

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

CANADA'S PERIODICAL ON REFUGEES

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