MATTER OF ROGALSKI

Application for Extension of Temporary Stay

A–20138389

Decided by District Director December 10, 1973

.n application for an extension of nonimmigrant stay as a temporary visitor for the sole purpose of studying the English language is denied, since section 101(a)(15)(B) of the Immigration and Nationality Act specifically precludes from classification as a temporary visitor thereunder an alien coming to the United States for the purpose of study.

Applicant is a 38-year-old native and citizen of Poland. He is ıarried; his wife and daughter remained in Poland. He was dmitted to the United States at New York, New York, on April 3, 1973, as a visitor for pleasure until May 7, 1973. He subseuently was given extensions of his temporary stay until June 7 nd to December 7, 1973.

On December 3, 1973, applicant filed an application for further xtension of his temporary stay. The reason given for requesting ıe extension was "to study English language." In his two preious applications his stated reason for requesting the extensions as "to visit relatives and learn the English language." In an ıterview before an officer of this Service on December 10, 1973, ıe applicant stated that he had attended a local public high :hool for about seven weeks, two evenings per week, two hours er evening. He has not attended any formal classes since June 5, 973, but he claimed to have been taking English lessons privately om a friend. It was necessary to use an interpreter at the terview since it was evident that the applicant could not communicate in, nor could he comprehend, the English language. During ıe interview, applicant admitted that in applying for his visa he ad informed the American consular officer that his purpose in ›ming to the United States was "to visit for approximately venty days."

It is apparent that the above-stated purpose of the applicant in ›ming to the United States has been accomplished. Although pplicant has stated on three applications to this Service that at ast one of his purposes in requesting an extension was to learn nglish, his pursuit of that objective has hardly been assiduous.

The applicant has not established a desire to study English incidental and secondary to a more cogent reason for requesting an extension of his stay. Section 101(a)(15)(B) of the Immigration and Nationality Act specifically excludes a person coming to this country for the purpose of study from classification as a temporary visitor for business or pleasure. An alien coming temporarily solely for the purpose of study may, if otherwise qualified, be classified as a student under section 101(a)(15)(F) of the Act. The applicant now gives no other reason for desiring an extension of his stay in the United States. The applicant has not indicated any objective which would warrant his study of English on a full-time basis, nor has he applied to change his nonimmigrant status to that of a nonimmigrant student.

It is found that the facts do not warrant the granting of a third extension of stay. The application will, therefore, be denied.

ORDER: *It is ordered* that the application for further extension of temporary stay in this case be and hereby is denied.