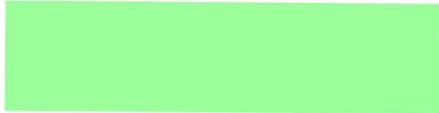




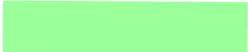
U.S. Citizenship  
and Immigration  
Services

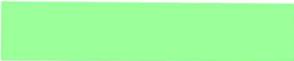
(b)(6)



DATE: **JUL 05 2013**

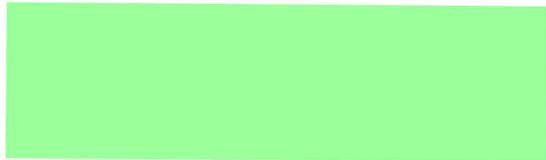
OFFICE: VERMONT SERVICE CENTER

FILE: 

IN RE: Applicant: 

PETITION: Application to Extend/Change Status of Dependents of a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The service center director denied the application to extend/change nonimmigrant status and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant, who is present in the United States pursuant to an approved H-1B nonimmigrant visa, seeks to change her status to that of an H-4 nonimmigrant dependent of a nonimmigrant specialty occupation worker pursuant to § 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(H). Accordingly, the applicant filed a Form I-539, Application to Extend/Change Nonimmigrant Status. The director denied the application after the nonimmigrant petition filed on behalf of the applicant's spouse was denied.

The regulations do not provide for an appeal of a Form I-539 denial. *See* 8 C.F.R. §§ 214.1(c)(5) and 248.3(g). Furthermore, the authority to adjudicate appeals is delegated to the AAO by the Secretary of the Department of Homeland Security (DHS) pursuant to the authority vested in him through the Homeland Security Act of 2002, Pub. L. 107-296. *See* DHS Delegation Number 0150.1 (effective March 1, 2003); *see also* 8 C.F.R. § 2.1 (2003). The AAO exercises appellate jurisdiction over the matters described at 8 C.F.R. § 103.1(f)(3)(iii) (as in effect on February 28, 2003), with one exception - petitions for approval of schools under § 214.3 are now the responsibility of Immigration and Customs Enforcement (ICE). As H-4 status determinations are not listed as a matter over which the AAO has jurisdiction, the appeal must be rejected for this additional reason.

For the reason stated herein, the applicant's appeal must be rejected.

**ORDER:** The appeal is rejected.