

STATELESS VIETNAMESE IN THE PHILIPPINES

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Thirteen years after escaping Vietnam in rickety boats, 2000 Vietnamese people remain stranded in the Philippines. Not recognised by Vietnam and given only temporary residency status in the Philippines, they live with an uncertain future. A humane and dignified solution to their stateless dilemma is being proposed.

Background

Following the fall of Saigon in 1975, over half a million Vietnamese refugees fled persecution. In 1989, 74 countries signed the UNHCR-sponsored Comprehensive Plan of Action (CPA) designed to halt the movement of boat people from Vietnam. Under the CPA, asylum seekers were no longer given automatic refugee status. Rather, they became subject to a series of status determination procedures to ascertain whether they qualified for refugee status under the **1951 Refugee Convention**.

In the Philippines, this screening procedure was poorly implemented, unsupervised and corrupt. Demands for large bribes and sexual favours were commonplace. The stateless Vietnamese in the Philippines today are those who were not recognised as refugees under this screening process.

Post-CPA and Statelessness in the Philippines

In 1996, the UNHCR closed the refugee camps and withdrew support. Since then, the Vietnamese have been fending for themselves, making a living by buying and selling goods in markets or on the streets.

They are **stateless** because Vietnam will not recognise them unless they volunteer to return to Vietnam and are 'accepted'. However, no repatriation program currently exists, and even if it did, they are still afraid to return to a regime which they claim persecuted themselves and their families.

To date, the Philippines has not granted permanent residency status to the Vietnamese. Without permanent status they face harassment from police, are the targets of violent crime, are ineligible for work permits, cannot travel, and/or own property (see Bureau of Immigration letter attached).

506 families (1375 individuals) with sponsoring relatives in the US and 27 families (66 individuals) with pre-75 links in the U.S.

Existing records from the Representative Office of Australian lawyer Hoi Trinh in the Philippines confirm that there are:

1. 227 cases (639 people) that have at least a parent and/or sibling residing in the US.
2. 279 cases (736 people) that have at least a relative (uncle/aunt/cousin/other distant relatives) in the US willing and able to sponsor.

In addition, there are 27 cases (66 people) the principal applicants of which were former soldiers of the Army of the Republic of Vietnam before 1975.

Burden Sharing and Proposal to the U.S. Government

It is hoped that as a signatory to the CPA, the U.S. will help solve this stateless dilemma by allowing the resettlement of and reuniting the 506 families with their sponsors in the U.S. The overseas Vietnamese communities in Australia, Canada and the U.S, together with the sponsors and the stateless people themselves undertake to pay for all the costs associating with their resettlement.

Recognising the humanitarian needs of this stateless group, to date, the U.K. and Australian Governments have approved all cases that have a parent and/or sibling residing in their countries for resettlement on **special humanitarian grounds**. Australia alone has accepted **258 people** under this special humanitarian category over the last 2 years. Ongoing lobbying efforts are being carried out in Australia, Canada and the EU for those who have found sponsoring relatives residing in those countries.

The UNHCR has recently recognized that a durable solution is needed for this group and that 'given the need for effective solutions in the context of the CPA and its aftermath, UNHCR would consider these countries' favorable response... to be a strong humanitarian gesture'. It is hoped that having been stateless and displaced for over 13 years, this remaining group with sponsoring relatives in the U.S. will also soon be given permanent refuge in the U.S.