



MEMORANDUM

To: The Honorable Mark L. Wolf
Sr. U.S. District Judge for the District of Massachusetts

From: Taylor Wertz
U.S. Probation Officer

Date: 1/25/2022

Re: Jittaphol, Aticha (21-CR-10270-MLW-1)

The purpose of this Memorandum is to provide Your Honor with supplemental information regarding the defendant's immigration and employment status.

The undersigned officer received the following information from the Immigration and Customs Enforcement (ICE) Agency:

The defendant, Aticha Jittaphol, first entered the United States in 2012 via a F1 Student Visa. In 2015, the defendant applied for, and was granted, a work authorization card allowing her to be employed in the United States under her Student Visa. The defendant's work authorization was renewed on multiple occasions between 2015 and 2021, and is scheduled to expire on July 13, 2022. Her F1 Student Visa will also expire on this same date.

Under the F1 Student Visa, the defendant is required to be in school or participating in a school program. If the defendant is no longer in school, she is technically 'out of status' with her Visa and may be subject to removal.

Additionally, the U.S. Citizenship and Immigration Services public website outlines the following information regarding F1 Student Visas and employment:

"F-1 Student Visa

The F-1 Visa (Academic Student) allows you to enter the United States as a full-time student at an accredited college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program. You must be enrolled in a program or course of study that culminates in a degree, diploma, or certificate and your school must be authorized by the U.S. government to accept international students.

Employment

F-1 students may not work off-campus during the first academic year, but may accept on-campus employment subject to certain conditions and restrictions. After the first academic year, F-1 students may engage in three types of off-campus employment:

Curricular Practical Training (CPT)

Optional Practical Training (OPT) (pre-completion or post-completion)
Science, Technology, Engineering, and Mathematics (STEM) Optional Practical Training
Extension (OPT)

F-1 students may also be eligible to work off-campus on a case-by-case basis as a result of special situations such as severe economic hardship or special student relief. M-1 students may engage in practical training only after they have completed their studies.

For both F-1 and M-1 students any off-campus training employment must be related to their area of study and must be authorized prior to starting any work by the Designated School Official (the person authorized to maintain the Student and Exchange Visitor Information System (SEVIS)) and USCIS.”

The defendant reports, that she completed schooling with the Teoma Institute of Massage Therapy in 2016. The defendant’s attorney provided the U.S. Probation Office with a copy of the defendant’s diploma from Teoma Institute of Massage Therapy dated August 3, 2016. This diploma was awarded after the defendant completed 650 hours of the massage therapy program, which resulted in her earning the title of Massage Therapist.

In reference to the defendant’s employment status in the community, the defendant reports that following her arraignment for the instant offense, her massage business subsequently closed. However, she continued to be self-employed providing massages for income. She further reported that since her arrest, she did not keep track of business records of her income from providing massages. She indicated that during this time, she was employed part-time for Phở O Sha Thai-Vietnamese Restaurant, working 2-3 days per week at their restaurant. The defendant provided the U.S. Probation Office with verification of her employment with the Phở O Sha Thai-Vietnamese Restaurant via a W-9 Tax Form and personal check authorizing a payment from Chai Yo Inc, a company with a principal address located at the Phở O Sha Thai-Vietnamese Restaurant.

If Your Honor requires any additional information regarding the defendant’s immigration or employment status, please do not hesitate to contact this writer.

Reviewed/Approved By:

/s/ Christopher Foster

Christopher Foster
Supervisory U.S. Probation Officer