

# JOINT VOLUNTARY AGENCY

U.S. ORDERLY DEPARTURE PROGRAM, AMERICAN EMBASSY

9th FLOOR PANJABHUM BUILDING 1, 127 SATHORN TAI ROAD, BANGKOK 10120. TEL (662) 205-5084

FAX: (662) 287-2337

March 3, 1999

Mr. Mark A. Grim  
1140 NW 33rd  
Oklahoma City, OK 73118

Dear Mr. Grim:

Thank you for your letter concerning the refugee applications of Nguyen Tien Huy and Nguyen Tien Huynh (ODP file number IV-384209/RF12414), sons of your client, Mr. To Van Nguyen.

ODP requested that the Immigration and Naturalization Service (INS) office in Bangkok review the referenced file based on genetic test results. On February 24, 1999, the reviewing officer indicated that the original denial was re-affirmed.

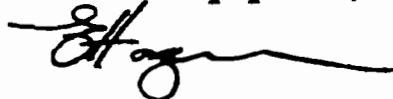
If you have any further questions regarding this case, you may contact INS directly at the following address:

District Director  
Immigration & Naturalization Service  
American Embassy, Box 12  
APO, AP 96546  
Fax: (011) (662) 650-7770

If your client has not already done so, as a Lawful Permanent Resident (LPR), he may file second preference immigrant visa petitions (Form I-130) with the INS for his unmarried sons and daughters. Once your client becomes a U.S. citizen, he may file third preference immigrant visa petitions for his married children and their families.

If the Orderly Departure Program can be of any other assistance to you, please do not hesitate to ask.

Sincerely yours,



Eldon R. Hager, LMSW AP  
Joint Voluntary Agency Representative  
U.S. Orderly Departure Program

ERH:aow(4453a/2)



**FAX COVER SHEET****DATE:** 4-6-99**NUMBER OF PAGES:** 27**TO:** Muoi Le**CO./DEPT.:** USCC/MRS**PHONE:** \_\_\_\_\_**FAX:** \_\_\_\_\_**FROM:** Mark Grim**COMPANY:** ASSOCIATED CATHOLIC CHARITIES**PHONE:** \_\_\_\_\_**FAX:** \_\_\_\_\_

**COMMENTS:** Please take a look at this case  
and let me know if there is anything  
MRS/USCC can do. This case is like  
my own family! I was the American  
sponsor of the family in 1995. Mr. To's  
sons are like my own brothers. I have  
met them before in Vietnam. Please advise us.

Thanks!- Mark

**MARK A. GRIM**  
**ATTORNEY AT LAW**  
**1140 N.W. 33<sup>RD</sup>**  
**OKLAHOMA CITY, OKLAHOMA 73118**

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April 3, 1999

District Director  
Immigration and Naturalization Service  
American Embassy, Box 12  
APO, AP 96546

Re: **Nguyen Tien Huy** and **Nguyen Tien Huynh** (ODP file # IV-384209/#RF1-2414)

February 24, 1999, INS Re-affirmation of Denial of Immigrant Visas

Dear Sir or Madam:

I am an attorney in Oklahoma City, Oklahoma, representing Mr. To Van Nguyen in his efforts to bring his two adult sons to the United States through the Orderly Departure Program as refugees. This letter and the enclosed attachments are Mr. To's appeal of the above-referenced February 24, 1999, decision by the INS office in Bangkok to re-affirm the denial of refugee immigrant visas for **Huy** and **Huynh Nguyen**.

Mr. To Van Nguyen and seven of his children came to the United States as a refugees under the HO program, case #RF1-2414, on December 5, 1995. (Attachment 1)

Because Mr. To was interviewed in Vietnam after April 30, 1995, his two sons who were both over 21, **Nguyen Tien Huy**, and **Nguyen Tien Huynh**, were denied permission to leave with the rest of the family. Subsequently, the McCain Amendment was enacted, and these two sons were granted an ODP interview with the U.S. interview team in Vietnam on May 23, 1997. At that interview, they were denied immigrant visas under 3d) for the reason, "relationship not established." See, ODP-64, dated August 21, 1997, which states, "Your application was denied at interview because you failed to credibly establish your relationship to the anchor." (Attachment 2).

However, under section 221(g) of the I.N.A., applicants who are denied immigrant visas for failure to establish their relationship may request DNA blood testing when all other means to verify the relationship have been exhausted. Mr. To did in fact attempt other means to establish this relationship, including submitting a letter from me personally as the American sponsor of this case, verifying the relationship based on my own personal

knowledge, as well as submitting the notarized affidavit of two witnesses who knew Mr. To's family in Vietnam, (Tran Duc Cong, Tran Cong Van), (Attachment 3).

Mr. To requested DNA blood testing instructions, and on June 24, 1998, ODP sent Mr. To instructions on how to initiate genetic testing in order to overcome the Section 221(g) refusal of his sons immigrant visas for failure to establish the requisite relationship. (Attachment 4).

Genetic testing was undertaken at the H.A. Chapman Institute of Medical Genetics in Oklahoma. My office received the results of this genetic testing on December 4, 1998. **For Huy and Huynh both, the relative chance of paternity was 99.99%.** The results conclusively prove the requisite relationship. (Attachment 5).

On March 3, 1999, my office received a letter from the Orderly Departure Program stating that on February 24, 1999, the INS office in Bangkok had reviewed the above-referenced files, based on the genetic test results, and had nevertheless re-affirmed the original (May 23, 1997) denial. (Attachment 6). This decision seems highly incompatible with the results of the genetic testing.

I am appealing this decision, as Mr. To's attorney. It is clear that the requisite relationship has been established conclusively through genetic testing. Section 221(g) clearly states that "If the results conclusively establish the requisite relationship, and all other ineligibility's have been overcome, the 221(g) refusal will be overcome." No other ineligibility's exist in this case, and none have ever been raised by the INS except for the referenced "failure to establish relationship" on May 23, 1997, (ODP-64 on August 21, 1997), (attachment 2).

I therefore strongly urge your office to overturn its re-affirmation of the original denial, and grant Mr. To's sons, **Nguyen Tien Huy** and **Nguyen Tien Huynh** immigrant visas as refugees.

Thank you very much for your kind consideration of this appeal. If you need any additional information, I may be reached at \_\_\_\_\_ (work), or \_\_\_\_\_ (home). Please do not hesitate to call if necessary.

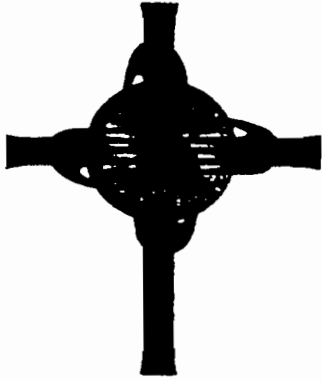
Sincerely,

*Mark A. Grim*

Mark A. Grim  
Attorney at Law

tn/MAG

C: To Van Nguyen  
File

**ASSOCIATED  
CATHOLIC  
CHARITIES**

May 29, 1997

Archdiocese  
of  
Oklahoma  
City

Mr. John Crowley  
Refugee Coordinator (RMA/REF)  
U.S. Embassy, Box 55  
APO AP 96546

Dear Mr. Crowley:

Enclosed is a letter submitted by Nguyen Van To for his children Nguyen Tien Huy and Nguyen Tien Huynh (IV-375741). In addition, 2 copies of former residence booklet and 1 photograph are enclosed.

Kindly notify this office if any action is taken.

Sincerely,

Thanhmy Nguyen  
Resettlement Coordinator

Enclosures

cc: Muoi Le  
USCC, New York

1501 N. Classen Blvd.  
Suite 200  
Oklahoma City  
OK 73106-6699

(405) 523-3000  
FAX: (405) 523-3030  
State WATS 800-375-8514

...HELPING PEOPLE OF ALL FAITHS



A United Way Partner Agency

Oklahoma City  
May 28, 1997

To: Migration and Refugee Services, United States Catholic Conference  
902 Broadway, 8th Floor, New York, NY 10010

The Orderly Departure Program, Box 55 - U.S. Embassy, APO 96546

The O.D.P. Office - Foreign Service - 148 Bis - Pasteur Street  
1st Precinct - HO CHI MINH CITY

I, undersigned NGUYEN VAN TO, Social Security Number [REDACTED] born in February 20, 1947, at Thinh Lang, Ky-Son Hoa-Binh, Viet-Nam, IV# 375741 - Alien # 74-507-497 - V # 113158, have a great honor to report to you as follows:

My Family has been settled in the United States since the 5th of December 1995, in accordance with the H.O. Program RF1-2414, at the present address: 2630 North West 16th Street, Oklahoma City, OK 73107. Because I have been interviewed after the date of 30th of April 1995, my children who were over 21 years old have been remained in Viet-Nam. They are my two sons named:

NGUYEN TIEN HUY, born in August 20, 1972.  
NGUYEN TIEN HUYNH, born in June 23, 1973.

and two daughters-in-law as well as one paternal grand-son named:

NGUYEN THI KIM ANH, born in January 20, 1979.  
LE THI THUAN, born in May 14, 1976.  
NGUYEN VIET MY, born in April 10, 1996.

They have been authorized to unify with my family in the United States and have met with the U.S. working Team in HO CHI MINH CITY for an interview on May 23, 1997. However, because they forgot to bring with them necessary identified papers and their residence booklets, which I have brought with me in the United States, their case has been penned.

I have sent urgently all papers to my children in Viet-Nam.

I respectfully request that my children case would be re-considered and be able to keep interviewing in order that they would be soon unified with their parents.

I assure my two sons and daughters-in-law as well as my grand-son above-declared are true, and I will be responsible completely if this declaration is untrue. With my warmest thanks.

Sincerely,  
TO NGUYEN

Included herewith:

2 Copies of former residence booklet.  
1 Photo of my family.

STATE OF OKLAHOMA )  
COUNTY OF OKLAHOMA } SS.

This is to certify that, to the best of my ability and Knowledge, the above is a true and accurate translation of the original document.

Date: 6/5/97  
Notary Public: [Signature]  
My Commission Expires: 1-21-2000

Translator: Hai Truong  
Hai Truong  
Associated Catholic charities  
1501 N. Classen  
Oklahoma City, OK 73106

Đính. gởi:

- Cơ Quan Đại trách Chương trình tỵ nạn Bộ Ngoại giao Hoa Kỳ, Washington D.C. 20520
- Orderly Departure Program, Box 55 U.S. Embassy, Apo. 96546
- Văn phòng ODP, c/o Sở Ngoại vụ, 148 Bis Pasteur Quận 1 Thành phố Hồ Chí Minh
- Tài tên là: NGUYỄN - VAN - TÔ, SSN: [REDACTED]  
 Dob: February 20th - 1947.  
 p.b: Thành Công Kỳ, Sơn Hòa Bình, Việt Nam.  
 IV: 375741.  
 Alien # 74-507-497. V # 113158

Gia đình tôi đã được định cư tại Hoa Kỳ kể từ ngày 5 tháng 12 năm 1995, theo diện HO RF1-2414. Địa chỉ hiện tại: 2630 NW 16th St. Oklahoma City, OK. 73107.

Vì được phỏng vấn sau ngày 30 tháng 4 năm 1995, nên còn trên 21 tuổi bị kết ở lại ở con trai tên là:

NGUYỄN - TIẾN - HUY Dob: 8-20-1972

NGUYỄN - TIẾN - HUYNH Dob: 6-23-1973.

Và 2 đứa con dẫu, 1 đứa cháu nội tên là:

NGUYỄN - THỊ - KIM - ANH Dob: 1-20-1979

LÊ - THỊ - THUẬN Dob: 5-14-1976

NGUYỄN - VIỆT - MỸ Dob: 4-10-1996

Nay tôi được gởi cho đi đoàn tỵ nạn với Cha mẹ tôi Hoa Kỳ, và tôi được phải đoàn tỵ nạn tại Thành phố Hồ Chí Minh gởi theo dư ở vẫn ngày 23 tháng năm 1997, vì lúc đi dư phỏng vấn, quên mang theo giấy tờ hình ảnh gia đình, và sổ hộ khẩu cũ, cũ như những giấy tờ trên, tôi đã mang theo qua Mỹ

Nay tôi đã nhận cấp giấy tờ về Việt Nam cho các con tôi.

Tôi xin quý Cơ quan cho các con tôi tiếp tục du phòng vẫn đi được sớm đoàn tụ với mẹ tôi Hoa Kỳ.

Tôi xin Cam đoan 2 đứa con trai và 2 con gái cùng 1 cháu nhỏ kê khai trên là sự thật.

Nếu những lời khai trên đây không đúng thì tôi xin hoàn toàn chịu trách nhiệm trước pháp luật.

Tôi xin Thành Thật biết ơn quý Cơ Quan.

OKlahoma City, ngày 28 tháng 5 1996  
Ký tên

Đính kèm:

- 02 sổ hộ khẩu cũ (Copy)
- 01 tấm ảnh gia đình

Tongquyen

NGUYỄN-VĂN-T





**THE IMMIGRATION AND NATURALIZATION SERVICE  
OF THE UNITED STATES OF AMERICA**

Dear/Kính gửi: Nguyen Ten Huy + Bao  
(ODP applicant/Tên người đăng đơn)

IV# RF1-2414 384209

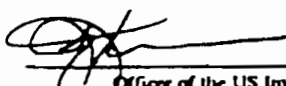
- 1) ☒ We regret we are unable to approve your application for refugee resettlement admission to the United States.

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) ☒ Relationship not Established



Officer of the US Immigration and Naturalization Service  
Viên Chức Sở Di Trú Nhập Cư Và Nhập Tịch Hoa Kỳ

Date/Ngày

# THE IMMIGRATION AND NATURALIZATION SERVICE OF THE UNITED STATES OF AMERICA

Dear/Kính gửi Ms. Nguyen Thi Thuan (ODP applicant/Tên người đứng đơn)

TV# KE1-240-3842-9

- 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.

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- 2) ☐ You may be eligible for Public Interest Parole (see attached letter).
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- 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) ☐ Relatives 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.

\_\_\_\_\_  
Officer of the US Immigration and Naturalization Service  
Viên Chức Sở Di Trú Nhập Cư Và Nhập Tích Hoa Kỳ

\_\_\_\_\_  
Date/Ngày

U.S. INTERVIEW TEAM  
23 MAY 1997  
HO CHI MINH CITY

## SỞ DI TRÚ NHẬP CƯ VÀ NHẬP TỊCH HOA KỲ

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

Để 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 nào.

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 nhặt 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 nòng 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 dịnh 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 cựu 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 ủng thuận trả tiền di chuyển và chứng tỏ 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 ủng thuận trả tiền di chuyển và chứng tỏ 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)

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

Chương Trình Ra Di Có Trật Tự Hoa Kỳ đã nhận được thư lời của Ông/Bà về trường hợp nêu trên. Trường hợp này đã được phỏng vấn và bị viên chức Sở Di Trú và Nhập Tịch Hoa Kỳ từ chối dựa vào các chứng từ đã trình. Không có việc khiếu nại đối với quyết định từ chối này. Tuy nhiên, luật di trú Hoa Kỳ cho phép đương đơn được yêu cầu mới lại lần tư nếu có thêm những chứng từ mới để hỗ trợ cho đơn xin ban đầu theo diện tị nạn. Xin Ông/Bà xem những ở dưới đây để biết thêm chi tiết. Khi nộp bổ sung các giấy tờ đến ODP, xin nộp các bản sao: **ĐỪNG NỘP CÁC BẢN CHÍNH**. Xin **ĐỪNG** nộp lại những chứng từ đã nộp trước đây cho ODP nữa, việc nộp lại phương giấy tờ cũ sẽ làm chậm trễ việc xử lý của các quý vị.

- ☐ Chúng tôi đã tái xét hồ sơ của Ông/Bà dựa trên những chi tiết trong thư hỏi cù Ông/Bà. Tuy nhiên, chúng tôi không thấy có đủ bằng chứng để bảo đảm là trường hợp này được tái xét.
- ☐ Những giấy tờ Ông/Bà đã nộp như đã được viên chức phỏng vấn xem và xác định là không đủ để chứng minh cho lời khai xin tị nạn của Ông/Bà. Những giấy tờ này không bảo đảm cho viên chức phụ trách tái xét hồ sơ của Ông/Bà.
- ☐ Đơn đăng chính không trình được các bằng chứng đầy đủ và đáng tin cậy chứng minh là mình đã bị giam giữ trong trại cải tạo ít nhất là ba năm vì có liên hệ với Hoa Kỳ trước năm 1975. Hồ sơ sẽ được cứu xét tiếp khi nào nhận được:

- các giấy ra trại
- giấy xác nhận thời gian trong trại cải tạo do Bộ Nội Vụ cấp
- giấy phục hồi quyền công dân

- ☐ Các tài liệu trình bày lúc phỏng vấn, đương đơn không chứng minh được họ hội đủ tiêu chuẩn tị nạn theo định nghĩa của Điều 101(a)(42) của Luật Di Trú và Nhập Tịch (INA). Chánh sách của ODP ấn định là các đương đơn diện tị nạn phải chứng minh được với viên chức phỏng vấn là họ đã bị bắt bớ và ngược đãi tại Việt Nam vì đã liên quan với Hoa Kỳ trước năm 1975. Trong vài trường hợp, các bằng chứng trình bày có thể bị xem như là không đáng tin cậy và do đó không được xem xét. Hồ sơ có thể được cứu xét tiếp nếu đương đơn trình thêm những bằng chứng hoặc sự kiện mới để hậu thuẫn cho yêu cầu ban đầu xin được xét theo diện tị nạn.
- ☐ Các chứng từ và bằng cứ trình lúc phỏng vấn không cho thấy có mối liên hệ gia đình giữa các đương đơn trong hồ sơ này. Hồ sơ có thể được cứu xét thêm khi nhận được giấy khai sinh hoặc trích lục khai sinh, giấy hôn thú hoặc trích lục hôn thú, các sổ hộ khẩu cũ, học bạ, giấy chứng do bệnh viện cấp, các hình ảnh cũ.
- ☐ Những bằng cứ và chứng từ đã trình cho thấy các đương đơn không hội đủ các tiêu chuẩn hiện thời của ODP. Hồ sơ này không được cứu xét thêm nữa. Các thẩm nhân ở Hoa Kỳ có thể hội ý với văn phòng Di Trú và Nhập Tịch tại địa phương để xem có khả năng xin thị thực đi đàn (Mẫu I-130) hoặc đơn xin theo diện tị nạn cho những người này (Mẫu I-730)
- ☐ Những chứng từ và bằng cứ trình lúc phỏng vấn không xác nhận được lý lịch của các đương đơn. Hồ sơ có thể tiếp tục được cứu xét khi nhận được bản sao của thẻ căn cước cũ, giấy khai sinh hoặc trích lục khai sinh có thị thực, giấy hôn thú hoặc trích lục hôn thú, sổ hộ khẩu cũ, học bạ, giấy chứng nhận do bệnh viện cấp hoặc giấy chứng sinh, các hình ảnh cũ, các thư giải thích.
- ☐ Hồ sơ nêu trên được trình cho viên chức lãnh sự/di trú và nhập tịch, căn cứ vào những giấy tờ sau đây mà Ông/Bà đã nộp: \_\_\_\_\_ vào ngày \_\_\_\_\_ và quyết định từ chối ban đầu vẫn không thay đổi.

[illegible]

## INTERNATIONAL CATHOLIC MIGRATION COMMISSION (ICMC)

Joint Voluntary Agency for the US Orderly Departure Program, American Embassy, Bangkok

Case Number: RF1-2414/N-384209Date: 21 Aug 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. 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.

☐ 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.

☐ The documents you submitted, \_\_\_\_\_  
\_\_\_\_\_ were already seen and determined by the interviewing officer to be insufficient proof of your refugee claim. These documents do not warrant an officer's review of your case.

☐ 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:

<input type="checkbox"/> re-education release certificates	<input type="checkbox"/> evidence of pre-1975 activities
<input type="checkbox"/> MOI verification of time spent in re-education	<input type="checkbox"/> old photographs
<input type="checkbox"/> restoration of civil rights documents	<input type="checkbox"/> 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.

☐ 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 family registers; school records; hospital records or maternity receipts; old photographs; letters of explanation.

☒ The referenced case was represented to a consular/immigration officer based on your submission of 1987 Ho Khan, copies of old photos and other documents  
on 19 Aug 97 and the original denial was upheld.

☒ Other Your application was denied at interview because you failed to  
credibly establish your relationship to the next r.  
The birth certificates presented were suspect as they have "washed"

**Mark A. Grim**  
**Attorney at Law**

Oklahoma City, Oklahoma

September 24, 1997

Orderly Departure Program  
184 Bis Pasteur Street  
Q1, HCM City, Vietnam

Reference Case #: RF1-2414/N-384-209

Dear Sir/Madam:

I am an attorney licensed by both the American and Oklahoma Bar Associations, currently working for the state of Oklahoma as a Juvenile Justice Specialist, in the Department of Juvenile Justice, Office of Juvenile Affairs. I sponsored the family of Mr. To Van Nguyen to come to the United States in December of 1995, through the ODP, and with the assistance of Associated Catholic Charities, Office of Migration of Refugees.

I have come to know Mr. To and his family very well in the past year and a half, having spent a significant portion of my time getting to know their family's history in Vietnam, as well as learning about the customs and traditions of the country of Vietnam. I have tutored his children in English, and have facilitated his family in becoming accustomed to the American way of life in a variety of ways. I understand that his two oldest sons, Huy and Huynh Nguyen, have applied for permission to come to the United States through the Orderly Departure Program. I have been informed that proper documentation has not been submitted to your office to sufficiently establish that Huy and Huynh Nguyen are in fact Mr. To's sons. For your records, I would be willing to state under oath, or by affidavit, that at all times since I have known the family of To Van Nguyen, Mr. To and his wife have indicated to me that they have two sons living in Ban Me Thuot, Vietnam, by the names of Huy and Huynh Nguyen. In addition, I have personally seen numerous photographs verifying that this is indeed the case. Mr. To has shown me photographs dating back approximately ten years depicting his entire family, including Huy and Huynh Nguyen. There is no doubt in my mind, and I would stake my professional license on the fact, that Huy and Huynh Nguyen are in fact the sons of Mr. To Van Nguyen.

Mark A. Grim

Page 2

If there is any way that I can facilitate documentation to your satisfaction, through photographs, affidavits, or other documentary evidence, that Huy and Huynh are in fact the sons of To Van Nguyen, please do not hesitate to write or call the address or phone numbers listed above.

Thank you very much for your kind consideration and prompt attention in this matter.

Very truly yours,

*Mark A. Grim*

Mark A. Grim



Số Ngươi là P.H. Chikun R. (Viet Nam)

Hoi Thi, Nguyen, 4366 New York

Hei Thiê, Nguymisken Oklahoma

Chung tôi là những nhà chúng Tăng kỳ tại đây.

1/TRAN DUC DUNG - SS 027 443065127

Diachi OKC, OK

- Dino Thoi!

2/ TRAN CONG VAN - SỔ S

- Dia Chi<sup>2</sup> = DKC, CK

Diagnosis:

Chúng tôi đã sinh sống tại Chi xã Ba Mươi  
Thị trấn Đắk Lắk Việt Nam từ năm 1961 đến năm 197  
đang thì là bạn học cùng trường Trung học Tổng  
Ba Mươi một với ông Nguyễn Văn T.

? Từ năm 1975 đến 1981 chúng tôi phải đi học tập cải tạo. Sau khi ra trại chúng tôi về tiếp tục làm tại địa phương trên. Đến năm 1994 chúng tôi đi xuất cảnh định cư tại Hoa Kỳ.

Nay chúng tôi xin các vị.

1. Nguyễn Tấn Đại Sinh ngày 20-8-2022

to Angkor Wat Temple site May 25.6 1973

và 2 lần cư ngụ tại thôn 3 xã Hòa Thành  
TP/Ban Mê. Hiện giờ Daklak VIETNAM là  
con ruột của ông Nguyễn Văn Tài xã Hòa  
Nguyễn Đình Bình.

**AFFIDAVIT**

To: ODP Bangkok-Thailand  
The ODP office-Foreign Service in Ho Chi Minh- Viet Nam  
USCC- New York  
USCC- Oklahoma

We, undersigned:

1. Tran Duc Dong - [REDACTED]  
Residing at [REDACTED] OKC, OK  
Telephone : [REDACTED]
2. Tran Cong Van - [REDACTED]  
Residing at [REDACTED] OKC, OK  
Telephone : [REDACTED]

We used to live in Ban Me Thuot town of Daklak province in Viet NAM from 1960-1975. We also were classmates of Mr. Nguyen Van To at Ban Me Thuot High School. We were in Reeducation Camp from 1975 to 1975. We returned to the above-mentioned town after being released. We resettled in the United States of American in 1994.

We certify that:

1. Nguyen Tien Huy , born in August 20, 1972 and
2. Nguyen Tien Huynh , born in June 23, 1973

They are residing at Hamlet #3, Hoa Thang Village, Ban Me Thuot Town, Daklak Province, Vietnam - are biological sons of Mr. Nguyen Van To and Mrs. Nguyen Thi Mieng who are living at [REDACTED] OKC, OK

We certify, under a penalty of perjury under the laws of the United States of American, that the foregoing is true and correct, and is used to support the petition submitted by Mr. Nguyen Van To and Mrs. Nguyen Thi Mieng regarding their two sons.

Oklahoma City, September 29, 1997

Witness #1	Witness #2
Signed,	Signed,
Tran Duc Dong	Tran Cong Van

STATE OF OKLAHOMA }  
COUNTY OF OKLAHOMA } SS.

This is to certify that, to the best of my ability and knowledge, the above is a true and accurate translation of the original document.

Date: 10/14/97

Translator: Hai Truong  
Hai Truong

Notary Public: [Signature]  
My Commission Expires: 1-21-2000

Associated Catholic Charities  
1501 N. Classen  
Oklahoma City, OK 73106

# JOINT VOLUNTARY AGENCY

U.S. ORDERLY DEPARTURE PROGRAM, AMERICAN EMBASSY

9th FLOOR PANJABHUM BUILDING 1, 127 SATHORN TAI ROAD, BANGKOK 10120. TEL (662) 205-4000 EXT. ODP. FAX: (662) 287-2337

Date: 24 JUN 1996

Applicant: NGUYEN TIEN HUY  
NGUYEN TIEN HUYNH

Sponsor: NGUYEN VAN TO

Case #: RF1-2414

Address: OKLAHOMA CITY, OK

This letter refers to the DNA test requested in connection with issuance of a US immigrant visa (or derivative refugee status) to the applicant named above. The information checked relates to this case.

- ☐ DNA testing must be arranged by the US sponsor. Instructions for this process are attached, along with a list of laboratories approved to process DNA tests for immigrant visa purposes. Please write to ODP at the following address if you have any questions regarding this procedure:

ODP-DNA Testing  
American Embassy Box 58  
APO AP 96546

or

ODP DNA Testing  
127 Panjabhum Bldg. 9th Fl.  
Sathorn Tai Road  
Bangkok, 10120 Thailand

- ☒ The ODP office has received results of the DNA test which you arranged in connection with the ODP application of the person named above. The test did not conclusively establish that the requisite relationship between petitioner and visa beneficiary exists. The original denial is therefore upheld.

☒ Other: DNA INSTRUCTIONS ARE BEING  
SENT PER REQUEST FROM  
ASSOCIATED CATHOLIC CHARITIES.

ODP-56 (10/96)  
DNA Test Response

Ngày \_\_\_\_\_ tháng \_\_\_\_\_ năm \_\_\_\_\_

Đương đơn: \_\_\_\_\_

Người bảo trợ: \_\_\_\_\_

Hồ sơ số: \_\_\_\_\_

Địa chỉ: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Thư này có liên quan đến việc thử nghiệm máu theo di truyền học DNA được yêu cầu thực hiện để xét cấp thị thực di dân Hoa Kỳ (hay diện tị nạn) cho đương đơn có tên trên đây. Những thông tin đã được đánh dấu có liên quan tới trường hợp này.

- ☐ Việc thử nghiệm máu theo di truyền học DNA phải do người bảo trợ tại Hoa Kỳ sắp xếp. Các hướng dẫn cho việc này được đính kèm theo đây cùng với bảng liệt kê các phòng thí nghiệm đã được phép tiến hành các cuộc thử nghiệm máu theo di truyền học DNA để cấp thị thực di dân. Nếu muốn biết về thủ tục này, xin Ông/Bà liên lạc với ODP qua địa chỉ sau đây:

ODP-DNA Testing  
American Embassy Box 58    hoặc  
APO AP 96546

ODP-DNA Testing  
127 Panjabhum Bldg. 9th Fl.  
Sathorn Tai Road  
Bangkok, 10120 Thailand

- ☐ Văn Phòng ODP đã nhận được kết quả thử máu theo di truyền học DNA mà Ông/Bà đã sắp xếp theo đơn xin ODP cho đương đơn có tên trên đây. Việc thử nghiệm không chứng minh được mối liên hệ cần thiết phải có giữa người đứng xin và người được cấp thị thực. Do đó, quyết định bác bỏ ban đầu vẫn được giữ nguyên.

- ☐ Các thông tin khác:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## DNA Testing Instructions

### US Orderly Departure Program (ODP)

US sponsors of ODP applicants who are denied immigrant visas under §221(g) of the U.S. Immigration and Nationality Act (or denied derivative refugee status) for failure to establish their relationship may request DNA blood testing when all other means to verify the relationship have been exhausted. Blood samples are taken from the US sponsor, the Vietnamese applicant and, as needed, the applicant's other parent or siblings. The results are analyzed by an approved laboratory in the US. A US consular or INS officer will review the results and either approve the visa application or uphold the original denial. This test is highly accurate in determining blood relationships.

Applicants or their US sponsors are responsible for the entire cost of the procedure to be paid in advance, and there is no guarantee the case will be approved after the test. Testing must be performed by an American Association of Blood Banks (AABB) approved DNA testing laboratory in the US (see attached list). Blood from the Vietnamese applicant must be drawn in Vietnam by staff of Cho Ray Hospital in coordination with ODP. Steps for sponsor-initiated DNA testing are:

- The sponsor contacts one of the approved laboratories on the attached list and arranges for a pre-paid specimen collection kit to be sent to ODP at:

ODP-DNA Testing  
American Embassy Box 58  
APO AP 96546

or

ODP DNA Testing  
127 Panjabhum Bldg. 9th Fl.  
Sathorn Tai Road  
Bangkok, 10120 Thailand

- The sponsor has a blood sample drawn as directed by the AABB approved laboratory.
- The sponsor and applicant are responsible for the following fees:
  1. Cost of the collection kit, testing procedures and for shipping the collection kit to Bangkok and from Ho Chi Minh City to the lab (payable to the lab).
  2. Blood collection fee (equivalent to US\$ 10) and photo fee (equivalent to US\$ 5). Pay to Cho Ray Hospital at the time of blood drawing, in local currency.
- The sponsor instructs the lab to send a Federal Express pre-paid mailing envelope to ODP along with the testing kit.
- Upon receipt of the specimen collection kit from the US laboratory, ODP will schedule an appointment to collect blood. The applicant will be informed of the time and place of the appointment date by telegram. Be sure ODP has the applicant's correct mailing address in Vietnam.

- On the scheduled date the applicant will be required to provide the following before the sample is collected:

1. Socialist Republic of Vietnam (SRV) passport
2. SRV Identification Card
3. Original birth certificate or official extract
4. The equivalent of US \$15 for collection and photo fees (Pay to Cho Ray Hospital in local currency).

If the applicant cannot attend on the appointed day, he/she should contact the ODP office in Ho Chi Minh City at:

184 Bis Pasteur  
Q 01  
T/P Ho Chi Minh

- An ODP staff member will witness the collection of the sample. Photos will be taken to record the identity of the applicant.
- An ODP official will send the sample directly to the US lab using Federal Express mail service.

After analysis, the US lab will forward the completed results directly to ODP. A US consular or INS officer will review the results. If the results conclusively establish the requisite relationship, and all other ineligibilities have been resolved, the 221(g) refusal will be overcome. If the results do not conclusively show the requisite relationship exists, the visa will be denied. ODP will notify the sponsor and applicant by mail of the final decision.

H . A .  
C H A P M A N  
I N S T I T U T E  
O F  
M E D I C A L  
G E N E T I C S

04 Dec 98

ODP DNA Testing  
American Embassy, Box 58  
APO AP 96546

H.A. CHAPMAN INSTITUTE OF MEDICAL GENETICS  
*A Service of Hillcrest HealthCare System*

5300 EAST SKELLY DRIVE • TULSA, OKLAHOMA 74135 • 918/628-6363 • 1-800-299-7919 • FAX 918/664-0596

I hereby certify that the above testing was conducted according to currently accepted medical standards, and that the results and conclusions, including the probability of paternity, were verified and are correct as reported.

*Robert W. Allen*

Robert W. Allen, Ph.D.  
Laboratory Director

cc: To Van Nguyen  
Mark Grim

Sworn to and subscribed before me this 4 day of December

1998, at the H.A. Chapman Institute Tulsa, Oklahoma...

Notary Public Suana West

My commission expires June 24, 2002



H. A.  
CHAPMAN  
INSTITUTE  
OF  
MEDICAL  
GENETICS

04 Dec 98

**Pages Removed (S.S.)**

4 page(s) was/were removed from the file of NGUYEN VAN TO  
(220-1947) due to containing Social Security numbers. The page(s) was/were copied  
with the Social Security numbers covered up. The copy/copies was/were placed back into  
the above mentioned file and the original(s) was/were placed into the Restricted/Reserved  
files.

-Anna Mallett

Date: MAY 2<sup>nd</sup> 2005