



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

FAMILIES OF VIETNAMESE POLITICAL PRISONERS ASSOCIATION

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## AGENDA FOR THE MEETING WITH MS. PHYLLIS COVEN, DIRECTOR OFFICE OF INTERNATIONAL AFFAIRS IMMIGRATION AND NATURALIZATION SERVICE DEPARTMENT OF JUSTICE

Monday, January 23rd 1995  
09:30 AM

### I. INTRODUCTION

I would like to introduce myself and the other members here today. I am Khuc Minh Tho, the President of the Families of Vietnamese Political Prisoners Association (FVPPA), a non-profit organization formed 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 countries of the free world. Due to the strong support of the government of the United States, especially the Department of State and the Immigration and Naturalization Service and the U.S. Congress, over 110,000 former political prisoners and their families have been resettled in the United States.

Now I would also like to introduce the other individuals here today. Mr. Ba Van Le is the President of the Washington Area League of Vietnamese Associations. Mr. Nguyen Ngoc Bich is the Executive President of the National Congress of Vietnamese in America. Mr. Thanh Tu Tran is the Secretary General of International League for Human Rights, Vietnam Chapter. Mr. Toan Quy Thai is the Legal Advisor of our association and Mr. Rich Warner, Consultant.

### II. MEETING AGENDA

The purpose of the meeting today is to focus your attention on the recent decision to exclude unmarried children over 21 years of age from the families of political prisoners eligible for interview by the Orderly Departure Program (ODP) and admission into the United States. By way of background, the HO program of ODP is a

humanitarian program for the admission of the former political prisoners who were detained and persecuted by the Vietnamese government due to their close association with the former government of South Vietnam and the United States Government. As you might be aware, Secretary of State George Shultz in 1984 made the public pronouncement, on behalf of President Reagan, of the American humanitarian initiative to bring former reeducation camp prisoners and their close family to the United States. Again at the U.N. International Conference on Indochinese Refugees in 1989 in Geneva, the then Deputy Secretary of State Lawrence Eagleburger reaffirmed on behalf of President Bush, the U.S. commitment to resettle the former reeducation camp prisoners and their families in the United States. Since the program began in 1989, ODP has interviewed and admitted the former political prisoners and their family members, including unmarried sons and daughters over 21.

On December 6, we received a letter from Ms. Terry Rusch, Director for the Office of Admissions, Bureau of Population, Refugee and Migration (PRM), Department of State, wherein she advised us that ODP had decided to limit eligibility for unmarried sons and daughters of former re-education camp detainees, spouses and unmarried children who have not yet attained the age of twenty-one. There were two reasons given for this decision:

- a. high incidence of fraud**
- b. need to conform to INS standards applied to other countries.**

### **III. ISSUES OF CONCERN**

aa. We would like to know how the filing of fraudulent claims justifies this change in requirements and policy. Surely, our consulates throughout the world encounter fraud everyday and are tasked with separating fraudulent claims from honest ones. We do not understand how Mr. Dewey Pendergrass, Chief, Overseas Operations Division, Office of Admissions (PRM), Department of State can say, as he did in his letter of January 12, that the amount of time spent by INS officers attempting to resolve these fraudulent cases would make it impossible to complete interviews of the former detainee caseload within an acceptable time period:

bb. The practice of admitting unmarried children over 21 by ODP sine 1989 was a policy of ODP and INS from the start. This drastic and sudden change in policy comes at a time when processing for the HO program is near completion and many families have waited for a very long time in the queue. This decision is also inconsistent with the way in which ODP has administered the HO program since 1989.

For example, ODP in some cases allows the **parents of former prisoners** to accompany the family if the prisoner is the only child of the parents. As you know, the former political prisoners rely on their children for support and need their assistance when they are resettled here in the United States.

A split family will result in the upkeep of two households (one in Vietnam and one in the U.S.) and this will make it harder for the family to become self-sufficient in the U.S. since the most productive age bracket is kept back in Vietnam. The result of this change is to force old and ailing persons into our overburdened social service system in the United States. The social service here must provide a lot of services, including food stamps, cash assistance, Medicaid and Medicare, home care companions, transportation, translation and even nursing homes, housing etc. These services must continue to be provided after the eight months of refugee benefits if the children are not here to help the families.

We are also concerned about the State Department argument that the excluded children can immigrate to the United States "within a few years" (reference letter from Dewey Pendergrass dated January 12, 1995). We do not think that this is true. As the Director of International Affairs for INS, you can advise us as to how many years it would take so that we can share this information with the Vietnamese communities in the United States and Vietnam. We understand that the former political prisoners must wait at least one year before they can adjust their status and file a petition for their unmarried children. According to the Visa Bulletin released on January 12, 1995 by the State Department's Visa Office regarding this particular family preference (i.e. 2B), visas will be available in February 1995 only for those petition filed prior to March 8, 1990. Realistically for 2B family preference petitions file in 1995, visas will not become available to beneficiaries until at least (8) years or more have elapsed.

#### IV. REQUEST

We ask your help in seeking review and reversal of this decision. For the reasons discussed above, we believe that this decision is unfair. We are also disturbed that the decision was hastily made with no prior consultation with interested groups here in the United States. According to the letter from Mr. Dewey Pendergrass, the State Department informed the Vietnamese government of this decision on December 8, 1994, only two days after the letter from Ms. Rusch informing us of the change. Furthermore, the State Department announced the decision during the holiday period when it is difficult to reach people. With the effective date of **February 1, 1995** only **one week** away, we urgently need your help.

We again thank you for the time and consideration you have given to explore our issues and concerns. We hope that we will be able to continue this dialogue when decisions are to be made that affect the Vietnamese community.

Respectfully Submitted by

The Families of Vietnamese Political  
Prisoners Association