



# 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) 580-0058 • Fax: (703) 204-0394

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April 13, 1994

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

Ref: NGUYEN PHAT KHOI  
IV #116-466/H28-510/PTD

### Cố Vấn Đoàn Advisory Committee

THIEP LOWMAN  
NGUYEN XUAN LAN  
TRAN KIM DUNG

Dear Ms. Oakley:

We would like to bring to your attention the case of the children of a Vietnamese political prisoner who died in the reeducation camp. The deceased prisoner's name is Mr. Nguyen Phat Loc. A former close associate of the U.S. government.

Mr. Loc was incarcerated by the communist authorities shortly after the downfall of the Republic of South Vietnam. He was sentenced to serve a prison term without trial and with no set release date, as were many of his colleagues, due to his close association with the U.S. and its pre-1975 policies regarding Southeast Asia. Mr. Loc was a high ranking official (chief of the former South Vietnamese intelligence service) and was in continual contact with U.S. security (CIA) officials. This fact is, of course, well documented.

Mr. Loc, as a specific target of retribution, was continually maltreated during his 13 year period of incarceration. His health declined steadily, yet he was not afforded even the most basic medical care. As a result, Mr. Loc succumbed to the severe physical and psychological punishment that he was subjected to. Mr. Loc earned this extraordinary punishment due to one reason, and one reason only. Mr. Loc was a staunch ally of the U.S.

Nothing can be done to redress the inhumanity which Mr. Loc heartily faced.

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He succumbed to it, and is gone.

His children remain. As with their father, they too have been subjected to unrelenting torment and repression. This is not a simple matter of being denied schooling, employment and the other benefits which are freely available to their peers. Though certainly that is an issue in need of address. Indeed, this is in principle, a matter of recompense. This is not to say that the people of the U.S. "owe" anything to Mr. Loc or his children. However, we have come to understand the people of the U.S. as a humanitarian people. A nation that respects the rights of others. A nation that holds freedom close and dear. Mr. Loc was such a person. And he never once released his hold on those ideals, no matter how viciously his tormentors tried to wrest his beliefs from his heart.

How then would the American people see the children of one such as Mr. Loc? We believe that they would see them as one of their own. And would be proven correct. The proof is the life and works of Mr. Nguyen Phat Loc. A man who suffered great hardship for the democratic ideals which he believed in. And was virtually put to death in defense of his belief in freedom.

Mr. Loc's children were notified by ODP (see attached) that they were not eligible to enter the United States. They were not even given an opportunity for an interview. In other words, before they even interviewed they were judged ineligible. This is a travesty.

Why are the children of Mr. Nguyen Phat Loc persecuted? Was it because their father was simply another government official of a conquered regime? No. They are persecuted because of the strong democratic beliefs which were instilled in them by their father, from their very birth. Beliefs staunchly defended by Mr. Loc in word and deed. Beliefs which cannot die. Beliefs which the people of the U.S. daily live by. Beliefs worth fighting for, and dying for, as Mr. Loc has done. The communist authorities understand this.

There is surely a connection between the children of Mr. Nguyen Phat Loc and the people of the United States of America.

Some say that communism and capitalism cannot co-exist. Perhaps this is an overstatement. Certainly every nation has an inherent right to decide its form of government. However, in a communist society there is no place for dissension. This fact is exhibited daily on the headlines of newspapers, and in the newsletters of human rights activist groups. This issue has also come to the forefront of the American foreign policy agenda.

The names and numbers of accused and incarcerated dissidents grow almost by the hour. Mr. Loc's children are viewed as dissidents. And yes, they are

- Page Three -

incarcerated. They exist in a society that has no niche for them. A society that alienates persons who believe, as the American people do, that freedom is more precious than gold, power or rhetoric.

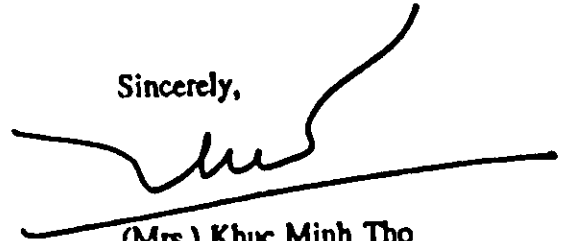
Freedom, we believe, is worth the price of incarceration and brutal repression. Freedom, if demanded, is worthy of the sacrifice of ones own life.

Mr. Nguyen Phat Loc paid that high and dear price. Why must his children also pay?

We ask that your good offices review the background and circumstances involved in the case of the surviving family members of Mr. Nguyen Phat Loc. We believe that you will surely find a deep and precious connection with the U.S. as surely as you find a connection with your own family, neighbors and friends. Mr. Loc was all of that to the American people. He paid the price for that connection. His children continue to do so.

We request that you reconsider this case. I am sure that when you do, you will allow Mr. Nguyen's children to continue their father's legacy by coming to the United States. Thank you very much for your efforts.

Sincerely,



(Mrs.) Khuc Minh Tho  
President

Date: 07 Jan 94

Applicant Address: \_\_\_\_\_  
 99 Dien Bien Phu \_\_\_\_\_  
 P. Da Kao \_\_\_\_\_  
 U. 01 T/P Ho Chi Minh \_\_\_\_\_  
 Name: Nguyen Phat Khol \_\_\_\_\_

IV/N/1/Jan # 116466/1120-510/170 \_\_\_\_\_  
Nguyen Phat Khol \_\_\_\_\_  
Nguyen Phat Khoe \_\_\_\_\_  
Nguyen Qui Anh \_\_\_\_\_

We regret to inform you that the individual(s) named above are not eligible to attend an interview with the United States Embassy Departure Program (DDP) for the reasons 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 DDP by the Socialist Republic of Vietnam (SRV), or even though DDP may have issued a Letter of Introduction (LOR) in the applicant's name in the past; every applicant must meet current DDP eligibility criteria to be processed for interview.

- 1.  Beneficiaries of noncurrent immigrant visa petitions: 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): DDP no longer interviews applicants whose cases are based solely on AORs. Please refer to enclosed information about filing immigrant visa petitions.
  - 3.  Sponsors 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 young and minor children of a current preference petition beneficiary are eligible to derive 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 DDP 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.
- \*  (b) No any connection to the U.S.

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

**Criteria Conditions to Qualify for DDP 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 time escapes does not qualify an individual for DDP, 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 DDP eligibility in order to attend an DDP refugee interview with parents whose case is based on one of the above criteria combinations.*
- The wife/son/daughter 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.

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



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

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April 29, 1994

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NGUYỄN XUÂN LAN  
TRẦN KIM DƯƠNG

Ms. Janelle Jones  
Refugee Officer  
Office of International Affairs  
& Outreach  
Immigration & Naturalization Service  
425 I Street, N.W.  
Washington, D.C. 20536

Dear Ms. Jones:

I would like to thank you for attending the meeting of April 20, 1994 among the Immigration and Naturalization Services (INS), Department of State, and our organization, the Families of Vietnamese Political Prisoners Association.

Per our discussion, attached are documents pertaining to one of the two case files which you agreed to accept for review during the meeting. The documentation pertaining to the second case is not available at this time. We will forward that documentation to you upon receipt from Vietnam. As you may recall, these are the offspring of individuals who died while detained in the re-education camp. The father's confinement was the direct result of his involvement in the implementation of policies and interests of the U.S. Government. We staunchly believe that the individuals in question can present sufficient evidence to meet the current criteria for refugee status. However, the offspring were denied an interview with the Orderly Departure Program (ODP) officials. The reason for this denial was "no connection to the U.S." We believe that, as the father's involvement with the U.S. Government meets current criteria for interview eligibility, that eligibility should be extended to surviving offspring, if substantive evidence of persecution is provided. Further, the benefit of interview should not be terminated upon the death of the surviving spouse. Also, the father's death, in this case, was directly related to his incarceration as a result of his involvement prior to 1975 with the U.S. Government. Thus, the offspring would have qualified for an interview, should the wife of the reeducation camp detainee have survived.

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I look forward to hearing from you soon regarding these two cases. It was a pleasure meeting you, and thanks again for sharing with us your expertise, and information regarding the refugee program.

Should you need further information, please contact me at (703) 560-0058 or fax any request to (703) 204-0394.

Sincerely Yours,

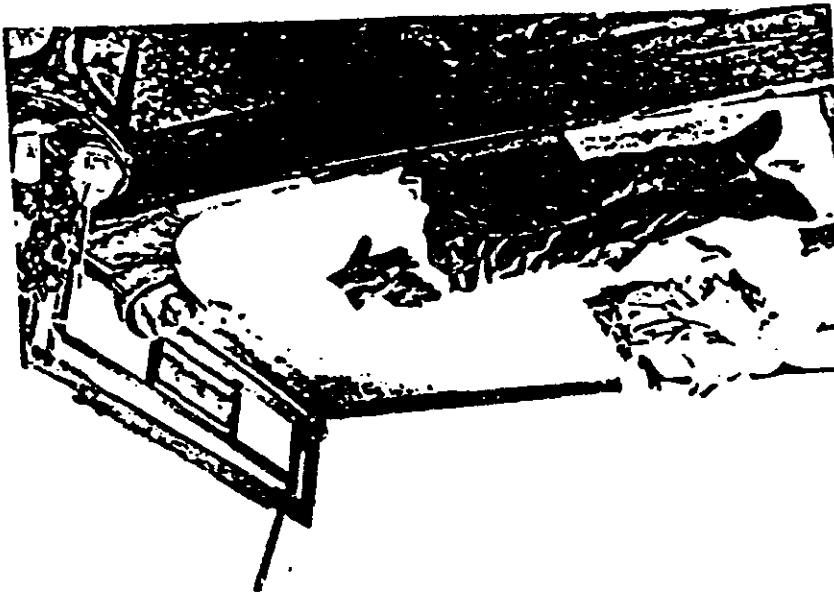


~~Khuc Minh Tho~~  
President

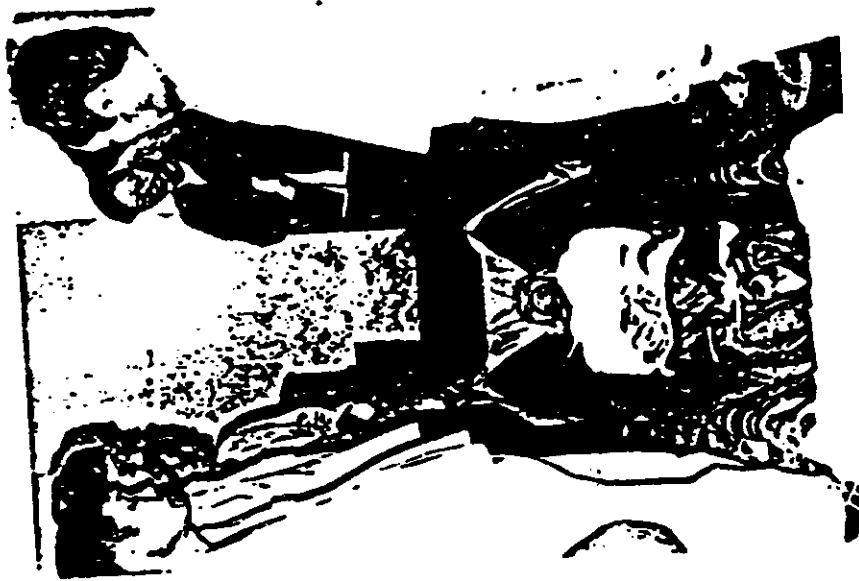
Attachments

Attachment #

At the grave site  
of Nguyen Phat Loc  
adjacent to the  
Ha Nam Ninh Camp.



Deceased body of  
Nguyen Phat Loc  
at Ha Nam Ninh  
Detention Camp.



Deceased body  
of Nguyen Phat  
Loc being placed  
in coffin at  
Ha Nam Ninh Camp.



The three orphaned children of NGUYEN PHAT LOC who lives with their 87 years old grandfather in Saigon. Scene of the children in front of their father's altar.



The 3 children dressed in mourning clothes praying for their deceased father.



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Deputy Treasurer

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NGUYỄN XUÂN LAN  
TRẦN KIM DUNG

November 14, 1991

Ms. Ellen Goff  
Director  
Orderly Departure Program  
Box 58  
A.P.O. San Francisco 96346

Re: Doan Thi Thanh My  
IV #: 61155  
VN List # H11

Dear Ms. Goff:

On October 3, 1991 the above referenced case was pre-interviewed by the Vietnamese authorities, however, the Vietnamese interviewer, Mr. Tu, indicated that the case was deferred but did not give any reason or explanation. Since this case involves 5 people, we are asking that you again review this case.

It is our understanding from communication with the Department of State that ODP did not have proper documentation that Doan Thi Thanh My's father died in the re-education camp. In addition her name was not on their Vietnamese list H11 (her old listing was CO4).

We are attaching all documents for your review and consideration of this case as they represent children of political prisoners who died in re-education camps. Upon further review we are hopeful that you will determine that she will indeed be granted permission to leave Vietnam with her brothers and sisters as soon as possible.

Should you have any questions and/or concerns, please feel free to contact.

Sincerely,

(Mrs.) Khuc Minh Tho  
President

KMT/lrc-d  
Enclosures

#5

**MINUTES OF MEETING WITH  
IMMIGRATION AND NATURALIZATION SERVICE  
CONCERNING FORMER POLITICAL PRISONERS PROGRAM  
Wednesday, August 30, 1995**

On August 30, 1995 at 4:00 p.m., the Families of the Vietnamese Political Prisoners Association (FVPPA, hereafter referred to as the Association) met with Ms. Kathleen Thompson and Ms. Janelle Jones of the Office of International Affairs of the Immigration and Nationalization Service (INS) in Washington, D.C.

Ms. Khuc Minh Tho of the Association was accompanied by Mr. Nguyen Ngoc Bich, Executive President of the National Congress of Vietnamese in America (NCVA), Mr. Le Van Ba, Chairman, Washington Metropolitan Area League of Vietnamese Associations, and Attorney Thai Quy Toan, Advisor to the Association.

The participants discussed the following issues and agreed upon the following understanding:

1. Single children of FPP's 21 years and older: ODP denied derivative status drawn from the FPP father's case to many unmarried sons/daughters who were over 21 years of age. The State Department announced in December 1994 that over-21 unmarried sons/daughters would no longer be eligible for inclusion in the father's case. After a review of this policy change, INS agreed to allow over-21's to be included based on compelling humanitarian circumstances. INS made this policy modification in April of this year, but many children had been summarily excluded prior to February, 1995. The Association asked that the cases denied before February, 1995, be reviewed and Ms. Thompson agreed to ask ODP in Bangkok to reconsider these cases.
2. Family Members of FPP's who died while in re-education camp and whose wives also passed away or are now classified as whereabouts unknown, presumably dead: Ms. Jones stated that there is nothing INS can do about these cases since ODP policy has been that the application must be initiated and signed either by the FPP or his wife. The Association mentioned the case of Nguyen Phat Khoi (IV-116-466) as an exception based on compelling humanitarian concern since the father and mother both occupied high positions in the former government of South Vietnam and were closely associated with the supporting policy of the United States government. Mrs. Khuc Minh Tho stated that she would sponsor the orphan children of this case. Ms. Thompson and Ms. Jones agreed to review the case on that basis.

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*OVERSEAS REFUGEE PROCESSING*

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**ODP (Orderly Departure Program)**

**BOSNIAN REFUGEE PROCESSING IN FY 96**

**DRAFT**

**MINUTES OF MEETING WITH  
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CONCERNING FORMER POLITICAL PRISONERS PROGRAM  
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3. Family members of FPPs who died after release as a result of detention: Mrs. Khuc Minh Tho pleaded for these cases as she said she could personally sympathize with them. Many FPPs got very sick after their release due to the hardships encountered in re-education (hard work, torture, etc.). Unfortunately, they died a few weeks/months prior to their departure. Mrs. Jones stated that nothing could be done. Mrs. Thompson added that INS would review such cases, if there is evidence that the FPP who died after release nevertheless died due to the conditions of his detention.

4. Vietnamese POWs dropped as commandos in North Vietnam (in the 1960's) and in Laos (especially during the 1971 Lam Son 719 Operation). Mrs. Thompson stated that INS's latest review of these cases gave the following breakdown: 12 cases ready for interview; of 9 cases previously rejected, 8 will be re-interviewed; another 40 cases are under review including some that are so far out that they are not likely to pass; finally, an expected 25 additional cases would complete this category. Ms. Thompson stated that, of the commandos dropped in Laos, most were captured and detained as POWs before release in 1976-77. There is no evidence that this group was singled out for persecution and this is the defining criterion for the FPP program. Ms. Thompson added that if any of these cases could demonstrate that they or their family members were in any way persecuted, then they and their family members may qualify for interview. Mrs. Khuc Minh Tho supported the merit of these cases and added that, of the 10,000 who originally participated in the operation, only a few dozen are seeking this category.

5. Lt. Col. Tran Van Man's case: Lt. Col. Tran Van Man was one of the 100 longest-held prisoners in re-education camps, but ODP has rejected his case based on doubts as to his release documentation. Ms. Thompson stated that INS is reviewing the case based on documentation submitted by the Association and a favorable decision is likely.

6. The case of General Le Van Hung's daughter: Mr. Nguyen Ngoc Bich, of NCVA, made a special plea on behalf of General Le Van Hung's daughter in view of the General's sacrifice (he was the hero of An Loc, dubbed the Stalingrad of the Vietnam War and he committed suicide rather than surrender his regiment in April 1975, the day South Vietnam fell. Every year on April 30th the Vietnamese communities around the world have a ceremony on his behalf, as he is hailed as a "Vietnam Hero"). Mrs. Khuc Minh Tho stated that the Association is prepared to assist with this case as needed. Ms. Thompson asked that documentation regarding the daughter's case be submitted, especially showing evidence that she had been persecuted or discriminated against.

7. Deadline of September 30, 1995: Ms. Thompson gave assurances that there is no problem with admission numbers as far as the remaining caseload of FPPs is concerned. The date of September 30, 1995 was only a target date. INS now realizes that this date was unrealistic and it is expected that interviewing will continue until December of this year and maybe until March of 1996.

OTHER ISSUES:

- **Release Order:** For FPPs who lost their original release certificate, ODP prefers that the reissued certificate come from the Ministry of Interior rather than from local authorities. Nevertheless, INS realizes that it is difficult for some FPPs to get a reissued certificate from the Interior Ministry due to the remote location of some of the provinces, therefore the INS will be flexible in this matter. INS is concerned about the level of fraud evident in the issuance of false release documentation due to graft and corruption. Mrs. Khuc Minh Tho suggested that for those FPPs who lost their original certificates, it would be helpful if fellow prisoners prepared statements attesting to the true identity of the FPP.
  
- **New INS policy for family members of deceased re-eds:** Ms. Thompson indicated that she is unfamiliar with this (they have to be re-interviewed to determine if they still qualify, according to the refugee processing of ODP). She promised to look into this matter and will give an answer at a later date.

In this connection, the Association was shocked to learn that recently there were 571 no-shows out of 703 cases proposed for interview. Mrs. Khuc Minh Tho felt that something is wrong with these figures. Ms. Jones stated that the high level of no-shows may be a result of ODP proposing for interview long-held former prisoners. ODP called these FPPs for interview but they did not have exit permits. Mrs. Khuc Minh Tho pointed out that these FPPs did not show up because they did not know they were scheduled for an interview. Ms. Khuc Minh Tho was under the impression that, after two months from the date of the scheduled interview, ODP would terminate their application. Ms. Jones said that ODP will send a notice to these FPPs and the FPPs should correspond with ODP within two months of the notice that they are applying for their exit permits. Ms. Jones said that ODP will keep their application

open if this correspondence is received within two months.

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- **Household Registration Cards (Ho Khau):** The Association asked for flexibility on the part of ODP when the officers are reviewing the household registration cards. Sometimes the registration card does not have the name of principal applicants or individual family members because families were broken up while the FPPs were in camps or the local authorities did not allow the FPP or family members to register. Also, Mrs. Khuc Minh Tho pointed out that some local authorities changed the form of registration so that members of the same family may have different types of registration forms. Ms. Thompson made note of this request.



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**AGENDA FOR MEETING WITH**  
**MS. KATHLEEN THOMPSON, OFFICE OF INTERNATIONAL AFFAIRS**  
**IMMIGRATION AND NATURALIZATION SERVICE**  
**DEPARTMENT OF JUSTICE**  
**WASHINGTON, D.C.**

**WEDNESDAY, AUGUST 30, 1995**  
**4:00 P.M.**

1. Review FPPs' cases in which their 21 year old children were denied the derivative status drawn from their fathers'.
2. Review cases of family members of FPPs' who died while in re-education and their wives also passed away or their whereabouts are unknown, presumably dead.
3. Review FPP family members of those who died after release.
4. Reexamine the cases of those Vietnamese prisoners of war -- the commandos and the special armed forces group -- the parachutists to the North and Laos being caught and imprisoned during the 1960's.
5. Review the case of Lt. Col. Tran Van Man (IV-68851, HO-41-1005) who was rejected by ODP in an interview on April 25, 1995. He was one of the 100 longest-held and his identity should not be in doubt.
6. Review the unique case of the daughter of General Le Van Hung, the heroic ARVN General who committed suicide rather than surrender his regiment in April, 1975.

7. Review the availability of admissions numbers for the remaining caseload of the FPP's and the deadline of September 30, 1995 for interviewing the caseload. What about the deadline for cases on appeal and cases pending further documentation? What is the time-frame for the adjudication of such cases?

**Release Order:** For those FPPs who lost their original release certificates, which of the following statements will ODP-INS accept: **the reissued certificate provided by the local authorities or the one issued by the Ministry of Interiors?**

**New INS Policy for Family Members of Deceased Re-eds...** According to the May 2, 1995 Refugee Processing News approved family members of a deceased reeducation camp internee must now be re-interviewed before their approval can be upheld. Please explain this new policy.

Also, stated in the same news document dated 8/15/95 there was a statement that indicated that 571 of the 703 cases proposed for interview did not appear. This information was shocking and surprising because we have been informed that almost all of the FPPs are waiting for an interview. How is the information being disseminated and how are they being notified?

**Household Registration:** Some FPPs' families were broken up when the men were in re-education; therefore, household registration cards bear neither name of the principal applicants nor the children of the respective family. Also, in some areas, the authorities changed their ration card form so that those who just returned got a different type, not the same card as before. In these situations, we ask for flexibility and understanding on the part of the interviewers.

**Any Missing Document:** Please indicate from which agency the prisoners need to obtain certification of missing document(s) in order to be eligible for the HO program. Once an agency is identified (e.g. Department of Interior) they will go there for the document before their interview with ODP officers.