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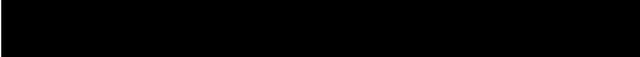
U.S. Citizenship
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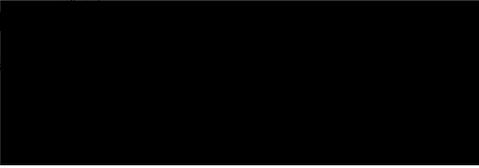


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FILE: LIN 04 188 50775 Office: NEBRASKA SERVICE CENTER Date: **MAY 25 2015**

IN RE: Petitioner: 
Beneficiary: 

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b1) of the
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b1)

ON BEHALF OF PETITIONER:


INSTRUCTIONS:

This is the decision 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.

Robert P. Wiemann

Robert P. Wiemann, Director
Administrative Appeals Office

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

The petitioner is an importer and distributor of wholesale furniture that seeks to employ the beneficiary, a citizen of Singapore, as a marketing specialist. The petitioner, therefore, endeavors to change the beneficiary's current nonimmigrant status under 8 C.F.R. § 248.3(a) so that he may perform services as a professional pursuant to section 101(a)(15)(H)(i)(b1) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b1).

The director denied the application and incorrectly advised the petitioner that the decision could be appealed to the AAO.

A request for change of status and extension of stay under the United States-Singapore Free Trade Agreement is not a petition within the meaning of section 214(c)(1) of the Act, 8 U.S.C. § 1184(c)(1), which specifically excludes H-1b1 nonimmigrants, and does not confer any of the appeal rights normally associated with a petition. The Form I-129 in this context is merely the vehicle by which information is collected to make a determination on the change of status application. The change of status application is adjudicated under the regulation at 8 C.F.R. § 248.3(a).

The regulation at 8 C.F.R. § 248.3(g) states the following:

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.

Therefore, the appeal will be rejected.

ORDER: The appeal is rejected.