



RESPONSES TO INFORMATION REQUESTS (RIRs)

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27 February 2009

VNM103086.E

Vietnam: Whether an individual's rights to obtaining a passport, employment, education and other civil rights are affected if he or she does not have household registration documentation
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

In 18 February 2009 correspondence, an international human rights lawyer specializing in Southeast Asia stated the following:

The Household Registry [*ho khau*] is the major form of proof that a person has an established address and is officially associated by blood or marital relationship to the other family members listed on the Registry. In demonstrating identity and residence for the purpose of obtaining any benefits or official documents (i.e. passports or exit documents) the Registry functions as the primary proof without which local officials will more likely than not deny benefits to anyone not part of the Registry.

According to a 2006 Human Rights Watch (HRW) report, household registration documentation in Vietnam is essential for legally obtaining a job, collecting food rations, attending government schools, receiving health care, travelling, voting and contesting administrative abuses (Nov. 2006, 35). The report also indicates that children who do not have household registration documentation are more likely to be arrested or harassed by the police and may not be eligible to receive basic social services (HRW Nov. 2006, 35).

In an April 2006 *Viet Nam News* article, the Chairman of Vietnam's National Assembly Committee on External Affairs is quoted as saying that the household registration book is an important document to have in order to obtain a birth certificate, to access education and to vote (6 Apr. 2006). Additionally, the Vice Chairman of the National Assembly's Legal Committee stated that household registration is linked to the government's "preferential policies and [is] essential for people living in disadvantaged, mountainous and remote regions" (*Viet Nam News* 6 Apr. 2006). The Vice Chairman went on to argue for the removal of "cumbersome procedures" practised by law enforcement agencies (*ibid.*).

A June 2006 *Viet Nam News* article quotes Deputy Ma Dien Cu from Binh Thuan province [southeast Vietnam] as saying that "there's nothing wrong with the [household registration] books," but that "it's those who manage them who cause trouble for people and infringe on the rights of many citizens" (9 June 2006). According to the same article, Deputy Tran Van Nam from Binh Duong province [southern Vietnam] commented on the "overuse" of the household registration books in order to deliver services (*Viet Nam News* 9 June 2006). Deputy Le Thi Nga from Thanh Hoa province [northern Vietnam] cited a Ministry of Public Security report when stating that there are 380 regulations governing household registration that "limit citizen rights" (*ibid.*). Further information on these regulations could not be found among the sources consulted by the Research Directorate.

According to Intellasia, a news service that provides English translations of Vietnamese domestic news (n.d.), the July 2007 law on residency changed some previous requirements for permanent residence status (8 June 2007). For example, citizens no longer need to prove ownership of a property; instead, they can now

register if they have legal accommodation (8 June 2007). Additionally, people living in Hanoi, Ho Chi Minh City, Hai Phong, Da Nang and Can Tho can obtain permanent residence status if they can prove that they have lived in one of these cities for one year as opposed to the previous requirement of three years (Intellasia 8 June 2007; Vietnam News Agency 2 July 2007). A Vietnam News Agency article indicates that approximately 2.2 million people are eligible for household registration books under the new residency law effective 1 July 2007 (2 July 2007).

The United States (US) *Country Reports on Human Rights Practices for 2008* states that in Vietnam "block wardens" and household registration systems are used for the "surveillance" of civilians, particularly those suspected of "unauthorized" political or religious involvement (29 Feb. 2009, Sec.1). However, the report indicates that in 2008 "these systems were generally less intrusive than in the past" (US 29 Feb. 2009, Sec. 1). According to an October 2008 *Viet Nam News* article, the Deputy Head of the Hanoi Police Office for Administrative Management and Social Order indicated that the Hanoi police expected to spend 20 days checking household registration books searching for "'suspected people'" and "'unusual relationship[s]'" (11 Oct. 2008). The article reported that those not registered with local police or who haven't informed the police of an address change "would be punished" (*Viet Nam News* 11 Oct. 2008). This information could not be corroborated among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

- Human Rights Watch (HRW). November 2006. "*Children of the Dust: Abuse of Hanoi Street Children in Detention*." <<http://www.hrw.org/en/node/111118/section/1>> [Accessed 10 Feb. 2009]
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Additional Sources Consulted

Oral Sources: Boat People SOS and the Vietnam Human Rights Network did not provide information within the time constraints of this Response.

Internet sites, including: Asian Human Rights Commission (AHRC), Europa World, European Country of Origin Information Network (ecoi.net), Factiva, *International Migration Review*, South Asia Human Rights Documentation Centre (SAHRDC), Vietnam Law and Legal Reform, VietNamNet, United Kingdom (UK) Border Agency, Vietnam - Ministry of Home Affairs, Xinhua News Agency.

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