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Vietnamese **BULLETIN** vietnamien
Vietnamese Canadian Federation Fédération vietnamienne du Canada

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FEDERATION NEWS

Special Issue: Vietnamese Refugees in the Philippines

Since 2002, the Vietnamese Canadian Federation (VCF) has worked with Hoi Trinh, the Vietnamese Australian lawyer who has worked for several years helping resettle the Vietnamese refugees who are stranded in the Philippines since 1996, to lobby the Canadian government to accept some of these refugees to Canada.

In April 2004, it was reported from the U.S. that the U.S. government had reached an agreement with the Government of the Philippines whereby it will resettle the majority of these people, and all those who are not selected will be given legal status by the Filipino government. As such, VCF felt that it was not necessary to pursue this lobbying effort.

However, Mr. Trinh found out in late 2004 that the Filipino plan would take a long time to implement, if at all. Therefore, he helped organize a group based in Toronto called SOS-Viet Phi Committee to lobby the Canadian government again.

As a result, the House of Commons Standing Committee on Citizenship and Immigration (CCI) conducted a hearing on this issue on February 17 to find out how these refugees can be resettled in Canada.

Subsequently, in support of the work of the SOS Viet Phi Committee, VCF mounted a cross-Canada campaign for a petition to urge the Canadian government to accept some of these refugees. This petition -- with thousands of signatures by people from all walks of life -- was presented to the Government of Canada with the help from Mr. Andrew Telegdi, Chairman, Mr. Bill Siksay, NDP Immigration Critic, and other members of CCI. On the other hand, CCI also adopted a motion which essentially supports our petition.

On March 24, the Honourable Joe Volpe, Minister of Citizenship and Immigration (CIC), issued a Press Release outlining a new policy allowing people with relatives in Canada to be sponsored by these relatives.

Considering the special circumstances of these refugees who have been in a limbo since they fled the Communist regime in Vietnam close to 15 years ago, in a departure from the regular eligibility criteria, the Minister allows the sponsorship of siblings and adult children who aren't usually eligible as members of the family class.

The petition and the CIC press release, as well as other related documents, are presented below.

Following the issue of CIC's new policy, VCF sent the following letter to the Minister to thank him for his effort in lending a hand to the refugees.

April 5, 2005

The Honourable Joe Volpe, P.C., M.P.
Minister of Citizenship and Immigration
House of Commons
Ottawa, ON
K1A 0A6

Re. Vietnamese Refugees in the Philippines

Dear Sir:

I am writing to express our gratitude for the decision that you announced on March 24, 2005 whereby your Department will broaden the group of Vietnamese refugees currently stranded in the Philippines who can be sponsored by their relatives in Canada. This is a positive step which will certainly help bring some of these unfortunate refugees to Canada.

I just hope that you will also consider the group of refugees who were rescued by *HMCS Provider* in 1990 whom the Vietnamese Canadian Federation has mentioned in our correspondence with your predecessors. Also, I hope that your department will be able to find a way to help those Canadian residents who do not meet the sponsorship financial requirements to bring their relatives to Canada.

Trusting that our request will receive your favourable consideration, I remain,

Yours sincerely,

Ut V. Ngo

President, Vietnamese Canadian Federation

c.c. Mr. Andrew Telegdi, C h a i r m a n ,

House of Commons Standing
Committee on Citizenship and
Immigration

Mr. Bill Silksay, M.P.,
NDP Immigration Critic

PETITION TO THE GOVERNMENT OF CANADA

WHEREAS:

1. Two thousand Vietnamese refugees have remained stateless in the Philippines over the last 16 years without being given any status.
2. This small number of Vietnamese refugees represents the last group of "Boat People" from Vietnam, stranded in the Philippines since 1989.
3. Australia and the U.K. have provided resettlement for some 300 refugees on compassionate and humanitarian grounds since the year 2000.
4. The U.S. has agreed to accept the majority of the remaining 2,000 Vietnamese refugees for resettlement, and Norway will admit some refugees on similar grounds.
5. Some 200 families (approximately 500 individuals) are expected to be left behind without a durable solution after 16 years of displacement and statelessness.
6. Many of these families have relatives such as parents, siblings, and other relatives living in Canada.
7. The Vietnamese Canadian community is willing and able to find sponsors for all of the 200 refugee families; the City of Ottawa fully supports this initiative.

8. Canada accepts some 30,000 refugees annually and already has in place policies and programs that would allow the resettlement of these families.

9. These families meet the criteria set under the "Country of Asylum" class which requires that the applicant: (a) be outside his/her country of citizenship; (b) has been affected by civil war or armed conflict; or (c) has suffered violations of human rights; (d) has no possibility, within a reasonable period of time, of having a durable solution; and (e) be privately sponsored.

We call upon the Government of Canada to recognize this last group of Vietnamese Boat People as refugees, under the "Country of Asylum" class, and allow resettlement for some 500 individuals on humanitarian and compassionate grounds, during the 2005-2006 Fiscal Year.

PÉTITION AU GOUVERNEMENT DU CANADA

TANDIS QUE :

1. Deux mille réfugiés vietnamiens sont restés apatrides aux Philippines au cours des 16 dernières années sans aucun statut.
2. Ce petit nombre de réfugiés vietnamiens représente le dernier groupe de "Boat People" du Vietnam, échoué aux Philippines depuis 1989.
3. L'Australie et les Royaumes-Unis d'Angleterre ont accepté environ 300 réfugiés pour des raisons compatissantes et humanitaires depuis l'année 2000.

4. Les Etats-Unis sont d'accord pour accepter la majorité des 2.000 réfugiés vietnamiens qui restent, et la Norvège admettra un certain nombre de réfugiés pour des raisons semblables.
5. On s'attend à ce qu'environ 200 familles (approximativement 500 individus) soient laissées sans solution durable après 16 ans de déplacement et d'apatridie.
6. Plusieurs de ces familles ont des relations tels que parents, enfants et autres, vivant au Canada.
7. La communauté canadienne-vietnamienne est disposée et capable de trouver des groupes de parrainage pour toutes ces 200 familles de réfugiés; la ville d'Ottawa approuve pleinement cette initiative.
8. Le Canada accepte environ 30.000 réfugiés annuellement et a déjà en place les politiques et les programmes qui permettraient le reclassement de ces familles.
9. Ces familles rencontrent les critères établis sous la clause « Pays d'asile » qui exigent que le demandeur : (a) est à l'extérieur de son pays de citoyenneté ; (b) a été affecté par une guerre civile ou un conflit armé ; ou (c) a souffert des violations des droits de l'homme ; (d) n'a aucune possibilité, au cours d'une période raisonnable, d'avoir une solution durable ; et (e) est parrainé d'une façon privée.

Nous demandons au gouvernement du Canada d'identifier ce dernier groupe de

« Boat People » vietnamiens comme réfugiés, sous la clause « Pays d'asile », et de permettre le reclassement pour environ 500 individus pour des raisons humanitaires et compatissantes, pendant l'année fiscale 2005-2006.

PRESS RELEASE

Canada opens its doors to a group of Vietnamese asylum seekers in the Philippines

OTTAWA, March 24, 2005

The Honourable Joe Volpe, Minister of Citizenship and Immigration Canada (CIC), confirmed a process that will allow people in Canada to sponsor close family members who are part of a remaining Vietnamese population in the Philippines.

Canada has joined the efforts of the United States, Australia, and Norway, and will consider applications from approximately 200 people who may have a sibling or parent in Canada. These individuals are part of a group of 2000 Vietnamese people currently without permanent status in the Philippines. The United States is working to admit the majority of the total population, and several countries and international organizations will continue to support the Government of the Philippines in their efforts to provide legal status to those who remain.

"Although these families are not eligible to be sponsored as refugees, we recognize the need to assist them and, in doing so, are proud to uphold Canada's humanitarian and compassionate traditions," said Minister Volpe.

For this group, the Minister has instructed

the department to allow the sponsorship of siblings and adult children (who aren't usually eligible as members of the family class). Those who are usually eligible as family class members, such as spouses, dependent children, parents and grandparents may also be considered and will be processed on an expedited basis.

Applicants are required to meet a number of criteria, including a willingness by their family members to show they will support them by submitting a sponsorship. Also, they must provide evidence verifying their relationship to the sponsor, and they must be admissible according to criminality, security and medical standards.

As a first step in implementing the process, the families will have to provide additional information, following which, CIC will send application kits to the potential sponsors. Processing these applications will include conducting selection interviews and other standard processing procedures. It is anticipated that most of these cases will be finalized within a year.

CIC has informed its provincial and territorial counterparts of this new process. Under the Canada-Quebec Accord, the Government of Quebec is responsible for selecting immigrants destined to that province on humanitarian and compassionate grounds. CIC is working closely with officials in the Québec Ministère de l'Immigration et des Communautés culturelles to develop procedures for people in this group.

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For more information (media only):

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Background

STATELESS VIETNAMESE REFUGEES IN THE PHILIPPINES

(by Hoi Trinh, December 2004)

Fifteen years after escaping Vietnam, 2000 Vietnamese refugees 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 has been proposed to the Canadian Government.

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 they refuse to return to a regime which they claim persecuted themselves and their families.

To date, the Philippines have 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, own property, or gain access to public facilities. There are known cases of children being denied education.

Burden Sharing and Proposal to the Canadian Government

It is hoped that as a signatory to the CPA, Canada will help solve this stateless dilemma by allowing the resettlement of and reuniting the 231 families with their sponsors in Canada. The overseas Vietnamese communities in Australia, Canada and the U.S, together with their sponsors undertake to pay for all the costs associated with their resettlement.

Recognising the humanitarian needs of this stateless group, to date, the U.K., Norway and Australia 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. The US government has agreed to consider all cases which are '**of special humanitarian concern to the US**'. Ongoing advocacy efforts are being carried out in Australia and the EU in support of resettlement of 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 stated 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*' (see UNHCR letter enclosed). It is hoped that having been stateless and displaced for over 15 years, this remaining group with sponsoring relatives in Canada will also soon be given permanent refuge in Canada.

HOUSE OF COMMONS DEBATES

February 18, 2005

Mr. Bill Siksay (Burnaby—Douglas, NDP):
Mr. Speaker, over 2,000 Vietnamese boat people remain in the Philippines. These refugees from the war in Vietnam were never resettled, never repatriated and are without status in the Philippines. They receive no support from the UN.

Australia, the U.K., Norway and the U.S. are working to close the book on this chapter of world history by resettling some of these stateless refugees.

The Vietnamese Canadian community is ready now to do its part to help. My question is for the Minister of Citizenship and Immigration. Why has Canada refused to assist with this admirable humanitarian project?

Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, the hon. member will know that Canada played its role and did its part, and did it very willingly. Over 50,000 such refugees were welcomed into Canada and integrated into our economy and society and we are proud to have been able to integrate them fully.

The situation to which the member is referring is one that is resident in the Philippines and the Philippine authorities are in the process of remedying. The fact that they are stateless creates a little bit of a difficulty for all of the nations that have an interest but the UNHCR is currently involved and engaged.

CITIZENSHIP AND IMMIGRATION

May 9, 2005

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, back on February 18, I asked a question of the Minister of Citizenship and Immigration around what Canada was doing to assist in the humanitarian project of resettling over 2,000 Vietnamese boat people who remain in the Philippines.

These refugees from the end of the Vietnam war, which was 16 or 17 years ago, have never been resettled to another country. They have no status in the Philippines and they have never been repatriated to Vietnam.

A number of countries have taken some measures to resettle some of these folks. Australia, Norway and the United States have made plans to do that.

On February 18, the minister would not commit to participating in this humanitarian project.

There are 2,000 stateless Vietnamese boat people in the Philippines who have no legal rights. They are not allowed to work legally and their children are not allowed to go to school. They are in a very precarious situation there.

Organizations in Canada from the Vietnamese community, like SOSVietPhi and the Vietnamese Canadian Federation, raised this issue with the Standing Committee on Citizenship and Immigration back in February. They also have been organizing in the community. They recently presented a petition with almost 27,000 signatures calling on the Canadian government to assist with this humanitarian project.

I think this shows an amazing adaptation to Canada by members of the Vietnamese community who know the generosity of spirit of Canada. They were beneficiaries of that back when the bulk of them were resettled at the end of the Vietnam war.

I need to acknowledge that the government has taken action since February 18, thanks to the pressure from the Vietnamese community and those of us who have raised the question here in the House and in committee, but more needs to be done.

The government has indicated it is willing to consider admitting up to 200 people who have family in Canada but there are actually around 500 who have relatives in Canada. The Vietnamese Canadian community is willing to do its part in terms of the resettlement but they would like to see a

community sponsorship, not just family sponsorship. They would like that to be possible as part of this resettlement effort so the responsibilities can be shared more broadly.

We must also expedite the processing and arrival of these people and get them out of their precarious situation in the Philippines. We also need to expand the definition of the family to include adult married children, aunts, uncles and cousins. This is very important, especially for people who have gone through the dislocation of a major refugee movement and who have faced the death of many of their relatives as part of fleeing from Vietnam.

I would like to ask the government when it is willing to undertake these extra measures to address this humanitarian crisis.

I want to conclude by saying that I am concerned about the government's attitude to the situation of these stateless people. The government said that they were integrated into the community in the Philippines. The former minister actually reported that our mission in the Philippines confirms that "The Vietnamese community has been integrated into the local community both socially and economically".

Nothing could be further from reality. These people are stateless and they have no rights in the Philippines. They are not allowed to work. In fact, most of them make a living by being street vendors and are constantly harassed by the authorities because they do not have the legal right to even do that.

We need to move beyond this idea that somehow a stateless person can be integrated into the community to which they fled for some kind of safety. The government needs to address that issue as well.

Hon. Raymond Simard (Parliamentary Secretary to the Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages and Minister responsible for Democratic Reform, Lib.): Mr. Speaker, I thank the hon. member for raising this important issue and for allowing me to highlight the government's strong commitment to family reunification.

As the hon. member has just indicated, Canada has agreed to accept those, among the 2,000 individuals in question, who can demonstrate they have close family ties in this country, which includes adult children, brothers, sisters, spouses, common law partners and dependent children. Parents and grandparents can already be sponsored as members of the family class, but now their applications will be expedited.

The hon. member will also know that Citizenship and Immigration Canada has worked very closely with SOSVietPhi to finalize a policy that will allow sponsored applicants to become permanent residents of Canada within the next 18 months. Potential sponsors have been asked to forward applications to sponsor their loved ones by December 31, 2005 at the latest.

Some cases may be more difficult than others to process and some applications may be completed faster, so the length of time it takes to get to Canada will vary from one case to the next. The hope is to finish processing all cases by the end of 2006.

The length of undertaking for adult children of a sponsor here in Canada has been set at three years. For everyone else, the length of undertaking is 10 years, which is the same for parents, grandparents and dependent children in some cases.

The Government of Canada believes that of the many newcomers it brings to Canada,

families represent both an anchor and a source of strength for the future. They also represent the strongest possible foundation for the health and prosperity of any community or nation.

We therefore need to ensure that the family class remains a vibrant and integral component of Canada's immigration program. This is what we have done in the past and it is what we are doing now.

Mr. Bill Siksay: Mr. Speaker, I think we need a further expansion of the family class. As I mentioned, the folks who have gone through the kind of refugee dislocation that the Vietnamese boat people went through, the people who faced the significant incident of death while they were fleeing from the Philippines, have seen their families and the sort of nuclear family arrangement completely altered, if they even have that kind of definition of family in their culture.

Therefore, we need to expand it even further to include aunts, uncles and cousins and ensure that those people can come to Canada.

Expediting the processing is good, but we are taking years to assist refugees often in getting them out of the precarious and vulnerable situations in which they find themselves. We find that not just with the Vietnamese boat people in the Philippines but with other refugees, the families of refugees who are here in Canada.

We need to move to ensure that the processing times for all those people are reduced significantly so they are removed from situations of vulnerability and danger, where their children's education is disrupted, where the health circumstances are not great and where their personal security is threatened.

We need to do more to expedite the processing of all those kinds of applications.

Hon. Raymond Simard: Mr. Speaker, I have heard it said that Canada should have acted faster to resolve this issue. I would like to point out, however, that neither the international community nor the United Nations High Commissioner for Refugees considered the Vietnamese population in the Philippines to be in need of protection through resettlement.

Nevertheless, the Government of Canada recently agreed to help by creating a special family reunification policy under section 25 of the Immigration and Refugee Protection Act for which approximately 56 Vietnamese and their family members will be eligible to apply. This represents around 200 people.

Citizenship and Immigration Canada has been working very closely with members of the Vietnamese community to identify eligible family members as well as to finalize certain elements of the policy. While the policy has been finalized, there is still a lot of work to do.

We need to determine who is eligible to come to Canada and then verify the relationship with their Canadian or permanent resident sponsor. We also need to verify and ensure that the applicant is admissible on criminality, security and medical grounds. Surely this approach is the most fair, balanced and practical way to proceed.

MEDIA REVIEW

Vietnam: New Evidence of Torture, Mass Arrests of Montagnards - Cambodia Slams Door on New Asylum Seekers

Human Rights Watch
Jan 8, 2005

Cambodia's decision to close its northeastern border with Vietnam to halt the flow of Montagnard asylum seekers comes amidst alarming new reports of mass arrests, torture, and increasing persecution of Montagnard Christians in Vietnam's Central Highlands, Human Rights Watch said in a 25-page briefing paper released today.

New testimony gathered by Human Rights Watch establishes the widespread and continued use of torture against activists, religious leaders, and individuals who have been deported or have voluntarily returned from Cambodia.

On January 1, Cambodian National Police Chief Hok Lundy ordered authorities in the border province of Ratanakiri to increase the number of border police in order to prevent Montagnard asylum seekers from entering. "The authorities have to convince the local people to be our spies in order to report how many Montagnards [enter Cambodia], to arrest them and send them back to Vietnam," he said.

"The Vietnamese government's mistreatment of Montagnards continues unabated," said Brad Adams, executive director of Human Rights Watch's Asia Division. "Instead of closing its borders to asylum seekers, the Cambodian government should be working with the United Nations refugee agency to provide sanctuary to people escaping torture and arbitrary arrest."

Human Rights Watch said that under Cambodia's international treaty obligations, the Cambodian government must not return Montagnard asylum seekers so long as they face a serious risk of persecution upon return

to Vietnam. Hok Lundy's statements, which were tape recorded, make it clear that Cambodia is flouting its legal obligations.

During high-profile tours to the Central Highlands in December, top Vietnamese officials pledged to respect religious freedom and called on local officials to encourage "peaceful and happy" Christmas celebrations in Montagnard villages.

However, in the weeks leading up to Christmas, police were busy rounding up and arresting dozens of Montagnard Christians and detaining them at district and provincial police stations and prisons throughout the region. In Gia Lai province alone—one of five provinces in the Central Highlands—police arrested 129 people between December 12 and 24.

"Christmas was relatively quiet in the highlands," said Adams. "That's because hundreds of Montagnards were rounded up and spent the holiday in police detention."

Many of those arrested during the Christmas crackdown were Montagnard house church leaders who were organizing Christmas gatherings in the villages. Others targeted for detention included the wives and even young children of men who had fled to Cambodia to seek asylum. Human Rights Watch said that police also arrested dozens of Montagnards suspected of being protest leaders or making contact with groups in the U.S. supporting demands for the return of ancestral land and religious freedom. The current whereabouts and treatment of most of the detainees is unknown.

A Mnong man from Dak Nong province, who was arrested in April 2004, said he was severely beaten several times by police officers trying to obtain the names of other

activists. At the district jail, police officers pulled out one of his toe nails, beat him repeatedly on his thighs with a rubber baton, and boxed him in the face, knocking out one of his front teeth. They brandished an AK-47 rifle and threatened to kill him. He was then transferred to the provincial prison, where he was interrogated and beaten again:

"They beat my head and used two hands to box my ears more than thirty times, until my face was bright red and my ears were bleeding. They kicked me in the chest with their boots. They wanted to squeeze out the information about the demonstrations".

First-hand accounts from Montagnards who have voluntarily returned to Vietnam since 2001 indicate that Vietnamese authorities treat returnees with intense suspicion. Some are placed under police surveillance and even house arrest upon return, or are regularly summoned to the police station for questioning about their activities.

On December 29, the Vietnamese government publicly accused 13 Montagnards who voluntarily returned to Vietnam last October from a Cambodian refugee camp of being spies that the United Nations High Commissioner for Refugees (UNHCR) "trained to create disturbances and then sent back to Vietnam."

"These kinds of statements show a degree of paranoia that leads to persecution," said Adams. "Instead of punishing those who flee for safety, the government in Hanoi must begin to deal with the causes of discontent, which are religious repression and widespread confiscation of the agricultural land on which the indigenous minority people depend for their livelihood."

Meanwhile, Montagnard asylum seekers

who crossed the border to Cambodia's Ratanakiri province right before Christmas remain in dire straits. During the last week truckloads of Cambodian police and gendarmerie have been scouring the forests where the asylum seekers are thought to be hiding.

"It is absolutely imperative that the Cambodian government immediately grants UNHCR access to these people, or turns them over to UNHCR if government security forces apprehend them," said Adams. "UNHCR and key governments must make it clear in no uncertain terms to the Cambodian government that asylum seekers must not be arrested and summarily returned to Vietnam."

Cambodia is a party to the United Nations Refugee Convention, which prohibits the return of individuals facing a well-founded fear of persecution on political, religious, or ethnic grounds. Cambodia has an obligation to make individual determinations about the validity of asylum claims. Cambodia is also a party to the Convention Against Torture, which states in article 3 that, "No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture."

Vietnam accused of human rights abuses

CBC News, Mon, 10 Jan 2005 18:33:46 EST

HANOI - Human Rights Watch has accused Vietnam of carrying out mass arrests, persecution and torture of ethnic minority Christians in the troubled Central Highlands.

In a new report, the New York-based organization also criticized Cambodia's

decision to reinforce its northeastern border with Vietnam in a bid to halt the flow of ethnic minority or Montagnard asylum seekers.

The report says the move comes amidst alarming new reports of mass arrests, torture, and increasing persecution of Montagnard Christians in the Central Highlands.

More than 1,000 Montagnards fled the Central Highlands to Cambodia after security forces put down protests in February 2001 calling for religious freedom and return of ancestral lands.

In April last year, thousands of Montagnards again took to the streets across the impoverished region in Easter protests, triggering, what human rights groups described as a brutal crackdown.

(With files from the Australian Broadcasting Corporation).

The Vietnamese Bulletin *vietnamien* is a quarterly newsletter published by the Vietnamese Canadian Federation.

The Federation welcomes contributions to this publication from its member associations and from the public, as well as suggestions or comments that may help improve its format or enrich its content.

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