

**Rebuttal of point II (c):**

The criteria for the Former Political Prisoners under the Refugee Program is that the Political Prisoner must prove that he/she was incarcerated in a re-education camp for at least three years. There are cases where the Political Prisoner, who is the principal applicant, and his/her spouse must proceed as immigrants because their sponsor child is a U.S. citizen and the accompanying family members (children) in the case are processed as refugees benefiting from the eligibility of the principal applicant. The principal applicant is not given a choice in this matter.

Since the implementation of the rule in February 1995, excluding children 21 and older of the former Political Prisoners, these children were no longer benefiting from this eligibility to be processed as refugees.

Although, the McCain Amendment does not specifically include these cases, we believe that these children should automatically be included because their father is a former Political Prisoner. The only difference with the cases that you consider eligible under the McCain Amendment is that the principal applicant was processed as immigrant rather as refugee. THESE CHILDREN IN THESE CASES SHOULD NOT BE PENALIZED BECAUSE THE LAW REQUIRES THE PARENTS TO BE PROCESSED AS IMMIGRANTS.

Attention Tho Klue