

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Please provide information on Vietnam's Law of Residence (implemented in mid 2007) and how it is applied in practice.**
- 2. Is there any information available that would indicate that household registration has been withheld from Vietnamese citizens who have returned to the country after a long absence (ie above two years)? Specifically, is there information in this regard pertaining to the treatment of persons who have returned to Vietnam after seeking asylum overseas?**
- 3. Is there any information available that would indicate that household registration has been withheld from Vietnamese citizens whose political views are known to oppose Vietnam's Communist government? Specifically, is there information in this regard pertaining to the treatment of persons whose family members may have been associated with the armed forces of the Republic of Vietnam (South Vietnam)?**
- 4. What information is available on the Vietnamese Veterans Association of South Australia, and in particular whether it is anti the Vietnam Communist government?**
- 5. What information is available on whether the Vietnamese government authorities monitor or are concerned by the activities of the Vietnamese Veterans Association of South Australia or any other veterans group for South Vietnamese forces in Australia?**

- 1. Please provide information on Vietnam's Law of Residence (implemented in mid 2007) and how it is applied in practice.**

A newsletter published on the VN LawFind website in January 2007 provided the following synopsis of the Law on Residence, which came into effect in Vietnam on 1 July 2007:

The law provides for the rights to reside freely in the territory of the Socialist Republic of Vietnam; the order and procedures for residential registration and control; rights and

obligations of citizen, households, agencies and organisations in residential registration and control.

Residence is that a citizen lives in a location in a commune, ward, or district town permanently or temporarily. The Law on residence is applied to Vietnamese agencies, organisations, households and citizens, Vietnamese settling overseas but still retain their Vietnamese citizenship and come back to live in Vietnam.

Apart from regulations on rights and obligations of citizens on residence right, the Law on Residence also provides for registration of permanent and temporary residence, notice of residence, temporary absence declaration. Under the law, citizens shall register his permanent address in province where he has legal residence. In case citizens live in rented or borrowed residence or lives with other people, he shall get the written agreement of the owner, lender or host thereof.

In case of registering permanent address in a city directly under central governance, citizens are required to have legal residence and have been continuously residing for one years upwards in that city. In case the citizen lives in rented or borrowed residence or lives with other people, he/she shall get the written agreement of the owner, lender or host thereof. It is required to get agreement to enter into family record book by the person keeping such in case where wife comes to live with husband and vice versa; children come to live with parents and vice versa; people over working age, retiring from work, losing health retirement or being made unemployment come to live with his brothers or sisters...

The family record book is granted to each household. Each family shall appoint a person of full civil act capacity to become the householder to implement and instruct other members to obey the regulations on residential registration and control. If no member of the family is at 18 upwards or someone is at 18 upwards but his/her civil act capacity is lost or limited, one member in the family shall be appointed as householder.

... People living in same legal residence and having family relationship such as grandfather, grandmother, wife, husband, children, brothers, sisters, or grandchildren, etc. shall be granted with one similar family record book.

The law shall come into full force as from July 01, 2007 ('VnLawfind Legal Newsletter No. 48/2006' 2007, Vn LawFind website, 25 January <http://www.vnlawfind.com.vn/default.aspx?tabid=192&ID=4342&CateID=75> – Accessed 14 October 2008 – Attachment 2).

RRT Research Response VNM33674 of 18 August 2008 referred to various source material on the Law of Residence in Vietnam, including information from Vietnamese media reports from mid-2007 (RRT Research & Information 2008, *Research Response VNM33674*, 18 August – Attachment 1).

Further information and commentary on the intent, implementation, and expected effects of the Law on Residence was located in articles and media reports released up until July 2007. Much of this material consists of reports of statements made by Vietnamese state officials. An article published on the Thanh Nien News website on 21 December 2006 reported comments attributed to a senior police officer, who stated that the law was intended to simplify the administration of household registration, or *ho khau*, and to reduce migration to urban centres:

Residents in Vietnam will enjoy simplified residence rules after the new Residency Law cuts through the red tape beginning January 1, 2007, a police senior officer said.

Dang Van Hieu said maintaining the residence certificates system was necessary to contribute to protecting national security and maintaining social order and safety.

...Under the new law, the procedure to apply for permanent residency will be drastically simplified. The application will include a change of residence form, a certificate with local police's affirmation of changing *ho khau*, and documents proving that the applicants have legal accommodations.

...“This regulation aims to limit the sharp increase of migrants to urban centers,” Hieu explained (Nhung, Tuyet 2006, ‘Vietnam to simplify residence rules from 2007’, ThanhNien News website, 21 December <http://www.thanhniennews.com/print.php?catid=1&newsid=23452> – Accessed 14 October 2008 – Attachment 3).

A June 2007 article published on the *Saigon Giai Phong Daily* website (described as the “Organ of the Party Committee” of the Communist Party of Vietnam) provided background on the Law of Residence, indicating that it would render 2.2 million people already living without household registration in Ho Chi Minh City and Hanoi eligible to regularise their residency. The article also noted that there were 380 valid documents relating to *ho khau*, and that some authorities were obstructive in their handling of transactions involving *ho khau*:

On Wednesday in Ha Noi, the Ministry of Police held a conference to publicize the Law of Residence, which will come into effect as from July 01, 2007; under which 2.2 million people will be eligible for being issued with *ho khau* and become local residents of Ha Noi and Ho Chi Minh City.

According to the law, to apply for a *ho khau* (household register) in order to be allowed to officially reside in a big city, a non-local resident must have a legitimate residential place in the city and live there for one year. Boats and ships are also considered as legitimate residential places if owners have an ownership certificate.

According to the Ministry of Police, the Law on Residence contains specific and detailed articles and clauses on permanent residence, temporary residence and stay to ensure that non-local resident' applications for the foregoing will be handled in accordance with simple and transparent formalities.

Vice- Minister of Police Le The Tiem asserted, “The law will be valid nationwide. Local authorities are not allowed to resort to local rules to delay the implementation of the law to restrict citizens' freedom of residence”.

Under the law, when requesting for an extension of stay, instead of presenting themselves at the police station to make registration, citizens can phone the police to do so. The extended period of stay will be approved up to the citizens' request. No certificate of extended stay is required to be issued to citizens.

Mr. Pham Van Duc, Deputy General Director of the General Department of Police said that after the Law on Residence is finalized, some 2.2 million people would be eligible for being issued with *ho khau* and become local residents of Ha Noi and Ho Chi Minh City.

He said, “This is not a wave of migration as these people have lived in the two cities for years now, it's just a normal distribution of population in the society. People can live where they can make an easy living and where living conditions are good for them.”

In related news, at present, there are over 420 documents relating to *ho khau*, of which 380 still remains valid. The Police's recent report revealed that despite a ban on the abuse of *ho khau* regulations, some organizations and agencies still resort to overlapping documents to cause difficulties for the people.

According to the Ministry of Police, the establishment of a hot line is now under consideration. When put into operation, citizens can immediately denounce cases of law violation to the police through the line ('Ha Noi, Ho Chi Minh City to Have More Local Residents under Residence Law' 2007, *Saigon Giai Phong Daily* website, 8 June <http://www.saigon-gpdaily.com.vn/Law/New/2007/6/56167/> – Accessed 13 October 2008 – Attachment 4).

A subsequent article published on the *Saigon Giai Phong Daily* website on 28 June 2007 reported statements made at a press conference by Tran Dai Quang, Vietnamese Vice-Minister of Public Security, emphasizing that the new residence system was designed to be transparent:

Lieutenant-general Tran Dai Quang said that to ensure a smooth run of the task, the Ministry of Public Security has appointed skillful officers who have a high sense of morality and responsibility to take charge of the duties of issuing *ho khau* to applicants.

Mr. Tran Dai Quang stressed, "One of the key points of the new law is that citizens have the right to make inquiries about application formalities, and the police are responsible for providing them with necessary information."

Consequently, all legal documents related to the Law on Residence, application formalities, and time-limits for a *ho khau* to be issued to applicants will be publicized.

... According to leaders of the police, on July 1, all fees and charges related to application formalities for *ho khau* will be made public. Citizens, organizations and agencies can propose adjustments to the fees and charges if they turn out to be too costly for them.

Any individual, organization or agency that intentionally violates the Law on Residence while considering applications for *ho khau* or issuing *ho khau* to citizens, causing losses or damage to applicants will be subject to a penalty, fines or criminal proceedings, depending on the nature of the violation (Quoc, Nam 2007, 'Press Conference on Residence Law Implementation', *Saigon Giai Phong Daily* 28 June <http://www.saigon-gpdaily.com.vn/Law/2007/6/56538/> – Accessed 14 October 2008 – Attachment 7).

In a paper presented at a conference on urban migration in Berlin in October 2007, Dr Michael Waibel (of the Economic Geography Department of the University of Hamburg) identified four different categories of residency status in Ho Chi Minh City, from "KT-1 citizens" with full residence status, to KT-4 "floating migrants" with more limited rights:

The most important tool for restricting migration is the division of the Vietnamese population into different categories of residential household status. There are four nation-wide categories, from KT-1 (officially registered permanent citizens) to KT-4 (migrant with temporary residence permit). Each status entails certain rights or obligations/legal restrictions...:

- KT-1 citizens have full residential status and are endowed with all rights that citizens of Vietnam enjoy in their native town. The most important rights of KT-1 citizens are the permission to purchase land-use rights in Ho Chi Minh City and access to public facilities and social services, such as school education for the

children. KT-1 residents are obliged to send their children to schools and kindergartens within their district of residence and to consult only the local medical services.

- KT-2 citizens are registered as permanent residents in the municipality of HCMC, but do not live in the district in which they are registered. Thus, KT-2 residents are ‘intra-district movers’. They can purchase land titles in HCMC, but access to school education and other social services for the children is usually limited to the district where they are registered.
- KT-3 classified families are considered migrants with a temporary residence permit of 6-12 months, which can be renewed relatively easily after expiration. Among other restrictions, KT-3 children may only go to public schools or kindergartens when the latter are not used to full capacity (by KT-1 and KT-2 children). If the schools or kindergartens are overcrowded, KT-3 and KT-4 children have to go to private schools, where they have to pay higher school fees. However, KT-3 citizens have the right to purchase land titles in HCMC.
- KT-4 residents, in contrast to KT-3 residents, are registered as individuals without a family in HCMC. They are considered so-called ‘floating migrants’ who usually reside in guesthouses or temporary dwellings, with an extendable 3-month residence permit. In contrast to KT-3 citizens, they do not have the right to purchase land titles in HCMC, but otherwise suffer from the same restrictions as KT-3 migrants in terms of access to social services. Most of the workers in the industrial zones of HCMC as well as the provinces of Binh Duong and Dong Nai surrounding Ho Chi Minh City are migrant workers registered as KT-4 (Waibel, Michael 2007, ‘Migration to Greater Ho Chi Minh City in the course of Doi Moi Policy’, Irmgard Coninx Stiftung website http://www.irmgard-coninx-stiftung.de/fileadmin/user_upload/pdf/urbanplanet/Waibel.pdf – Accessed 14 October 2008 – Attachment 5).

The paper also commented on the 2007 Law on Residence, indicating that the law would render persons who were living in urban rental accommodation eligible to obtain permanent residence status. The paper characterized the 2007 Law on Residence as an “appreciable step towards the improvement of the legal situation of migrants”, noting that that law appears to have made full residence status in Ho Chi Minh city available to more citizens. It should be noted, however, that the article does not provide any empirical data or analysis on the implementation of the law:

An appreciable step towards the improvement of the legal situation of migrants was made in July 2007, when a new residential law came into effect. Among other measures, the new residential law makes it far easier for KT-3 citizens to get KT-1 status than was previously the case. Now, KT-3 migrants only have to prove that they have had an uninterrupted employment status for one year, and to show that they have held a registered residential record for the same time. Previously, they had to be temporary residents of Ho Chi Minh City for three consecutive years (until 2005 the requirement was even five years) (Thanh 2006). Most important seems to be a change in regulation, which allows migrants to apply for KT-1 status even if they do not own a house, but just rent a housing unit. To apply for permanent residency in houses which are not owned, the applicants must show the house owners’ written approvals. It is estimated that approximately 800, 000 migrants in Greater Ho Chi Minh City will benefit from this new law (Waibel, Michael 2007, ‘Migration to Greater Ho Chi Minh City in the course of Doi Moi Policy’, Irmgard Coninx Stiftung website http://www.irmgard-coninx-stiftung.de/fileadmin/user_upload/pdf/urbanplanet/Waibel.pdf – Accessed 14 October 2008 – Attachment 5).

An article published on the *Saigon Giai Phong Daily* website provides information on the early implementation of the Residence Law in July 2007. In discussing the requirements for

registration the article notes that tenants may be disadvantaged in applying for *ho khau* if their landlord is unwilling to verify their residency:

The main two prerequisites a non-resident needs to fulfill to apply for a *ho khau* are that they have a legitimate residential place and that they live in the locality of the police station to which they are submitting the application.

...However, not all non-local residents can meet the two prerequisite conditions mentioned above. For many people, the condition of having a legitimate residential place is a major obstacle for them. At 4:15 p.m. at the Tan Binh District Police Station, while 131 lucky applicants made it through the application formalities, Mr. Sau Long, a motorcycle taxi driver, temporarily residing in Tan Binh District was not so successful.

Long said, "My hometown is Kien Giang. My family and I have temporarily resided in a hired house in Tan Binh District for years now, but the landlord is not willing to certify that the hired house is a legitimate residential place for us. The problem is that without a *ho khau*, my children still won't be admitted to public school this year"(Hiep, Doan 2007, 'Local Police Bureaus Crowded on Second Day of Residence Law' *Saigon Giai Phong Daily* website, 4 July <http://www.saigon-gpdaily.com.vn/Law/2007/7/56654/> – Accessed 13 October 2008 – Attachment 6).

Limited subsequent information regarding the ongoing implementation and effect of the 2007 Law of Residence in Vietnam was located. An article published on 6 November 2007 on the *Saigon Giai Phong Daily* website provided commentary on the implementation of the Residence Law, speculating on the measures required to manage anticipated population flows to urban centres including Ho Chi Minh City:

Over 2.1 million non-residents are eligible for household registration (*ho khau*) in more advanced cities and provinces, including Ha Noi and Ho Chi Minh City now that the Residence Law has taken effect. But as it has become easy to move from one place to another, measures are needed to control massive emigration and to ensure social order, security and stability.

Significant differences in living standards between the city and the country have resulted in waves of urban migration, to the point that that up to two-thirds of the populations of some Vietnamese cities are composed of rural migrants.

According to Ho Chi Minh City police, nearly 2 million non-residents now live in the city, of whom 1.5 million are qualified to apply for municipal residence permits.

Four months after the Residence Law came into effect, city police issued residence permits for more than 100,000 non-residents, mostly in such districts as Tan Binh, Tan Phu and Go Vap.

But more population means more need for housing, traffic routes, schools and hospitals while infrastructure development still lags demand and the city is already just barely coping with chronic traffic jams and shortages of hospital beds and school seats.

While the purpose of the Residence Law is to realize the people's freedom of mobility, municipal authorities must ensure the city can meet basic needs for housing and infrastructure.

There's no point in issuing a dozen residence permits to people who will have to live in one small house of a few square meters just for the sake of saying they were allowed to move to the city.

To alleviate infrastructural pressures and further deterioration of the quality of life in Viet Nam's major cities, Ho Chi Minh City and Ha Noi should lead the way in setting population management regulations, such as setting a minimum area of housing for each inhabitant.

Strategic plans for the city's socio-economic development and infrastructural development should also be carefully mapped out and executed if the city is to allow millions more from the countryside to join the urban migration.

Municipal authorities must also improve crime fighting and take the initiative in creating sufficient jobs to accommodate the impending surge in urban migration likely to follow the Residence Law (Ngoc, Minh, 2008, 'Measures Needed to Control Emigration to Urban Centers as Movement Becomes Easy', *Saigon Giai Phong Daily* website, 6 November <http://www.saigon-gpdaily.com.vn/Opinions/Columns/2007/11/59275/> – Accessed 13 October 2008 – Attachment 8).

An article published on 6 November 2007 identified the 2007 Residence Law as a factor in rising property values in Hanoi and Ho Chi Minh City:

Another key driver for the rapid expansion of the property market is that in former times, the regulations banned migrants in major cities like Hanoi and HCMC from owning houses but the Law on Residence removes this ban, prompting people from other provinces to buy properties in these cities (Vu, Pham 2008 'The Supply Crunch', *The Saigon Times Daily*, 5 November – Attachment 9).

A news article focusing on road traffic issues, published on the Vietnam Net Bridge website in August 2008, noted in passing that under the new law on residency, 230,000 persons had registered as permanent residents in Ho Chi Minh City in 2008:

The new residency law has allowed 230,000 people from other provinces across the country to register as permanent residents in HCM City this year. These newcomers could bring the city's population to 8.5 million next year ('Buckling down on traffic safety' 2008, Vietnam Net Bridge website, 5 August <http://english.vietnamnet.vn/social/2008/08/797186/> – Accessed 13 October 2008 – Attachment 10).

With regard to the fees for household registration transactions under the 2007 Law on Residence, a copy of Circular No. 07/2008/TT-BTC of January 15, 2008 was located on the website of the Vietnamese General Department of Taxation. This Circular stipulates maximum fees for the registration of residence in Vietnam; for the grant or renewal of household registration, the maximum fee is set at 15,000 Vietnamese Dong:

For grant, re-grant or renewal of household registration books or temporary residence books: not exceeding [sic] VND 15,000/time. Particularly for renewal of household registration books or temporary residence books at the request of householder for the reason that the State adjusts administrative geographical boundaries or changes street names or house numbers: not exceeding VND 8,000/time ('Circular No. 07/2008/TT-BTC of January 15, 2008, Providing Guidance On The Residence Registration Fee' 2008, General Department of Taxation, Ministry of Finance of the Socialist Republic of Vietnam website, 15 January <http://www.gdt.gov.vn/gdtLive/Trang-chu/Van-ban-phap-quy-ve-thue/News?contentId=125258&languageId=1&location=tct> – Accessed 9 October 2008 – Attachment 11).

No specific information was located regarding the extent to which local authorities in Ho Chi Minh abided by the above Circular on household registration fees; however, a news article published on the *Viet Nam News* website on 28 March 2008 reported the local authorities in Ho Chi Minh City had been collecting unauthorized fees:

City dwellers are fighting tooth and nail against charges and fees which the Prime Minister has prohibited functioning offices from collecting.

...According to the Government Decree No.24, people must only pay for fees that the Government, Finance Ministry and provincial People's Councils have regulated.

It says that local authorities should put an end to collecting contributions which are not suitable to people's pockets and have not been approved by the community prior to issuance.

...The Prime Minister has now requested that functioning offices immediately stop collecting contributions that were not regulated before December 1, 2007.

The instruction abrogated fees for birth certificate registration, order and security, natural calamity protection, household registration, identity cards and land surveys.

In February, the Finance Ministry issued a decision in February to supply guidelines for the exemption of unregulated fees in accordance to Government Decree No 24. But even now, after one month, the HCM City People's Committee has yet to implement the instruction ('Voluntary or not? HCM City struggles to understand fees' 2008, *Viet Nam News* website, 28 March <http://vietnamnews.vnagency.com.vn/showarticle.php?num=03SOC280308> – Accessed 14 October 2008 – Attachment 12).

An article published on the Viet Nam News website on 2 August 2008 commented on the implementation of the Law of Residency in Ha Noi city, estimating that it would take local officials up to two years to implement the changes to the household registration system:

The process of adjusting household registration books and issuing new identification cards for new Hanoians, which began yesterday, would take a few years to complete, said Major-general Do Kim Tuyen, Deputy director of Ha Noi Police.

Changes in the household registration are expected to take two years to complete while the issuance of new ID cards will take four years, according to the deputy director.

The addresses of more than 645,000 registration books and 2.2 million identification cards will need to be adjusted following the expansion of Ha Noi.

District-level policemen will be responsible for carrying out this task instead of commune-level officers in Ha Tay and Hoa Binh provinces as was done in the past. At the moment, policemen are only able to process the task of 100 registration books and 200 identification cards per day ('New ID registration processes begin' 2008, *Viet Nam News*, 2 August <http://vietnamnews.vnagency.com.vn/showarticle.php?num=04SOC020808> – Accessed 10 October 2008 – Attachment 13).

A subsequent article published on the same website on 11 October 2008 reported that police were conducting a wide-ranging check of household registration papers in Ha Noi, and were enforcing rules on household registration:

Ha Noi Police have started checking all resident household registration certificates for the first time since the expansion of Ha Noi.

Police will spend 20 days collating an exact census, looking for “suspected people” and “unusual relationship” for police records, said Deputy Head of the Ha Noi Police Office for Administrative Management and Social Order, Senior Lieutenant Colonel Pham Van Phan.

Police are going door-to-door to check foreigners’ documents to look for illegal overstayers, and will also manage to check the number of Vietnamese living in foreign countries.

... According to Major Vo Xuan Duong, head of the police of Lieu Giai Ward, police will go to every household to check and classify residents.

Phan, of the Ha Noi Police Office for Administrative Management and Social Order, added that people who have not registered with local police, or have changed address and not informed police in both old and new districts would be punished.

He warned that there would be stricter punishments in the future for flagrant violations (‘Police check up on household registration papers in capital’ 2008, *Viet Nam News* website, 11 October <http://vietnamnews.vnagency.com.vn/showarticle.php?num=04SOC111008> – Accessed 14 October 2008 – Attachment 14).

MRT *Research Response VNM17324* of 16 May 2005, and RRT *Research Response VNM17901* of 9 November 2004 provide background information on the *ho khau* system in Vietnam prior to the implementation of the 2007 Law on Residence; see Attachment 15 and Attachment 16 (MRT Country Research 2005, *Research Response VNM17324*, 16 May – Attachment 15; RRT Country Research 2004, *Research Response VNM17091*, 9 November – Attachment 16).

2. Is there any information available that would indicate that household registration has been withheld from Vietnamese citizens who have returned to the country after a long absence (ie above two years)? Specifically, is there information in this regard pertaining to the treatment of persons who have returned to Vietnam after seeking asylum overseas?

No specific information was located in the sources consulted to establish that Vietnamese authorities currently withhold household registration from citizens who return to Vietnam after long absences, or after seeking asylum overseas.

Previous RRT *Research Response VNM33027* referred to a January 2008 *Los Angeles Times* article which commented on the announcement of a bilateral agreement between the United States and Vietnam to allow the former nation to deport Vietnamese illegal immigrants to the latter. The article reported claims by a Vietnamese-American attorney that returnees may be unable to access household registration and/or identity documents after being repatriated. No further information was located to substantiate this claim:

To U.S. officials, a new pact announced this week with Vietnam, allowing the government to deport illegal immigrants, was almost routine – a straightforward matter of treating Vietnam like other nations.

But for many among the tens of thousands of immigrants in Orange County, the nation’s largest Vietnamese population center, nothing about their homeland is routine. Tuesday’s

announcement of the long-negotiated pact has stirred sometimes-bitter debate within a community where loathing of Vietnam's communist government remains white hot.

"The Vietnamese have already been persecuted. I am afraid that sending those people back would give them another life sentence," said Loc Nam Nguyen, director of the Immigration and Refugee Department of Catholic Charities in Los Angeles.

...The struggle of many Vietnamese to flee their homeland – on rickety boats, in military plane convoys to Camp Pendleton – remains the founding story of large immigrant enclaves. As a result, many reacted with anger or hesitation to the idea of returning any Vietnamese to communist control.

Lan Quoc Nguyen, an attorney who serves on the Garden Grove school board, said that after the agreement was announced he received frantic calls from members of the community who worried it might affect them.

"For those who go back to Mexico, they go back to their families and nothing happens to them," Nguyen said. "But for people who go back to Vietnam, it's a totally different ballgame. They will be discriminated against. They will be denied household registration and even identification papers because they cannot provide their background in the bureaucracy process. They will have a hard time finding jobs" (Tran, M.T. and Goffard, G. 2008, 'A jolt in new Vietnam pact', *Los Angeles Times*, 24 January <http://www.latimes.com/news/local/la-me-vietnamese24jan24,0,3793159.story> – Accessed 11 March 2008 – Attachment 17; RRT Research & Information 2008 *RRT Research Response VNM33027*, 12 March – Attachment 18).

RRT *Research Response VNM17306* of 10 May 2005 referred to information on the issue of Vietnamese citizens whose household registration is cancelled, including a 2001 paper published by the Immigration and Refugee Board of Canada which reported that Vietnamese citizens absent from their usual place of residence for more than a year may have their names removed from the household register by authorities. The same source indicates that persons returning to Vietnam after an absence from the country can apply to have their registration reinstated, but does not provide further details on the process by which this may be achieved:

If a citizen did not live in her/his residence continuously for one year, the government would remove her/him from the household registration. The individual may apply to be restored if he/she is closely related to the Head of the Household (sibling, son or daughter, spouse, parent). For people who emigrate from Vietnam, the government considers them no longer part of their original household and they would lose their registration.

An individual needs to return to Vietnam first before applying for his/her name to be restored. People who committed felonies or who are otherwise considered undesirable by the government would not be eligible (Immigration and Refugee Board of Canada 2001, *VNM37802.E Vietnam: Whether Vietnamese citizens or residents are required to cancel their Household Registration (ho khau) when leaving Vietnam to live abroad; whether the registration can be restored upon returning to Vietnam after two or more years of absence; grounds for refusal to issue a household registration to a returnee*, 16 October – Attachment 19; RRT Country Research 2005, *Research Response VNM17306*, 10 May – Attachment 20).

Similarly, an article published on the Vietnamese *Saigon Giai Phong Daily* website on 29 June 2007 featured comments by Senior Lieutenant-Colonel Vo Van Nhuan, Head of the Police Bureau of Administrative Management on Social Order on the implementation of the Residence Law. The article included a reference to Article 2 of the 2007 Residency Law,

indicating that persons who have their household registration cancelled after traveling overseas can apply to have it renewed:

My daughter went to study abroad in 2002 and her name was removed from the *ho khau*. Can she apply for a *ho khau* again when she returns to Viet Nam? What papers will be needed for the application?

Answer: Based on Article 2 of the Law on Residence, Vietnamese people who live in a foreign country but still retain their Vietnamese citizenship can apply for a *ho khau* when returning to the country to live (“Online Exchange between Police Leader and SGGP Readers about Residence Law Implementation” 2007, *Saigon-GP Daily*, 29 June, <http://www.saigon-gpdaily.com.vn/Law/2007/6/56583/#> – Accessed 12 August 2008 – Attachment 21).

No further specific information was located on the process and requirements involved for a Vietnamese citizen to apply for a household registration after having this registration cancelled as a result of an extended stay overseas.

Question 3 of Previous *Research Response VNM17238* of 24 March 2005 provides a discussion of the issue of the general treatment of returned failed asylum seekers in Vietnam; see Attachment 22 (RRT Country Research 2005, *Research Response VNM17238*, 24 March – Attachment 22).

3. Is there any information available that would indicate that household registration has been withheld from Vietnamese citizens whose political views are known to oppose Vietnam’s Communist government? Specifically, is there information in this regard pertaining to the treatment of persons whose family members may have been associated with the armed forces of the Republic of Vietnam (South Vietnam)?

Denial of Household Registration based on Political Activities

Limited reports were located of Vietnamese citizens being denied household registration documentation as a result of their political and religious activities. A report on human rights in Vietnam, prepared by Forum Asia Democracy for a 2005 European Parliament Subcommittee on Human Rights hearing, included claims that authorities “routinely refuse” residency permits to former religious and political prisoners:

The family residency permit or *ho khau* is an obligatory residence card which is essential for all administrative procedures, to obtain employment, admission to school or hospital, to travel, vote etc. People without residency permits are illegal citizens and may be arrested at any moment. The precinct security warden is responsible for delivering – or confiscating – the *ho khau*, which contains details of every person in one’s family, their religion, political background etc. Vietnam is one of the only countries in the world to demand this registration permit. “*Citizens can be troubled to death in Vietnam*” said Trang A Pao, Chairman of the National Assembly’s Ethnic Affairs Committee, who himself was a recent victim of this Kafkaesque system last year.

The authorities routinely refuse to deliver residency permits to Buddhists from the Unified Buddhist Church of Vietnam (UBCV) and other religious and political prisoners after their release from prison, and they live in a state of permanent insecurity (Forum Asia Democracy 2005, ‘Human Rights in Cambodia, Laos and Vietnam’, European Parliament website, 12 September

http://www.europarl.europa.eu/meetdocs/2004_2009/documents/fd/fad_120905_camb-laos-

[vietnam /fad 120905 camb-laos-vietnam en.pdf](#) – Accessed 14 October 2008 – Attachment 23).

A Human Rights Watch report published in 2004 referred to claims that Mennonite Christians in Vietnam had been denied *ho khau*:

In 2002 and 2003 Human Rights Watch received several reports about police ransacking the homes of Mennonite believers and confiscating Bibles in Kontum. Officials have withheld the residence permit (*ho khau* in Vietnamese) of Pastor Chinh and other Mennonites, which makes it difficult to legally find work, travel, and rent or own a home. In addition, local vigilantes in Kontum have reportedly beaten Mennonite workers and arranged hit-and-run motorcycle “accidents” to intimidate members of the church and pressure them to renounce their faith (Human Rights Watch 2004, ‘Vietnam: Attack on Mennonites Highlights Religious Persecution’, 22 October http://hrw.org/english/docs/2004/10/22/vietna9552_txt.htm – Accessed 6 December 2005 – Attachment 24).

A profile of Thich Quang Do, leader of the Unified Buddhist Church of Vietnam, published on the Que Me website, indicates that he has been subject to repeated arrest and detention in connection with his political activities, and that he has been denied a *ho khau*:

After spending over 26 years detention, Thich Quang Do is still held under effective house arrest at the Thanh Minh Zen Monastery in Saigon, although he has not been formally convicted of any crime. Ten years after he was “amnestied” of his crimes, Thich Quang Do has still not been issued with the obligatory “*ho khau*”, or residence permit, without which he is an illegal citizen (‘Profile on Most Venerable Thich Quang Do, Head of the Unified Buddhist Church of Vietnam’ (Undated), Que Me website <http://www.que.me.net/eng/thichquangdo.php> – Accessed 14 October 2008 – Attachment 25).

Question 6 of Previous *Research Response VNM17238* of 24 March 2005 provides a background discussion of the issue of the treatment of political dissidents in Vietnam; see Attachment 22 (RRT Country Research 2005, *Research Response VNM17238*, 24 March 2005 – Attachment 22).

Returnees with Connections to the South Vietnamese Military

No reports were located to indicate that Vietnamese authorities currently deny *ho khau*, or other identity documentation, to returning Vietnamese citizens on the basis of previous personal or family connections with South Vietnamese or American armed forces during the Vietnam War.

Information from the Department of Foreign Affairs and Trade provides background on the attitude of Vietnamese authorities to persons who were members or supporters of the former government or military of South Vietnam, indicating that in recent years the Vietnamese authorities have been primarily concerned with contemporary anti-government political activities and affiliations, rather than those dating back to the Vietnam War. A report from 1999 provides the following comments:

Currently there are some people held in detention for activities which are political in nature, but considered crimes by the government of Vietnam. However the arrest, trial and detention of such people stems from prohibited political or religious activities, not allegiance to the former government of South Vietnam. In late 1998, a presidential amnesty was extended to a number of these people. Further amnesties have been foreshadowed for 1999 and also the year 2000.

The embassy has no evidence of significant discrimination or harassment against supporters of the former regime, or against people of particular provinces. More likely is positive discrimination in the bureaucracy in favour of those with links to families that were strong supporters of the former North Vietnamese government (Department of Foreign Affairs and Trade 1999, *DFAT Report 0123 – Vietnam: RRT: Advice Concerning Family Background: Update (VNM13387)*, 10 February – Attachment 26).

RRT *Research Response VNM32395* referred to the following 2007 advice from the Department of Foreign Affairs and Trade on the attitude of the Vietnamese government on supporters of the former South Vietnamese government:

QUESTIONS

...b. Please provide comment or reporting on the treatment of supporters of the previous regime

...ANSWERS

...6b. People who worked for the South Vietnamese Government (SVG) and/or US agencies in Vietnam during the war were treated harshly following the fall of the SVG in 1975. Those who fled Vietnam are now being welcomed back by the Government, on condition that they engage constructively with Vietnam and do not seek to embarrass the country, the Government, or the Communist Party (Department of Foreign and Trade 2007, *DFAT Report 706 – Vietnam: RRT Information Request: VNM32395*, 8 October – Attachment 27; RRT Research & Information 2007, *Research Response VNM32395*, 11 October – Attachment 28).

RRT *Research Response VNM30333* of 11 July 2006 referred to information on the treatment in Vietnam of former South Vietnamese Army personnel and their families, including the following advice from Dr. Ashley Carruthers of the Australian National University:

Re treatment of children of old regime people, I'm not aware of any reports on current treatment – which is probably because it is no longer in reality an issue. While some politically motivated people will claim there is still discrimination, personally I am convinced from my hundreds of interviews with people in Vietnam and Australia (in which this has occasionally come up as a tangential issue) that there is no longer systematic discrimination against people connected with the old regime or their children. When people in Vietnam tell me about ongoing discrimination I interpret it to mean the ongoing social consequences of a past discrimination they or their families may have suffered (Carruthers, A. 2006, Email Re: the current treatment of relatives or children of former ARVN personnel', School of Archaeology and Anthropology, Australian National University, 10 July – Attachment 29; RRT Country Research 2006, *Research Response VNM30333*, 11 July – Attachment 30).

Previous *Research Response VNM17238* of 24 March 2005 referred to sources on the treatment of returned Vietnamese refugees, including the following information provided by Professor Carlyle A. Thayer of the Australian Defence Force Academy, University of New South Wales, who indicated that the Vietnamese government makes a distinction between Vietnamese citizens who express criticism of the Vietnamese government while overseas, and those who are engaged in anti-government activities:

1. How are Vietnamese citizens who have been involved in anti-regime activity overseas and who have been critical of the Vietnamese regime treated on return by the

Government? Does this also apply to failed asylum seekers, and would the authorities' reaction be any different in these circumstances?

Vietnamese citizens who have been involved in anti-regime activities overseas are very likely to be interviewed by security officials on their return. Security officials also are very likely to contact their families in a subtle form of intimidation. Vietnamese citizens who have been critical of their government whilst living overseas are not usually treated in this fashion. There is a tolerance of "critical views" but not anti-regime activity. As for failed asylum seekers, the regime exercises some circumspection especially if their treatment is monitored by outside agencies such as foreign embassies or human rights groups (Thayer, Carlyle A. 2005, 'Comments for the Australian Refugee Review Tribunal', Johns Hopkins University, Washington, D.C., 18 March – Attachment 31; RRT Country Research 2005, *Research Response VNM17238*, 24 March 2005 – Attachment 22).

The most recent Freedom House report on Vietnam provided the following comments on the attitude of the Vietnamese government to political expression and activity:

The state appears to act most harshly against prominent pro democracy activists; private citizens can generally speak freely in private discussion without fear of repercussions.

... Ordinary Vietnamese, particularly those living in major cities, are increasingly free of government intrusion into their daily lives, including their choice of work, place of residence, and participation in economic and religious activities (Freedom House 2008, *Freedom In the World Country Report –Vietnam* – Attachment 32).

An article published by *Agence France-Presse* in February 2007 commented on efforts made by the Vietnamese government to attract overseas Vietnamese, or *Viet Kieu*, to return to Vietnam. The article quoted a statement by an official from the Foreign Ministry's Committee for Overseas Vietnamese, who specified that the government "welcomes Viet Kieu, without discrimination because of their past, their opinions and their reason for leaving the country – providing they take no action against the Vietnamese state now":

As Vietnam seeks to launch itself into the world's economic mainstream, the communist state is wooing the country's 2.7-million strong diaspora to bring home their capital and brain power.

Some 150,000 overseas Vietnamese are coming home for Saturday's traditional Tet New Year, heading in from the US, Europe, Canada, Australia and other countries.

According to government estimates, the figure is 20 percent up on last year.

Many of the 'Viet Kieu' (overseas Vietnamese) fled their homeland during and after the Vietnam war that ended in 1975, often surviving harrowing journeys as boat people to start new lives in about 100 countries.

...Many in Vietnam resented those who left the country during its darkest hour, while the first, often well-heeled, returnees were shocked to find that Vietnam had become an isolated communist state with a crumbling economy.

But in a gradual shift, the yearly number of return visitors has risen from 150,000 in 1993 to 500,000 last year, said Tran Quang Hoan, deputy chairman of the Foreign Ministry's Committee for Overseas Vietnamese.

In 2004, Vietnam allowed Nguyen Cao Ky, former premier and vice president of the US-backed Saigon regime, to come home for Tet from Los Angeles.

... Vietnam “welcomes Viet Kieu, without discrimination because of their past, their opinions and their reason for leaving the country -- providing they take no action against the Vietnamese state now,” Hoan said (‘At Tet New Year, Vietnam woos diaspora to build up homeland’ 2007, by *Agence France-Presse*, 15 February – Attachment 33).

Vietnamese Government Interest in Political Affiliations of Returnees

Information was located to indicate that Vietnamese authorities have taken interest in the political affiliations and activities of returning former refugees. The most recent US Department of State report on human rights practices in Vietnam stated that Vietnamese authorities monitored overseas Vietnamese who returned to Vietnam, and had refused entry to persons known to be engaged in anti-government activities overseas:

The government generally permitted citizens who had emigrated to return to visit. However, the government refused to allow certain citizen activists living abroad to return. Dissident Bloc 8406 activist Nguyen Chinh Ket, who traveled abroad in November 2006, was not allowed to return. His family in Ho Chi Minh City was served with an arrest warrant in the event he returned. Known overseas Vietnamese political activists were denied entrance visas.

By law the government considers anyone born in the country to be a citizen, even if the person has acquired another country’s citizenship, unless a formal renunciation of citizenship has been approved by the president. However, in practice the government usually treated overseas Vietnamese as citizens of their adopted country. Emigrants were not permitted to use Vietnamese passports after they acquired other citizenship. The government generally encouraged visits and investment by such persons but sometimes monitored them carefully. During the year the government liberalized travel restrictions for overseas Vietnamese, adopting a multiple-entry visa program for “qualified” persons (US Department of State 2008, *Country Reports on Human Rights Practices 2007 – Vietnam*, 11 March, Section 2 – Attachment 34)

A document published on the website of the Viet Tan Vietnam Reform Party in September 2006 contains claims about the mistreatment of a Vietnamese pro-democracy activist involved with the Bloc 8406 movement. In a statement describing his interrogation, the activist claims that police searched through phone numbers and call records in his mobile phone, and showed interest in phone calls made to repatriated refugees:

After examining my cell phone, they recorded all phone numbers and details of all my recent calls. They ordered me to explain each case. Why did I have this number? When did I have it? For whom? The purpose of each call, especially the numbers belonging to repatriated refugees? Then they confiscated my identity card and their summons notice (‘Update on Medical Condition of Vu Hoang Hai Democracy Activist in Vietnam Beaten by Police’ 2006, Viet Tan website, 5 September <http://www.viettan.org/IMG/pdf/VuHoangHai-medicalcondition.pdf> – Accessed 13 October 2008 – Attachment 35).

An April 2008 article on returning *Viet Kieu* published by the *Economist* reported the claim that returnees are monitored by the Vietnamese government for links to pro-democracy groups:

... Might the waves of returning exiles who have got used to living in democracies also help transform Vietnam’s politics? So far most of them are keeping their heads down. One says that although they are officially welcomed, he is sure that they are closely watched by the

authorities to see if they belong to exiled pro-democracy groups (some of which are indeed sending in *Viet kieu*) (The return of the boat people' 2008, *The Economist*, 24 April http://www.economist.com/specialreports/displaystory.cfm?story_id=11041601 – Accessed 10 October 2008 – Attachment 36).

An article published on the New America Media website in November 2007 reported on the arrest in Vietnam of several persons described as “pro-democracy activists”. Information in the report indicates that the detainees held foreign citizenship:

Vietnamese authorities arrested six people in Saigon (Ho Chi Minh City) on Nov. 17th and then another man on Nov. 23rd, reports Vietnamese-language Nguoi Viet News. The arrested are connected to a political party called “Tan Viet” or New Vietnam. According to Tan Viet’s spokesperson, four of the arrested were members of Tan Viet, and the latest arrest, Mr. Trung Nguyen, was also a member. Trung Nguyen is known for his political activism, and has been pushing for democracy and multiparty system in Vietnam. Government spokesman Le Dung also refused to speak of a fourth missing activist – reportedly a US citizen – who had been arrested while passing out booklets on democracy. “On November 17, the Vietnamese Public Security Agency conducted an urgent arrest and temporary detention of three people, Nguyen Thi Thanh Van, French passport holder; Truong Leon, US passport holder; and Khunmi Somsak, Thai passport holder; for their violations of Vietnamese law,” Dung said at a briefing last Thursday (Vietnam Arrests Pro-Democracy Activists’ 2007, New America Media website, 27 November http://news.newamericamedia.org/news/view_article.html?article_id=00991aa414d9f2311069ee205ed280da – Accessed 10 October 2008 – Attachment 37).

A Human Rights Watch report released on 12 September 2008 provides information on recent arrests of democracy activists in Vietnam; see Attachment 38 (Human Rights Watch 2008, ‘Vietnam: New Round of Arrests Target Democracy Activists’, Human Rights Watch website, 12 September <http://hrw.org/english/docs/2008/09/11/vietna19796.htm> – Accessed 14 October 2008 – Attachment 38).

4. What information is available on the Vietnamese Veterans Association of South Australia, and in particular whether it is anti the Vietnam Communist government?

Limited information was located on the Vietnamese Veterans Association of South Australia, indicating that the organization has participated in activities commemorating the Vietnam War, and the service of its members in the South Vietnamese armed forces during that conflict. No information was located to establish that the Vietnamese Veterans Association of South Australia has engaged in any activism or explicit protests in opposition to the current Vietnamese Communist government.

A transcript of a speech made by David Ridgeway MLC in the South Australian Legislative Council in July 2008 names Mr Tay Van Nguyen as the president of the Vietnamese Veterans Association of South Australia, and refers to a commemoration of the Fall of Saigon with which the organization was involved:

Members will recall that earlier this year I was appointed shadow minister assisting the shadow minister for multicultural affairs, the member for Waite and Leader of the Opposition in the House of Assembly. I assist him in a number of areas and I have enjoyed that role, particularly with regard to the Vietnamese Veterans’ Association of South Australia. Since being appointed I have forged quite a close working relationship with members of this

association, in particular the President, Mr Tay Van Nguyen. We have got on extremely well and developed a close relationship.

Those in the association have great passion for their country, and many fought gallantly to serve and protect it and it is a great honour to be part of their commemorations. The Vietnamese Veterans' Association takes a huge amount of pride in the history of its members, and rightly so. It was at a recent commemoration for the Fall of Saigon that I was able to witness and take part in the association's remembrance of their fallen comrades who sacrificed their lives in the fight for freedom. This event marked the end of the Vietnam War and end of the Republic of South Vietnam, as well as the end of a 21-year struggle against Communist forces.

...I further commend the Vietnamese Veterans' Association on involving the South Australian community in commemorating the important significant events in their country's history. Involvement in these events, such as mine in the Vietnamese New Year celebration and the Fall of Saigon commemoration, is vitally important in developing an appreciation and awareness of the origins and values of our multicultural community. In advocating a multicultural policy, which promotes a greater unity and understanding, it is very important for our state's leaders to remain involved in these types of events. The association demonstrates a great commitment to Australia, while maintaining pride in its national heritage ('Vietnamese Veterans' Association' 2008, David Ridgeway MLC website, 24 July <http://www.davidridgeway.com.au/news/default.asp?action=article&ID=118> – Accessed 15 October 2008 – Attachment 39).

The transcript of an ABC television news segment from October 2006 refers to the unveiling of a Vietnam War memorial in Adelaide, and named Dr Anh Tuan Ngo as the head of the Vietnamese Veterans Association of South Australia. The transcript indicates that Australian and Vietnamese veterans collaborated to establish the memorial. The transcript also refers to issues regarding the flying of the flag of the former South Vietnam at the memorial, indicating that the Australian Federal had offered to provide funding for the memorial on condition that the flag was not flown:

MIKE SEXTON: Across town at Woodville Gardens another veteran of that conflict is at work in his surgery. Unh Tuan was a South Vietnamese army doctor for five years and when the war ended, like all South Vietnamese soldiers, he was sent to a re-education camp.

ANH TUAN NGO, VIETNAMESE VETERANS ASSOCIATION: Where I work hard, okay, just labour, just labour work. And then one year later, they release me and because at that time the Vietnam, okay, need doctors because they don't have enough doctor.

MIKE SEXTON: Dr Tuan and his family came to Australia as refugees in 1984, and after years of study he was again allowed to practise medicine. In addition, he now heads up the Vietnamese Veterans Association of South Australia.

ANH TUAN NGO: We meet together on Sunday, okay, we've got noodle soup there, you know that, in Hanson Road? And that they have the time to go to, you know, to talk together, just to remember the time.

MIKE SEXTON: Although it's been more than three decades since the war ended, South Australia is the only state without a major memorial to that conflict. But that's about to change.

BILL DENNY, VIETNAM VETERANS FEDERATION: There was an overwhelming desire to remember the South Australians that went away. There's not been a state memorial for

those young men. At the same time there was as great affection that still lingered between the ex-service community and the Vietnamese ex-service community, many of whom made their home here after the war.

MIKE SEXTON: Two months ago at a foundry in the Adelaide Hills, the first metal was poured on a memorial for Vietnam veterans. The statue was the vision of a committee of veterans, both Australians and Vietnamese, who wanted a memorial to reflect their joint involvement and comradeship.

BILL DENNY: I think it's great that it's been a fifty-fifty split too: the committee has got – two halves form the whole, and for every committee position that Gilly and I hold there's a Vietnamese person that has another committee position. So it's been a multicultural community and we've what, had three years there hasn't been a blue?

JOHN "GILLY" GILLMAN: Yeah, three years hasn't been a blue; been close.

BILL DENNY: Only between you and me. (LAUGHTER)

MIKE SEXTON: The veterans have spent three years raising a majority of the \$300,000 for the memorial. But just as it reached the final stages of preparation they ran into a snag with the contribution promised by the Federal Government.

FILE FOOTAGE ABC NEWS, 17 AUGUST 2006: The Federal Government is still involved in a dispute with local Vietnam veterans over the building of a new memorial here in Adelaide. The Federal Government has offered \$40,000 to help build a statue on the Torrens Parade Ground but on the condition that the South Vietnamese flag isn't flown. That clause has angered local veterans.

MIKE SEXTON: The State Government has promised to make up any funding shortfall and the South Vietnamese flag will fly at the opening ceremony, to the delight of veterans.

ANH TUAN NGO: We respect the Australian flag, so we also respect our flag, okay. Even if it's not the national flag but it's our flag, deeply in my heart, okay. So a lot of my colleagues die of that. Even now, the Australian soldiers die of this flag.

MIKE SEXTON: Earlier this month the committee members had the first up close and personal look at the statue, unearthing memories from almost 40 years ago. The bronze figures created by sculptor James Martin, are the realisation of years of work and planning, and have been designed to portray the two nationalities in cooperation. Do you like it?

ANH TUAN NGO: Ah, I think we very, very happy we got statue.

MALE: Other states have been, what you could almost call, ferocious in their approach, very war-like, the look on the face, the arms, the weapons, the grenades: it was as though they were all ready to launch another attack, if you like. Ours is a bit more pragmatic. Our sculptor decided that he wanted to portray a job well done (Sexton, Mike 2006, 'New Vietnam War memorial unveiled', ABC *Stateline* website, 17 October <http://www.abc.net.au/stateline/sa/content/2006/s1766551.htm> – Accessed 15 October 2008 – Attachment 40).

A press release published on the website of the Federal Minister for Veterans Affairs in September 2005 indicated that the Vietnamese Veterans Association of South Australia had received Veteran & Community Grants funding to produce a newsletter to “address healthy lifestyle issues and provide information on services and programs” ('Port Adelaide Veterans To Benefit From Australian Government Funding' 2005, Minister for Veterans Affairs

website, 30 September http://minister.dva.gov.au/media_releases/2005/09_sep/va153.htm – Accessed 15 October 2008 – Attachment 41).

Limited information was also located on the Vietnamese Veterans Association of Victoria. No specific information was found regarding the existence of a relationship or connections between this group and the Vietnamese Veterans Association of South Australia. An undated page on the Maribyrnong City Council website provides contact details for the Vietnamese Veterans Association of Victoria Inc, which is described as a “Social service with bilingual workers providing a range of welfare and social activities” (‘Vietnamese Veterans Association of Victoria Inc.’ (Undated), Maribyrnong City Council website http://www.maribyrnong.vic.gov.au/Directory/S2_Item.asp?Mkey=314&S3Key=55 – Accessed 15 October 2008 – Attachment 42).

An article published by *The Age* in April 2008 provides information on the Vietnamese Veterans Association of Victoria, and their activities on ANZAC Day:

Age online journalists spotted a small group of Vietnamese men gathered to the west of the Shrine of Remembrance and asked about their particular ceremony.

The Vietnamese Veterans Association in Victoria, which is made up of Vietnamese soldiers who fought for South Vietnam against North Vietnamese Communists during the conflict, they have participated in the parade for 25 years.

While the final official ceremonial movements were held in the Shrine of Remembrance, with all dignitaries in attendance and speeches echoing around the gardens, this small group of refugees quietly and respectfully sang *Nay Cong Dan Oi*, the anthem of the Republic of Vietnam.

The memorial is held at a bamboo tree that was planted in 1984. Association president Long Viet Nguyen said the plant symbolised strength – and doing the right thing – in Asian cultures.

He said the former soldiers marched to contribute to Australian war history and support the meaning of Anzac Day, and as allies of the Australian forces who fought alongside them against the Communists from 1962 to 1975.

“We march so our next generation remembers the fight,” Nguyen says.

After the parade, they gather in front of the bamboo and a wreath of flowers in the colours of the South Vietnamese flag, as opposed to the Socialist Republic of Vietnam’s red flag (Battersby, Lucy, & Bartonek, Lucie 2008, ‘Vietnamese veterans remember fallen comrades’, *The Age* website, 25 April <http://www.theage.com.au/news/national/vietnamese-remember-comrades/2008/04/25/1208743232625.html> – Accessed 15 October 2008 – Attachment 43).

An article published on the *Herald Sun* website in August 2005 referred to the involvement of members of the Vietnamese Veterans Association of Victoria in a ceremony on Vietnam Veterans day, and quoted comments made by members of the group:

It was the 39th anniversary of Australia’s epic battle at Long Tan and the 30 years since South Vietnam’s defeat.

It belonged not only to the Australians who fought in this country's longest, most controversial war, but to about 70 members of the Vietnamese Veterans Association of Victoria marching behind them.

They marched up the Shrine forecourt with sadness and pride. They followed a banner of yellow with red stripes: the old colours of their old nation of South Vietnam. Many fought in the final losing battles against the communist North in 1975.

... Peter Nguyen, 61, who wore his old officer's colours, still suffers from a grenade injury from when he was captured in Cambodia in 1971.

"The Australians were friendly, they tried to save my country," said the former first lieutenant.

"I came here in a boat in 1983. Now this is my country. I have my uniform. I forgive, not forget," Mr Nguyen said.

Mr Nguyen works at a steel casting factory in Dandenong to support his wife and 14-year-old son.

Khac Thi Nguyen was a captain in the special airborne forces when the war was lost in 1975. "The Communists put me in jail for 18 months and then I escaped and went to Malaysia by a small boat," he said (Wilson, Neil 2005, 'Wins in Vietnam loss', *Herald Sun* website, 19 August <http://www.news.com.au/heraldsun/story/0,21985,16308671-2862,00.html> – Accessed 15 October 2008 – Attachment 44).

The Vietnamese Prime Minister Nguyen Tan Dung arrived in Australia on an official visit on Monday 13 October 2008. Media reports were located of protests being organised against the visit. No media reports were located to indicate that the Vietnamese Veterans Association of South Australia, or any other Australian-based Vietnamese veterans group, was directly involved in these protests. An article published by the *Sydney Morning Herald* on 14 October 2008 reported that around 200 people had gathered on the steps of the Victorian Parliament House to protest against Vietnamese Prime Minister Nguyen Tan Dung. The article did not identify any groups instrumental in organising the protest ('Protesters follow Vietnamese PM on visit' 2008, *Sydney Morning Herald*, 14 October <http://news.smh.com.au/national/protesters-follow-vietnamese-pm-on-visit-20081014-50ib.html> – Accessed 15 October 2008 – Attachment 46).

An article published by the *Sydney Morning Herald* on 12 October 2008 identified that members of a Melbourne-based group called the "Vietnamese Community in Australia" were planning to travel to Canberra to protest against the visit by Nguyen Tan Dung ('Rudd to meet Vietnamese counterpart' 2008, *Sydney Morning Herald*, 12 October <http://news.smh.com.au/national/rudd-to-meet-vietnamese-counterpart-20081012-4yww.html> – Accessed 15 October 2008 – Attachment 45).

Media reports were located to indicate that the "Vietnamese Community in Australia" organisation has previously been involved in other protests against the Vietnamese government in recent years. An article published on the *SBS World News Australia* website in July 2008 referred to protests in Sydney over the decision made by the Catholic Church to use the current flag of the state of Vietnam rather than the flag of the former South Vietnam during World Youth Day celebrations in Sydney. The article refers to comments against the decision by Phong Nguyen, who is identified as the president of The Vietnamese Community

in Australia (Ramli, David 2008, 'Vietnamese Flag Choice Sparks Ideological Debate' *SBS World News Australia* website, 15 July http://news.sbs.com.au/worldnewsaustralia/vietnamese_flag_choice_sparks_ideological_debate_551821 – Accessed 15 October 2008 – Attachment 47).

In discussing the controversy surrounding the 2003 decision by SBS to broadcast the Vietnamese State television news program *Thoi Su*, an article published by the *Sydney Morning Herald* in December 2003 referred to the activities of the Vietnamese Community in Australia (VCA) against the airing of the show:

...the Vietnamese Community in Australia (VCA) organisation had swung into overdrive. A series of national telephone conferences had formulated strategy. They set up a website and reached out to the media and politicians on all sides (Kremmer, Christopher 2003, 'Breaking the news at SBS', *Sydney Morning Herald*, 20 December <http://www.smh.com.au/articles/2003/12/19/1071337155787.html?from=storyrhs> – Accessed 15 October 2008 – Attachment 48).

No information was located to establish whether any links exist between the Vietnamese Veterans Association of South Australia and the Vietnamese Community in Australia (VCA) organisation. Searches of the website Vietnamese Community in Australia (VCA) <http://www.ausviet.net/en/>, and of the Vietnamese Community of Australia South Australia Chapter at <http://sa.vnca.org.au/>, did not locate any references to the Vietnamese Veterans Association of South Australia.

5. What information is available on whether the Vietnamese government authorities monitor or are concerned by the activities of the Vietnamese Veterans Association of South Australia or any other veterans group for South Vietnamese forces in Australia?

No specific information was located on the issue of whether Vietnamese government authorities currently monitor the activities of the Vietnamese Veterans Association of South Australia, or other Vietnamese veterans groups in Australia.

Previous *Research Response VNM17238* of 24 March 2005 referred to information provided by Professor Carlyle A. Thayer of the Australian Defence Force Academy, University of New South Wales, indicating that the Vietnamese government does undertake monitoring of Vietnamese citizens overseas:

2. Are you aware of any monitoring activity by Vietnamese Embassies and Consulates of expatriate Vietnamese and Vietnamese citizens travelling or residing abroad?

Yes. Officials from the Ministry of Public Security are posted in Vietnamese embassies and consulates abroad and are given the task of monitoring the activities of overseas Vietnamese as well as Vietnamese citizens traveling abroad. Trusted members of the Vietnam Communist Party living abroad are often asked to report on their fellow Vietnamese to security officials. This is particularly the case with respect to university students (Thayer, Carlyle A. 2005, 'Comments for the Australian Refugee Review Tribunal', Johns Hopkins University, Washington, D.C., 18 March – Attachment 31; RRT Country Research 2005, *Research Response VNM17238*, 24 March 2005 – Attachment 22).

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Informaworld website <http://www.informaworld.com/smpp/home~db=all>
Ingenta Connect website <http://www.ingentaconnect.com/>
Infotrieve <http://corporate.infotrieve.com/>

United Nations websites

United Nations Development Programme Vietnam website
<http://www.undp.org.vn/undpLive/>
United Nations Vietnam website <http://www.un.org.vn/>
United Nations High Commissioner for Refugees website <http://www.unhcr.org/cgi-bin/texis/vtx/home>
UNHCR Refworld website <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=>
United Nations Integrated Regional Information Network (IRIN) website
<http://www.irinnews.org/>

Government Organisations

Immigration and Refugee Board of Canada website http://www.irb-cisr.gc.ca/en/index_e.htm
UK Home Office Country of Origin Information Service website
http://www.homeoffice.gov.uk/rds/country_reports.html

International News and Politics

Far Eastern Economic Review <http://www.feer.com/>
Asia Sentinel website <http://www.asiasentinel.com/index.php>
The Economist website <http://www.economist.com/>
BBC World News website <http://news.bbc.co.uk/>
Columbia International Affairs Online website <http://www.ciaonet.org/>
The New York Times <http://www.nytimes.com/>
Reuters <http://www.reuters.com/>
International Herald Tribune <http://www.ihf.com/>
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L.A. Times <http://www.latimes.com/>
The Age <http://www.theage.com.au/>
Sydney Morning Herald <http://www.smh.com.au/>
Vietnam Studies Group website
<http://www.lib.washington.edu/Southeastasia/vsg/index.html>
Vietnam News Agency website <http://www.vnagency.com.vn/>
Vietnam News <http://vietnamnews.vnagency.com.vn/>
Thanh Nien news website <http://www.thanhniennews.com/>
Saigon Giai Phong Daily website <http://www.saigon-gpdaily.com.vn/>

NGOs

Human Rights Watch <http://www.hrw.org/>
Amnesty International <http://www.amnesty.org/>
Freedom House <http://www.freedomhouse.org/>
World Bank website <http://www.worldbank.org/>
East Asia Development Network website <http://www.eadn.org/>

Asian Human Rights Commission <http://www.ahrchk.net/>

Asian Centre for Human Rights <http://www.achrweb.org/>

Regional websites

Vietnam Human Rights Network <http://www.vietnamhumanrights.net/IndexE.html>

Asia Pacific Migration Research Network website <http://www.apmrn.usp.ac.fj/>

Committee for Religious Freedom in Vietnam <http://www.crfv.org/>

Que Me Action for Democracy in Vietnam website <http://www.queme.net/eng/index.php>

Vietnamese in Australia website <http://www.vietnameseinaustralia.com.au/>

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