MATTER OF SANTILLANO

In Section 212(e) Proceedings

A-13184458

Decided by District Director March 10, 1965

Since compliance with the 2-year-foreign-residence requirement of section 212(e), Immigration and Nationality Act, as amended, would result in exceptional hardship to his United States citizen wife and 4 citizen children, a waiver thereof is granted an exchange visitor who has been unable to support his family in the Philippines; who are living with his relatives under unsatisfactory and virtually destitute conditions; whose wife has been unable to obtain employment in the Philippines and has no relative able to render financial assistance; whose oldest child requires corrective surgery for which applicant is without funds and facilities are unavailable in the area of his residence in the Philippines; and who has been offered a position in the United States and his salary therefrom and available medical facilities would enable his child to have the corrective surgery without further extensive delay.

The applicant, Dr. Antonio Borromeo Santillano, a physician, is a 32-year-old citizen of the Philippines. He entered the United States as an exchange alien on December 3, 1957, for an internship and residency in medicine. He interned at Deaconess Hospital, St. Louis, Missouri. His internship was followed by residencies at St. John's Mercy Hospital in St. Louis from July 1959 to June 1961, and at Bronx Municipal Hospital Center in New York City from that time until June 1963. He departed from the United States on May 7, 1964, and is now in the Philippines.

Dr. Santillano filed an application for a waiver of the foreign-residence requirement of section 212(e) of the Immigration and Nationality Act on August 3, 1964. He is married to a citizen of the United States and has four United States citizen children, ranging in age from one to five years. His wife and children reside with him in the Philippines.

Dr. Santillano has been unable to support his family in the Philippines. They are living with his relatives under unsatisfactory conditions and are virtually destitute. Mrs. Santillano has been unable

to obtain employment in the Philippines and has no relative in the United States who is able to give financial help.

X-rays of the oldest child shortly before the child's departure from the United States disclosed a congenital defect which permits the intestines to protrude into the chest cavity. This condition has resulted in curvature of the spine, which will become progressively worse without thoracic surgery. There are no facilities in the Philippines in the area where the applicant and his family reside to do this type of surgery, and the applicant is without funds to pay for such surgery.

Dr. Santillano has been offered a position as a pathologist at St. John's Mercy Hospital in St. Louis. His salary and the medical facilities available would enable his oldest child to have the corrective surgery required without further extensive delay.

In view of the foregoing, it has been determined that compliance with the foreign-residence requirement of section 212(e) of the Immigration and Nationality Act would impose exceptional hardship upon the applicant's United States citizen wife and children. The Secretary of State recommends that a waiver of this requirement be granted. Therefore, the following order is entered.

ORDER: It is ordered that the application of Dr. Antonio Borromeo Santillano for a waiver of the two-year foreign residence requirement of section 212(e) of the Immigration and Nationality Act be and is hereby granted pursuant to the authority contained in the statute.