a coffee house in Palawan Camp. His shop was a preferred place for screening-related contacts and transactions. Rene also approached young women on behalf of BI officials with proposals of sexual favors in exchange for refugee status. Pham Thach, now in Denmark, paid "Rene" \$1,000 for his refugee status. Another such operator was Mai-Lan, living in Manila. She made frequent visits to Palawan seeking potential "clients" for Leonardo C. Aguilar, the Associate Commissioner at BI.

This corruption network also had contacts overseas. In the United States, for example, their primary contact was David Tran Kennedy, owner of Tran Associates, Inc., a travel agency in Orlando, Florida. This person had reportedly "helped" some 200 cases in Thailand, Indonesia, Malaysia and the Philippines, charging from \$3,000 to \$7,000 per case. He boasted personal contact with Sri Wijeratne, UNHCR Representative in the Philippines. It has been confirmed that he paid several visits to Wijeratne in Manila between 1990 and 1991.

Appendix B lists a number of corrupt BI and UNHCR officials and some of their victims. A more extensive list will be published in a follow-up report.

2. The role of the UNHCR

Under the CPA, the UNHCR has the putative role of guaranteeing fairness and integrity in screening, serving both as the watchdog and the safety net. Its duty includes

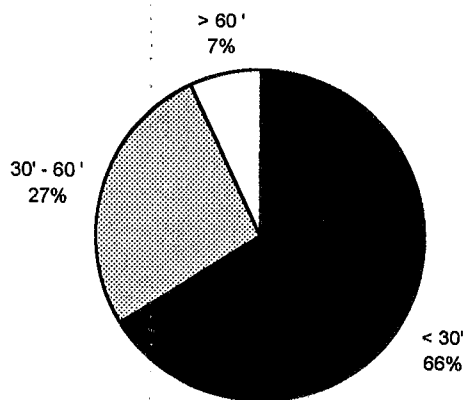
pre-screening orientation for the asylum seekers, monitoring the screening interviews, and intervening in cases of mistakes or abuses. In practice, the UNHCR has lost control of the screening process. Some of its own officials were also involved in the corruption racket.

At the UNHCR pre-screening counseling sessions, asylum seekers were not informed of the screening procedure, refugee criteria or how best to present their claims. Instead, UNHCR officials asked some cursory biographical questions and told the asylum seekers to sign a blank sheet of paper, to be later filled out by the UNHCR interviewer and passed on to BI screening officials. The asylum seekers were never allowed access to this pre-screening interview record. (In July 1991, a small group of asylum seekers--supported by lawyers from the United States and Canada--challenged the legality of the UNHCR's blocking access to their own records. Naoko Obi, UNHCR Field Officer, told the lawyers that she would let two asylum seekers take a look at their records. However, she repeatedly found excuses to delay her meeting them. After the American and Canadian lawyers had departed from Palawan, she then told these two asylum seekers that UNHCR's authorization for access had been withdrawn.)

This practice made the asylum seekers totally vulnerable to money and sex extortion by BI screening officials. Without access to the UNHCR's records, the asylum seekers could not clarify misinterpretation of their claims or correct omissions in the pre-screening records. On the other hand, screening officials could easily identify targets for extortion based on UNHCR dossiers, which contain the biographical profile of each asylum seeker, listing his or her relatives in Vietnam and overseas.

The biographical information contained in the UNHCR's dossiers, although cursory, could also be conveniently used by screening officials to justify their decisions, without having to actually question asylum seekers about their refugee claims. Most of the screening interviews therefore lasted less than half an hour, including the time to translate from English to Vietnamese and vice versa. In February 1993, the Vietnamese Camp Committee conducted a survey on a sample of 611 cases, or 20% of the caseload in Palawan at the time. According to this survey, in 66% of the cases, the interview lasted less than 30 minutes. Those taking between 30 and 60 minutes made up 27%. In only 7% of the cases did the interview take more than one hour.

Duration of BI screening interview



The faulty UNHCR records also laid the ground for corruption at the appeal stage. Any discrepancy between the asylum seekers' appeals and the UNHCR's pre-screening records could be used by BI officials as evidence against them, unless they agreed to pay bribes. The asylum seekers were completely vulnerable and defenseless as they could not reconcile or explain discrepancies between the story presented in their appeals and the UNHCR's records, which they never had access to.

A second factor aggravating the problem of rampant corruption was the UNHCR's failure to properly monitor the screening interviews. The "Procedures on the Determination of Refugee Status" agreed upon by the UNHCR and the Philippine Government specifies that *"the status determination interview shall be conducted in the presence of a representative of the UNHCR who shall remain as an observer and shall not in any manner participate in the proceedings."* In practice, the UNHCR was rarely present at the screening interviews. According to the same survey conducted in 1993, in 89% of the cases, the UNHCR was reported to be absent at the screening interviews. In the remaining 11% of the interviews, UNHCR officials hopped among simultaneous interview sessions, only staying briefly in each.

According to James A. Gibbon, a lawyer with the Jesuit Refugee Service (JRS) legal team in Palawan, the UNHCR's absence during screening interviews facilitated the occurrence of corruption. He wrote in a report dated July 1992 [3]:

"Status determination interviews are to take place in the presence of a UNHCR representative but JRS has been informed that this is rarely observed. The UNHCR Field Officer apologised recently because a UNHCR representative who should have been at a pre-interview was not present. The presence of a UNHCR representative is mandatory and there is no doubt as to the reason for their presence. They are there to protect the asylum seeker and the system. It has been alleged that invitations to corruption often took place in the interview situation."

The "Procedures" also stipulated that UNHCR-provided interpreters, *"as much as possible, shall not come from the arrivals in the first asylum camp."* There are good reasons for such a stipulation. In addition to the issue of competence, interpreters selected from the camp population were not sufficiently insulated from conflicts of interest. They had to cooperate with the screening officials to win their favor and eventually refugee status. They had many acquaintances and close contacts among the camp population whose interests or offers they could not ignore. Disregarding this common-sense precaution, the UNHCR selected virtually all of its interpreters from the camp population. Combined with the absence of UNHCR lawyers to monitor the screening interviews, employment of asylum seekers as interpreters rendered corruption inevitable.

The quality of screening was further compromised by a number of UNHCR lawyers who also demanded bribes in exchange for assistance at the appeal stage. Adopting the common practice in the region, the UNHCR employed many local lawyers to oversee the screening process. The UNHCR argued that this would help foster understanding and cooperation between the UNHCR and the local screening officials. It has instead spawned

collusion between some UNHCR lawyers overseeing the screening process and BI officials conducting the screening.

At least two UNHCR lawyers are known to be involved in corruption. Alberto P. Din, nicknamed "Bogs", has accepted bribes of up to \$1,000 per case in exchange for his assistance at the appeal stage. In 1994, the UNHCR transferred Bogs to Thailand, where he oversaw the screening process in Sikiew Camp. Rosario M. Valenciano, nicknamed "Pinky", was more discreet, usually taking bribes in the form of expensive jewelry.

Corruption committed by UNHCR employees is a fact known to asylum seekers and many camp workers. Roy Pollard, working for the Franciscan Mission Service in Palawan from 1992 to 1994, reported that [4]:

"Some of [the asylum seekers] are veterans of the South Vietnamese Republican Army, government officials of the South Vietnamese Republic, or religious leaders who were denied refugee status because they would not give in to dubious conditions of those who were employed by UNHCR. There were many grievances brought against UNHCR employees who were working with the screening process, but these cases were overlooked. One official was transferred to another refugee camp in Africa. Several women reported that he had asked them for sexual favors in return for refugee status. Others were asked to pay \$1000 or more to receive refugee status. Although this was brought to the attention of UNHCR, nothing has been done to correct this injustice. People were denied refugee status because they refused to pay bribes or to sleep with the person interviewing them."

Under the CPA, the UNHCR's mandate authority to correct mistakes in screening serves as a safety net. The agency has, however, exercised this mandate authority fewer than 20 times in the Philippines and only because of strong external pressure. When it did, it often withheld the mandate decisions for several years. In the case of Phan Huu Tien, for example, the UNHCR granted him mandate refugee status in October 1992 but only released the decision in October 1994 under international pressure. This has resulted in Tien's prolonged detention in the camp and separation from his wife and child, both of whom had been screened in and resettled in Norway. Do Van Qua--the Air Force second lieutenant wrongly screened out by Teano--had to wait for eighteen months for the UNHCR's mandate decision to be released.

The UNHCR explains its reluctance in exercising mandate refugee status as a caution against "false hopes" so as not to hinder its repatriation program. However, it stands to reason that face-saving might be a factor. If the UNHCR were to overturn a large number of decisions, this could be construed as an admission of failure to properly monitor the screening process in the first place.

3. The consequences

As screening is seriously rigged by corruption, the screening decisions often do not correlate with the strength of the asylum seekers' claims. In the case of Nguyen Truyen, 26, BI official Renato J. Mabololo granted him refugee status despite the lack of a well-

founded fear of persecution: *"Taking into account the subjective fear against the objective situation in Vietnam, there is no reasonable likelihood of persecution. Persecution happened during the communist takeover but at present there is no proof that a well founded fear of persecution still exist. Due to the presence of all the elements of the definition of refugee as enunciated in the 1951 Convention and its 1967 Protocol, I recommend that applicant be granted refugee status."* (See Appendix C.)

In contrast to Nguyen Truyen, Nguyen Dang Quang, 63 and a former Warrant Officer of South Vietnam, had experienced imprisonment and house arrest until his escape from Vietnam for his membership in an anti-government organization headed by several Catholic priests. He was denied refugee status by Rosario B. Teano for the following reason: *"His difficulties only started when he was involved in an anti-communist activities. He was closely watched and monitored after that, but this could not be a form of persecution. It's but normal for every state to monitor the activities of violators, in the exercise of police power, to avoid repetition of similar offense."* (See Appendix C.)

In another case, a former Catholic nun was screened out when Teano's demand for additional payment was not met. In 1988, Kim N. was arrested for celebrating the Vatican's canonization of Vietnamese martyrs, in defiance of the Communist Government's ban. Several other members of her church were also arrested and one died in prison. Kim was interrogated and raped by police officers. After her release from prison, she obtained permission from her Mother Superior to return to secular life because her vow of chastity had been broken. In 1989, she was re-arrested on suspicion of anti-government activities. When she was released after three days of investigation, Kim escaped to the Philippines.

Teano gave the following reason for her screening decision: *"Applicant alleged having been sexually abused by some police officers while she was abused. While this may be true, she could hardly present material proof for it. Moreover, this is a criminal offense committed by said police officers. She could have filed a case against them. The alleged 'molest' happened in 1988 where judicial system in Vietnam is already at work. She also claimed having been detained on the ground of her religious activities. It is true that the SRV [Socialist Republic of Vietnam] government regulate one's right to religion in Vietnam but it does not totally curtail such right. What the government of the SRV prohibits are those religious activities which run counter to its policies. Applicant failed to establish the criteria for refugee status, hence, the Denial of her application."* (See Appendix C.)

The real reason was much more profane. Kim had been advised by an agent to pay Teano for refugee status. Kim did pay \$2,700 for herself and four relatives. The four relatives were screened in but Teano withheld her decision on Kim, demanding a US \$1,000 surcharge. Kim rejected her demand and was screened out. She was eventually granted refugee status on appeal thanks to the personal intervention of Cardinal Sin. Kim is willing to testify against Teano.

The comparison of screening decisions issued by the same screening official would be even more revealing. Many cases with practically identical claims have been ruled

differently. Worse yet, many strong claims have been rejected while much less compelling ones have resulted in refugee status.

As an example, Maximiano Cagalawan granted refugee status to Lam My Hoa, a 22-year old woman. As an ethnic Chinese, she was denied admission to college and denied family registration. She had to work illegally to earn a living. Cagalawan wrote in his decision: "*The undersigned believed that applicant's loss freedom to study and dignity to work legally by reason of her bad family background which necessarily to qualify her as refugee under the 1951 Convention and the 1967 Protocol.*" (See Appendix C.)

The same screening official, on the other hand, denied refugee status to Do C., an asylum seeker who had spent 5 years in prison for anti-government activities (his brother-in-law, also his leader, was executed). After his release from prison in 1982, Do was put under police surveillance until his escape from Vietnam. He was denied of all legal employment and must earn his living illegally as an errant mechanic. Immediately prior to his escape in 1989, he was again investigated by the security police for suspected involvement in another anti-government organization. Cagalawan's reason for denial of refugee status reads as follows: "*It appears... that applicant did not have any major problem with the authorities until his escape in 1989, even if he were imprisoned for a crime to overthrow the government (a criminal offense against the state).*" (See Appendix C.) Although compelling, Hoa's refugee claims are by no means comparable to Do's. Yet, the latter was denied refugee status.

Rodrigo C. Pedrealba interviewed two asylum seekers, Tran Thi My-Lien and Tran Anh-Dung, on the same day. Although they had practically identical family background, one was screened in and has resettled in the United States. The other was denied refugee status and died in the camp because of the lack of medical services.

My-Lien, 22, was persecuted because of her family background--her father being a captain in the South Vietnamese army. She was allowed to continue her education to grade 12 but was denied admission to college. She defied the authorities' order to relocate to the NEZ and was therefore banned from legal employment. Pedrealba recognized her as a refugee and explained his decision as follows: "*Based on the above facts, the undersigned finds that the applicant has a well-founded fear of persecution. The applicant has been seriously restricted in her right of access to normally available educational facilities and that she was unfavorably treated which was prejudicial to her as a citizen of Vietnam in that the authorities refused her a family book due to her father's military background which is tantamount to discrimination.*" (See Appendix C.)

Like My-Lien, Anh-Dung, 29, had a "bad" family background. He was evicted from school at 14 and sent to hard labor in the NEZ, a form of Vietnamese gulag. Anh-Dung contracted malaria and had to escape from the NEZ to seek medical treatment. He led an errant life in Nha-Trang City, selling rice and other staples without permission. He was repeatedly arrested by the security police and sent to hard labor. Fleeing Vietnam was his only way to escape from such a miserable existence. On his refugee claims, Pedrealba decided that: "*the undersigned could not find any form of persecution suffered by him. The applicant does not manifest any fear for his existence in Vietnam because his arrests*

were valid. His family have not been subjected to any prejudicial treatments and are living a normal life in Vietnam." (See Appendix C.)

That My-Lien deserves refugee status is not the issue. The issue is Anh-Dung's being denied refugee status although his family background is practically the same as My-Lien's. In fact, they are brother and sister, who escaped together to the Philippines and were interviewed on the same day by Pedrealba. The only difference was that Anh-Dung had suffered much more than his sister. (At a meeting in Geneva in October 1991, Boat People S.O.S. presented Anh-Dung's case to Jamshid Anvar, Director of UNHCR Bureau for Asia and Oceania, as illustration of unfair screening and requested that it be reviewed. By the time Anh-Dung died of an asthma attack on December 7, 1993, the UNHCR had not yet decided on whether to review his appeal.)

Additional sample screening decisions can be found in Appendix C.

CONCLUSION

Faced with a corrupt and flawed screening process, some conscientious UNHCR officials have tried to rectify the situation; but have failed. In the case of Naoko Obi, not only was she transferred out of the Philippines, but most of the cases she had supported on appeal were also rejected by BI officials in their show of defiance. Nguyen Dang Quang, the 63-year old former Warrant Officer, is among those caught in the skirmish. Obi had agreed to help Quang appeal the unfair decision. She personally interviewed him a number of times. Soon after Obi's transfer, the Philippine Government upheld Teano's screening decision. Quang again lost his bid for refugee status.

After a few failed attempts to regain control of the screening process in the Philippines, the UNHCR has chosen the path of least resistance to dealing with the problem: It pretends that the problem has never existed and exerts itself to send all asylum seekers home.

In a meeting with the Vietnamese-American community in San Jose on January 12, 1994, Werner Blatter--succeeding Jamshid Anvar as Director of UNHCR Bureau for Asia and Oceania--expressed surprise and outrage when the audience brought up allegations of corruption in screening. *"It is appalling, absolutely appalling, that such a thing exists,"* he said. *"We would never subscribe to such practices"* [5]. Surprisingly, Naoko Obi, the UNHCR field officer who had unsuccessfully denounced corruption in Palawan, was at the time serving as Senior Legal Advisor to Blatter.

Toeing the same official line, in a recent interview with an American journalist, Merida Morales-O'Donnell, UNHCR Representative for the Philippines, defended her agency's stance: *"The screening process was carried out with all guarantees. It was very, very fair. We are very, very pleased with the screening"* [6]. She added that since all boat people in Palawan had been screened out as economic migrants under a "very, very fair" procedure, they have no choice but to go home, and the sooner the better.

In a leaked document [7], the UNHCR laid out the blueprint to clear Palawan Camp: medical service was to be reduced, education cut, freedom of movement curtailed, and

outside assistance restricted. This blueprint has been implemented. Since Summer 1993, in-patient medical services have been denied to asylum seekers. This has led to the death of Tran Anh-Dung, whose younger sister was screened in while he was not, and of several other asylum seekers. Since April 1994, all classes, including primary classes, have been banned. And since January 1995, the camp authorities have required that boat people obtain special permission to leave the camp, all mail be inspected, and overseas remittances be confiscated.

These measures, however, have failed to clear Palawan Camp at a rate acceptable to the UNHCR. This U.N. agency recently promoted a more forceful approach, calling for and secretly agreeing to finance military operations to deport Vietnamese boat people (Appendix D). Declaring that screening has been "very, very fair" despite ample evidences and its knowledge to the contrary, the UNHCR attempts to set the stage for the forced deportation of refugees. In the words of Merida Morales-O'Donnel, "*they aren't refugees. We aren't responsible for economic migrants. We would like that they go while we're here, when they get counselling, support and money. But we will pull out by the end of ninety-five. If forcible return takes place before then, we won't be involved. The population in Palawan are illegal aliens, and by international law any country can deport illegal aliens.*"

Victims of persecution find themselves doubly victimized.

REFERENCES

1. *Report on Corruption in the Screening Process under the Comprehensive Plan of Action in Galang Camp, Indonesia*, NSW Refugee Fund Committee, 20 August, 1994
2. *Hard Evidences of Corruption in Screening under the Comprehensive Plan of Action*, NSW Refugee Fund, December 28, 1994
3. *A Report on the Work of the Jesuit Refugee Service Legal Team at the Philippine First Asylum Camp, Palawan, from January to June 1992*, James A. Gibbon, July 1992
4. *United Nations High Commissioner for Refugees 'UNHCR': Helper or Oppressor?*, Roy Pollard, Franciscan Mission Service, November 18, 1994
5. *Refugee camps access sought*, Ken McLaughlin, San Jose Mercury News, January 13, 1994
6. *The Boat People*, Philip Gourevitch, Granta, April 1995
7. *Social Services Mission to the Philippines*, Christine Mougne, UNHCR Senior Regional Social Services Officer, December 3, 1992

Immigration officer to be probed

Commissioner Andrea Domingo of the Bureau of Immigration (BI), ordered yesterday the investigation of a complaint filed by the United Nations High Commissioner for Refugees (UNHCR) against an immigration regulation officer (IRO) for alleged extortion and sexual harassment.

Domingo directed Associate Commissioner Leonardo Aguilar, who is also the resident ombudsman, to initiate the investigation.

The name of the IRO was withheld pending the filing of charges against him.

The UNHCR said the IRO was among the nine immigration personnel who went recently to Palawan Refugee Camp to screen Vietnamese asylum seekers.

In its complaint, the UNHCR said the IRO asked US\$600 from about 50 applicants who want their applications for refugee status approved.

Aside from this, the UNHCR said the IRO reportedly forced two Vietnamese women to sleep with him in exchange for the approval of their applications.

Approval of the refugee status application is the basis of the UNHCR to resettle a refugee in any of resettlement countries like the US, Canada and Switzerland.

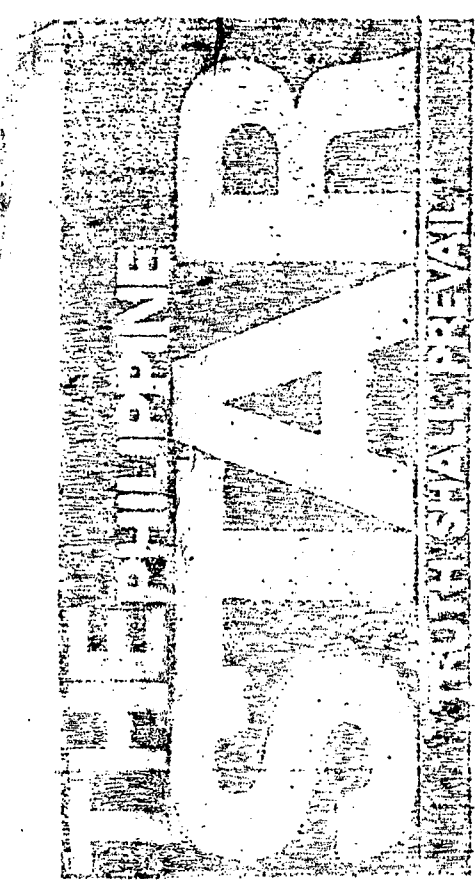
The BI screening committee determines whether the refugees living in refugee camps in the Philippines are victims of political or religious persecution or are merely economic migrants.

.. Weng Oefemia

3 SECTIONS, 32 PAGES

MONDAY, OCTOBER 28, 1991

ALL VINO. 93



APPENDIX B**Partial List of Local Officials and UNHCR Lawyers Involved in Corruption
in the Screening Process in the Philippines****1. Rosario B. Teano, Human Resource Management Office, Bureau of Immigration**

Kim N. gave a ring valued at \$300 and \$2,400 in cash to Teano and Lilybeth Yambao for the refugee status of herself and her four relatives. Her relatives were screened in. Teano then demanded an additional \$1,000 from Kim. The latter refused to go along and was screened out. She was later granted refugee status on appeal thanks to the special intercession of Cardinal Sin. Others in Teano's team sharing the corruption proceeds with her: Rebecca F. Calatrava, Virgilio R. Hernandez, Gealicia M. Nunezca, Luzviminda G. Molina, Nelson Jovellane, Lilybeth M. Yambao and Otaga.

2. Renato O. Orlanda, Immigration Regulation Officer III

Nguyen Hung, now in Canada, had to pay him \$600. Hung was interviewed the second time when BI "lost" his asylum dossier. He had to pay Orlanda a second time. He also had to pay \$500 for the refugee status of his fiancée. Orlanda has coerced many young women into sleeping with him in exchange for refugee status.

3. Marietta Sebastian, Immigration Officer

She demanded Pham V. Dung \$400 as the fee for his refugee status. Unable to come up with the money, he reported to Captain Rodriguez, administrative assistant to General Balbas, the Camp Commander. Thanks to the General's intervention he was eventually granted refugee status and has resettled in Washington State.

4. Renato A. Tapiador, Law & Investigation Division, Bureau of Immigration

Nguyen D. Xao had to pay Tapiador \$4,000 for refugee status. Xao is now living in the United States. Dong S. Hoi, now in Houston, had to pay \$1,000 to Tapiador.

5. Victor Fergee, Immigration Officer

Fergee demanded L. H., now living in Arizona, \$2,000. At H.'s pleading, he agreed to reduce it to \$1,000. Concerned for the safety of his family members still in Palawan, H. would like to conceal his identity.

6. Luzviminda G. Molina, Immigration Officer

L. H. had to pay her \$700 in addition to the \$1,000 paid to Victor Fergee.

7. Jaime S. Hachero

Anthony Dinh, an American citizen in Houston, Texas, had to pay him \$2,700 for the refugee status of his brother and sister-in-law.

8. Lilybeth M. Yambao, Immigration Officer

Ngo Nam and his three relatives had to pay a total of \$2,400 to Teano, via Yambao, in exchange for a positive screening decision. He also had to pay \$100 in commission to Teano's operator, an interpreter provided by the UNHCR. Nam is now living in Toronto, Canada. Two of his relatives, Ngo Dung and Ngo Hai, are now residents of Santa Ana, California, and one, Pham Phan, has resettled in Australia.

9. Alberto "Bogs" P. Din, UNHCR legal consultant

Vo T. Loc had to pay Din \$1,000 for UNHCR's assistance during the appeal stage. Phan Quy also had to pay Din for his support.

10. Rosario "Pinky" M. Valenciano, UNHCR legal consultant

Valenciano took "gratuity" in the form of expensive jewelry from many asylum seekers in exchange for helping them gain refugee status, primarily on family unity ground.

Note: An updated list will be published in a follow-up report.

APPENDIX C

SAMPLE DECISIONS

1. Decision of Renato J. Mabolo granting refugee status to Nguyen Truyen
2. Decision of Rosario B. Teano denying Nguyen Dang Quang refugee status
3. Decision of Rosario B. Teano denying Kim N. refugee status
4. Decision of Maximiano Cagalawan, Jr. granting refugee status to Lam My Hoa
5. Decision of Maximiano Cagalawan, Jr. denying Do C. refugee status
6. Decision of Rodrigo C. Pedrealba granting refugee status to Tran Thi My-Lien
7. Decision of Rodrigo C. Pedrealba denying refugee status to Tran Anh-Dung
8. Decision of Alberto Garcia denying refugee status to Bui H.
9. Decision of Alberto Garcia denying refugee status to Trieu D.

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
COMMISSION ON IMMIGRATION AND DEPORTATION
MANILA

In re: NGUYEN TRUYEN, PS 000113
Vietnamese national.

- Applicant -

x - - - - - x

D E C I S I O N

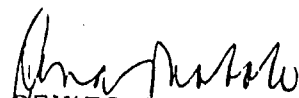
Applicant, Nguyen Truyen, male, 26 years old, Buddhist, left his country of origin Vietnam by boat for fear of persecution and arrived in the Philippines last March 25, 1989 claiming to be a refugee.

Applicant claims that he already suffered persecution. He has been discriminated against because of his family background where his father served in the military as corporal from 1953 to 1970 when he quit his job due to a wound he incurred; his father was re-educated for four (4) days after the takeover of the Communist. In 1976, their land where they plant rice for family use was confiscated by the government; he completed his education up to level 9 and quit studying voluntarily because he was discriminated in the class due to his father's background by not treating him equally with other student; he was required to do hard labour and was not allowed to go outside lessons. In 1981, he decided to go to Vinh Phuong, the place of his uncle and plant corn and cut down trees as a source of living. In 1983, the land was taken away by the authorities because he has no permission to cultivate the land so he went back to Dien An where his friend taught him tailoring and work as tailor thereafter. Applicant further state that his brother escape in 1982 after suspecting that he was involved in anti-government movement.

Taking into account the subjective fear against the objective situation in Vietnam, there is no reasonable likelihood of persecution. Persecution happened during the communist takeover but at present there is no proof that a well founded fear of persecution still exist.

Due to the presence of all the elements of the definition of refugee as enunciated in the 1951 Convention and its 1967 Protocol, I recommend that applicant be granted refugee status.

12 October 1989.


RENATO J. MABO
CID Interviewer

/aal

DECISION

FACTS:

Applicant is 29 years old. She studied in the convent from 1968-1975 and finished level 8. After 1975, she stayed home but still, had contact with the convent secretly until 1988. Since 1988, she taught Catholic doctrines inside the church.

On August 1985, she passed a ceremony and promised to become a sister (nun). This was some kind of a vow. After that, she followed the command from the church leaders (highest nun) to teach the doctrine in the surrounding areas.

On July 12, 1988, she was arrested because she was doing some sort of a propaganda about the saint ordination which they used to celebrate every June 19 but this was cancelled by the communists. She was released on October 1988. After that, her higher leader died in prison. She was put under probation for 3 months and had to report every week.

Applicant has a cousin who is a priest and when she went to his house to get the bible, she discovered that her cousin (priest) was arrested. After that she was also arrested for 3 days on suspicion that she was involve in an anti-communist organization. After her release, (Feb. 1989), she went to Long Khanh, Dong Nai and lived there until her escape.

On September 20, 1989 she went to Saigon and on September 25, 1989 she escaped from Vietnam.

Applicant's father before 1975 was a Sergeant (former Army) but wounded in action in 1973, so he was honorably discharged. After 1975, he was only reeducated for 10 days as he was then blind.

Applicant's mother was paralyzed since 1975 because of the confirmation of their house (with a swimming pool) after they refused to go to the NEZ. Also, their family book was taken and her siblings were required to do labour for 8 hours a day for 3 months.

She had the following reasons for escaping from Vietnam:

1. She is aunt and she had the vow of chastity but during her imprisonment, she was protested by the communists and had to confess this to the highest nun to be forgiven. 3 days later, she was required to present herself to the authorities and so she ever scared.
2. Because her parents were immigrants from North Vietnam and father being a former soldier and her siblings were priests and nuns, so, all of them were discriminated in the society.
3. She vowed to be a nun on August 1985 and 3 years later, was insulted and molested by police officers. This affected her life and since then, was living in fear and anxiety

Findings:

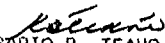
Applicant alleged having been sexually abused by some police officers while she was abused. While this may be true, she could hardly present material proof for it. Moreover, this is a criminal offense committed by said police officers. She could have filed a case against them. The alleged "molest" happened in 1988 where judicial system in Vietnam is already at work.

She also claimed having been detained on the ground of her religious activities. It is true that the SRV government regulate one's right to religion in Vietnam but it does not totally curtail such right. What the government of the SRV prohibits are those religious activities which run counter to its policies.

Applicant failed to establish the criteria for refugee status, hence, the Denial of her application.

Puerto Princesa, City of Palawan for Manila, Philippines.

This 4th day of July 1991.


ROSARIO B. TEANO
Human Resource Mgt. Officer
Bureau of Immigration

D E C I S I O N


Applicant is 22 years old. Her father worked with the Pacific Company Supply Center until 1972. He was reeducated for ten days. Her brother Lam Dao Hung was also a former soldier of SVA but died during the war in 1972. Her mother was a vendor.

She claims that since they are a Chinese, they were not given a family book until her escaped in 1989. She was discriminated in school, she was called an expansionist due to her Chinese heritage.

Her application for admission for college was denied because she was not a member of the Ho Chi Minh Youth Association and she is Chinese. Thereafter, she became a hired hairdresser illegally until her escape. She performed 15 days annual labour duty from 1986 until 1989. She left Vietnam because she hates communists. She cannot continue her education because of her family background. She claims their family paid 5 taels of gold per person in 1979 for permission to leave Vietnam but rejected, and when they asked the authorities to return their gold, her family was condemned and classified as anti-communist. She was prohibited from reading Chinese history books in 1982 hence her education was delayed.

The undersigned believed that applicant's loss freedom to study and dignity to work legally by reason of her bad family background which necessarily to qualify her as refugee under the 1951 Convention and the 1967 Protocol.

Puerto Princesa City, Palawan, 03 December 1990.


MAXIMIANO CAGALAWAN, JR.
Sr. Immigration Officer II
Bureau of Immigration

DO. C.


DECISION

The applicant is 28 years old. His father was a soldier for the French army. Both parents were farmers afterwards. The family owned one hectare of rice field. They worked on their land until 1972. They then worked as vendors as their additional income.

Applicant attended school until 1974, level 6. He claimed that he didn't go back to study because the school was destroyed by a storm. In 1974-1976 applicant was a mechanic apprentice. In 1976-1977, he stayed home to help his parents in housekeeping. In 1977-1978, he claimed he was a member of an anti-communist organization named "Z-20". The organization was active in Van Ninh (Phu Khanh) Van-Gia and Cam Ranh. There were 70 members who wanted to overthrow the government. Applicant claimed his function was to collect information (spying). The members of the group gathered once a month in the mountains (in Hon Dua district in Van Ninh). The place was a day and a half by foot from his village. Applicant claimed he and his friends were arrested and were imprisoned at Van Ninh police station for one month. Later, the applicant was transferred to the provincial prison. (Phu Khanh police station). He remained there for one year. Afterwards he was transferred to reeducation camp due to lack of evidence. After his release in 1982, applicant worked as a mechanic. Applicant was able to register a family book in 1983. Applicant never had any problems with the authorities since then. Applicant got married in 1978. He left Vietnam because he was a member of anti-communist organization.

It appears, however, that applicant did not have any major problem with the authorities until his escape in 1989, even if he were imprisoned for a crime to overthrow the government (a criminal offense against the state). He gained employment as a mechanic until his final escape. His application for refugee status is hereby denied because he does not meet the requirements under the 1951 Geneva Convention and 1967 Protocol.

Puerto Princessa City, Palawan for Manila, Philippines, September 20, 1990.


MAXIMIANO CAGALAMAN, JR.
Sr. Immigration Officer II
Bureau of Immigration

Date of Interview: October 5, 1990

PS 001036 #13

TRAN, THI MY LIEN

D E C I S I O N

The applicant is 22 years old. Her father was a Captain in the South Vietnamese Army before 1975 and was reeducated for twenty (20) months in 1979. After the applicant's father was released, he was placed under probation for twelve (12) months after which he was forced to go to the NEZ to render hard labor but escaped after ten months because he contracted malaria.

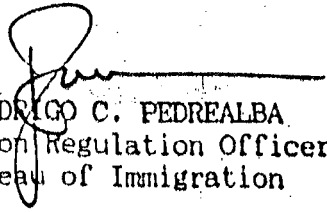
The applicant claims that she was a student from 1974 to 1987 until level 12. She passed the level 12 examination but the authorities refused to sign the application for college because she was not a permanent resident, having no family book. She also claims that they have not been issued a family book due to her father's military background.

The applicant further claims that she could not land a legal job as she is not a permanent resident she had to become an apprentice dressmaker up to her final escape from Vietnam.

Based on the facts above, the undersigned finds that the applicant has a well-founded fear of persecution. The applicant has been seriously restricted in her right of access to normally available educational facilities and that she was unfavorably treated which was prejudicial to her as a citizen of Vietnam in that the authorities refused her a family book due to her father's military background which is tantamount to discrimination.

WHEREFORE, premises considered TRAN, THI MY LIEN has come up to the minimum standard of a refugee as defined and contained in the 1951 Geneva Convention and the 1967 Protocol. Applicant is hereby GRANTED a refugee status.

Puerto Princesa City, Palawan.


RODRIGO C. PEDREALBA
Immigration Regulation Officer II
Bureau of Immigration

Date of Interview: October 5, 1990

TRAN, ANH DUNG

PS 001036 # 11

D E C I S I O N

The applicant is 29 years old. His father was a captain of the South Vietnamese Army before 1975. In 1979, the applicant's father was re-educated for twenty (20) months, after which he was moved to the NEZ to render hard labor for another ten (10) months. He later escaped because he contracted malaria. After his escape, he worked as a vendor but was arrested in 1986 and was forced to render hard labor. His father is presently living in Nha Trang but he could not work due to his illness.

The applicant's mother was a housewife before 1975 and she worked as a vendor after 1975 up to the present.

The applicant claims that he quit his studies because they were required to go to the NEZ but did not resume his studies, instead he worked as a vendor 1980 up to the time of his final escape from Vietnam.

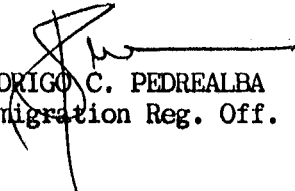
The applicant further claims that some of his brothers are still in Vietnam wherein some worked while the other just stayed at home.

The applicant also claim that he was arrested ^{two} ~~two~~ (2) times in 1982 for travelling without authorization and he was meted out a twenty-one (21) day jail term.

Based on the applicant's claims, the undersigned could not find any form of persecution suffered by him. The applicant does not manifest any fear for his existence in Vietnam because his arrests were valid. His family have not been subjected to any prejudicial treatments and are living a normal life in vietnam. What could be deduced from the foregoing statements of the applicant is that he is seeking to improve his economic status and not of any fear for his life that has prompted him to flee from his country.

WHEREFORE, premises considered TRAN, ANH DUNG, has not come up to the minimum standard of a refugee as defined and contained under the 1951 Geneva Convention and 1967 Protocol. Applicant is hereby denied.

Puerto Princesa City
Palawan


RODRIGO C. PEDREALBA
Immigration Reg. Off. II

~~CONFIDENTIAL~~
BUI H.

~~CONFIDENTIAL~~


DECISION

This is a consolidated case of a mother and a child applying for refugee status.

Per investigation, it was established that her husband is now in the United States. She is left alone to take her child. Prior to her escaped in the Philippines, she is living in Viet Nam with less serious problem with the authorities. She admitted that she escaped Viet Nam because authorities keep on asking her about the where-about of her husband. She is bothered by the authorities regarding the escaped of her husband but the action of the communists government against her does not constitute well-founded fear in order to qualify her as asylum seeker.

Nowhere, during the investigation can we find justification that she was torture by reason of her religious or political belief. If there is any restriction or deprivation of her liberty or privacy, it is because South Viet Nam is not governed communists government. Study of the case will point the conclusion that applicant is not qualified as refugee as defined by 1951 Geneva Convention.

15 May 1990
Puerto Princesa, Palawan


ALBERTO S. GARCIA
Investigator
Commission on Immigration & Deportation

~~REDACTED~~
TRIEU D.

DECISION

This is the consolidated case of ~~TRIEU D.~~, ~~TRIEU D.~~, ~~TRIEU D.~~ and their child ~~TRIEU D.~~, ~~TRIEU D.~~, asylum seekers.

The couple escaped Viet Name and arrived in the Philippines in 1989. Both applicants trace their routs in China. After the fall of Saigon they were ordered to enter re-education camp and stay there for seven years.

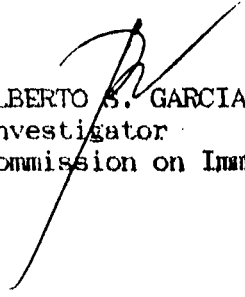
Per interview, the applicants admitted that they were not physically torture by reason of their association in the past regime neither there is eminent danger in their lives.

While it is true that the couple are restricted there is no serious problem encountered by them physically, mentally or morally. The only cause by the escaped is to obtain better living in a free world.

The well-founded fear, political or religious persecution does not exist which may justify the couple and their child as refugee under 1951 Geneva Convention.

Application should be denied.

14 May 1990
Puerto Princesa, Palawan


ALBERTO S. GARCIA
Investigator
Commission on Immigration and Deportation

APPENDIX D

Intercepted correspondence between the UNHCR and the Philippine Western Command regarding a military operation to deport Vietnamese asylum seekers.

UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES
Branch Office in the Philippines



NATIONS UNIES
HAUT COMMISSARIAT
POUR LES RÉFUGIÉS
Délégation pour les Philippines

Street Address:
150 Legaspi St., Makati
Metro Manila, Philippines
Tel. 8185121/22, 8181823
Fax No. 817 40 57

Postal Address:
P.O. Box 878 MCPO
Makati, Philippines
Cable Address: HICOMREF MANILA
Telex: PH 23248, 66908

Ref.: PPC/1094


30 May 1995

Dear Major General Tanega,

Please find attached lists of deferees and unaccompanied minors for your use during the next repatriation exercise. Per the request of the concerned parties we have also established information such as their age, sex, addresses in the camp and provinces of region.

My best regards.

Yours very truly,


MOHAMMAD NISAR
Head of Field Office
PFAC-Palawan

Major General Carlos F. Tanega
Camp Administrator
PFAC-Palawan

cc: Capt. Rex Robles, Deputy Administrator

31 May 1995

Subject: C130 Flight to Ho Chi Minh City

To: Chief of Staff, AFP
Camp Emilio Aguinaldo
Quezon City

Attn: J-3

1. Per agreement with the United Nations High Commissioner for Refugees (UNHCR), PFAC has scheduled the repatriation of 120 asylum seekers to Vietnam on 09 June 1995.

2. To implement the repatriation in the most efficient manner, these asylum seekers will be flown directly from Puerto Princesa City to Ho Chi Minh City, most appropriately via a C130 aircraft.

3. PFAC have prepared a cost estimate of this flight and have forwarded the same to the office of the UNHCR which will shoulder such expense. (See attached copy).

4. Request advise CG Wescom of the availability of C130 Aircraft NLT 04 June 95.

BY AUTHORITY OF CAMP ADMINISTRATOR:

REX C ROBLES
CAPT PN
Deputy Administrator

cc: TFIRAA
UNHCR
SND
OP

D E C I S I O N

F A C T S :

Applicant is 59 years old. He claimed he was a Warrant Officer in the Vietnamese Army before 1954. From 1956 to 1975, applicant was a government employee. He was reeducated first for 10 days for having served under the French Army and 2nd for 3 days for having worked for the former government. His wife was a bank teller before 1975 and after 1975, she sold herbal mixtures on the sidewalk until 1982.

In 1980, applicant met a Dominican priest whose name was Nguyen, Van Hoa. He was convinced by this priest to take part in a plot for a coup d'etat. This priest introduced him to 3 other priests. Applicant worked as a messenger of these priests. In 1982, the plot was revealed by 2 female college students who were in fact spies. The priests were arrested and sentenced to 18 years of imprisonment. Applicant was arrested several days after when he went to the convent. He was detained for one year (with document) because his responsibility in the plot was not big; he was only a messenger. Authorities had checked the house carefully during his arrest. They did not find a due but took some gold.

After his release in 1983, applicant was under probation for one year and had to report to the local authorities once a month. After his probation, he thought of only one thing - escaping. According to him, since 1979 up to his final escape, he had 17 escape attempts and arrested several times (couldn't show any document to this effect). He claimed, he couldn't show any release order as he had none because he always bribed his way out.

He was able to go to church four times a month; one month for each mass.

As for his reasons why he left Vietnam, he gave me the following:

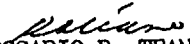
1. He'd been closely watched and always monitored his daily activities.
2. His catholic conviction were not comparable with communism
3. He was acquired to do 15 days labour even with his old age.
4. In 1982, after he was imprisoned, his children were all dismissed from school.

FINDINGS:

It appears from the foregoing that applicant was never considered a bad element at first. He was only reeducated for 13 days, as a matter of fact. His difficulties only started when he was involved in an anti-communist activities. He was closely watched and monitored after that, but this could not be a form of persecution. It's but normal for every state to monitor the activities of violators, in the exercise of police power, to avoid repetition of similar offense.

I Deny applicant's application for refugee status.

Puerto Princessa City, Palawan, 30 October 1990.


ROSARIO B. TEANO
Human Resource Mgt. Office
Bureau of Immigration

This report has been prepared in conjunction with many organizations in the United States, Canada and Australia. For additional copies of this report or information on corruption in screening under the Comprehensive Plan of Action, contact:

Refugee S.O.S. Task Force

15361 Brookhurst Street, Suite 205
Westminster, CA 92683, USA
tel: 714-775-6820
fax: 714-775-2831

Boat People S.O.S.

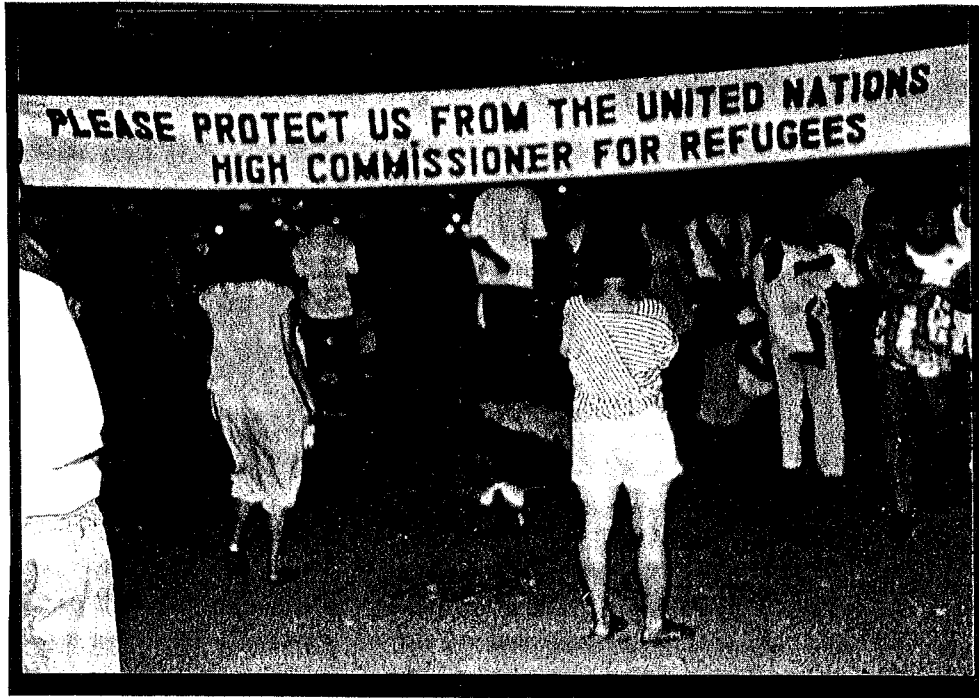
P.O. Box 2652
Merrifield, VA 22116, USA
tel: 703-205-3916
fax: 703-204-2662

**Vietnamese Refugee Sponsorship
Coordinating Council-Canada**

249 Rochester Street
Ottawa, Ontario K1R-7M9, Canada
tel: 613-230-8282
fax: 613-230-8282

**Council of Vietnamese Refugee
Supporting Organizations in Australia**

P.O. Box 606
Cabramatta, NSW 2166, Australia
tel: 612-726-6595
fax: 612-728-7949



In late 1993, the boat people in Palawan Camp held a vigil to pray for camp residents whose deaths were caused by the UNHCR's cuts in medical services.