

Interim Decision #1375

MATTER OF GUIA

In SECTION 248 Proceedings

A-11893173

Decided by Regional Commissioner July 1, 1964

A nonimmigrant student is ineligible for a change of nonimmigrant status under section 248, Immigration and Nationality Act, to that of an industrial trainee in the absence of an approved petition according her status as an industrial trainee.

This matter is before the Regional Commissioner on appeal from the decision of the District Director at New York, New York, who has denied this application for change of status on the ground that the visa petition in which the applicant was named as the beneficiary has not been approved and that the status for which she is applying is not available to her in the absence of the approval of such a petition.

The applicant is a 25-year-old single female citizen of the Philippines, who was born on December 20, 1938, at Manila. She was admitted to the United States at Hawaii on April 14, 1960, as a student and has been in the United States since that date as a student at the Philadelphia College of Pharmacy and Science and the Sloan-Kettering Institute for Cancer Research for periods of employment for practical training. On April 6, 1964, the Sloan-Kettering Institute for Cancer Research submitted a petition in which it requested that the status of an industrial trainee be approved for the applicant. A careful examination of the petition and the supporting information accompanying the petition revealed the training program would be employment in the continuing research activities of the petitioning concern and that for this reason this petition cannot be approved. In the absence of an approved petition which would accord the applicant the status of an industrial trainee a change in the applicant's status to that which has been requested cannot be granted.

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