



MB

U.S. Department of Justice
Immigration and Naturalization Service

identifying data deleted to
prevent
invasion of personal privacy

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



File: EAC 00 272 52217 Office: VERMONT SERVICE CENTER Date: JAN 23 2003

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

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

IN BEHALF OF APPLICANT:



PUBLIC COPY

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.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Director
Administrative Appeals Office

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 R-1 Religious Worker, pursuant to 8 C.F.R. 214.1(c)(1). An appeal of the decision was denied by the Associate Commissioner for Examinations. The matter is now again before the Associate Commissioner for Examinations on appeal. The appeal will be rejected.

The petition was denied by the Director, Vermont Service Center, who advised the applicant that there are no provisions in the regulations that provide for an appeal of the decision. Counsel for the petitioner subsequently filed two appeals.

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 to extend status filed on a Form I-129. The beneficiary entered the United States on an R-1 visa on September 1, 1997. The petition is clearly a request for an extension of stay as an R-1 religious worker. Accordingly, the appeal will be rejected.

ORDER: The appeal is rejected.