

CONTINUATION OF WAIVER UNDER THE TRADE ACT
OF 1974 WITH RESPECT TO VIETNAM

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

NOTIFICATION OF HIS DETERMINATION THAT CONTINUATION OF
THE WAIVER CURRENTLY IN EFFECT FOR VIETNAM WILL SUB-
STANTIALLY PROMOTE THE OBJECTIVES OF SECTION 402 OF
THE TRADE ACT OF 1974, PURSUANT TO 19 U.S.C. 2432(c) AND
(d)



JUNE 3, 2003.—Referred to the Committee on Ways and Means and
ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

THE WHITE HOUSE,
Washington, DC, May 29, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the "Act"), as amended, with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to Vietnam. This document constitutes my recommendation to continue in effect this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Act and my reasons for such determination.

Sincerely,

GEORGE W. BUSH.

REPORT TO THE CONGRESS CONCERNING THE EXTENSION OF WAIVER
AUTHORITY FOR VIETNAM

Pursuant to Subsection 402(d)(1) of the Trade Act of 1974, as amended ("the Act"), I hereby recommend further extension of the waiver authority granted by Subsection 402(c) of the Act for 12 months. I have determined that such extension will substantially promote the objectives of section 402 of the Act, and that continuation of the waiver currently applicable to Vietnam will also substantially promote the objectives of Section 402 of the Act. My determination is attached and is incorporated herein.

FREEDOM OF EMIGRATION DETERMINATION

Overall, Vietnam's emigration policy has liberalized considerably in the last decade and a half. Vietnam has a solid record of cooperation with the United States to permit Vietnamese emigration. Over 500,000 Vietnamese emigrated as refugees or immigrants to the United States under the Orderly Departure Program (ODP), and only a small number of refugee applicants remain to be processed.

On September 30, 1999, the Department of State closed the ODP office in Bangkok, Thailand and opened the Refugee Resettlement Section (RRS) at the United States Consulate General in Ho Chi Minh City, Vietnam. The RRS continues to process the small number of remaining cases from the ODP and Resettlement Opportunity for Vietnamese Returnees (ROVR) programs. An in-country program to address the rescue needs of individuals who have suffered recent persecution or who have a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, is also managed by the RRS.

As of April 21, 2003, the Government of Vietnam (GVN) has cleared for interview all but 42 of the nearly 21,000 individuals who applied for consideration under the ROVR program. This is an increase of 21 from last year as several cases that were previously closed were reactivated after applicants reinitiated contact with the RRS. Many of those awaiting clearance are family members who were added on to the case after the principal applicants had received interview clearance from the GVN. Applicants cleared for interview by the GVN must gather necessary documents to support their applications and be scheduled for an interview with the Bureau of Citizenship and Immigration Services (BCIS). The BCIS has approved 17,228 for admission to the United States, 16,439 of whom have departed from Vietnam for the United States. An additional 9 individuals await BCIS interview. The GVN cooperates with the United States Government to process applicants under the ROVR program. The GVN issues passports to Vietnamese approved

for admission to the United States and expedites the departure clearance process.

Completion of the Former Re-education Camp Detainees program, known popularly as the "HO" program, remains a high priority. To be eligible for this program, applicants must have been detained for at least 3 years in a re-education camp because of their association with the United States or the former South Vietnamese Government. As of April 21, there were 15 HO cases (comprising 80 persons) awaiting passports.

A sub-group of the HO program consists of the applicants covered by the "McCain Amendment" (Public Law 104-208, as amended). These applicants are persons over the age of 21 who are the sons and daughters of former re-education camp detainees who were approved for admission as refugees and for various reasons were not included in their parents' cases. As the result of extensions and modifications to the legislation since its initial passage in October 1996, over 11,000 adult children and their accompanying family members have been able to join their parents in the United States. The number of children eligible for processing in this category changes constantly as new applications are received and others are processed and depart for the United States. As of April 21, 278 cases (comprising 760 individuals) are being processed for resettlement under this program.

The GVN is also cooperating on refugee cases involving Montagnards, a term commonly used to identify members of ethnic minorities who traditionally have lived in Central Highland areas. Only 9 cases (consisting of 85 people) remain to be cleared for interview. Since June 1, 2002, 34 Montagnard cases (156 individuals) have departed Vietnam under various immigration and refugee programs.

In June 2002, the United States Government completed interviews of the 704 cases determined eligible for consideration for refugee status under the ODP sub-program for former United States Government employees (commonly referred to as the U-11 program). These cases had not previously been interviewed because the United States Government suspended the program in 1996. The RRS will process an additional nine cases that had been presumed abandoned by the applicants, but who later contacted the RRS to reactivate their applications. Of the class approved for refugee resettlement in the United States, only 15 cases have yet to depart Vietnam. None are being restrained from leaving by the GVN.

The GVN also continues to cooperate in the timely processing of current non-refugee immigrant visa cases. In the first half of fiscal year 2003, our consular sections issued 6,864 immigrant visas and 6,312 non-immigrant visas. The Department of State anticipates that demand in Vietnam for immigrant and non-immigrant visas will grow.

The United States will not consider our refugee programs to be completed until the last applicant has had the opportunity to be interviewed or we have an acceptable accounting for each case. United States Government officials both in Washington and Vietnam will continue to press the GVN at every level to authorize

interviews for all those applicants determined eligible for consideration for settlement in the United States as refugees.

These efforts, together with the extension of the Jackson-Vanik waiver, will encourage the Vietnamese to further liberalize their emigration policy and to continue to resolve procedural issues that affect our refugee and immigration programs.

[Presidential Determination No. 2003-24]

THE WHITE HOUSE,
Washington, DC, May 29, 2003.

Memorandum for the Secretary of State.

Subject: Determination Under Subsection 402(d)(1) of the Trade Act of 1974, as Amended—Continuation of Waiver Authority for Vietnam.

Pursuant to the authority vested in me under the Trade Act of 1974, as amended, Public Law 93-618, 88 Stat. 1978 (hereinafter the "Act"), I determine, pursuant to subsection 402(d)(1) of the Act, 19 U.S.C. 2432(d)(1), that the further extension of the waiver authority granted by section 402 of the Act will substantially promote the objectives of section 402 of the Act. I further determine that continuation of the waiver applicable to Vietnam will substantially promote the objectives of section 402 of the Act.

You are authorized and directed to publish this determination in the *Federal Register*.

GEORGE W. BUSH.

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