

Statement of Dr. Nguyen Dinh Thang, Executive Director of Boat People S.O.S., before the International Relations Subcommittee on International Operations & Human Rights, 7/27/95.

Mr. Chairman,

I would like to join other members of the panel in recognizing that the actions of your Subcommittee have opened new opportunities which could not have happened otherwise. In the last few months a number of alternatives have been offered to bring the Comprehensive Plan of Action to a humane and dignified ending. While there remain disagreements on the specific modality to reach such an ending, these alternatives agree on the following common and essential points.

1. Mistakes and abuses in screening have caused a significant number of genuine refugees to be wrongly screened out.
2. Their involuntary repatriation would violate the principle of non-refoulement in international laws on refugee protection, which is also a primary principle of the Comprehensive Plan of Action.
3. The only way to identify this group of genuine refugees is to conduct an overall review of each case among the 40,000 asylum seekers in Southeast Asia and Hong Kong.
4. Establishing presumptive categories of refugees not only helps achieve a fair review but also helps expedite the review process. There might be cases with compelling claims but which do not fall into any of the pre-defined categories. These cases might need lengthy interviews but their number is expected to be limited and small.

Even the State Department and the UNHCR have come to agreeing, if tacitly, to these points. The House of Representatives took into account these same points when it passed the legislation which you, Mr. Chairman, has introduced.

The disagreements on modality are only technical and concentrate on two issues: where to conduct the review and which presumptive categories to use.

Advocates of in-Vietnam processing work on the premise that first asylum countries would not allow processing in their territories. However, this premise certainly does not hold for Hong Kong, which is required by its own laws to facilitate the resettlement of anyone in its territory who has a chance for resettlement in another country. And half of the population of Vietnamese asylum seekers are in Hong Kong.

In-camp processing can be started immediately in Hong Kong with virtually zero lag time. It may save millions of dollars in unnecessary expenses on transportation and on the maintenance of transit camps in Vietnam. It would do away with many unknowns related to Vietnam, which will only further complicate an already complex situation. Its successful implementation in Hong Kong may convince other first asylum countries to follow suit. If not, then at the least asylum seekers in these countries would feel more comfortable with the program and agree to return to Vietnam for processing from there.

As for categories, let us be lenient to the extent possible, so that if we err, we would err on the side of generosity. Even for people with only marginal claims, their suffering over the past six or seven years in detention should be sufficient reason for some compassionate consideration. A final act of generosity is certainly fitting for a refugee program that has saved one million lives in the last two decades.

Thank you, Mr. Chairman.