

STATEMENT OF THE SOUTHEAST ASIA RESOURCE ACTION CENTER (SEARAC)
ON
THE LAO HMONG IN THAILAND AND MONTAGNARDS SEEKING REFUGEE STATUS

Prepared for the Public Meeting on the President's FY 2008 Refugee Admissions Program

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To
Bureau of Population, Refugees, and Migration
U.S. Department of State

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LAO HMONG IN THAILAND

Thank you for allowing me to speak today on behalf of the thousands of Lao Hmong now languishing in squalor in Thailand who remain in desperate need for protection and on behalf of the hundreds of Montagnards from Vietnam who continue to seek refugee status. My name is Doua Thor, Executive Director of the Southeast Asia Resource Action Center.

The Hmong fought alongside the U.S. in what is now known as the Secret War in Laos during the Vietnam War. Because of this allegiance, hundreds of thousands of Hmong became refugees since the end of the war and have resettled in various countries. The U.S. is home to over 200,000 Hmong Americans according to the 2000 Census.

In Laos, many Hmong continue to live in fear of persecution at the hands of the communist government against which they once fought. At the end of the war, many of those who did not make it to the refugee camps in Thailand stayed in the harsh jungles of Laos. To this day, an unknown number of Hmong families continue to live in hiding in the jungles of Laos with no access to medical care, unstable food supplies, no outside assistance, and the constant need to move from one encampment to the next due to regular attacks from the Lao military.¹

In recent years, thousands of Hmong from Laos, including many who have lived in hiding in the jungles for the past three decades in fear of persecution, have made their way into a border makeshift camp called Whitewater near Huay Nam Khao village in Petchabun Province, Thailand. While Thai authorities have not yet allowed UNHCR access to this population to assess the situation and determine the refugee statuses of those in the camp, UNHCR estimates that the population in Whitewater numbers around 8,000. In addition to those living in the makeshift camp, hundreds of others live in prisons along the Lao/Thai border in devastating conditions.

Based on communication with those residing in the camp it is believed that the refugee claims of this population are based on continued fear of persecution in Laos based on ethnicity and allegiances to the U.S. Thai and Lao authorities have announced numerous times that their governments will be in conversation about what to do with this population, however, no comprehensive resolution has been agreed upon and 8,000 lives remain in limbo.

A number of events have occurred that illuminate the dire situations of this population. In December of 2005, 27 Hmong children from the settlement were separated from their parents on their way home from church. Despite efforts from UNHCR, their whereabouts were untraceable. It was feared that they were deported back to Laos.² In March of 2007, Amnesty International reported that the Lao government “found” 21 of these girls and young women who went missing while six others remain missing. Reports indicated that the girls had been held in a prison in Bolikhamxay province in Laos while the six young men were held elsewhere. While the details of the children’s whereabouts during these 15 months and what happened to them remain unclear, conditions were said to be hard and some are believed to have been ill-treated and others tortured.³

International human rights monitors including UNHCR, Human Rights Watch and Amnesty International have also expressed grave concerns over the deportation of detained Hmong men, women and children on the Thai/Lao border. In January 2007, an attempt to deport back to Laos 153 Hmong individuals who had

¹ Additional information regarding the situation of the Hmong in the jungles of Laos, please see the report by Rebecca Sommers, “Report on the Situation in the Xaysomboun Special Zone and 1100 Hmong Lao Refugees Who Escaped to Petchabun,” <http://www.gfbv.de/report.php?id=19&stayInsideTree=1>

² See UNHCR article at <http://www.unhcr.org/news/NEWS/45bf6c5e4.html>

³ See Amnesty International article at <http://web.amnesty.org/pages/lao-220307-feature-eng>

already been granted refugee status, including one newborn baby, from the Nong Khai detention center failed amidst protest from some of the detained and concerns expressed by international human rights organizations. Subsequently, many of the 153 refugees who were detained were resettled in countries such as Australia and the Netherlands. However, as recently as two weeks ago, a group of 31 Lao Hmong were forcibly repatriated to Laos after only being in Thailand for two weeks. They were not given the opportunity to register with UNHCR, and their whereabouts in Laos are now unknown. In addition, in late 2006, 53 Hmong in Petchabun Province, including one newborn baby, were deported back to Laos without having the opportunity for their refugee statuses to be determined.

UNHCR and other international human rights organizations have repeatedly expressed their concerns about the forced deportation of anyone in the makeshift camp in Petchabun or the detention centers there without assessment of their refugee statuses. UNHCR has consistently advocated that Thailand put in place a system that would ensure that any individuals among this population with protection concerns be screened in line with international standards, and UNHCR has offered their assistance to assist with this process.⁴ Thai authorities have yet to utilize this resource.

SEARAC recommends the following:

- The United States Government (USG) should help ensure that international NGOs and UNHCR have access to this population to address immediate humanitarian needs and assess the refugee claims of those in Whitewater and the surrounding detention centers.
- The USG should help ensure that the forcible removal of all Lao Hmong from Thailand will be halted until the refugee status determination process has been implemented for all of those seeking refugee status and resettlement in a third country.
- For those that are found to be bona fide refugees, resettlement in third countries, including the United States, is imperative. In order for this to be possible, the material support bars that currently preclude the resettlement of Hmong, Montagnards, and other refugee groups from around the world must be removed.
- International monitoring in both Thailand and Laos is essential. All processes involving the Lao Hmong in Thailand must be transparent in order to ensure the long term safety for all of the Lao Hmong currently in Thailand.

MONTAGNARDS

In addition to the situation of the Lao Hmong, SEARAC remains equally concerned about the plight of the hundreds of Montagnards who continue to see refugee status. Effective May 1, 2007, the United States Department of State (DOS) began implementing a new policy of no longer granting “second chance” interviews to Montagnards seeking refugee status. Prior to this policy shift, the UNHCR interviewed those Montagnards in Phnom Penh, Cambodia who sought to be resettled in a third country. For those who were denied refugee status by UNHCR, DOS granted them a second round of interviews, essentially, a second chance to receive refugee status, and the resulting efforts were not in vain. In 2006, the U.S. granted refugee status to 33 of the 75 Montagnards who were initially denied refugee status by UNHCR; and, in 2005, the U.S. provided refugee status to 20 out of the 25 who had previously been denied by UNHCR. Now, rather than continuing this successful program, Montagnards who are returned to Vietnam and feel that they deserve another chance at gaining refugee status will either have to go to the U.S. Embassy in Hanoi or the U.S. Consulate in Ho Chi Minh City in order to restate their claims.

The Montagnards, comprised of diverse ethnic minority groups in the Central Highlands of Vietnam, have a long history with America. During the Vietnam War, the Montagnards were fierce allies to the Americans, and as a result of this allegiance, thousands of them were resettled in the United States after the end of the

⁴ See UNHCR article at <http://www.unhcr.org/news/NEWS/45bf6c5e4.html>

war. Many of those in Vietnam have suffered persecution at the hands of a Vietnamese government that remains suspicious of them, not only due to their connection to the United States, but also because many are Christian. The United States Commission on International Religious Freedom, a bipartisan commission that gives independent policy recommendations to the President, the Secretary of State, and the Congress, is so concerned about the religious persecution faced by Montagnards in the Central Highlands that it is one of the primary reasons the Commission recently recommended that Vietnam be re-designated as a Country of Particular Concern in 2007.

Although the State Department stated in support of its recent policy change that conditions have improved significantly enough in the Central Highlands that the eradication of the “second chance” interviews is warranted, concerns about the treatment of Montagnards in Vietnam remain. As a matter of fact, in the State Department’s most recent human rights report, it is stated that, “Local authorities required members of ethnic minority groups to obtain permission to travel outside certain highland areas, including in some cases travel outside their own villages.” The 2006 State Department human rights report states that, “there were numerous reports the ethnic minorities seeking to cross into Cambodia were returned by Vietnamese police operations on both sides of the border, sometimes followed by beatings and detentions...” Both of these statements point to the problem that for those Montagnards who are forcibly returned to Vietnam without the benefit of a “second chance” interview, it is in no way guaranteed that they will have the freedom of movement required to appeal the UNHCR decisions in either Hanoi or Ho Chi Minh City. In addition, although the State Department assures that stepped up monitoring in the Highlands will begin in order to safeguard the reintegration of returnees into their communities, all evidence points to the dangers of placing implicit trust in the veracity of the statements Montagnards make during monitoring visits. According to a recent report commissioned by UNHCR and written by ZOA Refugee Care, “Monitoring visits from UN representatives are carefully anticipated and followed up by the [Vietnamese] government, and... ‘unfettered’ monitoring systems should be pursued.” A 2006 Human Rights Watch report noted a similar finding, stating that one returnee explained, “The UN...asked about my mistreatment, but I was too afraid to answer. I told them I had not been hit or threatened. I didn’t dare tell them I’d been sent to prison; if I told [the police] would have beaten me.”

In light of concerns about the continued persecution of Montagnards in the Central Highlands, including those who have returned from Cambodia, and the current limitations the Vietnamese government places on monitoring visits in the region, SEARAC recommends:

- The reinstatement of the “second chance” policy for Montagnards

Comprehensive solutions to the issues of the Lao Hmong and the Montagnards are long overdue. It is this country’s responsibility to work towards the rapid rectification of these situations and to offer refuge to those who have sacrificed so greatly on behalf of this country.

Thank you.