

U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services

ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS, 20 Mass, 3/F
Washington, D.C. 20536

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MAY 14 2003

File: WAC 02 277 51050 Office: California Service Center

Date:

IN RE: Applicant:



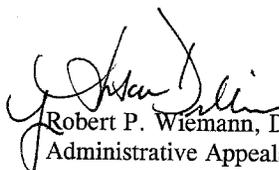
Application: Application for Extension of Stay Pursuant to 8 C.F.R. § 214.1(c)(1)

ON BEHALF OF APPLICANT: Self-represented

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

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, Director
Administrative Appeals Office

ADMINISTRATIVE APPEALS OFFICE
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DISCUSSION: The petition for a nonimmigrant worker was filed as an application for an extension of the applicant's temporary stay in the United States as an E-2 Treaty Investor pursuant to 8 C.F.R. § 214.1(c)(1). The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petition was denied by the Director, California Service Center, who did not advise the applicant whether or not the decision could be appealed to the Administrative Appeals Office (AAO). The petitioner subsequently filed an appeal.

The regulation at 8 C.F.R. § 214.1(c)(5) states:

Decision in Form I-129 or I-539 extension proceedings.
Where an applicant or petitioner demonstrates eligibility for a requested extension, it may be granted at the discretion of the Service. There is no appeal from the denial of an application for extension of stay filed on Form I-129 or I-539.

The regulation cited above precludes the AAO from considering any appeal that is filed pursuant to the denial of an application for extension of stay. Accordingly, the appeal will be rejected.

ORDER: The appeal is rejected.