To Be Determined
Stories of People Facing Statelessness
Written By: Tori Duoos
Jesuit Refugee Service of Cambodia accompanies, serves and advocates for refugees and other forcibly displaced persons. It is concerned about understanding issues related to statelessness because of the suffering it causes people. Previous publications that JRS has been involved in include: The Scratch, The State of Migrations, and A Boat Without Anchor. Each focuses on aspects of the legal and social analysis of displacement, including statelessness. The stories in this book convey real life situations in which individuals are affected by statelessness. They demonstrate the necessity of citizenship as a basic human right. These are the stories of voices that have not been forgotten.

Note: Names used in this book have been changed for purposes of confidentiality.

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Written by Teri Dunn

Top: A Rohingya refugee cooks roti.
Bottom: Khompeng Cheung
Photos by Teri Dunn
The Stateless Dilemma

What does it mean to be forgotten? How does it feel to identify with a nation or a country that does not recognize you as one of its own? Stateless populations are frequently referred to as “forgotten people.” It is estimated that there are over 12 million stateless people internationally.

As stated by UNHCR, “Nationality is a legal bond between a state and an individual, and statelessness refers to the condition of an individual who is not considered as a national by any state. Statelessness occurs for a variety of reasons including discrimination against minority groups in nationality legislation, failure to include all residents in the body of citizens when a state becomes independent, state succession, and conflicts of laws between states.” This problem is frequently encountered in developing countries—particularly nations without strong legal frameworks. Poorly implemented nationality laws and a lack of transparent procedures can leave some groups without a state to call home for decades.

Statelessness becomes crippling when it leads to a violation of basic human rights, including access to healthcare, education, employment, identity cards and legal documents. Some people find themselves in such a position where there is no clear path towards citizenship. This can cause inheritance of statelessness through generations. The United Nations’ 1961 Convention on the Reduction of Statelessness is a step in the right direction to reducing the issue. Only 45 countries, including Vietnam, are States Parties to the convention; unfortunately more than 140 countries still need to make the commitment.

In Cambodia the nationality laws have no measures towards the prevention of statelessness. Cambodia is a signatory of the 1954 Refugees Convention, which shows a commitment to protection of refugees. However, as of yet, the country is still anticipating clear procedural guidelines towards the process of naturalization. Without such structures people become de facto stateless.

This is a Cambodian birth certificate. Birth registration is not only for children of immigrants and refugees, but also for Cambodians in general across the country. Many people do not order the birth certificate and may not understand the process necessary to obtain one.

Mr. Phouc, a tall, handsome man with a face that has known hardship all too well, has been living in Cambodia since the 1990s. He is from Vietnam and fled his country in search of protection from political persecution. Mr. Phouc and his wife have since been recognized as refugees and started a life and a family in Phnom Penh.

Several years ago, the family grew with the birth of their son Van. He was born in the hospital in Phnom Penh, and was given a letter verifying the birth. The family was denied a proper birth certificate due to their ethnicity and status as refugees. This is reflective of authorities and registrars in Cambodia who are unaware of laws regarding birth certificates. In 2017 the family was able to receive a birth certificate from the government, making its child's efficacy and nationality as Vietnamese.

Due to the vague nature of the Cambodian Nationality Law, the child's state of citizenship is at question. If the birth certificate indicates ethnicity, rather than nationality, in what context is a birth certificate determinate of nationality at all? What document or combination of documents would be necessary to establish one's nationality? Lawyers assisted in the analysis of both Cambodian and Vietnamese nationality laws in search of answers to these questions. The search continues.

According to the new Vietnamese Nationality Law, Mr. Phouc would lose his Vietnamese citizenship in July 2014 unless he registers with the Vietnamese government in Cambodia prior to this date. The irony is that as a refugee, it is not possible for him to engage with the government of his former country. With such an ambiguous nationality law, and no set procedures for naturalization, Mr. Phouc may not have the opportunity to become a Cambodian citizen in his lifetime. Not only is it likely that Mr. Phouc will be considered stateless, but there is also a risk that this inheritance will be passed on to his son.
Isolated by Water and Ethnicity

Jo’s Cambodia, in collaboration with ICCU Civil Party Lawyers representing the ethnic Vietnamese survivors of genocide, and sponsored by the Open Society Foundations, presented the findings of a research project on a group of people at risk of statelessness in Cambodia. A legal analysis of both Cambodian and Vietnamese nationality laws and the history are included in the book: A Boat Without anchors.

The study highlighted an ethnic Vietnamese community living in Kampong Chhnang Province, in central Cambodia. The group is unique due to their long term past in Cambodia. Certain families have lived in Kampong Chhnang Province for up to four generations, yet currently have no recognition as Cambodian citizens. Due to their extended history of residence in Cambodia, their status in Vietnam is unclear, possibly rendering them stateless.

Most of these people have never lived voluntarily in Vietnam—Cambodia is their home, and has been for generations. They were forcibly deported to Vietnam by the Khmer Rouge in 1975 during the genocide. During this period, any ethnic Vietnamese who obtained citizenship documents were required to dispense of them or turn them over to officials.

The Kampong Chhnang Vietnamese community live in floating villages on the Tonle Sap. The Village has been described as ‘Ve Village of Cambodia’—streets of water are formed by separate rows of homes tied together, bobbing on the surface of the fresh water lake.

Residents, relying on wooden boats with paddles for daily transportation, effortlessly push the long, narrow vessels through the water. Children swim, water skiing, using empty plastic fuel tanks as a ‘boat’. Although this description sounds romantic—a simple life on the water—the poverty runs deep and the challenges of daily life are apparent. The homes are not only isolated by water, they are isolated by ethnicity.

A Boat Without Anchors analyses rationality laws in both Cambodia and Vietnam to discern their civil status, and any procedures for their recognition. Unfortunately, the laws as they are written are not implemented in local situations, for example, registering birth in Cambodia is a difficulty.
Ibrahim, a young man of 32, has been in Cambodia for nearly three years. His family in Myanmar, more specifically Arakan (Rakhine) state—he is Rohingya. He is part of a Muslim minority from Myanmar, which has faced persecution for decades. Many consider this population to be stateless, as Myanmar does not recognize people of this ethnicity as citizens. Within Myanmar, Rohingyas are often viewed as illegal immigrants from neighboring Bangladesh. Towards the end of 2008, Ibrahim faced extreme hardships that led him to flee his homeland. "The main problem is forced labor," he explained. Due to specific events, he was faced with the hardest decision of all: leaving his family and home behind for the safety of himself and his loved ones.

In the beginning of 2016, Ibrahim reached Cambodia, in search of protection. After arriving, he was distanced to hear that in order to seek asylum he would need to register at the Immigration office. "I don't have any documentation, passport or visa. I fell in the immigration office, it must be that they will arrest me." He went to Cambodia’s new system for refugee status determination. Ibrahim sought further assistance. He discovered the JRS office in Phnom Penh and went to meet with the social worker and lawyer. Ibrahim's voice lightens a bit, recalling the help he found. "JRS decided to support me and I got some advice and financial assistance. Phnom Penh brought me to register at the immigration office. For two weeks we could not get proper food. This time was very tough. I cooked a special. "When I come to JRS, they made some noodles for me to eat." Ibrahim is one person in a longer list of asylum seekers who have been awaiting status determination for more than two and a half years. "We were told that the decision would be made within 90 days, I don’t know what happened, it has been nearly 3 years and I don’t have a decision.

A pinched button down shirt and dark grey slacks are Ibrahim’s attire for the day. He is well groomed with a clean shaven face framed by long, neatly combed, black hair. He is currently wearing a blue t-shirt and pants linked together. "For one year I survived on JRS support and arranged a small loan to make my business. My business is selling ice. With the knife I was able to get a roti cart. My business is going well." Roti is a flatbread, similar to a thin pancake usually filled with chocolate or condensed milk. Selling roti is a trend among the Rohingyas around Cambodia, and Ibrahim’s business is arguably the most successful. He felt silent for a moment when asked him what is the most challenging part about life in Cambodia. "Everything is hard." There was no further elaboration.

Although Myanmar has made notable political and developmental progress in the past year, the situation for Rohingyas has worsened. In the past year there have been markedly more violent outbreaks in the region. Ibrahim’s demeanor is very gentle and calm. "When I called my family for Eid (Islamic Holiday), they are all crying and being forced to leave their homes. They are threatened that their homes will be set on fire. I stopped calling them because it is too sad." He is aware of the reality that much of his family has been killed or gone missing in the past six months. He looked down and fastidiously with the folded piece of paper in his hands. "Maybe one day there won’t be any Rohingyas people anymore." He both became visibly saddened by this thought, trying to be optimistic: that there is a brighter future ahead.

Ibrahim hopes that the international spotlight will exist in relief of the population’s prolonged suffering. His desire is to be reunited with his family and to complete his bachelor's degree. "I want to continue studying, I want to complete my bachelor's degree and complete my MBA." He is ambitious and eager to find a way to support his family and the Rohingyas community with an uncertain stability in Cambodia, he works hard every day to support himself and continues to wait for a response on his refugee status, constantly wondering what other side holds if he remains statesless.
Chau Thi: Full of Hope

Chau Thi picks at the hangnails on the ends of her weathered fingers. Her hair is thin, tied at the back and falls to her shoulders. She started to tell her story which began in the 1980s, while she spoke out in opposition of the Vietnamese government.

“We had to hide,” she recalled. Chau Thi made a dangerous decision and took flight for the neighboring country, Cambodia.

“I was only planning to stay in Cambodia for a little while, until things got better in Vietnam,” she continued. When she arrived she was self-employed, with a little cafe and a small selection of retail items, she offered makeovers and pedicures to customers. Several years passed and the situation in Vietnam did not allow her to return home. In 1999 she applied for asylum in Cambodia and was approved refugee status six years later.

Although Chau Thi has found security in Cambodia, she has faced some trying times. Her son was 12 when they arrived in Phnom Penh and could not go to school because he didn’t have any documents. “By the time we were granted to refugees, he was too old to go to elementary school,” at this time, UNHCR (United Nations High Commissioner for Refugees) was doing Refugee Status Determination. Asylum seekers were allowed to live in the community, but the fear of repatriation remained.

Tears swell in her clear eyes as she explains the most heartbreaking aspect of her refugee journey: “For more than 20 years I have not had contact with my family in Vietnam. I am afraid that if I call or write to them the Vietnamese government will know the two countries are so close together it could be dangerous for me. If I can be resettled, I can contact my family immediately and tell them that I’m ok. I’m sure they must think I have died.”

Chau Thi currently lives with her son and grandson in an apartment complex comprised primarily of ethnic Vietnamese. She has recently set up a new business selling coffee and has a breakfast item consisting of ice cold pho. One day, her step by step and the row of houses in front was gone. They were evicted by the landlord due to concerns of occupying land along the riverfront. Her business has come to a halt because all of her customers have disappeared.

Now she worries about supporting her family and paying her bills. Her rent is only about $10 a month, but since UNHCR no longer has offices in Cambodia, there is no substitution allowance to support her—something she has relied on for more than a decade. Chau Thi is quite uncertain of her future in Cambodia. She doesn’t have a family back in Vietnam, and only a single piece of printed paper stating she is a refugee legally residing in Cambodia. Her grandson has birth certificate issued in Cambodia which states he is a Vietnamese national.

True to her nature, Chau Thi is optimistic of opportunities for resettlement. She is learning English in preparation for a full of hope. “I would be happy to go anywhere so that my grandson will have a better future. I have been waiting for many years to be resettled and am still hopeful.” Chau Thi expresses her concern with raised eyebrows and a tone of sadness, “I still worry that my side the government could decide to send the Vietnamese refugees in Cambodia back to Vietnam.” Without a clear pathway to citizenship her fear may be real.

Left: Chau Thi enjoys coffee in her home. Above: The apartment on the left side, closest to the river, have been visibly destroyed. She continues to serve her coffee.
Peace Building
Ethnic Divisions
An Dai: Struggling with Land Security

Trick, condensed milk, sits at the bottom of the thin plastic cup as a syrupy coffee mixture is poured in, topped off with a generous helping of crushed ice. A delicious, dessert-like (not to mention extremely caffeinated) coffee is served. Vietnamese style. This is how An Dai makes a living as a mobile kiosk operating a small stand at a local Siem Reap market. The single mother came to Cambodia in 2000 in hopes of a better future and job opportunities. Shortly after arriving, she made a life along the river in the center of Siem Reap, buying one of the many houses built of corrugated tin, cardboard, wood and any other materials that potentially protect from the elements. Now the family has grown, and Trung Nguyen, Dai’s son, has four young boys of his own with his Khtmer wife.

At the end of 2011, the Cambodian government moved forward with a plan to “clean up” the river. Nearby 600 families were evicted from their homes along the muddy, and at times hazardous, river. Under the current Cambodian land law, the riverside is considered State Public Land, not to be inhabited by private families. In terms of compensation, most Khtmer families received a cash amount in addition to a piece of land at the resettlement site, Siem Reap. Unfortunately, because Trung Nguyen is not a citizen he and his family were not given land at the new location, but were provided $1000 for their home. With land grabbing and forced evictions, non-citizens are left vulnerable to losing their homes. An Dai says she wishes to have a piece of land at Sambour, so that she does not need to worry about unstable living conditions.

Trung explained that his most important document is a family book, which is proof of his life in Cambodia as a legal immigrant. After nearly 13 years of legal residence in the country, working hard and contributing to society, he wishes he could be recognized as a Cambodian citizen. A crucial step to get that recognition is to apply for citizenship, but local authorities tell me I cannot because I am Vietnamese.” Although, Trung would be eligible to apply for naturalization according to legal requirements, the setback is that the country has no process in place for people to obtain citizenship. It is likely that An Dai and Trung Nguyen will never be naturalized in Cambodia, regardless of how long they legally reside in the country.

Recently, Trung Nguyen successfully registered his children at the commune office and received birth certificates all four of his sons. Thanks to their mother’s Khtmer ethnicity, all of the boys are recognized as Cambodian. With this verification, the children will not face the same difficulties as their father and will enjoy full rights of citizenship.
The Khmer Krom (a.k.a. Kampuchea Krom) are ethnic Cambodians living in the lower Mekong Delta in Vietnam. Land-grabbing which has devastated opportunities for livelihoods, restrictions on religious expression of Buddhist beliefs and Cambodian culture and language have resulted in the disenfranchisement of many Khmer Krom and sent them seeking asylum in the region. The Cambodian government has repeatedly made public statements that Khmer Krom are recognized as Cambodian citizens and entitled to the same rights as nationals. In reality, the Khmer Krom are often excluded from exercising their rights as nationals given the arbitrary and ad hoc treatment they are subject to from local authorities in relation to the issuance of identity documents and other civil registration procedures.

The Khmer Krom have been identified by some human rights groups as effectively stateless. This issue has complicated asylum claims for Khmer Krom both in Cambodia and for those in Thailand. As nationals of Cambodia, they are entitled to state protection and not eligible to be determined as refugees. In Thailand, asylum claims are frustrated by the availability of nationality in Cambodia with no regard given to its ineffectiveness. As a result, in order to claim asylum, fear of persecution must be proven in both countries: Cambodia and Vietnam.

Extract from The Search
Sambour, the relocation site of those evicted from the Siem Reap Riverside.
Photo By: Tori Duoos