

CONSIDERATION OF THE
AUSTRALIAN
GOVERNMENT'S RESPONSE
TO REQUESTS FOR
ASSISTANCE WITH
RESETTLEMENT AND
REHABILITATION

2 Response to the Events in South Vietnam

2.1. The events in South Vietnam during March and April 1975, which resulted in one of the greatest refugee problems in recent times, presented the Australian Government (along with the Governments of other countries) with a number of problems requiring urgent executive consideration, decision and action.

2.2. Decisions were required concerning the use of RAAF aircraft in transporting food and other relief supplies to areas of need, in evacuating Vietnamese citizens to areas of safety, and in evacuating Australian citizens (including Embassy staff and their dependants) together with refugees and other selected persons to Australia. Procedures were required to allow the processing of the substantially increased number of applications which were received at the Australian Embassy in Saigon from Vietnamese persons seeking entry to Australia. The situation was further complicated by the need to co-ordinate the procedures for handling these applications with a similar increase in the nominations lodged in Canberra with the Department of Labor and Immigration by both Australian citizens and Vietnamese citizens (mainly students) resident in Australia, on behalf of Vietnamese persons wishing to gain entry to Australia.

Policy decisions

2.3. Basic to all of these decisions was the overall attitude which the Australian Government had adopted towards the situation in Vietnam generally. From the evidence placed before the Committee, the following policy decisions clearly determined the particular responses to the problems which were encountered:

- Prior to the events of March–April 1975, the policy which had been adopted was one which was designed to encourage the combatants in South Vietnam to the negotiating table—hence diplomatic initiatives were taken by Australia to have both sides in the Vietnamese war abide by the Paris Peace Agreement.
- With the fall of Saigon on 30 April 1975 a new policy was formulated for relations with Vietnam. That policy urged the victorious forces to show compassion to their former enemies, and pledged Australian assistance both materially and morally for the reconstruction of Vietnam. It included recognition of, and the establishment of diplomatic relations with, the Provisional Revolutionary Government of South Vietnam, and the possible reopening of the

Australian Embassy in Saigon which had only been withdrawn temporarily by the Australian Government. It also included the provision of assistance, through international agencies and bilaterally, for the resettlement or repatriation of refugees from South Vietnam.

- The decision to regard those Vietnamese refugees who were evacuated by the United States of America—a substantial majority of those who fled from South Vietnam—as being under the care and responsibility of the Government of the United States of America.
- The decision to regard those persons who left Vietnam of their own volition and by their own means and who were not accepted for resettlement or refuge by a third country as an international problem—and hence best handled by the Office of the United Nations High Commissioner for Refugees.
- The belief that with their experience and human resources, the various international relief agencies were the appropriate authorities to assist in the provision of that relief and most able to make effective use of Australian financial aid for those displaced by the events in South Vietnam.
- Acceptance by the Government on 8 April 1975 that the unparalleled chaos and the suddenness of the collapse in South Vietnam limited the scope and effectiveness of any aid given by the Australian Government or by any other government.

*Response by the
Australian
Government*

2.4. To put these policies into effect, the Committee was informed that the Government had:

- urged adherence to the negotiated settlement provided for in the Paris Peace Agreement of 1973;
- used diplomatic initiatives to urge a negotiated settlement on both sides and urged the Provisional Revolutionary Government after its victory to treat its former enemies with compassion and humanity;
- provided grants to international agencies operating on both sides of the lines of military control for humanitarian assistance for the relief of people afflicted by the war;
- provided RAAF aircraft to transport people out of conflict zones and to take relief supplies to the places of refuge of these people;
- arranged for children permitted exit by Vietnamese authorities to be brought to Australia to adoptive parents approved by State and Territory adoption authorities;
- provided medical teams from the RAAF to assist in the movement of children and arranged for 'stand-by' medical teams through the Australian Red Cross;
- urged the United Nations High Commissioner for Refugees to develop a resettlement program for refugees and;
- resettled significant numbers of refugees from Hong Kong, Singapore and Malaysia;

- developed and applied humanitarian and compassionate criteria for the selection and admission of refugees under the auspices of the UNHCR;
- approved continued residence for students from Vietnam;
- admitted a number of Vietnamese refugees outside the auspices of the UNHCR; and
- initiated a long-term study on the resettlement of Vietnamese refugees in Australia.

*The role and use of
RAAF aircraft in
Vietnam*

2.5. From the evidence placed before the Committee, Australia responded quickly to a call on 29 March 1975 from the Governments of South Vietnam and the United States of America for air transport assistance in evacuating refugees from the northern city of Da Nang. By that time some 600 000 civilian refugees had gathered in Da Nang having fled from more northern centres such as Hue and the province of Quang Tri before the advancing forces invading from North Vietnam. Seven RAAF C-130 Hercules transport aircraft were made available to move civilian refugees away from battle zones. Other Hercules aircraft were placed on 'stand-by' in anticipation of further assistance being required.

2.6. In the circumstances they were unable to be used for these tasks as Da Nang fell before the Australian Government was able to respond to, and put into effect, the request for transport assistance. From the afternoon on 28 April U.S. aircraft were unable to operate into Da Nang due to mortar and rocket fire and the problems of crowd control on the airfield. In retrospect, the call for air transport assistance was too late, and the Committee is concerned that decisions had not been taken earlier to assist in this matter. Notwithstanding this setback, other tasks were allotted to these aircraft. On 2 April 1480 refugees were airlifted in seven separate flights from Phan Rang to Can Tho, south-west of Saigon. From 4–17 April much of the Hercules' effort was utilised in airlifting food and other relief supplies from Saigon to the island of Phu Quoc where a refugee centre had been established by the Government of South Vietnam.

2.7. Although the Committee acknowledges the humanitarian role of Australia's aircraft in Vietnam, it is puzzled about the restricted use to which they were put. In meeting the call for air transport assistance on 29 March it is obvious that Australia then intended assisting the Government of South Vietnam, the U.S. and other countries in providing a massive sea and air evacuation of civilians from Da Nang to Cam Ranh Bay or to Saigon. From 3 April onwards, however, decisions were taken in Canberra to limit the role of the RAAF to that of transporting emergency relief supplies only—a task which was carried out in co-operation with the Government of South Vietnam until 17 April, and which was continued until early June 1975 by two aircraft placed at the disposal of the United Nations. The Committee considers that Australia may thereby have responded in a manner which possibly caused unnecessary loss of life and hardship through refusal to evacuate civilian refugees from battle zones.

Clearly Australia could have rendered greater humanitarian assistance in this regard and could have done so without seriously impairing our future relations with the new government of South Vietnam.

2.8. During the course of the inquiry a witness stated to the Committee that Australia had responded to requests from the Government in Hanoi concerning the use of RAAF aircraft within Vietnam.¹ Although the Committee was unable to substantiate these claims, instructions were issued from Canberra prohibiting the carriage of South Vietnamese government officials on 2 April, troops and refugees on 3 April and press representatives on 4 April 1975. The Committee appreciates the reasons for the ban which was placed on the ferrying of South Vietnamese officials and soldiers in RAAF aircraft, and understands that this decision was made following an incident at Phan Rang on 2 April, when a number of RVN soldiers and some other Vietnamese males, obviously of military age, forced their way aboard a C-130 Hercules aircraft. Apart from endangering our own air crews, Australia clearly did not wish to be seen to be favouring one side or the other when our presence in Vietnam at that time was purely one of humanitarian concern. Nevertheless, this does not account for the ban which was placed on the movement of refugees, wounded Vietnamese and journalists. In the absence of other explanations, the Committee is inclined to accept the view that the Australian Government was open to being influenced by attitudes of the DRV Government in Hanoi concerning the use of Australian aircraft.

Delays in spite of forewarnings of likely events

2.9. In retrospect, it is clear to the Committee that at the very least, three weeks warning had been given to the Australian Government that it was very likely the Armed Forces of the Republic of Vietnam (ARVN) would be overwhelmed and that consequently the defeat of the Government of the Republic of Vietnam in Saigon was imminent.

2.10. By 1 April the situation appeared to be serious enough for the Australian Government, after consulting with the Australian Embassy in Saigon, to approve the issue of warning notices to all non-official Australian nationals advising them to leave South Vietnam while commercial means of transport were still available. On 3 April the Government approved the Ambassador's further recommendation to evacuate all dependants of Embassy staff and certain non-essential Embassy and aid personnel. This approval was given on the authority of the Prime Minister.²

¹ Transcript of Evidence, Vol. 1, 1975, p. 246-247 and 270.

² Thirty Embassy dependants and aid personnel were evacuated from Saigon to Bangkok on 4 April. This move was effected by the RAAF in conjunction with three Hercules 'medivac' flights which carried 208 orphans from Saigon for evacuation to Australia by a chartered Qantas 747 aircraft.

By 21 April the Embassy staff had been reduced to a very small number and a second warning letter had been issued to Australian nationals in Saigon together with the offer of RAAF transport out of Vietnam. The third and final notice was issued on 23 April. The Embassy eventually was effectively closed for business as from the morning of 25 April. The Ambassador and all remaining staff (together with 78 Vietnamese nationals) departed from Saigon by RAAF aircraft in the mid-afternoon of that day—5 days before the fall of Saigon and its surrender to the so-called Provisional Revolutionary Government Forces.

The Committee believes that on 1 April the Government was advised by the Australian Ambassador of the possibility that a serious and complicated refugee situation could develop and warned of the likelihood that large numbers of applications for entry into Australia by potential refugees should be anticipated. We believe also that this advice was accompanied by a number of suggestions as to the categories of persons who might reasonably have been granted entry to Australia.

2.11. Other evidence placed before the Committee suggests that about 8 or 9 April, the United States' intelligence services in Vietnam had concluded that Saigon could fall at any moment and had relayed this assessment to Washington. This information, if accurate, reinforces the earlier assessments of the Australian Ambassador and it is extremely doubtful that such advice was not known and relayed also to Canberra. In fact it is curious to note that it was on 8 April that the then Prime Minister announced that 'the suddenness of the collapse in South Vietnam limited the scope and effectiveness of any aid given by the Australian Government or by any other Government'.³ Certainly reports were received in Canberra from 11 April onwards indicating that the military defeat of South Vietnam was imminent.

2.12. In spite of these firm indications the Committee believes that until the necessary decisions had been taken by the Government and instructions issued to the Embassy and relevant departments, little or nothing of a practical nature was able to be done either by Embassy officials in Saigon or by departments in Canberra to assist those who sought to obtain refuge in Australia. These decisions were taken on 21 April and on 22 April when the Prime Minister formally announced the categories of Vietnamese citizens who would be allowed to enter Australia as temporary residents.

2.13. The text of the reply which was given by the Prime Minister to a question without notice in the House of Representatives on 22 April 1975, was as follows:

'It has been decided to allow the entry into Australia for temporary residence of the following categories of persons having Vietnamese citizenship: Firstly, the spouse and children of Vietnamese students at present living in Australia and, secondly the spouses and the under 21 year old children of Australian citizens subject to completion of Australian citizenship formalities, instructions on which have been telegraphed to the Australian Embassy in Saigon which will allow the issue of Australian passports to such persons. These decisions have been taken with regard to the principle of maintaining the unity of families. In the event of representations being received regarding the temporary entry into Australia of any Vietnamese with long and close associations with the Australian presence in Vietnam whose life is considered to be in danger, the Australian Government will consider such representations on a case by case basis. The number of such persons is expected to be small. The exit of Vietnamese citizens from South Vietnam continues to be subject to the

³ Ministerial statement on Indochina made in the House of Representatives 8 April 1975 by the former Prime Minister, the Hon. E. G. Whitlam, Q.C., M.P. (*Hansard*, p. 1258)

permission of the Vietnamese authorities in Saigon who, up to the present, have shown reluctance to authorise exit except in a limited number of cases.'

Processing of applications and/or nominations for entry to Australia

2.14. By 22 April, the Department of Labor and Immigration had received nominations covering 1978 persons for either temporary or permanent residence in Australia. On 25 April, the day the Australian Embassy was evacuated, the number of persons nominated totalled 3667—an increase of 1680 persons in three days. All of these cases were considered against both normal immigration criteria⁴ and the additional criteria of 21-22 April. Of the 3667 cases, 366 persons were *approved* for entry to Australia as follows:

- *Cases approved for permanent entry under normal migration criteria*
251 persons
- *Cases approved for temporary entry under 22 April guidelines*
82 persons—the wives and children of Vietnamese students studying in Australia.
9 persons—fiance(e)s of Vietnamese students in Australia.
24 persons—having a long and close association with the Australian presence in Vietnam and whose lives were considered to be in danger⁵.

2.15. Although the Committee was told that the Australian Embassy was informed of 342 of these approved applications⁶ *before* its evacuation (i.e. during the period 22-25 April), the Committee observes the overwhelming agreement in the evidence that the announcement of the Government's admission criteria came so late that it was possible for only a few families to be contacted and processed before the closing of the Australian Embassy and the fall of South Vietnam.

2.16. The Committee was informed that from the commencement of business on the morning of 22 April until noon on 24 April, the Embassy was advised by cable of 325 names of persons to whom the granting of an entry visa had been approved by the Department of Labor and Immigration.⁷ Although the Committee was unable to ascertain how many of these persons were able to be contacted prior to the Embassy's closure, some

⁴ The existing immigration criteria for family reunion cases allowed the spouse, minor dependant children and aged or otherwise dependant parents of persons *permanently* resident in Australia to enter subject only to health and character checks. Other categories of intending migrants were required to meet personal criteria relating to health, character, economic viability and settlement prospects, and were subject to stringent occupational criteria with only a limited range of professional and sub-professional workers, certain tradesmen, (mainly in the metal and electrical fields) and some others with special skills or experience being allowed to enter.

⁵ Unlike the other cases, persons in this category were not reviewed by the Department of Labor and Immigration; this was handled within the Prime Minister's Office. The Committee assumes this was because of the involvement of the then Prime Minister.

⁶ i.e. the above categories of 251, 82 and 9 persons whose applications were processed by the Department of Labor and Immigration. The Committee is unable to comment, however, on the attempts which were made prior to the Embassy's closure to contact the remaining category of 24 special cases.

⁷ No explanation has been given to account for the discrepancy between this figure of 325 and the figure of 342 given previously in paragraph 2.15.

200 type-written letters were prepared in lieu of formal Australian entry visas and either delivered personally or posted to the individual's last-known address.⁸ By the time Canberra's approval was given, and irrespective of whether individuals were able to be informed of the success of their application, it was then too late for many to flee by commercial flights or by other means. The Committee was informed, however, that individual members of the Embassy did their best by preparing affidavits for some of the Vietnamese with the most urgent and deserving cases and passed them on to the American Embassy with a special plea for assistance; some of these were included on the American lists and eventually evacuated to Guam. (Seventy-two persons were subsequently brought to Australia from Guam.)

2.17. On 27 April, the list of 342 approved names was cabled to Australian posts in Manila, Bangkok, Jakarta, Hong Kong, Vientiane, Tokyo, Kuala Lumpur and Singapore together with the names of 24 cases who had been approved for entry on the basis of their long and close association with the Australian presence in Vietnam and hence the possible danger to their well-being. This follow-up action was designed, no doubt, to facilitate the identification and handling of those approved cases who had been able to flee from Vietnam and who had managed to find their way to other Australian diplomatic posts in South-east Asia. The names of a further 200 Vietnamese persons whose applications for entry to Australia were processed and approved during the period 26 April-10 July 1975 were also cabled to these same posts and other Australian diplomatic missions for similar follow-up action.

*The Australian
Embassy in Saigon*

2.18. From the evidence received it is clear to the Committee that the Australian Ambassador and his staff were placed in a most trying and frustrating situation from about the beginning of April onwards when they were involved in a host of tasks. Arrangements had to be made, for example, for the RAAF relief flights and for several flights of orphans to Australia; Embassy personnel were also involved in contacting and helping out of Vietnam, Australians engaged in aid projects as well as other Australian citizens; Embassy staff and their dependants also had to be moved and on 25 April, the Embassy itself was evacuated. Needless to say, the increasingly heavy workload and the reduced number of staff, together with the extraordinary amount of cable traffic to and from Saigon, combined to produce a situation in which the burden of responsibilities and tasks placed upon the Ambassador and his staff was near to overwhelming.

2.19. Notwithstanding this, however, the Committee was informed that the Embassy would have experienced little difficulty in assisting the staff and families of Embassy employees and the families of students studying in Australia in seeking refuge had they been given the authority to do so. And yet, other than the relaying of applications to Canberra, little was

⁸ Further consideration is given to this matter in paragraph 2.29.

able to be achieved in practical terms. In fact the evidence suggests that all of the decision-making and much of the initiative had been centralised in Canberra. Hence approval had to be obtained from Canberra for each individual seeking to obtain refuge in Australia and for authority to allow each non-Australian to board RAAF aircraft. Apart from Australian nationals, the evacuation from Saigon seems to have been controlled totally from Canberra. This impeded the work of the Australian Embassy at a critical time.

2.20. The Committee was informed also of the difficulties which Vietnamese citizens had in discovering whether or not their cases had been approved. A number of wives who had been cabled by their student-husbands in Australia concerning their eligibility under the 22 April guidelines, informed their husbands that, as late as 25 April their names were not on the list of those approved for entry into Australia. These persons and other South Vietnamese citizens wishing to flee as refugees from Saigon, who had turned to the Australian Embassy either for direct or indirect assistance, were thus placed in a most invidious position.

2.21. It is clear from the evidence that the delays were responsible for raising the expectations of many of those who had been approved for entry to Australia about the prospects of obtaining real assistance with their evacuation to Australia. Moreover such persons were placed in a vicious circle, for the longer they waited for advice and possible assistance from the Embassy the more remote became their chances of fleeing to safety. The Committee was informed for example, of one instance where a wife had earlier refused American assistance believing that the Australians would effect her evacuation directly to join her husband in Australia. After the closure of the Australian Embassy she found that she could no longer take up the previous offer. Other wives had organised passages on Vietnamese ships but after 25 April found it impossible to reach the coast.

2.22. The issue of visas and/or passports added further to the dilemmas which they faced. Certainly it should have been made clear to those who were seeking both permanent and temporary refuge that Australia either could not or would not assist in any way with the evacuation of personnel from Saigon.

*Australia's role in
the evacuation of
personnel from
Saigon*

2.23. It is apparent to the Senate Foreign Affairs and Defence Committee that the Australian Government generally refused until the last moment to agree to use its transport resources to evacuate Vietnamese nationals from South Vietnam and Saigon. Indeed it appears in retrospect that the attitude was taken that it was the responsibility of individuals to escape as best they could, and only when they were out of Vietnam would the Australian Government consider assisting refugees in coming to Australia. In addition, those refugees who were evacuated by the United States were regarded as coming under the responsibility of that country

which, by its act of evacuation, had accepted full responsibility for the resettlement and rehabilitation of those refugees.

2.24. Australia's role thus was limited, initially, to the evacuation to safety of its own nationals i.e. Embassy staff and their dependants, Australia's aid personnel and other Australian citizens in South Vietnam at the time. Under the guidelines of 22 April this was broadened to include 'the (presumably Vietnamese) spouses and under 21 year old children of Australian citizens subject to (the) completion of Australian citizenship formalities, instructions on which have been telegraphed to the Australian Embassy in Saigon which would allow the issue of Australian passports to such persons'. Indeed it was late on 22 April that authority was first given to the Ambassador to allow him to offer seats out of Saigon on a space-available basis, *providing* that such offers could be made only to those Vietnamese nationals possessing a valid exit visa issued by the Government of Vietnam.

2.25. As a consequence, and in contrast to the earlier policy decisions not to accept responsibility for the evacuation of Vietnamese nationals from South Vietnam and/or Saigon, the following categories of Vietnamese nationals were evacuated from Saigon by RAAF aircraft on 25 April: 17 spouses and children of Australian citizens; 10 fiance(e)s (some with children) of Australian citizens; 13 other relatives of citizens and permanent residents of Australia; 5 special cases (comprising the family of one of the locally engaged members of the Embassy staff); and 34 nuns (whose lives were said to be in jeopardy whilst they remained in Vietnam). In all, some 78 Vietnamese nationals were evacuated by Australia.⁹

2.26. While approximately fifteen Australian passports were issued by the Embassy in Saigon to those who were Australian nationals (either by birth or by naturalisation), most of the 78 who were evacuated from Tan Son Nhut (Saigon) airport on 25 April departed without South Vietnamese exit visas¹⁰—contrary to the statement made on 28 April by the Acting Minister for Foreign Affairs that 'the only Vietnamese who could

⁹ Once again the Committee notes the conflicting and often contradictory nature of factual information which was provided in evidence. In this case, although we were informed that five persons were evacuated from Saigon by RAAF aircraft on 25 April 1975 as special cases, other evidence indicated that only three such persons—a locally-engaged member of the Embassy staff together with his wife and child—were evacuated on this day.

Similarly the above figures do not correspond with the statement made in evidence that '78 Vietnamese nationals were evacuated from Saigon by RAAF transport on 25 April 1975'. (Transcript of Evidence, Vol. 1, 1975, p. 456)

¹⁰ The 78 Vietnamese nationals evacuated from Saigon by RAAF transport on 25 April 1975 comprised:

- (a) 17 spouses and children of Australian citizens;
- (b) 10 fiance(e)s of Australian citizens (some with children);
- (c) 13 other relatives of citizens and permanent residents of Australia;
- (d) 5 special cases (locally engaged staff and family); and
- (e) 34 nuns (said to be in jeopardy in Vietnam).

Of these persons, the Committee concludes from the evidence that: those in group (a) who had Australian passports—and it may have been as many as fifteen persons—did not have exit visas issued by the Government of Vietnam; those in categories (b), (c) and (d) did not have exit visas; and those in (e) did not have formal exit visas although oral blanket approval had been obtained on their behalf from the President's Office on the day of their departure.

board our aircraft were those with exit permits from the Saigon Government, and regrettably, the Saigon Government has made it difficult for people to obtain travel documents.¹¹

2.27. In fact it seems clear from the evidence that, if it had been so decided by the Australian Government, it might have been possible for the Embassy to arrange for the evacuation of a greater number of Vietnamese nationals from Saigon. The Committee was informed, for example, that on 23 and 25 April, a limited number of Vietnamese persons were able to be included amongst the Australian diplomatic personnel and other non-official Australian nationals being evacuated on those two days. These Vietnamese travelled to Tan Son Nhut airport in Australian Embassy vehicles. Because each vehicle was under the control of an Embassy official possessing diplomatic status, they were able to pass through the series of stringent checkpoints set up by the South Vietnamese authorities. These people, therefore, were able to evade South Vietnam passport control procedures. It should be noted, however, that while these aircraft were still on the ground they remained open and vulnerable to inspection and control by the South Vietnamese authorities as the aircraft were positioned in front of the main airport buildings at Tan Son Nhut. The Committee believes that it was only the overwhelming preoccupations of the airport authorities in an increasingly chaotic situation which contributed to the lack of any last minute incidents during the boarding of these Vietnamese nationals. Certainly the U.S., which assumed the major responsibility for evacuations, was able to overcome the lack of exit visas—probably through informal arrangements—and it is clear that Australia did not bother about them during the final day.

2.28. In the light of the evidence, the Committee is forced to conclude therefore, that the Australian Government, acting through its Ambassador in Saigon, probably could have facilitated, if it had been so minded, a greater number of departures of Vietnamese nationals from Saigon by RAAF aircraft. Furthermore, although the Committee acknowledges the fact that the Government of the time may not have wished to evacuate Vietnamese nationals without the approval of the South Vietnamese authorities, we believe that any potential impediments by the South Vietnamese authorities very probably could have been overcome if instructions to negotiate had been given.

2.29. In the circumstances the Committee appreciates the reasons behind the issuing of type-written letters to those persons who had been given approval from Canberra to enter Australia (either temporarily or

¹¹ The Committee was informed of the South Vietnamese Government's reluctance to issue exit visas to its nationals in case a premature exodus from Saigon stimulated a sense of panic within the community, and that visas could not be obtained in the final days without the payment (the figures US\$5000 and later \$10 000 were mentioned) of a substantial bribe to certain officials.

permanently), and with whom the Embassy had been able to make contract before its evacuation on 25 April.¹²

2.30. Although such documents were better than nothing at all, the letter signed by the Australian Consul was insufficient to allow five Vietnamese wives to collect tickets from Singapore Airlines which had been prepaid by their husbands in Australia for flights departing from Saigon on 26 April. They were also insufficient authority to permit those who held them to board nearly-empty RAAF aircraft which departed from Saigon during the final four days. Indeed, the Committee is unable to explain why almost-empty Hercules aircraft departed from Tan Son Nhut airport taking some 34 Vietnamese nationals without formal exit visas, but leaving behind a considerable number who had been approved for entry to Australia and who had been issued with a letter from the Consul. A witness who left Saigon on the last aircraft on 25 April and who made last minute inquiries through the Embassy to discover whether some Vietnamese whose lives might be in danger could be included, was informed that this was not possible. As an alternative, both the witness and members of the Australian Embassy staff passed lists of names, addresses and occupations to the American Ambassador who promised to do the best he could; some of these persons eventually made their way to the refugee camps in Guam.

2.31. Indeed, as it turned out, the real value of these type-written letters lay in the fact that it enabled *some* of the refugees who had been accepted for entry to Australia to be airlifted out of Vietnam by American aircraft and eventually be found on the island of Guam. Whilst the Committee records its gratitude to Ambassador Martin for his generous assistance, we deplore the fact of the Australian Government's avoidance of responsibility in this matter.

2.32. Recognition of the fears which people had concerning the possibility of reprisals against those persons who had resisted the PRG forces, should have been compelling reason for Australia to accept responsibility to evacuate many more from Vietnam than the 78 who were actually brought out on the final day. Indeed it was suggested to the Committee that the element of personal danger which was accepted (but not questioned) in the case of the 34 nuns who were evacuated as temporary residents to Australia, may have applied with much greater force to other anti-Communist South Vietnamese nationals—particularly members of the armed forces, public officials and former employees of the Australian Embassy.

¹² The letter, issued on Embassy letterhead, was as follows:

'Dear
This is to certify that I have received an approval/or a nomination regarding the entry to Australia of the following:

I am not able to issue the visa to you at this time but can only advise you that your entry to Australia would no doubt be approved subject to identification.

Yours sincerely,
R. S. Devereaux
Consul'

2.33. With respect to the latter group, the Committee notes that, while the 22 April guidelines provided for consideration to be given, on a case by case basis, to applications for temporary entry into Australia from those Vietnamese whose lives were considered to be in danger because of their long and close associations with the Australian presence in Vietnam, only one former employee (with his wife and child) was evacuated from Saigon and given refuge in Australia. The Committee understands that although many of the former employees of the Australian Embassy in Saigon considered coming to Australia, only two made formal applications seeking refuge in Australia. It was submitted in evidence to the Committee that 'many did not make formal applications because they were told simply that there was no point in their doing so because they would not be allowed to leave'.¹³

2.34. It is the Committee's opinion that Australia had some responsibility to assist with the evacuation of Vietnamese citizens from Saigon. Whether the Australian Government's former military involvement in Vietnam was right or wrong, we believe that by being in Vietnam Australia incurred a residual responsibility, not to mention a moral responsibility, to assist in the evacuation from Vietnam of those who had assisted our forces there and whose lives were believed to be in danger because of this assistance. This is not to suggest, however, that Australia should have opened its doors to allow the unrestricted entry of tens of thousands of refugees. Rather the Committee believes that the refugee exodus from Indochina (and particularly from Vietnam) should have been regarded as a special situation requiring an urgent and humanitarian response to meet the needs of those whose lives may have been endangered.

2.35. In view of the Committee's belief that the Australian Government had been informed of the gravity and magnitude of the situation in South Vietnam some three weeks before the evacuation of the Australian Embassy, we are unable to come to any conclusion other than one of deliberate delay in order to minimise the number of refugees with which Australia would have to concern itself. In addition, we believe that the guidelines of 22 April were so narrowly drawn that very few refugees would qualify for entry to Australia. In all, 5629 nominations were received but only 542 were approved—355 for permanent residence and 187 for temporary residence.¹⁴ Of the 542 approved cases, less than 342 persons were informed of their approval in the four-day period prior to the Embassy's evacuation. Other than orphans, 78 Vietnamese nationals were evacuated from Saigon by Australia.

¹³ Transcript of Evidence, Vol. 1 1975, p. 263. (Further consideration is given to this matter at p. 44)

¹⁴ With the benefit of hindsight, and noting the immense problems experienced by the Vietnamese refugees who were brought to Australia—matters which are considered in detail in Chapter 5—the Committee considers that the decision to restrict the number of refugees may have had some beneficial consequences.

2.36. Although the guidelines had been formulated on the principle of 'maintaining the unity of families' the Committee is concerned that confusion arose over this choice of words. In particular, it is clear that the Vietnamese concept of 'family' is quite unlike ours in that it embraces the Asian notion of an 'extended family' as opposed to the more restricted Anglo-Saxon idea of the 'nuclear family'. Clearly this influenced the expectations of both those who sought to obtain refuge in Australia and those who applied to have members of their families enter Australia. Although the Committee has been unable to explain why, it is apparent that this misunderstanding was compounded by an expectation that the Australian Government would assume responsibility for assisting such persons in the matters of resettlement and rehabilitation in Australia—including, of course, their evacuation. Under the circumstances, therefore, Australia had a responsibility to state clearly its position with regard to the evacuation of Vietnamese citizens. It failed to do so.

2.37. Furthermore, the Committee believes that the majority of Vietnamese who sought refuge in Australia through the Embassy in Saigon were tied down much more to the normal and time consuming entry formalities applicable to migrants, rather than to the urgent and special consideration which had been given to meet the needs of refugees in the past. The Committee believes that Australia should differentiate clearly between refugees and migrants in the future, and devise separate and appropriate procedures for the processing of each category. This was done in the selection (but not the settlement) of refugees admitted to Australia from Hong Kong, Singapore and Malaysia during 1975 and from Thailand in March 1976.

2.38. As unpalatable as it may be, we are forced to conclude that the Government acted reluctantly and, as expressed by one witness, in order to placate an increasingly suspicious Australian public.