



United States Department of State

Washington, D.C. 20520

December 6, 1994

Mrs. Khuc Minh Tho  
President  
Families of Vietnamese Political  
Prisoners Association  
P.O. Box 5435  
Arlington, VA 22205-0635

Dear Mrs. Tho:

I would like to advise you of a change in the interview criteria for the Orderly Departure Program's Former Re-Education Camp Detainee sub-program. As of February 1, 1995, re-ed cases proposed for interview will include in addition to the principal applicant only spouses and unmarried children who have not yet attained the age of twenty-one. Children over twenty-one will no longer be eligible for interview. Exceptions to this limitation will be made in instances in which it is determined, at the discretion of INS, that a last remaining, dependent, family member should be allowed to accompany an approved principal applicant for humanitarian reasons.

As you may be aware, normally, in refugee admissions programs for other nationalities, only spouses and unmarried children under the age of twenty-one are considered for admission along with principal applicants. Thus, the change to be instituted in February is a continuation of U.S. Government efforts to bring ODP processing more into line with worldwide refugee and immigrant visa processing standards.

Moreover, recent reports from the field have unfortunately indicated a dramatic rise in the incidence of fraudulent claims relating to the identity, age, and marital status of sons and daughters claimed by principal applicants in re-ed cases. These fraudulent claims have come to require a disproportionate amount of INS interviewing resources at the expense of bona fide applicants. The net result is significant delay in the processing of this priority caseload.

You may be assured that INS and ODP officers will remain alert for individual cases in which there may be significant humanitarian reasons for including an aged-out son or daughter

in a re-ed case. Exceptional cases might include, for example, disabled sons or daughters who would not have family remaining in Vietnam to care for them or cases where the remaining son or daughter might be subject to other forms of severe hardship. For those aged-out sons or daughters who may no longer qualify for interview, once the parents have been in the U.S. for one year after admission as refugees and adjusted status, they may file family 2nd preference immigrant visa petitions for their unmarried children over twenty-one. Petitions for married sons and daughters may be filed by parents after they have become U.S. citizens.

If you have any questions about this change in ODP interview criteria, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Theresa L. Rusch", with a stylized flourish at the end.

Theresa L. Rusch, Director  
Office of Admissions  
Bureau of Population,  
Refugees, and Migration



# HỘI GIA-ĐÌNH TÙ NHÂN CHÍNH-TRỊ VIỆT-NAM

FAMILIES OF VIETNAMESE POLITICAL PRISONERS ASSOCIATION

P.O. BOX 5435, ARLINGTON, VA. 22205-0635

Telephone: (703) 560-0058 • Fax: (703) 204-0394

**Hội Đồng Quản Trị**  
**Board of Directors**

KHUC MINH THO  
NGUYEN QUYNH GIAO  
NGUYEN VAN GIOI  
NGUYEN XUAN LAN  
THIEP LOWMAN  
TRUONG THI LANG ANH  
TRAN KIM DUNG  
NGUYEN THI KHEN

**Ban Chấp Hành T.U.**  
**Executive Board**

KHUC MINH THO  
President  
NGUYEN QUYNH GIAO  
Vice President  
NGUYEN VAN GIOI  
Secretary General  
TRUONG THI LANG ANH  
Treasurer  
NGUYEN THI KHEN  
Deputy Treasurer

**Cố Vấn Đoàn**  
**Advisory Committee**

THIEP LOWMAN  
NGUYEN XUAN LAN  
TRAN KIM DUNG

**January 6, 1995**

Mr. Eric Schwartz  
Director  
Human Rights, Refugees and  
Humanitarian Affairs  
National Security Council  
Executive Office of the President  
The White House  
Washington, D.C. 20506

Dear Eric:

I am writing to ask your assistance with a recent and most unexpected decision taken by the Bureau for Population, Refugees and Migration (PRM) at the Department of State. I know you are familiar with issues relating to the former political prisoners in Vietnam and important to the organization I head, the Families of Vietnamese Political Prisoners Association (FVPPA).

Often while you worked with Congressman Solarz I asked your advice on decisions pertaining to the former political prisoners and their resettlement in the United States. I am sure you will recall many occasions when I disagreed with decisions but learned to live with them and to advise the families accordingly. Unfortunately, this latest decision is difficult for me to understand and to explain to the former political prisoners and their families.

I was dismayed by the news contained in a letter from Ms. Rusch dated December 6, 1994 whereby she informed us that children of former political prisoners over the age of 21 will no longer be eligible for the program. I must be candid in telling you that I find this decision arbitrary, illogical, unfair and contrary to the spirit of the admissions program for former political prisoners as administered since 1989. What is the logic of excluding this group, at this stage when most of the children from the Vietnam era of the former political prisoners are over 21 years of age? What is the fairness in disadvantaging those families who have waited for their turn in the processing queue?

Mr. Eric Schwartz  
January 6, 1995  
Page Two

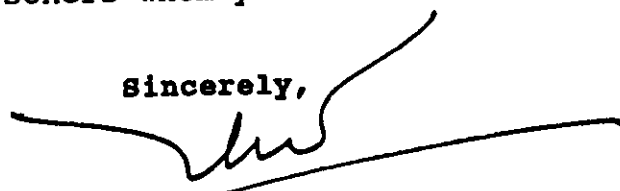
Where is the cultural sensitivity in a decision that excludes genuine family members who are dependent on the father until the child is married and establishes a family of his/her own? What will happen to the older soldiers who will have to come here alone without the support of the working children they now rely upon in the twilight of their lives? What is the consideration that compels such a major change in eligibility when the program is so near completion?

Ms. Rusch informs us that the incidence of fraud requires this change. I am sympathetic to the onerous burden of officers who must deal with fraudulent applicants, but we do not agree that this provides a sufficient basis to exclude bona fide sons and daughters from eligibility. As you will recall from your work on Southeast Asian issues with Congressman Solarz, there was a high rate of fraud in the Amerasian program and yet the program continued its eligibility guidelines through its completion. This dramatic change in eligibility disadvantages those who have put the most faith in the integrity of the program and its promise that family unity would be sustained.

Ms. Rusch also states that sons and daughters can wait for their fathers to file second preference petitions after they resettle in the United States. However, the resettled refugee cannot file a petition until after one year and then the son or daughter faces another 3-4 years of waiting until the second preference petition is current. I think further consideration will reveal that this is not a reasonable alternative.

This news has shocked members of the Vietnamese community. I ask your advice and help in seeking to have this decision reviewed. As a Director for Human Rights, Refugees and Humanitarian Affairs we hope you will be able to provide assistance with this critical decision that will affect the lives of many of the Vietnamese political prisoners whom you have come to know, care for and love.

Sincerely,



(Mrs.) Khuc Minh Tho  
President



United States Department of State

Washington, D.C. 20520

January 12, 1995

Mrs. Khuc Minh Tho  
President  
Families of Vietnamese Political  
Prisoners Association  
P.O. Box 5435  
Arlington, VA 22205-0635

Dear Mrs. Tho:

This is in response to your letter of December 16, 1994, to Deputy Assistant Secretary Sykes, in which you expressed disagreement with the recent change in Orderly Departure Program (ODP) eligibility criteria which will limit derivative refugee status in former re-education camp detainee cases to spouses and unmarried children who have not yet attained the age of twenty-one.

We realize that this change in ODP policy will come as a great disappointment to many former re-education camp detainees who have yet to be interviewed by INS and to those who advocate for certain policies on their behalf. We regret that the new policy may cause hardship for families that have counted on being admitted to the United States as a family unit. However, it is an unfortunate fact of life that the level of fraud associated with refugee applications by former detainees had become unacceptable, with many sons and daughters of former detainees claiming to be single when in fact they had married and many persons over the age of twenty-one claiming to be sons and daughters of applicants when in fact they were more distant relations or not even related.

As the amount of time spent by INS officers attempting to resolve these fraudulent cases grew greater and greater, it became apparent that it would not be possible to complete interviews of the former detainee caseload within an acceptable time period unless drastic measures were taken. After considering the situation carefully, representatives of INS and the Department of State determined that the best solution would be to bring ODP processing into line with standard refugee family composition criteria, which limits cases to the spouses and minor unmarried children of principal applicants.

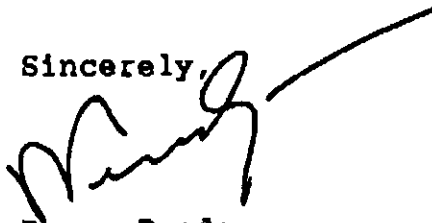
This change in policy was announced to your organization and to other advocacy groups within a few

days of the policy decision being made, and to the Vietnamese government on December 8. I regret that there is no possibility of reversing the decision.

Members of your organization should be aware that persons admitted as refugees are eligible to adjust status to that of Permanent Resident Aliens one year after admission, whereupon they may file 2nd Preference immigrant visa petitions for unmarried sons and daughters over the age of twenty-one who remain in Vietnam. While it may take some time for immigrant numbers to become available for this type of visa, the possibility still remains for remaining family members to immigrate to the U.S. within a few years. For the meantime, our assessment is that the adult sons and daughters of former detainees are not subject to persecution because of that relationship.

Again, we regret that this change of policy comes as such a disappointment to the members of your organization. However, we hope that you can see that the change was made in the best interests of the U.S. refugee admissions program.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dewey Pendergrass', with a long horizontal line extending from the end of the signature.

Dewey Pendergrass  
Chief, Overseas Operations Division  
Office of Admissions  
Bureau for Population, Refugees,  
and Migration



# HỘI GIA-ĐÌNH TÙ NHÂN CHÍNH-TRỊ VIỆT-NAM

FAMILIES OF VIETNAMESE POLITICAL PRISONERS ASSOCIATION

P.O. BOX 5435, ARLINGTON, VA. 22205-0635

Telephone: (703) 560-0058 \* Fax: (703) 204-0394

**Hội Đồng Quản Trị**  
**Board of Directors**

KHÚC MINH THƠ  
NGUYỄN QUỲNH GIAO  
NGUYỄN VĂN GIỚI  
NGUYỄN XUÂN LAN  
HIỆP LOWMAN  
TRƯƠNG THỊ LANG ANH  
TRẦN KIM DUNG  
NGUYỄN THỊ KHEN

**Ban Chấp Hành T.U.**  
**Executive Board**

KHÚC MINH THƠ  
President  
NGUYỄN QUỲNH GIAO  
Vice President  
NGUYỄN VĂN GIỚI  
Secretary General  
TRƯƠNG THỊ LANG ANH  
Treasurer  
NGUYỄN THỊ KHEN  
Deputy Treasurer

**Cố Vấn Đoàn**  
**Advisory Committee**

HIỆP LOWMAN  
NGUYỄN XUÂN LAN  
TRẦN KIM DUNG

**December 16, 1994**

The Honorable Charles Sykes  
Deputy Assistant Secretary  
Bureau for Population, Refugees and Migration  
Department of State  
Washington, D.C. 20520

Dear Mr. Sykes:

I would like to take this opportunity to acknowledge with grateful appreciation the kind sentiments that you passed on to me in the letter from Terry Rusch dated November 17, 1994. I also felt the October 26th meeting was extremely informative and shared the good news of that meeting with many families in Texas, Oklahoma and many other states (and in Vietnam) during my most recent trip. On behalf of the Families of Vietnamese Political Prisoners Association, I want to express our appreciation for the 108,000 former prisoners and family members who have been admitted by the program. We look forward to working with your Bureau in the admission of the remaining applicants during the next two years.

Unfortunately, the news contained in the letter from Ms. Rusch, dated December 6th, whereby she informed us that children of former political prisoners, who are over the age of 21, will no longer be eligible for the program as of February 1, 1995, was indeed a shock and cause for dismay. This decision appears contrary to the spirit of our October 26th meeting. This decision seems culturally insensitive and disadvantageous to those families who have waited for their turn in the processing queue. In addition, with the program nearing completion it is even more difficult to understand the logic that compels such a major change in eligibility. In addition, as you may well know, most of the children from the Vietnam era of the former political prisoners are over the age of 21 and many remain dependent on their parents until they are married and establish a family of their own.

The Honorable Charles Sykes  
Deputy Assistant Secretary  
Bureau for Population, Refugees & Migration  
Department of State  
Page Two  
December 16, 1994

Ms. Rusch states that incidence of fraud requires this major change in the program. While we are sympathetic to the onerous burden of officers who must deal with fraudulent applicants, we do not agree that this provides a sufficient basis to exclude bona fide sons and daughters from eligibility. We are certain that you will agree that there was a high rate of fraud in the Amerasian program; however, the program continued its eligibility guidelines through its completion. This dramatic change in eligibility is disadvantageous to those who have put their faith in the integrity of the program and its promise that family unity would be sustained.

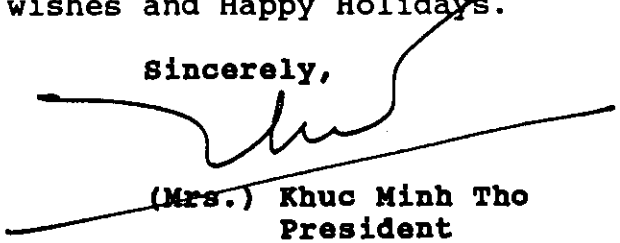
In addition, we are all aware that resettled refugees cannot file a second preference petition until after one year; thereby forcing the son/daughter to wait another 3-4 years until the second preference petition is current. Thus, this alternative creates another additional barrier.

We feel that during the meeting of October 26, 1994 we were led to believe that the eligibility criteria for sons and daughters would remain the same, which is another reason your letter of December 6, 1994 came as a shock.

We would like to request a review and revision of this new rule and be given the opportunity to comment before it is issued on February 1, 1995.

As always, we appreciate your kind and prompt response to our concerns. Best wishes and Happy Holidays.

Sincerely,



(Mrs.) Khuc Minh Tho  
President



United States Department of State

Washington, D.C. 20520

December 6, 1994

Mrs. Khuc Minh Tho  
President  
Families of Vietnamese Political  
Prisoners Association  
P.O. Box 5435  
Arlington, VA 22205-0635

Dear Mrs. Tho:

I would like to advise you of a change in the interview criteria for the Orderly Departure Program's Former Re-Education Camp Detainee sub-program. As of February 1, 1995, re-ed cases proposed for interview will include in addition to the principal applicant only spouses and unmarried children who have not yet attained the age of twenty-one. Children over twenty-one will no longer be eligible for interview. Exceptions to this limitation will be made in instances in which it is determined, at the discretion of INS, that a last remaining, dependent, family member should be allowed to accompany an approved principal applicant for humanitarian reasons.

As you may be aware, normally, in refugee admissions programs for other nationalities, only spouses and unmarried children under the age of twenty-one are considered for admission along with principal applicants. Thus, the change to be instituted in February is a continuation of U.S. Government efforts to bring ODP processing more into line with worldwide refugee and immigrant visa processing standards.

Moreover, recent reports from the field have unfortunately indicated a dramatic rise in the incidence of fraudulent claims relating to the identity, age, and marital status of sons and daughters claimed by principal applicants in re-ed cases. These fraudulent claims have come to require a disproportionate amount of INS interviewing resources at the expense of bona fide applicants. The net result is significant delay in the processing of this priority caseload.

You may be assured that INS and ODP officers will remain alert for individual cases in which there may be significant humanitarian reasons for including an aged-out son or daughter

in a re-ed case. Exceptional cases might include, for example, disabled sons or daughters who would not have family remaining in Vietnam to care for them or cases where the remaining son or daughter might be subject to other forms of severe hardship. For those aged-out sons or daughters who may no longer qualify for interview, once the parents have been in the U.S. for one year after admission as refugees and adjusted status, they may file family 2nd preference immigrant visa petitions for their unmarried children over twenty-one. Petitions for married sons and daughters may be filed by parents after they have become U.S. citizens.

If you have any questions about this change in ODP interview criteria, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Theresa L. Rusch".

Theresa L. Rusch, Director  
Office of Admissions  
Bureau of Population,  
Refugees, and Migration



United States Department of State

Washington, D.C. 20520

November 17, 1994

Mrs. Khuc Minh Tho  
President  
Families of Vietnamese Political  
Prisoners Association  
P.O. Box 5435  
Arlington, VA 22205-0635

Dear Mrs. Tho:

This is in response to your November 3 letter to Deputy Assistant Secretary Sykes. As you know, Mr. Sykes is currently visiting Southeast Asia to familiarize himself with conditions in Vietnam and in first-asylum camps in the region operated in conjunction with the Comprehensive Plan of Action.

Before his departure, Mr. Sykes commented that he found his October 26 meeting with you to be very useful, and that he looked forward to meeting with you again in the future to discuss developments in our admissions program for former re-education camp detainees.

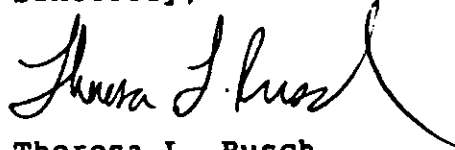
You will be interested to know that 30,232 persons were admitted to the U.S. as refugees in Fiscal Year 1994 under the Former Re-education Camp Detainee subprogram of the Orderly Departure Program, bringing the cumulative total admitted to 106,002 persons. In October, another 2,591 persons were admitted, bringing the cumulative total to 108,593 persons. We are planning to admit approximately 30,000 persons under the program in FY-1995.

The completion of direct registration for the program on September 30 has allowed ODP to analyze the remaining caseload and project when INS interviews can be completed and the remaining eligible families brought to the U.S. We are pleased to advise that, barring unforeseen circumstances, INS should be able to complete interviews of the remaining caseload by September 1995.

This should allow for the admission of all persons eligible for the program before September 1996.

Please extend our best wishes to your colleagues at your meetings in Texas and Oklahoma.

Sincerely,

A handwritten signature in cursive script, appearing to read "Theresa L. Rusch". The signature is fluid and extends to the right with a long, sweeping tail.

Theresa L. Rusch  
Director  
Office of Admissions  
Bureau for Population, Refugees,  
and Migration