

Photo courtesy of Cambodian Women for Peace and Development (CWPD)



An informal border crossing point. One among many where there is no local authority or police presence, making it easy to go back and forth between Cambodia and Vietnam. Kampong Roar District, Svay Rieng Province, Cambodia, May 2006.

Arrest Detention & Deportation of Vietnamese Migrants in Cambodia

1. Background: Migration from Vietnam to Cambodia

Nine provinces of Cambodia share borders with Vietnam.¹ Aside from official border check-points, there are numerous unofficial crossing points. These are often covered in dense forest, providing easy cross-border access and keeping undocumented migrants safe from the inspections of border guards and other authorities.

It has been previously reported that migrants pay between USD30-50 to corrupt Cambodian border officials at major checkpoints such as Chrey Thom, Bavet and Ka-om Samnor, while others avoid border controls altogether by using remote crossings.² Although Vietnamese migrants use a number of routes to enter Cambodia and travel to various destinations including Phnom Penh, the Cambodia Country Research Team (CRT) chose Kandal Province as their case study for the purpose of their research on arrest, detention and deportation. While the scope of their research is limited, it is hoped that this chapter will nonetheless provide an overview of some of the important issues.

Kandal Province

There are 11 districts in Kandal Province: Ponhea Lueu, Ta Khmau, Angk Snuol, S'ang, Kien Svay, Kaoh Thum, Khsach Kandal, Kandal Stueng, Leuk Daek, Lvea Aem, and Mukh Kampul. Among these districts, only Kaoh Thum District shares its borders with Vietnam. Kaoh Thum's, Preaek Chrey Commune and Sampov Lun Commune are located along the border shared by the Ang Yang

and Kien Yang Provinces in Vietnam. In addition to the one official international border gate along the Tonle Basak River, there are many other unofficial crossing points, such as those at Prek Chrey Long Ben, Kin Ang, Pak Nam, Dong Ki, Dong Ben, and Khnar Tang You, where people cross by boat.

Prek Chrey is the most popular unofficial crossing point with an estimated 300 - 400 migrants passing through every year.³ Since this crossing point is mostly covered by thick forest, it is easy for migrants to flee from the police if apprehended. A large number of Vietnamese immigrants— around 900 families who came during Vietnam's occupation of Cambodia between 1979 and 1988- reside in the Vietnamese territory across the Prek Chrey border. This established community makes it even easier for Vietnamese people to come to Cambodia. The shared culture and religion of the two countries, as well as the relative ease for Vietnamese people to pick up the basics of the Khmer language all contribute in making the cross border migration to Cambodia a relatively casual decision.⁴

Despite Vietnam's recent economic growth, provinces such as Ang Yang, Kin Yang and Dong Thap in Vietnam face serious problems such as widespread poverty and high rates of illiteracy. The decision to migrate is often a matter of survival. Migrants interviewed in the course of this study said that they cannot make a living by growing crops on small-scale land holdings. They complained that they do not have enough land to make their agricultural produce competitive and that wage levels are very low.

On the other hand, many Cambodian people from Kandal Province would rather not live in the areas close to the border. Thus, the land in these areas tends to be unoccupied, making it possible for Vietnamese people to move in and grow crops. Vietnamese people can rent a hectare of land for a period of three to six months for VND1,500,000 to 2,000,000 (USD93.75-125). As the Tonle Basak River is abundant with fish, Vietnamese migrants are employed by Cambodian employers to work as fishermen along the river. The Cheu Khmou Commune in Kandal province was cited by interviewed migrants as one of the easier places to live, as most of the land is unoccupied and is not often frequented by the Cambodia police.

Vietnamese migrants who come to Cambodia via the above mentioned crossing points can generally be divided into the following two categories.

- 1). Migrants who stay in Cambodia for one day with a day pass which costs them VND2,000-5,000 (USD0.13-0.31). Only people living in the provinces adjacent to the border such as Ang Yang and Kien Yang can obtain such a pass. People from other provinces are required to obtain more formal documentation such as a visa and a passport.
- 2) Migrants who register for a temporary residential card once they arrive in Cambodia. It costs about VND100,000- 500,000 (USD6.25 – USD31.25) to obtain such a card, which is valid for three months.

The second group of migrants who stay in Cambodia for the short to medium term, often stay with their relatives who are permanent residents. Many live on houseboats while others live on land. Those living on land may build a cottage in the bean or corn fields which they lease from Cambodian landlords.

Vietnamese migrants living in the border areas in Kandal Province are commonly employed in fishery, cultivating vegetables, working as seasonal labourers in rice or corn fields during the harvesting season and working as boatmen. Vietnamese children are also hired to work on fishing boats for which they only receive around VND8,000 (USD0.5) for a day's work.

Migrants usually bring the money that they have earned back to Vietnam when they return home rather than risk remitting it through other channels.

2. Arrest

According to the migrants interviewed in the course of this study, most arrests occurred when they were at work in areas such as Chheu Khmau Commune, Sampov Lun Commune, and Preaek Chrey Commune in Kandal Province, where the community of Vietnamese migrants is more visible. Typically several Cambodian police officers at the commune level will approach suspected migrants carrying firearms and handcuffs. After the arrests take place, the police will escort the Vietnamese migrants to a police station. The male migrants are handcuffed while female migrants are usually left without handcuffs. These type of arrests usually occur during daylight hours.

A police officer from Chheu Khmau Commune stated that it is difficult to arrest Vietnamese migrants because they can simply escape into the jungle of thorny plants. Moreover, as migrants often build small cottages in the fields or farms where they work, this makes it easier for them to evade possible arrest by escaping into the forest. Furthermore, there are many Vietnamese people who have lived for more than 20 years on the Cambodian side of the border. Though lacking formal documentation, these people are recognised as pseudo or de-facto Cambodian citizens. It is therefore hard to find other types of irregular Vietnamese migrants who are hiding among the immigrant population. Police officers will not go out of their way to arrest migrants unless there is a strong suspicion.

3. Detention

Once arrested, migrants are brought to a police station where they can be detained for at least 24 hours. For those who can afford a fine of VND 500,000 to 1,000,000 (USD31.25-USD62.5), their detention is usually brief, and they are dealt with and sent home in a timely manner. Those who cannot afford the fine, maybe kept in detention for more than 24 hours. The fine for migrants who come to Cambodia with a one day pass and then overstay is lower, typically ranging between VND100,000 to 400,000 (USD6.25-USD25). The detention cells in police station where migrants are held are usually equipped with a bed but are without sheets, blankets, electricity, water, or mosquito nets. The detainees must obtain permission from a guard if they want to go out of the cell to use the toilet. Migrants detained in the police station are often asked to do some chores such as carrying buckets of water or baskets of soil, or are made mow the lawns. Migrant women seem to be treated better as they do not have to do these chores, though they are required to clean their rooms. They are also provided with a mat, a pillow, a blanket and a mosquito net for their cell. If detained migrants fall ill, a Vietnamese physician is available but migrants have to pay for the treatment fee and medicine they receive.

4. Deportation

Migrants are escorted by the Cambodian police to the border on foot or by boat. They are not handcuffed during this part of the deportation process. Once they reach the border, the Cambodian

police will hand the migrants over to the Vietnamese police. However, sometimes there are no Vietnamese police in attendance at the transfer area. If this is the case migrants will either return alone to their families in Vietnam or return immediately back to Cambodia.

Endnotes

¹ See Cambodia report, p.12.

² AMC & MMN, *Migration in the Greater Mekong Subregion*, 2002, p.58.

³ According to a police officer in Prek Chrey Commune, interviewed by the Vietnam CRT 2006.

⁴ According to Mr. Vi, a police officer in Prek Chrey Commune, interviewed by the Vietnam CRT 2006.