

Name : THINH VAN NGUYEN
Address : _____

Telephone : _____
Date : 11 - 26 - 1996

Mr. Dewey Pendergrass, Director
Orderly Departure Program
Box 58 - American Ambassy
APO AP 96546

RE # : A7H498408
IV # : 351645
HO # : 40-779

Dear Mr. Pendergrass :

I am writing on behalf of my children

- 1) NGUYEN TIEN AN born in 1969, PP No PT15046/92DC1
issued on 12 - 10 - 1992 in HANOI
- 2) NGUYEN THI KIM BINH, born in 1970, PP No PT15048/92DC1
issued on 12 - 10 - 1992 in HANOI

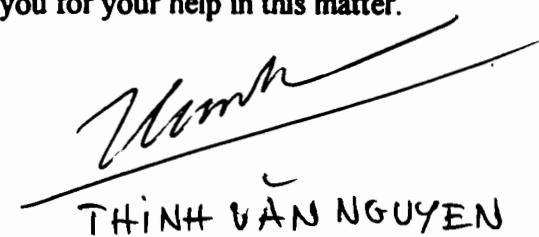
I believe that their status under the eligibility guidelines of the Orderly Departure Program (ODP) is affected by the McCain Amendment of the 1997 Foreign Operation Act which restores eligibility to the unmarried over-21 sons and daughters of the former Vietnamese political prisoners.

I request that ODP check the case(s) according to the case numbers provided above and confirm for me that the son(s) or daughter(s) listed above are eligible and part of the group that ODP is now contacting to invite to interview. If a new letter or introduction has already been sent, I would appreciate knowing the date it was sent and to what address in Vietnam. That will help me ensure it arrives.

I appreciate that your office is busy with many cases, but my family and I are equally anxious to ensure that the case of our children be reconsidered under the new law before their eligibility expires.

On behalf of my family, I thank you for your help in this matter.

Sincerely,


THINH VAN NGUYEN

cc : FVPPA,
"For information and follow-up"

JOHN McCAIN
ARIZONA
COMMITTEE ON ARMED SERVICES
COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION
COMMITTEE ON GOVERNMENTAL AFFAIRS
COMMITTEE ON INDIAN AFFAIRS

United States Senate

October 4, 1996

Van Thihn Nguyen

241 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-0303
(202) 224 2236

1838 SOUTH ALMA SEDONA ROAD
SUITE 375
MESA, AZ 85210
(602) 491-4300

2400 EAST ARIZONA
BILTMORE CIRCLE
SUITE 1150
PHOENIX, AZ 85016
(602) 952-2410

450 WEST PASEO REDONDO
SUITE 200
TUCSON, AZ 85701
(520) 670-6334

TELEPHONE FOR HEARING IMPAIRED
(202) 224-7132
(602) 952-0170

Dear Mr. Nguyen:

Thank you for contacting my Phoenix office. I understand you have encountered a problem with the immigration of your children.

In an effort to be of assistance, I have contacted the Orderly Departure Program. As soon as I receive an answer to my inquiry, you will be notified of your case status.

Again, Van Thihn, I wish to thank you for presenting me with this opportunity to be of service to you. I will make every effort to help you with this situation.

Sincerely,


John McCain
United States Senator

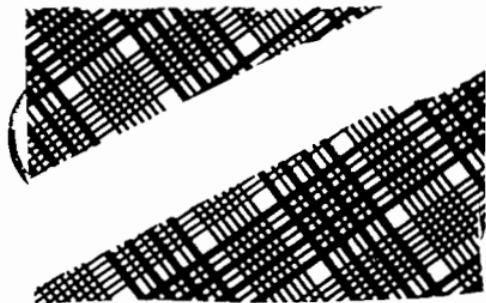
JM/xtc

Case Number: 375-339/H40. 779Date: Oct. 30, 1995

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. 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: original re-education release certificates; MOI verification of time spent in re-education; original restoration of civil rights documents; old photographs; 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: original birth certificates or certified birth extracts; original marriage certificates or extracts; old family registers; school records; hospital records or maternity receipts; old photographs.
- The applicants have failed to establish that they have continuously resided in the principal applicant's household, which is required for derivative eligibility in this refugee category. Further consideration may be given (to spouses and unmarried applicants under the age of 21) upon receipt of: old family registers; school records; old photographs; letters of explanation.
- 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: original birth certificates or certified birth extracts; original marriage certificates or extracts; old family registers; school records; hospital records or maternity receipts; old photographs; letters of explanation.
- Other: _____

FROM THINH VAN NGUYEN



- Ông Nguyễn Phan
HĐQT
- Ông Lê Văn Phong
A

TO cc: FVPPA,

NOV 29 1996

22043/3418

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