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Vietnam: Exit and entry laws; whether someone who has fallen out of favour with the government can obtain a passport; corruption and the passport application process; whether or not clearance by police is required; reasons why a citizen's passport application would be rejected

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Exit and entry laws: Vietnamese citizens

Government Decree No. 05/2000/ND-CP, which addresses the exit and entry of Vietnamese citizens, states that passports are to be used by citizens wishing to enter or leave the country (Vietnam 3 Mar. 2000, Art. 3). The same decree states that general passports "shall be granted to all Vietnamese citizens" (ibid., Art. 6). Information on whether there have been any amendments to Government Decree No. 05/2000/ND-CP could not be found within the time constraints of this Response. Information on the government of Vietnam Web site addressing passport issuance, updated in 2006, however, uses Government Decree No. 05/2000/ND-CP as a reference (Vietnam 24 Mar. 2006). The Web site does not indicate that there have been any amendments that relate to the exit and entry of Vietnamese citizens (ibid.).

Exit and entry laws: foreigners

Decree No. 21/2001/ND-CP addresses the entry, exit, and residence of foreigners in Vietnam (ibid. 28 May 2001). The decree indicates that foreigners visiting Vietnam are to be granted visas in order to enter the country (ibid.). However, the Vietnam Business Forum reports that visitors from "six [Association of Southeast Asian Nations] ASEAN countries, Japan, South Korea and Scandinavian countries "do not require visas (1 Nov. 2006). Corroborating information on visa exemptions from official sources, including information on which specific ASEAN countries merit visa exemptions, could not be found within the time constraints of this Response.

The government of Vietnam does not recognize dual citizenship (Canada 27 July 2006). Moreover, according to an international human rights lawyer specializing in Southeast Asia, people who were born in Vietnam are considered Vietnamese citizens once inside the country's borders — even if they have acquired the citizenship of another country (International Human Rights Lawyer 14 Nov. 2006; US 8 Mar. 2006 Sec. 2.d; see also Canada 27 July 2006). According to *Country Reports on Human Rights Practices for 2005*, however, in practice the government "treats overseas Vietnamese as citizens of their adopted country" (US 8 Mar. 2006, sec. 2.d). *Country Reports 2005* also states that "emigrants were not permitted to use Vietnamese passports after they acquired other citizenship ..." (ibid.).

People born in Vietnam travelling with foreign passports must obtain a visa in order to exit or enter Vietnam (Vietnam 10 Nov. 2005). Those who have contributed "much to national liberation," however, are an exception; they do not require visas even if they hold foreign passports (ibid.). Information that would clarify the sort of contributions to national liberation that merit these exceptions could not be found among the sources consulted by the Research Directorate within the time constraints of this response.

Authorities can reportedly still refuse entry to foreign visitors even if they have a valid visa (US 25 Oct. 2006). Information on why authorities might refuse entry to foreigners was limited among the sources consulted by the Research Directorate. However, in 2004 the *Globe and Mail* reported that, according to the Canadian government, those holding a visa allowing a stay of up to 14 days (Type D visitor visa) were refused entry to Vietnam because of "temporary security measures" in place during the Asia-Europe Meeting (22 Sept. 2004) held in Hanoi from October 7 to 9 in 2004 (ASEM n.d.). Foreign Affairs and International Trade Canada reports that from October 15 to November 30 2006, the government of Vietnam was similarly not processing Type D visitor visas (Canada 20 Nov. 2006). Of note is the fact that the 14th Asia-Pacific Economic Cooperation (APEC) Economic Leaders' Meeting was held in Hanoi, Vietnam from November 18th to 19th (APEC n.d.).

Reasons why a passport would be refused

According to Government Decree No. 05/2000/ND-CP, one of the various reasons why a citizen would be refused permission to leave the country is to safeguard "the national security and social order of Vietnam" (Vietnam 3 Mar. 2000, Art. 14). In a telephone interview, the Executive Director of Boat People SOS - a US-based non-governmental organization (NGO) that has been assisting Vietnamese refugees and immigrants since 1980 - stated that police have a significant amount of authority and discretionary power when it comes to making decisions of this nature (20 Oct. 2006). The Executive Director added that authorities can revoke passports, once granted (Boat People SOS 20 Oct. 2006).

Corruption and passport applications

The Boat People SOS Executive Director also said that officials can make it difficult for those seeking to obtain passports (20 Oct. 2006). The Executive Director, who has testified before the United States (US) Congress numerous times (US 20 June 2005), said that "corrupt officials" can demand "thousands of dollars" in bribes, particularly from citizens the officials feel are "desperate" to get out of the country (20 Oct. 2006). *Country Reports 2005* corroborates this information, stating that local officials could delay or deny passports to extort a bribe from those seeking refugee status or to emigrate from Vietnam (US 8 Mar. 2006, Sec. 2.b). Moreover, the same report also states that local officials can refuse to issue passports to citizens "based on personal animosities" or because they believe those citizens do not "meet program criteria" (ibid.). The Boat People SOS Executive Director stated that Vietnamese citizens may go into debt to pay the bribes required to obtain a passport (20 Oct. 2006).

Certification by police

To obtain a general passport (as opposed to an official passport or a diplomatic passport), citizens must have their passport declaration papers certified by the chief of the public security department of their ward or commune (Vietnam 24 Mar. 2006; Boat People SOS 20 Oct. 2006). However, those who are employed by the state do not require police validation of their passport application (Vietnam 24 Mar. 2006). They are rather required to have their documents certified by the manager of the agency or unit for which they work (ibid.). Likewise, those who are employees of foreign-owned enterprises do not require police certification of their passport application (ibid. 3 Mar. 2000, Art. 9). The Executive Director of Boat People SOS said that police may extort bribes in exchange for validating a citizen's passport application (20 Oct. 2006). Corroborating information relating specifically to police extorting bribes in return for validating passport applications could not be found 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 additional sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: The Embassy of Vietnam in Canada, the Embassy of Vietnam in the United States, Vietnam Human Rights Network, and Vietnam's Department of Foreign Affairs could not provide information within the time constraints of this Response.

Internet sites, including: The Embassy of Vietnam in Canada, Embassy of Vietnam in the United States, Vietnam Online, Vietnamese Law Consultants.

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