

# Private Sponsorship of Indochinese

*By David Matas*

**T**he Canadian Immigration Act states that one of its objectives is to fulfill Canada's international legal obligations to refugees and to uphold its humanitarian tradition with respect to the displaced and the persecuted. Canada's tradition here has not been solely humanitarian. At times it has been downright inhumane. The Act deliberately does not ask immigration policy makers to uphold the whole of Canadian tradition regarding the displaced and persecuted, but only the humanitarian component of that tradition.

This objective is noteworthy not only because it singles out the humanitarian component of the Canadian tradition, but also because it distinguishes between Canada's international legal obligation to refugees and that humanitarian tradition. Fulfilling refugee obligations and upholding the humanitarian tradition are not one and the same objective.

The very mention of both is an indication that Parliament believed what is all too obvious, that the refugee definition does not cover every displaced and persecuted person who, for humanitarian reasons, needs protection. The Immigration Act, at least in its objectives, is generous, stretching Canadian hands out beyond Convention refugees to the displaced and persecuted who may not fall within the refugee definition, but who still justify humanitarian concern.

Mechanically, the Immigration Act provides for the realization of this objective by stating any Convention refugee and any person who is a member of a designated class may be granted admission to Canada as permanent residents. There have been four designated classes: the Latin American Designated Class, later

replaced by the Political Prisoners and Oppressed Prisoners Class; the Self-Exiled Class; and the Indochinese Designated Class.

Admission of Convention refugees and designated classes from abroad is done through either private or government sponsorship. Refugees and designated class members coming to Canada must show they are likely to establish successfully in Canada. Private sponsorship, done by a corporation, or five or more individuals, allows a refugee to show likelihood of successful establishment.

The Government of Canada has promulgated regulations which say that a Canadian organization or group of five individuals can sponsor a person from designated countries in Indochina to come to Canada. The regulations have been passed under the legislative power to designate classes. The admission of designated classes is in accordance with Canada's humanitarian tradition with respect to the displaced and the persecuted.

Until September 1990 the countries designated were Cambodia, Laos and Vietnam. According to the regulations, a person from but residing outside these countries could come to Canada, as long as the person had a sponsor here. The Government of Canada also sponsored people from this class to come to Canada under the Government Refugee Allocation for South East Asia.

For individuals, there was no need to prove they were refugees. They did not have to prove a well-founded fear of persecution. Dislocation and sponsorship had been, in most cases, enough.

Technically, there were two hurdles for an applicant to jump. Applicants had to show that they would successfully establish in Canada; and second,

that they would meet the requirements of the Immigration Act and regulations.

What the second hurdle means is that applicants must not be in a prohibited class. They must not have a communicable disease, nor an illness that would be costly to treat. An applicant must not have a serious criminal record.

For the purpose of successful establishment, a visa officer is supposed to look not only at whether there is a sponsorship, but also at the points system, and other financial assistance available to the applicant. In theory, a person who was a total loss under the points system could be rejected even though there was a sponsor. In practice, most sponsored people are considered likely to establish successfully.

The Indochinese designated class has been one of the most successful programs the Immigration Department has ever run. The class began 7 December 1978. At least in theory, it remained in effect for Vietnam, Laos and Cambodia till 1 September 1990. Most of the large numbers of Vietnamese who came to Canada came by virtue of this class.

I say it remained in effect in theory till September 1990 because in fact it was no longer being operated after 14 June 1989 for Vietnamese and Laotians arriving in Hong Kong after 16 June 1988 or in any other Southeast Asian country after March 14, 1989. While keeping the program on the books as a regulation, the Government ceased to operate it administratively for new arrivals.

The United Nations (U.N.) held an International Conference on Indochinese refugees in Geneva, Switzerland on June 13 and 14, 1989. Prior to the Geneva Conference, the U.N. held a preparatory meeting in Kuala Lum-

pur, Malaysia on 8 March 1989. The Malaysian meeting proposed a draft declaration and comprehensive plan of action on Indochinese refugees. The Geneva meeting accepted the draft.

According to the plan, resettlement of refugees from Indochina would cease, except for those who passed screening procedures. The declaration that accompanied the plan stated that governments were preoccupied with the burden imposed on neighbouring territories by asylum seekers. The declaration also stated that governments were alarmed current arrangements to deal with asylum seekers might no longer be responsive to the size of the problem.

The plan itself had three key components: the establishment of screening procedures, repatriation of those who fail screening, and resettlement of those who pass screening. Early establishment of consistent region-wide refugee status determination processes is required under the plan.

According to the plan, the status of asylum seekers must be determined by a qualified national authority, in accordance with established refugee criteria and procedures. The criteria recognized are not restricted to the 1951 Convention. The Universal Declaration of Human Rights and other relevant international instruments are to be borne in mind and applied in a humanitarian spirit. The UNHCR Handbook on Procedures and Criteria for Determining Refugee Status is to serve as an authoritative and interpretative guide and there is to be a right of appeal, with the asylum seeker entitled to advice on appeal. The UNHCR is to ensure proper and consistent functioning of the procedures and application of the criteria.

The plan goes on to say that persons determined not to be refugees should return to their country of origin. Resettlement is divided into two categories — one for long stayers, and the other for newly determined refugees. Long stayers are all those who arrived before a cut-off date (the date screening was established). For Hong Kong the date is 16 June 1988. Long stayers are eligible for resettlement without

going through screening.

For those who arrived after the cut-off date, only those who passed screening are eligible for resettlement. The plan says a resettlement program will accommodate all those who arrive after the introduction of status determination procedures and are determined to be refugees.

The Chair of the Geneva Conference that adopted the plan in June 1989, Dato Haji Abu Hassan Bin Haji Omar of Malaysia, in his closing statement, indicated that the plan's purpose was to discourage Vietnamese from leaving Vietnam. He said "asylum seekers could no longer assume that they would be automatically regarded as refugees and therefore entitled to automatic resettlement."

There are three problems with the structure I have just mentioned. One is that it had no reflection in Canadian law for over a year. The second is that it is an abdication of Canadian sovereignty. The third is the inadequacy of Hong Kong screening.

Between 14 June 1989 and September 1990, Canadian law did not say screening was necessary to come within the Indochinese designated class. Canadian policy was, however, that screening in the country of temporary asylum was necessary to come within the class.

The policy was retroactive. It was adopted 14 June 1989, the date of adoption of the U.N. Comprehensive Plan. But it was retroactive to 16 June 1988, the date of introduction of Hong Kong screening. A person who arrived in Hong Kong between 16 June 1988 and 14 June 1989 and failed screening, would be ineligible for resettlement in Canada under the Indochinese designated class. This was the case even though the law said nothing about it, and the asylum seeker would have known nothing about the 16 June 1988 cut-off. The purpose of the plan is to discourage people from leaving Vietnam. Those who left before the plan was accepted could hardly have been discouraged by the plan, even if they were susceptible to discouragement. Yet the plan applied to them.

Canadian compliance with the plan

was a violation of Canadian law. As long as the designation of Vietnam as part of the Indochinese designated class was on the books, it had to be operated according to its terms. There was a legitimate expectation in both sponsors and applicants that the sponsor system would work.

Even if one accepts as valid the premise that it is necessary to have a screening system to discourage Vietnamese who are not refugees from fleeing Vietnam, that purpose was ill served by the Canadian system in existence from June 1989 to September 1990. The Indochinese designated class served as a lure that became a trap. Canadian law held out the promise that Vietnamese might qualify for resettlement as long as they left Vietnam. It was only after they left Vietnam and arrived in the camps that they found the Canadian law was not being operated according to its terms.

The comprehensive plan has led to forced repatriation to Hong Kong. Just before Christmas 1989, fifty-one boat people who had failed screening were taken from the Hong Kong camps and deported to Vietnam. The United Nations High Commission for Refugees, in a note to the Hong Kong Government, said it had not been able to verify whether those being returned were real refugees or not. The Government of Canada opposed the repatriation of these people, saying it profoundly regretted the decision. Yet the Government of Canada was part of the Comprehensive Plan, which agreed to forced repatriation. By refusing resettlement, even where there were sponsors and the law allowed for resettlement, the Canadian Government helped to make forced repatriation inevitable.

The second problem I have with the change is its abdication of sovereignty. In principle there is nothing wrong with requiring a person to pass through screening before he or she comes to Canada as a refugee. On the contrary, it may be preferable to the system as it was before 14 June 1989.

Bringing asylum seekers over to Canada without screening gives an advantage to some asylum seekers

over others. Refugee claimants from everywhere else in the world have to prove they are refugees to receive protection in Canada. It is unfair to refugee claimants elsewhere in the world to require them to pass screening and yet not require it of Indochinese.

The Indochinese waiver of screening continues to operate for Cambodians, for pre-June 16, 1988 arrivals to Hong Kong, and elsewhere in South East Asia for pre-March 14, 1989 arrivals. But for many Indochinese, the Canadian waiver of screening is gone.

So screening, in itself, makes sense, but only if it is Canadian screening. The Government of Canada cannot delegate a foreign government to perform any legal function. Screening that is relevant to Canadian admission has to be subject to the supervision of the Canadian courts. Yet how can the Canadian courts supervise a foreign administrative and legal system?

For someone to qualify for admission to Canada, what should be important is not whether the person passed foreign screening, but whether the person is a refugee. The only way the Government of Canada, and the Canadian legal system can satisfy themselves that the person is a refugee is if the decision is a Canadian decision.

Technically what is happening is that the Hong Kong authorities deny Canadian visa officers access to Vietnamese who have not been screened or who have failed screening. Canadian visa officers are allowed access only to those Vietnamese in Hong Kong who pass screening.

In principle those post-June 16, 1988 arrivals who pass Hong Kong screening must still pass Canadian screening. But Canada has agreed, as part of the Comprehensive Plan of Action, to be involved in a resettlement program to accommodate all those who arrive after 16 June 1988 and pass Hong Kong screening. For Canada to refuse resettlement on the basis of its own screening after a person has passed Hong Kong screening would be a violation of the Comprehensive Plan.

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The abdication of sovereignty does not appear in the regulations. The regulations do not specifically defer to Hong Kong screening. If one were to look at the regulations alone, the ability of Canada to screen refugee applicants would appear intact. It is only the regulations read in conjunction with the Comprehensive Plan of Action that show this abdication.

The denial of access by Hong Kong authorities to those who fail screening or have yet to be screened is not unilateral. It is also inherent in the Comprehensive Plan of Action, which Canada has signed. In effect, Canada has agreed not to seek access to a person unless the person passes screening.

Canadian officials claim they have not abdicated screening to Hong Kong officials. All that has happened, they say, is they cannot get access to Vietnamese in Hong Kong until the Vietnamese pass screening. This claim is a formalism. Canadians cannot get and do not seek access because they have agreed not to seek access.

The Canadian government's justification for this scheme is that it is better than what would exist without the Comprehensive Plan of Action. Without the Comprehensive Plan, they say, Hong Kong would forcibly repatriate all Vietnamese. With the Comprehensive Plan at least some, those who pass screening, avoid forced repatriation.

The value of that argument depends on the value of Hong Kong screening. If Hong Kong screening is leading either to the forced repatriation of real refugees, or to the establishment of deterrence and disincentives that either prevent real refugees from coming or encourage those who have come to return, then the argument has no merit. International law requires protection of all refugees, not just some refugees. A law that protects only some is a bad law. The argument that such a law is better than no law at all is a political argument, not one of principle.

If Hong Kong screening is rejecting and deterring real refugees, and there is every reason to believe that it is, then the Comprehensive Plan of Action trades off the protection of some refugees against others. Those who pass Hong Kong screening are resettled. Those who fail are abandoned. That sort of trade off is legally and morally indefensible.

Canadian abdication of sovereignty might, in certain circumstances, itself be acceptable. The circumstances would be ones where the foreign screening system was fair beyond a shadow of a doubt. Then Canada could accept the results without qualms. Yet the Hong Kong system is anything but fair. The Hong Kong screening system is similar to the old Canadian system. A claimant is interviewed by an immigration officer. The officer either decides, if he or she concludes the case is simple, or recommends, if the case is difficult. Where the officer decides, a Senior Immigration Officer reviews the decision, based on the officer's interview notes. Where the officer recommends, the Senior Immigration Officer decides, again based on the officer's notes. That decision is subject to review by the Chief Immigration Officer.

A negative decision at the first level is subject to review by a second level Refugee Status Review Board. The review is a paper screening, based on the interview notes, a written assessment of the case by the deciding officer, and any representation the claimant may wish to make.

There is no access to the Hong Kong courts to appeal a negative decision of the Review Board. Hong Kong law says a decision of the Board shall not be subject to review or appeal in any court. This process presents a number of problems. One is absence of counsel. Counsel are not allowed to be present either for the initial interview with the investigating officer nor for the deliberations of the Review Board. All that counsel can do, under the current system, is help prepare claimants for their interviews with immigration officers, and help in filing written appeals to the Review Board.

Even those tasks, while in principle permissible, are inordinately difficult. Simply getting access to the claimants, who are kept in closed detention camps, is a problem. Counsel are either denied access to the camps or required to go through an elaborate bureaucratic procedure to gain access.

Claimants are given little, if any, notice of the dates of their immigration interviews. The Immigration Department of Hong Kong will not advise counsel when claimants will be interviewed or even whether they have been interviewed.

At the review stage there is provision for legal representation. Legal representation may be either a lawyer entitled to practice in Hong Kong or an appeals counsellor engaged by the Agency for Voluntary Service. The Agency for Voluntary Service is a body funded by the United Nations High Commission for Refugees.

As of December 1989, the Agency for Voluntary Service had only twelve legal advisers. Yet the Hong Kong system was generating 180 refusals a week. The twelve advisers have been able to take up and act on only eighteen cases a week. The rest, by and large, go unrepresented.

There is an urgent need for lawyers to assist claimants going through Hong Kong screening. There are many Canadian lawyers who go to Hong Kong to assist in the preparation of entrepreneur applications. These lawyers should consider whether they can also assist, while they are there, Vietnamese asylum members.

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That assistance would be particularly appropriate where there are Canadians seeking to sponsor Vietnamese in Hong Kong. There is an active institutionalized sponsorship system throughout Canada for Vietnamese refugees. The sponsors are being frustrated by the Canadian acceptance of the Comprehensive Plan and Hong Kong screening. I expect Canadian institutional sponsors, who are often intermediaries for Vietnamese in Canada seeking to bring their relatives over, would welcome Canadian legal assistance.

A Canadian lawyer in Hong Kong can be eligible to help a Vietnamese asylum member by qualifying for the Hong Kong bar or by coming under the umbrella of the Agency for Voluntary Service. In practice, neither of these steps may be necessary.

No qualification is necessary to assist a claimant to prepare for his initial interview, since Hong Kong law does not contemplate legal assistance. The obstacles are one of a practical nature — getting access to the claimant and finding out when the interview is.

Even for the appeal, since there is no oral hearing, being qualified may not be crucial. Representation can go in under the name of the claimant rather than under the name of the lawyer if the lawyer has neither the blessing of the Hong Kong bar nor the Agency for Voluntary Service.

Though appearances at hearings are impossible, lobbying those who decide is possible. Immigration officers who interview, Senior Immigration Officers who review and even Review Board Members who consider appeals will hear representations made on behalf of claimants outside the formal screening.

The Comprehensive Plan provides that the UNHCR shall advise in writing each individual of the nature of the procedure, the implications for rejected cases, and the right of appeal. In fact, that does not happen. Amnesty International reports that claimants know little or nothing about the procedure before they are subjected to interviews. There is no written information circulated to claimants. Claimants go into interviews unprepared, not knowing what to expect.

As I mentioned earlier, the Comprehensive Plan says the status of asylum seekers must be determined by a qualified and competent national authority in accordance with established refugee criteria and procedure. Again that does not happen. Those interviewing and deciding are neither qualified nor competent.

There is no qualification required for an immigration officer to decide refugee claims. There is no test of competency imposed. Refugee criteria are routinely misapplied or ignored. Established refugee procedures are flouted.

Observers note that interviewing officers show little or no knowledge of human rights violations in Vietnam, though that is the only country with which they are dealing. They do not allow claimants to tell their stories, but instead ask leading, hostile questions, and cut claimants off in the midst of their answers. Officers bring a prior skepticism to the hearings, believing claimants are economic migrants rather than refugees. They show little familiarity with the refugee definition. In several cases where claimants told stories that brought them clearly within the refugee definition, the claimants were refused all the same. Claimants are supposed to be given the benefit of the doubt.

But instead they are systematically denied it. Translation is often sloppy, misleading, confusing and inadequate.

When a claimant is refused, he or she is not given reasons, neither at the level of the Immigration Department, nor at the level of the Review Board. Claimants have no opportunity to hear what the possible objections to their claims are, or of contesting those objections.

Only 3 percent of those interviewed by immigration officers are accepted as refugees. A further 7.4 percent of those who appeal are successful. The fact that twice as many succeed on appeal as do at the first interview is itself an indicator that the first hearing is not properly functioning. Normally an appeal court increases the success rate by only a fraction above the rate of increase at the first level.

The negative nature of the first level hearing taints the possibility of later success. A claimant denied at the first level has not only a negative decision to reverse, there is also a negative record. The interviewing officer's notes and assessment, which form part of the record before the Review Board, may be at variance with the claimant's story through his or her own representations to the board. This variance may not be the fault of the claimant, but simply the consequence of a botched hearing conducted by an immigration officer who either cannot or does not want to understand the claimant's story.

The UNHCR offers a safety valve to the system. If someone is rejected at both levels, and the UNHCR nonetheless believes the person is a refugee, the UNHCR can recognize the person as a refugee falling within its mandate. The UNHCR has obtained an agreement from the Hong Kong Government that such mandate refugees will not be forcibly repatriated.

This safety net, while valuable, is not in itself an answer to all the problems of Hong Kong screening. Because the Review Board gives no reasons for its decisions and the UNHCR is not allowed to attend Review Board sessions, it is difficult for the UNHCR

to make refugee determinations aside from setting up its own procedure. Yet virtually all its processing resources are devoted to helping claimants through the Hong Kong system.

The implementation of the Comprehensive Plan, including forced repatriation, was left to a steering committee of which Canada is a member. But that steering committee has not been able to agree on the terms for forced repatriation.

Vietnam decided to accept the fifty-one people the British wished to deport before Christmas 1989. But the international outcry the repatriation aroused led Vietnam to hesitate about accepting others forced to return without international agreement in advance.

An attempt to get international agreement on forced representations to Vietnam has failed. There was a meeting in Geneva of thirty different countries, on January 23 and 24 of this year, to attempt to reach agreement. The U.S. refused to agree to forced repatriation to Vietnam from Hong Kong unless screening procedures were improved.

Hong Kong is a colony of the U.K. Its screening procedures were established by the U.K. Government. The problem in reaching international agreement is a difficulty with the U.K. Government, not with the Hong Kong Government. The UNHCR has told the U.K. it must introduce new safeguards into screening before the U.N. will endorse an international agreement on forced repatriation. The U.K. is attempting to go ahead with forced repatriation without U.N. approval. It is entering into direct negotiations with the Vietnamese Government. The British Government is offering Vietnam an undisclosed sum of money as an incentive to accept those returned unwillingly from Hong Kong.

It is understandable that the Government of England would oppose an improvement in the Hong Kong screening system, seeing it is so similar to its own.

The U.K. system, for asylum seekers who arrive without documentation at a U.K. air or sea port, is cursory.

A person is interviewed by a Home Office official. A transcript is sent to a Refugee Unit in the Department. The unit reads the transcript and decides. If the decision is negative, the person must leave. There is a right of appeal, but only after the claimant has left the country and been forcibly returned to the country of danger fled.

At the interview where the claim is made, counsel may attend, but is not allowed to participate. Counsel can ask the interviewer to put specific questions to the claimant but can ask no questions of the claimant him or herself.

Those who interview are neither specialized, nor qualified for refugee examinations. According to observers and commentators, officials bring a skeptical and enforcement-minded attitude to refugee claims. Some officers make gratuitously offensive or sarcastic remarks. Even the well-intentioned fail to ask appropriate questions because of their lack of experience in refugee matters and lack of information about the country fled. The Refugee Unit that decides, because it is part of the government, is politicized. It relies heavily on Foreign Office information which condemns governments hostile to the U.K. as persecutors and refuses to condemn governments friendly to the U.K.

In addition to the right of appeal after removal, the U.K. system allows for judicial review. But review is only for an arguable error of law. It is not available to correct a negative decision factually mistaken.

When the U.S. objected to the Hong Kong screening procedure, the British accused the U.S. of hypocrisy. Margaret Thatcher, in a meeting with George Bush, pointed to the U.S. policy of intercepting boats filled with Haitian asylum seekers and sending them back to Haiti. The point Margaret Thatcher made is a valid one, and applies to more than just interdiction by the U.S. The U.S. process suffers from many of the same problems as the Hong Kong system. I have already outlined U.S. refugee determination problems in my book *The Sanctuary Trial*, so I hesitate to summarize the

problems here. The grotesque results of the U.S. system, with a 97 percent rejection rate for Salvadoran and Guatemalan refugee claimants, speak for themselves.

No country has a refugee determination process free of all the faults of the Hong Kong system, which may be a caricature of the worst faults of Western screening systems. In another book, co-authored with Ilana Simon, titled *Closing the Doors: The Failure of Refugee Protection*, I wrote,

*If the South East Asian first asylum countries were simply to send refugees back without screening, the West would object and press for change. When countries like Hong Kong reject refugees by mimicking the procedures the West has used, the West is in no position to complain. We are seeing not so much a crude and indiscriminate rejection of all refugees, but rather a sophisticated simulation in first asylum countries of the techniques developed in Western resettlement countries.*

The Canadian system, particularly at the second level, offers a better hearing than is offered in Hong Kong. There are elements of the Canadian system one can point to with pride. But when the system as a whole presents such a mixed bag of elements, the Canadian Government will seem as hypocritical as the American if it presses for an improvement in Hong Kong screening.

In Canada, the burden of proof is on the claimant, as in Hong Kong. There are no standardized requirements for interpreters, as in Hong Kong. At the Canadian entry-level hearing, one of the two people deciding, and the one presiding, is an immigration adjudicator, a person who is neither by function nor training qualified or competent in refugee matters. The adjudicator poses many of the same problems to a refugee claimant that a Hong Kong immigration officer does. There is, on the other hand, a refugee board member present who can decide in favour of the claimant and, in effect, overrule the adjudicator on the decision whether the claimant should pass the first level.

The claimant in Canada has a right to assistance of counsel, which a Hong Kong claimant does not. On the other hand, the Canadian hearing is an adversarial one, with a government representative present to contest, cross examine and contradict. A Hong Kong hearing may be adversarial in fact, depending on the hearing, but it is not structured that way.

There is no meaningful appeal from a negative decision in Canada made at a first level hearing. The Hong Kong appeal is a faulty one, but at least a person stays in the country until his or her appeal is heard, which does not happen in Canada.

Canada has not, like the U.S., proposed an improvement in Hong Kong screening. Instead it proposed a year-long delay in mandatory repatriation of Vietnamese already in Hong Kong, but prompt return for those who arrive now. The British rejected this proposal.

There are two contrasts that must be kept in mind when looking at the plight of Vietnamese refugee claimants in Hong Kong. One is the contrast between the Canadian treatment of Vietnamese refugee claimants in Hong Kong and of entrepreneurial and investor applicants from Hong Kong. The other is the contrast between the treatment Hong Kong gives to the Vietnamese refugees and the treatment Hong Kong residents are asking for themselves as a result of the impending takeover by China.

The recent National Film Board production "Who Gets In" showed graphically the contrast between the treatment the Canadian visa office in Hong Kong gives to entrepreneurial and investor applicants on the one hand and refugee claimants on the other. Entrepreneurial and investor applicants are welcomed with open arms. Refugee claimants are allowed in begrudgingly, if at all.

I do not raise this contrast to question the entrepreneurial and investor programs, which I believe do have their place in Canadian immigration policy. But I point out that in the long run it is impossible to run a generous entrepreneurial program and a restric-

tive refugee program side by side. At some point, the restrictiveness of the refugee program will undercut the support for the entrepreneurial program. To a certain extent, that undercutting of support is already happening. Those who believe in welcoming entrepreneurs, if they want to maintain that welcome, must work to ensure that refugees are equally welcome.

China will assume control of Hong Kong in 1997. Chinese repression and the 1989 Tiananmen Square Massacre have caused people of Hong Kong serious concern about what freedoms they will be allowed after 1997. Indeed, much of the entrepreneurial and investor movement from Hong Kong is an anticipatory refugee movement of people leaving in advance of the impending Chinese takeover.

Yet, the people of Hong Kong will have difficulty generating sympathy from the rest of the world for the impending takeover and repression by China, when the Hong Kong Government is treating Vietnamese refugees in Hong Kong so badly. Again, I do not advocate that we ignore the plight of potential Hong Kong refugees because the Hong Kong government is slighting the tragedy of Vietnamese refugees. But I think it is worth pointing out that Hong Kong is undercutting the support it may hope to fetch for its own potential problems.

For Canada, I suggest the way to reform the Hong Kong system is through improvement in the Canadian refugee determination system. Only when Margaret Thatcher and others cannot accuse Canada of being hypocritical is the Government of Canada going to be credible in arguing against forcible repatriation of refugees from Hong Kong to Vietnam. In the meantime, individuals, lawyers and organizations in Canada must do what they can to assist those caught up in the Hong Kong detention camps.

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