



U.S. Citizenship
and Immigration
Services

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FILE: WAC 03 056 52212 Office: CALIFORNIA SERVICE CENTER Date:

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

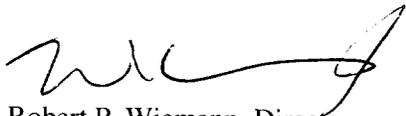
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

ON BEHALF OF PETITIONER:



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.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The petitioner filed a Form I-129 petition that included an application for an extension of stay. The extension of stay was denied by the Director, California Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner seeks to extend the beneficiary's period of stay as a nonimmigrant intracompany transferee pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L). The director denied the application because the beneficiary had been in the nonimmigrant status for the maximum period of stay. 8 C.F.R. § 214.2(l)(12).

The petitioner, through counsel, filed a Form I-290B in an attempt to appeal the decision of the director. On appeal, counsel submits new evidence, including pages from the beneficiary's passport, the foreign entity's payroll records, and a letter from the foreign company. Counsel contends that the beneficiary resided outside the United States for at least one year during the past seven years and claims that in accordance with the regulation at 8 C.F.R. § 214.2(l)(12)(ii), the beneficiary should be afforded "a new seven-year period." Counsel submits a brief in support of the appeal.

The 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 Form I-129. Although the director incorrectly noted that the petitioner may appeal the decision, the director's error does not and cannot supercede the regulations.

Accordingly, the applicant's appeal must be rejected.

ORDER: The appeal is rejected.