

REPORT BY THE U.S.

General Accounting Office

Problems In Processing Vietnamese Refugees From The Dong Rek Camp In Cambodia

In September 1983, Vietnamese seeking asylum in Thailand and eventual resettlement abroad began assembling at Dong Rek, Cambodia, 2-1/2 miles from the Thai-Cambodian border. Twelve months elapsed before the Royal Thai government allowed the resettlement process to begin. The population at Dong Rek grew from 1,326 in February to about 3,600 in September 1984. When all resettlement countries completed their screening and processing of the Dong Rek Vietnamese, only 1,363 received offers for resettlement. The remaining Vietnamese were placed in an evacuation camp in Thailand.

The principal delays in the resettlement resulted from Thai government policies; lack of international community support; and long-term implications that the processing of the Dong Rek population would encourage more Vietnamese to migrate to Thailand, seeking similar resettlement opportunities.



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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

NATIONAL SECURITY AND
INTERNATIONAL AFFAIRS DIVISION

B-219689

The Honorable Bill McCollum
House of Representatives

The Honorable Daniel E. Lungren
House of Representatives

In response to your letter of December 11, 1984, we have reviewed efforts by the Department of State and the Department of Justice's Immigration and Naturalization Service (INS) to assist, process, and accept for resettlement in the United States those Vietnamese who fled their country overland and sought asylum in Thailand. We focused on your concerns about U.S. efforts to efficiently carry out programs for resettling those Vietnamese encamped at Dong Rek near the Thai-Cambodian border. Details on our findings appear on appendixes I through V.

We reviewed U.S. efforts to assist and resettle the Vietnamese at Dong Rek within the historical context of previous efforts for resettling other Vietnamese who have sought refuge in Thailand. The ability of the United States to help these Vietnamese was influenced by (1) Thai government asylum and resettlement policies for refugees and other migrants, (2) U.S. government policies and procedures for admitting refugees into the United States, and (3) resettlement efforts by other countries.

After Vietnam became unified under the Communist government in 1975, thousands of persons fled that country due to political persecution, human rights abuses, warfare, and economic privation. Through March 1985, most of the over 640,000 Vietnamese seeking refuge had fled by boat to Thailand, Malaysia, the Philippines, Indonesia, Hong Kong, and other countries. About 31,000, however, fled overland through Cambodia to Thailand. Since 1979, these Vietnamese "land refugees" have sought refuge and assistance along the Thai-Cambodian border while awaiting access to resettlement opportunities. Between 1980 and 1984, the Thai government and responsible international organizations and over a dozen resettlement countries, including the United States, have negotiated the resettlement of these Vietnamese from three successive border camps.

DONG REK

The influx of the Vietnamese by land since 1979 resulted in the successive establishment of three major encampments along the Thai-Cambodia border, the latest being the Dong Rek camp. The International Committee of the Red Cross (ICRC) administered all the camps, including providing care for the Vietnamese and overseeing subsequent resettlement efforts. The first two camps, known as NW-9 and NW-82, were inside Thailand. The third camp, Dong Rek, was also administered by ICRC but was located on the Cambodian side of the border.

Following the establishment of Dong Rek, negotiations began between ICRC and the Thai government to find a lasting solution for the safety of the camp's occupants. Because of the camp's location--2-1/2 miles inside Cambodia--the Vietnamese remained vulnerable to the thousands of hostile displaced Cambodians encamped alongside them and to the Vietnamese military forces. Therefore, ICRC, with the support of the resettlement countries, including the United States, pressed for Thai government authority to move the Vietnamese into Thailand, where they could be processed for resettlement.

Major factors delaying processing and resettlement

Processing of the Vietnamese encamped at Dong Rek for resettlement in the United States and other countries began in early November 1984, almost 9 months after ICRC and the Thai government began negotiating such efforts. During this time, the Thai government and resettlement countries addressed concerns about where processing could take place and the impact of such efforts.

In February 1984, Thai government officials initially indicated, verbally, that they were considering allowing resettlement countries to process and resettle the Vietnamese encamped at Dong Rek. That Thai position, however, depended on a number of conditions. First, the Thais asserted that the Dong Rek Vietnamese were neither refugees nor a Thai government responsibility since the camp was located in Cambodia and, therefore, the Thais insisted that processing of the Vietnamese for resettlement to third countries, including the United States, must be done at the camp in Cambodia, not in Thailand. In June 1984, the Thai government agreed, in principle, to allow some of the Dong Rek Vietnamese to be transported into Thailand for processing. However, granting official processing authority was delayed by the government until September because of the (1) continued presence in Thailand of several hundred Vietnamese and

thousands of Cambodians without resettlement opportunities, (2) lack of support by most countries for continued resettlement efforts, and (3) disagreements on solutions for those Dong Rek Vietnamese not resettled. Also, the Thais were reluctant to initiate resettlement efforts for fear such actions would create a "magnet," encouraging other Vietnamese to flee across Cambodia.

From the time negotiations started in February 1984, the United States expressed a willingness to screen and process the U.S.-eligible Dong Rek Vietnamese for possible resettlement in the United States. Both State and INS, however, were opposed to crossing into Cambodia to carry out such efforts. Along with the other major resettlement countries, the United States raised serious concerns about

- exposing their resettlement staffs to the continued fighting along the border,
- the likely inability of smaller resettlement countries to participate in such efforts, and
- the adverse political implications associated with entering Cambodia to screen and process the refugees.

The resettlement countries also expressed concerns, similar to those raised by the Thai government, about the potential magnet effect created by processing and resettling the Vietnamese from Dong Rek. In addition, most countries were generally reluctant to renew their participation in resettlement efforts. Responses by countries other than the United States, Australia, and Canada to ICRC inquiries about possible resettlement offers were pessimistic.

Processing of Dong Rek Vietnamese

The Thai government gave the ICRC written authority in late September 1984 for the United States and other countries to screen the Dong Rek Vietnamese in Thailand. ICRC then distributed computer lists identifying those Vietnamese who had entered Dong Rek prior to September 30 and had possible connections in each resettlement country. Subsequently, ICRC and the resettlement countries developed a schedule allowing processing to start in early November. Recognizing logistical constraints, such as transporting the selected refugees into Thailand for processing, the schedule called for the various resettlement countries to screen the Vietnamese, in sequence, with the United States following the other resettlement countries.

On October 4, 1984, 1 week after the Thai government authorized processing, the Department of State approved U.S. participation in the resettlement effort. In accordance with U.S. refugee admission procedures, State advised the Joint Voluntary Agency, which in Thailand is composed of representatives of the International Rescue Committee, to prescreen those 2,122 Vietnamese (out of a camp population of about 3,600) who were believed to be eligible for the U.S. program.

Indochinese refugees in the following five categories, known as priority 1 through priority 5, are eligible for resettlement.

- Priority 1 Refugees in immediate danger of loss of life or of a compelling concern to the United States, such as former political prisoners.
- Priority 2 Refugees previously employed by the U.S. government.
- Priority 3 Refugees who are spouses, children, parents, grandparents, unmarried siblings, or unmarried minor grandchildren of persons in the United States.
- Priority 4 Refugees previously employed by U.S. foundations or business firms or who were trained abroad under U.S. government auspices.
- Priority 5 Refugees who are married siblings, married grandchildren, or unmarried adult grandchildren of persons in the United States.

These priorities were derived from executive branch--primarily the U.S. Coordinator for Refugee Affairs, State, INS, and the Department of Health and Human Services (HHS)--consultation with the Congress to establish the criteria which would be used to determine those refugees the government is interested in resettling in the United States. Appendix II contains more details on U.S. refugee admissions policies and processing procedures also developed in those consultations.

With Joint Voluntary Agency prescreening completed on December 8, 1984, the INS began interviewing those Vietnamese fitting into priorities 1 through 4 and, in some special cases, priority 5. To complement the INS processing, State refugee officers further reviewed the files of those refugees claiming

to have served in the Republic of Vietnam military forces and of those refugees claiming to either be former U.S. government or business employees.

On January 24, 1985, before INS completed its processing, Vietnamese forces attacked the Dong Rek camp and all the camp's residents were evacuated into Thailand. On February 4, 1985, INS resumed interviewing at the new evacuation site in Thailand and completed processing on February 27, 1985--about 5 months after the Thai government authorized such resettlement efforts and about 1 year after resettlement negotiations began between the Thai government and ICRC.

About one-third of all
Vietnamese at Dong Rek resettled

About 3,600 Vietnamese had arrived in Dong Rek before the established September 30, 1984, eligibility-for-processing cut-off date. Of these Vietnamese, 1,363 (38 percent) were accepted for resettlement in third countries, according to ICRC. The United States accepted 1,035 (about 76 percent) of those resettled. A summary of all third country resettlement follows.

<u>Country</u>	<u>Refugees resettled</u>	<u>Percent resettled</u>
Australia	147	10.8
Canada	116	8.5
France	21	1.5
New Zealand	27	2.0
Six Western European countries	17	1.2
United States	<u>1,035</u>	<u>76.0</u>
Total	<u>1,363</u>	<u>100.0</u>

Over 2,235 of the Vietnamese who were at Dong Rek prior to September 30 did not meet the various resettlement countries' criteria for admission. All major resettlement countries reported that a large proportion of the cases reviewed were economic migrants, not genuine refugees. For example, Australia accepted only 27 percent of the 543 people it screened, Canada accepted 61 percent of the 191 refugees it screened and France accepted 8 percent of 253 it screened. The United States accepted about 1,035 out of the 2,122 it screened (49 percent). About two-thirds of those accepted by the United States were Vietnamese having some former business or other ties to the United States, and one-fourth were those with immediate family ties in the United States.

Limited international
community support

Fifteen countries were involved in the resettlement of the Vietnamese from the NW-82 camp and, much like they did concerning the NW-9 camp they offered to resettle virtually all the refugees. Eleven countries were involved with the resettlement of the Dong Rek population, and only the United States, Australia, and Canada made significant contributions toward the resettlement effort. The other 7 countries offered to resettle only a total of 64 Vietnamese--less than 2 percent of those eligible.

Impact of processing and
resettlement efforts

ICRC statistics show a dramatic increase in the number of Vietnamese arriving at Dong Rek after the establishment of the camp and following the start of resettlement negotiations. Over 1,000 Vietnamese arrived at the Dong Rek camp after the September 30, 1984, cutoff date. As a result, even though the international community resettled 1,363 of the Vietnamese from Dong Rek, over 3,500 Vietnamese are still at the evacuation site in Thailand with uncertain prospects for near-term resettlement. In Bangkok, immigration officials from other resettlement countries have expressed their reluctance to renew resettlement efforts for this group of Vietnamese. Thus, the Thai government has been left with the burden of accommodating their asylum and the international community of providing for their continued care.

CONCLUSIONS

We believe that the length of time it took to process and resettle the Vietnamese at Dong Rek resulted primarily from Thai government asylum and resettlement policies and the lack of international community support. Delays also stemmed from the Thai and resettlement countries' concerns about the long-term implications; i.e., the processing and resettlement of the Dong Rek population would encourage more Vietnamese to migrate to Thailand seeking similar resettlement opportunities. We did not identify any methods or approaches that the U.S. government could have taken to overcome these delays short of altering U.S. admission policies and procedures to allow direct resettlement of all the Vietnamese from Dong Rek to the United States.

According to INS officials, minor delays during U.S. processing were also caused by poorly prepared case files in the course of prescreening, which subsequently required lengthy INS

interviews. However, because of the eventual agreement by the various resettlement countries to move refugees selected for resettlement only after all processing was completed, we do not believe that these problems measurably delayed the resettlement of those refugees accepted for the U.S. program.

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Department of State and Immigration and Naturalization Service officials reviewed a draft of this report, and their comments have been incorporated where appropriate. The agencies' officials agreed with the facts and conclusions in the report.

Unless you publicly announce its contents earlier, we plan no further distribution of this report until 10 days from the date of this report. At that time copies will be sent to the Chairmen, Senate Committees on Governmental Affairs and Foreign Relations; House Committees on Government Operations and Foreign Affairs; House and Senate Committees on the Judiciary; the Secretary of State; the Attorney General; the Commissioner, Immigration and Naturalization Service, Department of Justice; and the Director, Office of Management and Budget.


for Frank C. Conahan
Director



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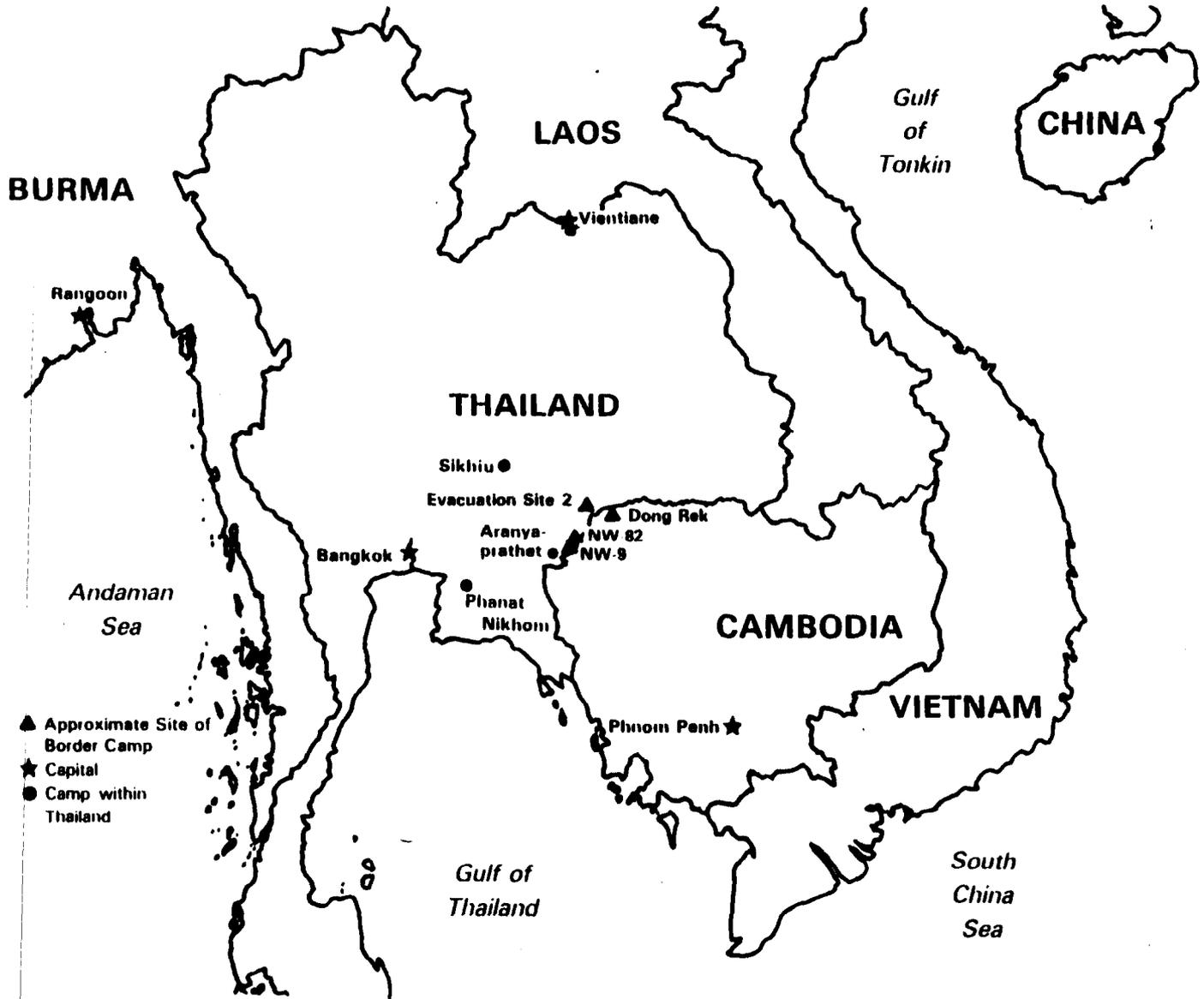
Map of Thailand and Indochinese Peninsula

ABBREVIATIONS

ACVA	American Council of Voluntary Agencies
HHS	Department of Health and Human Services
ICM	Intergovernmental Committee for Migration
ICRC	International Committee of the Red Cross
INA	Immigration and Naturalization Act
INS	Immigration and Naturalization Service
IRC	International Rescue Committee
JVA	Joint Voluntary Agency
ODP	Orderly Departure Program
UNBRO	United Nations Border Relief Organization
UNHCR	United Nations High Commissioner for Refugees



THAILAND & INDOCHINESE PENINSULA



U.S. AND INTERNATIONAL EFFORTS
TO RESETTLE VIETNAMESE LAND REFUGEES
AT DONG REK, CAMBODIA

BACKGROUND

People continue to flee Vietnam, Cambodia, and Laos due to political persecution, human rights abuses, warfare, and economic privation. Since the Communist governments were established in these countries in 1975, more than 1.5 million people have sought temporary asylum in Thailand, Malaysia, the Philippines, Indonesia, Hong Kong, and other countries while waiting for permanent resettlement opportunities elsewhere. The number of new Southeast Asian refugees has decreased since 1981, but the humanitarian concerns surrounding their migration remain.

International efforts have centered on resettling these people in other countries to relieve Thailand and the other Southeast Asian countries of some of the burdens resulting from their willingness to continue to offer refugees temporary asylum. Since April 1975, over 1.4 million have been resettled. Through April 1985, the United States had resettled more than 740,000 Southeast Asian refugees. Australia, Canada, The Peoples Republic of China, France, and other Western European countries have been the other major participants in these resettlement efforts.

Since 1979, three major camps have been established on the Thai-Cambodian border by the International Committee of the Red Cross (ICRC) to assist and resettle Vietnamese who fled their country following land routes across Cambodia (Vietnamese land refugees). The latest camp, Dong Rek (also spelled Dong Ruk), was established in September 1983 in Cambodia 2-1/2 miles from the Thai border. During the 1984-85 dry-season military offensive, Vietnamese forces shelled the camp, and its population was evacuated into Thailand on January 24, 1985. By March 1985, 11 countries had offered resettlement opportunities to 1,363 Vietnamese who were at Dong Rek prior to September 30, 1984. About three-fourths of them were resettled in the United States. However, about 3,500 Vietnamese land refugees--over 1,000 of whom arrived at Dong Rek after September 30, 1984--remain at the new evacuation site in Thailand with uncertain prospects for resettlement. (See app. III.)

OBJECTIVES, SCOPE, AND METHODOLOGY

In a letter dated December 11, 1984, Representatives Bill McCollum and Dan Lungren requested us to investigate the efforts of the State Department to assist, process, and accept for resettlement in the United States those Vietnamese encamped at Dong Rek. They also requested that we examine various aspects of U.S. refugee policy, including staffing patterns, training of staff, and selection of U.S. officials to fill overseas positions. It was agreed that our review would focus on the Vietnamese refugees encamped at Dong Rek and would determine

--why it took a seemingly long time to start processing these refugees for resettlement in the United States and other countries and

--if the State Department and the responsible international organizations had taken all the available steps to expedite the processing of these refugees.

It was also agreed that we would review refugee policy matters only as they pertained to Dong Rek refugees.

We reviewed the Department of State's Bureau for Refugee Programs (State) management and implementation of programs designed to assist and resettle the Vietnamese land refugees encamped at Dong Rek and the Immigration and Naturalization Service's (INS) role in selecting and processing those refugees eligible for resettlement in the United States. We also collected and summarized historical data on U.S. and other countries' efforts to resettle the Vietnamese arriving at the Thai-Cambodian border since 1975 and reviewed State and international organization efforts to encourage the Thai government to allow the international community to process and resettle the Dong Rek population. We did not, however, ascertain the extent to which the United States tried, through informal or undocumented channels, to influence the Thai government's initial policies and positions restricting resettlement countries from processing in Thailand the Vietnamese from Dong Rek.

Our work was done in Washington, D.C.; New York City; and Thailand. In Washington, we reviewed legislation relevant to U.S. refugee assistance and admissions programs in Southeast Asia. We met with State and INS officials and analyzed program and budget documents, cables, memorandums, and program assessment reports. In New York, we spoke with officials of ICRC and the International Rescue Committee (IRC), whose representatives function as the Joint Voluntary Agency (JVA) under a cooperative agreement with the State Department to help process refugees in Thailand.

In Bangkok, Thailand, we met with U.S. Embassy, INS, and JVA officials and reviewed U.S. mission files and reports on U.S. processing of refugees seeking resettlement in the United States. We also met with officials of ICRC, the Office of the United Nations High Commissioner for Refugees (UNHCR), and the Intergovernmental Committee for Migration (ICM). In addition, we met with immigration officials of the Canadian and Australian Embassies in Bangkok to discuss their involvement in processing and resettling refugees in Thailand.

We visited the Ban Thai Samart refugee processing center near the Thai-Cambodian border, where we spoke with State, INS, and JVA officials. Our review was conducted from January through March 1985 in accordance with generally accepted government auditing standards.

THAILAND SUSTAINS MAJOR IMPACT OF INDOCHINESE REFUGEE FLOWS

The collapse of the governments of South Vietnam, Cambodia, and Laos in 1975 created an incessant flow of refugees and other migrants¹ which, after a decade, does not seem likely to cease. Following the Communists' seizure of power, nearly 230,000 people reportedly had fled these 3 countries by the end of 1975. During that period, about 170,000 were resettled outside Southeast Asia, principally in the United States, Australia, Canada, and France. Another 60,000 remained under temporary asylum in neighboring Southeast Asian countries, primarily in Thailand.

As the single Southeast Asian nation sharing a land border with two of the countries of Indochina, Thailand has sustained the major impact of these migratory flows since 1975. The Thai government has insisted that ethnic rivalries, socioeconomic conditions, and strategic political considerations make permanent resettlement of these Indochinese refugees in Thailand impractical and unacceptable. The government has provided them temporary asylum but has conditioned such asylum on assurances

¹Throughout this appendix, the term "refugee" will be used in a generic sense to refer to those Indochinese fleeing their homes seeking asylum in neighboring countries. (See app. II for an explanation of statutory criteria used in processing refugees for admission in the United States.)

from Western governments that permanent resettlement will be available elsewhere.

VIETNAMESE LAND REFUGEES

Between 1975 and 1979, the Vietnamese land refugee influx into Thailand was relatively small and did not appear to greatly concern the Thai government. During this period, on average, fewer than 3,000 Vietnamese annually followed the land route into Thailand seeking asylum. In addition, resettlement opportunities for these refugees were considerably higher than for similar groups of Cambodian and Laotian refugees. For example, about 2,500 Vietnamese land refugees remained in Thailand at the end of 1979, compared with about 136,000 Cambodians, 65,000 Lowland Lao, and 61,000 Highland Lao.

According to State Department officials, in 1979, about 1,500 Vietnamese encamped along the Thai-Cambodian border were moved into Thailand and placed at the UNHCR holding center at Khao-I-Dang. The Thais then closed the holding centers to all new arrivals, denying them refugee status and further access to Thailand.

Newly arriving Vietnamese began to cluster around the Thai military installations along the border, seeking protection from neighboring Cambodians. As Western embassies in Bangkok became aware of the status of the land Vietnamese, efforts were undertaken to provide for their protection. However, since the Thai government does not recognize the various border groups as refugees, the land Vietnamese remained outside the jurisdiction of the traditional international refugee organization--UNHCR.

To ease this dilemma, an arrangement was negotiated between ICRC and the Thai government in March 1980, whereby ICRC would assume responsibility for the protection of Vietnamese land refugees along the Thai-Cambodian border. Several factors facilitated ICRC involvement, including its

- mandate to provide protection for victims of international conflicts,
- experience in relief operations in Cambodia since 1979, and
- efforts to provide protection for some Vietnamese in its hospital facilities along the Thai-Cambodian border.

First Vietnamese land refugee camp
established in 1980 by ICRC: NW-9

The Thai government and ICRC agreement provided for the establishment of a separate border encampment in Thailand exclusively for Vietnamese land refugees. The Royal Thai Army provided security for the camp, known as NW-9, and ICRC maintained a 24-hour presence, supplying food, water, shelter, and medical care. On April 18, 1980, the first group of 270 Vietnamese was transferred to the new camp site, and consolidation of the remaining Vietnamese population along the border continued over the next few months. By July, the population of NW-9 had reached 3,073.

Although the establishment of NW-9 improved conditions for the Vietnamese along the border, ICRC still tried to afford these refugees greater protection. ICRC appealed to the Thai authorities and to the UNHCR to arrange for the transfer of the Vietnamese to camps further within Thailand so that they could eventually be resettled in third countries. Thai authorities dismissed the appeal, contending that the Vietnamese were no different from the Cambodians at the border--they were encamped along the border and Thailand did not recognize them as having refugee status. Therefore, even though they were physically within Thailand, they were ineligible for resettlement.

Resettlement countries begin
processing refugees from NW-9

According to State officials, as the number of Vietnamese at NW-9 approached 4,000 in August 1980, the Thai government allowed them to be resettled abroad in small groups. The Thai government insisted that they be processed as quickly and discreetly as possible to avoid creating added unrest among the Cambodians at the border who were being denied similar resettlement options.

Preliminary screening of the refugees was performed by ICRC, which provided the resettlement countries lists of those refugees likely to qualify for their respective resettlement programs. The Thais insisted that a substantial number of the earlier arrivals at the camp also had to be accepted.

Refugees accepted for resettlement were transferred to the refugee processing center at Phanat Nikhom, Thailand. This processing arrangement continued through the first half of 1981 as the Thai government sporadically gave permission to move groups of refugees to Phanat Nikhom. By April 1981, the population of NW-9 had been reduced to about 2,000, and the Thai government refused entry to subsequent Vietnamese border arrivals.

NW-9 closed

In June 1981, the camp was officially closed, and the Thais transferred the remaining Vietnamese who had not received resettlement offers to Phanat Nikhom. ICRC had registered 5,552 Vietnamese land refugees at NW-9 over a 14-month period. Virtually all these refugees were eventually resettled and, according to State officials, 45 to 50 percent of them were resettled in the United States.

The decision to close NW-9 coincided with Thailand's adoption of its "humane deterrence" policy toward the Vietnamese boat refugees. This policy called for them to deny all refugees access to the local economy in Thailand and to keep those refugees that entered the country in austere camps with limited access to permanent resettlement opportunities. The Thai government hoped that such a policy would discourage most Vietnamese and other refugees from migrating to Thailand.

Continued refugee arrivals force the opening of a second camp: NW-82

Within 3 months after NW-9 closed, 550 additional Vietnamese had arrived at the border. ICRC provided special shelters for these new arrivals at its border hospitals in the Cambodian camps of Nong Chan and Nong Samet. In addition, ICRC, UNHCR, the United States, and other resettlement countries appealed to the Thai government to allow these refugees to be moved to more secure facilities.

Later in 1981, the Thai government approached ICRC and requested that the agency set up a new border camp within Thailand for these Vietnamese land refugees. On December 18, 1981, about 700 Vietnamese land refugees were moved by ICRC to a second "temporary" site which came to be known as NW-82. ICRC anticipated that these refugees would eventually be transferred to a safer location within Thailand, such as the "humane deterrence camp" for boat Vietnamese at Sikhui.

NW-82 health and security conditions become deplorable

NW-82 was intended to provide temporary shelter for about 800 people. However, 3 months after it opened, approximately 1,200 Vietnamese were at the camp. Overcrowding soon led to the deterioration of sanitary conditions and resulted in several epidemics, including scabies and malaria. Camp security, provided by the local militia instead of the Royal Thai Army, was also less than satisfactory. The ICRC staff, which had

maintained a constant presence in NW-9, was not allowed to remain overnight in NW-82. These problems were further aggravated by the fear that the small, overcrowded camp would be engulfed in the fighting between warring Cambodian factions along the border or that it would be overrun by nearby Vietnamese Communist forces.

Between March and September 1982, ICRC organized several meetings to negotiate the movement of these refugees from their increasingly inhumane and insecure conditions. The Thais, however, feared that transferring these refugees from the border further into Thailand, even for prolonged detainment in their humane deterrence camps, would create a "magnet" and encourage more Vietnamese to flee by land routes for Thailand, seeking eventual resettlement. Negotiations stalled over Thai government insistence that, prior to any movement of the NW-82 population away from the border, resettlement countries collectively guarantee acceptance of all the Vietnamese refugees. In addition, Thai officials contended that before considering solutions for the Vietnamese at NW-82, resettlement countries should give priority to the resettlement of those Vietnamese who were still in Thailand and had not yet been offered resettlement in other countries.

The situation at the camp became critical and eventually received international attention. Nearly a dozen Western embassies in Bangkok joined ICRC and UNHCR in asking the Thai government to move the Vietnamese at NW-82 away from the border, and on September 17, 1982, a new round of negotiations began to arrange the resettlement of these refugees. By this time, the camp population at NW-82 exceeded 1,800 and about 600 Vietnamese land refugees were being held at 3 other locations along the border awaiting admittance to NW-82.

Resettlement of NW-82 refugees

In December 1982, a compromise was reached among resettlement countries, ICRC, and the Thai government to resolve the desperate situation at NW-82. Thai officials dropped their demands that all refugees at the camp be guaranteed resettlement in advance and agreed to allow resettlement countries access to the refugees. In turn, resettlement countries agreed to process the refugees from NW-82 near the border, while making special efforts to resettle as many of the Vietnamese refugees as possible.

Since the Thai government would not recognize the Vietnamese as refugees, UNHCR again was not involved in the resettlement efforts. The Intergovernmental Committee for

Migration conducted preliminary screening of the 1,804 NW-82 Vietnamese and coordinated efforts of the 15 countries willing to offer resettlement to the refugees. By January 28, 1983, when the first round of processing was completed, 1,713 of the refugees had received resettlement offers. The United States accepted just over 60 percent.

On February 9, 1983, NW-82 was closed, and the remaining 122 occupants without resettlement offers were transferred temporarily to the Khao-I-Dang holding center in Thailand. A second series of negotiations was immediately initiated to find resettlement opportunities for those initially rejected. By August 1983, only 14 persons from the original population at NW-82 had not been resettled. Eventually, however, all but three were resettled.

DONG REK--THIRD BORDER CAMP FOR VIETNAMESE

While the last group of refugees was being moved from NW-82, another 661 Vietnamese land refugees were already at the border under ICRC's care at 3 other locations. These Vietnamese, like those before them, were particularly vulnerable. Throughout the 1982-83 Vietnamese dry-season offensive, many of these refugees were evacuated to the Nong Samet camp, a safe haven inside Thailand. This consolidation of the Vietnamese by ICRC in Nong Samet continued, and by September, the camp population had grown to over 861 persons.

In September 1983, Thai authorities decided to move the Vietnamese from Nong Samet on the Thai side of the border to a new and "relatively" safe site on the Cambodian side, known as Dong Rek. Despite ICRC opposition, the Thai government moved the Vietnamese in an attempt to discourage the formation of another overcrowded camp such as NW-82.

Dong Rek was established as a "holding platform" in a camp about 2-1/2 miles inside a rebel-held area in Cambodia. The camp was adjacent to a camp for displaced Cambodians and was located in an area along the border which was controlled by one of several groups fighting the Vietnamese-backed government in Phnom Penh. The camp was in the midst of about 17,000 to 18,000 Cambodians--many of whom had fled the Vietnamese military forces inside their homeland of Cambodia and thus were hostile to the Vietnamese refugees.

ICRC tries to move refugees
away from the border

Upon establishment of the holding platform at Dong Rek, ICRC initiated efforts to allow movement of the Vietnamese to a safer location inside Thailand. ICRC officials remained concerned about the location of the camp and the vulnerability of the refugees. Nevertheless, by November 1983, 2 months after Dong Rek was established, the camp population had grown to 1,086 Vietnamese--with new arrivals continuing.

ICRC efforts to resettle Vietnamese at
Dong Rek lacked international support

As the agency primarily responsible for providing assistance to the Vietnamese along the Thai-Cambodian border, the ICRC, with the Thai authorities, sought a lasting solution for the safety of the refugees. On February 9, 1984, ICRC convened the first major meeting with the Thai government, UNHCR, and resettlement country officials to discuss the processing and eventual resettlement of the 1,326 Vietnamese then at Dong Rek. This and subsequent meetings were attended by representatives of the Thai government, the United Nations Border Relief Organization (UNBRO), the UNHCR, the International Rescue Committee, and the resettlement countries.

At the first meeting, the Thai officials restated their policy toward the Vietnamese, noting that because the camp was located in Cambodia, they did not consider these people as refugees or the responsibility of the Thai government. The Thais also indicated that (1) any processing of these people for resettlement would have to be done outside Thailand and (2) resettlement of the Dong Rek population should proceed only after those Vietnamese land refugees who were then at the Phanat Nikhom holding center were offered resettlement opportunities.

According to State, the U.S. delegation indicated that while the United States could not commit itself to a specific figure, a substantial number of refugees from Dong Rek would likely meet the criteria of the U.S. resettlement program. The delegation's position was that the problem would remain intractable without a broadly based international effort with regard to both the Dong Rek and Phanat Nikhom refugees.

On February 15, 1984, ICRC chaired the second meeting on Dong Rek during which resettlement countries proposed to move some of the refugees to camps inside Thailand--either to Sikhiu or Phanat Nikhom--for examination and processing. This proposal was rejected by the Thai government. Thai officials noted that there were already several hundred Vietnamese refugees at Phanat Nikhom who had been there for over a year without resettlement

offers. Also, only the United States, Canada, and Australia were optimistic about resettlement prospects. At this meeting the United States, according to State Department records, indicated that it would probably be able to accept "between 500 and 700 persons."² Other countries, however, said that their probable levels of participation would be minimal.

Concerned that the Thai government would return to Cambodia the expected large number of refugees not offered resettlement opportunities, ICRC reported that resettlement countries began reconsidering their original proposal to move all the Vietnamese inland for processing. An alternative proposal then suggested was to move, without resettlement guarantees, only "selected" refugees for processing, giving priority to earlier arrivals.

At the third meeting on March 14, 1984, the Thai government rejected the "selective movement" plan. The UNHCR also opposed countries' moving and interviewing for resettlement only those persons in which third countries had an interest, since this would leave a problematic group without third country connections and without hope for resettlement. According to ICRC, the Thai government would allow countries to interview the Vietnamese while they were in Dong Rek, on the Cambodian side of the border. The Thai government, however, opposed further processing within Thailand.

In March 1984, according to State, based on preliminary data on the camp population, "as many as 700 to 800 persons at Dong Rek could qualify for U.S. resettlement." However, neither the United States nor the other principal resettlement countries were willing to process the Vietnamese while they were still in Cambodia. The Thai government continued to oppose transferring selected Vietnamese into Thailand for resettlement.

Discussions with the Thai government and the resettlement countries continued throughout March and April, according to ICRC. While the United States, Australia, and Canada indicated possibly significant participation, responses from other countries were generally sympathetic but pessimistic. Furthermore,

²ICRC minutes of the February 15, 1984, meeting recorded the U.S. representative as saying that the United States would consider taking 500 to 700 "cases" (instead of persons). This number of "cases" would represent between 1,000 and 2,000 persons. Such a commitment would have required the United States to resettle virtually the entire population of the camp at that time.

according to State and ICRC officials, the Thai government continued to deny them processing authority because of the

- presence of thousands of Cambodian refugees in Thailand and several hundred Vietnamese at Phanat Nikhom without resettlement opportunities,
- lack of support and commitment by most countries for continued resettlement efforts, and
- disagreements on what would ultimately happen to those persons from Dong Rek who were not resettled.

The Thai government and the resettlement countries were concerned that any processing at Dong Rek could create a "magnet" effect for other Vietnamese. Due to the overall lack of support for continued resettlement of Vietnamese, Thai officials feared being forced to retain indefinitely those not resettled.

According to UNHCR officials in Bangkok, they anticipated the general lack of support by the international community. The situation at the camp was generally recognized as not critical--UNHCR described Dong Rek as a "model" camp. The urgency for resettlement which existed for NW-82, due mostly to the desperate and vulnerable conditions of the camp, did not exist for Dong Rek in the spring and summer of 1984. Furthermore, they also noted that, generally, resettlement was not contributing a lasting solution to the Indochinese refugee problem as a whole, because departures no longer offset net increases among some refugee populations--such as the Vietnamese in Thailand. In April 1984, for example, about 600 Vietnamese remained in Phanat Nikhom without any resettlement offers. More than half of these had been there for over 2 years, and some had been there for up to 5 years. There were numerous obstacles for resettlement of these refugees. UNHCR cited the military background of many as a major reason for the lack of third country participation in resettlement of this group.

Thai government delays authority to
allow processing from Dong Rek

As early as May 1984, Thai government officials indicated that processing and resettling the Vietnamese at Dong Rek would be allowed. On May 2, 1984, the Thai Ambassador in Washington, responding to U.S. Congressman Bill McCollum's request for Thai assistance in screening the Vietnamese at Dong Rek, wrote that

"The Thai authorities concerned have now indicated the readiness to allow the U.S. or any other countries to take these Vietnamese refugees to resettle in their countries. The processing and the interviewing of these refugees will however have to be made on site by the interested parties while our Thai authorities will be glad to facilitate."

The Thai government was prepared to facilitate resettlement of the Vietnamese from Dong Rek, but only if resettlement countries agreed to process the refugees at the camp in Cambodia. The United States and the other major resettlement countries objected to processing at Dong Rek, specifically because of the

- dangerous conditions which resettlement personnel would be exposed to at the border,
- likely inability of smaller resettlement countries to participate in resettlement efforts if processing was undertaken at Dong Rek, and
- adverse implications associated with entering Cambodia to screen and process these refugees.

Not until June 5, 1984, did the Thai government advise ICRC that it was willing to allow processing of the Vietnamese from Dong Rek to take place inside Thailand. This willingness, however, depended on the reduction of military tensions along the Cambodian border.

It was not until September 24, 1984, that the Thai government provided ICRC with official, written authority allowing the United States and other resettlement countries to screen and process some of the approximately 3,600 Vietnamese at Dong Rek. Only those who arrived at the camp on or before September 30, 1984, were to be considered eligible for processing. At this time, ICRC estimated that about 2,000 of the Vietnamese might qualify for the U.S. program and that other countries could take about 1,500.

U.S. AND INTERNATIONAL COMMUNITY RESETTLEMENT EFFORTS

ICRC initially provided the resettlement countries with computer lists of the eligible Vietnamese with possible relatives and/or sponsors in each country. Based on these lists, the resettlement countries prepared their own "call lists" of persons they wished to interview for possible resettlement.

ICRC also worked out a processing schedule with each resettlement country to screen the Vietnamese beginning in early November. The need to bus the Vietnamese back and forth from Dong Rek to the processing center at Ban Thai Samart in Thailand, as well as the limited space at the center, created logistical constraints which, according to ICRC, required that a staggered schedule be worked out with the various countries. The original ICRC/Thai government agreement envisioned that other resettlement countries would complete much of their processing before the United States began in order to minimize problems with double acceptance. Therefore, the United States followed New Zealand, France, Canada, Australia, and several other European countries in the processing sequence. All parties involved agreed that permanent movement of the refugees selected for resettlement by the various countries would take place only after all processing was completed.³

U.S. processing

On October 4, 1984, 1 week after ICRC advised the resettlement countries that they could begin screening and processing the Vietnamese, State approved U.S. participation in the resettlement effort. Based on preliminary review of the ICRC data, State concluded that the population was composed of people seeking economic betterment through migration (economic migrants) which, they believed, could result in INS finding a high proportion of them to be ineligible for the U.S. program.

Of the 3,600 Vietnamese refugees at Dong Rek who had reached the camp before September 30, 1984, 2,122 had possible connections in the United States, according to a list which ICRC provided the U.S. Embassy. Based on this list, JVA started pre-screening and preparing biographical data on the refugees on November 26, 1984, in accordance with the ICRC schedule. (App. II summarizes U.S. procedures for processing refugees worldwide.) On December 8, 1984, with the prescreening completed, State authorized INS to start processing those Vietnamese selected by JVA. State and INS agreed to limit processing to priorities 1 through 4 and some priority 5 cases "of special humanitarian concern" to the United States. On December 12, 1984, after assurances that this "processing from the border" would not be repeated, INS started the interview process. In addition, State Ethnic Affairs officers further reviewed the

³Because some countries were accepting refugees for resettlement through their immigration (versus refugee) programs, a few were moved ahead of this schedule.

files of those refugees claiming to have served in the Republic of Vietnam military forces and of those refugees claiming to be former U.S. government employees. On December 22, processing was halted for the end-of-year holidays and later, due to the renewed fighting along the border.

On January 24, 1985, Dong Rek was shelled by the Vietnamese military forces and the camp's entire population of about 4,400 refugees was evacuated to a preplanned site in Thailand. Following the evacuation, the Thai government agreed to allow the transfer of the already approved refugees from the evacuation site to the Phanat Nikhom camp for further processing and movement, even though several countries had not yet completed their processing. On February 4, 1985, INS resumed its interviews at the evacuation site and completed its processing on February 27, 1985.

INS officials in Thailand reported several factors which slowed completion of their processing. Overall, they felt that the cases presented to them by the JVA had been poorly prepared, and even included some ineligible Cambodian refugees. Also, validation of a large group of Vietnamese claims to prior military service required INS to spend additional time in lengthy interviews. Some of these cases, which JVA had assigned priority 4, INS rejected and downgraded to priority 6 status.

Dong Rek refugees--bona fide
refugees or economic migrants?

As early as October 1984, shortly after the Thai government gave its approval to process the Vietnamese in Dong Rek, concerns were raised by the United States and other countries about the status of the camp's population. For example, the U.S. Embassy in Bangkok reported that based on its initial examination of the camp,

"it appears that the population is largely comprised of economic migrants, persons with distant family connections (e.g., cousins, grandparents) to third countries, some who chose not to wait their turn to come up under ODP (Orderly Departure Program), and other persons without strong claims to refugee status."

The U.S. Embassy also speculated that if criteria for the U.S. refugee program were strictly applied, a high proportion of the caseload would be found ineligible for the program.

Both the Canadian and Australian Embassies were also concerned that many Vietnamese at Dong Rek did not meet the

refugee criteria. Immigration officials from these two countries reported approving well less than half the caseload they had selectively interviewed, with the primary grounds of denial being failure to meet their definition of a refugee. These rejected applicants included people with families in Cambodia, people who made trips (by bus) back and forth from the camps to visit friends and relatives, and others who could not credibly establish persecution or a well-founded fear of persecution as a reason for resettlement.

THAILAND'S FEARS REALIZED--MANY
VIETNAMESE LAND REFUGEES REMAIN

Since the establishment of the first camp for these refugees in 1980, the Thais have cautioned against the "magnet" effect that such resettlement opportunities would create for other Vietnamese and the burden on Thailand if all the arriving Vietnamese in the camps were not resettled. Thai government concerns about the implications and consequences of offering asylum and resettlement opportunities to the Vietnamese land refugees at Dong Rek have been realized.

ICRC statistics show that there was a dramatic increase in the number of Vietnamese land refugees arriving at Dong Rek since the start of negotiations with the Thais to resettle them. (See app. IV.) For example, in the year following NW-82's closure in February 1982, an average of fewer than 85 Vietnamese land refugees arrived at the border each month. Following the resumption of resettlement negotiations in February 1984 and throughout the rest of the year, however, average arrival rates surged to over 300 persons per month. In each of the 2 peak months of June and July, about 450 Vietnamese made it across Cambodia seeking asylum in Thailand. The large number of Vietnamese migrating to Thailand across Cambodia in 1984 reversed the trend of such migration patterns, which had been declining progressively since 1980. (See app. V.) Moreover, for the first time in 8 years, the number of Vietnamese fleeing by land exceeded the number fleeing by boat to Thailand.

Many of these Vietnamese were not considered eligible for resettlement. The Thai government is burdened with providing for their asylum, and ICRC will have to provide them basic care for an indefinite time. Even though the international community resettled 1,363 of the approximately 3,600 who were at Dong Rek before September 30, 1984, over 2,200 were rejected. In addition, over 1,000 Vietnamese were registered at Dong Rek and evacuation sites in Thailand between September 1984 and March 1985. They were, however, denied access to resettlement

opportunities. According to ICRC, about 3,500 Vietnamese land refugees were at the Evacuation Site as of March 1985 with few prospects for near-term resettlement. Vietnamese not resettled from Dong Rek and those arriving in Thailand after Dong Rek was evacuated have been relocated at an United Nations Border Relief Organization managed camp in Thailand referred to as Evacuation Site 2.

Immigration officials in the Canadian and Australian Embassies in Bangkok said that in light of the large numbers of "economic migrants" now arriving from Vietnam, they were reexamining their resettlement policies for this group of Vietnamese. ICRC chaired a meeting in Bangkok on March 25, 1985, to explore the prospects for resettlement of the Vietnamese land refugees from Dong Rek currently at Evacuation Site 2 in Thailand. Resettlement countries represented at that meeting continued to indicate a lack of general support for further resettlement efforts, at least until the situation along the border stabilizes. As one resettlement country official in Bangkok explained to us, "if there is going to be another resettlement effort of Vietnamese land refugees, the United States will probably have to do it alone."

SUMMARY OF U.S. REFUGEEADMISSION POLICIES AND PROCEDURESIDENTIFYING ELIGIBLE AND
ADMISSIBLE REFUGEES

The Refugee Act of 1980 charges the Attorney General with the responsibility to admit to the United States those refugees determined to be of special humanitarian concern to the United States and admissible as immigrants under the act. This responsibility has been delegated to INS.

INS must approve all refugees, including the Vietnamese, for admission to the United States, based on two general determinations. First, an applicant must meet the definition of a refugee in section 101 (a) (42) of the Immigration and Nationality Act (INA) as amended. In summary, it defines a bona fide refugee as a person outside of their country of nationality who is unwilling or unable to return to that country because of persecution or a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion. Since the burden of establishing refugee eligibility rests with the applicant, this determination is usually done on a case-by-case basis.

After meeting the definition of a refugee, the applicant must be among those refugees determined to be of special humanitarian concern to the United States. The following priorities are derived from executive branch consultation with the Congress. The priority system is an operational device intended to ensure that admissions conform to U.S. government policies, including regional ceilings, in the context of changing refugee populations and relevant world events.

Priority

1. Compelling Concern/Interest: Exceptional cases: (a) of refugees who are in immediate danger of loss of life and for whom there appears to be no alternative to resettlement in the United States or (b) of refugees of compelling concern to the United States, such as former or present political prisoners and dissidents.
2. Former U.S. Government Employees: refugees employed by the U.S. government for at least 1 year prior to the claim for refugee status. This category also includes persons who were not official U.S. government employees

but who for at least 1 year were so integrated into U.S. government offices as to have been in effect and appearance U.S. government employees.

3. Family Reunification: refugees who are spouses, sons, daughters, parents, grandparents, unmarried siblings, or unmarried minor grandchildren of persons in the United States.¹
4. Other Ties to the United States: (a) refugees employed by U.S. foundations or U.S. business firms for at least 1 year prior to the claim for refugee status, (b) refugees trained in the United States or abroad under U.S. government auspices, (c) persons previously in the civil service or armed forces of the former governments of Indochina who were associated with the U.S. government policies or U.S. government-supported programs, and (d) persons who played a meaningful role in the social, economic, political, religious, intellectual, or artistic life of the former societies of Indochina, including such persons as professors, philosophers, monks, or other transmitters of the cultural traditions of the societies.
5. Additional Family Reunification: refugees who are married siblings, unmarried grandchildren who have reached their majority, or married grandchildren of persons in the United States; also more distantly related individuals who are part of the family group and dependent on the family for support.
6. Otherwise of National Interest: Other refugees in specified regional groups whose admission is in the national interest. (Refugees from Indochina in priority 6 who have arrived in first asylum countries after April 30, 1982, are not being considered for the U.S. refugee resettlement program.)

¹The anchor relative in the United States must be a U.S. citizen, a lawful permanent resident alien, a refugee, or an asylee.

PROCESSING PROCEDURES

Under the U.S. admissions program, the processing, admission, and movement of refugees in Thailand and throughout the world requires six fundamental steps.

- The initial step is prescreening to identify those persons believed to be eligible for the U.S. program. Prescreening is conducted by consular officers or by American Joint Voluntary Agency staff, under a cooperative agreement contract with the Department of State.
- As files near completion, a refugee officer or a consular officer of the Department of State reviews the files to ensure that the security checks are complete, to confirm the priority classifications of the refugees, and to resolve outstanding questions.
- The applicants are then presented to INS officers, who interview each alien to determine whether each person is a refugee, as defined by section 101(a) (42), and whether each person is admissible into the United States under the INA, as amended by the Refugee Act of 1980. Actual admission is contingent upon subsequent medical clearances and sponsorship agreements.
- If an INS approval has been obtained, Department of State officers send the files on approved refugees to the American Council of Voluntary Agencies (ACVA) in New York City for sponsorship assurances from a local sponsor. The Department of State's Bureau for Refugee Programs is represented at ACVA's weekly meetings.
- The medical staff of the Intergovernmental Committee for Migration, which is under contract to the Department of State, or a local physician approved by the Embassy medically screens refugees for conditions which, under the immigration laws, may prohibit them from entering this country. The Centers for Disease Control of the U.S. Public Health Service develops these health-screening procedures, and a consular or refugee officer of the Department of State supervises their administration.

--ICM is also responsible, under contract to the Department of State, for nearly all transportation arrangements from transit centers or processing sites to the sponsor, thus completing the processing, admission, and movement of the refugees.

The eligibility criteria, priority system, and processing procedures described above provide the framework for implementing the U.S. admissions program. More detailed procedures for INS are contained in its Worldwide Guidelines for Overseas Refugee Processing, August 1983.

CHRONOLOGY OF VIETNAMESE LAND REFUGEE CAMPSALONG THE THAI-CAMBODIAN BORDERNW-9 Camp

Location: Thailand
 Date opened: April 1980
 Refugees admitted: 5,552
 Date closed: July 1981
 Refugees resettled: Fewer than 10 not resettled.
 Exact number resettled in the
 United States not readily
 available; State estimates about
 45 to 50 percent of caseload.

NW-82 Camp

Location: Thailand
 Date opened: December 1981
 Refugees admitted: 1,804
 Date closed: February 1983
 Refugees resettled:

United States	-	1,047 (58%)
Australia	-	316 (18%)
Canada	-	180 (10%)
Others	-	258 (14%)
Total		<u>1,801</u>

Dong Rek Camp

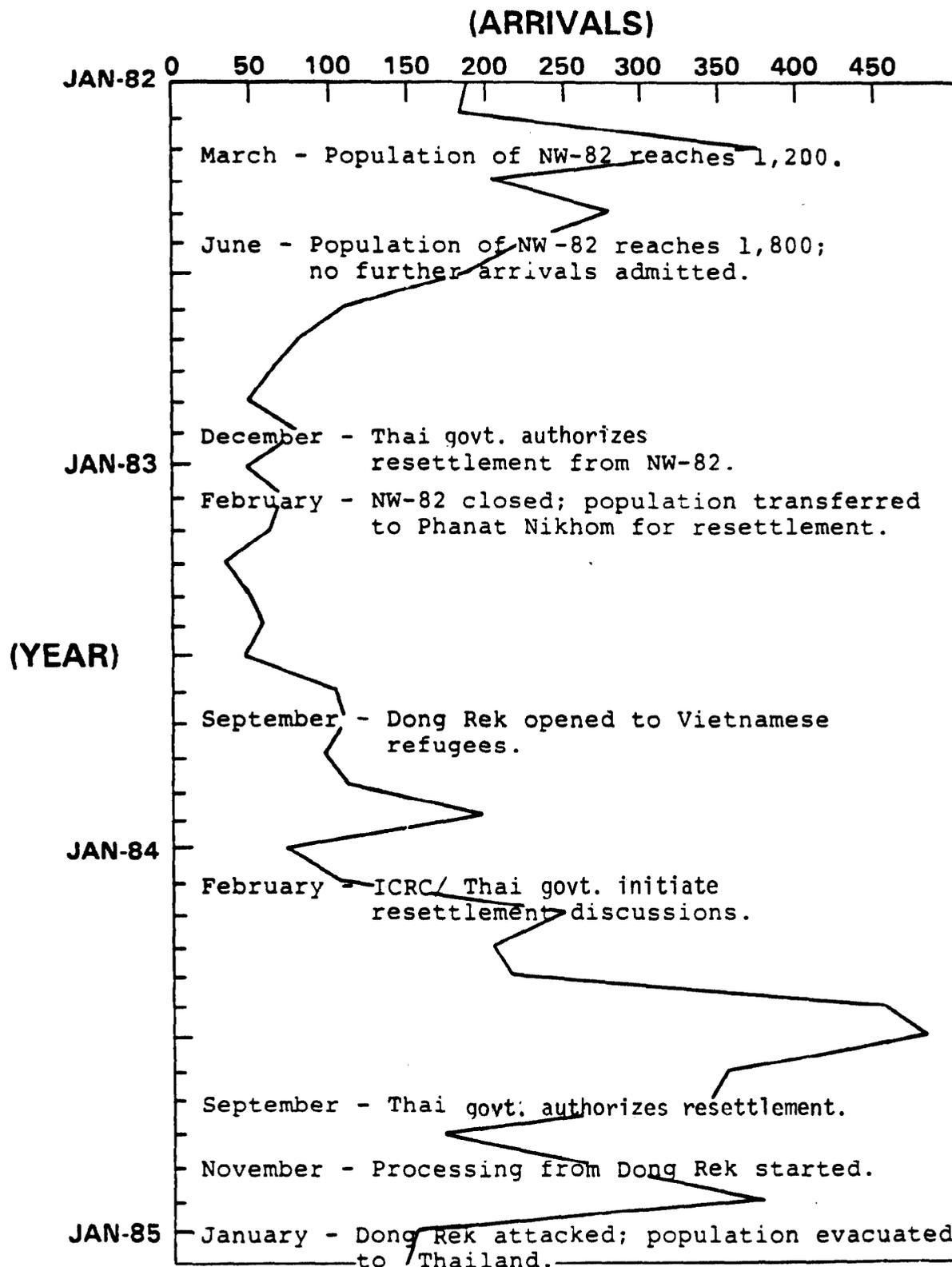
Location: Cambodia
 Date opened: September 1983
 Refugees admitted: 4,525
 Date closed: January 1985
 Refugees resettled:

United States	-	1,035 (76%)
Australia	-	147 (11%)
Canada	-	116 (9%)
Others	-	65 (5%)
Total		<u>1,363</u>

Evacuation Site 2 (temporary)

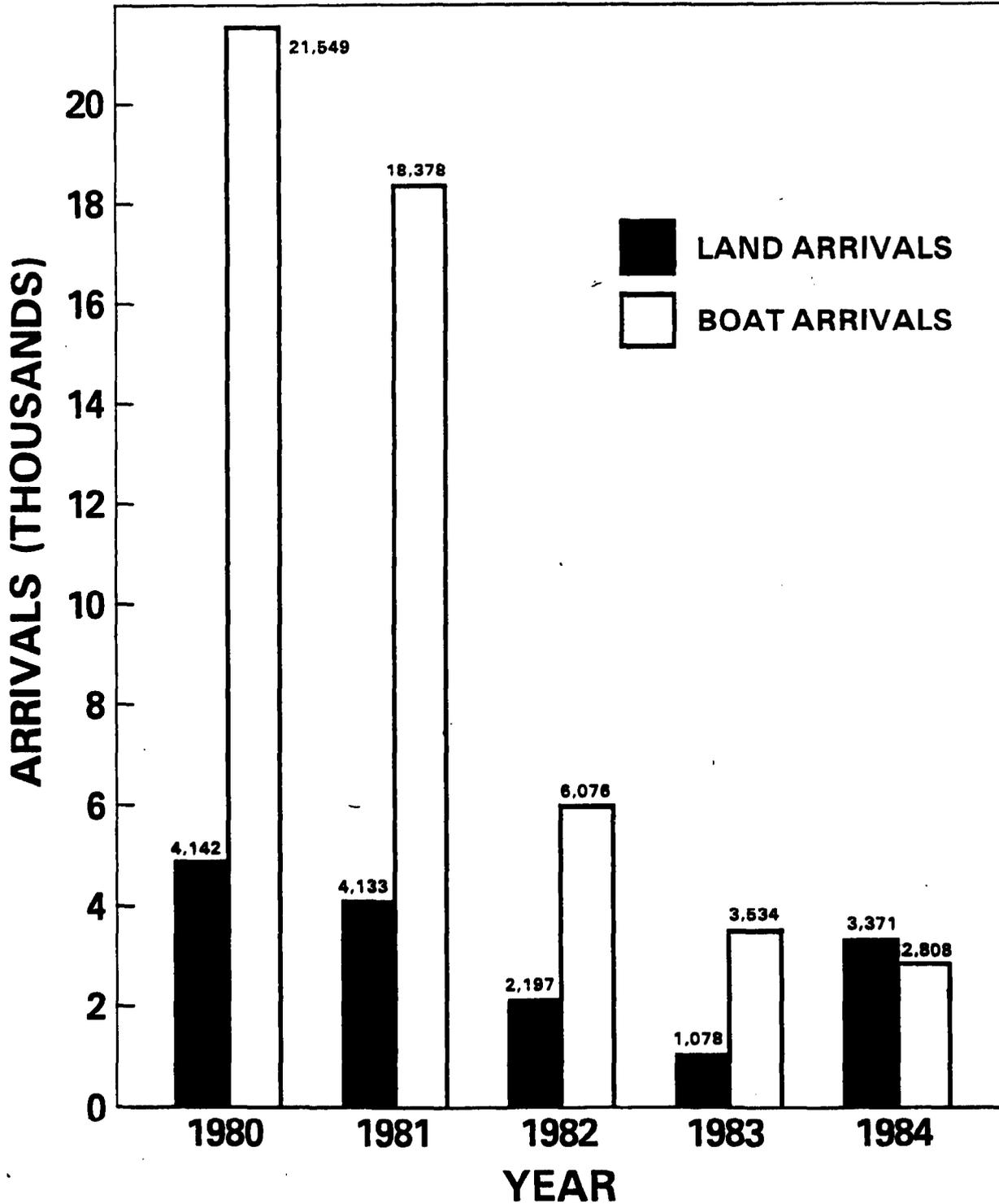
Location: Thailand
 Date opened: January 1985
 Refugees admitted: 3,500 (approximately, as of March
 1985)

GRAPH OF MONTHLY VIETNAMESE LAND ARRIVALS JANUARY 1982 - FEBRUARY 1985

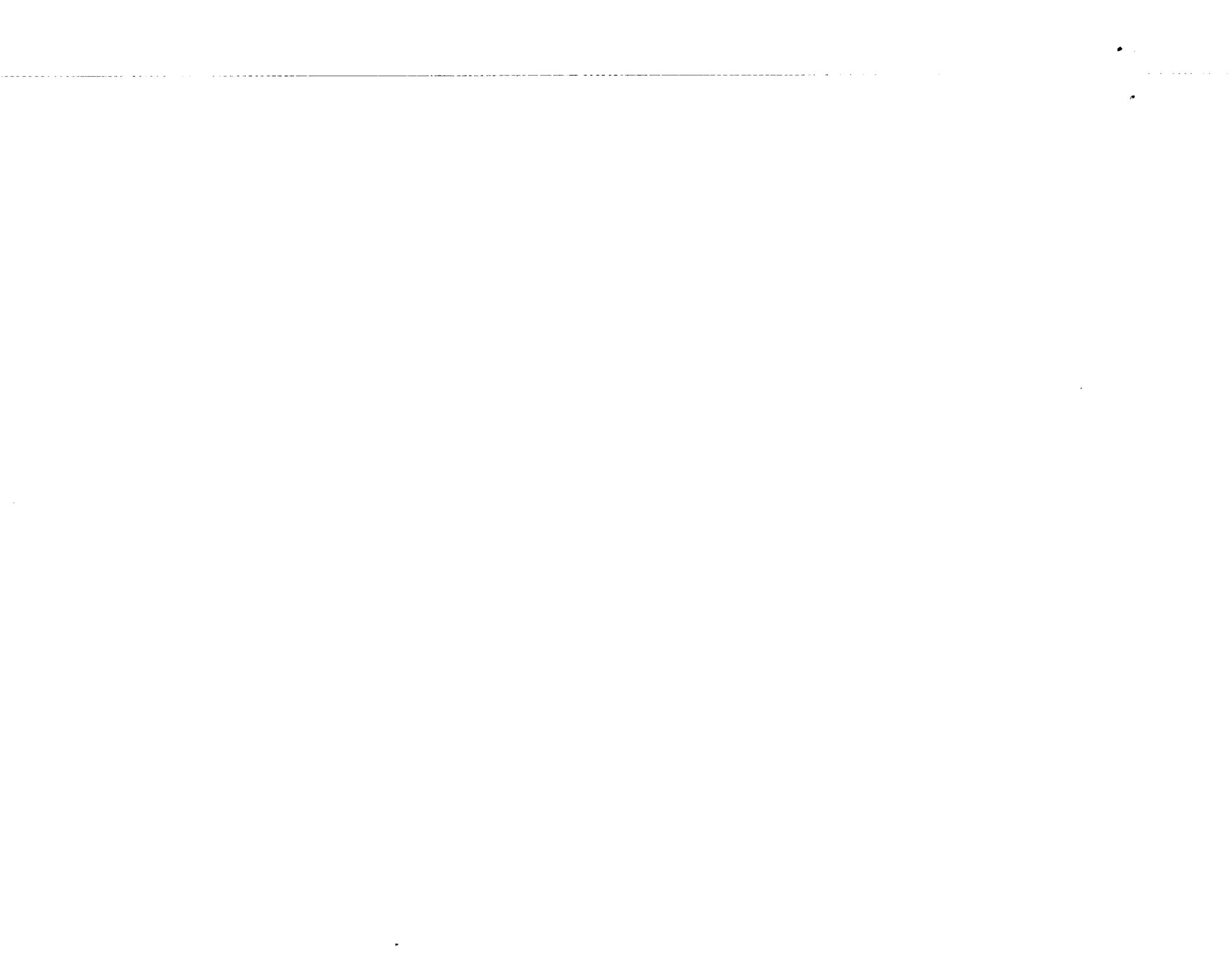


Source: International Committee of the Red Cross, Bangkok, Thailand.

GRAPH OF VIETNAMESE ARRIVAL RATES IN THAILAND (1980-1984)



Sources: United Nations High Commissioner for Refugees and International Committee of the Red Cross.



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