

**Talking Points
For Meeting
With Mr. Steve R. Fox
Bureau for Population, Refugees and Migration
Department of State
And
With Ms. Kathleen Thompson
Immigration and Naturalization Service
Department of Justice
And
Families of Vietnamese Political Prisoners Association**

Date:

I. Review the text of the new law. Discussion of the new law:

- (a) 21 years of age or older and;
- (b) unmarried as of the date of acceptance of the alien's parent for resettlement as a former political reeducation camp prisoner under the Orderly Departure Program.
- (c) applies to children of former prisoners who have already been accepted for resettlement and those who are accepted in the future.

II. Procedures for Recall of the Affected Cases of those children whose parents have already been resettled:

- (a) Compilation and availability of cases now eligible under the new law. How many and how we can obtain copies of the list so we can publish in the Vietnamese press.
- (b) How will ODP notify the cases to be recalled? Will ODP ask the Vietnamese government to publish the list? Will ODP provide lists of resettled cases in the U.S. to the respective volags so that the volags can provide to ODP updated addresses and identities of those qualified applicants.
- (c) We have received many inquiries from concerned parents already in the United States. Can we work with you on these cases?
- (d) Are there forms which the parents already in the United States must submit?
- (e) Any further suggestions on what we can do to help notify applicants.

Talking Points with Steve Fox and Kathleen Thompson

Date:

Page 2

III. Documentation Required for the Eligible Applicants:

(a) for those children 21 years of age or older and unmarried on the date of parents acceptance.

(b) for those children 21 years of age or older and unmarried on the date of the acceptance for resettlement of their mother, the widow of a prisoner who died in reeducation camp.

(c) for those children 21 years of age or older and unmarried at the date of parents' acceptance, but who have since married; will their families also enjoy derivative status?

(d) for spouses who remained behind with their unmarried children while the principal applicant was resettled in the United States.

(e) for those former prisoners and their families who refused to resettle to the United States because their unmarried adult children were rejected; we feel that these families made a difficult, cruel, and unfair choice to remain with their children and families intact in a life of hardship and persecution rather than to resettle abroad to face an uncertain future alone without their children in a new land.

(f) for those unmarried children, rejected on other grounds (i.e., lack of continuous concurrent residence), whose cases are favorable reviewed but who have in the meantime become 21 or older (e.g., the case of Nguyen Van Dang, IV-253834, H27-193).

(g) for lost documentation, INS has suggested that applicants go to Ministry of Interior or to obtain sworn affidavits from friend or fellow prisoners, etc.

IV. Interview Criteria and Procedures:

- (a) When will the interviews begin?
- (b) How many months will be needed to complete initial interviews?
- (c) What do the eligible applicants need to bring to the interview?
- (d) Range and scope of questions; we need confirmation that interview is to establish derivative status only and will not require evidence of political persecution.
- (e) Issue of Household Residency: we assume that, according to the latest guidance from the State Department and INS Headquarters, ODP now applies the policy that lack of co-residency should not be used to exclude otherwise qualified family members from derivative refugee status.

V. The issue of rejection, fraud and appeals:

- (a) Reasons for denial in writing with details; suggest that applicants be able to meet with an American officer or clerk for a clear, detailed and written explanation for denial with suggestions as to what the applicants needs to do next for reconsideration. The moment of decision is a highly emotional and confusing one for applicants and they are unable to express themselves clearly to understand the reasons for the denial.
- (b) Lack of documentation and question of identity, if they resubmit, how long will they wait for reinterview.
- (c) For those cases which were denied without reasons being given.

Talking points with Steve Fox and Kathleen Thompson

Date:

Page 4

IV. Other Issues

(a) How many former political prisoners and family members remain to be interviewed? How many HO lists to be completed and will you accept any more from the Vietnamese government?

(b) Southeast Asian Admission Numbers for FY97: possible total requirements, including Hmong, the unmarried adult children, ROVR and the completion of the regular ODP Sub-program for former political prisoners and their families, and for former U.S. government employees and their families is likely to substantially exceed the 10,000 figure mentioned in the FY 1997 consultations.

(c) Implementation of ROVR, per letter of October 7, 96 (e.g., case of Huong T. Nguyen, IV# 245015/E18-1603)

(d) Disposition of ODP case file records and processing of cases if and when ODP files are moved to Ho Chi Minh City.

Name: _____

Address: _____

Telephone: _____

Date: _____

Mr. Dewey Pendergrass, Director
Orderly Departure Program
Box 58 - American Embassy
APO AP 96546

RE#: _____

IV#: _____

HO#: _____

Dear Mr. Pendergrass:

I am writing on behalf of my (son, daughter, children),

I believe that (his, her, their) status under the eligibility guidelines of the Orderly Departure Program (ODP) is affected by the new law which restores derivative eligibility to the unmarried over-21 sons and daughters of the former Vietnamese political prisoners.

Please let me know what steps I must take to have ODP reinterview the case of my (son, daughter), _____.
If any new documentation is needed, please let me know. Also, since the new law provides a time period of one year for reconsideration of the affected cases, how long will it take ODP to recall the case of _____ for reinterview.

I appreciate that your office is busy with many cases, but my family and I are equally anxious to ensure that the case of _____ is reconsidered under the new law before ^{their} eligibility expires.

On behalf of my family, I thank you for your help in this matter.

Sincerely,

Name: _____

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CC - FUPPA 7813 MARTHAS LANE, Falls Church,
VA. 22043

This form is letter I will send it to all FAP around U.S.