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3 FEB 1958

DB1821/1

(K 1345/1/58)

BRITISH EMBASSY,

RANGOON.

January 21, 1958.

Dear Department, DB1821/2

In our letter of June 10 last year (K 1345/4/57) we reported that the Burma Government were taking steps to control illegal immigration into the Union. Since the problems of illegal immigration and absorbing the vast foreign population are essential to the survival of Burma, you may care to hear a little about what is being done.

2. The new Ministry of Immigration was set up on June 1, 1957, with Sao Tun Aye, a Shan A.F.P.F.L. politician, as Minister. His responsibilities are to administer all laws relating to immigration, citizenship, national registration, foreigners' registration and laws covering the transfer of immoveable property insofar as they affect foreigners. To perform these tasks the Ministry have already engaged about 500 civil servants and propose to build up to a total staff of 1,200. The most important department from the point of view of national policy is the Foreigner's Registration Department and this was taken over by the new Ministry only on January 1 of this year. We understand that it is in a state of total chaos.

3. It is hard to say how many foreigners there are in Burma at present. Article 11 of the Constitution lays it down that all members, or first or second generation descendants, of "the indigenous races of Burma" are citizens; others who qualify by residence may apply for citizenship. The census department have out-of-date records showing 705,549 foreigners, mainly Indians, Pakistanis and Chinese. The Foreigners' Registration Department have only fragmentary records. An estimate which has been made and fairly widely accepted in the press is that there are no less than two million aliens. The policy of the Government is to register them as soon as possible and to prevent any further swelling of the number by illegal entrants. The

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first of these two tasks is that of the Foreigners' Registration Department, but it is made very difficult by the fact that the bulk of them - particularly the Indians - are illiterate labourers. Illegal immigration, on the other hand, is to be checked by "four lines of defence": first, immigration posts on the border; second, patrols travelling on mules or horses along the mountain paths which are used by the illegal entrants; third, flying squads which pounce upon boats, trains and motor traffic used by the entrants on the main lines of communication; and fourth, and most important, investigation squads who check the towns in search of those who manage to evade detection by the first three lines of defence. These investigation squads have been extremely active throughout the whole of 1957. Altogether they have checked over 50,000 people in likely spots and have found up to about 5 per cent to be illegal entrants.

4. These measures have been energetically applied but it is doubtful whether they are sufficient to achieve a solution of the problem. They may make it a little more difficult for illegal immigrants to enter Burma and stay here, but they do not tackle the main difficulties, which are as follows.

5. In the first place, in a country with a population of anything up to 2,000,000 foreigners, it is essential to decide quickly and once and for all who is going to remain a foreigner and who is not. A great number of the foreigners living here - many of them born here, or with fathers and even grandfathers born here, and certainly fulfilling the residence qualifications of Article 11 - earnestly desire to become Burma citizens and tens or hundreds of thousands of their applications have been outstanding now ever since Independence. Between January 4, 1948 and August 30, 1956 only 7,379 applications have been granted. It was recently stated in the House of Peoples in India that a total of 6,246 Indians had received Burmese citizenship up to November, 1957. The Hindu and Muslim societies in Burma are constantly petitioning the Burma Government to deal with outstanding applications. The entire Gurkha community of Upper Burma has applied for citizenship but as far as we know not a single application has been granted. Recently about 40,000 Chinese in the Wa State area, who have been living in Burma for a very long

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time, asked to be granted citizenship en bloc. But the Government are unwilling to face up to the problem, partly perhaps on grounds of racial prejudice (this applies particularly to the Indians and Pakistanis), partly because (as we explain below) they are doing very well financially out of registration fees. If they were to grant most of these applicants Burmese citizenship they would then perhaps reduce the number of aliens to manageable proportions. If there were still too many they could introduce discriminatory legislation against them with a view to forcing the return of many more to their countries of origin. But at the moment they are simply beating the air, trying to keep track of far more people than they can manage. It is quite beyond the competence of the Ministry to keep track even of births and deaths amongst this great population.

6. A lesser difficulty is that existing Burmese regulations tend to provoke illegal immigration in the most difficult area, the border with Pakistan. The population on both sides of the border is Chittagonian Muslim, and it has always been the practice for those north of the border in Pakistan to move south during the paddy cultivating season and to return home when their work was finished. There is also a steady movement of permanent immigrants southwards towards the rich and relatively thinly-populated rice lands of North Arakan. It is almost impossible for the frontier authorities to keep any check, since there are endless jungle paths which the immigrants can use. And now, apart from the impossibility of expecting people of this sort to obtain passports and visas, they are not allowed to take home the fruits of their labours. Therefore they prefer to come into the country secretly and leave in the same way and will continue to do so until they are allowed to come and go freely without formalities and to take their wages home with them.

7. Finally, as was suggested in the enclosure to our letter under reference, the Burmese have no real means of dealing with those illegal immigrants whom they arrest. Their policy is not to repatriate anyone to China who does not wish to go there. If immigrants are caught on the border the Burmese patrols may push them back into China, but if they are found in the towns there is no way of getting rid of them and the Government are forced to entertain

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them indefinitely in jails at the public expense. (There is no sign that illegal immigration from China is diminishing and several thousands probably still enter each year.) The problem fortunately does not arise in the case of Pakistani immigrants where there can be no question of claiming political refuge, and in order to speed up expulsions new legislation has been introduced to enable immigration officers to deport without recourse to a magistrate.

8. The best thing which can be said for the present policy is that it is very profitable to the Burma Government. The fee for residence permits has been raised to K. 100 and the annual registration fee to K. 50. Apart from discouraging the poorer foreigners who certainly cannot afford such a sum, this should bring in a very large amount indeed to the Treasury and we know that when the Government were considering how to raise more taxation at the time when they were re-writing the four year plan they relied to quite a large extent on this tax upon foreigners. The other side of the picture, however, is that a great deal of money is passing into the hands of the police and to the Foreigners' Registration Department in the form of bribes for the issue of certificates. Furthermore Chinese who have entered the country illegally have been reported as paying prices ranging from K. 700 to K. 2000 for forged documents.

9. To sum up, the Government is now making some effort to cope with the problem of foreigners. The Foreigners' Registration Department are carrying out intensive checks and the frontiers are being more carefully controlled than in the past. All of this, however, will not be sufficient. The Government must face the issue of whether they are going to grant Burmese nationality to those respectable aliens settled in Burma who wish to make Burma their country. Meanwhile foreigners are a profitable source of income.

10. We are sending copies of this letter to Karachi, New Delhi and Peking.

Yours ever,

CHANCERY.

F.A.W. 27/1

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