

# Indochinese Refugee Reports

Information Exchange Project American Public Welfare Association  
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**HEARINGS ON REFUGEE BILL**

*July 1981*

On May 3, the House Subcommittee on Immigration, Refugees and International Law, chaired by the Honorable Elizabeth Holtzman, began a series of hearings on the Refugee Act of 1979. The Attorney General of the U.S., Honorable Griffin B. Bell, and the U.S. Coordinator for Refugee Affairs, Ambassador Dick Clark, presented testimony at the May 3 hearing. Three additional hearings have been scheduled by the House Subcommittee as follows:

May 10--Citizens' Commission on Indochinese Refugees, Coordinating Council for Jewish Agencies, Panel of Special Projects, Lutheran Children and Family Service of Eastern Pennsylvania;

May 16--Witnesses not announced; and,

May 23--HEW Secretary Califano.

Ambassador Dick Clark began his testimony on the Refugee Act with a briefing on his recent two and one-half week trip to Southeast Asian refugee camps. He stated that the refugee situation is continuing to deteriorate as the arrival rates for new refugees surpass the departure rates of refugees to third countries for permanent resettlement.

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THE PROPOSED REFUGEE ACT OF 1979  
MEETING THE NEED FOR A COMPREHENSIVE  
LONG-TERM POLICY ON REFUGEES

He urged Congress to enact the Department of State's supplemental request for \$104.9 million by the beginning of June. Not only are the voluntary agencies which assist refugees from Southeast Asia, the Soviet Union and Eastern Europe in a precarious financial position, but ICEM which arranges for the transportation of the refugee is in deficit spending.

Clark's testimony on the proposed bill focused on Title II of the Refugee Act which concerns the admission of refugees. Title II of the bill will rationalize the decision-making process of Congress and the Administration concerning refugee admission. Rather than reacting ad hoc to refugee situations as they arise, the bill provides for the annual admission of a more realistic number of refugees (50,000) with a provision that the number can be raised if the President and Congress so determine. There is also a provision for emergency admissions contained in the bill.

Attorney General Griffin B. Bell testified in support of the proposed bill's transfer of policy-making authority regarding refugee admission decisions from the Department of Justice to the President and Congress.

Attorney General Bell also spoke in favor of the bill's removal of ideological and geographical limitations on refugee admissions, and the removal of the two-year waiting period for lawful permanent resident status presently required of conditional entrants.

Those witnesses testifying at the hearings scheduled for May 10, 16 and 23 will deal principally with Title III of the Refugee Act which authorizes funding for refugee assistance.

The following is an analysis of the Refugee Act prepared by the Department of State:

The basic provisions of the proposed Refugee Act of 1979 and the need for its prompt enactment into law can best be understood by first reviewing the current state of the law and the problems that have arisen under existing statutory provisions.

Under the present law there are two ways refugees may enter the United States. The first is under section 203(a)(7) of the Immigration and Nationality Act, which provides for the conditional entry of 17,400 persons. These people must be examined by an Immigration Officer in a non-Communist or non-Communist dominated country. They must show that they have fled from a Communist or Communist-dominated country, or a country in the Middle East, and that they fear to return to that country because they have been, or fear they will be, persecuted there on account of race, religion, or political opinion.

The second way refugees may currently enter the United States is under section 212(d)(5) of the Act, which gives the Attorney General discretionary authority to parole, for emergent reasons or reasons deemed strictly in the public interest, any alien applying for admission into the United States. Through a legal fiction, an alien who has been paroled into the United States is deemed to be in the same legal position as an alien who is still at the border seeking admission.

The law as it stands does not work well in many circumstances. The 17,400 conditional entry numbers are always oversubscribed. At the same time, because of the ideological and geographical limitations, many refugees from countries in the Western Hemisphere are precluded from using the conditional entry provision. As a result, the section 212(d)(5) parole authority must be used and has been resorted to repeatedly over the past 23 years.

Although portions of the legislative history suggest that the parole power was originally intended for individual cases, it has been used to admit sizeable refugee groups over the years, including the well-known Hungarian, Cuban and Indochinese refugee groups. Though not required by law, a procedure for the exercise of the parole power has developed. This procedure usually is initiated by a recommendation of the Secretary of State, after which the Attorney General consults with appropriate members of the House and Senate Judiciary Committees. Such consultations have been repeated and frequent, most recently with regard to refugees from Indochina, the Soviet Union and South America. In recent years both the Congress and the Executive Branch have become increasingly dissatisfied with this use of the parole power as a sporadic short-term reaction to impending disasters. Thus, the Administration and Congress have seen a need for a comprehensive long-term policy on the admission and resettlement of refugees. Building on Congressional initiatives last session, the proposed Refugee Act of 1979 represents the Administration's views on the most appropriate way to provide such a policy.

The proposed Act defines the term "refugee" in substantial conformity with

the definition contained in the United Nations Convention and Protocol Relating to the Status of Refugees, thereby removing the ideological and geographical limitations of the present conditional entry provision. However, because the total number of refugees far exceeds the capacity of the United States to provide resettlement opportunities, the bill provides that refugee admission numbers will be allocated by Presidential determination among groups of refugees who are of special concern to the United States.

The proposed Act has two distinct procedures for the admission of refugees: one for what has become the more or less predictable "normal flow" of refugees each year, another for unforeseen emergency group admissions. The normal flow provision allows the admission of up to 50,000 of special concern annually, with the President to decide on the allocation of the numbers. There is also authority for the President, before the beginning of the fiscal year, to adjust the normal flow limit to a fixed higher number, after consultation with the Congress, should he determine that the higher number is necessary in the national interest based on his review of foreseeable resettlement needs. The authority to use the emergency group admission procedure is also vested in the President. However, the use of this second procedure is limited to unforeseen refugee emergencies, again following consultations with the Congress. Under the group admission provision the President must determine that the higher number is not possible under the normal flow of provisions and is justified by grave humanitarian concerns or is otherwise in the national interest.

The advantages of the two admission procedures in the proposed Act can be readily perceived when compared with existing law. The normal flow provisions will in effect replace the conditional entry procedure. The antiquated ideological and geographical limitations of the conditional entry provision will be eliminated. The unrealistically low 17,400 annual limitation will be replaced by a 50,000 figure which is more in accord with the nation's recent experience. However, the Administration proposal will provide additional, but carefully structured, flexibility by enabling the President to exceed the figure of 50,000 if he specifies the extra numbers needed prior to the beginning of the fiscal year, after consulting with Congress regarding the need for the additional admissions. This latter provision will avoid any situation in which the Executive Branch foresees a need to admit more than 50,000 refugees in the next fiscal year, but because of a rigid numerical limitation must strain the statutory framework by declaring an "emergency" in order to justify admitting the number in excess of 50,000 under the group admission procedures.

The emergency group admission provisions will essentially replace the use of the Attorney General's parole authority to admit large groups of refugees. However, it might be more accurate and descriptive to say that the group admission provisions will be filling a void which the repeated stretching of the parole authority never successfully filled. Under the Administration proposal the United States, for the first time, will have clearly stated statutory procedures and criteria for the emergency group admission of refugees. For the first time the important role of the Congress will be recognized by statute. In that consultation with the cognizant congressional committees will be required before a group admission is authorized. Moreover, the type of information to be furnished the committees is specified in the draft bill in order to ensure that such consultations are productive. Finally, the use of the group admission procedures will be

limited to unforeseen emergencies, as compared to the previous practice of a dire emergency, but simply because they could not be accommodated under the unrealistically low ceiling on conditional entry numbers.

This legislative proposal has a special urgency attached to it because the current parole program for Indochinese refugees expires on May 1, 1979. Without new legislation the continued stopgap use of the parole authority will be required to cope with the increasing flow of refugees of special concern to the United States.

Another significant feature of the proposed legislation is elimination of the two-year conditional status for normal flow-refugees. The conditional provision has not effectively served its original purposes of allowing additional time to screen admitted refugees and avoid permanent admission of ineligible aliens. In fact, we have in most instances been able to perform thorough screening before a refugee enters, and virtually no refugees have been returned because they were found ineligible during the two-year review.

At the same time, the conditional status has in many instances impeded a refugee's ability to secure a desired job or otherwise to become a full member of his new community. And the two-year review has generated paperwork far out of proportion to the benefits of the added screening. For these reasons, under the proposed legislation, normal flow refugees enter as lawful permanent residents from the day of their admission.

In keeping with the Administration's com-

A good illustration of what the practical effect of the proposed Act would be may be drawn from the unfolding history of the Indochinese refugees. Following the fall of South Vietnam in the spring of 1975, 133,000 Indochinese were paroled into the United States within a few months. In 1976, 11,000 Indochinese were paroled in the United States, followed by 15,000 in 1977 and 7,000 in the first half of 1978. We are now in the final stages of the most recent parole program which authorized the entry of an additional 25,000 Indochinese refugees between June of 1978 and May 1, 1979, augmented by an additional parole of 21,875 announced in December, 1978. Even though it became apparent soon after the initial 1975 parole program that a steady, fairly predictable stream of refugees would be leaving Indochina for the foreseeable future, the Executive Branch was forced to wait repeatedly until the number of refugees in the countries of first asylum reached crisis proportions and then declare an "emergency" which required yet another special parole program. If the proposed Act had been in effect since 1975, the emergency group admission provisions would have been employed only for the initial mass exodus of 1975. The succeeding periodic "emergencies" would have been handled under the normal flow provisions without the need for repeated ad hoc consultations with Congress in an atmosphere of crisis. Upon enactment of the Administration's proposal, our future efforts to deal with the Indochina refugee situation will be greatly rationalized and facilitated. The President will have the authority to set the number of normal flow admissions for Indochinese refugees in advance of each fiscal year. If our estimates indicate a high flow of Indochinese and other refugees of special concern to the United States, such that the national interest requires admission of more than 50,000 in a given year, the President may, after consultation with the Congress, adjust admissions to a fixed higher number. Should an unforeseen emergency create the need for more admissions than provided for under the annual normal flow estimate, the group admission procedures will be available.

## Recent Developments

prehensive approach to refugee policy the proposed Refugee Act of 1979 also contains provisions aimed at establishing a more uniform basis for the provision of assistance to refugees coming to and already in the United States. These provisions are set forth as amendments to the Migration and Refugee Assistance Act of 1962. That Act contains the basic authority under which assistance is furnished to Cuban and Indochinese refugees coming to and already in the United States. Besides broadening the provisions so that they apply equally to all refugees, the amendments made by this portion of the draft bill make few substantive changes from current administrative practice under the Act. These amendments reflect the experience gained by the departments and agencies involved in the administration of refugee assistance since the original enactment of the Migration and Refugee Assistance Act of 1962. One major substantive addition, however, is the establishment of express limitations on the period for which the Federal government will pay the full cost (rather than applying the generally applicable Federal-State cost sharing rules) of cash and medical assistance under programs authorized by the Social Security Act. The draft bill will specify that, except for unaccompanied refugee children, the Federal government will bear the full cost of new refugees for only the first two years after their arrival in the United States. After that, States will be expected to provide whatever assistance would be available to any other of its residents, with the same allocation of cost between the Federal and State governments.

Specific assistance programs authorized under the draft bill are as follows:

Payments to public or to private voluntary agencies for their work in the placement and resettlement of refugees;

Funding for projects to aid refugees in securing employment;

Support for special educational services, particularly training in English, through the elementary and secondary education system;

Use of funds for child welfare services; and

Funding for cash and medical assistance.

The Administration and Congress are very much concerned both with the nation's immediate refugee needs and with the need for a sensible and sound long-term solution, weighing the role of the legislative and executive branches. The prompt enactment of the Refugee Act of 1979 will help provide that long-term solution and ease immediate refugee needs. Prompt action is required because the refugee problem shows no signs of simply fading away. The fact is that the problem is growing at an alarming rate and, notwithstanding some success in our extensive diplomatic efforts to persuade other nations to accept larger numbers of refugees, the United States will soon be called upon to accept more refugees. At present our response must be that we are limited to the conditional entry process and a fully subscribed parole program which expires on May 1, 1979.

*Handwritten:*

ENGLISH LANGUAGE AND EMPLOYMENT SERVICES FOR INDOCHINESE REFUGEES: AVAILABILITY OF FUNDING

On April 26, 1979, the Office of Family Assistance, SSA/HEW published in the Federal Register (44 FR 24638-41) a notice of the availability of national funding for special projects and programs of English language instruction, training and employment services for Indochinese refugees. Approximately a total of \$5 million will be made available for these special projects.

Public and non-profit private agencies are eligible to apply for the grant awards. Since Congress has directed that special project funds be administered primarily by private voluntary resettlement agencies, 51% of FY'79 special project funds will be awarded to private, non-profit agencies.

Applicants are required to specify how they meet the statutory requirement of "participating in the Indochina Refugee Assistance Program."

The objective of these projects is to assist Indochinese refugees in resettling in the U.S. and in gaining skills and education necessary to become self-reliant. The projects should emphasize direct job placement whenever possible and provide work-related English language and vocational training leading to secure jobs. The special projects are to provide these services to Indochinese refugees who are: 1) unemployed, 2) employable adults receiving cash assistance or likely to receive public cash assistance; 3) underemployed adults who need job upgrading to achieve career potential; or 4) minors age 16 or 17 who are not in school.

Applications must be received by 5:00 p.m. on June 11, 1979. For further information, contact your Regional Social Security Administra-

tion Office, as listed in the announcement.

MENTAL HEALTH SERVICES *under*

441 G Street, N.W.  
Washington, DC 20548

Telephone: (202) 275-6241

EXHIBITION ON VIETNAMESE  
REFUGEES *card*

The notice of the availability of approximately \$2.2 million for special projects of mental health services is anticipated to be published in the Federal Register the week of May 21.

GAO REPORT *avail list*

The General Accounting Office (GAO) published a report entitled "The Indochinese Exodus: A Humanitarian Dilemma" on April 24, 1979 (Report No. ID-79-20).

This report describes the assistance provided to refugees by the U.S., the United Nations and countries of first asylum. Also, the report describes the programs for selecting and processing refugees for admission to the U.S. and for resettlement in American communities.

J. Kenneth Fasick, Director, International Division, U.S. General Accounting Office, testified on the GAO report before the Subcommittee on Asian and Pacific Affairs of the House Committee on Foreign Affairs on April 25, 1979. In his testimony he stated that the proposed "Refugee Act of 1979" addresses the major problem areas that stem from existing legislative provisions encountered in the GAO review.

Mr. Fasick also noted that the proposed refugee bill, if enacted, could motivate other nations to participate or to increase their participation in refugee resettlement efforts.

A more detailed summary of the GAO report will be forthcoming in a future issue.

Single copies of GAO reports are available free of charge. Write or call:

U.S. General Accounting Office  
Distribution Section, Rm. 1518

On April 27-29, an exhibition on Vietnamese refugees was held in the Rayburn Building, House of Representatives, Washington, D.C. The exhibition was organized by the Vietnamese women of the Washington Metropolitan area on behalf of the refugees stranded in Southeast Asian camps and drifting on the South China sea. Through the use of artifacts, photographs and documents, the exhibition gave an overview of 1) the refugees' situation in various camps in Southeast Asia, and 2) refugee resettlement in twenty countries, particularly the United States.

The exhibition was an appeal to all free nations to assist the boat refugees.

In her opening statement, Duc Thu, the Exhibition Organizing Committee's Chairperson, urged that a special landing center on an island in the Pacific be established in order that boat refugees will not be ignored or pushed out to sea. Also, the Chairperson appealed to those nations presently accepting refugees for permanent resettlement to increase their refugee intakes.

Honorary sponsors of the exhibition included Peter Bell, Deputy Undersecretary, HEW; Ellsworth Bunker, Ambassador; Dick Clark, Ambassador; Leo Cherne, Chairman, International Rescue Committee; Robert J. Dole, Senator; Daniel Patrick Moynihan, Senator; Joel Pritchard, Congressman; Stephen J. Solarz, Congressman; Bayard Rustin, President, A. Philip Randolph Institute, and Albert Shanker, President, American Federation of Teachers.

MEETING ANNOUNCEMENTS

*copy*  
NATIONAL COALITION FOR REFUGEE  
RESETTLEMENT

The National Coalition for Refugee Resettlement has scheduled a meeting on June 18, 1979 to be held in Room 1202, Dirksen Senate Office Building. The purpose of the meeting is to review pending refugee legislation and meet with Congressional leaders and other key actors in refugee resettlement. Senator Kennedy is tentatively scheduled to address the group.

*copy*  
SELECT COMMISSION ON IMMIGRATION  
AND REFUGEE POLICY

The Select Commission on Immigration and Refugee Policy will hold a public meeting on Tuesday, May 22, 1979 at 2:00 p.m. in room 2010, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C.

There will be a status report on the appropriation and a discussion of the future operation of the Commission. (P.L. 95-412 authorized \$700,000 for the Commission activities but this has not been appropriated. Also, an amendment to P.L. 95-412 has been introduced in Congress to increase the appropriation to \$2,145,000.) The Commission will accept written statements of organizations and individuals.

The announcement of this meeting was published in the Federal Register, (44FR 26823) on May 7, 1979.

*see also*  
FAMILY REUNIFICATION

In early March, the United Nations High Commissioner for Refugees (UNHCR) announced that it had reached an agreement with the Vietnamese government under which

larger numbers of Vietnamese may be allowed to leave the country to join relatives abroad. Details of this agreement and development of specific procedures to be followed on that program are being worked out by UNHCR in Vietnam.

At the present time, the Vietnamese government is allowing about 30-40 persons per month to emigrate legally. These people are being chosen on a case by case basis and usually have some possible claim to foreign nationality.

The Department of State has issued a memorandum of advice for persons who wish to bring relatives out of Vietnam. The State Department memorandum outlines the criteria in U.S. immigration law which allows only certain types of relatives to immigrate into the country. For U.S. Citizens they are:

1. Spouse (common-law or unconsummated proxy marriages are not recognized)
2. Sons and daughters and their spouses and minor children
3. Parents or step-parents (if the step-parent became that before you were 18)
4. Brothers and sisters (including also their spouses and minor children)
5. Fiance or fiancée (can include a common-law or proxy marriage)

For permanent resident aliens they are:

1. Spouse
2. Unmarried sons and daughters of any age

If a person is still on refugee or parole status they may not apply for relatives to immigrate until after adjustment in status has been completed. The adjustment in status may be applied for after two years residence in the U.S.

Petitions (Form I-130) for the immigration of relatives are to be filed with the Immigration and

## Resource Exchange

### THE NATIONAL PROJECT FOR INDOCHINESE DOCUMENT EVALUATION

*miss info*

Naturalization Service regional offices. At the time the I-130 immigration petition is filed with INS, a notarized statement showing ability and willingness to support the relatives must also be filed with supporting evidence.

The forms and approval by INS are forwarded to the American Embassy in Bangkok, who then relays them to the French mission in Vietnam. The process is quite lengthy and may take at least six months.

The following documents appear to be helpful for the person in Vietnam to have when applying for the exit visa.

- (1) copy of notice of approval of petition by INS (I-171) for each person.
- (2) copy of affidavit of support.
- (3) copy of American Embassy at Bangkok's letter to the petitioner that it has forwarded the petition for immigration to the French Embassy in Bangkok.

It may also be helpful for the applicant to have evidence of a prepaid ticket to their destination.

The memorandum also gave information on the process of having relatives who have fled to the People's Republic of China resettled in U.S. To date approximately 160,000 people have fled Vietnam into the People's Republic of China. These are mostly ethnic Chinese from North Vietnam. Since the U.S. has recently established normal relationships with the People's Republic of China the procedures have changed and new instructions will be issued shortly by the State Department.

For more information, interested people should contact their nearest INS regional office or for a copy of the memorandum write:

VISA Office  
Department of State  
Washington, DC 20520

The Office of Family Assistance of the Social Security Administration, Department of Health, Education and Welfare, has established in cooperation with California State University at Long Beach the National Project for Indochinese Document Evaluation.

The Project will evaluate, verify the authenticity, and reconstruct to the extent possible, the educational and employment documents of refugees and convert them into approximate U.S. equivalency ranges.

The project is helpful to post-secondary institutions and employers in making decisions concerning the admission or suitable employment of Indochinese refugees.

The service is provided free of charge until September 30, 1979, but it must be requested by the academic institutions or employers. Refugees desiring an evaluation or reconstruction of their documents should contact a school official or employer who in turn will contact the Project.

All requests for evaluation and verification of authenticity together with original documents and related materials, must be submitted by a school official or employer to the Project officers:

Mr. George La Due, Project Director  
Ms. Nguyen Thi Anh, Project  
Co-Director  
The National Project for Indo-  
chinese Document Evaluation  
California State University at  
Long Beach  
1250 Bellflower Blvd.  
Long Beach, CA 90840

# Statistical Reports

## CURRENT INDOCHINESE REFUGEE POPULATION IN THE U.S. BY STATE

As of May 15, 1979

1. Alabama	1,518
2. Alaska	259
3. Arizona	1,466
4. Arkansas	1,994
5. California	54,426
6. Colorado	4,066
7. Connecticut	1,966
8. Delaware	201
9. District of Columbia	1,385
10. Florida	6,082
11. Georgia	1,950
12. Hawaii	3,666
13. Idaho	476
14. Illinois	6,863
15. Indiana	2,141
16. Iowa	3,732
17. Kansas	2,198
18. Kentucky	1,162
19. Louisiana	7,838
20. Maine	271
21. Maryland	3,028
22. Massachusetts	1,800
23. Michigan	3,531
24. Minnesota	5,122
25. Mississippi	832
26. Missouri	3,264
27. Montana	564
28. Nebraska	1,164
29. Nevada	941
30. New Hampshire	154
31. New Jersey	1,973
32. New Mexico	1,006
33. New York	5,891
34. North Carolina	1,508
35. North Dakota	401
36. Ohio	3,661
37. Oklahoma	3,987
38. Oregon	5,079
39. Pennsylvania	8,923
40. Rhode Island	1,025
41. South Carolina	915
42. South Dakota	515
43. Tennessee	1,901
44. Texas	17,857
45. Utah	1,745
46. Vermont	52
47. Virginia	7,250
48. Washington	7,162
49. West Virginia	176
50. Wisconsin	3,075
51. Wyoming	96
52. Guam	387
53. Puerto Rico	36
54. Unknown State	499
55. Virgin Islands	17
<b>Total</b>	<b>199,609</b>

This statistical report is compiled from two sources: the annual Immigration and Naturalization Service (INS) Alien Report as a base and weekly updates of new refugees arrivals obtained through the Intergovernmental Committee for European Migration (ICEM). Only the January INS report gives any indication of refugee movement among the states. The INS base figure used is from the INS January 1978 report.

### Parole Order

On April 13, 1979, the Attorney General authorized by parole order the admission of 40,000 refugees from Southeast Asia and 25,000 refugees from the Soviet Union and Eastern Europe through September 30, 1979.

### RESETTLEMENT OF REFUGEES FROM THE INDOCHINA PENINSULA FROM 1975 THROUGH JANUARY 1979

Country of resettlement	Number of refugees resettled <sup>a/</sup>
Australia	16,416 (11,060)
Austria	235 (23)
Belgium	1,198 (71)
Canada	10,531 (1,966)
Denmark	404
France	46,878 (3,173)
Fr. Germany	2,548 (1,460)
Gabon	4
Hong Kong	188 (67)
Israel	168 (168)
Italy	250 (24)
Iran	47
Japan	51 (41)
Luxembourg	6
Malaysia	1,584
New Caledonia	6 (6)
New Zealand	38
Netherlands	693 (441)
Norway	178 (138)
Philippines	708 (618)
Switzerland	126
United Kingdom	1,374 (547)
U.S.A.	880 (382)
Other/Deaths Repatriated	64,039 <sup>b/</sup> (25,668)
<b>Total</b>	<b>148,959 (46,045)</b>

<sup>a/</sup>Figures in brackets represent host people.

<sup>b/</sup>Excluding approximately 130,000 persons evacuated to the United States in the spring of 1975.