



U.S. Department of Justice

Immigration and Naturalization Service

*DR*

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OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536



File: SRC 00 090 51855

Office: TEXAS SERVICE CENTER

Date: **DEC 21 2001**

IN RE: Petitioner:  
Beneficiary:



Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(H)(i)(b)

IN BEHALF OF PETITIONER:



**Public Copy**

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

*Robert P. Wiemann*  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The nonimmigrant visa petition was denied by the Director, Texas Service Center, and the matter is now before the Associate Commissioner for Examinations on appeal. The appeal will be rejected.

On April 14, 2000, the director denied a request for a change of nonimmigrant status filed on the beneficiary's behalf finding that the beneficiary was ineligible to change nonimmigrant status in the United States. Counsel for the petitioner subsequently submitted a motion to reopen or reconsider that was denied by the director. Counsel has now requested that the matter be forwarded to the Associate Commissioner for Examinations to be treated as an appeal.

The regulation at 8 C.F.R. 248.3(g) provides:

*Denial of Application.* When the application is denied, the applicant shall be notified of the decision and the reasons for the denial. **There is no appeal from the denial of the application under this chapter.** [emphasis added]

The regulation cited above precludes the Associate Commissioner from considering any appeal that is filed pursuant to the denial of an application for a request for a change of nonimmigrant status. Accordingly, the appeal is rejected.

**ORDER:** The appeal is rejected.