MATTER OF CHONG

In Section 212(e) Proceedings

A-13805097

Decided by District Director May 28, 1968

An exchange visitor is granted a waiver of the foreign residence requirement of section 212(e) of the Immigration and Nationality Act, as amended, as compliance therewith would result in extreme hardship to his United States citizen wife since it would disrupt and indefinitely postpone her education preparatory to teaching at the college level.

Discussion: The applicant, Peng-Khuan Chong, is twenty-seven years of age, a native and citizen of Malaysia. He was admitted to the United States as an exchange visitor on August 2, 1960, sponsored by Exchange Program G-I-1 of the Institute of International Education. He obtained his bachelor degree in economics in 1964 under the sponsorship of P-I-43 of Cornell University. Following a temporary absence, he was readmitted to the United States on September 15, 1964, under P-I-70 of the University of New Hampshire to pursue a master's degree in government. He received his master's degree in political science in 1966. Practical training as a teacher was authorized until June 1968. He was a part-time instructor while working for his master's degree.

Mr. Chong married a citizen of the United States on February 5, 1966, and presently resides in the United States with her. Mrs. Chong is studying at the University of New Hampshire for a master's degree in English under a Ford Foundation grant. She will complete her course work for the degree in June 1969. She was teaching as a graduate assistant until February of 1968. She is not now employed and is totally dependent upon her husband for support. She therefore feels that she would have to accompany her husband if he was required to return to Malaysia as he could not maintain two households. This would disrupt her education and indefinitely postpone her desire to teach at the college level.

In view of the foregoing, it has been determined that the applicant's compliance with the foreign residence requirement of section

212(e) of the Immigration and Nationality Act, as amended, would impose exceptional hardship upon his United States citizen spouse. The Department of State has reviewed the facts in the case and recommends that the waiver be granted.

It is found that the admission of the applicant would be in the public interest.

ORDER: It is ordered that the application of Peng-Khuan Chong for a waiver of the two-year foreign residence requirement of section 212(e) of the Immigration and Nationality Act, as amended, be granted.