



## MEMORANDUM

TO: President's Transition Team on Immigration  
From: BPSOS Executive Director, Dr. Thang Nguyen  
Re: Administrative issues in Vietnamese refugee community

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(1) HO / HR programs: The adjudication process does not comply with the Lautenberg Amendment. For example, denials of refugee resettlement were arbitrary and there were no reasons given as stipulated by the Lautenberg Amendment. Thousands of former US allies otherwise eligible have been unfairly rejected. Ask anh Tien (my brother) for an already existing detailed write-up if you want it.

(2) Priority One program: This in-country refugee resettlement program has slowed down. Many strong cases have been rejected without reasons given. Unlike the HO / HR programs, which are based on ties to the US during the Vietnam War, P1 program resettles victims of on-going persecution.

(3) Montagnards in Cambodia: The UNHCR has a policy of sending back Montagnards to Vietnam, with the acquiescence of the Bush Administration. These Montagnards, mostly Protestant, have been severely persecuted since their mass demonstrations in 2001 and 2004 in the Central Highlands.

(4) Amerasians: These are children of Americans and deserve to be automatically recognized as American citizens. After the communist takeover they were severely persecuted because of their American blood. Congresswoman Zoe Lofgren (D, Santa Clara) has three times introduced legislation on automatic citizenship for the Amerasians.

(5) Deportation MOU: There is no procedure to guard against the repatriation of individuals to persecution. For example, there is no demand on Vietnam to issue the "household registration" and "citizenship ID" to returnees. Without these two documents, the returnees will be denied of most civil rights, including the right to get legally married, to pursue an education, to apply for a job, to move around in the country, to travel, or to seek a business license. Also, the US should not repatriate individuals already recognized as victims of persecution for resettlement to the US (former political prisoners, Amerasians, torture survivors, etc.).

(6) Victims of human trafficking: The definition of a refugee should be expanded to include victims of persecution, especially where government officials are involved or where the government fails to protect the victims against retaliation and threats by the traffickers. Without such protection, no victim would dare to challenge their traffickers for fear of retaliation upon repatriation. As a matter of fact, many governments and traffickers resort to deportation of victims to silence the witnesses.