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U.S. Department of Homeland Security

Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE  
CIS, AAO, 20 Mass, 3/F  
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Washington, DC 20536



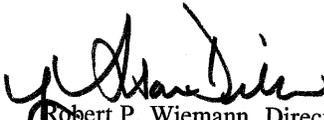
File: EAC 02 082 53562 Office: Vermont Service Center Date: **NOV 28 2003**

IN RE: Petitioner: [Redacted]  
Applicant: [Redacted]

APPLICATION: Application for Change of Nonimmigrant Status Pursuant to 8 C.F.R. § 248.3(a)

ON BEHALF OF APPLICANT: [Redacted]

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

**DISCUSSION:** The petition for a nonimmigrant worker was filed as an application for a change of the applicant's status in the United States to that of an R-1 Religious Worker, pursuant to 8 C.F.R. § 248.3(a). The Director, Vermont Service Center, denied the application on October 16, 2002. Counsel for the petitioner filed an appeal that was rejected by the Administrative Appeals Office (AAO) on March 19, 2003. The matter is now before the AAO on motion. The motion to reconsider will be rejected.

On motion, counsel states that the Notice of Appeal to the AAO (Form I-290B) was sent along with the decision of the Center Director. Therefore, a timely appeal of the denial of the R-1 petition was filed. Counsel also states that decisions on nonimmigrant visa petitions are appealable, and the AAO should reconsider its decision to reject the appeal.

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

*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.

The appeal was inadvertently sent to the petitioner, and subsequently filed in error. The regulation cited above precludes the AAO from reconsidering its decision rejecting the appeal when the director's original decision was not appealable. Accordingly, the motion will be rejected.

**ORDER:** The motion is rejected.