

Photo courtesy of Migrant Workers' Education and Action Research Center



Burma China border. In addition to formal crossing points like this one, there are a number of other unofficial crossing points. China, 2006.

Arrest, Detention and Deportation in China

Arrest, Detention and Deportation of Vietnamese Migrants

1. Arrest, Detention and Deportation

The Vietnamese Ministry of Public Security estimated that 22,000 Vietnamese women and children were trafficked to China between 1991 and 1999. A total of 7,918 Vietnamese migrants who had entered China illegally were deported between 1996 and 2000.

Since 2001 the Chinese and Vietnamese governments have been conducting special campaigns and projects to address trafficking issues. According to the report by the Bureau of Public Security of Guangxi Province, the 10 special campaigns carried out between 2001 and mid-2005, the Guangxi Police assisted more than 1,800 Vietnamese trafficking victims in the area, uncovered 10 traffickers, and arrested nearly 200 suspects. In 2002, the Chinese Ministry of Public Security organised the 'Kapok Action' with the aim of identifying Vietnamese women who had been trafficked to China. The extensive cooperation between the police force in Dongxing in China and Mong Cai in Vietnam has taken place in response to the rise in instances of trafficking with the aim of assisting trafficking victims. The Bureau of Public Security in Guangxi Province worked with several public security bureaus at various levels to rescue five women and to arrest three suspected traffickers. This

operation, which involved many different government units and police forces in different regions and at various levels, was completed within two days. Similar operations were carried out in Longzhou and Pingxiang.

While the Chinese government tries to step up its efforts in rescuing trafficking victims, in reality it is difficult to distinguish between trafficking victims and illegal migrants. The involvement of organised crime in trafficking further complicates government efforts to effectively counter the problem. In accordance with Chinese law and regulations, anyone who enters or leaves the country illegally is liable to criminal sanction. Unfortunately trafficked women and children are not exempt and often find themselves in a situation where they are subjected to punishment simply because of their illegal presence in China. The Chinese police say that they recognise the complexities inherent in cases of trafficking and try to provide the necessary assistance. Nonetheless, in most instances, trafficking cases are treated simply as criminal matters.

2. Procedures

The Chinese police conduct special raids searching for illegal and unregistered migrants at rented rooms, apartments and places of work, such as stores in Pingxiang. When arrested, the migrants are put into a van or a truck, and transported to the nearest border gate. The unregistered migrants are liable to pay a RMB500-1,000 (USD62.5-125) fine for violating the regulations governing the registration of migrants.

Street vendors at the border gate area interviewed in the course of this research said that detention rarely happens there and explained that those taken by the police are quickly deported following over-night raids.

‘Two years ago there was a casino here inside a two storey house next to the mobile phone shop. Most entertainers there were young girls from Vietnam, coming from many different provinces, mostly from the northern part of Vietnam, such as Nam Dinh, Thai Binh, Hung Yen (Red River Delta), or the central part of Vietnam such, as Thanh Hoa, Quang Tri, Quang Binh, not many from the south. I think they were working as sex workers. Then, the Chinese police came to clean up the casino and forced to stop its operation. I do not know where the girls went afterwards.’

(Account of a street vendor in Rongyao trade market, Guangxi)

The Vietnamese women and children in China identified as victims of trafficking are sent to the city of Dongxiang, where the process of identifying their nationality and deporting them begins. As mentioned above, according to the relevant Chinese law and regulations, trafficking victims are essentially undocumented migrants, and the Bureau of Public Security in each province must send a deportation notice to the Vietnamese Consulate regarding the situation of the individuals concerned. The Vietnamese Consulate is required to make further investigations within 42 days of receiving the notification and inform the Chinese authorities whether they will co-operate with their deportation procedure. If the consulate does not raise any objections, the Chinese authorities must then provide detailed information regarding the planned deportation, including the time, place and a list of deportees. This information must be provided ten days prior to deportation.

An official for the government of Dongxiang indicated that the delay caused by this procedure creates a financial burden on the local government, as they are required to meet the expenses for

food, shelter and medical treatment of these women during this interim period.¹ Taking into an account that Dongxiang has been serving as a major stopover point for Vietnamese women and children subject to the deportation process, the Chinese Ministry of Public Security and the Bureau of Public Security of the Autonomous Region are working together to build a transfer centre for foreign women and children who are victims of trafficking. This project is to be funded by UNICEF. The Dongxiang Public Security Bureau has also enhanced its corporation with the Vietnamese Police in verifying the Vietnamese women's and children's identities in order to facilitate the deportation procedures.

In response to the complexity of the issues, some local governments in border areas have trained their staff stationed at the frontier-defence units to equip them with greater understanding of cross-border trafficking issues, for example, by familiarising them with international instruments on combating the trafficking of women and children.

3. Deportation of Vietnamese Spouses

While the Chinese police force publicises their progress in tackling trafficking cases involving Vietnamese migrants, they keep much quieter about the large number of Vietnamese women who are married to Chinese men and who live in the Chinese border areas without having gone through the necessary registration procedures. Occasionally, usually when it is politically expedient to do so, the local government carries out operations to clamp down on these Vietnamese women and deports them.

Below is the account of a 30-year old Vietnamese woman who was born in a hamlet inhabited by members of the Tay and Nung ethnic groups in the Langson Province of Vietnam. She married a Choang man from China. They believe that they are from the same ethnic group that has been divided into many different branches on either side of the border where it is known by different names.

'I was deported once around 1993 or 1994. Local government officials asked us to submit our identification papers to the local government. In fact, they wanted to deport us to Vietnam. They asked us to come to dinner, and treated us well, but we felt very anxious the whole time. The people at the Bureau of Public Security and the local government took more than 20 Vietnamese who were living in the town and put them on a bus. Some of us remained in Vietnam, while some of us came back again to the same town [in China]. Actually, what the police and the local government did was carry out orders from higher up.'

4. Upon return in Vietnam

After being deported back to Vietnam, migrants often encounter the situation where they are not welcomed by their family members as they have been away from home for long periods of time.

Worse, many returnees are not recognised as Vietnamese citizens as they do not have any papers to prove their nationality. As a result they become stateless and are not allowed to re-enter Vietnam. The Vietnamese Hukou System dictates that an individual's hukou is cancelled once he or she has been out of the country for five months, if the requisite procedures are not followed. As a result of this system, many migrants' hukou registration is cancelled, and they are unable to verify their identity for official purposes. There are also those who have lost their IDs, or had their IDs confiscated by traffickers. At the official checkpoints where the Vietnamese are dropped off by the Chinese police

the identity of the individuals is scrupulously checked, the returnees without the required documents are refused entry to their home country. There have reportedly been cases of the border guards firing at civilians who have been refused entry into Vietnam. Some manage to return home using informal routes that are in fact tracks through the jungle over high mountains. There are some returnees who are sent back to China by the traffickers who wait along the border until the Chinese police leave.

Arrest, Detention and Deportation of Burmese Spouses

Since the year 2000, increasing numbers of Burmese women have been marrying Chinese men, mostly from Henan, Hebei, Anhui and Shandong Provinces. Recently, the number has been growing more rapidly and more widely than before, especially in Henan, reaching its peak in 2005. In response, Henan Province began a campaign to root out three types of undocumented foreigners in the area, focusing on cases of undocumented entry, undocumented residence and undocumented employment. Sixty-nine Burmese women have been arrested as a result of operations associated with this campaign, which has re-focused attention on the issue of undocumented cross-border marriages.

Undocumented Burmese women in Henan are mainly from the circumjacent areas of Mandalay, the largest city in northern Burma. Here Burmese women are trafficked to the countryside of Mainland China. The traffickers typically target those women who survive in poor living conditions in Mandalay, and take them to Ruili in Yunnan Province under the pretence that they will be provided with employment. Local people told the researchers that because the people at the border areas interact frequently, it is not difficult to smuggle people across. The women are gathered in hotels in Ruili. Here, the traffickers receive commission from their counterparts in China then return to Burma. Their counterparts will then take these Burmese women from Ruili to Kunming from where they are split up to travel deeper into China by train to meet their husbands. Typically, the Burmese women are forced to travel more than 4,000km before they reach their final destination.

Many husbands, family members, and villagers consider the Burmese brides as 'good people' and members of their family and community. They share their disagreement with the police's motivations for arresting them. The Henan police have carried out numerous arrest and deportation operations targeting undocumented Burmese brides under the campaign mentioned earlier. While some of the women who were trafficked to Henan and have no children may be happy to return home following police operations, those who wished to be married in Henan or who have given birth to children since arrival do not want to return to Burma. The police are sometimes accused of breaking up families and are confronted by angry villagers. They argue with the police saying that the couples married of their own free will and that the brides were not kidnapped or deceived.

Once arrested, it takes four days for the police to transport the Burmese women from Henan Province to Ruili in Yunnan Province. The police accompany the women on board the train to Kunming from Henan Province and make sure they do not escape during the journey. The women are not handcuffed during this process. Upon arriving in Kunming, the women are given introductory notes regarding their situation by the local police and travel by car through the mountains to reach Ruili, where they are inspected by the officers at the detention centre. The task of deporting the Burmese women is considered a chore by the local police as it requires a lot of manpower and the expenses are limited to a fixed government amount set at RMB1,500 per deportee. In reality this sum is never enough to cover the costs of the entire process.

Xincai Country Public Security Bureau has deported four batches of undocumented Burmese women, a total of more than 30 individuals since 2005, though some of these women have since returned covertly to Xincai.

According to the Exit-Entry Administration Department of Public Security Bureau in Henan Province, a note regarding the problem of illegal cross-border marriages was sent to the Embassy of the Union of Myanmar in China, but there has been no response to date. Those working in the field in China say that the problem could be solved by active cooperation and discussion between the Chinese and the Burmese authorities, but confess that this seems 'impossible' to achieve.

Endnotes

¹ According to Qi Fuwei, Director of Dongxiang Public Security, interviewed by China CRT in 2006.