

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

**Research Response Number:** VNM33658  
**Country:** Vietnam  
**Date:** 20 August 2008

Keywords: Vietnam – Household registration (*ho khau*) – Returnees – Lengthy absence overseas – Law on Residence

This response was prepared by the Research & Information Services 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. This research response may not, under any circumstance, be cited in a decision or any other document. Anyone wishing to use this information may only cite the primary source material contained herein.

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**Questions**

1. **How likely is it that a student's household registration would be cancelled by local authorities after a lengthy absence overseas?**
2. **Is it likely that the police may send such people to a re-education camp if they return to Vietnam?**

**RESPONSE**

**1. How likely is it that a student's household registration would be cancelled by local authorities after a lengthy absence overseas?**

A recent Research Response dated 18 August 2008 addressed the question of cancellation of household registration, or *ho khau*, after a person's departure from Vietnam and makes reference to the Law on Residence, introduced in 2007 and referred to in one of the articles cited as "an important step in Vietnam's legislative effort to help citizens realise the right of freedom of residence, guaranteed in the constitution" (RRT Research & Information 2008, *Research Response VNM33674*, 18 August – Attachment 1).

The abovementioned research response cited a report dated 29 June 2007 from the *Saigon Giai Phong Daily* website. The report refers to a reader's query regarding removal from the *ho khau* of a person studying overseas as one of the "typical issues raised" about the new Law on Residence. The report presents the following query posted by a resident of Ho Chi Minh City and response provided by the Head of the Police Bureau of Administrative Management on Social Order:

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 Giai Phong Daily*, 29 June, <http://www.saigon-gpdaily.com.vn/Law/2007/6/56583/#> – Accessed 12 August 2008 – Attachment 2).

An earlier Research Response, *VNM17306* of May 2005, also addressed questions of how a person may lose household registration and how it may be regained (RRT Country Research 2005, *Research Response VNM17306*, 10 May – Attachment 3). Amongst other sources, the response quoted the following advice regarding household registration in Vietnam from a representative of an organisation providing advocacy and legal assistance to Vietnamese refugees in the United States:

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 4).

## **2. Is it likely that the police may send such people to a re-education camp if they return to Vietnam?**

A search of the sources consulted found no reference to Vietnamese returnees who had been removed from their family's *ho khau* being sent to re-education camp or otherwise punished on return to Vietnam.

The previously cited report dated 29 June 2007 from the *Saigon Giai Phong Daily* website included the following posted question and response regarding any "violation" by local authorities in handling applications for *ho khau*:

As far as I know, Article 8 of the Law on Residence stipulates that citizens have the right to lodge a complaint and take legal action against any act that prevents them from realizing their rights of freedom of residence, abuses regulations of *ho khau* to restrict citizens' legitimate interests, or causes difficulties and asks them for bribes. In the case of such a violation, where can the victim lodge a complaint or take legal action?

Answer: According to the decentralization of administration, police authorities of district or ward level will handle non-residents' applications for *ho khau* in the locality. In case of violation, victims can lodge a complaint or take legal action at the local police bureau in charge of legal suit ('Online Exchange between Police Leader and SGGP Readers about

Residence Law Implementation' 2007, *Saigon Giai Phong Daily*, 29 June, <http://www.saigon-gpdaily.com.vn/Law/2007/6/56583/#> – Accessed 12 August 2008 – Attachment 2).

## List of Sources Consulted

### Internet Sources:

#### **Government Information & Reports**

US Department of State <http://www.state.gov/>

#### **Non-Government Organisations**

Human Rights Watch <http://www.hrw.org/>

Amnesty International <http://www.amnesty.org>

#### **Region Specific Links**

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

#### **Search Engines**

Copernic <http://www.copernic.com/>

### Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research database)

MRT-RRT Library catalogue

## List of Attachments

1. RRT Research & Information 2008, *Research Response VNM33674*, 18 August.
2. 'Online Exchange between Police Leader and SGGP Readers about Residence Law Implementation' 2007, *Saigon Giai Phong Daily*, 29 June, <http://www.saigon-gpdaily.com.vn/Law/2007/6/56583/#> – Accessed 12 August 2008.
3. RRT Country Research 2005, *Research Response VNM17306*, 10 May.
4. 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. (REFINFO)