

Interim Decision #1365

MATTER OF KYRIAKARAKOS

In SECTION 248 Proceedings

A-13463224

Decided by Regional Commissioner September 24, 1963

Since a nonimmigrant visitor for pleasure who accepted employment has failed to maintain the status under which admitted to the United States, he is ineligible for a change of nonimmigrant status to that of student under section 248, Immigration and Nationality Act, as amended.

This case is before me on appeal. The District Director denied the application on the grounds that the applicant had violated the terms of his admission as a visitor for pleasure by accepting employment.

The applicant is a 27-year-old married male, a native and citizen of Greece. He was admitted into the United States as a visitor for pleasure on March 24, 1962. He has been granted extensions of temporary stay to June 28, 1963. On June 24, 1963 he applied for change of nonimmigrant status to that of a student. On August 2, 1963 he was found working as a busboy in a restaurant. In a statement under oath to a Service officer he stated he had been employed since June 13, 1963. He has been working eight hours a day for five or six days a week. By accepting employment, he violated the terms of his admission as a visitor for pleasure.

With certain exceptions not relevant in this case section 248 of the Immigration and Nationality Act provides that the classification of a nonimmigrant may be changed to another nonimmigrant classification if the alien has continued to maintain the status under which he was admitted to the United States. As the applicant has failed to maintain his nonimmigrant status, he is ineligible under the statute and his appeal must be dismissed.

ORDER: It is ordered that the appeal in this matter be and the same is hereby dismissed.