



U.S. Department of Justice

Immigration and Naturalization Service

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



26 JUL 2002

File: WAC-01-061-52679 Office: California Service Center Date:

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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. Wiermann, Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was approved by the director. The application for an extension of the beneficiary's nonimmigrant status was denied by the director and is now before the Associate Commissioner for Examinations on appeal. The Associate Commissioner lacks jurisdiction over this case pursuant to 8 C.F.R. 214.2(h)(10)(iii) and 8 C.F.R. 214.1(c)(5). The matter will be remanded to the director for treatment as a motion.

The petitioner is a loan provider business with four employees and a gross annual income of \$1/2 million. It seeks to extend its authorization to employ the beneficiary as an accountant for a period of three years. The director determined the beneficiary had failed to maintain her nonimmigrant status and, therefore, is not eligible for the requested extension.

On appeal, counsel submits a brief.

On August 10, 2001, counsel filed a motion for reconsideration. The matter was subsequently forwarded to this office on appeal. Pursuant to 8 C.F.R. 214.2(h)(10)(iii) and 8 C.F.R. 214.1(c)(5), there is no provision for an appeal from the denial of an extension of stay.

As the additional information was filed by the petitioner within 30 days of the director's decision dated July 11, 2001, the petitioner's appeal will be remanded to the director to be treated as a motion.

ORDER: The appeal is remanded to the director to be treated as a motion.