Dear Colleagues,

ODP is receiving Regular (Family Reunification) program interview lists at an unprecedented rate. Since 1987, lists containing the names of over 165,000 Family Reunification applicants have been received from the Vietnamese authorities.

ODP has no influence over the compilation of the lists, but must take action on each applicant named. Although the SRV authorities have agreed to take US ODP eligibility criteria into consideration in the compilation of interview lists, increasing percentages of applicants who are not eligible for interview are being included for consideration by the US program.

At the same time, thousands of eligible applicants remain in Vietnam waiting for their names to be included on a list. These applicants include the beneficiaries of immediate relative and current preference petitions, many of whom have had petitions on file since as early as 1975. No action on their cases is possible unless they are named on an interview list, however, as ODP can only interview individuals named on interview lists.

In order to clarify ODP's position on this issue and address the caseload equitably, those cases on interview lists which are eligible for interview will be reviewed and proposed for interview as quickly as possible.

The remaining cases will be reviewed to confirm that no eligibility exists. Ineligible applications will then be deferred, i.e., no further processing of the application will occur until the case becomes eligible for interview under ODP's eligibility criteria. In most cases, this will mean that an immigrant visa must be filed for the applicant (and in the case of preference petitions, must become current) before the applicant will be interviewed. The applicants will receive a letter explaining the deferral process and the reason for their case's deferral. A copy of the deferral letter and a summary of ODP's eligibility criteria are attached for your reference.

It is known that many individuals in Vietnam believe that if they can arrange to have their name included on an interview list, they will be interviewed by ODP. Interviews have been limited to eligible applicants, most of whom are subsequently approved for admission to the US. The expectation is therefore that if one is named on a list, one will eventually be interviewed and approved. The false expectations which have been generated by inclusion of these ineligible applicants on the Vietnamese interview lists will hopefully be corrected by the deferral process.

Questions regarding these procedures should be forwarded to ODP through voluntary agency headquarters. I hope you can assist us by helping ODP sponsors in the US to understand this process.

Sincerely,

Anne P. Convery
Orderly Departure Program
Joint Voluntary Agency Representative
The inquiries we receive at ODP sometimes indicate that confusion exists regarding eligibility for the program. Much of this confusion stems from the fact that eligibility criteria governing the creation of files, the issuance of Letters of Introduction (LOI’s), and selection for interview differ. The chart below outlines basic criteria for eligibility in these three key areas:

**FILE CREATION:**
Files are opened on the basis of immigrant visa petitions, one or more years internment in re-education, Amerasian ethnicity, or claimed association with U.S. policies and programs (pre-1975). In most cases, files are no longer opened on the basis of Affidavits of Relationships, but an exception is made in cases involving split spouses, minors in Vietnam with parents in the U.S., and parents in Vietnam of minor children in the U.S.

**LOI ISSUANCE:**
Letters of Introduction are being issued to the beneficiaries of Immediate Relative or current Preference Visa Petitions. Also, eligible for LOI’s are the spouses of persons in the U.S., minor children with parents in the U.S., and the parents of minor children in the U.S. LOI’s are no longer issued to individuals whose eligibility is based on internment in Re-education, as lists containing the names of individuals in this group are now routinely passed directly to the SRV authorities. These lists serve the same purpose as the LOI; they identify cases of interest to the U.S. Vietnamese authorities have agreed that the camp release certificate also serves the same purpose as an LOI.

**INTERVIEW:**
- **Amerasians:**
  Essentially all Amerasians named on SRV lists are eligible for interview.

- **Family Reunification:**
  All individuals named on SRV lists who are the beneficiaries of Immediate Relative or current Preference visa petitions; and/or individuals who have been issued an ODP LOI; the spouses of persons in the U.S., children whose parents are in the U.S., and parents whose minor children are in the U.S. are eligible for interview.

- **Re-education:**
  All individuals named on SRV lists who were interned in re-education camps for 3 or more years are eligible for interview. The cases of individuals with between 1 and 3 years of re-education are reviewed by an INS officer to determine whether close enough association to U.S. policies and programs exists to confer eligibility for interview. Individuals with at least 5 years of employment with the U.S. government or a U.S. private company are eligible for interview.