

Mr. Lolo Sotero

Mr. Lolo Sotero
2324 Kalia Avenue
Honolulu, Hawaii

Dear Sir:
This letter is your application for a waiver of the foreign residence requirement of section 212(a)(9) of the Immigration and Nationality Act, as amended, based on the hardship which would result to your wife by your departure with this requirement.

Based on the evidence submitted by you and your wife, the Department of Justice is of the opinion that the hardship which would result to your wife by your departure with this requirement is of such a nature that it is in the public interest to grant you a waiver of the foreign residence requirement of section 212(a)(9) of the Immigration and Nationality Act, as amended, based on the hardship which would result to your wife by your departure with this requirement.

The statute provides that a waiver on hardship grounds may be granted only if compliance with the foreign residence requirement would impose 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 resident spouse or child to be eligible to apply for a waiver, certain personal and financial hardships in complying with the foreign residence requirement 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 permanent resident spouse or child is living in a country with customs, language, and a mode of living which is strange to the spouse or child. Similarly, in the vast majority of cases, an exchange person rarely maintains contact with the foreign residence requirement may not be expected for a considerable period of time to be in a position to support himself or herself as well as a spouse and/or child who has remained in the United States.

In determining whether hardship would be exceptional, this Service must consider House of Representatives Report No. 721 dated July 17, 1954, prepared by Subcommittee No. 1 of the Committee on the Judiciary, on the "Uniquely Aspects of the International Educational Exchange Program". On page 121 of the report, the Subcommittee stated that the fundamental significance of a most diligent and stringent enforcement of the foreign residence requirement is the maintenance of the national interests of the country concerned to apply a limited policy in the administration of exchange, including cases which concern exchange in the United States, or the birth of a child or children, as used to support the contention that the exchange alien's departure from this country would cause personal hardship.

The United States. These hardships then must be considered to be the usual hardships which might be anticipated by an exchange alien who is complying with the foreign residence requirement.

The Department of Justice is of the opinion that the hardship which would result to your wife by your departure with this requirement is of such a nature that it is in the public interest to grant you a waiver of the foreign residence requirement of section 212(a)(9) of the Immigration and Nationality Act, as amended, based on the hardship which would result to your wife by your departure with this requirement.

Sincerely,
John F. O'Shea
District Director

FTM

Mr. Lolo Sotero
c/o Mr. Stanley A. Dunham
2324 Kalia Avenue
Honolulu, Hawaii

Dear Mr. Sotero:
This letter is your application for a waiver of the foreign residence requirement 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.

Based on the evidence submitted by you and your wife, the Department of Justice is of the opinion that the hardship which would result to your wife by your compliance with this requirement is of such a nature that it is in the public interest to grant you a waiver of the foreign residence requirement 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.

Sincerely,
John F. O'Shea
District Director

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

Your wife is now employed at the University of Hawaii, at a salary of \$10,000 a year. As she is no longer employed part-time as a nurse, this represents her sole income. From this she contributes \$20.00 a month to the support of her parents and from \$20.00 to \$25.00 a month for the maintenance of a household. The income she will receive from her husband is \$100.00 a month. You also mention that she has written several letters to the American Embassy and other United States consular offices in Honolulu and has been advised to return to the United States to secure employment, she plans to join you in Honolulu in October 1967.

Mr. Lolo Sotero

UNITED STATES DEPARTMENT OF JUSTICE
RECORD OF SWORN STATEMENT IN AFFIDAVIT FORM
AFFIDAVIT

IN RE: STANLEY, Lolo FILE NO. ALB 128 294
EXHIBITED AT: Honolulu, Hawaii DATE: Nov. 31, 1966
Before the following officer of the U.S. Immigration and Naturalization Service:
Frank R. Potter, Immigration Inspector

I, Stan Sotero, acknowledge that the above-named officer has identified himself to me as an officer of the United States Immigration and Naturalization Service authorized by law to administer oaths and take testimony in connection with the enforcement of the Immigration and Nationality laws of the United States. He has informed me that he desires to take my sworn statement in the above matter pursuant to such authority. I am willing to make such a statement. He has told me that my statement must be made freely and voluntarily and may be used against me or any other person in Immigration and Naturalization Service proceedings.

Being duly sworn, I make the following statement: My true and correct name is Stanley Ann Sotero and I am not known by any other names except Stanley Ann Dunham. I am a citizen of the United States by virtue of my birth in Wichita, Kansas. I am married to Lolo Sotero. He was a student with me at the University of Hawaii as an exchange visitor.

I applied to the U.S. Immigration & Naturalization Service for a waiver of the two year residence requirement of the Immigration and Nationality Act. The basis of this application was the hardship that his absence would have caused me, because I was offered that it was a psychological hardship for me to be with out him rather than a physical hardship.

I am now living with my parents in the home which they rent here in Honolulu near the University. My son by a former marriage lives there with us.

As hardship is defined under the present law, I don't feel that I would undergo any exceptional hardship if my husband were to depart from the United to reside abroad as the regulations require.

I have read the above statement and it is a true and correct statement to the best of my opinion.

S. Ann Sotero
S. Ann Sotero
Frank R. Potter
Imm. Insp.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 30th DAY OF NOVEMBER, 1966 AT
HONOLULU, HAWAII.

NON-RESIDENT ALIEN AFFIDAVIT

ALB 128 294
November 22, 1966

In re: Lolo SOTERO, Applicant for Section 212(a) Waiver

Applicant's U.S. citizen spouse was interviewed at Honolulu, Hawaii this date and stated as follows:

"My husband left June 20, 1966 and went back to Philadelphia. He is working for the Information Government producing a computer graphics survey. He is living in a house that belongs to a relative."

"I am working at the U.S.I.N.S. office (Aspirant Students of U.S.I.N.S. and Service Secretary. In addition, I have part time work as a secretary at night and sometimes during U.S. students. I make \$250.00 from the University of Hawaii and about \$100.00 per month as a substitute teacher."

"I have a student \$10.00 per month. I pay general charges for my children \$10.00. I pay pay \$100.00 per month for a substitute teacher for \$100.00 per month."

"I am trying to save enough money so I can go to visit my husband. He is working for the Information Government producing a computer graphics survey. He is living in a house that belongs to a relative."

I am applying to the American Embassy and perhaps I will be able to get a visa. I speak French and am learning Indonesian. I got my U.S. citizenship in January 1967.

Honolulu, Hawaii
Frank R. Potter
Immigration Inspector

KL/208/885 rda/m

UNITED STATES GOVERNMENT
Memorandum

TO : Investigations Unit
Honolulu, Hawaii

FROM : Robert D. Kellner, Deputy District Director
Honolulu, Hawaii

SUBJECT: Lolo Sotero, ALB 128 294, Applicant for Section 212(a) Waiver

Re: Lolo Sotero, ALB 128 294, Applicant for Section 212(a) Waiver. His last address was 2324 Kalia Avenue, Honolulu, Hawaii. He is now living with his parents in Honolulu near the University. My son by a former marriage lives there with us.

It is suggested that you advise the applicant's current address to the Department of Justice so that they may be advised in reference to the husband's application for a waiver of the two-year foreign residence requirement.

Respectfully,
Robert D. Kellner
Deputy District Director

44-128-294

Mr. Lolo Sotero
c/o Stanley A. Dunham
2324 Kalia Avenue
Honolulu, Hawaii

Dear Mr. Sotero:
This letter is your application for a waiver of the foreign residence requirement 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.

Based on the evidence submitted by you and your wife, the Department of Justice is of the opinion that the hardship which would result to your wife by your compliance with this requirement is of such a nature that it is in the public interest to grant you a waiver of the foreign residence requirement 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.

Sincerely,
John F. O'Shea
District Director

KL/208/885 rda/m

ALB 128 294
November 7, 1966

PH. 961-115 Business #
Please to join husband next summer if she can save money.

Administrative routing slip with fields for 'To', 'From', 'Date', and 'Status'. Includes handwritten notations and stamps.

Administrative routing slip with fields for 'To', 'From', 'Date', and 'Status'. Includes handwritten notations and stamps.