

MATTER OF KAUFMANN

In Section 212(e) Proceedings

A-14448204

*Decided by District Director August 23, 1965*

A former exchange visitor alien, a research associate of international reputation as an instrument maker and designer, whose services are urgently needed in an Air Force research project dealing with instrumentation with which he was associated while in the United States as an exchange visitor, and his wife and 2 dependent children, are granted waivers of the foreign residence requirement of section 212(e), Immigration and Nationality Act, as amended, since his admission is deemed to be in the public interest because the unavailability of his services through compliance with the requirement would be detrimental to a program of official interest to the Department of Defense, and the Department of State has recommended favorably in the matter.

Mr. Peter Z. Kaufmann, a native of Austria and national of Israel, was born in Vienna on October 12, 1917. He was admitted to the United States pursuant to section 101(a)(15)(J) of the Immigration and Nationality Act, as amended, as an exchange visitor on January 3, 1963, under program No. P-I-1704 of the Mellon Institute, Pittsburgh, Pennsylvania. He was accompanied to this country by his wife, Hanna Stein Kaufmann, his daughter, Dorit, now 15 years of age, and his son, Noam, now 9 years of age. All three dependents were also admitted under section 101(a)(15)(J), in order to accompany Mr. Kaufmann during the period of his participation in the exchange program. Mr. Kaufmann participated as a visiting research associate in the program of the Mellon Institute until his departure from the United States on July 20, 1964.

Section 212(e) of the Immigration and Nationality Act, as amended, provides in part as follows:

No person admitted under section 101(a)(15)(J) or acquiring such status after admission shall be eligible to apply for an immigrant visa, or for permanent residence, or for a nonimmigrant visa under Section 101(a)(15)(H) until it is established that such person has resided and been physically present in the country of his nationality or his last residence, or in another foreign

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country for an aggregate of at least two years following departure from the United States: *Provided*, That such residence in another foreign country shall be considered to have satisfied the requirements of this subsection if the Secretary of State determines that it has served the purpose and the intent of the Mutual Educational and Cultural Exchange Act of 1961: *Provided further*, That upon the favorable recommendation of the Secretary of State, pursuant to the request of an interested United States Government agency, or of the Commissioner of Immigration and Naturalization after he has determined that departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), the Attorney General may waive the requirement of such two-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Attorney General to be in the public interest \* \* \* "

Information received from the office of Director of Defense Research and Engineering, Department of Defense, shows that Mr. Kaufmann completed his studies in mechanical engineering in the Technical College, Prague, Czechoslovakia, in 1939, and from 1946 to the present time he has been head of the Technical Service Department of Chemistry, Israel Institute of Technology, Haifa, Israel. He has an international reputation as a remarkably able instrument maker and designer. His services are urgently required for a position at the Mellon Institute as Senior Research Associate and full-time contributor to an Air Force research project dealing with instrumentation with which he was associated during his stay in the United States as an exchange visitor. By reason of his outstanding training and experience, he would make a notable addition to United States capabilities in the field of instrumentation.

The office of the Director of Defense Research and Engineering, Department of Defense, has requested that Mr. Kaufmann, his wife, and children, be granted waivers of the foreign residence requirement. The Secretary of State has reviewed the request and recommends that the waivers be granted.

Compliance with the two-year foreign residence requirement, thereby making Mr. Kaufmann's services unavailable for another year, would be detrimental to a research and development program of official interest to the Department of Defense. It is, therefore, found that his admission to the United States with his family would be in the public interest. Eligibility having been established, the waivers will be granted.

**ORDER:** It is ordered that the two-year foreign residence requirement of section 212(e) of the Immigration and Nationality Act, as amended, be waived in the cases of Mr. Peter Z. Kaufmann, his wife, Hanna Stein Kaufmann, and his children, Dorit and Noam Kaufmann.