

TP/HCM, Ngày 21/6/2000.

Thính gửi,

Bà Thúc - Bình - Cho

Hội Trưởng Hội Gia đình Cựu Tu nhân Chính trị.

Chưa Bà,

Nay tôi viết thư này trân trọng kính gửi đến Bà, thỉnh cầu Bà với tư cách Hội Trưởng của Hội Gia đình Cựu Tu nhân Chính trị, một hội đã từng cứu giúp rất nhiều người, có nhiều hình đồn trong giới "H.O" ở quê nhà - nguồn cứu và giúp đỡ để vận động can thiệp cho trường hợp của tôi là đã bị một viên chức INS phóng vấn trả lời: từ cách bị nạn ở cuộc phóng vấn vào ngày 25/3/1995.

Tất cả các bằng chứng và hồ sơ về trường hợp của tôi đã có đủ và đang lưu giữ tại Bangkok. Tuy nhiên có một ít giấy tờ đã bị có thể bỏ sót sau cuộc phóng vấn thất bại, chẳng hạn như:

1) Chứng từ chứng minh rằng tôi đang được huấn luyện tại Mỹ thì phóng vấn ngày 25/3/1995 cho đến tháng 10/1995 tôi mới được Randolph gọi sang, và năm sau một chỉ mệnh

2) Chứng từ "Cộng đồng" của UBND quận Bình Thạnh vào tiếp tục dịch thu căn nhà của tôi trả lại năm 1996 - Sau khi phóng vấn thất bại, trở về xin lại nhà đi ở thì tiếp tục bị họ chốt. Tuy nhiên về vấn đề này tôi đã có những chứng từ về việc tiếp thu nhà trả lại năm 1989 và 1993 đã xuất trình tại lần phóng vấn.

3) Giấy xác nhận tình trạng học tập và trốn trại do Cục lưu trữ hồ sơ của Bộ Công An VN cấp (theo yêu cầu của văn phòng UDP) Sau khi cuộc phóng vấn thất bại tôi đã có tài cho giấy xác nhận từ Tổ chức Học tập Cải tạo của phóng viên từ PA 27 cấp cùng với "Danh Chi bằng"

lần đầu tay (bản photocopy) làm lúc ở trong trại cải tạo.

4) Giấy kê nhận của một bạn tù cải tạo (Tên Phạm Trọng Nhuận) có công chúng, hiện ^{đang} sống ở California.

Nơi tôi lại hỏi cả đủ bằng chứng đang tìm
cây và Bangkok đang lưu giữ. NA hội đủ điều
kiện để xin trợ giúp nạn nhân đã bị bỏ rơi, đã thỉnh
cầu xin cứu xét lại nhưng vẫn chưa có kết quả.

Lấy thỉnh cầu xin trợ giúp có cách nào giúp đỡ cho
trên trong kính thư và chân thành cảm ơn Bà trong sự quan tâm.

Diệp Nguyễn Hoàng

P.S. Cần đính kèm:

- 1) Một thư giới thiệu.
- 2) Một bản sao giấy từ chối.
- 3) Một bản sao Form ODP-71 (10/95) thông báo của ODP rằng
chuyển hồ sơ qua INS.



Embassy of the United States of America

Bangkok, Thailand

Orderly Departure Program

Date: 22 Oct 1998

Dear ODP applicant

Your resettlement application on file with the US Orderly Departure Program (ODP) was denied by an officer of the US Immigration and Naturalization Service (INS) at an interview in Ho Chi Minh City.

This letter is to inform you that, because your application has been denied, it is no longer being handled by ODP. Your case file and all materials relating to your application have been transferred to the INS District Office in Bangkok, Thailand.

All future correspondence relating to your application should be directed to the INS at the following address:

**US Immigration and Naturalization Service
93/1 Wireless Road
Diethlem Tower B, Room 114/1
Bangkok 10330 Thailand**

Enclosed are the original documents, if any, from your case file. Photocopies have been retained for the record.

Sincerely yours,

Dewey Pendergrass
Director and Chief Consul
US Orderly Departure Program

Bangkok, Thailand
Chương Trình Ra Đi Có Trật Tự

Ngày: _____

Gửi đương đơn ODP:

Đơn xin định cư của Ông/Bà có trong hồ sơ với Chương Trình Ra Đi Có Trật Tự Hoa Kỳ (ODP) đã bị một viên chức của Sở Di Trú và Nhập Tịch Hoa Kỳ (INS) từ chối trong buổi phỏng vấn ở Thành phố Hồ Chí Minh.

Thư này xin báo cho Ông/Bà biết rằng vì đơn xin của Ông/Bà đã bị từ chối, nên ODP không còn phụ trách việc cứu xét nữa. Hồ sơ và tất cả các giấy tờ liên quan đến đơn xin của Ông/Bà đã được chuyển cho Văn phòng Địa hạt INS tại Bangkok, Thailand.

Tất cả những thư từ trong tương lai liên quan đến đơn xin của Ông/Bà phải được gửi thẳng đến INS theo địa chỉ sau đây:

**US Immigration and Naturalization Service
93/I Wireless Road
Diethlem Tower B, Room 114/1
Bangkok 10330 Thailand**

Đính kèm là các giấy tờ bản chính, nếu có, từ hồ sơ của Ông/Bà. Các bản sao đã được lưu vào hồ sơ.

Trân trọng kính chào Ông/Bà

Dewey Pendergrass
Giám Đốc và Trưởng Lãnh Sự
Chương Trình Ra Đi Có Trật Tự Hoa Kỳ

THE IMMIGRATION AND NATURALIZATION SERVICE
OF THE UNITED STATES OF AMERICA

Dear/Kính gửi: DIỆP NGUYỄN NGUYỄN
(ODP applicant/Tên người đăng đơn)

IV# _____, 141-271

- 1) We regret we are unable to approve your application for refugee resettlement admission to the United States.

To be resettled in the United States as a refugee, an applicant must meet the statutory definition of refugee contained in section 101(a)(42) of the Immigration and Nationality Act (INA), as amended. Refugee status can be approved only if the applicant establishes a credible claim of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Additionally, all applicants for refugee status in the United States must establish that they are not precluded from entry into the United States under other sections of law.

During your interview with an officer of the United States Immigration and Naturalization Service (INS), your claim to having been persecuted or having a well-founded fear of persecution was reviewed. At that time, you were given the opportunity to present evidence, documentation, and/or an accumulation of detail through verbal testimony of the events or circumstances that support your claim of persecution or a well-founded fear of persecution. After carefully reviewing your account of these events and surrounding circumstances, it has been determined that you do not qualify for refugee status.

- 2) You may be eligible for Public Interest Parole (see attached letter).
- 3) We are unable to approve your application for resettlement in the United States under the Public Interest Parole program because you do not meet the criteria indicated below:
- 3a) Married sons and daughters (of former re-education camp detainees who are eligible as refugees) must have approved petitions filed on their behalf, or on behalf of their spouse, by a sibling or closer relation who is currently residing in the United States, who is willing to pay transportation costs, and who demonstrates that he/she has the financial ability to support the parolees to ensure they do not become public charges.
- 3b) Former US government or private company employees who are not eligible for refugee status may be considered for public interest parole only if they have siblings or closer relations currently residing in the United States who are willing to pay transportation costs and demonstrate that they have the financial ability to support the parolees to ensure they do not become public charges.
- 3c) Unmarried children of former US government or private company employees who are approved as Public Interest Parolees are allowed to accompany their parents to the United States only if the children are under the age of twenty-one.
- 3d) _____

Stephen M. Brown
Officer of the US Immigration and Naturalization Service
Văn Chức Sở Di Trú Nhập Cư Và Nhập Tịch Hoa Kỳ

U.S. IMMIGRATION SERVICE
2000
HO CHI MINH CITY

Date/Ngày

Applicant Copy

INS-1
Refugee/PIP denial (12/92)

SỔ ĐI TRÚ NHẬP CƯ VÀ NHẬP TỊCH HOA KỲ

- 1) Chúng tôi rất tiếc chúng tôi không thể chấp thuận đơn xin tị nạn tái định cư tại Hoa Kỳ của Ông/Bà được.

Đề được tái định cư tại Hoa Kỳ như một người tị nạn, người nộp đơn phải hội đủ định nghĩa do luật pháp qui định về người tị nạn có trong điều khoản 101(a)(42) của Đạo Luật Di Trú Nhập Cư Và Nhập Tịch đã được bổ sung sửa đổi.

Diện tị nạn chỉ có thể được chấp thuận nếu người nộp đơn đưa ra những lời khai bị ngược đãi đáng tin cậy, hoặc những lo sợ bị ngược đãi thấy rõ, vì lý do chủng tộc, tôn giáo, quốc tịch, hội viên của những nhóm hội hợp đặc biệt, hoặc phát biểu ý kiến chính trị. Thêm vào đó, những người nộp đơn xin tị nạn ở Hoa Kỳ phải chứng minh không bị loại ra khỏi sự nhập cư Hoa Kỳ do những điều luật khác nữa.

Trong khi được phỏng vấn bởi viên chức Sở Di Trú Nhập Cư Và Nhập Tịch (INS), những lời khai về sự ngược đãi và sự lo sợ bị ngược đãi thấy rõ đã được duyệt xét lại. Ngay lúc đó, Ông/Bà đã có cơ hội để đưa bằng chứng, tài liệu, và những chi tiết góp nhất qua lời chứng về những sự kiện, hoặc hoàn cảnh để bổ túc thêm cho lời khai bị ngược đãi hoặc sự lo sợ bị ngược đãi thấy rõ.

Sau khi đã duyệt xét cẩn thận sự tường trình về những sự kiện và hoàn cảnh xung quanh, chúng tôi đã quyết định rằng Ông/Bà không hội đủ tiêu chuẩn tị nạn.

- 2) Ông/Bà đủ tiêu chuẩn theo diện Tam Dung Vì Công Ích (PIP) (coi thủ định kèm).
- 3) Chúng tôi không thể chấp thuận đơn xin tái định cư vào Hoa Kỳ theo diện Tam Dung Vì Công Ích (PIP) bởi vì Ông/Bà không hội đủ tiêu chuẩn đã được chỉ dẫn sau đây:
- 3a) Con trai và con gái đã có gia đình (của cậu cải tạo viên đã được chấp thuận là người tị nạn) phải có đơn xin đã được chấp thuận do anh em hoặc thân nhân gần, hiện đang cư ngụ tại Hoa Kỳ nộp bảo lãnh cho họ hay cho vợ/chồng họ và thân nhân cũng ứng thuận trả tiền di chuyển và chúng tôi rằng họ có khả năng tài chính để cấp dưỡng cho người tạm dung để bảo đảm người này không trở thành gánh nặng của xã hội.
- 3b) Cựu nhân viên của chính phủ Hoa Kỳ hoặc các hãng tư không đủ tiêu chuẩn ở tình trạng tị nạn có thể được coi như là người tạm dung vì công ích nếu họ có anh em hoặc thân nhân gần hiện đang cư ngụ tại Hoa Kỳ ứng thuận trả tiền di chuyển và chúng tôi rằng họ có khả năng tài chính để cấp dưỡng cho người tạm dung để bảo đảm người này không trở thành gánh nặng của xã hội.
- 3c) Những người còn độc thân của cựu nhân viên của chính phủ Hoa Kỳ hoặc các hãng tư đã được chấp thuận là người tạm dung vì công ích, chỉ được phép đi theo cha mẹ tới Hoa Kỳ nếu những người con này dưới 21 tuổi.

Please see the reverse for an English translation
(Xin coi bản dịch tiếng Anh ở mặt sau)

IV # 309979/H.41-271
152 Van Kiep St.
Binh Thanh Dist.
Ho Chi Minh City
Vietnam.

18 June 2000

The Director

Bangkok District Office
Immigration and Naturalization Service
120 - 122 Wireless Road
Bangkok 1033, Thailand.

Dear Sir or Madam,

EXPLANATION LETTER

Basing on the Lautenberg Amendment and the unjust denial of the INS Officer at the previous interview in March 1995. Today I am writing this explanation letter again as a petition so that I would like to submit this petition to you for your reconsideration on my severe case after submitting the previous petitions but no response.

As you know my case is that I :

1. Was a former employee of the United States Government and the US Construction Company for 3 years.
2. Was interned and subject to a persecution for more than one year (until I escaped - from 25 June 1975 to 29 January 1977) of "re-education" in a concentration / labor camp. At my previous interview I did not have an opportunity to state the basic for concern.
3. Had been trained in the United States for learning Specialized English and Flying.

In 1968, Obeying the Order of General Mobilization while I was working for the United States Government (Public Health Branch/CORDS/Can Tho/Reg IV - Vietnam), I had to join in the Army, then I was sent to the USA for being trained a course of Specialized English and Flying in Texas.

1970 - 30 April 1975 (Republic of Vietnam Government collapsed) : I served my country in the 5th Division of Air Force as an Air Navigator Officer, my ending rank : 1st Lieutenant. Serial number # 68 / 601841.

25 June 1975 : I was concentrated and forced to labor hard in a so-called re-education camp until I escaped.

All of what I wrote above were proved honestly with complete evidences. But some of them I found after my previous interview failed in March 1995. What reason was I interned in the concentration / labor camp of a so - called re-education, Sir or Madam ? If I had not worked for the United States Government, been trained in the USA, and then served the Air Force of the Republic of Vietnam prior to 1975, I certainly would not have been interned and endured a very terrible mistreatment in the re-education camp and also in the present local society like today.

Because of a result of my association with the United States prior to 1975 and my anti - communist curriculum vitae, I had to endure such inhuman persecutions that I escaped riskily from the camp to survive. In the re-education camp I was forced to labor hard without schedule – even at night time. In addition to the lack of food, clothes, medicine and bad treatment I was not only almost forced to blame myself monthly and got a blame with a watch-over from room-mates. That was a so-called re-education to brainwash. In this meaning, one morning I was beaten by a guard and was put shackles after that, because I could not labor while I was having a bad fever caused by malaria. This punishment left a scar on my head until now.

The terrible persecution in the concentration / labor camp made me more and more worried of being killed, then I thought that I would not have a day to come home to meet my wife and children, I might die in the "re-education" camp, especially when I saw one of my friends was killed, the shots of a guard in the camp then his dead body - like a dead animal body - was thrown untidily and dirtily on the floor of the conference hall in front of the detainees in full of worried views because he (the victim) discovered and dared protest the guard who had stolen his two cans of milk which he had got from his family.

I was really threatened by the guard's violent action, by my friend's completely heart-broken death, and by detainees' tombs buried on the edge of woods where I went to work every day. I thought that they had died of a kind of diseases plus the lack of food, medicine and bad treatment. Their names and dates of death were engraved on pieces of wood by friends, pinned at the tombs.

My endurance broke. I decided to escape from the re-education camp for survival.

Then I risked to escape the camp with a camp faithful friend. His name is Le Van Chang. I do not know where he is now because we separated each other after arriving home of Mr. Chang's sister in Tay Ninh. This detail of information is stated at first time to you. We were aware that if we had been recaptured, we would have been killed, but we had no way to choose for saving our lives, we thought so. It was the 29th of January 1977. That was the date I have never forgotten.

18 years later some of my friends, who were interned in the same re-education camp with me, told me that they had been noticed in the conference hall one morning after my escape that "Both of CHANG and HOANG were killed by the shots of local guerrillas on their escaping way". The detail of information written above is completely true and a lot of former political detainees, who were interned in the same concentration / labor camp with me, knew my escape clearly. for example, some of them are :

1. Pham, Nhuan Truong
2. Thong, Pham
3. Tran Ngoc Dung
4. Bach Xuan is living in the USA, but his address is unknown.
5. Nguyen Bon is living in the USA, but his address is unknown.
6. Bui Dac Thu is living in the USA, but his address is unknown.
7. Vo Cong is living in the USA, but his address is unknown.
8. Tran Van Thanh is living in the USA, but his address is unknown.
9. Le Thanh Chuong is living in the USA, but his address is unknown.
10. Nguyen Van Bich is living in the USA, but his address is unknown.

During the years of living in hide I had worried about discovery and recapture of the authorities network until I got a passport in 1992. That explains a cause of why my two sons have still called me "uncle" - instead of "father" - until now. They get used to calling like that - for reason of security only. I did not dare contact with any former acquaintances nor my relatives, even my parents, siblings during more than 15 years. When someone came to my house I had to slip quickly into a wardrobe for safety. My worries and fear became bigger and more sorrowful than any detainees' worries in the camps during the years of my hide in shadow.

My wife was also called to the local security office for an interrogation about me twice or thrice a month. She was really threatened, pressed and enticed strongly and regularly (the years 1977 - 1978) to state where I was hiding. They searched my house at anytime. Not only was I afraid and worried much but my wife was shadowed as well. At that time my wife was 30 years old, my eldest son was 4, and the second one was 3. I worried that their search might damage my wife and children. So I had to leave home to live around in parks or in the markets, for daytime and slept under a bridge for night coming.

Because of being chased to the end of the living I did not know how I could live safely. So each time my spirit came to the lowest point I thought of a suicide.

"A death will stop everything, it is an easiest choice for an unable person, who can not protect himself in the immense world, but the heart of mankind is too narrow and ungenerous !" I thought, "it will also stop my terrible endurance in the way of rush at someone's car running". But the images of my wife, especially my two lovely children, and of an innocent driver somewhere woke me up from a black and crazy idea. To say more clearly is that their images rescued me from a terribly crazy suicide. The responsibility of a father and a husband - especially having no right to cause a fault to an innocent driver - gave me more courage to undergo hard trials longer to find a way to rescue myself and my family out of the blockage status.

How could I dare explain my difficult and dangerous circumstances to an interpreter of the INS officer at my previous interview as the interpreter was also a security officer ?

Writing the paragraph above to you I am really ashamed myself, but you know, the extremely dangerous circumstances pushed me into that destiny. It may make you misunderstand me, but it could not be told to the INS officer at my previous interview for protecting myself. Because I was always aware that I should not say anything that would be dangerous for me after that - like "a fish in a pail, a bird in a cage" I have been !

... Hiding in that way for a long time, nevertheless I could not endure such an utterly miserable situation ever and ever. To rescue myself, my wife and children from the blockage status I went over-sea by boat a few times, but unfortunately I failed ! My wife and children were imprisoned for 10 months in 1980 because of going over-sea by boat with me. At that time my children, the eldest child was 6 years old and the second one was 5. They followed their mother. Our properties - even my own only house to stay - were confiscated all. We became a no house family to stay. So I had to live in hide alone in another town, that was Can Tho - 175km West from Hồ Chi Minh. Can Tho, where no-one knew that I had escaped from the concentration / labor camp, was also the town I used to work for the United States Government in Public Health Branch / CORDS in Vietnam of the years 1966 - 1968. My wife and children returned to her parents' home to stay with them in their support at 152 Van Kiep Street, P.3, Binh Thanh District, Ho Chi Minh City after my wife and children had been released from the prison until now. Certainly the authorities network tried to chase to recapture me on that opportunity, but I had run away when my boat approaching ashore.

Why have I had to undergo such a suffering circumstances ? - It was due to my anti-communist curriculum vitae, that pushed me into such a bad situation, wasn't it ? All my association with the United States prior to 1975 was able to explain that it was a cause that has pushed me into such a miserable life for 25 years and later, wasn't it ? If the God Punishes me because of my faults in my life, I shall make myself comfortable about that and repent. But if it is not that, I think,

someone may get a small part of responsibility that symbolizes the humanity and the generosity of the old friends, who and I used to fight side by side for the Freedom in this part of the world. Certainly I did not have a good chance like a number of former political detainees living in the United States of America now.

For instance, the forms of persecution which our family have been enduring are :

1. Our own only house and other properties were seized in 1980 although we have requested for returning but they answered "No".
2. We have not been issued a permanent residential citizen permit, that means :
 - a. They do not allow us to be resident citizens; so :
 - b. We have not been issued common Identity cards as the other citizens have. We are only allowed to use temporary Identity cards.
 - c. We are not able to register for business activities.
 - d. We are not able to apply for a job in any public offices/ agencies, even several kinds of private agency / company. Because we are always asked to show them permanent residential citizen permit and common citizen Identity cards.
 - e. We are not able to have got public recipient facilities such as Medical care, insurance,...
 - f. We are not able to have got an ^{ownership} to buy some kinds of things. For example : a motorcycle, a house... Because we have got neither common citizen Identity cards nor permanent residential citizen permit. All of our temporary Identity cards and temporary residential citizen permit, which we have got, are only valued for security check.
 - g. My children were not able to go Public University.

As a matter of fact, my wife and sons were born and brought up in Ho Chi Minh City, then they have grown up in the same city until now. Sorrowfully they have no faults to be persecuted terribly like that way. Only her husband, just their father whose anti-communist curriculum vitae prior to 1975 escaped from the concentration / labor camp after he had understood that what a re-education was, and that he could be killed in the camp if he was not brave and escaped riskily to survive.

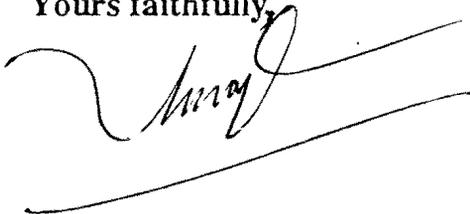
It was so heart-broken for us, wasn't it, Sir or Madam ? But how strange it was ! When at the interview desk the man, who was interviewed, then decided by the interviewing Officer, who was representing the United States Government and People, especially among whom my US former companions-in-arms and old friends were, was permanently in fear with much worry. In opposition to this, the interpreter, who was interpreting to help the INS officer and the "victim", was also

a present Vietnamese security officer ! That thing permitted me to compare that a strange conjuncture of deserted, suffering and disappointed woman, who came and asked her ex-lover and present rival-in-love for a help at the interview desk. Then they not only gave her nothing but also made her original bad status more troubled and dangerous than before her meeting. At last her ex-lover left her a big sorrow lasting for a long time - perhaps coming to the end of her life. That meant a denial without humanity, feeling and duty to an old friend, and also a victim of a policy, a doctrine, but that victim has always deserved to be rescued because of hard trials of his solid fidelity and honour although he has been subject to various persecutions for 25 years.

Living in the blockade caused by various persecutions pressing on my whole family from the local authorities network to be due to all my activities prior to 1975. My only hope now is my severe case denied refugee classification unjustly on 25 March 1995 will be reconsidered in justice and humanity some day. Thus I respectfully would like to submit this petition to you.

Thank you very much for your time. I look forward to hearing from you soon.

Yours faithfully,



DIEP NGUYEN HOANG

CC. - Ms. Dorothea Lay, INS General Counsel, USA
- Mr. John Cummings., INS International Affairs, USA.
- Senator Jon Kyl, Arizona, USA

PS.

Xin vui lòng thông cảm cho trường hợp của tôi là vì lý do an toàn cho bản thân, tôi này được một Việt kiều tại Nhật Bản mang đi và gửi đi Hoa Kỳ bằng đường bưu điện, thay vì tại Việt Nam gửi đi.