

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF HOMELAND SECURITY OF THE UNITED STATES OF AMERICA
AND
THE MINISTRY OF PUBLIC SECURITY OF THE SOCIALIST REPUBLIC OF VIET NAM
ON
THE ACCEPTANCE OF THE RETURN OF VIETNAMESE CITIZENS WHO ARRIVED
IN THE UNITED STATES BEFORE JULY 12, 1995 AND WHO HAVE BEEN ORDERED
REMOVED FROM THE UNITED STATES**

The Department of Homeland Security of the United States of America (DHS), and the Ministry of Public Security of the Socialist Republic of Viet Nam (MPS), hereinafter collectively referred to as the "Participants",

DESIRING to continue friendly relations between the two countries, and to establish procedures on the prompt and orderly acceptance of Vietnamese citizens who have been ordered removed by U.S. competent authority and who arrived in the United States before July 12, 1995, the date on which diplomatic relations were established between the United States and Viet Nam;

ACKNOWLEDGING that U.S. law establishes processes for aliens to administratively and judicially challenge their removal from the United States, and where appropriate, obtain relief from the order of removal; and

SEEKING to establish common procedures based on the international responsibility of countries to accept the return of their citizens; and, for countries seeking the removal of aliens, to follow recognized principles of international law, to allow for a case-by-case determination of removal, and to recognize the right of the receiving country to determine citizenship and the relevant conditions and factors,

HAVE reached the following understandings:

**Section 1
Purpose and Scope**

The purpose of this Memorandum of Understanding (MOU) is to establish a process of review and issuance of travel documents for Vietnamese citizens ordered removed from the United States and to facilitate the acceptance of all such Vietnamese citizens, consistent with the terms of this MOU.

The scope of this MOU is intended to apply to individuals who arrived in the United States before July 12, 1995. Individuals who arrived on or after that date are covered by the Agreement between the Government of the United States of America and the Government of the Socialist Republic of Viet Nam on the Acceptance of the Return of Vietnamese Citizens, signed at Hanoi on January 22, 2008 (the "Agreement").

**Section 2
Designated Entities and Points of Contact**

1. The Participants have identified the designated entities of each Participant to implement the provisions of this MOU (hereinafter referred to as "designated entities") as follows:

- Designated Entity:
 - o MPS: Immigration Department, Ministry of Public Security of Viet Nam
 - o DHS: Immigration and Customs Enforcement (ICE), U.S. Department of Homeland Security

 - Points of Contact:
 - o MPS: Chief of Division of Immigration Management of Vietnamese Citizens
Immigration Department, Ministry of Public Security of Viet Nam
Address: 44-46 Tran Phu, Ba Dinh, Hanoi, Viet Nam
Tel: +84.24. (b)(6); (b)(7)(C); (b)(7)(E)
Email: (b)(6); (b)(7)(C); (b)(7)(E)
Fax: +84.24. (b)(6); (b)(7)(C); (b)(7)(E)
 - o DHS: Assistant Attaché for Removals, U.S. Embassy Hanoi
Address: 7 Lang Ha, Ba Dinh, Hanoi
Tel: +84.24. (b)(6); (b)(7)(C); (b)(7)(E)
Email: (b)(6); (b)(7)(C); (b)(7)(E)
2. The Participants intend to inform one another of any changes to the designated entities and points of contact in writing in a timely manner.

Section 3 General Provisions

1. The Participants intend to implement this MOU in accordance with their respective domestic laws, regulations, and international obligations.
2. This MOU constitutes an understanding only between the Participants and does not give rise to any rights or obligations under domestic or international law.
3. This MOU does not create or confer any rights, privileges, or benefits on any individual.
4. The Participants intend to carry out the removal and acceptance of return of individuals in an orderly and safe manner, and with full respect for the human dignity of the individuals repatriated, and with consideration of humanitarian and family unity aspects of repatriation.

Section 4 Eligibility for Acceptance of Return

Pursuant to the provisions of this MOU, MPS intends to issue travel documents where needed, and otherwise to accept the removal of an individual subject to a final order of removal from the United States who meets all the following conditions:

1. Has Vietnamese citizenship and does not have citizenship of any other country at the same time;
2. Has violated U.S. law and has been ordered removed by a U.S. competent authority (and, if sentenced to a prison term, the individual must have completed any term of imprisonment before removal or a U.S. competent authority must have ordered a

- reduction in the sentence or the individual's release from prison);
3. Resided in Viet Nam prior to arriving to the United States and currently has no right to reside in any other country or territory.

4. (b)(7)(E)

Section 5
Factors to be Considered by the DHS before Removal

1. To the extent consistent with U.S. law, DHS intends to provide Vietnamese citizens ordered removed reasonable time, as determined by DHS's designated entity, to arrange their personal affairs prior to removal to Viet Nam.

2. DHS expects to take into account the humanitarian aspect and family unity of the individual ordered removed, to the extent consistent with U.S. law. DHS, in its sole discretion, intends to consider the below factors in prioritizing cases for removal and before requesting a travel document on an individual ordered removed, whether the individual:

(b)(7)(E)

Section 6
Factors to be Considered by the MPS before Acceptance of Return

Prior to accepting an individual ordered removed by the United States, MPS intends to take into consideration the following factors:

(b)(7)(E)

Section 7
Return of Individual Removed in Error

Upon notice from MPS's designated entity that an individual returned to Viet Nam by the United States was removed in error, the United States intends to receive the return of that individual to the United States within ten (10) calendar days without any special procedure.

Section 8
Procedures for Verification and Issuance of Travel Documents

1. When U.S. Government believes that a removable person is a citizen of Viet Nam and meets all the criteria within Section 4 of this MOU, DHS intends to request appropriate travel documents from MPS and to forward the appropriate files to MPS.
2. The Participants expect the documentation package to include: a cover letter that requests MPS to accept the return of one of its citizens, a self-declaration form of the individual to be removed (the form provided in the annex to the MOU); a copy of the final order of removal, sentence imposed, copies or summary of criminal judgment and conviction documents if the crimes were the basis for removal, decision of discharge from prison or reduction of sentence, (documents in English are expected be translated into Vietnamese and certified by a competent authority); and copies of other identity or citizenship documents as appropriate and available, including:
 - Expired Passports
 - National Identity Cards
 - Citizenship Certificates
 - Birth Certificates
 - Expired Emergency Travel Documents
 - Identity Verification Form
 - A set of fingerprints and photograph(s)

On a case-by-case basis, MPS's designated entity may request additional information derived from official records to confirm an individual's identity and citizenship. DHS's designated entity intends to coordinate and provide a response on such requests, consistent with U.S. law, regulation, and policy.

3. Within thirty (30) calendar days from the receiving date of a request for a travel document from DHS, MPS intends to issue the travel document when the individual meets the eligibility criteria listed in Section 4 of this MOU. When the individual for whom the travel document has been requested does not meet these eligibility criteria, MPS intends to notify DHS of the eligibility criteria that have not been met, and/or if any additional information is needed to determine eligibility.
4. Once a request for travel document has been received, assessed, and deemed insufficient, MPS intends to notify DHS of its assessment as soon as possible, and expects to do so no later than thirty (30) calendar days of receiving the request.
5. On a regular basis, a working group consisting of representatives from the Participants' designated entities is expected to meet to discuss and resolve cases for which MPS has not issued a travel document within thirty (30) calendar days from the receiving date of a request. MPS intends to issue a travel document immediately upon resolution of such cases.
6. In the context of this working group, the Participants may provide information and documentation previously unavailable to each other regarding the humanitarian and family unity factors of the individual ordered removed identified in Section 5 and Section 6. No one factor or combination of factors included in this MOU is expected to be dispositive of the individual's removal and acceptance to Viet Nam. However, if after reviewing this new

information, the Participants have still not reached resolution, then both Participants intend to continue finding additional information, documents and discuss a way to resolve the case.

7. MPS's designated entity may conduct an interview of the individual subject to a final order of removal if necessary. DHS's designated entity is expected to facilitate such interviews in the United States, as appropriate. MPS commits to issuing travel documents no later than thirty (30) days following the interview for cases that meet the eligibility criteria described in Section 4 of this MOU and the Participants have considered the factors listed in Section 5 and Section 6 of this MOU.
8. MPS intends to issue travel documents with a six-month period of validity for the individual ordered removed. If a travel document expires prior to an individual's removal, MPS's designated entity, upon receiving a written request from DHS's designated entity containing an explanation for the reason that the individual was not removed within the validity period of the travel document, intends to reissue the travel document or authorize a Vietnamese diplomatic representative in the United States to reissue the travel document for an additional six-month period at no additional cost.
9. Each Participant's designated entity is expected to transmit requests for travel documents and supporting documentation to the other Participant's designated entity through the points of contact, or through another entity as necessary.

Section 9

Return Procedures after Issuance of Travel Documents

1. Once furnished with a valid travel document, DHS's designated entity intends to remove Vietnamese citizens under final orders of removal from the United States to Viet Nam. DHS's designated entity intends to use commercial or chartered flights.
2. DHS's designated entity intends to provide at least ten (10) calendar days' notice (for commercial flights) or fifteen (15) calendar days' notice (for chartered flights) the information of the removed individual and any DHS escorting officials, removal manner, flight number, arrival schedule and airport.

Section 10

Costs Expected to be Born by the United States

1. DHS intends to pay for the same expenses for repatriation and in the same amounts stipulated in Section 5 of the Agreement. DHS intends to use best efforts to explore other funding mechanisms outside of this MOU to assist in the reintegration of repatriated Vietnamese citizens.
2. DHS intends to provide Vietnamese citizens subject to final orders of removals information regarding their potential eligibility for Social Security benefits from the United States.

Section 11

Confidentiality

1. The Participants intend to respect and protect the privacy of any individual who may be impacted by the activities under this MOU, pursuant to their domestic laws and international obligations.

2. To the extent allowed by applicable domestic law and regulations, the Participants intend to keep the contents of this MOU non-public and intend to continue to keep its contents non-public after participation under this MOU has ceased, consistent with Section 13 of this MOU.

Section 12
Modification of the MOU and Resolution of Misunderstandings

1. When an issue arises, the Participants may jointly decide to modify this MOU in writing.
2. Any misunderstanding that may arise concerning this MOU is expected to be resolved through consultations between the Participants. The Participants may continue to communicate and cooperate in any manner that has been previously arranged between the Participants in order to discuss and resolve any misunderstanding.

Section 13
Validity and Discontinuation

1. Cooperation under this MOU is expected to commence on the date of signature.
2. Either Participant may suspend or discontinue cooperation under this MOU at any time, but is expected to endeavor to provide the other Participant written notice at least sixty (60) calendar days prior to suspending or discontinuing such cooperation.

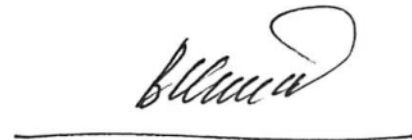
Signed at Hanoi, on this 21st day of November 2020, in duplicate, in the English and Vietnamese languages, both texts being equally valid.

**FOR THE DEPARTMENT OF
HOMELAND SECURITY OF THE
UNITED STATES OF AMERICA**



Daniel J. Kritenbrink
U.S. Ambassador Extraordinary and Plenipotentiary
to the Socialist Republic of Viet Nam

**FOR THE MINISTRY OF PUBLIC SECURITY
OF THE SOCIALIST REPUBLIC
OF VIET NAM**



Sr. Lt. Gen. Bùi Văn Nam
Deputy Minister

Phu lục
Annex

BẢN TỰ KHAI
SELF-DECLARATION FORM

(Dùng cho công dân Việt Nam bị trục xuất khỏi Hoa Kỳ)
(For Vietnamese citizens who have been ordered removed from the United States)

Ảnh
(Cỡ 4cm x 6cm
mặt nhìn thẳng,
đầu để trần)
Photograph
with size 4cm x
6 cm without
hats

1. Họ tên khai sinh (viết chữ in hoa):

Full name (In capital letter)

- Các tên khác (nếu có)

Other name (If any)

- Giới tính: Nam, nữ

Sex Male, Female

- Ngày sinh:

Date of birth

- Nơi sinh:

Place of birth

- Quốc tịch gốc:

Nationality at birth

- Quốc tịch hiện nay:

Nationality at present

2. Địa chỉ thường trú trước khi rời Việt Nam (ghi rõ thôn, xã, huyện, tỉnh, hoặc số nhà, đường phố, phường, quận, thành phố):

Previous permanent address before leaving Vietnam (state specifically the village, commune, district, province or house number, street, precinct, district, city)

3. Rời Việt Nam ngày tháng năm

Date leaving Vietnam

- Bằng hình thức:

Mode of departure

- Mang hộ chiếu hoặc giấy thông hành số: cấp ngày tháng
năm

Cơ quan cấp:

Holding passport or laissez-passer number:

Issued on:

By:

4. Trước khi đến Hoa Kỳ đã ở những nước nào, làm gì (ghi rõ từng thời gian):

Before arriving in the United States, which countries have you lived, what did you do there (state specified time)

5. Đến Hoa Kỳ ngày tháng năm

Date arriving in the United States:

- Bằng hình thức:

Mode of entry

- Mang hộ chiếu hoặc giấy thông hành số: cấp ngày tháng
năm

Cơ quan cấp:

Holding passport or laissez-passer number:

Issued on:

By:

6. Thân nhân ruột thịt ở Việt Nam (cha, mẹ, vợ, chồng, con):

Relatives in Vietnam (parents, spouses, offspring)

Số TT No.	Họ và tên Full name	Ngày tháng năm sinh DOB	Quốc tịch Nationality	Quan hệ Relationship	Địa chỉ thường trú ở Việt Nam Permanent address in Vietnam

7. Thân nhân ruột thịt ở nước ngoài (cha, mẹ, vợ, chồng, con):

Relatives abroad (parents, spouses, offspring)

Số TT No.	Họ và tên Full name	Ngày tháng năm sinh DOB	Quốc tịch Nationality	Quan hệ Relationship	Địa chỉ thường trú ở nước ngoài Permanent address abroad

8. Khi về Việt Nam cư trú với ai (họ tên, quan hệ với bản thân) tại địa chỉ nào (thôn, xã, huyện, tỉnh, hoặc số nhà, đường phố, phường, quận, thành phố):

On returning to Vietnam, whom you will live with (give full name, relationship) and proposed address (village, commune, district, province or house number, street, precinct, district, city).

Tôi cam đoan những điều khai trên là đúng sự thật và xin chịu trách nhiệm trước pháp luật của Nhà nước Việt Nam.

I hereby certify that the information provided above is true and correct in all details. I am fully liable for the authenticity of the above-mentioned information according to laws and regulations of Viet Nam.

Khai tại ngày tháng năm

Done at On

Người khai

**(ký và ghi rõ họ tên)
(signature and full name)**