

Chicago, ngày 6 tháng 3 năm 1999

Linh Thừa Bà

Vừa được đọc tờ Bản Tin của Hội người Việt Illinois, tôi may mắn được rõ Bà đã và đang giúp đỡ các thiệp để xin Hoa Kỳ của xét cho thân nhân hoàn toàn gia đình. Vì trước đây, tôi không biết có quan nào hay ai giúp đỡ, nên từ mình làm lấy, không có kết quả. Và lại, khi đến Hoa Kỳ thì tôi đã trên 60 tuổi, không nơi nào nhận cho làm để có tiền thuê luật sư theo người ta chỉ dẫn. Hôm nay gia đình tôi được may mắn biết Bà, có lẽ đây là vị cứu tinh của chúng tôi.

Vào năm 1995, khi được IOM phỏng vấn tại Việt Nam, thì con trai tôi bị từ chối vì không cung cấp 1 Hộ Khẩu và Phòng Văn Viên cũng xác nhận là con của tôi nên yêu cầu tôi khi đến Hoa Kỳ, xin mẫu I 130 gửi về để IOM của xét cho đi.

Khi ổn định xong và sức khỏe của tôi khá trở lại, tôi lập hồ sơ xin cấp mẫu I 130. Cuối cùng đến NEBRASKA Service Center - Box 82521, thì bị từ chối là nghi ngờ con của em tôi. Tôi có 2 em trai, mà 1 chết tại Đà Nẵng vì bị Việt Cộng giết 1964 - và 1 đứa em chết năm 1996 trước ngày lên máy bay sang Hoa Kỳ. Hai em này chưa vợ, không con. Tôi có gửi đơn thỉnh nguyện có kèm theo hình ảnh, khai sinh con tôi và hôn thú của tôi để chứng minh là con thật sự của tôi. Nhưng từ 26/12/1998 đến nay, tôi không nhận được trả lời của NEBRASKA Service Center.

Vì thế nên hôm nay tôi gửi đây thư giấy tờ để xin Bà
Vũ Long giúp đỡ và can thiệp cho con trai tôi là
Nguyễn - Minh - Ngón được sang Hoa Kỳ đoàn tụ gia
đình chúng tôi.

Hồ sơ gồm có:

- Văn thư bị từ chối -
- Thẻ hình nguyên và trình bày nơi thật
để xin của Xét lại.
- Khai sinh của con tôi (được dịch ra
Anh ngữ.)
- Hôn thú của tôi (được dịch ra Anh ngữ)
- Hình ảnh, photocopy của gia đình tôi
có con trai tôi. (Hình ảnh bằng chính tôi đã gửi cho
NEbraska Service Center rồi)

Trong khi chờ đợi kết quả, kính xin Bà
nhân với đây lòng biết ơn sâu xa của gia đình
chúng tôi.

Nguyễn - Văn - Minh

Địa chỉ =

Minh - Nguyễn

Minh Nguyễn

INTERNATIONAL CATHOLIC MIGRATION COMMISSION (ICMC)
Joint Voluntary Agency for the US Orderly Departure Program, American Embassy, Bangkok

Case Number:

JV-342066 / H36-0118

Date:

8 Jul 97

The US Orderly Departure Program (ODP) has received your inquiry regarding the referenced ODP case. This case was interviewed and denied by a US Immigration and Naturalization Service (INS) officer based on the evidence and testimony presented. There is no appeal from such a denial, however, US immigration law provides that any applicant may request to re-open a case if additional or new evidence or facts are presented in support of the original refugee claim. We have reviewed our records based on the information contained in your inquiry, however, insufficient evidence or facts are available to warrant reconsideration of the case. Please refer to the section(s) indicated below for further information. When submitting additional documents to ODP, please submit photocopies; **DO NOT SUBMIT THE ORIGINAL DOCUMENTS**. Please **DO NOT** submit evidence which was previously seen by ODP; repeated submission of the same documents will delay the processing of your case. Please note that it is unlikely reconsideration will be given to derivative applicants once the principal applicant has departed Vietnam.

- ☐ The principal applicant has failed to submit sufficient, credible evidence to establish that he spent at least three years in re-education as a result of his association with the US prior to 1975. Further consideration may be given upon receipt of:

☐ re-education release certificates

☐ evidence of pre-1975 activities

☐ MOI verification of time spent in re-education

☐ old photographs

☐ restoration of civil rights documents

☐ letters of explanation

- ☐ Based on the information presented at interview, the applicants have failed to establish that they meet the definition of a refugee as defined in Section 101(a)(42) of the Immigration and Nationality Act (INA). ODP policy indicates that refugee applicants must demonstrate to the satisfaction of the interviewing officer that they have been subject to persecution in Vietnam as a result of their association with the US prior to 1975. In some cases, evidence presented may have been determined not credible and therefore not considered. Further consideration may be given if additional new evidence or facts are presented in support of the original refugee claim.

- ☐ Based on the documents and testimony presented at interview, the family relationships between the applicants on this case have not been established. Further consideration may be given upon receipt of: birth certificates or certified birth extracts; marriage certificates or extracts; old family registers; school records; hospital records or maternity receipts; old photographs.

- ☒ The applicants on this case are married and/or over the age of twenty-one and are therefore not eligible to accompany their parents to the US as refugees. Once their parents arrive in the US and become lawful permanent residents, they may file immigrant visa petitions (Form I-130) on behalf of their unmarried children in Vietnam; once they become US citizens, they may file immigrant visa petitions for their married children (and their families).

- ☐ Based on the evidence and testimony presented, the applicants do not meet current ODP eligibility requirements. Further consideration of this case is unlikely. Relatives in the US may consult their local Immigration and Naturalization Service (INS) office about the possibility of filing immigrant visa petitions (Form I-130) or a refugee petition (Form I-730) on behalf of the applicants.

- ☐ Based on the documents and testimony presented at interview, the identity of the applicants on this case have not been established. Further consideration may be given upon receipt of: photocopies of old identification cards; birth certificates or certified birth extracts; marriage certificates or extracts; old

Chicago, December 12th, 1998

Refer the Decision #
A.74.489.712 - NSC

Dear Director

I had received your decision about my son NGON-MINH-NGUYEN that he may^{be} opposed my appeal. Because of that, today, I ask for your permission to explain and joint the register of Births of my son to you for proving my explanations and my petition.

Firstly, NGON-MINH-NGUYEN, he is really my son. Because his register of Births is mentioned his father, who is I. (My full name = NGUYEN-VAN-MINH and his mother is my wife; The full name of my wife is CHAU-NGOC-CAM). And also I take my name MINH for his Middle name (NGON-MINH-NGUYEN).

I declared and applied his register of Births when he was a new Birth, because of that, the Civil Status Officer signed and dated at Vung-Tau, the 20th - 12 - 1965 on his register of Births.

Secondly, when the Communist of Viet Nam overthrew the South Viet-Nam, they sent me into the Jungle Jail in the North Viet Nam and they confiscated my house, my fortunes. My wife and my children should stay overnight in the house of my wife's relative. After 6 years in Jail, they let me go home with mentioned "Put me under surveillance". Because

of that, the local authorities communist forbated my Wife and I went out over two blocks. Because of that my only one son should go to work for living and giving me foods. If he did not go to work my family died of famine. Under the Communist's regime of Viet-Nam, (and also right now) every body go to work out of the location of the house (out of city) that they cut the household and sent to the Department Police near the location working for shadowing my son, because my son is the son of a former P.O.W (Prisoner of War). I was a former P.O.W. Because of that, he had a short time interrupt in my household. But, when he was a young boy until I went to United-States, he always lived with my wife in the same house including the time when I was in Jail in the North Viet-Nam.

The American Interviewer of I.O.M. had affirmed with my family that he is really my son, because of that, The interviewer said and showed me that I should apply the I130 when I arrive in United-States.

I think you are very clear-sighted; You have plentiful the Charity, humanity that you give us a special favour for my son (NGON-MINH-NGUYEN) who will be permitted joint to United-States for reuniting together with us.

I come from Viet-Nam about 3 years and half, because of that, I have not enough English to explain clearly my truth, my impression and feeling. Please forgive and forget me.

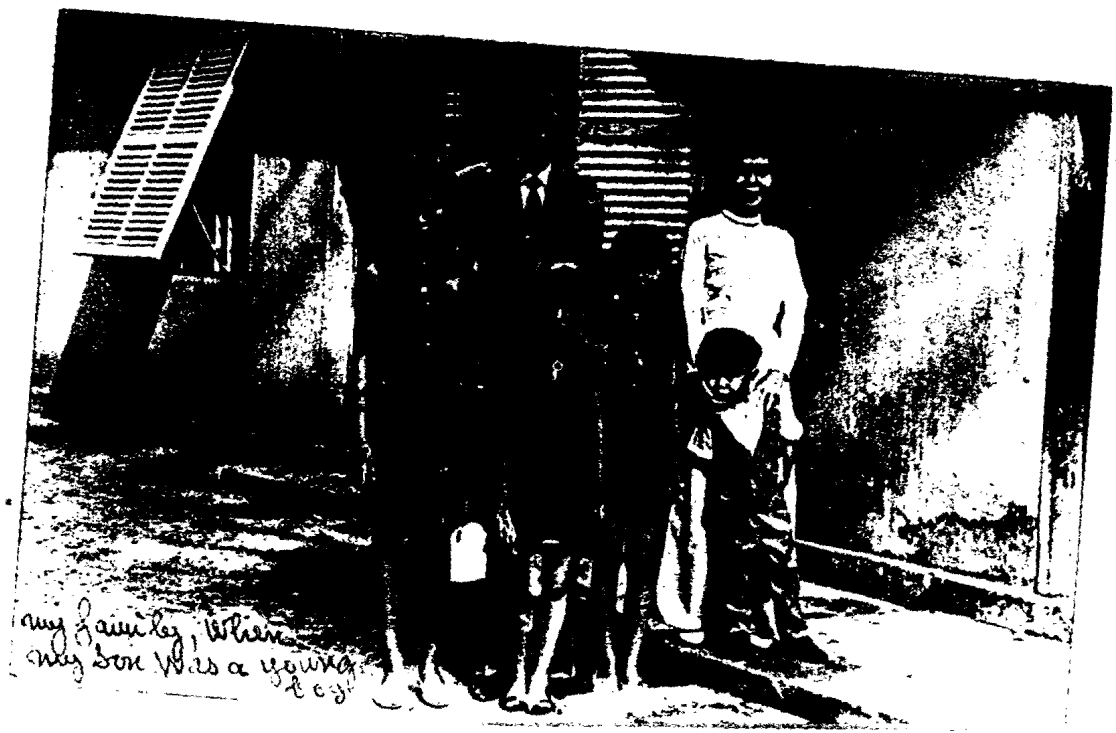
Finally, I think you are the only person that can help us. My family and I never forget you, your kindness and your humanity, that you never be forgotten in my mind and my heart.

Sincerely yours

Minh Nguyen

include:-

- The register of Births of my son (NGON-MINH-NGUYEN)
- My marriage Certificate
- Photo of my family when my son was a small boy.



my family, when
my son was a young
boy

BIRTH CERTIFICATE

No: 1915

Child's Name : NGUYEN MINH NGON Sex: Male
Date of birth : December eighteen nineteen sixty five
Place of birth : Maternity of Binh Dan, Vung Tau
Father's Name : NGUYEN VAN MINH
Date of birth : Thirty two years old
Occupation : Military
Residence : Camp of Co Giang, Vung Tau
Mother's Name : CHAU NGOC CAM
Date of birth : Thirty years old
Occupation : Housewife
Residence : Camp of Co Giang, Vung Tau
Wife's Status : Legitimate
Registrant : Nguyen Thi Sau
Date of birth : Twenty one
Occupation : Midwife
Residence : Khu Pho Vung Tau
Registration date: //
1st witness : Nguyen Thi Tam
Age: Sixty seven Occupation: Midwife
Address : Khu Pho Vung Tau
2nd witness : Nguyen Bach Mai
Age: Thirty four Occupation: Employee
Address : Khu Pho Vung Tau

Established at Vung Tau on 12/20/1965

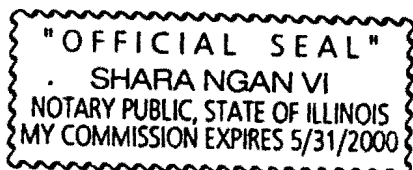
Registrant, Witnesses: Signed Civil-status: Tran Van Kiem
Certified true extract on 12/20/65 by Tran Van Kiem, Civil-status officer
5096 Certified true copy at Hau Giang on 11/23/199. By Nguyen Ngoc Dien, Notary Public

I, Dzung Nguyen, Translator, do hereby declare that I am conversant in both the Vietnamese and the English languages, and that this is a true and accurate translation of the Vietnamese document.

Dzung Nguyen Date: 09/24/1998

Subscribed and sworn before me on this 24th day of September 1998

Sharon
Notary Public



Vietnamese Association of Illinois
5252 N. Broadway, 2nd Floor
Chicago, Illinois 60640

Military file
Country: Vietnam
Province: Can Tho

CIVIL-STATUS
EXTRACT FROM MARRIAGE RECORDS

Year: 1955 ,1st Rank, village of Long Tuyen (South Region)
No: 265

Year: 1955
Date: 10/10/1955

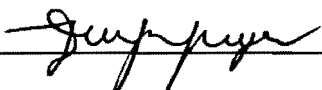
Name: **NGUYEN VAN MINH** (Officer of Army of Republic of Vietnam)
Father: Nguyen Van Cu (L)
Mother: Pham Thi Thuan (L)
Place of birth: Long Tuyen (Can Tho)
Date of birth: 01/12/1933
Was married at: Long Tuyen

To Ms.: **CHAU NGOC CAM**
Father: Chau Van Gioi (L)
Mother: Lu Thi Song (L)
Date of birth: 01/04/1935
Place of birth: Thanh Hoa, Trung Nhut (Long Xuyen)

Certified true copy
Long Tuyen 10/26/1955
Civil-status official:

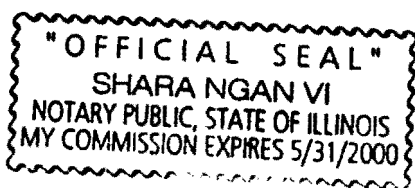
Certified authentic the signature of the above member of the Village Admin. Committee on:
For the Chief of Province:

I, Dzung Nguyen, translator, do hereby declare that I am conversant in both the Vietnamese and English languages, and that this is a true and accurate translation of the Vietnamese document.

 date: 09/24/1998

Subscribed and sworn before me on this 24th day of September 1998


Notary Public



Vietnamese Association of Illinois
5252 N. Broadway, 2nd Floor
Chicago, Illinois 60640



my family in Viet Nam
 (From left to right = My son (NGON), My
 middle daughter (NGOC), I and grandson,
 my Wife, my eldest daughter married; and
 my youngest daughter -



My wife and my son NGON,
 when he was a young boy.

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION APPEALS
BOARD OF IMMIGRATION APPEALS
FALLS CHURCH, VIRGINIA 22041

In the Matter of)

Ngon Minh Nguyen)

A74 489 712 - NSC

Beneficiary of Visa Petition)

Filed by Vank Minh Nguyen)
Petitioner.)

In Visa Petition Proceedings)

APPEAL FROM THE DECISION OF THE
NEBRASKA SERVICE CENTER

IMMIGRATION & NATURALIZATION SERVICE
BRIEF IN OPPOSITION TO THE APPEAL

CERTIFICATE OF SERVICE

I certify that on the date below, I sent a copy of this memorandum by United States mail, postage prepaid, to the petitioner or attorney of record, addressed as follows:

VAN M. NGUYEN
4905 N CLARK 3WB
CHICAGO IL 60640-

Patrick T. McDermott
Central Regional Counsel

By: 
Terry A. Smith

Ass't Central Regional Counsel
United States Department of Justice
Immigration & Naturalization Service
Nebraska Service Center
Box 82521
Lincoln, Nebraska 68501-2521

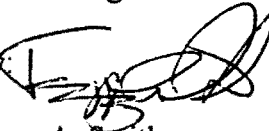
Date of Service: November 6, 1998

MEMORANDUM ADOPTING THE DECISION OF THE CENTER DIRECTOR

The Office of the Central Regional Counsel has reviewed the Record of Proceeding in this case, including but not limited to, the visa petition, documents submitted before the decision of the Center Director, the Decision of the Center Director and Form EOIR - 29, Notice of Appeal to the Board of Immigration Appeals.

The Decision of the Center Director adequately sets forth both the factual and legal reasons for the denial of the visa petition and is adopted by the Immigration & Naturalization Service in lieu of filing a formal brief. The Immigration & Naturalization Service opposes this appeal.

Patrick T. McDermott
Central Regional Counsel

By: 

Terry A. Smith
Ass't Regional Counsel/Center Counsel
United States Department of Justice
Immigration & Naturalization Service
Nebraska Service Center
Box 82521
Lincoln, Nebraska 68501-2521

