



U.S. Citizenship
and Immigration
Services

1A-3



File: EAC 00 281 51775 Office: VERMONT SERVICE CENTER Date: JUL 28 2004

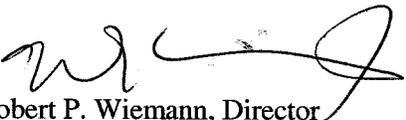
IN RE: Applicant: [Redacted]

APPLICATION: Application for Extension of Stay Pursuant to 8 C.F.R. § 214.1(c)(2)

IN BEHALF OF PETITIONER:
[Redacted]

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

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DISCUSSION: The applicant filed an application for an extension of derivative nonimmigrant status pursuant to 8 C.F.R. § 214.1(c)(2). The Director, Vermont Service Center, denied the application, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The nonimmigrant petition seeking to extend the employment of the applicant's husband as an L-1A nonimmigrant intracompany transferee pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L), was denied. The applicant's application for an extension of derivative nonimmigrant status was subsequently denied, since her status in the United States is dependant on the status of her husband. Although advised by the director that the denial of an I-539 application may not be appealed, counsel for the applicant elected to appeal the director's decision.

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 [Citizenship and Immigration Services]. 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.