



DEPARTMENT OF COMPUTER SCIENCE AND ENGINEERING
BRETT D. FLEISCH, ASSOCIATE PROFESSOR

RIVERSIDE, CALIFORNIA 92521-0304
JUNE 26, 2011

RE: LETTER OF SUPPORT FOR KATA KITSOMMART

This letter is to endorse support for Mr. Kata Kitsommart to visit the United States. I have known Kata since approximately 2005 when I joined the National Science Foundation and travelled extensively between the east and west coasts. We met on one of these trips and Kata and I have been addressing the disparity in immigration laws that exist that would have otherwise allowed him to stay in the United States. Kata is of strong moral character, trustworthy, and a personal close best friend and has been for many years.

Kata was forced to leave the United States after he was found to be one unit deficient in a course of study in which he was enrolled at Cal Poly University. He had been a full time student in the US at Michigan State University and at Cal Poly for nearly 15 years. His one unit under-enrollment led to a decision that he voluntarily depart the US so that he could return to complete his studies. Consequently, he was asked to leave on March 13, 2009 but on March 1st he had a traffic violation and was placed in confinement. This confinement was not related to immigration detention and specifically related to a traffic court case. I posted 25,000 bail to allow Kata to return to my house and to pursue the Superior court case. Unfortunately, attempts to contact immigration and inform the immigration officers of the late departure were not successful although he went to the building and has stamped evidence of his visit on March 13, to request an extension. The traffic case was never written up and was delayed and Kata's bail was exonerated. INS insisted he leave the United States and Agent Travino insisted that he depart on the date of the ticket we paid for. After he departed Kata was told he would have a ten year bar from the United States and would not be allowed to return. In addition, after his departure the District Attorney in the City of Riverside posted a case that required an in person appearance in the United states after his deportation. This arraignment cannot be satisfied because of the immigration bar.

According to 241.4 which allows for the continuous detention of individuals beyond the removal period, 241.4(g) includes a new subsection stating that the removal period for an indiv subject to a final order of removal begins on the latest of the following:

- the date the order becomes administratively final
- - the date on which the removal can be executed and the individual may be removed, if the removal is subject to judicial review and the court has ordered a stay of the individual's removal or
- the date the individual is released from detention, if the individual was detained for reasons unconnected to removability.

In Kata's case the last clause pertains. The date 3/2/09 until the date the criminal bond was exonerated adds additional time to his authorized stay and removes . The bond was exonerated on 4/17 and consequently his immigration stay is extended automatically to that date. Kata departed voluntarily on May 12 but was not pardoned for this issue.

I am very confident now that Kata has a job in Thailand, a condo in Bangkok, a residence in Attaychua and property that Kata will not be an immigration threat and exhibits strong ties to Thailand. I am therefore happy to support and endorse his visit to the United States. I am confident the immigration bar will be waived in his case.

Sincerely,

Brett D. Fleisch, Ph.D.
Department of Computer Science and Engineering
University of California, Riverside