



CANADA'S PERIODICAL ON REFUGEES

REFUGEE

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Indochinese Refugees *Sponsorship and Repatriation*

Repatriation

*A Solution to the Vietnamese
"Boat People" Problem in
Hong Kong?*

By Lawrence Lam

Introduction

While memories of the "Boat People" of Indochina have dimmed, the exodus of refugees in Southeast Asia continues. While countries such as Canada, the U.S. and Australia select fewer refugees for resettlement, some 107,571 asylum seekers languish in camps in Thailand, Malaysia, Indonesia and Hong Kong. Vietnamese officials admit that a severe economic slump in Vietnam and deteriorating living standards are encouraging more people to try their luck overseas, despite the dim prospect of being resettled. A total of 12,646 Vietnamese asylum seekers arrived in Hong Kong

during the first six months of 1991. As of June 1991, there were 54,847 asylum seekers in eleven detention centres in Hong Kong, in addition to some 6,080 recognized refugees whose resettlement has been assured under the 1989 Comprehensive Plan of Action.

Responding to the declining number of refugees accepted by resettlement countries and the apparent failure of "humane deterrence" measures, Hong Kong considers all arrivals since June 1988 "illegal migrants" unless they can prove their refugee status according to the 1951 U.N. Convention. Overcrowded and squalid living conditions, compulsory screening and increasing camp violence, would suggest that the coordinated UNHCR, U.K. and Hong Kong effort to encourage voluntarily repatriation offers a viable solution to the "Boat People" problem.

Not so. Repatriation numbers are small despite efforts made by representatives from the main resettlement countries assisting the UNHCR in

counselling the Vietnamese "Boat People" to accept repatriation, an aid package of \$150 million from the European Commission to assist with repatriation to Vietnam, the recent campaign launched by the internationally renowned advertising agency Saatchi and Saatchi to persuade them that the life they fled under the Communist regime in Vietnam is preferable to their existence in the detention centres. Less than 10,000 asylum seekers have been repatriated since 1988—including fifty-one who were "forcibly returned" in December 1989, and a large number of those who were "repatriated" under the 1990 agreement between the Vietnamese Government, the British Government and the UNHCR allowing "repatriation of non-volunteers who are not opposed to repatriation." Repatriation, voluntary or otherwise, does not seem to have had the expected result.

Almost everyone has a theory on why the Vietnamese "Boat People" do not volunteer to return, but no one

seems to understand the fears, issues and concerns of these asylum seekers. It is within this context that this paper attempts, on the basis of information collected in the camps, to probe the factors underscoring the asylum seekers' determination not to "return home."

Factors Affecting Repatriation

Regardless of the objective criteria used to determine if these asylum seekers' claim to refugee status is valid,

based on their own subjective experience, they believe themselves to be refugees. Although the conditions in Vietnam might have improved over the years, the "long arm of the government" and the "drastic changes" that could be instituted by the government are still very much alive in their experience and memory. There is a palpable lack of trust in the "reported improved conditions," economic or political, in Vietnam. This lack of confidence has solidified into a well-founded fear for the asylum seekers who do not volunteer to return nor oppose being repatriated under the September 1990 agreement. The statement by Mr. Nguyen Can, head of the Vietnamese Immigration Department, that these "non-volunteers had to show a correct attitude after their return, otherwise they might be subject to re-education," has caused fear among asylum seekers that they could be singled out by the Vietnamese Government for special attention and scrutiny, if not recrimination if they return. Hence, there are growing numbers of "non-volunteers" coming forward to oppose being sent back to Vietnam.

Since these asylum seekers believe they are refugees, the screening process on their claims has been regarded as "unfair, unjust, invalid, and a breach of natural justice." Information about legal challenges and judicial review on screening resulting in some "screened out" cases being over-ruled has given them "hope" that they will eventually be "successful" in being

screened in as refugees. The report *It's All A Matter of Luck: The Vietnamese Screening Process in Hong Kong*, written by four local legal experts condemning the process and calling for a moratorium because the screening interviews are often conducted by people who know little of Vietnam, are unsympathetic, do not let the claimants fully explain their cases, do not keep accurate records of the interviews, or rely on poor interpretation, has reinforced their conviction that their claim to refugee status has been arbitrarily denied. In addition to their demonstrations in camps supporting judicial review on the screening process and demanding rescreening, it is not uncommon to hear from these asylum seekers that "ultimately, I believe my case will be accepted. I will wait. There is no way that I will return to Vietnam." Importantly, many asylum seekers believe the Immigration Officers deciding their claim are biased and unsympathetic because, as one asylum seeker confided:

They have low opinions of Vietnamese. They are Chinese. We are not. They don't care about us. They have their own worries about 1997. They can play games with our lives because they have the power to apply the rules which ever way they like. I hope justice will prevail at the end.

The experience with and policy towards Vietnamese "Boat People" in Hong Kong have undergone a number of changes over the years. Prior to

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the implementation of the Comprehensive Plan of Action, compulsory screening and repatriation were not taken as measures to effectively deal with the continuing "Boat People" saga in the region and in Hong Kong. Though asylum seekers who arrived since 1982 were sheltered in closed camps in Hong Kong and were not allowed to go out and work as compared with those who arrived before 1982, their refugee status was accepted and recognized. The closed camp policy lasted until 1988 and, when the Comprehensive Plan of Action was agreed upon, the closed camps were gradually "liberalized," allowing them to leave the camps and seek employment while waiting for resettlement. These changes were known to the asylum seekers currently sheltered in detention centres. There is hope among them that changes in the current policy, which would result in resettlement, are inevitable. Their strong optimism is related to the following factors:

1. Given the continuing U.S. economic blockade and political and economic strain in Vietnam, the ongoing exodus is no surprise. Knowing that the U.S. is opposed to mandatory repatriation, and its determination to "teach Vietnam a lesson," many asylum seekers believe their "exodus" will meet with sympathy and approval; that the United States will eventually succeed in convincing the international community to accept and resettle them. Also, the "news" attributed to a reported plan by American Congressman, Mr. Robert Dornan, to give asylum seekers in the camps lucrative jobs helping in the reconstruction of Kuwait has not only contributed to high numbers of recent arrivals in Hong Kong, but also strengthened the conviction of those already in camps not to be repatriated.
2. China has been putting pressure on the Hong Kong Government to resolve the Vietnamese "Boat People" problem before 1997 and has reiterated several times that it

will not allow these asylum seekers to obtain Hong Kong residency. In other words, the camps have to be "emptied" by 1997. Repatriation, forced or otherwise, has been endorsed by China and sold successfully to local Chinese people as the means to bring an end to the "Boat People" problem. Ironically, instead of taking China's demands and the local people's outright hostility against them as detrimental to their seeking resettlement, many of the asylum seekers consider these demands to be in their favour, as long as they "stay put" and "resist repatriation." They believe that when Hong Kong reverts back to China in 1997 and if they are still in camps, the international community will have to accept them for resettlement, rather than leaving them subject to further inhumane treatment by the Chinese Government. As one asylum seeker, who has been screened out and is waiting for a judicial review of his case, said:

I'll wait. I won't return. No way. I don't understand why I was rejected. My case is similar to _____ and he has been accepted. Unfair. There is no justice. I am going to stay in the camp. I hope 1997 comes sooner. If China attempts to send me back against my wish, I don't believe the U.S. and UNHCR will allow that. I'll wait.

Another echoed:

We know that Hong Kong will go back to the Chinese in 1997 and hope that if we come and stay in the camps, the West will take us.

Clearly, the desire to return is almost non-existent among the asylum seekers despite the efforts made and promoted by UNHCR and representatives from the main resettlement countries. The statement by the U.S. Consulate Refugee Officer, Mr. Joe Bracken, who told them that "eventually, every non-refugee must go home" prompted no increase in the number of "Boat People" coming for-

ward to be repatriated. Moreover, according to the UNHCR Special Advisor for Southeast Asia, Mr. Alexander Cassella, in the first months of 1991, at least thirty people had returned to Hong Kong compared with ten in 1990. These "double backers" (volunteers for repatriation who come back to Hong Kong) had reinforced the asylum seekers' belief that conditions in Vietnam are not conducive to their return.

The fear of making a hasty decision to return to Vietnam and then coming back to Hong Kong again has raised other issues of immediate concern to these asylum seekers. First of all, it has taken a long time for them to get enough money to pay for the trip. Often times, their trip was made possible with the assistance and sacrifice of other family members and relatives. The sense of obligation to family members left behind is understandably acute. Hence, it is inconceivable for them to accept repatriation as a viable alternative to their predicament. Returning to Vietnam has been interpreted not only as a failure on their own behalf, but as an abandonment of their obligation to the well-being of other family members. While they are waiting in the camps for either screening or the results of their appeal against a negative decision, they have received information directly from family members left behind in Vietnam or indirectly from friends that, as a result of their exodus, their family members have lost their jobs, been reassigned to menial work or are under constant surveillance by local authorities. Therefore, despite hardships in the camps, it is extremely difficult to persuade them to accept repatriation. The level of their unwillingness to "return home" remains high. One asylum seeker asked:

If I go back to Vietnam, how do I tell my family? How can I disappoint them? There is no way my family can pay for another trip. I am not going back. Hong Kong can put me in a plane and send me back by force. But, I am not going to volunteer.

Also, the journey between Vietnam and Hong Kong for many was not uneventful. Hardships abounded — rough seas, violence, assaults, and at times degrading treatment and harassment by Chinese officials and villagers along the coastal towns where they bought food, water and fuel, or where they waited out the stormy weather that left many asylum seekers literally paralyzed at the thought of “going back to Vietnam and making another run.”

As observed in the camps, one of the important daily activities among the asylum seekers is coming to the administration centre to see if there are letters to them from family members, relatives or friends either from Vietnam or resettlement countries. Letters from Vietnam invariably ask when they are leaving for countries in the West and elsewhere. The message has no doubt reminded them that their family's and friends' hopes to escape the prevailing intolerable conditions in Vietnam lie with the asylum seekers' success in getting accepted for resettlement. Nuances of the screening process seem to be largely inconsequential. Letters from resettlement countries, however, often present a positive outlook with respect to available economic, social and political opportunities. Photographs taken in parks, restaurants, living quarters with TV and stereo, or outside the house with car(s) further reinforce the asylum seekers' determination not to let the “opportunity” pass them by. Many asylum seekers believe they would have amassed the same fortunes had they been able to leave Vietnam earlier. They simply refuse to accept that “timing” could have had such significance in their life chances and conditions. This is particularly unsettling in their minds, as they deeply believe their situations to be similar to, if not exactly the same as, those who left Vietnam prior to the implementation of screening. It is impossible for them to accept repatriation as fair and just. The feeling of “not missing the boat” again has made repatriation an ineffectual solution to

the continuing Vietnamese “Boat People” drama. According to one asylum seeker:

_____ left in 1986 and his family has now made a good living in U.S. My family left in April 1989. _____ and my situation in Vietnam are the same. His family gets accepted as refugees and we have to go through screening. Is this fair? My family could have left at the same time as _____ if we had enough money to pay the organizer. No way we are going to go back to Vietnam now. We missed once. We are not going to miss another chance.

Concluding Remarks

Repatriation, voluntary or otherwise, will be vigorously opposed by the Vietnamese asylum seekers in Hong Kong. They believe the screening process is not giving them a fair chance to present their claim, that conditions in Vietnam are not improving, that Hong Kong's policy will inevitably change as a result of political maneuvering between China, the U.K. and the U.S. These factors married with their determination to “not miss the boat again,” have negatively affected the concerted efforts made by the interested parties to promote repatriation, and bring an end to the Vietnamese “Boat People” problem. Unless significant changes are made to address the root causes of the refugee flow through such measures as ending the economic and diplomatic blockade of Vietnam, and expanding the orderly departure program to provide an alternate channel for their departures, the Vietnamese “Boat People” drama will continue. Correspondingly, additional inhumane measures camouflaged as humane deterrence will be taken by governments in the region. These measures cast the asylum seekers as beings no one wants to inherit.

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