

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



U.S. Citizenship  
and Immigration  
Services

M<sub>3</sub>

**PUBLIC COPY**



FILE: SRC 05 256 50323 Office: TEXAS SERVICE CENTER Date: JUL 14 2006

IN RE: Petitioner:  
Applicant:



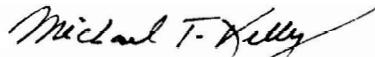
APPLICATION: Application for Change of Nonimmigrant Status Pursuant to 8 C.F.R. § 248.3(a)

ON BEHALF OF APPLICANT:



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.

*For*   
Robert P. Wiemann, Chief  
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 E-2 Treaty Investor, pursuant to 8 C.F.R. § 248.3(a). The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petition was denied by the Director, Texas Service Center, who correctly advised the applicant that the decision could not be appealed to the AAO. Counsel for the petitioner subsequently filed an appeal to the AAO.

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

*(g) 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.

On June 29, 2006, an extension was granted erroneously to allow counsel to submit a brief on or before July 31, 2006. The regulation cited above precludes the AAO from considering any appeal that is filed pursuant to the denial of an application to change nonimmigrant status. Therefore, a brief would not be considered in this proceeding. Accordingly, the appeal will be rejected.

**ORDER:** The appeal is rejected.