UNFULFILLED HOPES:
THE HUMANITARIAN PAROLE/
IMMIGRANT VISA PROGRAM FOR BORDER CAMBODIANS

by

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Executive Summary

In September 1985, the U.S. government announced a program that would allow Cambodians in the United States to petition for family reunification with relatives on the Thai-Cambodian border who, by an unfortunate twist of fate and timing, were not allowed to seek resettlement as refugees. Despite three years of time-consuming policy deliberations and painstaking casework, fewer than 700 people have actually entered the United States by way of this initiative.

The Humanitarian Parole/Immigrant Visa (HP/IV) program for border Cambodians has raised more expectations than it has fulfilled, and the fault for this must be shared by the Thai and U.S. governments. Access to families on the border has been severely restricted until recently, guidelines that could be more generous have been too narrowly articulated, information on the program has been poorly disseminated, and the application process is painfully slow. Despite these very real problems, and the lack of priority accorded to solving them, the program still holds out some hope as an escape valve for at least a small number of Cambodians who now remain trapped and vulnerable in the dangerous border camps.

The successes and failures of the program should be studied by U.S. policymakers as they weigh the merits of possible new uses for humanitarian parole.

Findings and Recommendations:

1. Up until November 1987, lack of access to applicants was the single most intractable problem in the border program. At that time, over 1,000 cases were awaiting interviews at the border or in Khao I Dang refugee camp, and the HP/IV program was at a virtual standstill. Since that time, the Thai government has been more responsive to requests for interviews, but the application process is still extraordinarily time-consuming. Indeed, from the time a petition is submitted to the time a final approval or rejection is made, the application process has taken an average of two years to complete. This is far too long, given the dangerous and demoralizing environment in which Cambodians must wait.

Two particular changes in processing procedures could save up to a year or more in delays:

a. The Thai government should allow approved cases to remain in Ban Thai Samart after they are interviewed, rather than returning them to the border or to Khao I Dang. It currently takes anywhere from one week to one year to obtain Thai permission to move approved cases from the border camps to Phanat Nikhom for medical examinations and final processing.

b. The Immigration and Naturalization Service (INS) should agree to receive all HP and IV petitions directly in Bangkok, rather than processing most of them through INS district offices in the United States. Such a procedure, already in place for HP3 applications, could save at least two months.
2. INS should articulate and disseminate clearer guidelines for determining "emergent reasons" in the granting of humanitarian parole status. In HP3 cases, where a family relationship in the United States is either nonexistent or too distant to qualify for an immigrant visa, parole is granted solely "for emergent reasons or for reasons deemed strictly in the public interest," according to the Immigration and Nationality Act. Apart from family reunification criteria, INS is willing to cite only three conditions--extreme age, extreme youth, or serious medical problems that cannot be treated locally--that would warrant sympathetic treatment for humanitarian parole.

3. Voluntary agencies and mutual assistance associations (MAAs) should undertake more extensive outreach work in the United States, ideally with some government support, to promote Cambodian naturalization and citizenship, and to better publicize the HP/IV program. The small number of applications in part reflects a less than adequate outreach effort in the United States.

4. Embassy staff in Bangkok need to establish routine communication with petitioners, relating to the status of HP or IV applications. Monthly statistical reports should be shared with selected private voluntary organizations and individual petitioners.

5. Finally, the HP/IV program for border Cambodians should be accorded a higher priority--particularly on the part of the Administration, but also on the part of voluntary resettlement agencies and MAAs. The lack of refugee benefits for HP/IV beneficiaries should not deter agencies or individuals from a more aggressive use of this program. Working in closer cooperation with the Thai government and with petitioners at home, the U.S. government must demonstrate a greater commitment to preserve migration opportunities for border Cambodians by streamlining procedures, clarifying and publicizing program guidelines, and eliminating any and all unnecessary delays.
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Case of Yoeuth Yan - Thirty-two-year-old man living in the United States since March 1987. His mother, Poon Seurn, and his two younger sisters are living in Site 2. Yoeuth must wait four years to become a U.S. citizen before he can petition for immigrant visas for his three family members.

Case of Vyra Som - Thirty-three-year-old woman living in Site 2. Mother deceased, father still in Cambodia. Vyra has been hospitalized multiple times for severe bronchial asthma. Application filed for humanitarian parole for compelling medical/humanitarian reasons.

Case of Yim Chann - Sixty-nine-year-old woman. Husband killed by Khmer Rouge. She was separated from her sons in 1979. Lived in the border camp, Nong Samet, until December 1984. Moved to Khao I Dang, then was transferred to Site 2 South. Humanitarian parole application for family reunification was filed and denied in 1985, then approved upon reconsideration in 1986. Reunited with her sons, their wives and her grandchildren in the United States in July 1987.

The cases above bear witness to the thousands of Cambodian families divided by the tragedy and destruction that has befallen the Cambodian nation in the last eighteen years. From 1970 to 1975, Cambodia fought a bloody civil war, whose ferocity was intensified both by U.S. saturation bombing of the countryside and by extensive Vietnamese assistance to the Cambodian communist forces. Under the brutal rule of the Khmer Rouge from 1975 to 1979, during which more than one million Cambodians perished, families were torn apart and marched off to collectives. When the Vietnamese invaded the country in 1979, driving out Pol Pot and establishing a new communist regime, some fled immediately to the border. Others were driven there later by famine, persecution, or a desire to reunite with relatives. Families are still coming back together, still following rumors, seeking loved ones.
In 1985, the U.S. government announced an effort to assist Cambodian refugees resettled in the United States to petition for family reunification with relatives on the Thai-Cambodian border, who, by an unfortunate twist of fate and timing, were not allowed to seek resettlement as refugees. Despite almost three years of time-consuming deliberations, international negotiations, and policy revisions, as of August 1988, fewer than 700 people have entered the United States by way of this initiative.

The family reunification program for border Cambodians has raised more expectations than it has fulfilled, and the fault for this must be shared by the Thai and U.S. governments. Access to families on the border has been severely restricted until very recently, guidelines which could have been generous have been too narrowly interpreted, information on the program has been poorly disseminated, and decisions are painfully slow. Despite these very real problems, and the lack of priority accorded to solving them, the program still holds some hope for the future as an escape valve for a very small number of Cambodians and as a reminder that too many more remain trapped and vulnerable in a continuing cycle of violence in the deadly border camps.

**HISTORY OF THE PROGRAM**

Since 1975, more than 215,000 Cambodian refugees have left Thailand to resettle in other countries, with 138,000 coming to the United States. But, because of policy decisions made by Thai authorities, refugee status and, consequently, resettlement outside the region are no longer available to the vast majority of Cambodians still in Thailand. Khao I Dang, the sole remaining Cambodian refugee camp administered by the UN High Commissioner for Refugees (UNHCR), was declared officially closed by the Thai government at the end of 1986. For the 16,000 people still in Khao I Dang, resettlement remains
an ever more elusive possibility. The Thai government has announced that, as of August 31, Khao I Dang residents are no longer allowed to seek resettlement overseas. Instead, they will be moved, perhaps by October, to a new site on the Thai-Cambodian border.

There are an additional 300,000 Cambodians living just inside the Thai border who have been designated "displaced persons" rather than "refugees". As such, they are prohibited from seeking third-country resettlement, except on a very limited basis. Many of them have lived on the border since 1980, sometimes in Thailand and sometimes in Cambodia, caught in the crossfire between Vietnamese troops occupying Cambodia and the resistance forces seeking to drive the Vietnamese out.

The annual Vietnamese dry season offensive against Cambodian resistance camps on the Thai-Cambodian border began on November 18, 1984 with an attack on Nong Chan. About 22,000 refugees were evacuated to emergency camps on Thai soil. Then on Christmas day, tank-led Vietnamese troops overran Nong Samet camp, also known as Rithisen, sending 63,000 more in a headlong flight into Thailand. Heavy shelling and intense fighting continued throughout the dry season and by April 1985, 225,000 Cambodians had been herded into Thai evacuation sites. It was the sixth time in as many years that Cambodians near the border had been forced to seek sanctuary in Thailand. This time, however, Vietnamese troops stayed at the border and began to seal it off with mines and barbed wire, in an effort to pin the Cambodian resistance forces inside Thailand.

Despite the fact that these border Cambodians are now outside their country in extremely vulnerable circumstances, the Thai government insists—with the acquiescence of the United Nations, the United States, and the international community—that they are still to be called displaced persons rather than refugees. They continue to be served by the UN Border Relief
Operation (UNBRO) rather than UNHCR, the agency responsible for most of the other refugee groups in Thailand.

Early in 1985, U.S.-based advocacy groups and Cambodian family members began to press for limited migration opportunities for border Cambodians, at least for those with relatives in the United States. "It is important to note that not all of the [border Cambodians] wish to come to the United States, or, for that matter, to other third countries," testified Kitty Dukakis, a member of the Massachusetts Governor's Advisory Committee on Refugees, in a July 1985 hearing before the House Subcommittee on Asian and Pacific Affairs. "In fact, only a small fraction of these refugees seek entrance to this country for the purpose of reunification with their immediate families. I propose that we develop guidelines for a limited number of compelling humanitarian cases."

Senator Alan K. Simpson, then the chairman of the Senate Subcommittee on Immigration and Refugee Policy, seemed to agree, at least in part. Following an April 1985 trip to Southeast Asia, Simpson wrote, "The Khmer displaced persons now occupying temporary evacuation sites within Thailand should not be processed as refugees for third country resettlement." His report continued, however, that "there are, of course, those persons among the border Khmer who have close relatives in the United States. Procedures can, and should, be developed to enable these persons to be processed as immigrants under our immigration laws."

"Family reunification has been the basis of U.S. immigration law and refugee policy," said Congressman Stephen J. Solarz, chairman of the House Subcommittee on Asian and Pacific Affairs, at the July hearing. "Many Cambodian families are now cruelly separated and greatly fear that they will never see their loved ones again who now languish in Thailand."

"We are going to address that issue," promised Jim Purcell, director of the Bureau for Refugee Programs in the Department of State. "We will have
observations and recommendations on the matter in the September consultations."

Purcell also expressed fears that anything more than a very limited program would have a "magnet" effect of drawing more Cambodians to the border, further destabilizing an already volatile situation.

On July 30, 1985, Congressman Frank R. Wolf offered a "sense of Congress" resolution that "the Secretary of State, with the assistance of appropriate agencies, should institute as expeditiously as possible a family reunification program for those refugees in Thailand, including those at the border who have family members in the United States."

September 1985: A "Limited" Program Is Announced

On September 14, 1985, a joint INS-State Department cable was sent to the American Embassy in Bangkok authorizing the post to formally request Thai government approval to begin U.S. immigration processing in the UNBRO camps. The cable indicated that processing for the border population would include immigrant visas (IVs), Visas 93, and "on an exceptional basis, a few humanitarian parole cases." The purpose of this "small program" was "to reunite close family members," and was to be "carried out in a low-key fashion."

The Embassy in Bangkok was also requested to give "special attention to the location of processing, keeping in mind such factors as its effect on the rest of the border population, the pull factor from within Cambodia, the safety of all parties involved, and care of individuals interviewed and rejected." The message to Thailand clearly was that the program was to be neither large nor refugee-oriented.

The same message was conveyed two weeks later by Secretary of State George Shultz in testimony before the Senate Subcommittee on Immigration and
Refugee Policy. Speaking of the border Cambodians, he said that "resettlement abroad should not be viewed as the solution to their plight. However, we have decided, subject to Thai approval, to initiate a limited program to unite close family members with relatives already in this country, primarily through immigration-type channels." The program needs to be handled "very carefully so we don't trigger off an unwarranted set of expectations," Shultz said.

The September 14 cable spelled out that IV beneficiaries would need to meet all normal immigrant processing criteria, including the requirement to demonstrate that they are not likely to become "public charges." Visas 93 applicants, i.e., spouses and unmarried minor children of refugees in the United States, would be processed "in the normal fashion" as refugees, with full refugee benefits, including travel loans and overseas language training and orientation.

Regarding humanitarian parole cases, the cable stated, "INS Central Office will be willing to consider any individual cases which the District Director of INS considers appropriate to recommend for parole, where there is an immediate and compelling humanitarian need for family reunification or for keeping a family intact."

The parole provision, which has been a part of the Immigration and Nationality Act since 1952, gives the Attorney General discretionary authority to temporarily parole aliens into the United States "under such conditions as he may prescribe for emergent reasons or for reasons deemed strictly in the public interest." It was the original intent of the Congress that parole authority be used on a case-by-case basis for individual aliens in emergency circumstances. But given the restrictive patchwork of refugee legislation that existed prior to 1980, parole authority was invoked frequently to admit large groups of refugees during the 50s, 60s, and 70s, including 707,000 Cubans, 208,000 Indochinese, and 84,000 refugees from the Soviet Union and
Eastern Europe. Between 1956 and 1979, more than one million people were paroled into the United States, an average of more than 44,000 per year.

With passage of the Refugee Act of 1980, the United States essentially adopted the United Nations definition of refugee, thereby eliminating the ideological and geographical limitations imposed by earlier laws. The new act also called for annual consultations between Congress and the Administration to establish refugee admissions ceilings for the coming fiscal year. The parole authority of the Attorney General remained intact, although the Refugee Act of 1980 asserted new congressional control over refugee admissions numbers, and prohibited the Attorney General from paroling refugees into the United States unless there are "compelling reasons in the public interest" to do so.

In FY 1981, INS approved 1,865 applications for parole, but in FY 1982 the number dropped to 850. This decline "is directly attributable to the passage of the Refugee Act of 1980," according to an INS response to a congressional inquiry, in that the act "supplanted use of the parole mechanism for refugee and refugee-like situations, and provided, in its stead, a comprehensive and uniform processing, admissions and resettlement assistance program." Since then, worldwide parole approvals have averaged around 790 per year.

September 1985 - January 1986: Preparations

The period from September 1985 to January 1986 was spent addressing "innumerable operational, logistical and procedural issues" in Thailand, according to an INS report. In January, according to INS, "the border Khmer Family Reunification processing initiative became fully functional." A December 1985 cable to the U.S. Embassy in Bangkok outlined initial guidance
on humanitarian parole: "INS/CORAP [Central Office for Refugees, Asylum, and Parole] will consider requests for humanitarian parole in cases in which there is an emergent reason or a reason in the public interest. Examples of cases appropriate for consideration are those of dependent family members of Visa 93 and immigrant visa beneficiaries. It is expected that the number of beneficiaries will be small."

The December cable instructed that requests for humanitarian parole should be directed initially to the INS District Director in Bangkok, "who will review, make a recommendation, and refer to INS/CORAP for a decision." The requests must also include affidavits of support, as well as statements showing how medical and housing needs would be met, according to the cable, and "sponsors also must indicate knowledge of the unavailability of standard refugee benefits for the prospective parole beneficiary."

A policy announcement by the Department of State on January 16 related the news that Khao I Dang camp had been closed by the Thai government on December 31, and that refugee interviewing in that camp was "virtually completed." The policy brief also noted that "family members in the United States who have close relatives on the border must also be aware that we can only process immigrant visas which are 'current' under our immigration laws." The statement cited worldwide backlogs in processing certain "noncurrent" immigrant visa cases: a one-year wait for the spouses and unmarried children of permanent resident aliens, and a waiting period of four to five years for the brothers and sisters of U.S. citizens. It further noted that "displaced Khmer in Thailand are subject to these waiting periods like all other U.S. visa applicants worldwide."

For a program that supposedly was "fully functioning" by January, very little progress was being made in actually moving people off the border, and concern was mounting in Congress. Sen. Mark O. Hatfield submitted questions
to INS in February saying that "only six people have departed for the United States as immigrants under this initiative." He cited figures that there were 69 people with approved and current immigrant visa petitions (I-130s) on the border and in Khao I Dang seeking to reunite with their families in America.

The INS response was that "a number of procedural problems remain which are currently being addressed." Among these was the need to obtain Thai government permission before INS or consular officials could interview applicants. This took six weeks per case in the best of circumstances, according to INS. The average time, in fact, was six months or more. Additionally, INS said, "there are chronic transportation problems" in moving applicants from border sites to the processing center at Ban Thai Samart, a two-hour drive from the closest border camp, Site 2. This added three weeks to the processing time, but INS said, "We anticipate accelerated processing in these matters now that many of the major procedural and operational impediments have been overcome." That assessment proved far too optimistic.

April 1986: The Ray Panel Reports

At the September 1985 refugee consultations, Secretary Shultz had announced the formation of a "high-level, independent panel" to assess the refugee situation in Southeast Asia "and to make recommendations on necessary changes in U.S. policy." The five-member team headed by former Iowa governor Robert D. Ray travelled to the region in November 1985 and published their report the following April.

The Ray panel noted the "persecution endured by the Khmer since 1975,... the continuing dangers they face in the border camps, and...the humanitarian obligation to assist family reunification," but recommended that refugee processing not be instituted on the border. Rather, the panel said it
"believes the use of immigrant visas, Visas 93, and expanded humanitarian parole [italics added] can be applied to the most compelling cases." The report stated that, "The decision not to start formal refugee processing imposes an even greater responsibility, however, to administer the immigrant visa and individual parole programs with flexibility and generosity."

**May 1986: INS Issues Program Guidelines**

Eight months after Shultz announced the program, INS published a three-page statement outlining procedures and requirements for prospective sponsors seeking humanitarian parole admission for Cambodians on the border and in Khao I Dang (see Appendix C). The paper pointed out the discretionary nature of the Attorney General's parole authority and noted that "parole is a much more restrictive and limited benefit than is refugee or normal immigrant visa admission." Four examples were given of this restrictiveness:

1. Parolees...are not eligible for many standard refugee resettlement assistance programs and services (e.g. refugee cash and medical assistance);
2. Absent other qualifying factors, or special legislation, parolees are not able to adjust their immigration status;
3. Parolees require prior authorization to work; and
4. Parole carries higher sponsorship assurance requirements than does refugee admission.

The INS paper also noted some of the determining factors to be considered in making humanitarian parole decisions on Khao I Dang and border Cambodian applications. Criteria for determining "emergent reasons" were not spelled out, except to say that requests would be reviewed and decided using the same criteria as are applied in other HP determinations.
Two special provisions were outlined for the Cambodian program. First, "for policy reasons, the INS has determined that cases involving persons who are closely related to and wholly dependent on beneficiaries of immigrant visa petitions and Visas 93 requests will, absent derogatory factors, be viewed sympathetically." In addition, the guidelines stated that "INS will view sympathetically cases involving persons who are beneficiaries of approved non-current immigrant visa petitions."

The inclusion of non-current IV beneficiaries, as well as the inclusion of Khao I Dang residents, represented a considerable expansion of the pool of potential applicants. State Department figures for June 1986 indicated that a total of 533 Cambodians had been identified as having approved IV or Visa 93 petitions. Of these, 208 had current immigrant visas and 345 non-current. A total of 344 were Khao I Dang residents, with 114 at Site 2 and 95 at other locations.

By June 20, the date of midyear hearings on the U.S. refugee program held before the Senate Subcomittee on Immigration and Refugee Policy, a total of 13 Cambodians had entered the United States through the HP/IV process. Responding to a question about this figure from Sen. Simpson, BRP director Purcell said, "We have attempted over the last few months to identify everybody who is eligible, and we have set up a program.... We have had some difficulty working out procedures with the Thai government to get access to the people." He said access had recently been granted to applicants in Khao I Dang which would "accelerate the interviewing."

Another problem, said Purcell, was that "we are finding substantial problems of documentation.... We know this is basically a documentless society, but there have to be some basic documents in order for the consular people to review the file. And we are taking extraordinary steps with the petitioners back here to complete those documents. It is taking a while."
Sen. Edward M. Kennedy, then ranking minority member of the subcommittee, asked how long it would take to implement a humanitarian parole program on the border. "I would think that we are talking weeks," Purcell replied. "I think you will see very quickly that we will be able to issue humanitarian parole on a case-by-case basis to those deserving and who are holders of non-current visas, assuming other emergent conditions exist and there are no disqualifying reasons to deny them."

August 1986: Program Guidelines are Revised

On August 14, the State Department and INS sent a joint cable to the American Embassy in Bangkok announcing new program guidelines based on a review of the processing program for border Cambodians. "In order to respond to the most compelling cases among the border and Khao I Dang population of Khmer," the cable went, "INS has agreed that the unique circumstances surrounding this population warrant a generous application of the Attorney General's parole authority [italics added]. In order to minimize processing delays, authority to grant humanitarian parole...will now be based with INS Bangkok instead of the Central Office."

Additionally, the cable identified three groups of Cambodians for "favorable" humanitarian parole consideration by INS:

- **HP1** - Beneficiaries of non-current immigrant visa petitions.
- **HP2** - Dependent extended family members of current and non-current IV beneficiaries and Visas 93 cases.
- **HP3** - Other parole requests which are emergent or in the public interest.

Parole for Cambodians was authorized for an indefinite period or "for the period of time until it is expected that the persons will be eligible to adjust to lawful permanent resident." The INS District Director in Bangkok was also given the authority to grant work authorization to parolees.
The cable was seen as a significant breakthrough, in terms of both content and tone, conveying a new sense of urgency and direction for the program. Implementation procedures were established on case processing and documentation, particularly for HP1 cases, beneficiaries of non-current immigrant visa petitions. "Methods to gain access to and move beneficiaries quickly should be sought," and the embassy was requested "to provide thorough reporting on progress and problems," particularly in light of the upcoming refugee consultations in September. "Interest in processing of the border Khmer and Khmer at Khao I Dang under all facets of this program--immigrant visas, Visas 93, and humanitarian parole--will be high," the cable suggested.

In August and September, a total of 53 Cambodians were interviewed and approved for humanitarian parole. Prior to that, HP approvals had averaged about one per month.

**September 1986: Pressure from Congress**

Congressional interest in the Cambodian border program was high, at least in the Senate. At the annual refugee consultations held on September 16, 1986, Senator Simpson reiterated his support for increased reliance on immigration processing in Southeast Asia but noted that "literally a handful" of immigrant cases had been processed in the last year. "I would be particularly interested in learning why it is so difficult to make this change in our program," Simpson asked. His colleague on the immigration and refugee subcommittee, Senator Kennedy, suggested, "My own sense is we have not probably devoted the kinds of resources in those areas that probably should be devoted if we are going to expedite immigration and family reunification cases."

Resources were not the problem, according to State Department witnesses, but rather access and eligibility. The program "has moved much
slower than we had thought and hoped when we announced it last year," said Robert Funseth, then acting director of the State Department's Bureau for Refugee Programs. "We did not get access to these people until the beginning of this year, and it has been a difficult, cumbersome process. And frankly, we found fewer persons eligible than we had originally thought." The situation, in fact, was even worse than Funseth described it. Access was a serious problem throughout 1986 and remained so until November 1987.

As of September 1986, the State Department reported that a total of 533 immigrant visa cases were on file at the embassy in Bangkok. Of these, 396 were beneficiaries of non-current IV petitions, and 137 were beneficiaries of current IV petitions. A total of 46 IV cases and 53 HP cases had been approved for admission to the United States, but only 11 IV cases and 2 HP cases had actually entered the country. In response to congressional inquiries, the Administration reported that, "The principal difficulties to full implementation of this limited program include (1) obtaining documentation and verification of family relationships among these people who almost invariably escaped from Cambodia without papers; (2) locating the visa petition beneficiaries; and (3) obtaining permission from the Thai government to interview these persons and thereafter to move the approved cases to another site for completion of processing."

THE PROGRAM TODAY

For the last two years of the program, processing of Cambodian IV and HP cases in Khao I Dang and at the border has included eleven basic steps, almost all of which have faced significant delays or procedural difficulties at one time or another.
Step One: Petitioner in the United States obtains a copy of a Petition for Alien Relative (Form I-130, see Appendix A) from the local INS office. A completed copy is mailed back to INS with a $35 processing fee, along with documents establishing the petitioner's legal status in the United States and proof of relationship to the beneficiary. Petitioners must show that they are U.S. citizens, permanent residents, or refugees (for the purpose of filing Visas 93 for spouses and unmarried, minor children -- see Appendix B). Ideally, proof of relationship to the beneficiary can be established by a birth certificate, marriage license, or other official documentation. Often, however, two affidavits of relationship (see Appendix G) are all that will be available and necessary.

For HP3 cases, since they do not require submission of an I-130 form, a request for humanitarian parole (Appendix C) is submitted directly to the INS office in Thailand.

Step Two: In non-HP3 cases, the local INS office mails back to the petitioner a Notice of Approval of Relative Immigrant Visa Petition (Form I-171, see Appendix D). The notice states that "the approval constitutes no assurance that the beneficiary will be found eligible for visa issuance [or] admission to the United States." INS forwards the petition to the U.S. Embassy in Thailand. The average time elapsed between submission of petition and notice of approval is two to three months.

Step Three: The approved IV petition is received at the Embassy. A request for additional documents is sent to the petitioner in the United States (see Appendix E). Petitioners in both IV and HP cases must submit Affidavits of Support (see Appendix F). On average, two months elapse between the time a petition is approved by INS and when it is received by the Embassy. A request for additional documents is sent out within one week of receipt of the visa petition. It usually takes about one month to receive the needed documents from petitioners.

Step Four: The Embassy requests permission from the Thai government to interview beneficiaries in Khao I Dang or on the border. Permission to interview is requested as soon as the documents are complete.

Step Five: The Thai government grants access for an interview, and a written pass is issued. Arrangements are made to move the applicant to Ban Thai Samart for the interview. Until November 1987, it took six to twelve months to get Thai permission for an interview. Since then, the average time is down to about two months.

Step Six: At Ban Thai Samart, the applicant is prescreened, reviewed by an ethnic affairs officer, and then is interviewed by a consular officer. This interviewing all takes place in one day, after which the applicants are returned to Khao I Dang or the border to await a decision.

Step Seven: For HP cases, the Refugee and Migration Affairs Office forwards approved cases to INS recommending parole. HP1 and HP2 cases are forwarded automatically. IV cases skip this step. The forwarding of approved cases takes place one week from date of interview.

Step Eight: The Embassy requests permission from the Thai government to move approved cases to Phanat Nikhom for medical examinations and other processing. This occurs within one week of final approval.
Step Nine: Permission to move cases to Phanat Nikhom is received from the Thai government, and the Embassy coordinates with UNHCR to move cases from Khao I Dang, and with the Intergovernmental Committee for Migration (ICM) to move cases from the border. It takes anywhere from one week to one year to obtain Thai permission to move cases to Phanat Nikhom.

Step Ten: In Phanat Nikhom, medical examinations are performed, travel documents issued, and onward transportation arranged by ICM. As of October 1, 1988, travel tickets for IV, HP1, and HP2 cases must be prepaid. Medical examinations and final processing take about five to eight weeks. Medical holds, usually for TB, are possible in a small percentage of cases.

Step Eleven: The beneficiary departs for the United States.

Embassy officials have estimated that a hypothetically perfect case could be processed in four months. In reality, the average time has been over two years, although this has been improving thus far in 1988.

From January 1986 to August 9, 1988, the following number of cases/individuals were approved, denied and/or entered the United States:

(a) Cases/Individuals approved by the United States

<table>
<thead>
<tr>
<th></th>
<th>IV</th>
<th>HP1</th>
<th>HP2</th>
<th>HP3</th>
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<td>151/238</td>
<td>204/708</td>
<td>20/42</td>
<td>22/46</td>
<td>397/1034</td>
</tr>
</tbody>
</table>

(b) Cases/Individuals denied by the United States

<table>
<thead>
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<th></th>
<th>IV</th>
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<th>HP2</th>
<th>HP3</th>
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<td>2/2</td>
<td>1/1</td>
<td>14/41</td>
<td>34/95</td>
</tr>
</tbody>
</table>

(c) Cases/Individuals entering the United States

<table>
<thead>
<tr>
<th></th>
<th>IV</th>
<th>HP1</th>
<th>HP2</th>
<th>HP3</th>
<th>TOTAL</th>
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<td>107/174</td>
<td>139/472</td>
<td>14/24</td>
<td>12/19</td>
<td>272/689</td>
</tr>
</tbody>
</table>

There are, in addition, about six cases (14 individuals) where a decision is still pending. More than 100 people still have not been located for interviewing.
The very small number of people who have successfully found their way to the United States are testimony to the significant problems in the HP/IV program. Following are some particularly problematic areas.

**Documentation and Communication**

Voluntary agencies and petitioners in the United States complain frequently that little or no information about cases is transmitted from Bangkok until interviews have been completed and a final decision rendered. Given that months and even years pass from the time a visa or parole petition is submitted to the time a final decision is reached on the case, it is not surprising that many have come to believe that applications are being ignored, or that some congressional or executive intervention is necessary to stimulate activity. Compounding the problem is the fact that initial INS letters communicating that a petition has been approved do not spell out with sufficient clarity the fact that the admissions process is not over, but just beginning, and that interviews, medical exams, and long delays still lie ahead.

Petitioners also report that local INS offices can impose unreasonable demands for documentation of family relationships. Certainly it is critical to the success of the petition to gather as much primary evidence as possible, but affidavits of relationship may be the only thing available in many instances. Embassy officials in Thailand are quite sensitive to this fact. Local INS officers, understandably, are less so, and should be given clearer guidelines for this population.
Access for Interviewing

Up until November 1987, lack of access to applicants had been the most intractable problem in the border program. At that time, over 1,000 cases were awaiting interviews on the border or in Khao I Dang and the HP/IV program was at a virtual standstill. Thailand had imposed a two-tiered approval process, which required permission first to conduct interviews with border applicants and second to move approved cases to Phanat Nikhom. The Embassy estimated that the average response time at each stage was six to twelve months.

On September 29, 1987, four key members of the Senate Judiciary Committee wrote a letter to President Reagan recommending "that no resettlement of refugees from Thailand be undertaken this year until the Royal Thai Government fulfills its pledge to facilitate the departure of relatives of United States citizens now mixed with refugees in several Khmer refugee camps. It is impossible to justify to the American people the movement of refugees from Thailand, at the Thai's request, when we cannot secure the departure of the immediate relatives of U.S. citizens and other current and approved immigration visa cases."

By the middle of November, the JVA team at Ban Thai Samart had begun interviewing HP/IV applicants from Khao I Dang and Site 2 after the Thai government had granted access. The bulk of the interviewing for the 1,013 beneficiaries was completed within six weeks, but as of August 1988, consular and INS interviewing was still continuing for those who were not traceable earlier.

Once interviewing is completed in Ban Thai Samart, approved and rejected cases alike must return to the border or to Khao I Dang. U.S. officials still report substantial delays in obtaining permission to move
approved beneficiaries to Phanat Nikhom. It seems that these delays could be allayed or avoided by allowing all approved cases to remain in Ban Thai Samart until they are transferred to Phanat Nikhom for medical exams and final processing.

**Guidelines for Defining HP3 "Emergent" Criteria**

Many petitioners in the United States have expressed considerable frustration in trying to understand the emergent criteria requirement as it relates to HP3 petitions. Only 12 HP3 cases (19 individuals) have found their way to the United States and, given this small number, it is at best problematic to draw conclusions from the cases that are approved or rejected. But it is fair to say that the perception on the part of petitioners is that HP3 criteria are overly restrictive and unclear.

INS officials in Washington and Bangkok generally cite three factors that would promote sympathetic treatment of an HP3 application: extreme age, extreme youth, and the presence of a medical problem that cannot be treated in local facilities. "Say a couple on the border has a baby and the baby needs surgery," said one official. "If all the other aspects of their application are in place, they will be approved." Aged relatives living alone on the border, presumably, also stand a good chance of approval. Beyond that, INS officials only say that decisions are made on a case-by-case basis and that other special circumstances are taken into consideration.

It does seem clear that, in order to be successful, HP3 applications must do more than claim that the border situation is inherently dangerous, but rather must establish that compelling or unusual needs exist. But what constitutes an unusual or compelling reason for humanitarian concern on the Thai-Cambodian border where lawlessness and violence are everywhere? Would
rape victims qualify? People abused by Cambodian resistance troops or Thai security guards? This is not made clear.

One recently rejected HP3 case involved a Cambodian man in the United States who developed leukemia. Chemotherapy proved unsuccessful in April 1987, and medical diagnosis recommended a bone marrow transplant. An HP3 application was filed for a brother residing in Site Two. After bone marrow tests taken at Ban Thai Samart documented a donor incompatibility, the application was denied. The brother in the United States subsequently died. While there was no strictly medical reason for the brothers to be reunited, it is hard to imagine that the humanitarian aspects of the case were insufficiently compelling or unusual to justify a denial.

While instructions to the field in August 1986 called for a "generous" use of humanitarian parole, INS continues to apply overly restrictive standards in HP3 cases. Close to 40 percent of HP3 cases have been rejected, as compared to a 5 percent rejection rate for HP2s, 1 percent for HP1s, and about 10 percent for current IVs.

Although the analogy is not perfect, it is interesting to note that the INS's Legalization Appeals Unit (LAU) recently provided guidelines on determining "emergent reasons" in the context of the legalization program for undocumented aliens in the United States. On May 6, 1988, the LAU granted permanent resident status to a 23-year-old Mexican woman even though she had been absent from the United States for more than a 45-day period after January 1982. The LAU overturned her original denial by determining that her reason for overstaying the maximum time period was "emergent," defined as "coming unexpectedly into being."

The situations are obviously different, but it seems fair to ask why "emergent reason" in the context of one humanitarian effort is defined as
simply an unexpected event while in another it appears to require a uniquely compelling or life-threatening condition.

One point of clarification should be made for the benefit of petitioners: In cases involving family reunification (IV, HP1, and HP2), it is not necessary to establish an "emergent" claim for parole. The family relationship, once established, is sufficient to qualify the case for a sympathetic review, assuming the beneficiary is not otherwise disqualified for immigrant status. It is only in HP3 cases that the decision stands or falls solely on the basis of the claim "that parole is needed for an 'emergent' reason or a reason in the public interest" (see Appendix B).

**Provisional Status of Parole**

People entering the United States with parole status do so on a provisional basis, without benefit of either refugee or immigrant status, both of which provide for permanent residence. Parolees can only obtain permanent resident status when 1) they enter with a non-current visa number and that number becomes current, 2) a Congressional representative submits a private bill providing for their adjustment of status, or 3) a relative eventually enters the country with refugee or immigrant status and files an immigrant visa petition.

Parolees, unlike refugees, are not eligible to receive public assistance. Indeed, the sponsor of a parole case must submit an affidavit of support demonstrating that the new arrival "will not become a public charge." But Cambodian parolees are granted work authorization and HP3 cases are provided with ICM travel loans, so despite the restrictions on benefits, parole status, in and of itself, should not deter petitioners from submitting applications.
CONCLUSION AND RECOMMENDATIONS

On August 31, 1988 refugee resettlement may cease to be an option for Cambodians in Thailand. Thai authorities have announced that anyone in Khao I Dang who does not have a firm offer of resettlement by that date will be moved to a new site, Ban Banthad, near Site 2 on the Thai-Cambodian border, where they will be barred from further consideration for resettlement. If this occurs, the safety valve that refugee resettlement has provided, even in limited fashion for Cambodians, will be gone. Parole will figure ever more prominently in serving the family reunification and protection needs of the border population.

The current HP/IV program for border Cambodians is still too small to be considered much more than a marginal effort, although for those it has helped, obviously, it has made all the difference in the world. Given the recent, welcome interest among U.S. refugee policymakers in considering a new category of special humanitarian immigrant, it would be sensible for policymakers to review the successes and failures of the border Cambodian parole experiment and the impact it has had on people of such great concern to the American public.

Following are recommendations to improve and expand the HP/IV program:

1. The impasse regarding access to Cambodians on the border has been resolved for the time being, but the United States should consult with the Thai government in order to secure an agreement that access will continue to be available. Consultations with Thailand should also seek to secure a commitment that those interviewed and approved will not have to return to the border, prior to movement to Phanat Nikhom. In light of the significant protection problems on the border, transfer to Phanat Nikhom should be
arranged immediately after U.S. approval. Embassy officials in Bangkok say that this is logistically and politically unrealistic, given Thailand's great reluctance to expand any camps that are not directly on the border. The issue, nevertheless, should be pursued.

2. INS should articulate and disseminate clearer guidelines for determining "emergent reasons" in the granting of parole status.

3. INS should consider the possibility of receiving IV, HP1, and HP2 applications directly in Bangkok, rather than processing them through local district offices in the United States. At least two months could be saved by employing this direct route, which is already used for HP3 applications.

4. Embassy staff in Bangkok should develop routine communications with all petitioners, relating to the status of IV or HP petitions. Petitioners should contact the addresses listed in Appendix H (particularly Stephen Edson, Mary Pack or Dan Solis) at regular intervals for a case progress report.

5. Monthly Embassy reports on the status of the HP/IV program should be shared with selected voluntary organizations, mutual assistance associations (MAAs), and individual petitioners. Data should include the following:

   a. Number of IV and HP petitions on file;
   b. Number of cases approved by category (IV, HP1, HP2, and HP3)
   c. Number of cases denied by category, including generic categories of reasons for denial.
   d. Number of cases moved to the United States.

6. The JVA HP/IV Unit in Bangkok should enhance its efforts in tracking cases, preparing documentation, and serving as an advocate and intermediary on behalf of HP/IV petitioners in the United States. The office could play an invaluable role in collecting documentation and information from beneficiaries and witnesses on the border.

7. Voluntary agencies and MAAs should undertake extensive outreach work in the United States, perhaps with government funding, to promote
Cambodian naturalization and citizenship, and to better publicize the HP/IV option for border Cambodians. The small number of applications and petitions in part reflects a less than adequate outreach effort within the United States;

8. Voluntary agencies and interested petitioners should continue to submit applications. The lack of refugee benefits provided to persons arriving under the Cambodian family reunification program should not deter agencies or individuals from a more aggressive use of this program.
APPENDICES

U.S. IMMIGRATION CHANNELS USED IN THE FAMILY REUNIFICATION PROGRAM FOR BORDER CAMBODIANS

The following information is meant to acquaint readers with the basic immigration channels used in the government's family reunification program for border Cambodians. These appendices include the basic forms and documents a petitioner must complete for an IV, HP1, HP2, or HP3 case. For more information, contact an INS district office, a local voluntary agency, or an experienced petitioner.

Persons in the United States who are refugees, political asylees, permanent resident aliens, or citizens, can petition the government to have certain family members join them. Depending on an individual's immigration status, and his or her relationship with the relative abroad, certain immigration channels apply.

The availability of immigrant visas is limited in several ways by provisions of the Immigration and Nationality Act (INA). The INA sets an annual limit of 270,000 immigrants for all "preference" and "nonpreference" classes, and allows that no more than 20,000 immigrants be from any one country in a given fiscal year.

Further, the INA provides that visas be given to applicants in order of preference. Each preference is allotted a percentage of the overall annual limit. There are six preferences and a nonpreference class.

First preference applies to unmarried sons and daughters of U.S. citizens. It receives 20 percent of the overall annual limit per fiscal year.

Second preference applies to the spouses and unmarried sons and daughters of aliens lawfully admitted for permanent residence. It receives 26 percent.

Third preference, which applies to professionals or those with demonstrated talent in arts or sciences, receives 10 percent.

Fourth preference, which applies to the married sons and daughters of U.S. citizens, receives 10 percent.

Fifth preference, the siblings of U.S. citizens, receives 24 percent.

Sixth preference, which applies to skilled and unskilled workers in short supply in the United States, receives 10 percent.

Nonpreference quotas apply to all other immigrants.

These preference quotas do not apply to "immediate relatives," who are defined as spouses, parents and children of U.S. citizens 21 years old. There are also no immigration quotas for those approved for admission to the United States under Visas 93, but their admissions are subtracted from the annual refugee ceiling totals.

Approved visa petitions are either "current" or "noncurrent." A current visa petition is one for which a visa "number" is available. Numbers are made available for each preference based on the quota described above. When a preference quota has been reached, or oversubscribed, no new numbers are available. Approved visa petitions that fall within an oversubscribed preference are called noncurrent because a number is not currently available.
APPENDIX A: The Immigrant Visa (Filing Form I-130)

The basic immigration mechanism for family reunification is the immigrant visa petition, which is filed using form I-130. This form is called a "Petition for Alien Relative." The person filing the petition is called the "petitioner," and the person for whom it is being filed is called the "beneficiary."

All United States citizens, regardless of age, may file a form I-130 petition on behalf of a spouse or children, regardless of the children's age or marital status. U.S. citizens 21 years of age or older may, in addition to a spouse and children, petition on behalf of parents, brothers, or sisters.

Permanent resident aliens may file an immigrant visa petition on behalf of a spouse or unmarried child regardless of age, but not on behalf of parents, brothers, or sisters.

APPENDIX B: Visas 93 (Filing Form I-730)

Permanent resident aliens originally admitted to the United States as refugees, and persons admitted as refugees to the United States who have not yet adjusted to permanent resident alien status, can submit Visas 93 requests on behalf of spouses and minor, unmarried children, but not on behalf of other family members. Form I-730 is used to request a Visas 93. These forms should be available at INS district and regional offices.

APPENDIX C: Humanitarian Parole

Humanitarian parole, according to INS guidance to its field officers, is available on a "limited basis" to those with approved noncurrent immigrant visa petitions; to those "closely related to or wholly dependent on" persons who are the beneficiaries of immigrant visa petitions and Visas 93; and to individuals for whom parole is needed for an "emergent" reason or a reason in the public interest.

APPENDIX D: Notice of Approval of Relative Immigrant Visa Petition

APPENDIX E: Embassy Letter Acknowledging Receipt of Approved Visa Petition

APPENDIX F: Affidavit of Support

APPENDIX G: Affidavit of Relationship (Sample)

APPENDIX H: Key People in the Cambodian Family Reunification Program
Petition for Alien Relative

Instructions

Read the instructions carefully. If you do not follow the instructions, we may have to return your petition, which may delay final action. If more space is needed to complete an answer continue on separate sheet of paper.

1. Who can file?

A citizen or lawful permanent resident of the United States can file this form to establish the relationship of certain alien relatives who may wish to immigrate to the United States. You must file a separate form for each eligible relative.

2. For whom can you file?

A. If you are a citizen, you may file this form for:
   1) your husband, wife, or unmarried child under 21 years old
   2) your unmarried child over 21, or married child of any age
   3) your brother or sister if you are at least 21 years old
   4) your parent if you are at least 21 years old

B. If you are a lawful permanent resident you may file this form for:
   1) your husband or wife
   2) your unmarried child

NOTE: If you are a lawful permanent resident you may file this form for:
   1) your Form FS-240 (Report of Birth Abroad of a United States Citizen)
   2) your Form FS-236 (Transitional Visa for Alien in the United States)
   3) your Alien Registration Receipt Card (Form I-151 or I-551)

For each document needed, give INS the original and one copy. However, because it is against the law to copy a Certificate of Naturalization, a Certificate of Citizenship or an Alien Registration Receipt Card (Form I-151 or I-551), give INS the original only. Originals will be returned to you.

3. For whom can you not file?

You cannot file for people in the following categories:

A. An adoptive parent or adopted child. If the adoption took place after the child became 16 years old, or if the child has not been in the legal custody and living with the adoptive parent(s) for at least two years.

B. A natural parent if the United States citizen son or daughter gained permanent residence through adoption.

C. A step-parent or stepchild, if the marriage that created this relationship took place after the child became 18 years old.

D. A husband or wife, if you were not both physically present at the marriage ceremony, and the marriage was not consummated.

E. A husband or wife if you gained lawful permanent resident status by virtue of a prior marriage to a United States citizen or lawful permanent resident unless:
   1) a period of five years has elapsed since you became a “lawful permanent resident; OR
   2) you can establish by clear and convincing evidence that the prior marriage (through which you gained your immigrant status) was not entered into for the purpose of evading any provision of the immigration laws; OR
   3) your prior marriage (through which you gained your immigrant status) was terminated by the death of your former spouse.

F. A husband or wife if he or she was in exclusion, deportation, rescission, or judicial proceedings regarding his or her right to remain in the United States when the marriage took place, unless such spouse has resided outside the United States for a two-year period after the date of the marriage.

G. A husband or wife if the Attorney General has determined that such alien has attempted or conspired to enter into a marriage for the purpose of evading the immigration laws.

H. A grandparent, grandchild, nephew, niece, uncle, aunt, cousin, or in-law.

4. What documents do you need?

You must give INS certain documents with this form to show you are eligible to file. You must also give the INS certain documents to prove the family relationship between you and your relative.

A. For each document needed, give INS the original and one copy. However, because it is against the law to copy a Certificate of Naturalization, a Certificate of Citizenship or an Alien Registration Receipt Card (Form I-151 or I-551), give INS the original only. Originals will be returned to you.

B. If you do not wish to give INS the original document, you may give INS a copy. The copy must be certified by: 1) an INS or U.S. consular officer, or 2) an attorney admitted to practice law in the United States, or 3) an INS accredited representative (INS may still require originals).

C. Documents in a foreign language must be accompanied by a complete English translation. The translator must certify that the translation is accurate and that he or she is competent to translate.

5. What documents do you need to show you are a United States citizen?

A. If you were born in the United States, give INS your birth certificate.

B. If you were naturalized, give INS your original Certificate of Naturalization.

C. If you were born outside the United States, and you are a U.S. citizen through your parents, give INS: 1) your original Certificate of Citizenship, or 2) your Form FS-240 (Report of Birth Abroad of a United States Citizen).

D. In place of any of the above, you may give INS your valid unexpired U.S. passport that was initially issued for at least 5 years.

E. If you do not have any of the above and were born in the United States, see the instructions under 8, below. "What if a document is not available?"

6. What documents do you need to show you are a permanent resident?

You must give INS your alien registration receipt card (Form I-151, or Form I-551). Do not give INS a photostatic copy of the card.

7. What documents do you need to prove family relationship?

You have to prove that there is a family relationship between your relative and yourself.

In any case where a marriage certificate is required, if either the husband or wife was married before, you must give INS documents to show that all previous marriages were legally ended. In cases where the names shown on the supporting documents have changed, give INS legal documents to show how the name change occurred (for example a marriage certificate, adoption decree, court order, etc.)

Find the paragraph in the following list that applies to the relative you are filing for.

Form I-130 (Rev. 02-28-87)N
If you are filing for your:

A. **husband or wife**, give INS:
   1) your marriage certificate
   2) a color photo of you and one of your husband or wife, taken within 30 days of the date of this petition. These photos must have a white background. They must be glossy, un-retouched, and not mounted. The dimension of the facial image should be about 1 inch from chin to top of hair in 3/4 frontal view, showing the right side of the face with the right ear visible. Using pencil or felt pen, lightly print name (and Alien Registration Number, if known) on the back of each photograph.
   3) a completed and signed Form G-325A (Biographic Information) for you and one for your husband or wife. Except for name and signature, you do not have to repeat on the G-325A the information given on your I-130 petition.

B. **child** and you are the **mother**, give the child's birth certificate showing your name and the name of your child.

C. **child** and you are the **father or stepparent**, give the child's birth certificate showing both parents' names and your marriage certificate. Child born out of wedlock and you are the **father**, give proof that a parent/child relationship exists or existed. For example, the child's birth certificate showing your name and evidence that you have financially supported the child. (A blood test may be necessary.)

D. **brother or sister**, your birth certificate and the birth certificate of your brother or sister showing both parents' names. If you do not have the same mother, you must also give the marriage certificates of your father to both mothers.

E. **mother**, give your birth certificate showing your name and the name of your mother.

F. **father**, give your birth certificate showing the names of both parents and your parents' marriage certificate.

G. **stepparent**, give your birth certificate showing the names of both natural parents and the marriage certificate of your parent to your stepparent.

H. **adoptive parent or adopted child**, give a certified copy of the adoption decree, the legal custody decree if you obtained custody of the child before adoption, and a statement showing the dates and places you have lived together with the child.

8. **What if a document is not available?**

If the documents needed above are not available, you can give INS the following instead. (INS may require a statement from the appropriate civil authority certifying that the needed document is not available.)

A. **Church record**: A certificate under the seal of the church where the baptism, dedication, or comparable rite occurred within two months after birth, showing the date and place of child's birth, date of the religious ceremony, and the names of the child's parents.

B. **School record**: A letter from the authorities of the school attended (preferably the first school), showing the date of admission to the school, child's date and place of birth, and the names and places of birth of parents, if shown in the school records.

C. **Census record**: State or federal census record showing the name, place of birth, and date of birth or the age of the person listed.

D. **Affidavits**: Written statements sworn to or affirmed by two persons who were living at the time and who have personal knowledge of the event you are trying to prove; for example, the date and place of birth, marriage, or death. The persons making the affidavits need not be citizens of the United States. Each affidavit should contain the following information regarding the person making the affidavit: his or her full name, address, date and place of birth, and his or her relationship to you. If any full information concerning the event; and complete details concerning how the person acquired knowledge of the event.

9. **How should you prepare this form?**

A. Type or print legibly in ink.

B. If you need extra space to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.

C. Answer all questions fully and accurately. If any item does not apply, please write "N/A".

10. **Where should you file this form?**

A. If you live in the United States, send or take the form to the INS office that has jurisdiction over where you live.

B. If you live outside the United States, contact the nearest American Consulate to find out where to send or take the completed form.

11. **What is the fee?**

You must pay $35.00 to file this form. The fee will not be refunded, whether the petition is approved or not. DO NOT MAIL CASH. All checks or money orders, whether U.S. or foreign, must be payable in U.S. currency at a financial institution in the United States. When a check is drawn on the account of a person other than yourself, write your name on the face of the check. If the check is not honored, INS will charge you $5.00.

Pay by check or money order in the exact amount. Make the check or money order payable to "Immigration and Naturalization Service". However,

A. if you live in Guam: Make the check or money order payable to "Treasurer, Guam"; or

B. if you live in the U.S. Virgin Islands: Make the check or money order payable to "Commissioner of Finance of the Virgin Islands".

12. **When will a visa become available?**

When a petition is approved for the husband, wife, parent, or unmarried minor child of a United States citizen, these relatives do not have to wait for a visa number, as they are not subject to the immigrant visa limit. However, for a child to qualify for this category, all processing must be completed and the child must enter the United States before his or her 21st birthday.

For all other alien relatives there are only a limited number of immigrant visas each year. The visas are given out in the order in which INS receives properly filed petitions. To be considered properly filed, a petition must be completed accurately and signed, the required documents must be attached, and the fee must be paid.

For a monthly update on dates for which immigrant visas are available, you may call (202) 663-1514.

13. **What are the penalties for committing marriage fraud or submitting false information or both?**

Title 8, United States Code, Section 1325 states that any individual who knowingly enters into a marriage contract for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than five years, or fined not more than $250,000.00 or both.

Title 18, United States Code, Section 1001 states that whoever willfully and knowingly falsifies a material fact, makes a false statement, or makes use of a false document will be fined up to $10,000 or imprisoned up to five years, or both.

14. **What is our authority for collecting this information?**

We request the information on the form to carry out the immigration laws contained in Title 8, United States Code, Section 1154(a). We need this information to determine whether a person is eligible for immigration benefits. The information you provide may also be disclosed to other federal, state, local, and foreign law enforcement and regulatory agencies during the course of the investigation required by this Service. You do not have to give this information. However, if you refuse to give some or all of it, your petition may be denied.

It is not possible to cover all the conditions for eligibility or to give instructions for every situation. If you have carefully read all the instructions and still have questions, please contact your nearest INS office.
U.S. Department of Justice (INS)  
Petition for Alien Relative

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<th>Action Stamp</th>
<th>Fee Stamp</th>
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Section of Law:  
- 201(b) spouse  
- 201(b) child  
- 201(b) parent  
- 203(a)(2)  
- 203(a)(4)  
- 203(a)(5)  

AM CON: ______

**Remarks:**

**A. Relationship**

1. The alien relative is my:
   - [ ] Husband/Wife  
   - [ ] Parent  
   - [ ] Brother/Sister  
   - [ ] Child

2. Are you related by adoption?  
   - [ ] Yes  
   - [ ] No

3. Did you gain permanent residence through adoption?  
   - [ ] Yes  
   - [ ] No

**B. Information about you**

1. Name (Family name in CAPS)  
   (First) (Middle)

2. Address (Number and Street)  
   (Apartment Number)
   (Town or City) (State/Country) (ZIP/Postal Code)

3. Place of Birth (Town or City)  
   (State/Country)

4. Date of Birth  
   (Mo/Day/Year)
   - [ ] Male  
   - [ ] Female  

5. Sex
   - [ ] Married  
   - [ ] Single  
   - [ ] Widowed  
   - [ ] Divorced

6. Marital Status

7. Other Names Used (including maiden name)

8. Date and Place of Present Marriage (if married)

9. Social Security number

10. Alien Registration Number (if any)

11. Names of Prior Husbands/Wives

12. Date(s) Marriage(s) Ended

13. Has your relative ever been in the U.S.?  
   - [ ] Yes  
   - [ ] No

14. If your relative is currently in the U.S., complete the following:
   - He or she last arrived as a (visitor, student, stowaway, without inspection, etc.)

15. Name and address of present employer (if any)

16. Has your relative ever been under Immigration proceedings?  
   - [ ] Yes  
   - [ ] No

**C. Information about your alien relative**

1. Name (Family name in CAPS)  
   (First) (Middle)

2. Address (Number and Street)  
   (Apartment Number)
   (Town or City) (State/Country) (ZIP/Postal Code)

3. Place of Birth (Town or City)  
   (State/Country)

4. Date of Birth  
   (Mo/Day/Year)
   - [ ] Male  
   - [ ] Female  

5. Sex
   - [ ] Married  
   - [ ] Single  
   - [ ] Widowed  
   - [ ] Divorced

6. Marital Status

7. Other Names Used (including maiden name)

8. Date and Place of Present Marriage (if married)

9. Social Security number

10. Alien Registration Number (if any)

11. Names of Prior Husbands/Wives

12. Date(s) Marriage(s) Ended

13. Has your relative ever been in the U.S.?  
   - [ ] Yes  
   - [ ] No

14. If your relative is currently in the U.S., complete the following:
   - He or she last arrived as a (visitor, student, stowaway, without inspection, etc.)

15. Name and address of present employer (if any)

16. Has your relative ever been under Immigration proceedings?  
   - [ ] Yes  
   - [ ] No

**Form 1-130 (Rev. 02-28-87) N**
C. (Continued) Information about your alien relative

16. List husband/wife and all children of your relative (if your relative is your husband/wife, list only his or her children).

<table>
<thead>
<tr>
<th>Name</th>
<th>Relationship</th>
<th>Date of Birth</th>
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17. Address in the United States where your relative intends to reside

(Number and Street) \quad (Town or City) \quad (State)

18. Your relative's address abroad

(Number and Street) \quad (Town or City) \quad (Province) \quad (Country)

19. If your relative's native alphabet is other than Roman letters, write his/her name and address abroad in the native alphabet:

(Name) \quad (Number and Street) \quad (Town or City) \quad (Province) \quad (Country)

20. If filing for your husband/wife, give last address at which you both lived together:

- From
- To

<table>
<thead>
<tr>
<th>Name</th>
<th>Apt. No.</th>
<th>Town or City</th>
<th>State or Province</th>
<th>Country</th>
<th>Month</th>
<th>Year</th>
<th>Month</th>
<th>Year</th>
</tr>
</thead>
<tbody>
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</table>

21. Check the appropriate box below and give the information required for the box you checked:

- Your relative will apply for a visa abroad at the American Consulate in (City) (Country)

- Your relative is in the United States and will apply for adjustment of status to that of a lawful permanent resident in the office of the Immigration and Naturalization Service at (City) (State). If your relative is not eligible for adjustment of status, he or she will apply for a visa abroad at the American Consulate in (City) (Country).

(Designation of a consulate outside the country of your relative's last residence does not guarantee acceptance for processing by that consulate. Acceptance is at the discretion of the designated consulate.)

D. Other Information

1. If separate petitions are also being submitted for other relatives, give names of each and relationship.

2. Have you ever filed a petition for this or any other alien before? □ Yes □ No

If "Yes," give name, place and date of filing, and result.

Warning: The INS investigates claimed relationships and verifies the validity of documents. The INS seeks criminal prosecutions when family relationships are falsified to obtain visas.

Penalties: You may, by law be imprisoned for not more than five years, or fined $250,000, or both, for entering into a marriage contract for the purpose of evading any provision of the immigration laws and you may be fined up to $10,000 or imprisoned up to five years or both, for knowingly and willfully falsifying or concealing a material fact or using any false document in submitting this petition.

Your Certification

I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit that I am seeking.

Signature ___________________________ Date ___________________________ Phone Number ___________________________

Signature of Person Preparing Form if Other than Above

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge.

(Print Name) (Address) (Signature) (Date)

Volag Number ____________ G-28 ID Number ____________
NOTICE TO PERSONS FILING FOR SPOUSES IF MARRIED LESS THAN TWO YEARS

Pursuant to section 216 of the Immigration and Nationality Act, your alien spouse may be granted conditional permanent resident status in the United States as of the date he or she is admitted or adjusted to conditional status by an officer of the Immigration and Naturalization Service. Both you and your conditional permanent resident spouse are required to file a petition, Form I-751, Joint Petition to Remove Conditional Basis of Alien’s Permanent Resident Status, during the ninety day period immediately before the second anniversary of the date your alien spouse was granted conditional permanent residence.

Otherwise, the rights, privileges, responsibilities and duties which apply to all other permanent residents apply equally to a conditional permanent resident. A conditional permanent resident is not limited to the right to apply for naturalization, to file petitions in behalf of qualifying relatives, or to reside permanently in the United States as an immigrant in accordance with the immigration laws.

Failure to file Form I-751, Joint Petition to Remove the Conditional Basis of Alien’s Permanent Resident Status, will result in termination of permanent residence status and initiation of deportation proceedings.

NOTE: You must complete Items 1 through 6 to assure that petition approval is recorded. Do not write in the section below item 6.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Name of relative (Family name in CAPS) (First) (Middle)</td>
</tr>
<tr>
<td>2.</td>
<td>Other names used by relative (Including maiden name)</td>
</tr>
<tr>
<td>3.</td>
<td>Country of relative’s birth</td>
</tr>
<tr>
<td>4.</td>
<td>Date of relative’s birth (Month/Day/Year)</td>
</tr>
<tr>
<td>5.</td>
<td>Your name (Last name in CAPS) (First) (Middle)</td>
</tr>
<tr>
<td>6.</td>
<td>Your phone number</td>
</tr>
</tbody>
</table>

CHECKLIST

Have you answered each question?
Have you signed the petition?
Have you enclosed:

- The filing fee for each petition?
- Proof of your citizenship or lawful permanent residence?
- All required supporting documents for each petition?

If you are filing for your husband or wife have you included:

- Your picture?
- His or her picture?
- Your G-325A?
- His or her G-325A?
### Appendix B

<table>
<thead>
<tr>
<th>Name</th>
<th>A Number</th>
<th>Sea</th>
<th>Present Address</th>
<th>Place of Birth</th>
<th>Date of Birth (Month/Day/Year)</th>
<th>Nationality</th>
</tr>
</thead>
<tbody>
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</tr>
</tbody>
</table>

1. I swear (affirm) the information provided by me is true and correct.

2. If petitioner for your son(s) or daughter(s), complete the information about those son(s) or daughter(s):

3. If petitioner for your husband or wife, complete the information about your husband or wife:

4. Place of birth

5. A number (if number required)

6. Legal Permanent Resident

7. Date of Birth (Month/Day/Year)

8. Petitioning Relative

9. Address

10. Number (if number required)

11. I certify that the information provided by me is true and correct.

12. Signature and title of INS Official

13. Day of Issue

14. Signature of Applicant/Alter of the Listed Issue

15. Form 7-304 (10/9/98)
If you do not follow these instructions your application may be declining and legal action declined.

Instructions - Please Read Carefully

Application to Access Subs of When Applying for License of Visa 92 or 93
APPENDIX C

REQUESTING HUMANITARIAN PAROLE FOR "BORDER KHMER"

INTRODUCTION

As announced by the Secretary of State on September 28, 1985, the Administration intends to make available on a limited basis humanitarian parole for qualifying persons who are among the so-called "Border Khmer" population. This paper outlines the procedures to be followed and requirements to be met by prospective sponsors who intend to request humanitarian parole admission to the United States for persons among the "Border Khmer" population as well as persons residing at Khao I Dang.

SECTION 212 (d)(5) PAROLE BACKGROUND

Section 212(D)(5) of the Immigration and Nationality Act (as amended) provides that the Attorney General may in his discretion parole into the United States temporarily under such conditions as he may prescribe, "for emergent reasons or reasons deemed strictly in the public interest" any alien applying for temporary admission to the United States. Under this authority the Immigration and Naturalization Service has entertained, and will continue to entertain, requests for humanitarian parole on behalf of Cambodian nationals among the so-called "Border Khmer".

Importantly, the Attorney General's parole authority is discretionary; and parole is not utilized when other means of lawful entry are available. Since passage of the Refugee Act of 1980, for example, the use of humanitarian parole for refugees is specifically barred except when it has been determined to be in the public interest by both the Administration and Congress.

Further, parole is a much more restrictive and limited benefit than is refugee or normal immigrant visa admission to the United States. For example, persons paroled into the United States: (a) are not eligible for many standard refugee resettlement assistance programs and services (e.g. refugee cash and medical assistance); (b) absent other qualifying factors or special legislation, parolees are not able to adjust their immigration status; (c) parolees require prior authorization to work; and (d) parole carries higher sponsorship assurance requirements than does refugee admission.

Finally, it is important to note that applications for asylum from persons paroled under this program will not be viewed favorably. The determination concerning the admission of refugees is a specific authority which requires congressional consultation. This program is not intended to set up a refugee admission vehicle which avoids this consultation process.

WHO MAY REQUEST

A request for humanitarian parole may be submitted by a sponsoring relative, an attorney, Representative or Senator or other interested individual or organization, such as a national voluntary agency (VOLAG). What is important is that the information furnished be factual, specific, and complete. Requests that are not complete will be returned or deferred until the complete
information needed to make a determination is supplied. Requests that contain misrepresentation or false statements may be treated prejudicially.

PROCEDURE AND REQUIRED INFORMATION

1. A letter requesting humanitarian parole for a person or persons (if a family unit is involved) must be submitted to:

   Mr. James B. Foster
   District Director
   INS
   American Embassy, Box 12
   Bangkok, Thailand
   APO San Francisco, CA 96346-001

2. The letter request must provide the following information for each prospective parolee:

   a. name;
   b. date and place of birth;
   c. case number, camp registration number, or other identifying information, if known;
   d. current location (as specific as possible);
   e. relationship to sponsor (with whatever documentation of same can be provided);
   f. current address and immigration status of sponsor;
   g. how and by whom medical care, housing, transportation, food and other subsistence needs will be met;
   h. an affidavit of support covering all persons for whom parole is requested;
   i. a copy of approved visa petition form, if applicable; and/or
   j. statement of the emergent reason why parole should be granted.

3. Each request will be reviewed against file information in Thailand by the INS Bangkok office. Interviews of prospective beneficiaries may also be conducted as appropriate, by either an INS officer or a consular officer.

4. The party requesting humanitarian parole will be notified in writing of the decision in each case.

5. Parole shall be authorized for the period of time until it is expected that the person will be eligible to adjust to lawful permanent resident. For those for whom eligibility for adjustment is not currently foreseen, parole shall be authorized for an indefinite period.

6. The District Director in Bangkok will grant employment authorization to the parolees.

DETERMINATION FACTORS

1. INS will view sympathetically requests for parole for beneficiaries of approved immigrant visa petitions who are determined to be eligible for immigration except for the availability of a visa number.
2. Additionally, cases involving persons who are closely related to and wholly dependent on beneficiaries of immigrant visa petitions (current and noncurrent) and Visas 93 requests (for spouses and minor unmarried children of refugees already in the U.S.) will, absent derogatory factors, be viewed sympathetically.

3. Finally, INS will continue to consider requests made on behalf of an individual where it is established that parole is needed for an "emergent" reason or a reason in the public interest.

U.S. Department of Justice
Immigration and Naturalization Service
Central Office, Refugee, Asylum and Parole
Washington, D.C. 20536

Revised
October 1986
NOTICE OF APPROVAL OF RELATIVE IMMIGRANT VISA PETITION

NAME AND ADDRESS OF PETITIONER

NAME OF BENEFICIARY

CLASSIFICATION

FILE NO.

DATE PETITION FILED

DATE OF APPROVAL OF PETITION

Please be advised that approval of the petition conveys upon the beneficiary an appropriate classification. The approval constitutes no assurance that the beneficiary will be found eligible for visa issuance, admission to the United States or adjustment to lawful permanent resident status. Eligibility for visa issuance is determined only when application therefor is made to a consular officer; eligibility for admission or adjustment is determined only when application therefor is made to an immigration officer. Also, please note the items below which are indicated by "X" marks concerning this petition:


4. [ ] THE PETITION STATES THAT THE BENEFICIARY IS IN THE UNITED STATES AND WILL APPLY TO BECOME A LAWFUL PERMANENT RESIDENT. THE ENCLOSED APPLICATION FOR THIS PURPOSE (FORM I-485) SHOULD BE COMPLETED AND SUBMITTED TO THE BENEFICIARY WITHIN 30 DAYS IN ACCORDANCE WITH THE INSTRUCTIONS CONTAINED THEREIN. IF THE BENEFICIARY HAD PREVIOUSLY SUBMITTED FORM I-485 WHICH WAS RETURNED TO HIM, HE SHOULD RESUBMIT THAT FORM WITHIN 30 DAYS.

5. [ ] THE BENEFICIARY WILL BE INFORMED OF THE DECISION MADE ON HIS PENDING APPLICATION TO BECOME A LAWFUL PERMANENT RESIDENT (FORM I-485).

6. [ ] THE PETITION STATES THAT THE BENEFICIARY IS IN THE UNITED STATES AND WILL APPLY TO BECOME A LAWFUL PERMANENT RESIDENT. THE ENCLOSED APPLICATION FOR THIS PURPOSE (FORM I-485) SHOULD BE COMPLETED AND SUBMITTED TO THE BENEFICIARY WITHIN 30 DAYS IN ACCORDANCE WITH THE INSTRUCTIONS CONTAINED THEREIN. IF THE BENEFICIARY HAD PREVIOUSLY SUBMITTED FORM I-485 WHICH WAS RETURNED TO HIM, HE SHOULD RESUBMIT THAT FORM WITHIN 30 DAYS.

7. [X] ORIGINAL DOCUMENTS SUBMITTED IN SUPPORT OF YOUR PETITION UNACCOMPANIED BY COPIES THEREOF HAVE BEEN MADE A PERMANENT PART OF THE PETITION. ANY OTHERS ARE RETURNED HEREWITH.

8. [ ] REMARKS

[Signature]

District Director

SPM/XTW/LMN/n

Form 1-485
(Rev. 4-1981)
APPENDIX E

Embassy of the United States of America
Bangkok, Thailand

Name:______________________________
T-Number:__________________________
Priority Date:______________________

Dear Visa Petitioner:

(_______) This office has received an approved petition according your relative(s) status as an Immediate Relative of an American Citizen.

(_______) This office has received an approved petition according you relative(s) preference visa status.

People wishing to immigrate to the United States are divided into two general categories by U.S. immigration law: (a) those who may enter the United States as immediate relatives without any annual restrictions on the number of people admitted; and (b) those who are restricted to an annual number of people who may enter the U.S. This latter group includes the preference categories of immigrant visas, which are generally processed according to "priority dates" established by the Department of State.

However, in the case of Khmer living at border evacuation sites or in Khao I Dang, the Department of State and the Immigration and Naturalization Service have taken the unprecedented step of agreeing to consider for humanitarian parole those Khmer who are the beneficiaries of noncurrent immigrant visa petitions.

The petition we received for your relative is:

(_______) An Immediate Relative Petition which can be processed as soon as all required documents have been received and the case is available for interview. We have attached a list of documents which you should provide as soon as possible so that the processing of your relative's case may proceed.

(_______) A_____ Preference Petition which can be considered under the special Khmer parole program. This means that your relative(s) need not wait until their visas are current before they enter the United States but can be processed as soon as the required document have been received and the Royal thai Government has granted permission to interview.

As you may know, not all of the Khmer in Thailand have been released for resettlement processing, and it may take many months before we are able to obtain permission to interview any individual case. In the meantime, we have attached a list of documents which you should provide as soon as possible so that the processing of your relative's case may proceed.
Please do not hesitate to write if you have any questions concerning visa processing. Please address your correspondence to: JVA HP/IV Unit, Refugee and Migration Affairs, American Embassy, APO San Francisco 96346.

DOCUMENTS REQUIRED FOR IMMIGRANT VISAS

In order to proceed with the processing of your relative's immigrant visa case, we need to have the following documents. Please send those documents checked below to: Refugee and Migration Affairs, JVA HP/IV Unit, American Embassy, APO San Francisco 96346.

( ) 1. Your relatives' birth certificates.
( ) 2. Your own birth certificate.
( ) 3. Your relative's marriage certificate.
( ) 4. Your own marriage certificate (if different from above).
( ) 5. Proof of legal termination of previous marriage (i.e., divorce decrees or death certificates).

If any of the documents listed in number 1 through 5 above have been checked, please provide the original document or a copy of the original which has been notarized or otherwise certified to indicate that the document from which it was copied is a signed original. Also required is an original English translation for each document. This translation should be notarized with a signed statement by the translator attesting to their competence in the foreign language in question. If original civil documents are not available, affidavits may be acceptable.

( ) 6. Notarized Affidavit of Support (a copy of INS Form I-134 is enclosed for this purpose). The affidavit of Support should be filed by someone in your family if possible. If this is not possible, affidavits provided by more distant relatives or friends are also acceptable.

( ) 7. Evidence of financial support. In addition to the affidavit of support discussed above, you should provide an original letter from your employer and copies of bank statements or income tax returns, or other financial evidence to support your affidavit of support.

You may wish to seek the assistance of a voluntary agency in your area in obtaining these documents. If any of the above mentioned documents are not available, secondary evidence may be acceptable. This could include notarized affidavits completed by relatives or close family friends who were aware of the birth or marriage at the time it took place. Generally, two such affidavits are sufficient. These affidavits should describe to the greatest extent possible how these persons knew of the event at the time it occurred, how they are related to or knew your family, where they lived at the time, and any details they can recall about the event. They should also identify themselves as completely as possible, stating their date of birth and current address. You should also submit other evidence such as photos, school or hospital records, identity cards, family registers, or anything else you might have which would indicate that the birth or marriage took place. All documents not in English must be accompanied by an original notarized English translation or a notarized photocopy.

If photos you submit are irreplaceable and you do not want to lose them,
you can have a photographic shop or studio make copies. Please do not send copies made on a Xerox or other photocopy machine; such copies are usually not good enough to use. Write the names and file numbers of your relatives on the back of each picture.

Please note that one copy of each of the documents checked is needed for each of the relatives for whom you have submitted petitions. Please do not send photocopies of the documents unless they have been certified, as uncertified copies are not acceptable for visa applications.

Although only one copy of the noted documents is needed for each member of your family, you may wish to obtain those documents in duplicate. You should retain the duplicate set in case the originals are lost, mutilated or otherwise rendered unusable. Failure to do so may result in delays in processing your application.

The Embassy will arrange for photographs, travel documents, medical examinations and travel to the United States. We know these procedures may seem complicated and time-consuming to you now, but please be assured that the Embassy will be doing all it can to expedite the processing of the visa applications.

Document 0223U, Revised October 1987
Affidavit of Support

(ANSWER ALL ITEMS: FILL IN WITH TYPEWRITER OR PRINT IN BLOCK LETTERS IN INK.)

1. __________________________, residing at __________________________
   (Name) (Street and Number)

   __________________________  __________________________  __________________________
   (City) (State) (ZIP Code if in U.S.) (Country)

   BEING DULY SWORN DEPOSE AND SAY:

   1. I was born on __________________________ at __________________________
      __________________________  __________________________  __________________________
      (Date) (City) (Country)

      If you are not a native born United States citizen, answer the following as appropriate:
      a. If a United States citizen through naturalization, give certificate of naturalization number __________________________
      b. If a United States citizen through parent(s) or marriage, give citizenship certificate number __________________________
      c. If United States citizenship was derived by some other method, attach a statement of explanation.
      d. If a lawfully admitted permanent resident of the United States, give "A" number __________________________

   2. That I am ____________ years of age and have resided in the United States since __________________________

   3. That this affidavit is executed in behalf of the following person:

   Name
   __________________________
   Sex __________________________
   Age __________________________
   Citizen of--(Country)
   __________________________
   Marital Status __________________________
   Relationship to Deponent __________________________
   Presently resides at--(Street and Number) __________________________  __________________________  __________________________
   (City) (State) (Country)

   Name of spouse and children accompanying or following to join person:

   Spouse
   __________________________
   Sex __________________________
   Age __________________________

   Child
   __________________________
   Sex __________________________
   Age __________________________

   Child
   __________________________
   Sex __________________________
   Age __________________________

   Child
   __________________________
   Sex __________________________
   Age __________________________

   Child
   __________________________
   Sex __________________________
   Age __________________________

   4. That this affidavit is made by me for the purpose of assuring the United States Government that the person(s) named in item 3 will not become a public charge in the United States.

   5. That I am willing and able to receive, maintain and support the person(s) named in item 3. That I am ready and willing to deposit a bond, if necessary, to guarantee that such person(s) will not become a public charge during his or her stay in the United States, or to guarantee that the above named will maintain his or her nonimmigrant status if admitted temporarily and will depart prior to the expiration of his or her authorized stay in the United States.

   6. That I understand this affidavit will be binding upon me for a period of three (3) years after entry of the person(s) named in item 3 and that the information and documentation provided by me may be made available to the Secretary of Health and Human Services and the Secretary of Agriculture, who may make it available to a public assistance agency.

   7. That I am employed as, or engaged in the business of __________________________ with __________________________
      (Type of Business) (Name of concern)

   at __________________________  __________________________  __________________________  __________________________
   (Street and Number) (City) (State) (Zip Code)

   I derive an annual income of (if self-employed, I have attached a copy of my last income tax return or report of commercial rating concern which I certify to be true and correct to the best of my knowledge and belief. See instruction for nature of evidence of net worth to be submitted.) $ __________________________

   I have on deposit in savings banks in the United States $ __________________________

   I have other personal property, the reasonable value of which is $ __________________________

Form 1-134 (Rev. 12-1-84) Y
I have stocks and bonds with the following market value, as indicated on the attached list which I certify to be true and correct to the best of my knowledge and belief.

- I have life insurance in the sum of $ 
- With a cash surrender value of $ 
- I own real estate valued at $ With mortgages or other encumbrances thereon amounting to $ 

Which is located at

(Street and Number) (City) (State) (Zip Code)

8. That the following persons are dependent upon me for support: (Place an “X” in the appropriate column to indicate whether the person named is wholly or partially dependent upon you for support.)

<table>
<thead>
<tr>
<th>Name of Person</th>
<th>Wholly Dependent</th>
<th>Partially Dependent</th>
<th>Age</th>
<th>Relationship to Me</th>
</tr>
</thead>
<tbody>
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</table>

9. That I have previously submitted affidavit(s) of support for the following person(s). If none, state “None”

<table>
<thead>
<tr>
<th>Name</th>
<th>Date submitted</th>
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</tbody>
</table>

10. That I have submitted visa petition(s) to the Immigration and Naturalization Service on behalf of the following person(s). If none, state none.

<table>
<thead>
<tr>
<th>Name</th>
<th>Relationship</th>
<th>Date submitted</th>
</tr>
</thead>
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</tbody>
</table>

11. (Complete this block only if the person named in item 3 will be in the United States temporarily.)

That I ☐ do intend ☐ do not intend, to make specific contributions to the support of the person named in item 3. (If you check “do intend”, indicate the exact nature and duration of the contributions. For example, if you intend to furnish room and board, state for how long and, if money, state the amount in United States dollars and state whether it is to be given in a lump sum, weekly, or monthly, or for how long.)

OATH OR AFFIRMATION OF DEPONENT

I acknowledge that I have read Part III of the Instructions, Sponsor and Alien Liability, and am aware of my responsibilities as an immigrant sponsor under the Social Security Act, as amended, and the Food Stamp Act, as amended.

I swear (affirm) that I know the contents of this affidavit signed by me and the statements are true and correct.

Signature of deponent

Subscribed and sworn to (affirmed) before me this ________ day of ________, 19____

at ____________________________. My commission expires on ____________________________.

Signature of Officer Administering Oath

If affidavit prepared by other than deponent, please complete the following: I declare that this document was prepared by me at the request of the deponent and is based on all information of which I have knowledge.

(Signature) (Address) (Date)
INSTRUCTIONS

I. EXECUTION OF AFFIDAVIT. A separate affidavit must be submitted for each person. You must sign the affidavit in your full, true and correct name and affirm or make it under oath. If you are in the United States the affidavit may be sworn or affirmed before an immigration officer without the payment of fee, or before a notary public or other officer authorized to administer oaths for general purposes, in which case the official seal or certificate of authority to administer oaths must be affixed. If you are outside the United States the affidavit must be sworn to or affirmed before a United States consular or immigration officer.

II. SUPPORTING EVIDENCE. The deponent must submit in duplicate evidence of income and resources, as appropriate:

A. Statement from an officer of the bank or other financial institution in which you have deposits giving the following details regarding your account:
   1. Date account opened.
   2. Total amount deposited for the past year.

B. Statement of your employer on business stationery, showing:
   1. Date and nature of employment.
   2. Salary paid.
   3. Whether position is temporary or permanent.

C. If self-employed:
   1. Copy of last income tax return filed or, if not filed, information on income for the past year.

D. List containing serial numbers and denominations of bonds and name of record owner(s).

III. SPONSOR AND ALIEN LIABILITY. Effective October 1, 1980, amendments to section 1614(f) of the Social Security Act and Part A of Title XVI of the Social Security Act establish certain requirements for determining the eligibility of aliens who apply for the first time for Supplemental Security Income (SSI) benefits. Effective October 1, 1981, amendments to section 415 of the Social Security Act establish similar requirements for determining the eligibility of aliens who apply for the first time for Aid to Families with Dependent Children (AFDC) benefits. Effective December 22, 1981, amendments to the Food Stamp Act of 1977 affect the eligibility of alien participation in the Food Stamp Program. These amendments require that the income and resources of any person who, as the sponsor of an alien's entry into the United States, executes an affidavit of support or similar agreement on behalf of the alien, and the income and resources of the sponsor's spouse (if living with the sponsor) shall be deemed to be the income and resources of the alien under formulas for determining eligibility for SSI, AFDC, and Food Stamp benefits during the three years following the alien's entry into the United States.

IV. AUTHORITY/USE/PENALTIES. Authority for the collection of the information requested on this form is contained in 8 U.S.C. 1182(a)(15), 1184(a), and 1258. The information will be used principally by the Service, or by any consular officer to whom it may be furnished, to support an alien's application for benefits under the Immigration and Nationality Act and specifically the assertion that he or she has adequate means of financial support and will not become a public charge. Submission of the information is voluntary. It may also, as a matter of routine use, be disclosed to other federal, state, local and foreign law enforcement and regulatory agencies, including the Department of Health and Human Services, the Department of Agriculture, the Department of State, the Department of Defense and any component thereof (if the deponent has served or is serving in the armed forces of the United States), the Central Intelligence Agency, and individuals and organizations during the course of any investigation to elicit further information required to carry out Service functions. Failure to provide the information may result in the denial of the alien's application for a visa, or his or her exclusion from the United States.

An alien applying for SSI must make available to the Social Security Administration documentation concerning his or her income and resources and those of the sponsor including information which was provided in support of the application for an immigrant visa or adjustment of status. An alien applying for AFDC or Food Stamps must make similar information available to the State public assistance agency. The Secretary of Health and Human Services and the Secretary of Agriculture are authorized to obtain copies of any such documentation submitted to INS or the Department of State and to release such documentation to a State public assistance agency.

Sections 1621(e) and 415(d) of the Social Security Act and subsection 5(i) of the Food Stamp Act also provide that an alien and his or her sponsor shall be jointly and severally liable to repay any SSI, AFDC, or Food Stamp benefits which are incorrectly paid because of misinformation provided by a sponsor or because of a sponsor's failure to provide information. Incorrect payments which are not repaid will be withheld from any subsequent payments for which the alien or sponsor are otherwise eligible under the Social Security Act or Food Stamp Act, except that the sponsor was without fault or where good cause existed.

These provisions do not apply to the SSI, AFDC or Food Stamp eligibility of aliens admitted as refugees, granted political asylum by the Attorney General, or Cuban/Haitian entrants as defined in section 501(e) of P.L. 96-422 and of dependent children of the sponsor or sponsor's spouse. They also do not apply to the SSI or Food Stamp eligibility of an alien who becomes blind or disabled after admission into the United States for permanent residency.
APPENDIX G: Affidavit of Relationship (Sample)

STATE OF COUNTY OF

I, S____, being first duly sworn, depose and state that:

1. My current address is ________________. My telephone number is _____.

2. I came to the United States on May 25, 1975, as a refugee from Cambodia. I am now an American citizen.

3. I was born on January 20, 19__, in Kompong Thom Province, Cambodia.

4. I have known the family of _____ and ____ for my entire life. My mother and ____ were first cousins.

5. When I was growing up, my family lived in ____ village, Kompong Thom Province, Cambodia. M____, S____, and their children lived across the street and down the block. M____ first worked as a farmer and later operated a rice mill factory in partnership with my father. In about 1961, the family moved to Toul Kork, a suburb of Phnom Penh. M____ then owned a small transport business. He loaded and unloaded merchandise and charged a fee for each load. When I went to high school I also moved to Phnom Penh and lived with Mengly and his family.

6. In about 1950, S____ gave birth to a son named S____. I saw S____ when she was pregnant and first saw the newborn baby when he was several days old. S____ was a nice baby and everyone loved him very much. I especially remember that our great-grandmother favored him and saved special food and treats for him. S____ was the second son of M____ and S____. I was not old enough to remember the birth of their first son, P____.

7. When S____ was about three-years-old, S____ gave birth to a third son, B____. When B____ was born, I was still living across the street from the family. I saw the baby with his parents when he was only a few days old. After the family moved to Phnom Penh, Bunsa sold French bread on the street. He did not know French very well and he would talk very slowly. Everyone teased him and laughed about the way B____ spoke. Even now, the members of the family still laugh about his efforts to sell French bread.

8. The fourth son of M____ and S____ was born in about 1962. His name was M____. I remember that he was a very fat baby. His nickname was "Map", which means fat in Khmer. When M____ was born I was attending high school and living with the O____ family. M____ was delivered at home by a midwife and M____ assisted in the delivery.

(name)

Subscribed and sworn to before me
this ________ day of __________, 19__

_____________________
Notary Public
APPENDIX H

KEY PEOPLE IN THE CAMBODIAN HP/IV PROGRAM

In Thailand:

All Embassy and JVA officials can be reached at the American Embassy, 95 Wireless Road, Bangkok 10500 Thailand. The mailing address from the United States is:

American Embassy
APO San Francisco 96346

To contact these officials by telephone, call: 011 662 252-5040

James B. Foster, District Director
Immigration and Naturalization Service
American Embassy

INS has delegated sole decision-making authority regarding HP3 cases to the District Director in Bangkok. All applications must be directed to him.

Daniel Solis, Officer in Charge
Immigration and Naturalization Service
American Embassy

Works immediately under the District Director. Field officers who conduct interviews and investigations report directly to this staff member. Directly involved in the evaluation of Humanitarian Parole applications.

Bruce Beardsley, Counselor for Migration and Refugee Affairs
American Embassy

Ranking refugee official in the U.S. Embassy. Key actor in policy discussions with Thai authorities regarding refugees and displaced persons.

Stephen A. Edson
Migration and Refugee Affairs
American Embassy

Has major responsibility for consular action on Indochinese refugees and immigrants. Interviews beneficiaries, assesses case completeness, and oversees processing.

Dennis Grace
Joint Voluntary Agency Representative (JVAR)
Refugee Section, American Embassy

The International Rescue Committee serves as Joint Voluntary Agency for the Indochinese refugee program, under contract to the Department of State. Regarding the HP/IV program, JVA handles case preparation and documentation,
and can advise on the status of cases. JVA staff are knowledgeable about technical aspects of the HP/IV program though they do not make decisions regarding acceptance or rejection. Once ICRC has located a lost relative who may qualify for HP/IV processing, petitioners should write to JVA to ensure that a case file is opened.

Mary Pack  
Supervisor, IV/HP Unit  
Joint Voluntary Agency

Helen Alderson  
Head of Tracing Agency  
International Committee of the Red Cross  
20 Sukhumvit, Soi 4  
P.O. Box 11-1492  
Bangkok 10110 THAILAND

Phone: 011 662 252-6828 or 751-0429

Senior ICRC official in Thailand in charge of tracing. This is the office that seeks to locate lost family members. Requests should be submitted in writing and should contain as much information about the person(s) being sought as possible, including: physical description (photo if available); last known location; date of last location; area of residence in Cambodia; names of relatives who might be with the person; nicknames; aliases; date of birth; sex; siblings; and names of parents. ICRC has field offices located in all non-Khmer Rouge camps in Thailand.

In the United States:

Ambassador Jonathan Moore  
U.S. Coordinator for Refugees, and  
Director, Bureau for Refugee Programs  
Department of State – Room 7526  
2201 C Street, N.W.  
Washington, D.C. 20520

Phone: (202) 647-3964

Senior U.S. official with responsibility for oversight on U.S. refugee policy. His office is involved in formulating overall policy initiatives and responses regarding the Cambodian border program.

Delia Coombs  
Assistant Commissioner for Refugee Asylum and Parole  
Immigration and Naturalization Service  
7223 Chester A. Arthur Building  
425 I Street, N.W.  
Washington, D.C. 20536

Phone: (202) 633-2361

Senior administrator and policy maker whose office oversees the parole
program. Concerns about the status of applications can be directed here after initial requests to field staff listed above. Recent information suggests that some HP3 cases are returned to the central office in Washington for a final decision. Those filing under HP3 might wish to contact the central office in Washington and direct a congressional statement of interest in cases of this nature.

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**HP/IV PETITIONERS**

The following people are knowledgeable HP/IV petitioners and are willing to answer questions about the application process.

**Glenda Potter, Esquire**
Lao Family Community of Minnesota
976 West Minnehaha Street
St. Paul, Minnesota 55104

Phone: (612) 487-3466 (daytime)
(612) 688-9475 (evenings)

**Kathleen G. Moan, Director**
Refugee Services
Tressler-Lutheran Service Associates, Inc.
2331 Market Street
Camp Hill, PA 17011

Phone: (717) 761-6920 (daytime)

**Arthur Wallenstein**
Box 163
Doylestown, PA 18901

Phone: (215) 345-3701 (daytime)
(215) 348-8493 (evenings)