

**MINUTES FOR MEETING WITH
MS. PAMELA LEWIS
BUREAU FOR POPULATION, REFUGEES AND MIGRATION
DEPARTMENT OF STATE
AND
MR. RALPH FOELSTER
OFFICE OF INTERNATIONAL AFFAIRS
IMMIGRATION AND NATURALIZATION SERVICE
DEPARTMENT OF JUSTICE
AND
FAMILIES OF VIETNAMESE POLITICAL PRISONERS ASSOCIATION
AND
WASHINGTON AREA LEAGUE OF VIETNAMESE ASSOCIATIONS**

Thursday, NOVEMBER 19, 1998, 2:00 PM

On November 19, 1998, a delegation headed by Mrs. Khuc Minh Tho of the Families of Vietnamese Political Prisoners Association (FVPPA), joined by Mr. Le Van Ba of the Washington Area League of Vietnamese Association, Ms Ngoc-Dung Trinh, Mr. Nguyen Huu Phuoc of FVPPA, met Ms. Pamela Lewis of the Department of State and Mr. Ralph Foelster of INS.

The following minutes are keyed to the numbered agenda items used during the meeting:

Lewis Trip Report

(1) Ms. Lewis confirmed that the total ROVR caseload numbers some 19,800 people. INS has approved 13,030 and denied 1,797 individuals. As of mid-November, 9,968 approved ROVR applicants have traveled to the U.S. Medical problems have delayed some of these cases, but we expect that all approved ROVR will travel to the US by the end of May, 1999. The United States government expects to complete ROVR interviews before Tet.

As for the re-ed caseload, Ms. Lewis said that, as of October 14 of this year, there are only 397 cases with 2,093 persons remaining to be processed. ODP expects to complete HO program interviews by the end of April 1999.

Concerning Amerasians, Ms. Lewis stated that this is an ongoing program. Currently there are 730 active cases. INS has agreed to reinterview 213 cases of people who were previously denied or found not qualified for interview. Ms. Lewis noted that there are some 2,500 INS approved ODP applicants who have not departed for the US. Some of these individuals were approved 5 to 8 years ago. The United States government will be contacting these people in the near future to determine their intentions.

Ms. Lewis also mentioned that there remain 49 Montagnard cases (419 people) whose status for processing remains to be determined.

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Ms. Lewis reported that the government of Vietnam has changed its interview clearance procedures in April. In the past, the SRV issued passports and exit permits to individuals eligible for an INS interview. Now Vietnamese authorities issue letters of introduction to ODP applicants who are cleared for an INS interview. If the case is approved for refugee status, the SRV issues passports and exit permits to approved applicants.

Ms. Lewis noted that the processing of former US government employees was suspended in November, 1996. This was done because the approval rate for this group of applicants was less than 5 percent. (Tho presented the case of Nguyen Ngoc Lien to Ms. Lewis, who returned the case to Tho since this caseload is finished)

Ms. Lewis noted that immigration from Vietnam now ranks sixth among all countries of the world and may move up to fourth by the year 2000. Mr. Foelster added that immediate relatives (spouses, parents, minor children) of US citizens do not have any waiting period except time to process the paperwork.

Ms. Lewis said that the US Consulate in Ho Chi Minh City originally was scheduled to open by October 1, 1999. However, construction is ahead of schedule and they now expect that the Consulate will open by mid-July, 1999. The consulate will issue the full range of visas and also maintain a small staff to process Visas 93, Amerasian and a small number of cases remaining from the Orderly Departure Program.

McCain Amendment

(2) There are 957 McCain cases representing 3,015 people eligible for processing. ODP plans to complete processing of the McCain cases by September, 1999. Ms. Lewis added that any McCain cases must be processed before September 1999. Ms. Tho suggested that ODP send a list of all eligible McCain cases to the volags so that the families can check with their resettlement agency on the status of specific cases. Ms. Lewis agreed to look into this suggestion.

Priority Two

(3) Ms. Lewis stated that while Priority Two is not closed, this category is not designed to create a new subprogram for individuals who did not meet the HO subprogram requirements of a minimum of three years in reeducation because of their association with the US or US policies in Vietnam in the 60's or 70's. The Priority Two cases, numbering about

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125 who were in trouble with the SRV based on religious and political activities, were considered by ODP based on Embassy referrals and answered individually by letter. Ngoc-Dung Trinh raised the issue of a few "lost commandos," cases who were not approved. Ms. Lewis and Mr. Foelster both agreed to review these few specific cases. Ngoc-Dung said they will send the cases for their review. The delegation presented a letter concerning the case of Nguyen Thi Bay (IV# 264937). Ms. Lewis agreed to review this case for Priority Two adjudication if it has not already been considered for such.

(4) - (7) Ms. Lewis stated that Priority Two is now limited to those who "recently" suffered persecution based on recent religious, political or human rights activities. ODP will consider such cases on an individual basis. Ms. Lewis added that ODP recently approved two "Priority Two" cases and will continue to consider such applications on an individual basis. Ms. Lewis added that refugee applicants must demonstrate how they were persecuted, either by documentary evidence of persecution from the government of Vietnam, or, in the absence of such evidence, by specific narrative of the events which show a pattern of persecution.

Tho referred as an example of a Priority Two case the case of Mr. Tran Minh Thanh (the details of which were submitted by letter for the meeting), who was imprisoned for 18 years for attempting to flee Vietnam for "anti-Communist purposes" until his release in December, 1996. Mr. Tran's brother, Tran Van Dao, was executed by a Vietnamese government firing squad in September, 1980. The uncle of Mr. Tran, Dr. Nguyen Tan Que, is a prominent imprisoned dissident mentioned in the Department of State's Vietnam Report on Human Rights for 1997. Dr. Nguyen Tan Que was released from prison on August 31, 1999. He is now living with his family in HCMC. Despite these circumstances, the Director of ODP refuses to grant an interview for Mr. Tran. Ms. Lewis agreed to look at this case again.

Tho also referred to her letter submitted for the meeting outlining the following cases for potential consideration under Priority Two: Le Van Minh (IV-335277), a veteran of the ARVN Navy who was imprisoned from 1978-1985 for joining a religious organization opposed to communism; Tran Xuan Bang (IV-244029) who was imprisoned for 11 years; Nguyen Thi Thang (IV-240533), who spent 10 years of her young life from the age of 17 to 27 for writing anti-Communist slogans; Le Hoang Minh (IV-332270), a former police lieutenant who spent 12 years in prison from 1978 until 1990; and Mai Xuan Phuoc (IV-207542), a former first lieutenant who spent 15 years in prison for his anti-Communist activity until his release in 1996.

Evidence and Reconsideration of Denied Cases

(8) Mrs. Tho raised the cases of Vu Quoc Chau (IV# 2638479), Tran Thang Thuc (IV# 26838), Nguyen Phi Hung (IV# 374540/RF1-2090) and Tran The Cuong (IV# H32-983) and gave Ms. Lewis documentation supporting these cases. As for the case of Vu Quoc Chau, Tho reviewed the history of the application, including previous denials by INS. Tho emphasized that Mr. Vu was incarcerated for ten years due to his close association with the policies of the government of South Vietnam and the US government. Mr. Vu was a prominent journalist for three major newspapers in South Vietnam and for a time he served as a high ranking official in the South Vietnamese Ministry of Information when he worked directly for the government of South Vietnam as head of the production section of the Ministry of Information. INS denied the case again on September 29, 1998 even though the Director of ODP and the Department of State intervened to secure an exit permit for Mr. Vu from the Vietnamese government. Mr. Foelster agreed to review this case with INS for further refugee consideration. Ms. Lewis agreed that the case should be reevaluated.

Concerning the case of Nguyen Phi Hung, Tho presented a Vietnamese list of 60 persons released of 60 reeducation detainees, of which Mr. Hung is number 20. This list supports Hung's claim of reeducation time and status. Mr. Foelster accepted the list and agreed to review it with reference to this case.

With regard to the case of Dr. Tran Thang Thuc, Tho emphasized the 14 years of persecution he suffered from 1975-1979 and again from 1987 until 1996 and submitted further documentation about his case from the US Congress and Amnesty International, both of whom expressed a strong recommendation to the Government of Vietnam for the release of, among other prisoners of conscience, Dr. Tran, Dr. Nguyen Dan Que and Doan Viet Hoat, the latter of whom has resettled in the US. Tho asked that the case of Dr. Tran be considered as for refugee adjudication. Ms. Lewis agreed that ODP will contact the estranged children of Dr. Tran to verify directly whether they will file an immigrant petition on his behalf. Once this is completed, Ms. Lewis will advise Tho how ODP will proceed with the case.

In reference to the case of Tran The Cuong, Tho recounted what happened in the interview and that Tran did not have an adequate opportunity to express his story. Mr. Foelster pointed out that three years of re-ed time, or one year with additional time of training in the US, is sufficient only to obtain an interview, and the applicant must show how he was persecuted. Ms. Lewis suggested to Tho that if Mr. Tran felt he was dismissed from the interview without being given an opportunity to tell his story, he should submit a written explanation to this effect so that it can be determined if INS should give his case further consideration. Ms. Lewis noted that she had sat in on several INS interviews and always

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observed that the officer asked the applicant before they left if "there is anything else you want to tell me."

In speaking about requests for consideration about all such cases, Ms. Lewis advised that all requests (along with any new information or documentation) from now on should be submitted in writing addressed as follows: District Director, US-INS, 93/1 Wireless Road, Deithlem Tower B, Room 114/1, Bangkok 10330, Thailand. Ms. Lewis told Tho that all these cases were transferred from ODP to INS effective November 22, 1998.

(9) Concerning the use of DNA to establish conclusively the parentage of the McCain children and other similar re-ed cases when all other evidence is found lacking, Tho pointed out that many cases have completed DNA testing and found almost certain proof of parentage (above 99%) but these cases have heard nothing further from ODP. Mr. Foelster suggested that Tho tell such applicants to write again to INS in Bangkok about the status of cases now supported by additional DNA evidence.

(10-11) Ms. Tho raised the issue of interpreters used during the ODP interviews and said that the lack of accurate interpretation creates misunderstanding, which in turn leads to denial of the case. Tho asked that the interviewing officers be more patient in order to listen to the applicant's complete explanation. A complete and accurate interpretation during the interview will enable the applicant to explain conflicts and inconsistencies in documents. Ms. Lewis again noted that INS officers ask at the end of the interview if the applicant has anything to add.

Other Issues

(12) Tho raised the plight of the Vietnamese Boat People (VBP's) in the Philippines who have not been accepted for resettlement in other countries. Tho noted that there are rumors to the effect that the remaining VBP's will be forcibly returned to Vietnam. Ms. Lewis observed that these VBP's can no longer be accepted for resettlement because they were already screened out and CPA ended in 1996. She added that some VBP's may legalize in the Philippines if and when they marry Filipino nationals. Ms. Lewis assured Tho that she did not believe that the government of the Philippines would forcibly repatriate remaining VBP's in light of possible negative reaction from the Catholic Church in the Philippines. Ms. Lewis also noted that the US government would process in the Philippines under the Vietnam quota any VBP's who are beneficiaries of immigrant petitions for relatives in the United States.

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(13) In closing, and on behalf of all the members and supporters worldwide of the Families of Vietnamese Political Prisoners Association, Tho thanked Ms. Lewis and Mr. Foelster for the meeting. Tho expressed her appreciation for the opportunity to work with PRM and INS staff in the field to realize the assurance given to her by the Deputy Assistant Secretary for PRM, Ms. Marguerite Rivera Houze, in her letter of October 23 **“that as we bring this program to closure we fully intend to do it with the same dignity and compassion that has characterized the program over the past two decades.”**

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