MATTER OF DAVOUDLARIAN

In Section 212(e) Proceedings

A-14134873

Decided by District Director July 19, 1965

An exchange visitor physician who has been unable to find suitable employment in Lebanon due to the crowded conditions in the medical profession, is unable to enter private practice due to lack of funds, and is obliged to depend on his parents for lodging and subsistence for himself and his United States citizen wife who accompanied him abroad, is granted a waiver of the foreign residence requirement of section 212(e), Immigration and Nationality Act, as amended, since compliance therewith would result in exceptional hardship to his citizen wife who, subsequent to departure from the United States, learned that her mother had undergone surgery for cancer, with further surgery contemplated, and the prognosis for her recovery is poor; and who is unable to return to the United States to reside apart from her husband pending his completion of the foreign residence requirement, as there are insufficient funds to maintain separate households.

Dr. David K. Davoudlarian, a physician, is a 30-year-old native of Syria and citizen of Lebanon. He was admitted to the United States as an exchange visitor on July 7, 1959 to complete his medical training and specialize in obstetrics and gynecology. While in the United States he participated in Exchange Programs P-II-82 sponsored by Muhlenburg Hospital; P-II-1703 sponsored by Chestnut Hill Hospital and P-II-2421 sponsored by Baylor University College of Medicine, Houston, Texas. He departed from the United States with his United States citizen wife on July 24, 1964 and is presently residing with her in Beirut, Lebanon.

Dr. Davoudlarian filed an application for a waiver of the foreign residence requirement of section 212(e) of the Immigration and Nationality Act on April 5, 1965. Satisfactory evidence of his marriage on April 11, 1964 to a United States citizen has been submitted and is the basis of his eligibility to file an application for foreign residence waiver with this Service.

Subsequent to applicant's departure from the United States, it was learned that his wife's mother had undergone surgery for cancer,

that she is undergoing additional X-ray and cobalt treatment with further surgery contemplated and that her prognosis for recovery is poor. Applicant has been unable to find suitable employment due to crowded conditions in the medical profession in Lebanon, is unable to enter private practice due to lack of funds and is obliged to depend on his parents for lodging and subsistence for himself and his United States citizen spouse. There are insufficient funds to maintain separate households in the United States and abroad. His spouse is therefore unable to return to the United States to reside separately from her husband until completion of the required foreign residence.

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, as amended, would impose exceptional hardship upon Dr. Davoudlarian's United States citizen spouse. The Department of State has reviewed this matter and recommends that the waiver be granted.

ORDER: It is ordered that the application of Dr. David K. Davoudlarian for a waiver of the two-year foreign residence requirement of section 212(e) of the Immigration & Nationality Act be and the same is hereby granted.