

Subject file is returned. The Central Office on October 6, 1967 mailed your letter on this case to Department of State with favorable recommendation.

Attachment
J. P. Sharon

RECEIVED
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HONOLULU

AIA 128 294
July 11, 1967
Assistant Regional Commissioner,
Travel Control, Southwest Region
John F. O'Shea, District Director
Honolulu, Hawaii
AIA 128 294, Lolo Sutoro - Section 212(a) Waiver Applicant;
Your SW 214-C of October 10, 1967
The Central Office on October 6, 1967 mailed our letter on this case to the Department of State with favorable recommendation.
We have received no response from the Department of State, and it is suggested that inquiry be made as to their decision on this matter.
Via Airmail
BGC:rm

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AIA 128 294
Sutoro, file

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OCT 6 1967

AIA 128 294

Chief, Facilitative Services Staff - 2 -

of his spouse's prior marriage have been submitted. There are no adverse factors in this case.

In view of the foregoing, it has been determined that compliance with the foreign residence requirement of section 212(a) of the Immigration and Nationality Act, as amended, would impose an exceptional hardship upon Mr. Sutoro's United States citizen spouse and offspring. It is therefore requested that the Secretary of State recommend whether the waiver should be granted.

Sincerely,

John F. O'Shea
District Director

WJ:rcs

Deputy Associate Commissioner, Travel
Control, Central Office, Washington, D.C.
L. N. Gilman, Associate Deputy Regional
Commissioner, Operations, Southwest Region
AIA 128 294, Lolo SUTORO - Section 212(a) Waiver Applicant
Attention: Assistant Commissioner - Adjudications

Attached hereto is subject file together with prepared undated letter, original and two copies, addressed to the Chief, Facilitative Services Staff, Bureau of Educational and Cultural Affairs, Department of State. Favorable action on the application is recommended. This case has previously been reviewed in your office and your OI 812-AJ-C of August 23, 1967 relates.

Attachment

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AIA 128 294
September 25, 1967
Assistant Regional Commissioner,
Travel Control, Southwest Region
John F. O'Shea, District Director
Honolulu, Hawaii
Your SW 214-C of August 25, 1967; AIA 128 294, Lolo Sutoro -
Section 212(a) Waiver Applicant
Pursuant to your subject memorandum, the enclosed letter to the Department of State requesting recommendation on Section 212(a) waiver is forwarded to you for review.
Attachment
Via Airmail

AIA 128 294 Charge Folder
September 25, 1967
Assistant Regional Commissioner,
Travel Control, Southwest Region
John F. O'Shea, District Director
Honolulu, Hawaii
Your SW 214-C of August 25, 1967; AIA 128 294, Lolo Sutoro -
Section 212(a) Waiver Applicant
Pursuant to your subject memorandum, the enclosed letter to the Department of State requesting recommendation on Section 212(a) waiver is forwarded to you for review.
Attachment
Via Airmail
WJ:rcs

Chief, Facilitative Services Staff
Bureau of Educational and Cultural Affairs
Department of State
Washington, D. C. 20520
Dear Sir:
I have enclosed the application of Mr. Lolo Sutoro for a waiver of the two-year foreign residence requirement of section 212(a) of the Immigration and Nationality Act, as amended.
Mr. Sutoro is a 35-year-old native and citizen of Indonesia. He was admitted to the United States as an exchange visitor on September 10, 1962, for graduate studies sponsored by the Center for Defense and Technical Cooperation Between East and West, University of Hawaii, under Exchange Visitor Program No. P-2-1773. He completed his activities under Exchange Visitor Program No. P-2-1773 on June 20, 1963. Mr. Sutoro departed from the United States on July 20, 1963, and has since been residing in Indonesia where he is presently employed by the Indonesian Government.
The applicant's United States citizen wife residing at 2324 University Avenue, Honolulu, Hawaii, with her 6-year-old United States citizen son by a prior marriage. The applicant, who returned to Indonesia and has been residing there for over 10 months in an effort to satisfy the foreign residence requirement, earns a very meager salary and is dependent upon members of his family. His wife has remained with his stepchild in the United States and earns about \$400 per month. She has made applications for a visa for herself and has not yet been able to obtain one. She is determined to join her husband as soon as possible. If he is not permitted to return here, because she can no longer continue the separation. She has been trying since last year to obtain employment with the U.S. Embassy in Jakarta, Indonesia, thus far without success, and she will therefore be without adequate means to support herself and her minor son of a previous marriage who will be required to accompany her.
Satisfactory evidence of Mr. Sutoro's marriage on March 15, 1963, to a United States citizen and evidence of the legal termination

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of his spouse's prior marriage have been submitted. There are no adverse factors in this case.

In view of the foregoing, it has been determined that compliance with the foreign residence requirement of section 212(a) of the Immigration and Nationality Act, as amended, would require exceptional hardship upon Mr. Sostero's United States citizens spouse and dependent. It is therefore requested that the Secretary of State assess whether the waiver should be granted.

Sincerely,

John P. O'Shea
District Director

WJH:cs

Memorandum to J.P.O.
A 128 294
Sept. 14, 1967

Pursuant to inquiry from Central Office regarding the status of the applicant's spouse's child by a former marriage.

The person in question is a United States citizen by virtue of his birth in Honolulu, Hawaii Aug. 4, 1967. He is living with the applicant's spouse in Honolulu, Hawaii. He was born in Honolulu, Hawaii, within the meaning of Sec. 101(b)(1)(B) of the act, by virtue of the marriage of the applicant to his mother on March 5, 1965.

W. F. Hix

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Memorandum

TO : District Director
Honolulu, Hawaii

FROM : J. P. Sharon, Assistant Regional Commissioner,
Travel Control, Southwest Region

SUBJECT: A12 128 294, Lolo Sostero - Section 212(a) Waiver Applicant

Subject file has been reviewed by the Central Office. Attached CO 212-43-C of August 21, 1967 by the Assistant Commissioner, Applications indicates the status of the applicant's spouse.

Subject file is returned for your further attention in accordance with previous letter for your review and response to the Central Office concerning this memorandum.

Attachment

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CO 212-43-C

AUG 21 1967

Regional Commissioner
San Pedro, California

Assistant Commissioner
Adjustments

Lolo Sostero, A12 128 294; Section 212(a) Waiver Applicant;
Your SF 214-C, July 24, 1967.

Attention: Associate Deputy Regional Commissioner, Operations

The applicant's file is returned herewith. It is the opinion of this office that exceptional hardship has been established in this case for the following reasons:

The applicant, who returned to Indonesia and has been residing there for over 13 months in an effort to satisfy the foreign residence requirement, earns a very meager salary and is dependent upon members of his family. His wife has remained in the United States and earns about \$400 a month. She has now discontinued to join her husband in Indonesia if he is not permitted to return here because she can no longer ensure the support. She has been trying since last year to obtain employment with the U.S. Embassy in Singapore, Indonesia, thus far without success, and she will therefore be without adequate means to support herself and her minor son of a previous marriage who will accompany her there.

There is nothing in the file to document the status of the applicant's son. Please inquire into his citizenship and residence status and determine whether or not he is the applicant's child within the meaning of Section 101(b)(1)(D) of the Act, the only other exceptional hardship within the meaning of Section 212(a).

When the appropriate letter has been written, please send it here together with the applicant's file for forwarding to the Department of State.

Attachment

Sam Bernick

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SF 214-C
July 24, 1967

Deputy Associate Commissioner, Travel
Control, Central Office, Washington, D.C.

L. U. Gilman, Associate Deputy Regional
Commissioner, Operations, Southwest Region

A12 128 294, Lolo Sostero - Section 212(a) Waiver Applicant

Attention: Assistant Commissioner - Adjustments

Subject file is attached for your review together with proposed letter of denial addressed to the applicant. Your memorandum CO 212-43-C of January 5, 1967 relates.

Attachment

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A12 128 294

July 17, 1967

Assistant Regional Commissioner,
Travel Control, Southwest Region

John P. O'Shea, District Director
Honolulu, Hawaii

Your SF 214-C, June 13, 1967; CO 212-43-C, January 5, 1967;
A12 128 294, Lolo Sostero - Section 212(a) Waiver Applicant

Subject file together with revised letter of denial is returned.

Attachment
Via Airmail

RH
HLL:ms

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UNITED STATES GOVERNMENT
Memorandum

TO : District Director
Honolulu, Hawaii

SF 214-C
DATE: June 13, 1967

FROM : J. P. Sharon, Assistant Regional Commissioner,
Travel Control, Southwest Region

SUBJECT: A12 128 294, Lolo Sostero - Section 212(a) Waiver Applicant

Subject file is returned making reference to CO 212-43-C of January 5, 1967 requesting that your previously prepared letter of denial be brought up to date for reconsideration by the Central Office.

Your previous letter of denial submitted with your memorandum of December 13, 1966 should be revised accordingly.

Attachment

J.P. Sharon

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A12 128 294
June 6, 1967

Assistant Regional Commissioner
Travel Control, Southwest Region

John P. O'Shea, District Director
Honolulu, Hawaii

Your SF 214-C, January 13, 1967; CO 212-43-C, January 5, 1967;
A12 128 294, Lolo Sostero - Section 212(a) Waiver Applicant

In an interview on May 24, 1967, Mrs. Ann Sostero, wife of Subject, advised this office that she will no longer bear degree in anthropology from the University of Hawaii in August 1967. She has written letters to the American Embassy, Honolulu and to other firms concerning employment but has received no answer to date.

There are no new circumstances at this time that would warrant a change in our previous recommendation of denial. It is requested that you forward the file for your review.

Attachment
Via Airmail

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Attachment's Basis for Denial in her Application for Review of Temporary Residence Requirements of Section 212(a), Immigration and Nationality Act of 1952, file

Mrs. Sostero, the U.S. citizen spouse of the applicant was contacted telephonically on May 22, 1967.

She advised that her husband is still employed by the Indonesian Government, and that she is still employed by the Indonesian Government. She is still employed by the Indonesian Government. She is still employed by the Indonesian Government.

Mrs. Sostero was advised that her husband's presence in Antananarivo will be maintained in Antananarivo until the applicant's file is reviewed by the Central Office.

Her husband advised that she has written her husband's name and address on the application for review of her husband's presence in Antananarivo.

She also advised that she has written her husband's name and address on the application for review of her husband's presence in Antananarivo.

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Honolulu, Hawaii
April 6, 1967

Alh 128 294

Mrs. Lolo Sotero
c/o Mr. Stanley A. Dunham
224 University Ave.
Honolulu, Hawaii

Dear Mrs. Sotero:

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April 21, 1967 at 1:30 p

Travel Control - Mr. Schultz

Official Matter

APR 21 1967

Cont. #105,301
RECEIVED
HONOLULU AIRPORT

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Honolulu, Hawaii
3/28/67

Alh 128 294

Mrs. Lolo Sotero
c/o Mr. Stanley A. Dunham
224 University Ave.
Honolulu, Hawaii

Dear Mrs. Sotero:

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3/28/67 at 1:30 p

Travel Control

Official Matter

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Honolulu, Hawaii
3/27/67

Alh 128 294

Mrs. Lolo Sotero
c/o Mr. Stanley A. Dunham
224 University Ave.
Honolulu, Hawaii

Dear Mrs. Sotero:

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3/28/67 at 1:00 p

Travel Control

Official Matter

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Memorandum
UNITED STATES GOVERNMENT

TO : District Director
Honolulu, Hawaii
DATE: January 13, 1967
FROM : J. P. Sharon, Assistant Regional Commissioner,
Travel Control, Southwest Region
SUBJECT: Alh 128 294, Lolo Sotero - Section 212(a) Visitor Applicant

Subject file has been reviewed by the Central Office. Attached CO 212-43-C of January 5, 1967 by the Assistant Commissioner, Adjudications indicates the views of the Central Office. We concur.

Subject file is returned for your further action as indicated. Please return file with your comments after the requested action has been taken.

Attachment

J.P. Sharon

1967 JAN 13 AM 9 17
RECEIVED
ADJUDICATIONS
HONOLULU AIRPORT

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Assistant Regional Commissioner,
Travel Control, Southwest Region
John P. O'Hara, District Director,
Honolulu, Hawaii
Your SF 2124-C, September 15, 1966, Alh 128 294, Lolo Sotero, Section 212(a) Visitor Applicant

Your memorandum rounded the case to be brought up to date. The applicant's spouse has been re-detained and is now in Honolulu and is employed by the Hawaiian government. It was also determined that the applicant's spouse is now employed and can adequately maintain both herself and her 3-year-old child by a former savings.

No new factors were developed in this case and therefore, we still recommend denial of the application. We have reviewed our denial letter and are forwarding our action file for your consideration.

Attachment: Alh 128 294

Via Airmail

ES:rn

Alh 128 294
December 9, 1966

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Mrs. Lolo Sotero
c/o Mr. Stanley A. Dunham
224 University Avenue
Honolulu, Hawaii

Dear Mr. Sotero:

This refers to your application for a visitor of the foreign residence possession of section 212(a) of the Immigration and Nationality Act, as amended, based on the hardship which would result to your wife by your compliance with this requirement of law.

Since satisfying exchange visitors who marry United States citizens during their temporary stay in this country present many difficulties for all concerned. In support of your application, you state that upon your return to Honolulu, the country of your nationality and last residence, that you, even as a college graduate, could only obtain employment with a salary bordering on poverty and that you would not be able to support your wife if she were to join you abroad. Also, you state that the anti-American feeling as on a former visit and that it would be dangerous for your wife to reside with you there. You also state that your wife could neither learn her lack of knowledge of the Hawaiian language and that she would otherwise face obstacles by going to your country to reside.

On the other hand, you state that if your wife were to remain in the United States, you would not be able to contribute so her support since your meager earnings, and that she would have difficulty in supporting herself as she has no work experience. You also mention the emotional hardship which would be entailed in a two-year separation.

Your wife is now employed at the University of Hawaii, as a salary of \$327.00 a month. She also earns an additional \$100.00 for part-time work. She is able to give \$80.00 a month to her parents and to pay \$20.00 a month for a computer. The income on she will receive her Bachelor's degree in Anthropology in February 1967.

The applicant provides that a visitor on hardship grounds may be granted only if compliance with the foreign residence requirement would involve exceptional hardship upon the U.S. citizen or lawful permanent resident spouse or child of the exchange alien. Since an exchange alien must have a United States citizen or lawful permanent spouse or child to be eligible to apply for a visitor, certain personal hardships in complying with the two-year foreign residence requirement

Alh 128 294

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Mrs. Lolo Sotero

- 2 -

are inherent in every case. For example, the psychological factors involved in a two-year separation will be present whenever the United States citizen or lawful resident alien spouse or child remains in the United States, and will usually be present if the spouse or child proceeds abroad to a country with custom, language, and a mode of living which is strange to the spouse or child. Similarly, in the case of a spouse or child, an exchange alien newly returning abroad to comply with the foreign residence requirement may not be expected for a considerable period of time to be in a position to support himself as well as a spouse and/or child who has remained in the United States. These hardships also must be considered to be the usual hardships which might be entailed by an exchange alien who is complying with the foreign residence requirement.

In determining whether hardship would be exceptional, this Service must consider those of Representative Report No. 781 dated July 17, 1956, prepared by Commissioner No. 1 of the Committee on the Judiciary, on the "Immigration Issues of the International Educational Exchange Program". On page 121 of the report, the Subcommittee recommends and stresses the fundamental significance of a most diligent and thorough examination of the foreign residence requirement. The report states, "It is believed to be detrimental to the progress of the program and to the national interests of the country concerned to apply a lenient policy in the adjudication of waivers, including cases where marriage occurring in the United States, or the birth of a child or children, is used to support the contention that the exchange alien's departure from this country would cause personal hardship."

The factors in your case have been carefully considered. From the foregoing, it has been concluded that the hardship you have set forth constitutes the usual hardship which could be anticipated, rather than the exceptional hardship contemplated by the statute. It has been determined that the entire demand of the statute have not been met and that exceptional hardship has not been established in your case.

Sincerely,

John P. O'Hara
District Director

JOS/KSR:rn

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Deputy Associate Commissioner, Travel Control,
Central Office, Washington, D. C.
L. W. Gilman, Associate Deputy Regional
Commissioner, Operations, Southwest Region

Alh 128 294, Lolo Sotero - Section 212(a) Visitor Applicant

Attention: Assistant Commissioner, Adjudications

Subject file is attached for your review together with prepared letter of denial addressed to the applicant. Your CO 212-43-C of December 22, 1966 relates.

The applicant left the United States June 20, 1966 and returned to Honolulu, Hawaii where he is employed by the Hawaiian government. His United States citizen wife is employed in Hawaii and supporting herself and child.

With your concurrence, the enclosed prepared letter of denial will be mailed to the applicant and also retained in "Closed" status.

Attachment

J.P. Sharon

SF 212-4-C
December 19, 1966

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Regional Commissioner, San Pedro, California
Assistant Commissioner, Adjudications

Your SF 2124-C, December 19, 1966; Lolo Sotero, Alh 128 294, Section 212(a) Visitor Applicant.

Attention: Assistant Deputy Regional Commissioner, Operations

It is noted that the applicant's United States citizen wife will obtain her baccalaureate in anthropology in February 1967, and that she is attempting to secure a position with our Embassy in Honolulu so that she may join her husband in that country. Her husband's application, concerning which a preliminary decision to deny has been made, should be held in abeyance until it is ascertained whether his wife's plans have worked out. Since in February 1967 the entire matter should be reviewed and a determination made as to whether changed circumstances warrant a change in decision. After such review, the file should be recommended to this office with your comments for further consideration, including reference to this memorandum.

Attachment

CO 212-43-C
JAN 5 1967

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