

Minutes of the Meeting with
Bureau for Population, Refugees and Migration
U.S. Department of State
and

Families of Vietnamese Political Prisoners Association
Washington Area League of Vietnamese Associations
National Congress of Vietnamese in America

Wednesday, May 8, 1996

On May 8th, at 2:30 P.M., the Families of the Vietnamese Political Prisoners Association (FVPPA), represented by Mrs. Khuc Minh Tho, the Washington Area League of Vietnamese Association, represented by Mr. Le Van Ba, and the National Congress of Vietnamese in America (NCVA), represented by Mr. Nguyen Ngoc Bich, Executive President met with Mr. Steve Fox of the Bureau of Population, Refugees and Migration. Ms. Pamela Lewis and Ms. Whitney Reitz of the Bureau accompanied Mr. Fox.

1. **The ROVR Program.** Mr. Fox shared with the group the new initiative announced March 1, the Resettlement Opportunities for Vietnamese Refugees (ROVR), which is meant to put an end to the refugee problem of the Vietnam War. With the agreement of the SRV, the U.S. will re-interview those eligible under a set of criteria if they sign up for repatriation. Those accepted for resettlement will come as refugees. The interviews will be done by a new team of INS officers specifically trained for this particular program and managed out of INS Headquarters in Washington. In the case of split families, spouses and minor children under 21 (at the time of the interview) will be eligible. Sons and daughters over 21 would not be eligible but could apply as principal applicants. As for those married in camps, if the marriage happened in countries where it is not recognized (as in Thailand, Indonesia, and Malaysia), UNHCR can exercise its mandate in cases where the marriage appears legitimate and more than a relationship. Those couples who cannot prove that their marriage is legitimate must go back to Vietnam to get married in Vietnam. After they get married in Vietnam, the U.S. government will recognize the marriage certificate issued by the SRV.
2. **Over-21 unmarried sons and daughters of the FPP's.** Mr. Fox stated that the policy excluding the unmarried sons and daughters from derivative status in the cases of the FPP's is irreversible due to the need to streamline procedures as applied to all other groups in the interest of fairness. Mrs. Tho pleaded for special consideration for this group for the following reasons: (1) the FPP (former political prisoners) program is a unique program with no parallels to

other program or groups; (2) the over-21 unmarried sons and daughters were automatically admitted since the program began five years ago, and, with but one year remaining in the program, it is unfair to change the rules midstream without consultation; (3) this policy change has caused untold hardship on the families who sacrificed a lot to stay together and are now torn asunder; (4) actual cases of hardship (Mrs. Tho raised the cases of parents who are now 75 and 73, with no support from their children) show that this policy is causing long-term burdens on the public support systems of the U.S. Mr. Bich, speaking on behalf of NCVA and its constituency, strongly supported Mrs. Tho's position but Mr. Fox and Ms. Lewis both reiterated that the policy is immutable. Mrs. Tho raised the case of Mr. Dang Van Nguyen as an example of those whose sons and daughters were excluded prior to April, 1995, should be reinterviewed.

3. **Documentation problem.** Mrs. Tho raised the problem of documentation, release, marriage and birth certificates, household registration (Ho Khau), etc., and asked Mr. Fox to have ODP raise this issue with the SRV at the next Working Group meeting. Mrs. Tho pointed out that it is important for ODP to make these documentation requirements clear both to the former political prisoners in the cases and to the SRV through the working group meetings so that all parties involved understand what is needed.
4. **Letter of Introduction (LOI).** According to Mr. Fox, LOI's are issued to anyone who might have a case. Recipients of LOI's must then apply to the SRV for exit visas. Once they have a visa, they can walk-in to the JVA (Joint Voluntary Agencies) for an interview. Mrs. Tho pointed out that the problem with this procedure is that exit visas can be expensive and an LOI does not guarantee that the case will be approved. Mr. Fox observed that the SRV is a sovereign government and the U.S. side cannot change the SRV decision. Mr. Fox stated that the SRV automatically rejects for an exit visa FPP's with less than three years or former USG employees with less than five years of service. Mrs. Tho pointed out that SRV will issue an exit visa to such applicants if they already have an LOI. Mr. Fox stated that the USG will raise the issue of exit permits with the SRV at the Working Group meeting next week and ask the SRV either to drop entirely the exit visa requirement or to require the exit visa only after ODP has interviewed the applicant.
5. **Co-residency Requirement.** Mrs. Tho mentioned that a recent "ODP Refugee Processing" flash issued by USCC stated that co-residency of unmarried sons and daughters of FPP's is no

longer a requirement. Mrs Tho asked that this change be applied uniformly and that cases already denied for this reason, such as the case of Mr. Dang Van Nguyen (IV# 253834, HO27-193) be reinterviewed. Mr. Fox replied that this is an issue for the INS and that Mrs. Tho should raise such cases with this agency.

6. **Status of remaining HO cases.** Mrs. Tho asked whether the USG will accept HO lists 45 and 46, which the SRV submitted to ODP refused to accept. Fox replied that as of now these two lists are not being accepted.
7. **No-show Rate.** Mr. Fox opined that the high no-show rate among refugee applicants is due to the failure of the SRV to issue an exit visa. These applicants fail to get an exit visa because they were rejected by the SRV or they lacked documentation. Mr. Fox noted that the no-show rate is much higher in the cases of former U.S. or GVN (who have to show three years of re-ed in the case of former prisoners or 5 years in the case of GVN employees - - or a smaller number of years if trained in the U.S.).
8. **PPP Statistics.** The newest figures (as of March 31, 1996) show 150,889 admitted to date under the HO subprogram (32,014 principals and 118,875 dependents).
9. **The Lost Commando Program.** Fox stated that the interviews of this group has been completed. Mrs. Tho raised the issue of widows not being eligible, but Fox stated that this was an INS decision.
10. **Resettlement Locations for the Lost Commandos.** Fox provided a copy of a recently sent letter from Anita Botti to Mrs. Tho listing the sites that had been selected for potential resettlement of the lost commandos.
11. **National Personnel Records Center (NPRC) documentation.** Individual applicants who have new documentation supporting their cases may ask INS for another interview.

At the end of the meeting, Mrs. Tho asked Mr. Fox about the June, 1996 deadline for interviewing of remaining HO cases. Mr. Fox replied that this deadline only applies to those who missed the first scheduled interview. This seems to have left open the possibility of interviews after June, 1996 in cases where new information has been submitted.

AGENDA FOR MEETING BETWEEN
FAMILIES OF THE VIETNAMESE POLITICAL PRISONERS ASSOCIATION
AND MR. STEVE FOX
CHIEF, OFFICE OF ADMISSIONS
BUREAU FOR POPULATIONS, REFUGEES, MIGRATION
U.S. DEPARTMENT OF STATE

WEDNESDAY, MAY 8, 1996

4:00 PM

1. The processing of the unmarried over-21 sons and daughters of the former political prisoners. Our association believes that ODP should return to its original policy of derivative status for the unmarried over-21 sons and daughters in the cases of the political prisoners. The policy of humanitarian exception for the sole surviving unmarried son or daughter has proven too restrictive. The end of the HO subprogram is not the time to suddenly apply "world wide" standards. The Department of State should reverse its rule on these sons and daughters and allow them to accompany their parents to the United States, which was the policy for the most of the life of the program (attachment #1a).
We also ask that ODP must approve if qualified as under the old policy (see ODP's rejection, attachment #1c) all cases of the over 21 unmarried sons and daughters who were arbitrarily excluded by ODP before the deadline of April 17, 1995 (see letter from Senator Hatfield, attachment #1d).
2. Documentation problems. Our association has learned recently of several cases where ODP has asked the former political prisoners to have their original release certificates and other documentation authenticated as genuine by the Ministry of Interior of the Socialist Republic of Vietnam (SRV). Sometimes the Ministry of Interior has refused to authenticate the release certificates. We also have heard of problems in obtaining the reissuance of release certificates when the originals have been lost. We believe that these issues should be raised with the SRV at the next ODP/SRV Working Group meeting.
3. Letters of Introduction(LOI). We have learned that ODP now issues LOI's for many FPP's, some of whom have less than three years. These LOI's ask the FPP's to apply for exit permits.
4. Co-residency requirements. We were happy to learn that ODP is no longer excluding from derivative refugee status those spouses and children when they could not demonstrate residence with the principal applicant. We would like more details on this issue (Attachment #4a).

5. Status of remaining HO lists. How many HO lists remain to be processed by ODP? We understand that ODP has accepted the last two lists submitted by the SRV? Is this correct? Do you think the SRV will submit any more HO lists?
6. No-show rate in former political prisoner cases. Our association is very concerned about the high no show rate (66% as reported ODP's Overseas Refugee Processing 1/96, attachment #6a), which in most cases is due to circumstances outside the control of the qualified applicants who have not yet appeared on HO lists. This problem should be brought to the attention of the SRV at the next working group meetings and the deadline for processing the HO caseload should be extended to accommodate these cases. INS has told us that it may agree to open these cases for processing if the State Department agrees.
7. FPP Statistics. How many former political prisoners and their family members have been resettled in the U.S. from January, 1990 until now? How many admission numbers will be used for FPP's in FY96 and how many numbers are programmed for FPP's in FY97?
8. Processing of the lost special commandos. Our association is pleased with the processing of these cases to date but we remain concerned with the eligibility of the widows. In this regard we think that the criteria of the HO subprogram are too restrictive and that the surviving widows and children of the lost commandos should be eligible for refugee resettlement. Also, what is the timeline for completing the special commando caseload?
9. Resettlement locations for the "lost" commandos. What locations have been selected for resettlement of the lost commandos? Our association needs this information as soon as possible so that we can coordinate volunteer assistance with agencies in those locations.
10. Information on Track II Policy. Our association has learned that the boat people in first remaining in first asylum camps in Southeast Asia are being told that they will be eligible for refugee interviews if they return to Vietnam. What is the basis of this policy? Can we have something in writing that explains this processing? When will it begin? Who is eligible? What are the criteria? How will returned boat people qualify for refugee status if they returned to the country they fled?

11. National Personnel Records Center (NPRC). We understand that the NPRC has recovered over 500 cubic feet of personnel records pertaining to the employment of Vietnamese during the Vietnam war era (see attached information from Mr. Boylan and the National Archives at Suitland, MD). We feel that the availability of these recorded justify the reconsideration and reinterview of former USG employees , trainees, contractors, and others closely associated through their work, whose cases were rejected for lack of documentation (Attachment #11a).

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5. **Co-residency Requirement.** Mrs. Tho mentioned that a recent "ODP Refugee Processing" flash issued by USCC stated that co-residency of unmarried sons and daughters of FPP's is no longer a requirement. Mrs. Tho asked that this change be

applied uniformly and that cases already denied for this reason, such as the case of Mr. Dang Van Nguyen, be reinterviewed. Mr. Fox replied that this is an issue for the INS and that Mrs. Tho should raise such cases with this agency.

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8. **FPP Statistics.** The newest figures (as of March 31, 1996) show 150,889 admitted to date under the HO subprogram (32,014 principals and 118,875 dependents). The overall ODP figure (including the HO subprogram) is 443,446.
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MINUTES OF MEETING WITH MR. STEVE FOX (BPRM)
DEPARTMENT OF STATE
May 8, 1996

Mr. Fox was accompanied by Ms. Pamela Lewis and another person. Present beside Mrs. Khuc Minh Tho, President, FVPPA, were Mr. Le Van Ba, President, Washington Area League of Vietnamese Associations, and Mr. Nguyen Ngoc Bich, Executive President, NCVA (National Congress of Vietnamese in America).

1. The ROVR Program. Mr. Fox shared with the group the new initiative meant to close the Vietnamese refugee problem, known as ROVR (Resettlement Opportunities for Vietnamese Refugees), announced March 1. With agreement from the SRV, the U.S. will reinterview those eligible under a set of criteria if they sign up for repatriation. Those admitted will come as refugees (a new subprogram under ODP). The interviews will be done by a new set of INS officers specifically trained for this particular program. In the case of split families spouses and minor children under 21 (at the time of the interview) will be eligible. Children over 21 would not be eligible but could apply as principal applicants. Those married in camp: If the marriage happened in countries where it is not recognized (as in Thailand, Indonesia, and Malaysia), UNHCR can exercise its mandate where the marriage seems legitimate, not if it is only a relationship. Those who cannot prove that theirs is a legitimate marriage must go back to Vietnam and possibly get remarried in Vietnam and apply for a Visa 93 (takes between 6 and 12 months to be processed).

2. Over-21 single children of FPPs. Mr. Fox believes that the ruling (that they all be excluded) is irreversible because there is a need to streamline procedures as with other groups--for the sake of fairness. Mrs. Tho pleaded for special considerations since (1) the FPP (former political prisoners) program is a special program that has no parallel anywhere else; (2) over-21 single children have been admitted automatically the first five years of the program and there remaining only one year left, it is unfair to change the rules midstream without warning; (3) the ruling caused untold hardships on the families (who have sacrificed a lot to stay together and are now split, after all these years); (4) actual cases of hardship (for instance, parents are 75 and 73, respectively, with no support from the children who are not allowed to come along) were brought up to show that the ruling is clearly a direct cause of long-term public burdens in the U.S. Mr. Bich, speaking on behalf of NCVA and its constituency, strongly supported Mrs. Tho's position but Mr. Fox and Mrs. Lewis believed the U.S. position as it is to be unbudgeable.

3. Documentation problems. Mrs. Tho is advised to talk to INS in the case of Mr. Dang Van Tran and to contact ODP in Bangkok in other cases that were brought up.

4. Letters of Introduction (LOIs). According to Mr. Fox, LOIs are issued to anyone who *might* have a case. Recipients would then have to apply for exit visas (from the SRV Government). If they get the visa they can just walk in to JVA (Joint Voluntary Agencies) to get an interview. Problem is: it's costly to get an exit visa and in some cases getting a LOI does not guarantee an exit visa. Mr. Fox says that the SRV is a sovereign

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9/28/62 1:10 Sam

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7/7/64 5:30 clin.

government and the U.S. side cannot influence their decision (they tend to automatically reject those under 3 years of reeducation and under 5 years as U.S. employees). Next week the talk between the U.S. and Vietnam will have as its main focus this exit procedure: the U.S. will ask that the Vietnamese side either drop the exit visa requirement or to require it only after the applicant has been interviewed by the U.S. As for Mrs. Tho's request that no more LOIs are issued, Mr. Fox assured her that no more first interviews are scheduled. All LOIs have been issued by now, which means that only followup interviews are being contemplated.

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due date kil*

*ask for
and bid
Ngoen
Van Saip
case*

5. Co-residency Requirement. An "ODP Refugee Processing" document mentions that co-residency of single children and the FPP applicant is no longer a requirement. Mrs. Tho asked that this regulation be applied uniformly, allowing for review of some cases where the children were rejected because of this requirement. Mr. Fox said that this is an INS matter and should be brought up with them.

6. Status of remaining HO lists. Mr. Fox said that Lists 45 and 46 are not being accepted as of now.

7. No show rate. Mr. Fox believes that most of the time it is because the applicants are unable to secure an exit visa. Either they were rejected (by the Vietnamese government) or lacked documentation. Mr. Fox says that the no-show rate is much higher in the case of former U.S. or GVN employees (who have to show 3 years of ~~re - ed.~~ service in the case of former U.S. employees or 5 years in the case of GVN employees-- or 0 hours or a smaller number of years if trained in the U.S.).

8. FPP Statistics. The newest figures (as of March 31, 1996) show 150,889 to be the number of people so far admitted under this program (32,014 principals and 118,875 dependents). The overall ODP figure (including the HO Program) is 443,446.

9. The Lost Commandos Program. According to Mr. Fox, basically the interviews have been completed. In the case of the widows, Mrs. Tho was advised to raise the issue with INS.

10. Resettlement Locations for the Lost Commandos. A May 1 letter from Anita Botti to Mrs. Tho gives the full list of such locations.

11. National Personnel Records Center (NPRC) documentation. Individual cases who were rejected may ask INS to review their cases if they can be supported by new documentation. They would have to ask for a "motion to reconsider." However, it is likely that there is a deadline even for review application. (The June deadline is only for the second interviews.)

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Notes for Fax to Eric,
Fox - McLain . . .

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Families

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National Congress of Vietnamese in America

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We also ask that ODP must approve if qualified as under the old policy (see ODP's rejection, attachment #1c)— all cases of the over 21 unmarried sons and daughters who were arbitrarily excluded by ODP before the deadline of April 17, 1995 (see letter from Senator Hatfield, attachment #1d).
2. Documentation problems. Our association has learned recently of several cases where ODP has asked the former political prisoners to have their original release certificates and other documentation authenticated as genuine by the Ministry of Interior of the Socialist Republic of Vietnam (SRV). Sometimes the Ministry of Interior has refused to authenticate the release certificates. We also have heard of problems in obtaining the reissuance of release certificates when the originals have been lost. We believe that these issues should be raised with the SRV at the next ODP/SRV Working Group meeting.
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Fox Agenda
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11. National Personnel Records Center (NPRC). We understand that the NRPC has recovered over 500 cubic feet of personnel records pertaining to the employment of Vietnamese during the Vietnam war era (see attached information from Mr. Boylan and the National Archives at Suitland, MD). We feel that the availability of these recorded justify the reconsideration and reinterview of former USG employees , trainees, contractors, and others closely associated through their work, whose cases were rejected for lack of documentation (Attachment #11a) .

- Notebok
- Sri notes 4/10
- ODP Cili Pak, Cili Pak
- Queso de queso 4/10
- Queso de leche 4/10

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- Steve FOX

(202) 663-1051

Meeting with S. Fox
Wednesday 5/8/96

- Return to old policy -
- Review and approve da b' tu' ch'ui
truc H/95
reference attachment # 4a.
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* da b' tu' ch'ui .

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INS

45 + 46

5. Status of remaining HO lists. How many HO lists remain to be processed by ODP? We understand that ODP has accepted the last two lists submitted by the SRV? Is this correct? Do you think the SRV will submit any more HO lists?
6. No-show rate in former political prisoner cases. Our association is very concerned about the high no show rate (66% as reported ODP's Overseas Refugee Processing 1/96, attachment #6a), which in most cases is due to circumstances outside the control of the qualified applicants who have not yet appeared on HO lists. This problem should be brought to the attention of the SRV at the next working group meetings and the deadline for processing the HO caseload should be extended to accommodate these cases. INS has told us that it may agree to open these cases for processing if the State Department agrees. - 1
7. FPP Statistics. How many former political prisoners and their family members have been resettled in the U.S. from January, 1990 until now? How many admission numbers will be used for FPP's in FY96 and how many numbers are programmed for FPP's in FY97?
8. Processing of the lost special commandos. Our association is pleased with the processing of these cases to date but we remain concerned with the eligibility of the widows. In this regard we think that the criteria of the HO subprogram are too restrictive and that the surviving widows and children of the lost commandos should be eligible for refugee resettlement. Also, what is the timeline for completing the special commando caseload?
9. Resettlement locations for the "lost" commandos. What locations have been selected for resettlement of the lost commandos? Our association needs this information as soon as possible so that we can coordinate volunteer assistance with agencies in those locations.
10. Information on Track II Policy. Our association has learned that the boat people in first remaining in first asylum camps in Southeast Asia are being told that they will be eligible for refugee interviews if they return to Vietnam. What is the basis of this policy? Can we have something in writing that explains this processing? When will it begin? Who is eligible? What are the criteria? How will returned boat people qualify for refugee status if they returned to the country they fled?

18 Review các caes bi bao truc
4/95.

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AGENDA ITEMS
Meeting with Steven Fox

- O Implementation Steps for the new law restoring derivative eligibility for the over -21 unmarried sons and daughters of the former political prisoners
*
X
- O Potential Inadequacy of East Asian Refugee Admission Numbers for FY97, given the remaining HO caseload and the review of the unmarried children caseload.
- O Implementation of ROVR in Vietnam.
- * a) Unmarried as of the date of acceptance of the alien

MEET ...
Vic and Rick
Aug 84
two weeks 4

AGENDA FOR MEETING BETWEEN
FAMILIES OF THE VIETNAMESE POLITICAL PRISONERS ASSOCIATION
AND MR. STEVE FOX
CHIEF, OFFICE OF ADMISSIONS
BUREAU FOR POPULATIONS, REFUGEES, MIGRATION
U.S. DEPARTMENT OF STATE

date ? 16 or 17 Aug 84
the day after

1. The processing of the unmarried over-21 sons and daughters of the former political prisoners. Our association believes that ODP should return to its original policy of derivative status for the unmarried over-21 sons and daughters in the cases of the political prisoners. The policy of humanitarian exception for the sole surviving unmarried son or daughter has proven too restrictive. The end of the HO subprogram is not the time to suddenly apply "world wide" standards. The Department of State should reverse its rule on these sons and daughters and allow them to accompany their parents to the United States, which was the policy for the most of the life of the program (attachment #1a and #1b). We also ask that ODP must approve if qualified as under the old policy (see ODP's rejection, attachment 1c) all cases of the over 21 unmarried sons and daughters who were arbitrarily excluded by ODP before the deadline of April 17, 1995 (see letter from Senator Hatfield, attachment #1d).
2. Documentation problems. Our association has learned recently of several cases where ODP has asked the former political prisoners to have their original release certificates and other documentation authenticated as genuine by the Ministry of Interior of the Socialist Republic of Vietnam (SRV). Sometimes the Ministry of Interior has refused to authenticate the release certificates. We also have heard of problems in obtaining the reissuance of release certificates when the originals have been lost. We believe that these issues should be raised with the SRV at the next ODP/SRV Working Group meeting. We are also concerned with ODP's review of household registrations.
3. Co-residency requirements. We were happy to learn that ODP is no longer excluding from derivative refugee status those spouses and children when they could not demonstrate residence with the principal applicant. We would like more details on this issue (Attachment #3a).
4. Status of remaining HO lists. How many HO lists remain to be processed by ODP? We understand that ODP has accepted the last two lists submitted by the SRV? Is this true? Do you think the SRV will submit any more HO lists?