

*Office of the Assistant Secretary*

U.S. Department of Homeland Security  
500 12th Street SW  
Washington, D.C. 20536



U.S. Immigration  
and Customs  
Enforcement

April 27, 2010

The Honorable Christine A. Varney  
Assistant Attorney General for  
Antitrust Division  
U.S. Department of Justice  
Washington, D.C. 20530

Dear Ms. Varney:

Ms. Ann O'Brian of the Department of Justice (DOJ) Antitrust Division has asked U.S. Immigration and Customs Enforcement (ICE), on behalf of the Department of Homeland Security (DHS), to agree to the inclusion of a provision in a plea agreement with Jau Yang Ho that would relieve him of the adverse immigration consequences of his impending conviction for a criminal violation of the antitrust laws, 15 U.S.C. § 1 (2007). The requested provision, based on the March 15, 1996, Memorandum of Understanding between the Antitrust Division and the former Immigration and Naturalization Service, would constitute a waiver of inadmissibility under § 212(d)(3) of the Immigration and Nationality Act (INA), 8 U.S.C.A. § 1182(d)(3)(A) (2010). The Secretary of Homeland Security has delegated to ICE the authority to give this concurrence on behalf of the Department of Homeland Security.

Mr. Ho is a citizen and resident of Taiwan. He is an executive with oversight responsibility for an LCD panel manufacturing and sales company. According to Ms. O'Brian, the DOJ considers Mr. Ho's cooperation critical to the investigation and prosecution of an alleged conspiracy to fix the price of LCD panels sold in the United States and elsewhere. Furthermore, the DOJ believes that Mr. Ho poses no continuing threat to United States commerce, and is unlikely to commit crimes in the future. Ms. O'Brian has advised ICE that Mr. Ho is not readily subject to extradition to the United States, and his continued ability to travel to the United States as a nonimmigrant is a critical factor in securing his cooperation. The Visa Office, Department of State, has concurred in the requested waiver in the enclosed letter from Mr. Jeffrey H. Gorsky to Mr. Peter S. Vincent dated March 30, 2010.

Based on the Memorandum of Understanding, Ms. O'Brian's memorandum, and the Visa Office concurrence, I agree to Ms. O'Brian's request on behalf of DHS. You may file this letter, or a copy, with the appropriate district court, as provided in 28 C.F.R. § 0.197 (2008).

The Honorable Christine A. Varney

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Please note that when Mr. Ho comes to the United States to enter his guilty plea, and then again when he comes to serve his sentence, he does not qualify for admission as a nonimmigrant visitor for "business" on those particular trips. INA § 101(a)(15)(B), 8 U.S.C. § 1101(a)(15)(B) (2008). Therefore, he requires parole. I am willing to authorize his parole into the United States for those trips. Ms. Stephanie Lytle and Ms. Novella Whitman are the ICE points of contact for public benefit parole requests. Mr. Ho may contact Ms. Lytle or Ms. Whitman at (202) 732-1364 to make parole arrangements. For future trips, Mr. Ho will be able to seek admission as a nonimmigrant with the INA § 212(d)(3) waiver granted as part of his plea agreement.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John Morton", written in a cursive style.

John Morton  
Assistant Secretary



United States Department of State

Washington, D.C. 20520

May 20, 2010

Peter S. Vincent  
Principal Legal Advisor  
U.S. Immigration and Customs Enforcement  
U. S. Department of Homeland Security  
Potomac Center North  
500 12<sup>th</sup> Street, S.W., 11<sup>th</sup> Floor  
Washington, D. C. 20024

Dear Mr. Vincent:

This office recommends that the ineligibility to obtain a visa be waived for Jau-Yang Ho pursuant to the following:

- section 212(d)(3)(A) of the Immigration & Nationality Act ("INA");
- the certification by Mr. Ho; and
- the plea agreement between Mr. Ho and the U.S. Department of Justice (DOJ), as outlined in the memorandum of March 24, 2010 from Ms. Ann O'Brien, Senior Counsel for Criminal Enforcement, Antitrust Division, DOJ, to Mr. Joseph M. Liberta, U.S. Immigration and Customs Enforcement (attached).

This recommendation is conditioned upon the continued cooperation of Mr. Ho in the pending antitrust case described in the attached memorandum, and is consistent with that same document.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey H. Gorsky", written over a circular scribble.

Jeffrey H. Gorsky, Chief  
Advisory Opinions Division  
Directorate for Visa Services

cc: Paul McCloskey  
Associate Legal Advisor  
U.S. Immigration and Customs Enforcement