

REFUGEE POLICY AND PROTECTION ISSUES

**THE PLATFORM VIETNAMESE:
A Matter of Humanity and Justice**

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This report was written by Walt Grazer and Shep Lowman, based on their visit to Thailand in early 1992.

Walt Grazer has served in senior positions in the United States Catholic Conference for over ten years. From 1981 - 1991, he served as a policy advisor for Food, Agriculture and Rural Concerns in USCC's Department of Social Development and World Peace. He also served as a staff member to the U.S. Catholic Bishops' Committee that drafted the pastoral, Economic Justice for All. Mr. Grazer was named Deputy Director of the Office of Migration and Refugee Services in January, 1991.

Shep Lowman was a United States Foreign Service Officer, occupying such positions as Director, Office of Vietnam, Laos and Cambodia and Deputy Assistant Secretary for Refugee Affairs. After his retirement in 1988, he served as Executive Director of Refugees International, resigning to go into private business in 1989. Mr. Lowman joined USCC/Migration and Refugee Services as a Refugee Policy Analyst in May, 1991.

The United States Catholic Conference (USCC) is the public policy and social action agency of the National Conference of Catholic Bishops of the United States. Within USCC, Migration and Refugee Services (MRS) is the lead office responsible for developing and implementing Conference policy on pastoral, migration, immigration, and refugees issues. Each year, MRS/USCC resettles approximately one-quarter of the all the refugees who come to America. The Catholic Legal Immigration Network, Inc., a subsidiary of USCC, was established by the Bishops in 1988 to ensure that all newcomers have access to affordable immigration-related services. The Office for the Pastoral Care of Migrants and Refugees coordinates the integration of newcomers and people on the move into the life and mission of the local Church.

THE PLATFORM VIETNAMESE: A Matter of Humanity and Justice

Summary

For many years the Vietnamese who escaped their country by land, across Cambodia, upon arrival in Thailand, were sent to a section of Site 2, the Cambodian border "refugee" camp. About 700 such Vietnamese remain in Site 2 today.

The Comprehensive Plan of Action (CPA), agreed upon in Geneva in June 1989 as the international response to a growing Indochinese refugee problem, specifies that all newly arriving Vietnamese boat people will be screened for refugee status. However, the CPA also calls for the continued resettlement without screening "of Vietnamese refugees . . . who arrived in temporary asylum camps prior to the appropriate cut off date." For Thailand, this date is March 12, 1989. This group of 700 to 1,000 Vietnamese is universally acknowledged to have arrived in Thailand prior to March 12, 1989, the cut off for automatic eligibility for resettlement as refugees. However, Vietnamese at Site 2 are now told that they are not eligible under the CPA to be processed for refugee resettlement as "pre-cut off" date arrivals. Apparently these Vietnamese refugees are viewed as not having arrived in Thailand for CPA processing purposes until they move from Site 2 to another camp in Thailand. Once this happens, they must go through the Thai Ministry of Interior Refugee Status Determination process, before being found eligible for refugee status and possible international resettlement. MRS finds nothing in the CPA which states Site 2 cannot be a "temporary asylum camp," and indeed "The Platform" has historically been such a camp for the Land Vietnamese.

The refusal to accord automatic refugee status to this group reflects the obvious annoyance of some government and UNHCR officials at the past refusal of these refugees; long referred to as the

"Platform Vietnamese," to move to Ban Thad Camp adjacent to Site 2 when they were requested to do so. In 1989-1990, a real effort was made to convince the refugees that such a move was in their best interest. Despite such efforts, some of the refugees refused to move, fearing it would mean the loss of their rights to resettlement. Now ironically, through their refusal, they seem, indeed, to have lost that right.

The Royal Thai Government informed USCC/MRS earlier this year that these people are regarded by Thailand as "pre-cut off date" refugees and the Thai would like to see them resettled. Both simple humanity and plain justice cry out for the prompt resettlement of this group in its entirety, particularly since some of these refugees have been in Site 2 for ten years.

Recommendation

The United States government should press the UNHCR and the Royal Thai Government for the resettlement of the Platform Vietnamese. If other resettlement countries fail to cooperate, the U.S. should offer to take the entire group for resettlement in the United States.

The Platform Vietnamese

For many years, those Vietnamese who escaped their country by traveling across Cambodia were referred to as "Land Vietnamese". Upon their arrival in Thailand, they were taken to the huge border camp for Cambodians, Site 2, where they were kept in a section referred to as Section 9 or the Dong Ruk Platform; hence, their eventual sobriquet: "the Platform Vietnamese".

On January 17, 1992, a USCC Migration and Refugee Services team, consisting of Deputy Director Walt Grazer and Senior Policy Analyst

Shep Lowman, visited Site 2 and talked with the Platform Vietnamese. During their visit to Thailand, the USCC/MRS team also talked with Thai and U.S. officials and UNHCR and non-governmental organization representatives about this problem.

Background

In early 1988, the Thai became concerned about the sharp increase in the arrivals of Vietnamese boat people and commenced to turn boats back, ramming and sinking some refugee boats in the process, with considerable loss of life. After a substantial international outcry, the Thai ceased this practice and, instead, in the Spring of 1988, established a new camp for the arriving Vietnamese boat people at Ban Thad, a site immediately adjacent to Site 2 on the Thai/Cambodian border. It was made plain at that time, as a matter of Thai policy, that Vietnamese asylum seekers sent to Ban Thad would not be permitted to resettle to third countries. The main purpose of establishing Ban Thad was to discourage continuing high arrivals of Vietnamese boat people by placing all new arrivals in Ban Thad without the option of resettlement. However, Vietnamese arrivals before February 1988, including Vietnamese land refugees at Section 9 of Site 2 continued to be eligible for resettlement and substantial numbers were taken in the United States and other programs.

Eventually, policies changed and a decision was made to move the Platform Vietnamese into Ban Thad. Substantial efforts were made to persuade the Platform Vietnamese that it was in their best interest to make the move. Confused and receiving some contradictory information, the refugees, fearing they would lose the right to resettlement, refused to move. Tempers flared, protests were held, some buildings in Section 9 were burned, and face was lost. The refugees were warned of the consequences of a continued refusal to move. About half did move to Ban Thad at the last minute, including a number of the

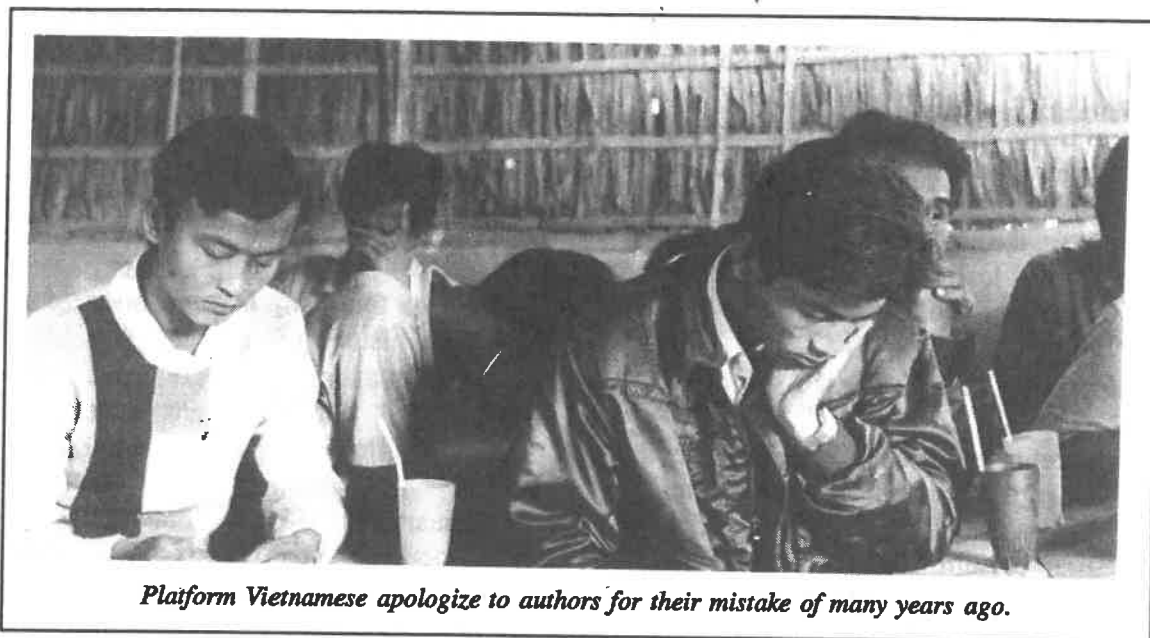


leaders of the protests. About 1,000 persons remained in Site 2.

The Comprehensive Plan of Action

In June 1989, the Comprehensive Plan of Action (CPA) was agreed upon in Geneva. The CPA called for the "continued resettlement of refugees benefitting from temporary refuge in Southeast Asia . . . who arrived in temporary asylum camps prior to the appropriate cut off date." The CPA also calls for "A multi-year commitment to resettle all Vietnamese who have arrived in temporary asylum camps prior to an agreed date." That date, in the case of Thailand, is March 12, 1989. There is general agreement that the "Platform Vietnamese" arrived in Site 2 before this date. The question, then, is whether this meets the terms of the CPA.

Site 2 has generally been viewed as "not a first asylum camp" with respect to Cambodians since from the early 1980's they were categorized as displaced persons and generally not considered eligible for refugee resettlement. With certain very limited exceptions, all Cambodian refugee resettlement took place out of the older Cambodian first asylum camp at Khao I Dang. However, for years, part of Site 2, referred to as Section 9, has been treated as a temporary asylum



Platform Vietnamese apologize to authors for their mistake of many years ago.

camp with respect to the land Vietnamese, with resettlement regularly taking place out of that location. It may be that this status is considered to have changed in recent years since, after the CPA cut off date, resettlement interviewing and processing for Vietnamese now take place from Sikhiu and Phanat Nikhom camps. But such a change would be irrelevant in the case of the "Platform Vietnamese" since all or most arrived in Section 9 well before resettlement activity from that location ceased.

The Thai Foreign Ministry told USCC/MRS in January 1992, that they consider the Platform Vietnamese as pre-cut off date Vietnamese and for that reason expressed to MRS their preference to treat them as such and see them resettled. However, the Thai government is apparently willing to accede to resettlement countries' desires to treat this group as post cut off, thus requiring screening for refugee status. But the Thai said that their own view and preferences would be for all of the Platform Vietnamese to be taken for resettlement under the terms of the CPA as pre-cut off date.

The United States has apparently allowed itself to

be guided in this matter by a strongly negative Australian government view of the Platform Vietnamese and the view of a previous UNHCR country representative that, by refusing to heed earlier instructions to move, the Vietnamese forfeited their right to refugee designation and resettlement. In a response to a letter from InterAction, which urged resettlement of all the "Platform Vietnamese", the Department of State Refugee Bureau on October 29, 1991, expressed the view that the "U.S. certainly could not unilaterally, redefine the pre-cut off date population, without endangering other CPA provisions such as the principle of first asylum."

In this position, the United States appears to be defining Section 9 of Site 2 as not a "temporary asylum camp" for Vietnamese, despite the Thai view and despite the regular history of resettlement from that site. If Section 9 is so defined, the "Platform Vietnamese" would indeed be post cut off date and would not qualify for automatic refugee status, since they remain in Site 2 to this day, over two and one half years after the signing of the CPA and after their former Platform mates, who crossed to the other camp, long since have been resettled. However, there is

nothing in the language of the CPA which would require or even permit the defining of Section 9, Site 2 as not a "temporary asylum camp." Observers of the refugee scene in Thailand almost universally regard the Platform Vietnamese as pre-cut off date Vietnamese asylum seekers who, unfortunately, through misinformation and misunderstanding lost all sympathy from the establishment that controlled their fate.

"Platform" Not A Risk To First Asylum

As for the Refugee Bureau's concern for the endangerment of the principle of first asylum one can only note that over the years the two principle threats to first asylum have been push-offs of refugee boats from Thailand and Malaysia. It was made plain to USCC/MRS by the Thai Foreign Ministry that Thailand prefers that the Platform Vietnamese be resettled as pre-cut off date arrivals. Malaysia has been pushing off and redirecting to Indonesia just about every Vietnamese refugee boat arriving in Malaysia since the signing of the CPA. These push-offs occur in a fashion which greatly endangers the refugees and which has led to loss of life without the United States ever forcibly raising the issue publicly.

The Refugee Bureau further notes that many of the Platform Vietnamese are of Khmer ethnicity and that some of these may, in fact, be citizens of Cambodia and not, therefore, eligible for resettlement as refugees. While MRS never liked the artificial distinction that Cambodians were displaced persons rather than refugees, it was and continues to be United States and international policy. MRS acknowledges this fact. Some estimates suggest that despite their claims only 600-700 of the remaining Platform population are actually citizens of Vietnam. USCC/MRS would have no objection to including those residents of Section 9, who are determined after a fair hearing to be citizens of Cambodia, in the Cambodian repatriation program unless they can demonstrate other grounds for a well founded fear of

pèrsecution upon return to Cambodia. However, MRS believes those refugees found to be citizens of Vietnam should be processed for resettlement as pre-cut off date Vietnamese, regardless of their ethnicity.

A Matter of Humanity and Justice

All of the foregoing is a recitation of a long and tortuous history of the type that seems almost endemic in a long running refugee problem. Each group and each problem develops its own convoluted logic and legalisms.

In January, the MRS team sat in a small crowded classroom in Site 2 as a score or so of the Platform Vietnamese told their story and one after another with tears in their eyes apologized for their error in not moving to Ban Thad. When they were done, it was clear to the delegation that the refugees had refused to move for fear that they would lose the right to resettlement, even as that refusal seems to have been used by some to take that very right of resettlement from them. The Platform Vietnamese were acting out of fear, confusion and a desperate drive to solve their difficult situation as refugees are wont to do all over the world. It was only tragic that the delegation could not give them more hope.

These are human beings. Legalisms aside, some of this group have spent as many as 10 years in Site 2. Even with all the legalisms considered, MRS and many other observers believe that the international community has it easily in its power to reclassify and resettle the Platform Vietnamese without doing violence to the CPA. They should be considered for resettlement and moved quickly.

WHAT CAN YOU DO?

Write or call:

- Ambassador Warren Zimmerman
Director, Bureau for Refugee Programs
Department of State
Washington, DC 20520
(202) 647-7360
- Madame Sadako Ogata
UN High Commissioner for Refugees
c/o Rene Van Rooyen
UNHCR
1718 Connecticut Avenue, NW
Washington, D.C. 20009
(202) 387-8546
- Your Senator, Washington, DC 20510, and/or
Representative, Washington, DC 20515

Points to Make:

- The Platform Vietnamese arrived in Thailand long before the cut off date of the Comprehensive Plan of Action.
- Some have been in Site 2 for ten years.
- They should not be punished any longer for an understandable mistake made long ago.
- The United States should resettle this group as a matter of both humanity and justice.

Available from Migration and Refugees Services

MRS has numerous resources available on immigration and legalization issues; materials for refugees, sponsors, and service providers; language materials, information on refugee groups and mutual aid associations in the U.S. and the world; as well as pastoral and program development resources.

- "Hmong Refugees In Thailand: The Case Against Forced Resettlement" (free)
- "Iraqi Christian Refugees In Turkey - Site Visit" (free)
- "Site Visit To Kurdish Controlled Area In Northern Iraq (KCA)" (free)
- "The Cambodian Repatriation: A Special Trip Report with Recommendations" (free)
- A Commentary on "Solicitudo Rei Socialis" from the Perspective of Migration Concerns (\$2.00)
- "Making Room: Pastoral Planning for Newcomers" - Teleconference for diocesan, parish and ethnic leadership, includes a study guide (\$19.95)
- MRS Resource Bibliography (free)
- Open Arms - newsletter of pastoral, refugee and immigration issues (free)
- "People on the Move: A Compendium of Church Documents on the Pastoral Concern for Migrants and Refugees" (\$8.95)
- "Refugees After the Cold War: Rethinking the Definition From the Roman Catholic Perspective" (\$2.00)
- "Today's Immigrants and Refugees: A Christian Understanding" (\$6.95)
- "Together A New People" - a pastoral statement on migrants and refugees released by the Bishops' Committee on Migration (\$3.95)
- "Toward New U.S. Statutory Standards for Those Who Flee Crises: Humanitarian and Political Responses" (\$3.00)
- UPDATE - A monthly MRS publication focusing on immigration and refugee issues and resources - \$25.00 Annual Subscription

For more information or to order resources contact:
Migration and Refugee Services ● 3211 4th Street, N.E. ● Washington, D.C. 20017
(202) 541-3234 ● (800) 428-3717