

NATIONAL PERSONNEL RECORDS CENTER
Civilian Personnel Records
111 Winnebago Street
St. Louis, Missouri 63118

Attn: Mr. William D. Bassman

Verification of employment for the Orderly Departure Program is needed for the following individual:

NAME: Mai, Nguyen Huy

ODP #:

DATE/PLACE OF BIRTH: 10-07-43

EMPLOYING AGENCY: Army

POSITION TITLE: Intelligence Specialist

LOCATION: Nhatrang

DATES OF SERVICE: 1966-1971

The Official Personnel Folder at NPRC shows the above named individual worked for the U.S. Government during the following period:

From: 10-15-66 To: 12-15-71

Type of Separation: Resignation

Reason for Separation: Military

[] No record of employment found for the above-named individual.

DEPARTMENT OF STATE
American Embassy
Orderly Departure Program Office (ODP)
Mr. Bruce A. Beardsley, Director
Box 58
APO San Francisco 96346-0001

WILLIAM D. BASSMAN, Chief
Civilian Reference Branch

A. Harlick for
6/22/93



National Personnel Records Center

9700 Page Block 1001

JUN 3 6 1993

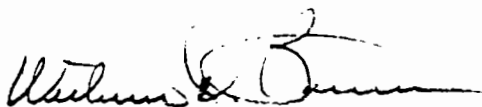
Honorable Al Swift
Member, U.S. House of Representatives
201 Federal Building
3002 Colby Avenue
Everett, WA 98201

Dear Mr. Swift:

This letter is in reply to your inquiry of June 8, 1993, on behalf of Mr. Huu Dac Bui. This request for personnel records of Mr. Nguyen Huy Mai, to be used in connection with immigration to the United States through the Orderly Departure Program, was received in our office on June 11, 1993.

The attached document lists all periods of federal civilian employment for Mr. Mai on file at this center. Since verification is requested for entry into the United States under the Orderly Departure Program, we are forwarding your request and necessary verification to the office administering that program. Further questions regarding this matter should be directed to that office at the following address: Department of State, American Embassy, Orderly Departure Program Office (ODP), Mr. Bruce A. Beardsley, Director, Box 58, APO San Francisco 93646-0001.

Sincerely,


DAVID L. PETREE
Director

Enclosure

cc: Honorable Al Swift
U.S. House of Representatives
1502 Longworth House Office Building
Washington, DC 20515-4702

Department of State
American Embassy
Orderly Departure Program Office (ODP)
Mr. Bruce A. Beardsley, Director
Box 58
APO San Francisco 96346-0001

THE IMMIGRATION AND NATURALIZATION SERVICE
OF THE UNITED STATES OF AMERICA

Dear/Kính gửi

Nguyen Huy Mai + wife
7 4 child
(ODP applicant/ người đang chờ)

IV#

220-2857

308799

- 1) ☒ We regret we are unable to approve your application for refugee resettlement admission to the United States.

To be resettled in the United States as a refugee, an applicant must meet the statutory definition of refugee contained in section 101(a)(42) of the Immigration and Nationality Act (INA), as amended. Refugee status can be approved only if the applicant establishes a credible claim of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Additionally, all applicants for refugee status in the United States must establish that they are not precluded from entry into the United States under other sections of law.

During your interview with an officer of the United States Immigration and Naturalization Service (INS), your claim to having been persecuted or having a well-founded fear of persecution was reviewed. At that time, you were given the opportunity to present evidence, documentation, and/or an accumulation of detail through verbal testimony of the events or circumstances that support your claim of persecution or a well-founded fear of persecution. After carefully reviewing your account of these events and surrounding circumstances, it has been determined that you do not qualify for refugee status.

- 2) ☐ You may be eligible for Public Interest Parole (see attached letter).
- 3) ☐ We are unable to approve your application for resettlement in the United States under the Public Interest Parole program because you do not meet the criteria indicated below:
- 3a) ☐ Married sons and daughters (of former re-education camp detainees who are eligible as refugees) must have approved petitions filed on their behalf, or on behalf of their spouse, by a sibling or closer relation who is currently residing in the United States, who is willing to pay transportation costs, and who demonstrates that he/she has the financial ability to support the parolees to ensure they do not become public charges.
- 3b) ☒ Former US government or private company employees who are not eligible for refugee status may be considered for public interest parole only if they have siblings or closer relations currently residing in the United States who are willing to pay transportation costs and demonstrate that they have the financial ability to support the parolees to ensure they do not become public charges.
- 3c) ☐ Unmarried children of former US government or private company employees who are approved as Public Interest Parolees are allowed to accompany their parents to the United States only if the children are under the age of twenty-one.
- 3d) ☐ _____

[Signature]

Officer of the US Immigration and Naturalization Service
Viên Chức Sở Di Trú Nhập Cư Và Nhập Tích Hoa Kỳ

US INTERVIEW TEAM

Date/Ngày

SỔ DI TRÚ NHẬP CỬ VÀ NHẬP TỊCH HOA KỲ

- 1) Chúng tôi rất tiếc chúng tôi không thể chấp thuận đơn xin tị nạn tái định cư tại Hoa Kỳ của Ông/Bà được.

Để được tái định cư tại Hoa Kỳ như một người tị nạn, người nộp đơn phải hội đủ định nghĩa do luật pháp qui định về người tị nạn có trong điều khoản 101(a)(42) của Đạo Luật Di Trú Nhập Cư Và Nhập Tịch đã được bổ sung sửa đổi.

Diện tị nạn chỉ có thể được chấp thuận nếu người nộp đơn đưa ra những lời khai bị ngược đãi đáng tin cậy, hoặc những lo sợ bị ngược đãi thấy rõ, vì lý do chủng tộc, tôn giáo, quốc tịch, hội viên của những nhóm hội hợp đặc biệt, hoặc phát biểu ý kiến chính trị. Thêm vào đó, những người nộp đơn xin tị nạn ở Hoa Kỳ phải chứng minh không bị loại ra khỏi sự nhập cư Hoa Kỳ do những điều luật khác nữa.

Trong khi được phỏng vấn bởi viên chức Sổ Di Trú Nhập Cư Và Nhập Tịch (INS), những lời khai về sự ngược đãi và sự lo sợ bị ngược đãi thấy rõ đã được duyệt xét lại. Ngay lúc đó, Ông/Bà đã có cơ hội để đưa bằng chứng, tài liệu, và những chi tiết góp nhặt qua lời chứng về những sự kiện, hoặc hoàn cảnh để bổ túc thêm cho lời khai bị ngược đãi hoặc sự lo sợ bị ngược đãi thấy rõ.

Sau khi đã duyệt xét cẩn thận sự tường trình về những sự kiện và hoàn cảnh xung quanh, chúng tôi đã quyết định rằng Ông/Bà không hội đủ tiêu chuẩn tị nạn.

- 2) Ông/Bà đủ tiêu chuẩn theo diện Tam Dung Vì Công Ích (PIP) (coi thủ đính kèm).

- 3) Chúng tôi không thể chấp thuận đơn xin tái định cư vào Hoa Kỳ theo diện Tam Dung Vì Công Ích (PIP) bởi vì Ông/Bà không hội đủ tiêu chuẩn đã được chỉ dẫn sau đây:

3a) Con trai và con gái đã có gia đình (của cựu cải tạo viên đã được chấp thuận là người tị nạn) phải có đơn xin đã được chấp thuận do anh em hoặc thân nhân gần, hiện đang cư ngụ tại Hoa Kỳ nộp bảo lãnh cho họ hay cho vợ/chồng họ và thân nhân cũng ưng thuận trả tiền di chuyển và chứng tỏ rằng họ có khả năng tài chính để cấp dưỡng cho người tạm dung để bảo đảm người này không trở thành gánh nặng của xã hội.

3b) Cựu nhân viên của chính phủ Hoa Kỳ hoặc các hãng tư không đủ tiêu chuẩn ở tình trạng tị nạn có thể được coi như là người tạm dung vì công ích nếu họ có anh em hoặc thân nhân gần hiện đang cư ngụ tại Hoa Kỳ ưng thuận trả tiền di chuyển và chứng tỏ rằng họ có khả năng tài chính để cấp dưỡng cho người tạm dung để bảo đảm người này không trở thành gánh nặng của xã hội.

3c) Những người còn độc thân của cựu nhân viên của chính phủ Hoa Kỳ hoặc các hãng tư đã được chấp thuận là người tạm dung vì công ích, chỉ được phép đi theo cha mẹ tới Hoa Kỳ nếu những người con này dưới 21 tuổi.

Please see the reverse for an English translation

(Xin coi bản dịch tiếng Anh ở mặt sau)

FROM: NGUYEN-HUY-MAI
172/2 Bạch-Đặng St.
Nha Trang - Khánh-hòa
- VN -



M/V số 001

MAY BAY
PAR AVION

xin gửi thư
đến địa chỉ này
để gửi thư
đi vào địa chỉ này
(PIP)

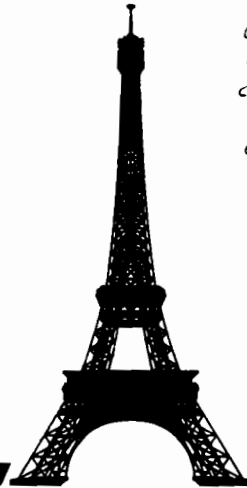
TO: MRS. KHUIC-MINH-THO

4/24/4

MAR 24 2000

FALLS CHURCH, VA.

U.S.A



jet AIR MAIL



Nha Trang, ngày 01 tháng 3 năm 2000

Kính gửi : BÀ KHÚC MINH THƠ và HỘI TÙ NHÂN CHÍNH TRỊ VN

Thưa Bà,

Nhận được bài báo do người thân từ Mỹ gửi về. Hôm nay, tôi xin gửi đến Bà và quý hội hồ sơ và trình bày trường hợp của tôi để xin Bà và quý Hội can thiệp với chính phủ Hoa Kỳ cứu xét lại trường hợp bị từ chối của tôi, được tái phỏng vấn và được định cư tại Hoa Kỳ theo ý nguyện.

Trước năm 1975, tôi là nhân viên tình báo của Quân đội Hoa Kỳ tại Nha Trang, Khánh Hòa. Thời gian từ 15.10. 1966 đến 15.12.1971 (đính kèm giấy xác nhận của TT lưu trữ hồ sơ quốc gia Hoa Kỳ).

- Tháng 5/1996, gia đình tôi được phỏng vấn tại TP. Hồ Chí Minh nhưng bị phái đoàn phỏng vấn Hoa Kỳ thuộc cơ quan INS Bangkok, Thailand từ chối với lý do: không hội đủ điều kiện hưởng qui chế tỵ nạn (HO) (vì không học tập cải tạo có thời hạn, mà chỉ học tập tại địa phương 10 ngày), vì tôi đã nghỉ việc trước đó 4 năm do giảm biên chế của Quân Đội Hoa Kỳ (đính kèm giấy từ chối của INS).

Sau đó chúng tôi khiếu nại thì được Văn phòng ODP trả lời: Nếu có thân nhân ở nước ngoài bảo lãnh thì được hưởng qui chế : "Tạm dung vì công ích (PIP)". Áp dụng điều 3 khoản 3^b, gia đình chúng tôi được thân nhân ở Hoa Kỳ là BS. Lê Tuấn Hiền (gọi vợ tôi bằng cô) ở bang Kentucky đứng ra bảo lãnh cả gia đình , chịu hết mọi phí tổn như qui định của Chính phủ Hoa Kỳ (đính kèm bản photo giấy bảo lãnh). Hồ sơ bảo lãnh đã được gửi về cơ quan INS, Bangkok, Thailand từ tháng 10/1998. Song cho đến nay chúng tôi vẫn chưa nhận được tin tức gì từ phía INS.

Nay, với lá đơn này xin Bà và quý hội tích cực can thiệp với Chính phủ Hoa Kỳ cứu xét lại trường hợp của gia đình chúng tôi, vì hoàn cảnh gia đình chúng tôi hiện nay rất khốn đốn, không nhà cửa, không công ăn việc làm ổn định, con cái học hành không liên tục (vì cứ phải thay đổi chỗ ở) , và lại giấy bảo lãnh chỉ còn 2 tháng nữa là hết hạn. Vậy xin Bà và quý Hội can thiệp để :

- Một là : được tái phỏng vấn để gia đình chúng tôi được hưởng qui chế tỵ nạn.

- Hai là : Gia đình chúng tôi được tái định cư tại Hoa Kỳ theo diện bảo lãnh,
Xin chân thành cảm ơn Bà và quý Hội.

Xin liên lạc với thân nhân tại Hoa Kỳ theo địa chỉ :

NGUYỄN VĂN TUYẾN
3932 Castleman Ave
Saint Louis – MO 63110

Trân trọng kính chào



NGUYỄN HUY MAI
172/2 Bạch Đằng, Nha Trang,
Khánh Hòa , Việt Nam

START HERE - Please Type or Print

Part 1. Information on Sponsor (You)

Last Name Le		First Name HIEN		Middle Name TUAN	
Mailing Address (Street Number and Name)				Apt/Suite Number	
City Edgewood				State or Province Kentucky	
Country U.S.A.				ZIP/Postal Code 41017	Telephone Number
Place of Residence if different from above (Street Number and Name)				Apt/Suite Number	
City				State or Province	
Country		ZIP/Postal Code		Telephone Number ()	
Date of Birth (Month, Day, Year) 9-21-67		Place of Birth (City, State, Country) Saigon, Viet Nam		Are you a U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Social Security Number		A-Number (If any) A848322			

FOR AGENCY USE ONLY

This Affidavit

Receipt

☐ Meets

☐ Does not meet

Requirements of Section 213A

Officer's Signature

Location

Date

Part 2. Basis for Filing Affidavit of Support

I am filing this affidavit of support because (check one):

- a. ☒ I filed/am filing the alien relative petition.
- b. ☐ I filed/am filing an alien worker petition on behalf of the intending immigrant, who is related to me as my _____ (relationship)
- c. ☐ I have ownership interest of at least 5% of _____ (name of entity which filed visa petition) which filed an alien worker petition on behalf of the intending immigrant, who is related to me as my _____ (relationship)
- d. ☐ I am a joint sponsor willing to accept the legal obligations with any other sponsor(s).

Part 3. Information on the Immigrant(s) You Are Sponsoring

Last Name Đào Lê		First Name Hồng Tô		Middle Name Thi	
Date of Birth (Month, Day, Year) 1/15/54		Sex: <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female		Social Security Number (If any)	
Country of Citizenship Viet Nam		A-Number (If any)			
Current Address (Street Number and Name) 112 A/1 ĐÔNG NAI St.		Apt/Suite Number		City A/ha Trang	
State/Province Khánh Hòa		Country Viet Nam		ZIP/Postal Code ()	

List any spouse and/or children immigrating with the immigrant named above in this Part: (Use additional sheet of paper if necessary.)

Name	Relationship to Sponsored Immigrant			Date of Birth			A-Number (If any)	Social Security Number (If any)
	Spouse	Son	Daughter	Mo.	Day	Yr.		
Huy Mai Nguyen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10	7	43		
Hoang Huy Nguyen	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10	7	78		
Hung Huy Nguyen	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	28	81		
Lien Huong Hoang Nguyen	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3	18	84		

Uyen Phuong Thuy Nguyen daughter 8/12/89

Part 4. Eligibility to Sponsor

To be a sponsor you must be a U.S. citizen or national or a lawful permanent resident. If you are not the petitioning relative, you must provide proof of status. To prove status, U.S. citizens or nationals must attach a copy of a document proving status, such as a U.S. passport, birth certificate, or certificate of naturalization, and lawful permanent residents must attach a copy of both sides of their Alien Registration Card (Form I-551).

The determination of your eligibility to sponsor an immigrant will be based on an evaluation of your demonstrated ability to maintain an annual income at or above 125 percent of the Federal poverty line (100 percent if you are a petitioner sponsoring your spouse or child and you are on active duty in the U.S. Armed Forces). The assessment of your ability to maintain an adequate income will include your current employment, household size, and household income as shown on the Federal income tax returns for the 3 most recent tax years. Assets that are readily converted to cash and that can be made available for the support of sponsored immigrants if necessary, including any such assets of the immigrant(s) you are sponsoring, may also be considered.

The greatest weight in determining eligibility will be placed on current employment and household income. If a petitioner is unable to demonstrate ability to meet the stated income and asset requirements, a joint sponsor who can meet the income and asset requirements is needed. Failure to provide adequate evidence of income and/or assets or an affidavit of support completed by a joint sponsor will result in denial of the immigrant's application for an immigrant visa or adjustment to permanent resident status.

A. Sponsor's Employment

- I am: 1. ☒ Employed by Emergency Care Physicians of NKY (Provide evidence of employment)
Annual salary \$ 175,000 + bonus or hourly wage \$ _____ (for _____ hours per week)
2. ☐ Self employed _____ (Name of business)
Nature of employment or business _____
3. ☐ Unemployed or retired since _____

B. Use of Benefits

Have you or anyone related to you by birth, marriage, or adoption living in your household or listed as a dependent on your most recent income tax return received any type of means-tested public benefit in the past 3 years?
☐ Yes ☐ No (If yes, provide details, including programs and dates, on a separate sheet of paper)

C. Sponsor's Household Size

- | | Number |
|---|------------------------|
| 1. Number of persons (related to you by birth, marriage, or adoption) living in your residence, including yourself. (Do NOT include persons being sponsored in this affidavit.) | <u>6</u> |
| 2. Number of immigrants being sponsored in this affidavit (Include all persons in Part 3.) | <u>6</u> |
| 3. Number of immigrants NOT living in your household whom you are still obligated to support under a previously signed affidavit of support using Form I-864. | <u>0</u> |
| 4. Number of persons who are otherwise dependent on you, as claimed in your tax return for the most recent tax year. | <u>0</u> |
| 5. Total household size. (Add lines 1 through 4.) | Total <u>12</u> |

List persons below who are included in lines 1 or 3 for whom you previously have submitted INS Form I-864, if your support obligation has not terminated.
(If additional space is needed, use additional paper)

Name	A-Number	Date Affidavit of Support Signed	Relationship

Part 4. Eligibility to Sponsor**(Continued)****F. Sponsor's Assets and Liabilities**

Your assets and those of your qualifying household members and dependents may be used to demonstrate ability to maintain an income at or above 125 percent (or 100 percent, if applicable) of the poverty line if they are available for the support of the sponsored immigrant(s) and can readily be converted into cash within 1 year. The household member, other than the immigrant(s) you are sponsoring, must complete and sign Form I-864A, Contract Between Sponsor and Household Member. List the cash value of each asset *after* any debts or liens are subtracted. Supporting evidence must be attached to establish location, ownership, date of acquisition, and value of each asset listed, including any liens and liabilities related to each asset listed. See "Evidence of Assets" in Instructions.

Type of Asset	Cash Value of Assets (Subtract any debts)
Savings deposits	\$
Stocks, bonds, certificates of deposit	\$
Life insurance cash value	\$
Real estate	\$
Other (specify)	\$
Total Cash Value of Assets	\$

Part 5. Immigrant's Assets and Offsetting Liabilities

The sponsored immigrant's assets may also be used in support of your ability to maintain income at or above 125 percent of the poverty line if the assets are or will be available in the United States for the support of the sponsored immigrant(s) and can readily be converted into cash within 1 year.

The sponsored immigrant should provide information on his or her assets in a format similar to part 4.F. above. Supporting evidence must be attached to establish location, ownership, and value of each asset listed, including any liens and liabilities for each asset listed. See "Evidence of Assets" in Instructions.

Part 6. Joint Sponsors

If household income and assets do not meet the appropriate poverty line for your household size, a joint sponsor is required. There may be more than one joint sponsor, but each joint sponsor must individually meet the 125 percent of poverty line requirement based on his or her household income and/or assets, including any assets of the sponsored immigrant. By submitting a separate Affidavit of Support under Section 213A of the Act (Form I-864), a joint sponsor accepts joint responsibility with the petitioner for the sponsored immigrant(s) until they become U.S. citizens, can be credited with 40 quarters of work, leave the United States permanently, or die.

Part 7. Use of the Affidavit of Support to Overcome Public Charge Ground of Inadmissibility

Section 212(a)(4)(C) of the Immigration and Nationality Act provides that an alien seeking permanent residence as an immediate relative (including an orphan), as a family-sponsored immigrant, or as an alien who will accompany or follow to join another alien is considered to be likely to become a public charge and is inadmissible to the United States unless a sponsor submits a legally enforceable affidavit of support on behalf of the alien. Section 212(a)(4)(D) imposes the same requirement on an employment-based immigrant, and those aliens who accompany or follow to join the employment-based immigrant, if the employment-based immigrant will be employed by a relative, or by a firm in which a relative owns a significant interest. Separate affidavits of support are required for family members at the time they immigrate if they are not included on this affidavit of support or do not apply for an immigrant visa or adjustment of status within 6 months of the date this affidavit of support is originally signed. The sponsor must provide the sponsored immigrant(s) whatever support is necessary to maintain them at an income that is at least 125 percent of the Federal poverty guidelines.

I submit this affidavit of support in consideration of the sponsored immigrant(s) not being found inadmissible to the United States under section 212(a)(4)(C) (or 212(a)(4)(D) for an employment-based immigrant) and to enable the sponsored immigrant(s) to overcome this ground of inadmissibility. I agree to provide the sponsored immigrant(s) whatever support is necessary to maintain the sponsored immigrant(s) at an income that is at least 125 percent of the Federal poverty guidelines. I understand that my obligation will continue until my death or the sponsored immigrant(s) have become U.S. citizens, can be credited with 40 quarters of work, depart the United States permanently, or die.

Part 4. Eligibility to Sponsor (Continued)

D. Sponsor's Annual Household Income

Enter total unadjusted income from your Federal income tax return for the most recent tax year below. If you last filed a joint income tax return but are using only your own income to qualify, list total earnings from your W-2 Forms, or, if necessary to reach the required income for your household size, include income from other sources listed on your tax return. If your individual income does not meet the income requirement for your household size, you may also list total income for anyone related to you by birth, marriage, or adoption currently living with you in your residence if they have lived in your residence for the previous 6 months, or any person shown as a dependent on your Federal income tax return for the most recent tax year, even if not living in the household. For their income to be considered, household members or dependents must be willing to make their income available for support of the sponsored immigrant(s) and to complete and sign Form I-864A, Contract Between Sponsor and Household Member. A sponsored immigrant/household member only need complete Form I-864A if his or her income will be used to determine your ability to support a spouse and/or children immigrating with him or her.

You must attach evidence of current employment and copies of income tax returns as filed with the IRS for the most recent 3 tax years for yourself and all persons whose income is listed below. See "Required Evidence" in Instructions. Income from all 3 years will be considered in determining your ability to support the immigrant(s) you are sponsoring.

- ☐ I filed a single/separate tax return for the most recent tax year.
- ☐ I filed a joint return for the most recent tax year which includes only my own income.
- ☐ I filed a joint return for the most recent tax year which includes income for my spouse and myself.
 - ☐ I am submitting documentation of my individual income (Forms W-2 and 1099).
 - ☐ I am qualifying using my spouse's income; my spouse is submitting a Form I-864A.

Indicate most recent tax year

1997
(tax year)

Sponsor's individual income

\$ 315,139

or

Sponsor and spouse's combined income
(If joint tax return filed; spouse must submit Form I-864A.)

\$ _____

Income of other qualifying persons.
(List names; include spouse if applicable.
Each person must complete Form I-864A.)

\$ _____

\$ _____

\$ _____

Total Household Income

\$ 315,139

Explain on separate sheet of paper if you or any of the above listed individuals are submitting Federal income tax returns for fewer than 3 years, or if other explanation of income, employment, or evidence is necessary.

E. Determination of Eligibility Based on Income

1. ☒ I am subject to the 125 percent of poverty line requirement for sponsors.
 - ☐ I am subject to the 100 percent of poverty line requirement for sponsors on active duty in the U.S. Armed Forces sponsoring their spouse or child.
2. Sponsor's total household size, from Part 4.C., line 5 12.
3. Minimum income requirement from the Poverty Guidelines chart for the year of 1997 is \$ 47,262 for this household size.
(year)

If you are currently employed and your household income for your household size is equal to or greater than the applicable poverty line requirement (from line E.3.), you do not need to list assets (Parts 4.F. and 5) or have a joint sponsor (Part 6) unless you are requested to do so by a Consular or Immigration Officer. You may skip to Part 7, Use of the Affidavit of Support to Overcome Public Charge Ground of Admissibility. Otherwise, you should continue with Part 4.F.

Notice of Change of Address.

Sponsors are required to provide written notice of any change of address within 30 days of the change in address until the sponsored immigrant(s) have become U.S. citizens, can be credited with 40 quarters of work, depart the United States permanently, or die. To comply with this requirement, the sponsor must complete INS Form I-865. Failure to give this notice may subject the sponsor to the civil penalty established under section 213A(d)(2) which ranges from \$250 to \$2,000, unless the failure to report occurred with the knowledge that the sponsored immigrant(s) had received means-tested public benefits, in which case the penalty ranges from \$2,000 to \$5,000.

If my address changes for any reason before my obligations under this affidavit of support terminate, I will complete and file INS Form I-865, Sponsor's Notice of Change of Address, within 30 days of the change of address. I understand that failure to give this notice may subject me to civil penalties.

Means-tested Public Benefit Prohibitions and Exceptions.

Under section 403(a) of Public Law 104-193 (Welfare Reform Act), aliens lawfully admitted for permanent residence in the United States, with certain exceptions, are ineligible for most Federally-funded means-tested public benefits during their first 5 years in the United States. This provision does not apply to public benefits specified in section 403(c) of the Welfare Reform Act or to State public benefits, including emergency Medicaid; short-term, non-cash emergency relief; services provided under the National School Lunch and Child Nutrition Acts; immunizations and testing and treatment for communicable diseases; student assistance under the Higher Education Act and the Public Health Service Act; certain forms of foster-care or adoption assistance under the Social Security Act; Head Start programs; means-tested programs under the Elementary and Secondary Education Act; and Job Training Partnership Act programs.

Consideration of Sponsor's Income in Determining Eligibility for Benefits.

If a permanent resident alien is no longer statutorily barred from a Federally-funded means-tested public benefit program and applies for such a benefit, the income and resources of the sponsor and the sponsor's spouse will be considered (or deemed) to be the income and resources of the sponsored immigrant in determining the immigrant's eligibility for Federal means-tested public benefits. Any State or local government may also choose to consider (or deem) the income and resources of the sponsor and the sponsor's spouse to be the income and resources of the immigrant for the purposes of determining eligibility for their means-tested public benefits. The attribution of the income and resources of the sponsor and the sponsor's spouse to the immigrant will continue until the immigrant becomes a U.S. citizen or has worked or can be credited with 40 qualifying quarters of work, provided that the immigrant or the worker crediting the quarters to the immigrant has not received any Federal means-tested public benefit during any creditable quarter for any period after December 31, 1996.

I understand that, under section 213A of the Immigration and Nationality Act (the Act), as amended, this affidavit of support constitutes a contract between me and the U.S. Government. This contract is designed to protect the United States Government, and State and local government agencies or private entities that provide means-tested public benefits, from having to pay benefits to or on behalf of the sponsored immigrant(s), for as long as I am obligated to support them under this affidavit of support. I understand that the sponsored immigrants, or any Federal, State, local, or private entity that pays any means-tested benefit to or on behalf of the sponsored immigrant(s), are entitled to sue me if I fail to meet my obligations under this affidavit of support, as defined by section 213A and INS regulations.

Civil Action to Enforce.

If the immigrant on whose behalf this affidavit of support is executed receives any Federal, State, or local means-tested public benefit before this obligation terminates, the Federal, State, or local agency or private entity may request reimbursement from the sponsor who signed this affidavit. If the sponsor fails to honor the request for reimbursement, the agency may sue the sponsor in any U.S. District Court or any State court with jurisdiction of civil actions for breach of contract. INS will provide names, addresses, and Social Security account numbers of sponsors to benefit-providing agencies for this purpose. Sponsors may also be liable for paying the costs of collection, including legal fees.

Part 7. Use of the Affidavit of Support to Overcome Public Charge Grounds (Continued)

I acknowledge that section 213A(a)(1)(B) of the Act grants the sponsored immigrant(s) and any Federal, State, local, or private agency that pays any means-tested public benefit to or on behalf of the sponsored immigrant(s) standing to sue me for failing to meet my obligations under this affidavit of support. I agree to submit to the personal jurisdiction of any court of the United States or of any State, territory, or possession of the United States if the court has subject matter jurisdiction of a civil lawsuit to enforce this affidavit of support. I agree that no lawsuit to enforce this affidavit of support shall be barred by any statute of limitations that might otherwise apply, so long as the plaintiff initiates the civil lawsuit no later than ten (10) years after the date on which a sponsored immigrant last received any means-tested public benefits.

Collection of Judgment.

I acknowledge that a plaintiff may seek specific performance of my support obligation. Furthermore, any money judgment against me based on this affidavit of support may be collected through the use of a judgment lien under 28 U.S.C. 3201, a writ of execution under 28 U.S.C. 3203, a judicial installment payment order under 28 U.S.C. 3204, garnishment under 28 U.S.C. 3205, or through the use of any corresponding remedy under State law. I may also be held liable for costs of collection, including attorney fees.

Concluding Provisions.

I, Hien Tuan Le, certify under penalty of perjury under the laws of the United States that:

- (a) I know the contents of this affidavit of support signed by me;
- (b) All the statements in this affidavit of support are true and correct;
- (c) I make this affidavit of support for the consideration stated in Part 7, freely, and without any mental reservation or purpose of evasion;
- (d) Income tax returns submitted in support of this affidavit are true copies of the returns filed with the Internal Revenue Service; and
- (e) Any other evidence submitted is true and correct.

Hien TL
(Sponsor's Signature)

12/28/98
(Date)

Subscribed and sworn to (or affirmed) before me this

28 day of December, 1998
(Month) (Year)

at Edgewood Ky

My commission expires on 5-10-2000

Robert Joseph Sullivan
(Signature of Notary Public or Officer Administering Oath)

Notary Public - State at Large
(Title)

Part 8. If someone other than the sponsor prepared this affidavit of support, that person must complete the following:

I certify under penalty of perjury under the laws of the United States that I prepared this affidavit of support at the sponsor's request, and that this affidavit of support is based on all information of which I have knowledge.

Signature	Print Your Name	Date	Daytime Telephone Number ()
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Firm Name and Address