



Southeast Asia Resource Action Center

STATEMENT OF THE SOUTHEAST ASIA RESOURCE ACTION CENTER ON H.R. 1564

In view of current congressional efforts to refine U.S. refugee policy through the appropriations and authorization process, the Southeast Asia Resource Action Center (SEARAC) would like to submit some practical suggestions with regard to the resettlement of Indochinese asylum-seekers in Southeast Asia, as stipulated in Section 2104 (a) (4) and 2104 (b) of H.R. 1564. These comments are submitted as an expression of our appreciation for the intent of the Bill to support the refugees, and as a contribution to a just and humane solution to this long-lasting refugee problem.

1. **Resettlement.** Since the refugee status determination process has been completed, any attempt to "re-screen" some 45,000 Vietnamese asylum-seekers in Hong Kong and Southeast Asia will certainly meet with flat rejection by the countries of first asylum and strong protest from other donor countries supporting the CPA. Such a change in U.S. refugee policy may also trigger a chaotic situation in first asylum camps which would actually do harm to the camp population, especially those *bona fide* refugees who could have a chance to be resettled under the Track II system (as described below), which is being considered by all parties involved.

The Track II proposal would give persons returning, from Hong Kong and Southeast Asian camps, access to INS interviews in Vietnam and expedited processing under the Orderly Departure Program (ODP). A major benefit of this proposal would be that certain categories of camp residents who feel very threatened by the idea of return to Vietnam could feel a high degree of likelihood that they would be accepted by the INS. These categories, such as former re-education camp prisoners, would also include those persons most likely to resist returning to Vietnam in the absence of such an offer.

INS interviews would be offered to persons fitting the categories presumed to have suffered past persecution. Those with less clear qualification for refugee status should also be given the opportunity to request an interview but should be clearly warned that the United States regards the CPA status adjudication process as generally valid and that their chance of rejection by INS would be high. To discourage undue delay, a deadline could be set for a camp resident to submit his/her request for an INS interview.

The Track II issue has been discussed several times between representatives of the InterAction's CPA Task Force and officials of the Department of State's Bureau of Population, Refugees and Migration (DOS/PRM). A proposal on Track II was subsequently presented by DOS/PRM to Vietnamese government representatives during the March 1995 meeting of the CPA Steering Committee in Geneva. We understand that the Vietnamese have indicated their willingness to discuss the modalities for Track II implementation.

The language of the Bill should require that the Track II system be formally established before the repatriation of Vietnamese asylum-seekers, with the exception of those who have firmly made up their mind to participate in the voluntary repatriation program.

2. **Repatriation.** Since the logistics of the repatriation plan announced by the Steering Committee in March are not workable, the return of the boat people will almost surely drag on throughout most of 1996. Without a realistic and clearly-defined policy (in this case, Track II), forcible repatriation and, as a result, tragic incidents will be inevitable. Once the Track II system has been put in place, non-governmental organizations (NGOs) should be involved so that the repatriation process can be carried out as smoothly as possible. In any case, repatriation should be voluntary or orderly (for non-objectors) in the genuine sense of the term.

3. **Monitoring and Reintegration Assistance.** The role of American NGOs is essential not only in the peaceful repatriation of asylum-seekers, but also in the monitoring of their safety in Vietnam. These unfortunate 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, are crucial needs to be met. Reintegration assistance programs, implemented by private voluntary organizations, are very important because the returnees can be assisted directly and their safety can be closely monitored. This *de facto* monitoring system is most effective as supplemental to the formal mechanism being implemented by the United Nations High Commissioner for Refugees (UNHCR).

4. **Camp Conditions.** Pending repatriation of the asylum-seekers, every effort to coerce camp residents into voluntary repatriation must be stopped. In other words, living conditions in first asylum camps should not be made more miserable, and all educational, health, and social services should be restored and/or maintained at the same level as before.

5. **Resettlement of Laotian Refugees.** 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. In addition, the U.S. should 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 would generally return to distant provinces, an extra effort of site preparation is required.

At this final stage of the Indochinese refugee program, there must be a concerted effort to close down this sad chapter of history in a practical but humane manner. The crucial role of the NGOs should not be overlooked. The U.S. and other governments, and the UNHCR, should work in partnership with the NGO community to achieve a peaceful repatriation program, to resettle egregious screened-out cases through the Track II process, and to protect and assist the returnees to reintegrate successfully into their own societies.

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