

MEMORANDUM OF UNDERSTANDING ON THE PRINCIPLES AND ARRANGEMENTS CONCERNING THE RETURN OF VIETNAMESE NON-REFUGEES FROM THE PHILIPPINES

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WHEREAS, the Comprehensive Plan of Action (CPA) approved by the International Conference on Indochinese Refugees in June 1989 and the statement of the Steering Committee V adopted in February 1994 provide the principles and arrangements relating to the return of Vietnamese non-refugees;

WHEREAS, around 2,800 Vietnamese (not including the Vietnamese in the transit center) who have been determined to be non-refugees under the CPA procedures remain in the Philippines eligible for repatriation to the Socialist Republic of Vietnam; and

WHEREAS, the Governments of the Republic of the Philippines and the Socialist Republic of Vietnam together with the United Nations High Commissioner for Refugees (UNHCR), remaining steadfast in their commitment to find durable solutions for all concerned, within the framework of the CPA, and having determined that new initiatives shall be undertaken in the repatriation from the Philippines of those Vietnamese asylum-seekers who have been determined not to qualify for refugee status, hereby agree on the following:

SECTION 1. Voluntary Repatriation Program - Priority will be given to encouraging those Vietnamese non-refugees remaining in the Philippines to avail themselves of the voluntary repatriation program.

SECTION 2. Orderly Return Program - There will be an Orderly Repatriation Program (ORP) for those who do not avail of the voluntary repatriation program, to implement and accelerate, in line with the CPA, the return to the Socialist Republic of Vietnam of the Vietnamese non-refugees in the Philippines. Those Vietnamese who return under the Orderly Repatriation Program will be able to return in accordance with the CPA and internationally recognized practices, and in conditions of safety and dignity in a manner acceptable to the Governments of the Republic of the Philippines and the Socialist Republic of Vietnam. With the above principles and the ultimate objective of achieving a comprehensive and durable solution to the problem of Vietnamese asylum-seekers, the following mechanism, in addition to the voluntary repatriation program, shall be undertaken:

- a. The Government of the Republic of the Philippines, in cooperation with the UNHCR, shall submit to the Government of the Socialist Republic of Vietnam lists of all those who have been determined to be non-refugees and who have not applied for voluntary repatriation together with the relevant data requested by the Government of the Socialist Republic of Vietnam indicated on forms that it may provide;
- b. Following the receipt of each such list and the accompanying forms, the Government of the Socialist Republic of Vietnam is committed to confirm at the soonest possible time from each such receipt, considering that the CPA will be concluded by the end of 1995, its agreement to the list of tentative returnees and authorize their return;
- c. The Government of the Socialist Republic of Vietnam shall not send officials to the Philippines to interview returnees in this category;
- d. The Government of the Republic of the Philippines shall propose to the Government of the Socialist Republic of Vietnam, at least two (2) weeks in advance, the date, place and flight details and the list of

returnees, for each return movement;

e. The Government of the Socialist Republic of Vietnam shall notify the Government of the Republic of the Philippines, one (1) week before departure, of their readiness to receive the returnees;

f. The Government of the Republic of the Philippines, in cooperation with the UNHCR, shall provide the Government of the Socialist Republic of Vietnam with a definitive list of returnees upon their arrival at the airport of the Socialist Republic of Vietnam;

g. The UNHCR, in cooperation with the Government of the Republic of the Philippines shall provide the Government of the Socialist Republic of Vietnam with health certificates and medical documents of those who return to the Socialist Republic of Vietnam, upon their arrival at the airport of the Socialist Republic of Vietnam; and

h. Within the framework of the Comprehensive Plan of Action and to the extent possible under its mandate, UNHCR will make available its expertise and resources, including the provision of transportation of returnees from the Philippines to Vietnam for the implementation of this agreement.

The parties concerned shall request the international community to continue providing assistance to micro-projects for creating jobs for returnees.

SECTION 3. Guarantees - Returnees in this category will enjoy the same guarantees as embodied in the Memorandum of Understanding dated 13 December 1988 between the Government of the Socialist Republic of Vietnam and the UNHCR, and will be reintegrated according to the same procedures applying to voluntary returnees, and will receive the same level of assistance as the latter.

SECTION 4. Review - This Memorandum of Understanding may be reviewed by the parties hereto as and when necessary.

SECTION 5. Effectivity - This Memorandum of Understanding will take effect upon signature.

Manila, February 5, 1995

FOR THE GOVERNMENT OF
THE REPUBLIC OF THE
PHILIPPINES

FOR THE GOVERNMENT OF
THE SOCIALIST
REPUBLIC OF VIETNAM

(Sgd.)

(Sgd.)

RODOLFO C. SEVERINO

VU KHOAN

Undersecretary of Foreign Affairs

Deputy Minister for Foreign Affairs

FOR THE UNITED NATIONS

HIGH COMMISSIONER FOR REFUGEES

(Sgd.)

MERIDA MORALES-O'DONNELL

Representative in the Philippines

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