Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

- 1. Please provide details about NUFLVN e.g. when it was formed, its aims and objectives, its leaders, its activities, and the Vietnamese Government's attitude towards NUFLVN and treatment of its members especially around 1981/82, 1996, and more recently.
- 2. Was there a "political gaol" called Phan Dang Luu in Ho Chi Minh in 1982? If so, provide any details about it e.g. location and size.
- 3. Did the Vietnamese authorities not allow people with "bad records" to work in the 1980's?
- 4. Was non-government employment available at that time for someone who had 14 years of education and a qualification in accounting?
- 5. Anything else of relevance.

RESPONSE:

1. Please provide details about NUFLVN e.g. when it was formed, its aims and objectives, its leaders, its activities, and the Vietnamese Government's attitude towards NUFLVN and treatment of its members - especially around 1981/82, 1996, and more recently.

The National United Front for the Liberation of Vietnam (NUFRONLIV) was the largest of a number of anti-communist resistance movements which was created in the years after 1975 by members of the Vietnamese refugee community living on the west coast of the United States. Its main aim was that of providing moral, financial and at times military support to the resistance movement within Vietnam. Various dates are given for when the Front was born, the most common being April 30 1980, though 1 August 1981 is also given in the sources. The Front was based in San Jose California and had its financial headquarters in Arlington, Virginia, from 1982. Information on NUFRONLIV's activities within Vietnam itself is general in nature, confined to the decade between 1980 and 1990, and derives mainly from overseas news reports. The period 1987 to 1990 is the most prominent in terms of the Front's guerrilla activities against the Vietnamese state and the subsequent trials of those involved, and according to one academic source, made it one of only two military resistance organisations in South Vietnam ever mentioned by the Vietnamese government (Porter, G.

1993, *Vietnam: The Politics of Bureaucratic Socialism*, Cornell University, Ithaca, p. 175 – Attachment 1).

Three news articles written during 1982 describe NUFRONLIV's emergence, its early activities, and identify its two most prominent early leaders at the time, Hoang Co Minh and Pham Van Lieu. Its most prominent leader was Hoang Co Minh, said to have been 52 years old in 1982. A former admiral of the Vietnamese navy who left Vietnam in 1975, he was described as the general of the Front who returned to Vietnam in 1981 to lead the "guerrilla resistance" with "about 200 guerrilla fighters" (King, W. 1982, 'U.S. Vietnamese rally for resistance' *The New York Times*, 3 June – Attachment 2). Pham Van Lieu was the Commissioner for Overseas operations for the Front in the United States. In an interview, he gave his opinion on the Front's aims and of its presence in Vietnam. He stated that between 5000 and 10000 "resistance fighters" were working in Vietnam by mid-1982:

...in 1980 and 1981 many refugees who had started new careers in the United States returned to the jungles of their homeland to begin the resistance struggle. Lieu said he had been back to the jungles of Indochina as recently as March [1982]...**He said the 5000 to 10000** resistance fighters now working in Vietnam are trying to infiltrate every segment of society to tell the people that Vietnamese abroad will never forget their suffering and that someday they will join together to eliminate the enemy and form a free nation (Ellis, R. 1982, 'Refugees who left Vietnam in fear now working to liberate homeland' *The Sunday Oklahoma*, 25 July – Attachment 3).

Pham Van Lieu is also the focus of an article of December 1982 in the American paper *The Nation*. It describes Pham Van Lieu as one of the leaders of the Front whose aim at the time was to create an "indigenous army":

Lieu...is one of the leaders of the National United Front for the Liberation of Vietnam, which claims right now to be waging a small-scale guerrilla war against the Vietnamese government. Last February [1982], Lieu...joined 150 or so former South Vietnamese soldiers "somewhere along the Cambodian-Vietnam border' to inaugurate their campaign against Hanoi...its strategy is to infiltrate officers and "technical cadre" into Vietnam to train and lead an indigenous army (Talbot, S. 1982, 'The Vietnamese Front – in America' *The Nation*, 11 December – Attachment 4).

The same 1982 article reports the view of the Vietnamese government with regard to the Front in this way:

The Vietnamese government acknowledges the existence of armed dissident groups but insists that the front is not active inside Vietnam. Lieu says the front is allied with the remnants of the CIA-trained tribal forces of Van Pao in Laos, as well as with the Pol Pot-Prince Sihanouk in Cambodia (Talbot, S. 1982, 'The Vietnamese Front – in America' *The Nation*, 11 December – Attachment 4).

No further information was found in the sources consulted on the activities of NUFRONLIV in Vietnam for the period 1981-1982.

Three years later a January 1985 article in *The New York Times* describes Hoang Co Minh as frequently travelling to Thailand from the United States to establish a small guerrilla base on the border with Laos. Other activities of the Front reported at this time include the setting up of a radio transmitter in Thailand to make broadcasts into southern Vietnam and the publication of a magazine in the United States called *The Resistance*. The article indicates

that the Hanoi government was taking significant notice of the Front, but that doubt surrounded the extent of the activities of the Front in Vietnam itself:

An anti-Communist resistance movement that provoked complaints from the Hanoi Government in late December [1984] has been rapidly gaining adherents among Vietnamese refugees in America, though many of them question its effectiveness.

The movement's goal is the overthrow of the Communist regime in Vietnam. It is made up of a number of groups, the largest of which, the National United Front for the Liberation of Vietnam, is headed by Hoang Co Minh. Mr. Minh, a former admiral in the South Vietnamese Navy who escaped from Saigon when it fell to the Communists in 1975, worked as a house painter in Washington until he became head of the group.

...The front, which first became active in 1982, says it has 10 000 fighters inside Vietnam. But Le Thi Anh, the Washington representative of a Vietnamese resistance group based in France, said that when she was in Thailand last spring ...the front had only about 60 troops camped near Saannakhet, in central Laos ... former Prime Minister Nguyen Cao Ky...said in an interview: 'I'm not part of Admiral Minh's movement. He's exaggerated his achievements too much. The people will eventually lose faith in him...'.

...Despite such doubts, the front's leaders remain optimistic that the country's regime can be overthrown. 'We don't have to overthrow the Communists by killing', said **Pham Van Lieu, a former colonel who was the founder of the Vietnamese Marines and is considered the real organizer of the front** (Butterfield, F. 1985, 'Vietnamese Anti-Communist groups gain members in U.S.' *The New York Times*, 7 January – Attachment 5).

In 1985 the Front in the United States split into two groups and was beginning to lose the support of the Vietnamese refugee community because of financial mismanagement and doubts about its real presence in Vietnam. Pham Van Lieu quit the Front at this time because of the misuse of funds (RRT Country Research 1996, *Research Response VNM20747*, 12 March – Attachment 6; Nhan, N. T. 1996, 'Some thoughts on the US-Viet Nam diplomatic normalization and changes in the politics of the Vietnamese-American Community' March, New York University Computer Science Department website http://www.cs.nyu.edu/~nhan/aia96-2.html - Accessed 24 August 2006 – Attachment 7; Brody, J. 1991 'Front not upfront, some Viets lament', *The Orange County Register*, 20 May – Attachment 8).

In 1988 another report confirms that the Front had splintered and lost the support of refugees in the United States. Doubts were again raised about the effectiveness of its activities in Vietnam. A director of the Indochina Archive at the University of California, Berkeley, is reported as saying that "he has seen no evidence that the Vietnamese exile community is engaged in any significant activity in Vietnam". However, the report goes on to quote a spokesman for the "United Front" as saying of its activities that "Minh has fighters in Vietnam. There are no accounts of battles…because the resistance **engages in psychological warfare**. 'We don't engage in armed struggle. **We try to turn the people against the government**" (Brody, J. 1988 'Viet resistance movement falters – group leader reportedly died while trying to infiltrate from Thailand' 1 February, *The Orange County Register* – Attachment 9).

From late 1987 to 1990 NUFRONLIV conducted military activities against the Vietnamese government. This is followed by trials in Vietnam of those fighters who were captured. Newspaper reports describe clashes between NUFRONLIV guerrillas and Vietnamese forces

in July-August 1987 as the largest of its type up to this time. This event resulted in the death of 100 guerrillas, including the leader Hoang Co Minh, and the capture of 77 members. Trials were conducted for 17 (or 18) of those captured in December 1987 and then again in November 1988 for another 34. The former group were described during the trial

as being affiliated with Minh and the National United Front for the Liberation of Vietnam and that "The Vietnamese government, which had broadcast reports of Minh's death before the trial, labelled the resistance leader 'a bloodthirsty bandit chief" (Brody, J., 1988 'Viet resistance movement falters – group leader reportedly died while trying to infiltrate from Thailand' 1 February, *The Orange County register* – Attachment 9; 'Vietnam's trial of Phantom Army' 1987, *The Sydney Morning Herald*, 4 December – Attachment 10; 'Trial of 34 Vietnamese resistance fighters in Saigon. (Contains statement issued by The National United Front for the Liberation of Vietnam)' 1988, *PR Newswire*, 28 December – Attachment 11).

NUFRONLIV admitted to the death of its leader Haong Co Minh as having occurred in these 1987 clashes only 14 years after the event in July 2001 (Mangaliman, J. 2001, 'S.J. Vietnamese Group admits leader's death' *San Jose Mercury News*, 29 July – Attachment 12).

A second military clash between government forces and anti-communist guerrillas, which included some NUFRONLIV members according to the government, occurred in August 1989. Twenty nine guerrillas were killed and 38 men captured. A subsequent trial in October 1990 by Vietnam's Supreme Court sentenced the 38 to prison. The commander, identified as Tran Quang Do, was sentenced to life in prison. In July 1990, the Front in the United States begins to publish a newsletter called *Vietnam Insight* which describes the "liberation strategy" as based on "mass mobilization" of networks in Vietnam ('Vietnam's Supreme Court Imposes Prison Term on infiltrators' 1990, *The Associated Press*, 14 October – Attachment 13; Branigin, W. 1990, 'Hanoi tries 38 on insurgency charges' *The Washington Post*, 11 October – Attachment 14; Viviano, F. 1990 'Vietnamese Treason trial has bay area ties' *The San Francisco Chronicle*, 15 October – Attachment 15).

NUFRONLIV's non-military activities during the late eighties are described as disseminating propaganda against the Hanoi government and as sending agents into Vietnam to establish a "local resistance network" in Ho Chi Minh city ('Vietnam's trial of Phantom Army' 1987, *The Sydney Morning Herald*, 4 December – Attachment 10). The Front itself released a statement at this time saying that the

"resistance movement...is active in social, economic, psychological areas, not purely military. A network of Resistance-Administrative Committees has been established throughout the nation [of Vietnam]; each guides resistance activities within a region starting with hamlet as the smallest unit" (National United Front for the Liberation of Vietnam NUFRONLIV, 1990 'Vietnamese liberation group says Vietnam's Communist regime orders army to move against protests and uprising' *PR Newswire*, 25 April – Attachment 16).

The Front's magazine, *Resistance News*, also published a transcript of a radio broadcast of April 15 1990 of what it says is from the government's *Hanoi Radio*, to show the Vietnam's government increasing alarm with regard to the resistance movement, and in particular toward NUFRONLIV:

"Together with other reactionary forces inside Vietnam, the exiled reactionaries incites dissidents elements...Their scheme is well illustrated in the 'Declaration of Renewal of Vietnam' prepared by the **National United Front for the Liberation of Vietnam**. This reactionary force currently led by traitor **Hoang Co Minh** has worked under the pretext of

serving the people's and nation's interest, calling on people in and outside Vietnam to overturn communism" ('Hahoi Alarms: Threat of Reactionary Force' 1990, *Resistance News*, 8 April – Attachment 17).

In September 1991 NUFRONLIV released a 12 page political proclamation. It restates its aims and objectives in the following terms:

formed in 1980...At the heart of NUFRONLIV's philosophy, then and now, is a reliance on the strength of the people to bring freedom to the nation, the mobilization of every element of Vietnamese society to undermine the oppressive system in all fronts in preparation for a popular uprising that will forever end the Communist rule in Vietnam (The National United Front for the Liberation of Vietnam (NUFRONLIV) 1991, *The 1991 Political Proclamation*, 12 September – Attachment 18).

After 1991 the sources consulted throw no further light on NUFRONLIV's activities in Vietnam itself. In 2001, Diem Do, the nephew of the Front's original leader Hoang Co Minh, admitted that the Front is no longer involved in military activity. And after admitting for the first time that the death of Hoang co Minh occurred in the military clashes with Vietnamese forces in 1987, other officials of the Front declined "to identify the new leader of the Front inside Vietnam, for fear of his being attacked by communists" (Gittlesohn, J. 2001 'Exile no position of power Series', *The Orange County Register*, 11 February – Attachment 19; Mangaliman, J. 2001, 'S.J. Vietnamese Group admits leader's death' *San Jose Mercury News*, 29 July – Attachment 12).

2. Was there a "political gaol" called Phan Dang Luu in Ho Chi Minh in 1982? If so, provide any details about it e.g. location and size.

Phan Dang Luu prison is often referred to in the sources as a place of imprisonment. One source was found implying that the prison was in operation by 1982: a 1995 source refers to an opponent of the Vietnamese government as having been being held in Phan Dang Luu prison in Ho Chi Minh city from 1978 until 1988 ('Dr. Nguyen Dan Que and the High tide of Humanism Movement' 16 April 1995, *Free Vietnam Solidarity Conference* – Attachment 20). The Directorate of Overseas Affairs of NUFRONLIV itself released a list of 1010 political prisoners whom they believed were being held in Vietnamese prisons between 1 July 1992 and April 15 1994. Ten of those identified are listed as being imprisoned in Phan Dang Luu prison (National United Front for Liberation of Vietnam, 'List of political prisoners in Vietnam (four lists) undated – Attachment 21).

The only details on Phan Dang Luu prison found relate to its location. A 2006 source refers to "the prison at 4 Phan Dang Luu street in Ho Chi Minh City". A second source from 2004 refers to a "prison at No. 4 Phan Dang Luu in the Binh Thanh District of HCM city". From these descriptions one may conclude that Phan Dang Luu prison is at number 4 Phan Dang Luu street in Binh Thanh district of Ho Chi Min city ('Last of Vietnam's Mennonite six released from prison' 3 March 2006, *Compass direct* – Attachment 22; 'Prison account of Nguyen Thanh Nhan' 2004, Human rights and Christian persecution website, 12 December http://www.human-rights-and-christian-persecution.org/vietnam-prison-reports.html - Accessed 31 August 2006 – Attachment 23).

3. Did the Vietnamese authorities not allow people with "bad records" to work in the 1980's?

No sources written in the 1980s could be found stating that persons with aberrant political records were not allowed to work by the Vietnamese authorities. However, three reports written in the early 1990s do state that Vietnamese authorities discriminated in employment against those with unfavourable political views and affiliations. A Human Rights Watch report for the year 1991 implies that discrimination in employment was practiced prior to this time:

The government **still** gathers extensive information on citizens' political and family backgrounds, and those deemed undesirable **still face discrimination in employment** and educational opportunities (Human Rights Watch 1992, *World Report – Vietnam*, http://www.hrw.org/reports/1992/WR92/ASW-15.htm#P938_343433 – Accessed 30 August 2006 - Attachment 24).

The US Department of State's *Country Report on Human Rights Practices* for 1990 confirms that political views were at this time a basis for discrimination in employment:

Many citizens face discrimination in employment, education, and social services...based on family background or political views....people affiliated with anti-communist associations ...have been systematically discriminated against (US Department of State 1991, Country Report on Human Rights Practices for 1990, February, p.1073 – Attachment 25).

Finally, a DFAT cable written in 1992 and reported in an RRT Country Response from 1995 stated that "Those with known dissident views will in general find attendant difficulties on matters concerning housing, **employment**, education, health access and the like" (RRT Country Research response 1995, *Research response VNM20526*, 13 November – Attachment 26).

4. Was non-government employment available during the 1980s for someone who had 14 years of education and a qualification in accounting?

No information was found specific to accounting graduates on whether work outside of the government was available to them during the 1980s. The information found relates to university and college graduates in general and indicates that only after 1986 did non-government work become available to them. A research project undertaken by the Immigration Section of the Australian Embassy in Hanoi in June 1992 looked at employment in Vietnam. It indicates that "in the past" graduate employment had been limited to the government sector and that the government did play a direct role in the employment of persons upon graduation:

In the past, schools, college and university graduates were assigned jobs by the government on completion of their studies. The state sector was virtually the only employer ... With the changes in the economic system, graduates are now free to look for jobs independently [of the government]...The only stipulation against employment of a person is that they should not have been involved in criminal activities (Australian Embassy Hanoi – Immigration Section, 1992 'Research Project: Vietnamese documentation and procedure' June – Attachment 27).

A background paper produced in 1994 by the RRT Research Unit in Melbourne titled 'Employment in Vietnam" indicates that employment for graduates independent of the government began to be available from 1986, when the changes to the economic system were introduced. After reforms in 1986 liberalising the economy, graduates could begin to look for employment opportunities outside of those provided directly by the government. It also

gives figures indicating that by 1992 private companies in Ho Chi Min city accounted for half of the cities output:

Employment issues in Vietnam cannot be separated from political and economic issues which serve as their background... In Vietnam, prior to the Doi Moi period which commenced in 1986, government regulations on the freedom of the individual and the centrally planned, state controlled economy affected individual employment opportunities. **The state was effectively the nation's only employer** and unemployment was not acknowledged. **Graduates from schools, colleges and universities were placed in government employment...**Following the introduction of Doi Moi ("Renovation"), economic restructuring has reduced the size of the state sector while increasing the opportunities for individuals to make a living free from government controls. **Graduates could choose to join a free labour force instead of pass directly into government employment**, and the low wages paid to workers in the government sector was a disincentive for the best graduates to join government owned enterprises.

... Under the state run employment environment, there appears to have been substantial opportunities for discrimination and patronage.

... While the public sector was constrained by this debt burden, the private sector, encouraged by the "Doi Moi agenda" grew substantially. In 1992 the private sector accounted for 44% of economic output in Ho Chi Minh City, "Vietnam's economic hub." **Private factories were estimated to produce about 51% of the city's industrial output**. In the previous 5 years, an estimated 350,000 private businesses sprung up. Most employed less than 20-30 workers and only a handful of private companies employed more than 1,000 workers. The most successful of these companies manufactured for export. **However, the private sector was not unaffected by Vietnam's economic problems and entrenched communist values.**Many private businesses failed because of harassment by government officials (RRT Research Unit 1994, *Background Paper – Employment in Vietnam*, 15 March, p.16-18 – Attachment 28)

4. Anything else of relevance.

A report produced by the Research Directorate of the Canadian Immigration and Refugee Board in 1999, while focussing on ex-Communist dissidents, does make reference to a document used for administrative purposes, including work, which includes the "past history" and "politics" of a person and their family. This document is referred to as a "curriculum vitae" or "CV":

The executive secretary states that the Vietnamese authorities discriminate against the families of ex-Communist dissidents. Each Vietnamese citizen possesses a curriculum vitae that contains all his/her past history (antécédents) and that of his/her family, somewhat similar to a criminal or police record. This CV is included in the residence permit (ho khau), which is issued by the area policeman in charge of the political surveillance of the population, and which is necessary for all administrative procedures (work, admission to school or hospital, etc.). Religious affiliation and politics are also included on this CV. The attachments provided by the executive secretary offer examples and confirm that children of dissidents experience discrimination and stigmatisation, cannot pursue university studies or enter professions they would like to practise. One of the examples provided is that of the wife of a dissident who was forbidden from maintaining her small retail business, thereby placing her family in a more precarious economic situation (Immigration and Refugee Board of Canada 1998, VNM28655.E Vietnam: Update to Response to Information Request

VNM28180.E of 3 November 1997 on the treatment of families of individuals who have "fallen out of favour" with the government, 14 January – Attachment 29).

List of Sources Consulted

Internet Sources:

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US Department of State website www.state.gov

United Nations (UN)

Non-Government Organisations

Human Rights Watch website http://www.hrw.org/

Human rights and Christian persecution website http://www.human-rights-and-christian-persecution.org

International News & Politics

Region Specific Links

Topic Specific Links

Search Engines

Google search engine http://www.google.com.au/

Online Subscription Services

Library Networks

University Sites

New York University Computer Science Department website http://www.cs.nyu.edu

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

- 1. Porter, G. 1993, *Vietnam: The Politics of Bureaucratic Socialism*, Cornell University, Ithaca.
- 2. King, W. 1982, 'U.S. Vietnamese rally for resistance' *The New York Times*, 3 June. (FACTIVA)
- 3. Ellis, R. 1982, 'Refugees who left Vietnam in fear now working to liberate homeland' *The Sunday Oklahoma*, 25 July. (FACTIVA)
- 4. Talbot, S. 1982, 'The Vietnamese Front in America' *The Nation*, 11 December.
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- 8. Brody, J. 1991 'Front not upfront, some Viets lament', *The Orange County Register*, 20 May. (FACTIVA)
- 9. Brody, J. 1988 'Viet resistance movement falters group leader reportedly died while trying to infiltrate from Thailand' 1 February, *The Orange County Register*. (FACTIVA)
- 10. 'Vietnam's trial of Phantom Army' 1987, *The Sydney Morning Herald*, 4 December. (FACTIVA)
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- 12. Mangaliman, J. 2001, 'S.J. Vietnamese Group admits leader's death' *San Jose Mercury News*, 29 July. (FACTIVA)
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- 19. Gittelsohn, J. 2001 'Exile no position of power Series', *The Orange County Register*, 11 February. (FACTIVA)
- 20. 'Dr. Nguyen Dan Que and the High tide of Humanism Movement' 16 April 1995, *Free Vietnam Solidarity Conference*. (Cisnet Vietnam CX9460)
- 21. National United Front for Liberation of Vietnam, 'List of political prisoners in Vietnam (four lists) undated. (RRT Library Melbourne General Papers M4047)

- 22. 'Last of Vietnam's Mennonite six released from prison' 2006, *Compass direct*, 3 March. (FACTIVA)
- 23. 'Prison account of Nguyen Thanh Nhan' 2004, Human rights and Christian persecution website, 12 December http://www.human-rights-and-christian-persecution.org/vietnam-prison-reports.html Accessed 30 August 2006.
- 24. Human Rights Watch 1992, *World Report Vietnam*, http://www.hrw.org/reports/1992/WR92/ASW-15.htm#P938_343433 Accessed 30 August 2006.
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- 28. RRT Research Unit 1994, Background Paper Employment in Vietnam, 15 March.
- 29. Immigration and Refugee Board of Canada 1998, VNM28655.E Vietnam: Update to Response to Information Request VNM28180.E of 3 November 1997 on the treatment of families of individuals who have "fallen out of favour" with the government, 14 January.