

MATTER OF MODY

Application for Permission to Accept Employment

A-21028909

*Decided by District Director October 31, 1975*

Application by a nonimmigrant student for permission to accept part-time employment under the provisions of 8 CFR 214.2(f)(6) is denied for failure to establish economic necessity for such employment due to unforeseen circumstances arising subsequent to his acquisition of student status in the absence of evidence to show that there is no longer available to applicant the support provided by his brother for room and board and school expenses, or a brother-in-law's offer of support, as indicated in a previous application.

The applicant is an unmarried twenty-three-year-old citizen of India whose status was adjusted from visitor to that of a nonimmigrant student on August 29, 1973. He is presently attending Erie County Community College in Buffalo, New York, where he is enrolled in a Management Engineering technology course. His temporary stay has been extended on a regular basis, and he is now authorized to remain until December 8, 1975.

On June 23, 1975, he applied for permission to accept employment. He states that he is receiving \$2,915 from his father in India; and that his yearly expenses are \$1,350 for school fees, \$1,440 for room and board, \$125 for books and stationary, and \$840 for auto payments and insurance. His total expenses are \$3,755. The subject bases his application on his desire to complete purchase of an automobile in order to commute to school, which he claims is very difficult during winter months. The applicant in his application acknowledged the question regarding employment in the United States but did not indicate whether he had or had not been employed.

In a previous application for permission to work, and the application for change of status, it was shown that the applicant's brother would furnish him with room and board and school expenses amounting to approximately \$2,400 to \$3,000 a year. Another sponsor, a brother-in-law, also offered to support the applicant.

On August 7, 1975, the applicant was interviewed by a Service officer, and he admitted that he had been employed as a stockboy in a super-

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market since May 11, 1975. A previous application for permission to work in 1974 was denied. The applicant has accepted unauthorized employment.

8 CFR 214.2(f)(6) provides, in part, that if a student requests permission to accept part-time employment because of economic necessity, he must establish that the necessity is due to unforeseen circumstances arising subsequent to change to student classification. In reviewing the record, it is noted that the applicant was receiving approximately \$3,000 a year from his brother and is now receiving \$2,915 from his father and has a brother-in-law who also offered his support. There is no evidence or information in the record showing that this assistance is no longer available to him.

The applicant has failed to establish a need for part-time employment as required by Service regulations. The application must, therefore, be denied.

**ORDER:** *It is ordered* that the application for part-time employment because of economic necessity be and is hereby denied.