



U.S. Citizenship
and Immigration
Services



FILE: WAC 02 284 54293 Office: CALIFORNIA SERVICE CENTER Date: [redacted]

IN RE: Petitioner: [redacted]
Beneficiary: [redacted]

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

ON BEHALF OF PETITIONER:
[redacted]

INSTRUCTIONS:

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

Mari Johnson
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The service center director denied the application for extension of stay and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner is a corporation engaged in technology and software development. In order to continue employing the beneficiary as a senior software engineer, the petitioner endeavors to extend the beneficiary's stay and continue the beneficiary's classification as a nonimmigrant worker in a specialty occupation 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). Although the first page of the director's decision indicates that the petitioner's "nonimmigrant visa petition . . . has been denied," the actual decision is a denial of the beneficiary's application for extension of stay. There does not appear to have been an adjudication of the actual petition.

The Citizenship and Immigration Services regulation at 8 C.F.R. § 214.1(c)(5) states that there is no appeal from the denial of an application for an extension of stay filed on a Form I-129 or I-539. Therefore, no appeal of the denial of the extension is authorized, and the AAO has no jurisdiction over this matter. Accordingly, the appeal must be rejected.

ORDER: The appeal is rejected.