MATTER OF ERGINSOY

In Section 212(e) Proceedings

A-13893936

Decided by District Director January 29, 1965

Waiver of the 2-year-foreign-residence requirement of section 212(e), Immigration and Nationality Act, as amended, is granted an exchange visitor alien, a research physicist, and his dependent wife and 2 minor children, since his compliance with the requirement would be detrimental to a program of official interest to the Atomic Energy Commission and the Department of State has recommended favorably in the matter.

Dr. Erginsoy, a forty-year-old native and citizen of Turkey, entered the United States as an exchange visitor, with his dependent wife and two unmarried, minor children, on July 6, 1962. He has since been a participant in Exchange Visitor Program No. P-I-1957, sponsored by Brookhaven National Laboratory, Upton, New York. Upon his arrival, he commenced a one-year appointment as Visiting Associate Physicist in the Physics Department of the Laboratory. On July 1, 1963, Dr. Erginsoy accepted a two-year appointment as Associate Physicist on the Laboratory's Scientific Staff. This appointment is currently in effect.

Dr. Erginsoy came to the Brookhaven National Laboratory after completing a two-year appointment at the International Atomic Energy Agency in Vienna, Austria. He states that he is not obligated by employment commitments of any kind.

Dr. Erginsoy's present sponsor wishes to retain his services as a research physicist for an indefinite period of time.

The Atomic Energy Commission requested the Department of State to recommend to this Service that Dr. Erginsoy and his family be granted waivers of the two-year foreign residence requirement of section 212(e) of the Immigration and Nationality Act, as amended, applicable to exchange aliens. On January 22, 1965, the Department of State upon reviewing the circumstances, recommended that such waivers be granted on the grounds that Dr. Erginsoy's compliance

with this statutory requirement would be clearly detrimental to a program of official interest to the Atomic Energy Commission.

ORDER: Pursuant to the favorable recommendation of the Department of State, it is ordered that the two-year foreign residence requirement of section 212(e) of the Immigration and Nationality Act, as amended, be and the same is hereby waived in the case of Dr. Cavid Erginsoy.

It Is further ordered that the above-cited statutory requirement be and the same is hereby waived in the cases of Mrs. Ulker Say Erginsoy, Ali Erginsoy and Omer Erginsoy.