



HOI GIA-DINH TU-NHAN CHINH-TRI VIETNAM
FAMILIES OF VIETNAMESE POLITICAL PRISONERS ASSOCIATION

P.O. BOX 5435, Arlington, VA 22205-0635
Tel: (703) 560-0058 - FAX: (703) 204-0394

FAX COVER SHEET

DATE: June 29, 96

TO : Vũ Văn Quý

FAX #: (713) 495-5325

FROM: Families of Vietnamese Political Prisoners Association

NO. OF PAGES include cover sheet: 8

SUBJECT: Tài liệu về chương Trình He
bà thủ gởi cho Liên Đoàn
Trình Mạch Văn Trình về
bên Hồ chức Trình năm
and Hủy liệt sĩ 5-5-96

Orderly Departure Program

- ODP has provided further clarification on the co-residency requirement for derivative refugee status. (See UPDATE Volume 96, Number 2) INS has indicated that it will reconsider spouses and minor children of refugee applicants who were denied derivative refugee status due to lack of co-residency, as long as the principal applicant remains in Vietnam. See Flash 96#9.
- If the principal refugee applicant has already departed to the U.S., INS requires the refugee in the U.S. to file a I-730 (Visa-93) petition on behalf of his/her spouse and any unmarried children in Vietnam whose applications were denied even if the children were under twenty one years of age when they had their initial interview.
- The refugee is advised to file second preference petitions for unmarried children over the age of twenty-one.
- Appeals received by JVA regarding denials based on co-residency are routinely reviewed and forwarded to INS-Bangkok.
- The deadline for considering children over twenty-one years old for derivative refugee status expired September 30, 1995.

JVA- Saudi Arabia

- INS completed a circuit ride in April to Rafha, Saudi Arabia to interview Iraqi refugees in which four INS officers participated. A grand total of 962 cases/1559 persons were interviewed with an approval rate of approximately 75%.
- The INS team met with the refugee community to assess various aspects of the program. It was the team's belief that the refugee applicants had consistently presented credible claims on their cases and that the option of repatriation was very much out of the question. The INS view supports UNHCR's position that the most durable solution for the Iraqi refugees in Saudi Arabia is not repatriation but rather third country resettlement.

ICMC - Croatia

- The majority of cases that ICMC prepares for INS interviews in Croatia are Bosnians referred by UNHCR and Bosnian Muslims for whom an Affidavit of Relationships was filed by family members in the United States. Other cases are based on Visas 92 and 93 and IOM Medical referrals.
- Four UNHCR referrals were made to ICMC during the month of April for a total of 39 cases/111 persons. ICMC is very concerned that the number of UNHCR referrals continue to decline (dropped by 11% in April) compared to the previous month.
- ICMC feels there are many cases of Bosnians in Croatia who have a strong case for U.S. resettlement but are not currently being referred by UNHCR.
- UNHCR's policy of holding down referrals to a minimum has resulted in more fraudulent AOR's being filed, particularly with regards to cases in Kupljensko.

June 5, 1996

96/#9

ODP - DERIVATIVE REFUGEE APPLICANTS...

The voluntary agencies have received from INS a clarification regarding the issue of co-residency for derivative refugee applicants. INS will reconsider spouses and minor children of refugee applicants who were denied due to lack of coresidency as long as the principal applicant remains in Vietnam.

In the past, JVA caseworkers reviewed denied cases upon receipt of appeal letters. Formerly, cases in which the applicants were denied solely for reasons related to residency (or lack of) with the principal applicant (PA) were routinely forwarded to the INS.

The deadline for consideration of over twenty-one year old derivative refugee applicants was September 30, 1995. Over twenty-one year old children who were denied for lack of co-residency will no longer be considered for refugee status. In cases where the principal applicant is residing in the U.S. and is concerned about his/her children in Vietnam who are over 21 years old, the refugee in the U.S. should file second preference immigrant visa petitions for his/her unmarried children.

KENYA - NEW CASEWORK PROCEDURES...

JVA/Kenya is now requesting all voluntary agencies to have anchor relatives identify the photographs of all remaining Somali family cases. If photo I.D. response is not received by the INS interview date, INS will defer final decision pending volag response to the photographic identification request.

REFUGEE PROCESSING - TURKEY...

ICMC/Turkey has expanded its processing activities to serve the entire region which includes Turkey, Syria, Jordan and Pakistan.

INS activities in Pakistan include discussions for the processing of referrals from the UNHCR consisting of 52 cases/151 persons of Iranian/Christian refugees in Islamabad. Tentatively, processing has been scheduled to begin on June 24th.

The next INS visit to Syria is estimated to take place in the earlier part of Fiscal 1997 for Iraqis.

The latest INS visit in Jordan for Iraqi and Somalian cases took place on the 31st of March and the 1st of April.

April 4/1996

OVERSEAS REFUGEE PROCESSING

ODP (Orderly Departure Program)

Refugee Interviews: According to the most recent ODP Report (1/96), 66% of refugee applicants proposed for interview in FY96 were unable to attend their interviews. The large majority of these were unable to obtain documents issued by and required by the Vietnamese authorities. Files were prepared for more than 34,000 applicants, but only fewer than twelve thousand were interviewed.

Immigrant Visas: 2,482 immigrant visas have been issued to date in FY96. ODP began issuing visas under standard immigrant procedures in April 1995. Almost none of these immigrant cases are any longer being processed through the volags. ODP has accrued a backlog of visa applications due primarily to staff reductions and difficulties encountered with the installation and operation of the Department of State's IVACS visa processing system.

Derivative Refugee Status: ODP has received policy clarification from the Department of State and INS Headquarters on the issue of applicant residency. The spouses and children of former re-education detainees have historically been denied derivative refugee status if they could not demonstrate residence with the principal applicant. According to new guidance received by ODP, lack of co-residency should not be used to exclude otherwise qualified family members from derivative refugee status.

Fiancé Visa Difficulties: ODP continues to receive complaints from petitioners reporting that fiancé applicants (K1) encounter difficulties in obtaining exit permits from Vietnamese officials. Some applicants have been told that they cannot receive exit permission unless they are married in Vietnam. Other applicants have been told to pay large sums of money to private agents who will handle the processing.

BOSNIAN REFUGEE PROCESSING IN FY 96

The Department of State has been reviewing the eligibility criteria for Bosnian refugees in an effort to determine if it should eliminate priority five cases (cousins, uncles, aunts, nieces, and nephews). The Department was concerned with the increased numbers of fraudulent claims based on the filing of Affidavit of Relationships. However, after careful consideration, DOS has decided to maintain the current eligibility criteria for Bosnia, including priority five cases through the remainder of FY 1996.

The situation in the former Yugoslavia is still evolving as all the parties involved try to implement the Dayton Peace Agreement. Many diocesan offices have asked what impact the Accord will have on future refugee flows from the region. While it is not clear for certain what impact the Accord will have on resettlement, we can expect greater emphasis being placed on resettlement within Bosnia of those internally displaced and repatriation of those who are outside Bosnia. Large scale movement to Bosnia had been expected once peace and political stability is firmly established. UNHCR estimates resettling or repatriating approximately 900,000 Bosnians in Bosnia in calendar

IMMIGRATION BILL (continued)

would require that affidavits of support be legally enforceable against sponsors of immigrants and that sponsors be required to demonstrate an annual income equal to at least 125% (200% in the House bill) of the official poverty level. At the 200% level, a sponsoring family of four would have to demonstrate an income of \$36,000, a standard that many American families would be unable to meet. The practical effect of imposing such stringent financial requirements will, of course, serve to undermine family reunification in immigration.

The Senate bill also strictly limits the eligibility of immigrants for public benefits. In general, it would prohibit almost all legal immigrants from receiving almost all means-tested programs. These include Medicaid, AFDC, Food Stamps and SSI. In terms of needs-based programs, the bill requires that the sponsor's income be "deemed" the income of the immigrant for a period of five years after entry into the country. The result of these measures is that, for the first time, there will be virtually no safety net for immigrants who fall on hard times, even though they will, as they do now, pay the same taxes as those paid by the native-born.

The next procedural step for these two bills is a conference committee between the House and the Senate which will seek to resolve the differences in the two pieces of legislation and come up with a unified bill. The conference will be our last chance before a floor vote in the two chambers to advocate for changes in the most restrictive provisions.

The Senate has named its conferees. Republicans are Senators: Simpson (WY), Thurmond (SC), Hatch (ID), Kyl (AZ), Grassley (IA), and Specter (PA). Democrats are Senators: Kennedy (MA), Simon (IL), Leahy (VT), Kohl (WI), and Feinstein (CA). House conferees have not yet been named.

There is considerable pressure to move quickly on a final immigration bill and there is a strong sense that the conferees will attempt to conclude their work before the July 4th recess. We still have our work cut out for us if we are to effectively address the most restrictive measures still remaining in the two bills. Please contact the Senate conferees to voice your concern on the issues we have highlighted. If you need any assistance or information, please contact Elizabeth Hume or Abigail Price at Migration and Refugee Services at (202) 541-3235 or (202) 541-3231.



REFUGEE ISSUES

VIETNAMESE REFUGEES RESTS ON "ROVR" - "RESSETTLEMENT OPPORTUNITIES FOR VIETNAMESE REFUGEES"

On March 1, 1996, the Vietnamese Government announced that Vietnamese returnees from first asylum camps who qualify for exit permits under Vietnamese law may be interviewed for U.S. resettlement. Subsequently, the U.S. government announced on April 22, 1996 a program which will offer Resettlement Opportunities for Vietnamese Returnees (ROVR) who are of special interest to the United States due to their previous experiences or associations in Vietnam. A memorandum was sent to all diocesan resettlement directors from MRS regarding this new initiative. Program descriptions indicate that resettlement interviews will be offered to those who: a) had close association with the U.S. presence in Vietnam or with the former government in South Vietnam prior to 1975; b) were members of certain

"ROVR" (continued)

ethnic groups; or c) were involved in certain political or religious activities. These refugees are the last of more than 1.6 million Vietnamese who left their country since the Vietnam War ended now more than 20 years ago.

Applicants for this program who meet these criteria will be interviewed after their return to Vietnam. Only those which were still detained in the asylum camps as of October 30, 1995, who either have returned to Vietnam, or have applied and registered for voluntary repatriation by June 30, 1996 are potentially eligible for the U.S. resettlement interview. Interviews will be conducted in Vietnam only and only those who have completed a questionnaire indicating their cases merit resettlement will be interviewed. Persons who are found qualified for resettlement by the U.S. will be processed for admission to the United States.

Implementation of this new program will not be easy. Returning to Vietnam for many refugees may be a difficult undertaking especially if they are uncertain as to whether or not they meet the criteria for resettlement in the U.S. However, with the end of CPA and the imminent closure of most Southeast Asian camps already a reality, refugees may have little choice but to try to take advantage of this last opportunity for resettlement in the United States.

It is hard to speculate how many of the returnees will qualify for U.S. resettlement. In the more specific categories, such as former military personnel, some observers estimate that two thousand or more persons might be taken. The less specific categories, especially the catch-all category, "other persons determined to be of significant interest to the U.S." are much harder to predict but they could range between one and three or more thousand, depending on whether they are applied in a generous or restrictive fashion. The Administration has repeatedly stated that they intend that this program should be implemented in a generous manner. Time will tell! Actual resettlement of the returnees to the United States will in all likelihood begin closer to the end of this calendar year with the majority of those accepted for resettlement entering the United States during the next calendar year.

There are a number of good things about this program, including:

- INS has formed a special team of interviewing officers for the ROVR caseload recruited from the Asylum Corps which will be trained in Washington and managed out of Washington. NGO personnel will be invited to take part in this training. These are quite unusual procedures and suggest that the Administration is committed to doing a good job.
- The specific categories are the right ones in terms of those who suffered who were also associated with the United States directly or indirectly.
- The NGOs wanted time in former New Economic Zones and time during which family registration was denied also included as specific categories. This was not done but these factors will be given consideration in the catch-all category. If generously implemented, this could make up for the omission of these factors from the specific categories.
- The Administration continues to attempt to improve the program in negotiations with the Vietnamese and first asylum governments.
- several thousand persons who would have had little or no chance are now likely to be resettled in the United States.

"ROVR" (continued)

However, there also remain difficult problems:

- the interview with INS can only take place in Vietnam. For most this is acceptable but for some it is very difficult to contemplate.
- an exit permit from the Vietnamese government is required before the INS interview. This raises several difficult problems.
- the issue of how to process those boat people who went home voluntarily or were returned before seeing an ICMC/JVA caseworker remains unsettled (there are about 5,000 such persons and may be more before ROVR is over).
- the issue of what interpreters are to be used in Vietnam in the INS interviews has not been definitively resolved despite multiple reassurances to NGO inquiries.
- though the NGOs were frequently assured that there would be a component of humanitarian parole for special cases, this does not appear to have been regularized in any way and, unless this is done, this potentially important part of ROVR may be lost.

For further information on this program, please contact Mr. Shep Lowman at (202) 541-3073.

RESETTLEMENT OF BENADIR REFUGEES FROM AFRICA BEGINS

After months of planning and preparation both overseas and in the U.S. the Benadir refugees from Somalia have finally started to arrive. They were scheduled to arrive on charter flights at the end of May with more arrivals through the end of July and early August.

JVA estimated about 2,700 departures beginning with 500 in late May and 1,000 per month thereafter until all have arrived. The following Volags and their local affiliates will be involved in resettling the Benadirs: CWS, DFMS, ECDC, IRC, IRSA, LIRS, USCC, and WRRS. USCC/MRS has been allocated a total of 886 Benadir refugees for placement. This will result in USCC receiving more African refugees this fiscal year than was originally projected. The USCC caseload will be resettled at 20 different diocesan resettlement sites.

Overall resettlement of this population will take place in the following states: New York, Tennessee, Iowa, Georgia, North Carolina, Michigan, District of Columbia, Arizona, Kentucky, Illinois, Texas, Oregon, Virginia, Pennsylvania, Massachusetts, North Dakota, Utah, Kansas, Missouri, and Minnesota. It is still not certain how many of the Benadir elders will come with the first group of refugees and how many will remain behind to come later. The plan agreed by JVA and the Volags was to have the Benadir English speakers and those considered "quasi-leaders" arrive with the initial group of refugees.

All U.S. destined Benadirs will take part in a ten day cultural orientation training provided by the International Organization of Migration (IOM) in Nairobi to help prepare them for life in the United States. One or two day courses are also presented for mothers with infant children. This Orientation will last through the end of June.

Transmit Confirmation Report

No.	:	001	
Receiver	:		60F
Transmitter	:	KHUC MINH-THO	
Date	:	Jun 30.98	
Time	:	06'33	
Mode	:	Norm	
Pages	:	08	
Result	:	OK	

Transmit Confirmation Report

No. : 001
Receiver : 703 698 5502
Transmitter : KHUC MINH-THO / FVPPA
Date : Jun 25.96 22:49
Time : 01'56
Mode : Norm
Pages : 03
Result : OK

6/ 25/96

hiệp,
Gửi hồ luận draft của
Amendment của con 21 tuổi
đi như ông McCain, Hatfield
và các TNS + Điều khác tập
tay.

Bố như anh sheep và
Lionel giúp và toàn giúp
muốn như Sao và đừng ^{thư} các
~~hàng~~ nào đi ch Hò chấp thuận.
Gửi đến gặp như

Allen

Fluo

(3 pages)

AMENDMENT NO. _____

Calendar No. _____

Purpose: To treat adult children of former internees of Vietnamese reeducation camps as refugees for purposes of the Orderly Departure Program.

IN THE SENATE OF THE UNITED STATES—104th Cong., 2d Sess.

H.R. 3540

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. McCain

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ REFUGEE STATUS FOR ADULT CHILDREN OF**
3 **FORMER VIETNAMESE REEDUCATION CAMP**
4 **INTERNEES.**

5 (a) ELIGIBILITY FOR ORDERLY DEPARTURE PRO-
6 GRAM.—For purposes of eligibility for the Orderly Departure
7 Program for nationals of Vietnam, an alien described
8 in subsection (b) shall be considered to be a refugee of
9 special humanitarian concern to the United States within

1 the meaning of section 207 of the Immigration and Na-
2 tionality Act (8 U.S.C. 1157).

3 (b) ALIENS COVERED.—An alien described in this
4 subsection is an alien who—

5 (1) is the son or daughter of a national of Viet-
6 nam who was formerly interned in a reeducation
7 camp in Vietnam by the Government of the Socialist
8 Republic of Vietnam;

9 (2) is 21 years of age or older; and

10 (3) was unmarried as of April 1 1995.

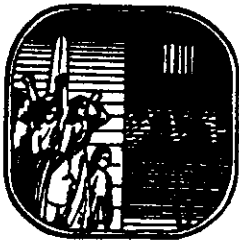
11 (c) SUPERSEDES EXISTING LAW.—This section su-
12 persedes any other provision of law.

Transmit Confirmation Report

No.	: 002		
Receiver	:	202 546 1625	
Transmitter	:	KHUC MINH-THO /	FVPPA
Date	:	Jun 13, 96	8:34
Time	:	00'30	
Mode	:	Norm	
Pages	:	01	
Result	:	OK	

TO: MRS. TRI
(202) 546-1625





HOI GIA-DINH TU-NHAN CHINH-TRI VIETNAM
FAMILIES OF VIETNAMESE POLITICAL PRISONERS ASSOCIATION

P.O. BOX 5435, Arlington, VA 22205-0635
Tel: (703) 560-0058 - FAX: (703) 204-0394

FAX COVER SHEET

DATE: June 17, 1996

TO : Walter Lohman

FAX #: (202) 228-286

FROM: Families of Vietnamese Political Prisoners Association

NO. OF PAGES include cover sheet: 28

SUBJECT: Unmarried over-21 sons and daughters
of FPP's policy-

I will call you tomorrow.
Please try your best to help them, Walter.
Thanks.

Tho