



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

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**AGENDA FOR THE MEETING BETWEEN
THE HONORABLE PETER TOMSEN,
PRINCIPAL DEPUTY ASSISTANT SECRETARY AND
REPRESENTATIVES OF THE FORMER VIETNAMESE
POLITICAL PRISONERS ASSOCIATION AND THE
FAMILIES OF VIETNAMESE POLITICAL PRISONERS
ASSOCIATION**

Wednesday, February 23, 1994

4:00 p.m.

Introduction

As you may already be aware, the Families of Vietnamese Political Prisoners Association was founded in 1977 by a group of relatives and friends of political prisoners to fight for the rights of Vietnamese political prisoners, their release from re-education camps, and their resettlement in other countries in the free world. Due to the strong support of the government of the United States, especially the Department of State, more than 80,000 former political prisoners and their families have resettled in this country. On behalf of these former political prisoners and their families we would like to express our heartfelt thanks for your steady efforts which have resulted in these meaningful results and hope for your continued support. Once again, thank you.

We would like to focus today's meeting on the following issues:

I. Summary of the Department of State's position and plans for the nature and development of relations between the United States and Vietnam in the near future and upcoming years. Progress in the discussions with Vietnamese authorities about re-establishing normal diplomatic relations between the U.S. and Vietnam.

a. The office of liaison of the United States in Vietnam and the office of the liaison of Vietnam in the United States and their functions.

b. Proposal that the U.S. government establish an in-country refugee processing mechanism to mediate human rights issues with the government of Vietnam. Please see attached Issues of Concern, page 3.

c. Economic relations between the United States and Vietnam.

d. How the U.S. government will administer and **monitor** international aid to Vietnam in the event of the normalization of relations. Concerns that the children of former political prisoners will not be discriminated against.

II. Confirmation of the U.S. government's stated commitment to the continuation of the Released Reeducation Detainees Program in the event of the normalization of relations between the United States and Vietnam.

III. Human rights in Vietnam

a. Vietnam's continued persecution and re-arrest of former political prisoners. Please see attached document.

b. Vietnam's persecution and arrest of those expressing their freedom of religion and freedom of speech. Please see attached document.

c. Request that the government of the United States urge the Vietnamese government to allow former political prisoners to resettle in Vietnam if they so choose and to guarantee that they and their families will be free from persecution or discrimination.

d. Request that the government of the United States press the Vietnamese government to release all political prisoners still incarcerated.

IV. Orderly Departure Program. Please see attached. If time does not permit discussion of our concerns on these issues, we would like to request a meeting with EAP, INS, HR, and RP to detail our concerns.

V. Discussion and sharing information.

Conclusion



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Issues of Concern

1. Persons who were captured during military maneuvers, or clandestine operations prior to 1975, are being denied the benefit of interview under the Orderly Departure Program (ODP). Although the ODP recognizes incarceration due to "close association with the U.S. or its policies prior to 1975", the ODP does not recognize Pre-1975 incarceration as applicable under the former re-education camp detainee program.

These prisoners of war (POW's) were, in fact, incarcerated as a direct result of the pursuance of policies or interests of the U.S. Government. Thus, there is no distinguishable difference between incarceration as a POW (pre-1975), and incarceration (post-1975) as a re-education camp detainee. As such, we believe that incarceration in POW camps and other detention facilities, prior to 1975, should be acceptable in terms of eligibility for interview on the same basis as re-education camp incarceration initiated in 1975. (See Attachment 1)

2. The offspring of deceased re-education camp detainees who died while incarcerated, or died as a result of that imprisonment, should be eligible for interview regardless of the surviving parent's status. In some instances, the spouse of the former detainee has died, or is unable or unwilling to be interviewed. However, the offspring themselves can present evidence of "ongoing persecution", to include the active denial of benefits which are widely available to peers. Also, they are able to clearly demonstrate that these restrictions and denial of benefits are imposed upon them based solely on the parent's background (close association with the U.S.). As such, the surviving parent's status should not have any bearing on the offspring's eligibility for interview.

Further, we can present cases wherein the offspring of deceased re-education camp detainees have been considered for refugee or parolee status, yet rejected due to an inability to demonstrate any "connection to the United States." Such a connection being relatives in the U.S., or a demonstrated past association with the U.S. or its policies prior to 1975. As stated above, these individuals can, in fact, show a connection to the U.S. by virtue of the deceased parent's background, as well as subsequent ongoing persecution directed against them because of this familial affiliation with the U.S. or its pre-1975 policies. (See Attachment 2)

3. Under the ODP program, persons who had been incarcerated for illegal boat departure, or other forms of escape, are not eligible for interview. However, in some cases evidence can be presented which would indicate that the attempted escape was "due to a well-founded fear of persecution because of race, religion, ethnicity or political opinion", to include close association with the U.S. or its policies prior to 1975. Thus meeting the 1951 Geneva Convention's criteria for refugee status. As such, these individuals should be provided with a mechanism through which they might present their case for refugee adjudication and afforded the opportunity to present evidence of "ongoing persecution."

4. Individuals who have been convicted and imprisoned for "political crimes" are not being afforded an opportunity for refugee adjudication, after release from prison, under current ODP guidelines. These individuals have been incarcerated for "crimes" ranging from authoring literature which conflicts with the Hanoi Government's agenda, to what is vaguely termed "anti-revolutionary activities." The ODP office has indicated an inability to interview them for two basic reasons. Dates of confinement (post 1975) and no close association with the U.S. or its policies prior to 1975. We believe that due to the circumstances under which the individuals have been charged and incarcerated, an opportunity to be interviewed for refugee status is warranted, regardless of non-affiliation with the U.S., dates of confinement, or ODP guidelines.

5. Although U.S. authorities have indicated that the pending caseload of ODP qualified candidates should be interviewed by the end of FY 96, we would like to receive assurances from your good offices that, per the 1979 memorandum of understanding/1980 aide memoire, all eligible cases will have an opportunity for refugee interviews, regardless of the diplomatic relationship between the U.S. and Vietnam or the ending of the Orderly Departure Program. We would also like to request that a mechanism be made available that would allow individuals to present their cases for appeal, or parolee consideration, should they have been previously rejected for refugee status.

6. The issue of how to deal with asylum seekers who still languish in first asylum camps is certainly an item worthy of dialogue. Although the U.S. and other resettlement countries have dealt effectively and decisively with the resettlement of cases which have been approved by officials of 1st asylum countries, there still remains a number of unapproved cases who wish to further pursue refugee adjudication proceedings. These persons have expressed a clear desire to remain in the 1st asylum camps until they are granted access to officials of the U.S., or other potential resettlement countries. However, as you are aware, persons who have been "screened out" by officials of the 1st asylum government are not allowed access to authorities of resettlement countries. As such, we believe that a mechanism which will allow individuals

to further pursue their claims to refugee status and subsequent resettlement, even after repatriating to Vietnam, will be an adequate incentive for voluntary repatriation. Of course, it may be necessary to provide assurances that these persons, should they repatriate, will be provided with adequate safeguards against reprisal or incarceration based solely on charges of illegal departure.

7. Lastly, we would like to raise the issue of Political Prisoners who, at this writing, are still incarcerated. At present, the U.S. government has no effective means of pressing for the release of individuals, Vietnamese nationals and U.S. Citizens alike, who are now incarcerated in Vietnam. As these persons have been incarcerated as a direct result of their personal political beliefs, it would appear that the U.S., by virtue of its commitment to the advancement of Human Rights, has an obligation to intercede on their behalf. Unfortunately, it is a point of fact that U.S. officials have very rarely, and then only recently, gained access to such individuals. Thus far, the policies of the U.S. government have generally had little or no effect regarding the release of such prisoners.

Neither does the U.S. have the capability of effectively monitoring Vietnam's position on Human Rights and its activities related to such matters. We believe that, with diplomatic ties between the U.S. and Vietnam as the precursor, a mutually agreed upon authority should be established in order to resolve this, and other Human Rights issues in Vietnam. In this manner, we believe, a concerted effort to resolve this issue can be effected.

We realize that, with the impending normalized relationship with the government of Vietnam, as well as the achievement of ODP's primary goals, the end of the Orderly Departure Program is now on the horizon. However, we are concerned that the issues herein presented have not been adequately addressed by the Department of State, nor the Immigration and Naturalization Service. As such, we would like to receive assurances that persons who fall under the above stated circumstances will be afforded a mechanism through which they might gain access to refugee adjudication by U.S. officials.

We believe that, in keeping with the U.S. government's stated policy of advancing the issue of Human Rights in Vietnam, it is in the best interest of the U.S. to implement measures, utilizing specific guidelines and criteria, which will allow individuals an opportunity to present their particular circumstances and receive the benefit of refugee adjudication. We would also like to receive assurances that individuals who seek access to U.S. officials will not be hindered in any form by Vietnamese authorities.

-Page Four-

Proposal

Therefore, we propose that the U.S. government establish an in-country refugee processing mechanism, as with the current U.S. policy regarding Haitian asylum seekers, which can accomplish these goals. We believe that the creation of such a mechanism would preclude the advent of a second mass exodus of refugees from Vietnam.

Specifically, we propose that the Department of State, in conjunction with the Immigration and Naturalization Service and Human Rights Bureau's, authorize an in-country U.S. representative to mediate human rights issues with the government of Vietnam. Further, this representative should be provided with an adequate support structure, through which the monitoring of Vietnam's human rights record and access to U.S. refugee processing officials by potential refugees can be accomplished.

Closing Remarks

We would like to point out that this should not be misconstrued as an attempt to extend the Orderly Departure Program. The circumstances presented generally do not fall under the purview of ODP or within its processing guidelines. However, as with the creation of the Orderly Departure Program, and in the spirit of humanitarian endeavors, we petition the Department of State, the Immigration and Naturalization Service, Human Rights Bureaus and related agencies to address these and other Human Rights issues concerning Vietnam.

February 23, 1994



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PARTICIPANTS SCHEDULED TO ATTEND MEETING WITH

The Honorable Peter Tomsen
Principal Deputy Assistant Secretary
Department of State

Wednesday, February 23, 1994 - 4:00 p.m.

Former Vietnamese Political Prisoners Association

*Quyên Cao Nguyen	DOB: 3/13/31	SS:	Chairman
*Phuong Dang Nguyen	DOB: 3/12/28	SS:	Vice-Chrm.
*Hung Thanh Huynh	DOB: 1/22/19	SS:	Advisor

Families of Vietnamese Political Prisoners Association

*Trung Tho Le	DOB: 2/2/30	SS:	Advisor
*Nguu Van Nguyen	DOB: 5/29/28	SS:	Advisor
Minh Tho Khuc	DOB: 1/12/39	SS:	President
Nam-Chi Ton-Nu	DOB: 2/27/71	SS:	Assistant

NOTE: ASTERISK (*) INDICATES THAT THIS PERSON WAS A HIGH RANKING OFFICER IN THE SOUTH VIETNAMESE MILITARY OR GOVERNMENT AND WAS INCARCERATED FOR A PERIOD OF TEN TO THIRTEEN YEARS.

**List of people arrested or re-arrested for attempting to express their
freedom of speech**

Name	DOB	Occupation	Date of Arrest and Camp	Remarks
Nguyen Thieu Hung Pen name: Mai Trung Tinh IV#: 064011 HO9-949	7/10/37	Writer, Formerly captain	11/15/90 Phan Lam ĐĂNG LỮ	A member of the Doan Viet Hoat group
Nguyen An		Major	First arrest: 1975-1983 Re-arrested: 1984-present Z30A (Xuan Loc Dong Nai)	Seriously ill; wife died May 1993; his children unable to support him

IV # 061155

Dear Mrs. Tho Minh Khuc,

My name is My T. T. Doan and I am writing this letter to ask for your help!

My family and I were listed on HO11. Last month, we received a letter telling us to come to Ho Chi Minh City for an interview. According to the letter, we were supposed to be seen by the Vietnamese Representative Group before we could be interviewed by the U.S.Embassy. On the 3rd of October, we went to see the Vietnamese Representative Group and they told us that we were refused to be interviewed by the U.S.Embassy. We were very depressed and disappointed.

Today, I am writting this letter to ask you to please help us find out why we were refused by the U.S.Embassy, and please help us get out of Vietnam the sooner the better. We appreciate your help very much and we will be counting every single minute of the days to receive a good news from you very soon!

Thank you again!

Sincerely,

My Doan

My Thi Thanh Doan.



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TRẦN KIM DUNG

August 14, 1992

The Honorable Priscilla Clapp
Senior Deputy Assistant Secretary
Bureau for Refugee Programs
Department of State
Washington, D.C. 20520

Dear Ms. Clapp:

On behalf of the Families of Vietnamese Political Prisoners Association we would like to bring to your attention two specific cases involving:

Le Van Khoa, IV 316627, HO-16-387
Nguyen Viet Trung Son, IV 316635, HO-16-352

As you will recall, we had a meeting with you on January 24, 1992, at which time we brought to your attention our issues and concerns. Specifically, we had been advised of the existence of a group of former Vietnamese political prisoners who were arrested prior to 1975 as the result of their participation in battles in Laos and Cambodia side by side with the United States Army. In addition to the two above-referenced cases you may recall a particular case we brought to your attention when we met. Specifically, this case involved Nguyen Van Thanh, IV #252961, who was detained May 30, 1971 through February 1976.

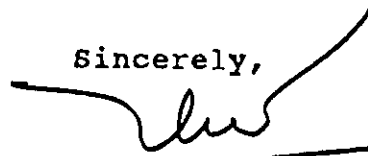
In spite of having been issued exit visas, these prisoners have been denied entry to the United States as the ODP does not take into account years of imprisonment prior to 1975. In our view, this group should have the same considerations as other political prisoners since they all fought for the same causes...which are freedom and democracy in South Vietnam.

The Honorable Priscilla Clapp
Senior Deputy Assistant Secretary
August 14, 1992
Page Two

I have attached, for your review documentation regarding the issues and concerns around the three cases that I am presenting to you.

To date, these cases have not been satisfactorily resolved and we continue to patiently await resolution. Your kind intervention and assistance in this particular matter would be greatly appreciated. If you feel it is necessary that we meet again to discuss this issue in more detail, please feel free to contact me at your convenience.

Sincerely,



(Mrs.) Khuc Minh Tho
President

KMT/lrc-d
Attachments

HUE NGOC TRAN
2923 John Marshall Dr. #202
Falls Church, VA.22044.

March 26th, 1993

Mr. Director of ODP
Consular Section
PO. Box 58, American Embassy
APO San Francisco 96346

Reference: IV # 249602; VN List # H20-388

Dear Sir,

I am Hue Ngoc Tran, former Lt. Colonel, Infantry, Republic of VietNam Armed Forces, Commanding Officer of 2nd Battalion, 2nd Regiment of 1st Infantry Division. I was captured in action since March 21, 1971 and imprisoned until July 27th, 1983 and, finally my family and I were saved by you and your subordinates, by the American people, the Congress and the US Government. We came to the USA on November 11th, 1991. We really appreciated those who have sacrificed their morales and energies, sacrificed their healths, times and materials to donate to the unfortunate commade-in-Arms after the Republic of Vietnam invaded by the Communist of North Vietnam and having taken us the Land of Freedom. We often pray in God though we could never see Our Savior but through your generous and humanitarian manner we thought we've met him. I would say you all are the loyalty servant of Our Savior!

Now I would bother you another time, I've just received the not-eligible-for-interview letter from my former subordinate, Mr. TRAN VIET MY, Lieutenant, Intantry, Serial Number: 68/270041, platoon leader. He was Captured in action on May 22, 1972 at My Chanh, Thua Thien and was imprisoned in the Pow Camp T3 YEN BAY, North of Vietnam. He was released on 20 February, 1976. Counting from the date he was captured until the date he was released, the time Mr. TRAN VIET MY had spent in the prison for three years and nine months that matching with the condition of the beneficiaries of current immigrant visa petitions.

Dear Sir,

So are there many other cases like this case have resolved:

Ho Ngoc Hoang	H06-542
Le Minh Nhuan	H07-564
Pham Van Chac	H08-607
Nguyen Ngoc Siem	H08-608
Le Van Khoa	H16 IV: 316627
Nguyen Viet Truong Son	H16 IV: 316635

The above officers were captured on March, 1971 at South of Laos in Operation Lam-son 719 and they are now settled in the USA.

I thought this problem is repeatedly because of the computer hasn't been updated the processing way for matching with present favor condition toward the prisoner of war captured pre 1975-Event.

Living in the same POW camp with him, I could ensure with you, Mr. TRAN VIET MY was a good officer in any circumstances and he is deserved to be saved. I hope with your help to review the case Mr. TRAN VIET MY and his family will be interivewed and come to USA very soon.

May God bless you and your family. I am looking forward your reply.

Very sincerely yours



Hue Ngoc Tran

Enclosures:

- Copy of the letter informing MIA of TRAN VIET MY
- Copy of the refused letter of ODP Bangkok
- Copies of POW certified certificate



Robert L. Jones
National Executive Director

BLIND COPY

April 13, 1993

Director
Orderly Departure Program
American Embassy
Box 58
APO San Francisco, CA 96346-0001

Re: Tran Viet My
IV # 24906
VN List # H20-388

S
SERVING
WITH
PRIDE

Dear Sir,

The purpose of this letter is to ask for reconsideration of the case of Mr. Tran Viet My and his request to migrate to the United States under the auspices of the orderly discharge program. The circumstances of Mr. Tran Viet My's capture and subsequent confinement clearly indicate that he is eligible for participation in the orderly discharge program. The facts in this case are as follows:

Name: Tran Viet My
Rank: 2nd Lieutenant Regular Forces, Reserve
Platoon Leader
Serial Number: 68/207041
Missing in
Action: May 22, 1972
Date of Birth: October 1, 1948
Place of Birth: Thuyan, Huong Thuy, Thua Thien
Imprisoned: May 22, 1972 - February 20, 1976
Location: Reeducation Camp, Military Marshal Agency
of Defense Ministry
Document
Number: 56287 Police Department Thua Thien -
Hue Province



A M V E T S

NATIONAL
HEADQUARTERS
4647 Forbes Boulevard
Lanham, Maryland
20706-9961
TELEPHONE: 301-459-9600
FAX: 301-459-7924
FTS 8-344-3552

Mr. Tran Viet My, while serving as a platoon leader in the ARVN 3rd Infantry Division was captured in the vicinity of defensive positions along the My Chanh River between Quang Tri and Thua Thien Provinces. He was imprisoned for a period of approximately 3 years and 9 months. His release from captivity came after the


Orderly Departure Program
April 13, 1993
Letter/page 2 of 2

capitulation of South Vietnam.

Mr. Tran Viet My, as a result of his service and ultimate imprisonment, has more than adequately met the established criteria for participation in the orderly departure program. Based upon the evidence of record, I request that he be given due consideration, that areas of reasonable doubt be decided in his favor, and that Mr. Tran Viet My be enrolled in the orderly departure program for subsequent immigration to the United States.

Your expeditious assistance in resolving this case is sincerely appreciated. If I may of further assistance, please feel free to contact me.

In service to America's veterans,


Robert L. Jones
National Executive Director

RLJ/nd



Ambassy of the United States of America
Bangkok, Thailand

date: _____

01077 (LT)

REF: VN List # H20-398

IV# 299602

- TRAN VIET MY
- TRAN THE NGOT
- TRAN THE HOANG HOA
- TRAN THE HOANG HOA
- TRAN THE MY PHUONG
- TRAN HOANG LONG

Dear TRAN VIET MY

We regret to inform you that the individuals named above are not eligible for interview by officers of the Orderly Departure Program (ODP) at this time. Although their names have appeared on a Vietnamese interview list, ODP will only propose the interview of cases which include applicants who

are the beneficiaries of current immigrant visa petitions:

spent 3 or more years in re-education as a result of their association with US policies and programs in Vietnam;

are the widows/children of deceased re-education internees in cases where the internee died as a result of internment;

were in re-education for one or more years, and were employed by US firms or organizations for one or more years, or trained in the US under US government auspices;

were employed by US firms or organizations for five or more years;

are Amerasian.

are the beneficiaries of non-current immigrant visa petitions or visas 93 petitions filed by a spouse in the US, and were claimed when their spouse departed for the US;

are parents of unaccompanied minor (under age 18) children in the US, who were claimed when their children departed for the US.

It should be stressed that ODP will no longer propose an individual for interview simply because the individual has been issued an ODP Letter of Introduction: the individual must also be eligible under one of the criteria described above.

According to our records, the persons named above do not meet any of these criteria, and are therefore not eligible for an interview. Should additional information become available, interview of their cases will be re-considered. We regret that we cannot give you more encouraging news at this time; we will advise you if further action becomes possible.

The US Orderly Departure Program
Bangkok, Thailand

RECOMMENDATIONS

Re: Former Vietnamese political prisoners

1. Former political prisoners still in Vietnam:

Request that the Hanoi government:

1. Continue to speed up the Humanitarian Operation (HO) program.
2. Resume the listing of Vietnamese political prisoners eligible for the HO program, revoking the provision of "minimum three years detention in re-education camps."
3. Activate the Orderly Departure Program for applicants who are not seeking resettlement through the HO program as their family sponsors live in countries other than the U.S.
4. Guarantee not to subject to harassment, retaliation and discrimination, any "illegal" escapees or involuntary repatriates from Southeast Asian refugee camps and assure the early reintegration of these returnees in society.
5. Not to harass or discriminate against those political prisoners who have chosen to stay in Vietnam due to the following circumstances:
 - old age
 - illness
 - ineligibility for the HO program or the ODP
6. Not take punitive measures against them such as:
 - denial of household registration cards,
 - food rationing
 - barriers to employment,
 - denial of educational opportunities, (their children)
 - travel restrictions.

II. Former political prisoners and RVNAF soldiers who are presently seeking asylum in Southeast Asian refugee camps:

1. Accelerate the resettlement of screened-in Vietnamese asylum seekers.
2. Expedite the screening process for early resettle of former political prisoners in the U.S. and other countries in the Free World.
3. Waive the prerequisite of "detention in Communist re-education camps" for RVN military men or civil servants who successfully (or by chance) avoided Communist arrest. These asylum seekers, if stranded in Vietnam, are likely subjects of Communist surveillance, harassment and discrimination.

III. Former political prisoners already resettled in the U.S. or being processed under the HO:

1. Increase the current time limit of eligibility for refugee benefits.
2. Provide initial placement services such as: housing assistance, clothes, furniture, cookware and other necessities, employment assistance, ESL and vocational training and educational services for their children.

February 1994 - Huynh Thanh Hung

Date: 07 Jan 94

Applicant Address: _____

IV/VN List # 116466/H28-510/PTD

99 Dien Bien Phu

Nguyen Phat Khoi

P. Da Kao

Nguyen Phat Khoa

Q. 01 T/P Ho Chi Minh

Nguyen Qui Anh

Dear Nguyen Phat Khoi :

We regret to inform you that the individual(s) named above are not eligible to attend an interview with the United States Orderly Departure Program (ODP) for the reason indicated below. Applicants who fall into any of the categories listed below are not qualified for an interview even though their names may have appeared on interview lists submitted to the ODP by the Socialist Republic of Vietnam (SRV), or even though ODP may have issued a Letter of Introduction (LOI) to the applicants in the past; every applicant must meet current ODP eligibility criteria to be proposed for interview.

- 1. Beneficiaries of noncurrent immigrant visa petition(s): The _____ preference petition(s) filed _____ on behalf of the individual(s) named above are not yet eligible for visa consideration. These applicants will be reconsidered for interview once the filing date(s) of the petition(s) are current. For more information on visa petition current dates, you may contact the US Department of State's visa office at (202) 663-1541.
- 2. Applicants whose cases are based solely on an affidavit of relationship (AOR): ODP no longer interviews applicants whose cases are based solely on AORs. Please refer to enclosed information about filing immigrant visa-petitions.
- 3. Sons/daughters age twenty-one and over (and their families): Without independent refugee eligibility or current visa petitions, these individuals may not derive eligibility from their parents' immigrant visa petitions in a preference category; rather, only the spouse and minor children of a current preference petition beneficiary are entitled to derivative eligibility. Parents may file petitions on behalf of their unmarried children after they arrive in the U.S. and adjust their status to Permanent Resident Alien.
- 4. Married sons/daughters (and their families): Without independent refugee eligibility or current visa petitions, these individuals may not attend an ODP interview with their parents; under US immigration law, married offspring are not entitled to derivative eligibility from their parents' immediate relative petitions.
- 5. Applicants whose spouses failed to disclose their marital status prior to leaving Vietnam: These individuals are not eligible for interview at this time. Cases will come under review once petition filing dates are current. For more information on visa petition current dates, you may contact the US Department of State's visa office at (202) 663-1541.
- 6. Other: No any connection to the U.S.

7. Individuals applying for ODP refugee interviews: These applicants have failed to meet any of the eligibility criteria detailed below.

Criteria Combinations to Qualify for ODP Refugee Interviews

- At least three years in a re-education camp as a direct result of close association with US policies and programs prior to April 1975. (Time served as a result of post April 1975 revolutionary activities or boat escapes does not qualify an individual for ODP) nor does time served as a prisoner of war (POW) prior to 1975.
- At least one year verifiable employment by the US government or US private companies plus at least one year in a re-education camp as a direct result of close association with US policies and programs prior to 1975.
- A period of training in the US plus at least one year in a re-education camp as a direct result of close association with US policies and programs prior to 1975.
- At least five years verifiable employment by the US government or US private companies.

Note: Married sons and daughters (and their families) accompanying former political prisoners must have immigrant visa petitions filed on their behalf or alternate independent ODP eligibility in order to attend an ODP refugee interview with parents whose case is based on one of the above criteria combinations.

- The widow(er) and unmarried children of an individual who died in or as a result of internment in a re-education camp as a direct result of close association with US policies and programs prior to 1975. Children are eligible only when accompanying their widowed parent. Married children with immigrant petitions in their own name may accompany a widowed parent.

will there be a mechanism in the future to interview these persons.

We regret that more encouraging news is not available at this time.

equitably adequately

Currently, the children of political prisoners are denied the right to an education ~~and consequently the right to~~ ~~earn a livelihood~~ which effectively denies them the means of earning a livelihood and to lift themselves out of poverty.

We are concerned that this situation will continue ~~as is~~ once the U.S. and Vietnam normalize relations ~~and international aid~~ ~~and international aid money from~~ the US is used to ~~sup~~ fund educational programs in Vietnam.

~~We would like the US government to make a firm commitment to~~ ~~assure~~ that ~~international aid benefits~~ will be dispersed equitably ~~with~~ it ~~will~~ will establish guidelines assuring that USG ~~international aid~~ ^{aid} money will be dispersed ~~based~~

Specifically we are concerned about foreign aid money that will support educational programs in Vietnam. We would like ~~to~~ the US government to ~~act~~

assure that the children of FFPs will not be discriminated against in the ^{dispersion} ~~dispersion~~ of that aid. ~~by~~ And we ~~believe~~ believe that strict guidelines must be established ~~in~~ for the administration and monitoring of ~~aid~~ funds so that the children of FFPs will have an equal opportunity ~~to~~ ~~ad~~ to get an education, without regard to their parents political background -

as a FPP ~~and as a~~ he is both a victim
and a witness to the human rights
abuses committed by the Vietnamese
government. He is able to give
an accurate account of the current
human rights situation in Vietnam

~~IAF~~ We ^{support} ~~believe that~~ whatever will ~~make~~
~~the~~ improve the lives of the Vietnamese
people, ~~and make them stronger~~
~~will~~ and help make ~~the~~ Vietnam better.

Thank you for this ~~amazing~~ opportunity to meet with you and to present these issues which are of great concern to us.

Please allow me to introduce our delegation:

Mr. ~~Phuoc~~ ^{Nguyen Cao}, Chairman the Former Vietnamese Political Prisoners Association. He was formerly a Counselor in the South Vietnamese Ministry of Foreign Affairs. He was incarcerated for 10 years.

Mr. ~~Phuoc~~ ^{Nguyen}, Vice-Chairman. He was formerly a Colonel in the South Vietnamese Army. He was incarcerated for 13 years, and Province Chief of Chau Doc.

3. Mr. Ho Huynh
Thanh Hung
Assistant Minister of
Social Welfare.

Advisor
Formerly Deputy
Asst. Minister of
Social Affairs -
Years? 10

4. Mr. Le Tho Trung

Advisor
Formerly a Colonel
and Province Chief
of ~~the Dec~~
Sadec

13 years.

5. Mr. Nguyen Van Nguu

Advisor
Formerly a Lt. Col.
~~Br.~~ and District
Chief of 10 districts
~~in Saigon~~ Chief
of the 10th District
in Saigon.

6. Ton Vu Nam Chi

Asst.

7. Myself



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

FAMILIES OF VIETNAMESE POLITICAL PRISONERS ASSOCIATION

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AGENDA FOR THE MEETING BETWEEN THE HONORABLE PETER TOMSEN, PRINCIPAL DEPUTY ASSISTANT SECRETARY AND REPRESENTATIVES OF THE FORMER VIETNAMESE POLITICAL PRISONERS ASSOCIATION AND THE FAMILIES OF VIETNAMESE POLITICAL PRISONERS ASSOCIATION

Wednesday, February 23, 1994

4:00 p.m.

Introduction

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We would like to focus today's meeting on the following issues:

I. Summary of the Department of State's position and plans for the nature and development of relations between the United States and Vietnam in the near future and upcoming years. Progress in the discussions with Vietnamese authorities about re-establishing normal diplomatic relations between the U.S. and Vietnam.

a. The office of liaison of the United States in Vietnam and the office of the liaison of Vietnam in the United States and their functions.

** Our members are volunteers and our staff did not get any financial support of US Gov. or any private agencies.*
Tom I remembered you wrote something about this at your computer.

Two



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a. The office of liaison of the United States in Vietnam and the office of the liaison of Vietnam in the United States and their functions.

b. Proposal that the U.S. government establish an in-country refugee processing mechanism to mediate human rights issues with the government of Vietnam. Please see attached Issues of Concern, page 4 (Proposal)

c. Economic relations between the United States and Vietnam.

d. How the U.S. government will administer and monitor international aid to Vietnam in the event of the normalization of relations. Concerns that the children of former political prisoners will not be discriminated against.

II. Confirmation of the U.S. government's stated commitment to the continuation of the Released Reeducation Detainees Program in the event of the normalization of relations between the United States and Vietnam.

III. Human rights in Vietnam

a. Vietnam's continued persecution and re-arrest of former political prisoners. Please see attached document.

b. Vietnam's persecution and arrest of those expressing their freedom of religion and freedom of speech. Please see attached document.

c. Request that the government of the United States urge the Vietnamese government to allow former political prisoners to resettle in Vietnam if they so choose and to guarantee that they and their families will be free from persecution or discrimination.

d. Request that the government of the United States press the Vietnamese government to release all political prisoners still incarcerated.

IV. Orderly Departure Program. *Issues of Concern* Please see attached. If time does not permit discussion of our concerns on these issues, we would like to request a meeting with EAP, INS, HR, and RP to detail our concerns.

V. Discussion and sharing information.

Reception July 26, 94

Conclusion

**List of people arrested or re-arrested for attempting to express their
freedom of speech**

Name	DOB	Occupation	Date of Arrest and Camp	Remarks
Nguyen Thieu Hung Pen name: Mai Trung Tinh IV#: 064011 HO9-949	7/10/37	Writer, Formerly captain	11/15/90 Phan Luu ĐẶNG LỮ	A member of the Doan Viet Hoat group
Nguyen An		Major	First arrest: 1975-1983 Re-arrested: 1984-present Z30A (Xuan Loc Dong Nai)	Seriously ill; wife died May 1993; his children unable to support him



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Issues of Concern

1. Persons who were captured during military maneuvers, or clandestine operations prior to 1975, are being denied the benefit of interview under the Orderly Departure Program (ODP). Although the ODP recognizes incarceration due to "close association with the U.S. or its policies prior to 1975", the ODP does not recognize Pre-1975 incarceration as applicable under the former re-education camp detainee program.

These prisoners of war (POW's) were, in fact, incarcerated as a direct result of the pursuance of policies or interests of the U.S. Government. Thus, there is no distinguishable difference between incarceration as a POW (pre-1975), and incarceration (post-1975) as a re-education camp detainee. As such, we believe that incarceration in POW camps and other detention facilities, prior to 1975, should be acceptable in terms of eligibility for interview on the same basis as re-education camp incarceration initiated in 1975. (See Attachment 1)

2. The offspring of deceased re-education camp detainees who died while incarcerated, or died as a result of that imprisonment, should be eligible for interview regardless of the surviving parent's status. In some instances, the spouse of the former detainee has died, or is unable or unwilling to be interviewed. However, the offspring themselves can present evidence of "ongoing persecution", to include the active denial of benefits which are widely available to peers. Also, they are able to clearly demonstrate that these restrictions and denial of benefits are imposed upon them based solely on the parent's background (close association with the U.S.). As such, the surviving parent's status should not have any bearing on the offspring's eligibility for interview.

Further, we can present cases wherein the offspring of deceased re-education camp detainees have been considered for refugee or parolee status, yet rejected due to an inability to demonstrate any "connection to the United States." Such a connection being relatives in the U.S., or a demonstrated past association with the U.S. or its policies prior to 1975. As stated above, these individuals can, in fact, show a connection to the U.S. by virtue of the deceased parent's background, as well as subsequent ongoing persecution directed against them because of this familial affiliation with the U.S. or its pre-1975 policies. (See Attachment 2)

3. Under the ODP program, persons who had been incarcerated for illegal boat departure, or other forms of escape, are not eligible for interview. However, in some cases evidence can be presented which would indicate that the attempted escape was "due to a well-founded fear of persecution because of race, religion, ethnicity or political opinion", to include close association with the U.S. or its policies prior to 1975. Thus meeting the 1951 Geneva Convention's criteria for refugee status. As such, these individuals should be provided with a mechanism through which they might present their case for refugee adjudication and afforded the opportunity to present evidence of "ongoing persecution."

4. Individuals who have been convicted and imprisoned for "political crimes" are not being afforded an opportunity for refugee adjudication, after release from prison, under current ODP guidelines. These individuals have been incarcerated for "crimes" ranging from authoring literature which conflicts with the Hanoi Government's agenda, to what is vaguely termed "anti-revolutionary activities." The ODP office has indicated an inability to interview them for two basic reasons. Dates of confinement (post 1975) and no close association with the U.S. or its policies prior to 1975. We believe that due to the circumstances under which the individuals have been charged and incarcerated, an opportunity to be interviewed for refugee status is warranted, regardless of non-affiliation with the U.S., dates of confinement, or ODP guidelines.

5. Although U.S. authorities have indicated that the pending caseload of ODP qualified candidates should be interviewed by the end of FY 96, we would like to receive assurances from your good offices that, per the 1979 memorandum of understanding/1980 aide memoire, all eligible cases will have an opportunity for refugee interviews, regardless of the diplomatic relationship between the U.S. and Vietnam or the ending of the Orderly Departure Program. We would also like to request that a mechanism be made available that would allow individuals to present their cases for appeal, or parolee consideration, should they have been previously rejected for refugee status.

6. The issue of how to deal with asylum seekers who still languish in first asylum camps is certainly an item worthy of dialogue. Although the U.S. and other resettlement countries have dealt effectively and decisively with the resettlement of cases which have been approved by officials of 1st asylum countries, there still remains a number of unapproved cases who wish to further pursue refugee adjudication proceedings. These persons have expressed a clear desire to remain in the 1st asylum camps until they are granted access to officials of the U.S., or other potential resettlement countries. However, as you are aware, persons who have been "screened out" by officials of the 1st asylum government are not allowed access to authorities of resettlement countries. As such, we believe that a mechanism which will allow individuals

to further pursue their claims to refugee status and subsequent resettlement, even after repatriating to Vietnam, will be an adequate incentive for voluntary repatriation. Of course, it may be necessary to provide assurances that these persons, should they repatriate, will be provided with adequate safeguards against reprisal or incarceration based solely on charges of illegal departure.

7. Lastly, we would like to raise the issue of Political Prisoners who, at this writing, are still incarcerated. At present, the U.S. government has no effective means of pressing for the release of individuals, Vietnamese nationals and U.S. Citizens alike, who are now incarcerated in Vietnam. As these persons have been incarcerated as a direct result of their personal political beliefs, it would appear that the U.S., by virtue of its commitment to the advancement of Human Rights, has an obligation to intercede on their behalf. Unfortunately, it is a point of fact that U.S. officials have very rarely, and then only recently, gained access to such individuals. Thus far, the policies of the U.S. government have generally had little or no effect regarding the release of such prisoners.

Neither does the U.S. have the capability of effectively monitoring Vietnam's position on Human Rights and its activities related to such matters. We believe that, with diplomatic ties between the U.S. and Vietnam as the precursor, a mutually agreed upon authority should be established in order to resolve this, and other Human Rights issues in Vietnam. In this manner, we believe, a concerted effort to resolve this issue can be effected.

We realize that, with the impending normalized relationship with the government of Vietnam, as well as the achievement of ODP's primary goals, the end of the Orderly Departure Program is now on the horizon. However, we are concerned that the issues herein presented have not been adequately addressed by the Department of State, nor the Immigration and Naturalization Service. As such, we would like to receive assurances that persons who fall under the above stated circumstances will be afforded a mechanism through which they might gain access to refugee adjudication by U.S. officials.

We believe that, in keeping with the U.S. government's stated policy of advancing the issue of Human Rights in Vietnam, it is in the best interest of the U.S. to implement measures, utilizing specific guidelines and criteria, which will allow individuals an opportunity to present their particular circumstances and receive the benefit of refugee adjudication. We would also like to receive assurances that individuals who seek access to U.S. officials will not be hindered in any form by Vietnamese authorities.

-Page Four-

Proposal

Therefore, we propose that the U.S. government establish an in-country refugee processing mechanism, as with the current U.S. policy regarding Haitian asylum seekers, which can accomplish these goals. We believe that the creation of such a mechanism would preclude the advent of a second mass exodus of refugees from Vietnam.

Specifically, we propose that the Department of State, in conjunction with the Immigration and Naturalization Service and Human Rights Bureau's, authorize an in-country U.S. representative to mediate human rights issues with the government of Vietnam. Further, this representative should be provided with an adequate support structure, through which the monitoring of Vietnam's human rights record and access to U.S. refugee processing officials by potential refugees can be accomplished.

Closing Remarks

We would like to point out that this should not be misconstrued as an attempt to extend the Orderly Departure Program. The circumstances presented generally do not fall under the purview of ODP or within its processing guidelines. However, as with the creation of the Orderly Departure Program, and in the spirit of humanitarian endeavors, we petition the Department of State, the Immigration and Naturalization Service, Human Rights Bureaus and related agencies to address these and other Human Rights issues concerning Vietnam.

February 23, 1994



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agencies.*

*(Tom I remembered
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about this
at your
computer.*



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PARTICIPANTS SCHEDULED TO ATTEND MEETING WITH

The Honorable Peter Tomsen
Principal Deputy Assistant Secretary
Department of State

Wednesday, February 23, 1994 - 4:00 p.m.

Former Vietnamese Political Prisoners Association

*Quyên Cao Nguyen	DOB: 3/13/31	SS#	Chairman
*Phuong Dang Nguyen	DOB: 3/12/28	SS#	Vice-Chrm.
*Hung Thanh Huynh	DOB: 1/22/19	SS#	Advisor

Families of Vietnamese Political Prisoners Association

*Trung Tho Le	DOB: 2/2/30	SS#	Advisor
*Nguu Van Nguyen	DOB: 5/29/28	SS#	Advisor
Minh Tho Khuc	DOB: 1/12/39	SS#	President
Nam-Chi Ton-Nu	DOB: 2/27/71	SS#	Assistant

NOTE: ASTERISK (*) INDICATES THAT THIS PERSON WAS A HIGH RANKING OFFICER IN THE SOUTH VIETNAMESE MILITARY OR GOVERNMENT AND WAS INCARCERATED FOR A PERIOD OF TEN TO THIRTEEN YEARS.



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NGUYỄN XUÂN LAN
TRẦN KIM DUNG

January 23, 1993

The Honorable Winston Lord
Assistant Secretary
Department of State
Washington, D.C. 20520

Dear Mr. Lord:

I am writing to you on behalf of the Families of Vietnamese Political Prisoners Association.

Since we last communicated with you in July 1993 a number of issues and concerns have arisen that required our attention. Currently, we are trying to deal with the rumors abounding in the Vietnamese community regarding the United States lifting the embargo and contemplating diplomatic relations with Vietnam in the near future.

It is our hope that we will soon have an opportunity to meet with you so that you can share with us valuable information that you have about Vietnam and to discuss the issues and situations of the political prisoners in Vietnam. In addition, we would like to review with you the status and progress of former political prisoners, who are now in the United States.

As we prepare to celebrate our Vietnamese New Year (Tet, which is February 10, 1994), we would also like to take this opportunity to wish you a Happy New Year filled with prosperity, love, and peace.

Sincerely,

(Mrs.) Khuc Minh Tho
President



United States Department of State

*Assistant Secretary of State
for East Asian and Pacific Affairs*

Washington, D.C. 20520

JUL 3 1993

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

Dear Mrs. Tho:

I am writing in response to your recent letter in which you suggested that we meet on July 23.

I regret to say that I will be traveling in Asia virtually the entire month of July for a series of meetings beginning with the G-7 in Tokyo and ending with a ministerial in Australia at the end of the month. I would very much like to meet with your group and will try to schedule a meeting after my return.

I would welcome the opportunity to meet with you to discuss the situation of political prisoners in Vietnam and to review the progress of former prisoners now in the U.S. I may be traveling on July 23. My office will contact you once my travel plans have been set, and will reschedule the appointment if I am not available on the 23rd.

Sincerely,

A handwritten signature in cursive script that reads "Winston Lord".

Winston Lord

Pages Removed (S.S.)

MEETING: 2-23-1994 AGENDA PARTICIPANTS
FOR MEETING WITH PETER TOMSEN, FVPPA, AND
REPRESENTATIVES OF THE FORMER VIETNAMESE RE-
ASSOCIATION
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-Anna Mallett

Date: MARCH 31st 2008