



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

FAMILIES OF VIETNAMESE POLITICAL PRISONERS ASSOCIATION

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

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## AGENDA FOR THE MEETING BETWEEN OFFICIALS OF THE DEPARTMENT OF STATE, IMMIGRATION AND REPRESENTATIVES OF THE FAMILIES OF VIETNAMESE POLITICAL PRISONERS ASSOCIATION

Wednesday, April 13, 1994

3:30 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 the 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.

### **During our meeting we would like to discuss the following issues:**

1. Persons who were captured during military maneuvers or clandestine operations, prior to 1975, are denied the benefit of interview under current guidelines. 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 and 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.

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 status of the surviving parent. 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 interview eligibility, yet denied an interview 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 consequential persecution directed against them because of this familial affiliation with the U.S.

3. Under the ODP program, persons who have 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. government. 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. 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., or dates of confinement.

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 enable candidates to present 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 individuals who have been approved by officials of 1st asylum countries as having met refugee criteria, there still remains a number of unapproved individuals who would like to further pursue refugee adjudication. 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 representatives 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.

We realize that, with the impending initiation of diplomatic ties between the United States of America and the Socialist Republic 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 fully addressed. Thus, we would like to receive assurances from your good offices 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.

Lastly, we would like to 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 facilitate such goals. We believe that the creation of such a mechanism would adequately address the issues thus far presented, as well as 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 Bureaus, 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 right record and access to U.S. refugee processing officials by potential refugees can be accomplished.

In closing, we would like to point out that this proposal 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 all relevent agencies to address these and other Human Rights issues concerning Vietnam.



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HIỆP LOWMAN  
NGUYỄN XUÂN LAN  
TRẦN KIM DUNG

## PARTICIPANTS SCHEDULED TO ATTEND MEETING WITH THE DEPARTMENT OF STATE AND IMMIGRATION

Wednesday, April 13, 1994

3:30 p.m.

Le Tho Trung

Former Political Prisoner  
(Colonel), 13 years in camp

Tran Kim Dung

Association Advisor

Khuc Minh Tho

Association President