MATTER OF AMBE

In Section 212(e) Proceedings

A-14159727

Decided by District Director July 19, 1968

"Exceptional hardship" within the meaning of section 212(e) of the Immigration and Nationality Act is established by an exchange visitor whose United States citizen child has a form of chronic dermatitis with skin eruptions which is recognized as a contraindication to vaccination for smallpox, and smallpox is endemic to the country to which the exchange visitor and his family must depart.

The applicant, Kishore Shreepad Ambe, a 38-year-old physician, is a native and citizen of India. He was last admitted to the United States from Canada as an exchange visitor on June 4, 1964. His wife, Mrs. Leela Ambe, their daughter Neeta, both natives and citizens of India, and their son Milind Ambe, a native citizen of Canada were admitted at the same time as members of the family of an exchange visitor. Dr. Ambe had previously been in the United States as an exchange visitor from July 1957 until September 1960, at which time he departed to Canada to study medicine. At the time of his reentry he was destined to The Cottage Hospital in Santa Barbara, California to serve as an intern and he is presently connected with the hospital as a resident physician.

Dr. Ambe and his wife are the parents of a United States citizen son, Rajeev K. Ambe, born on April 1, 1965 in Santa Barbara, California, who is too young to be separated from his parents.

Medical evidence presented establishes that the applicant's United States citizen child, Rajeev, no age three, as well as his Canadian citizen child, Milind, age six, have severe atopic dermatitis. They both have eruptions over their bodies due to this skin condition. The applicant has presented letters from his children's pediatrician and dermatologist stating that it would be dangerous to vaccinate the children for smallpox or any member of the

Ambe family in contact with them, as the virus of the vaccination can provoke severe and even fatal reactions in persons having skin eruptions caused by atopic dermatitis. He stated that this condition may persist for years and is not in itself dangerous or contagious. The applicant submits that without being actively immunized against smallpox his family cannot be taken to India where smallpox outbreaks are frequent.

This Service has been advised by the United States Public Health Service that the presence of any form of chronic dermatitis in the individual to be vaccinated or in a household contact is recognized as a contraindication to vaccination. Vaccination of a child with chronic dermatitis, or infection of such a child by a household contact who has been vaccinated can result in eczema vaccinatum, an exceedingly serious complication which sometimes results in death. The United States Public Health Service has also indicated that smallpox is endemic to Inida. Consequently, persons not vaccinated for smallpox could not go there without endangering their health.

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 on his United States citizen son. This Service is acting as interested agency in behalf of the applicant's two alien children. Mrs. Ambe is included in her husband's application for a waiver. The Secretary of State has reviewed the matter and has recommended that the foreign residence requirement be waived for the applicant, his wife, and, two children. It has been found that the admission of the applicant to the United States would be in the public interest.

ORDER: It is ordered that waivers of the two year foreign residence requirement of section 212(e) of the Immigration and Nationality Act, as amended, be granted to Dr. Kishore S. Ambe, his wife, Mrs. Leela Ambe, and his children, Neeta and Milind Ambe.