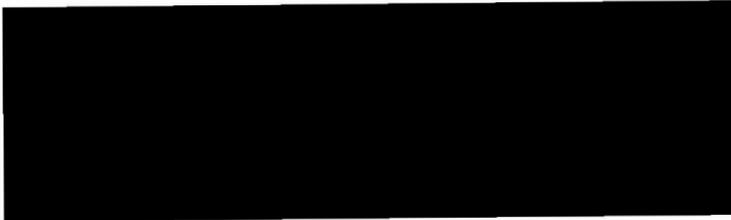


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U.S. Citizenship
and Immigration
Services

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File: WAC 07 089 50400 Office: CALIFORNIA SERVICE CENTER Date FEB 18 2009

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

PETITION: Petition for 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:

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.

John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the application to extend a period of stay in nonimmigrant status. The matter is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The petitioner is an oil portraits business, and it petitioned the United States Citizenship and Immigration Services (USCIS) to classify the beneficiary as a nonimmigrant pursuant to section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The petitioner seeks to extend the beneficiary's stay in order to continue to fill the position of artistic painter. The director approved the H-1B classification but denied the beneficiary's extension of stay. The petitioner, through counsel, filed a Form I-290B in an attempt to appeal the decision of the director.

It is noted that 8 C.F.R. 214.1(c)(5) states that there is no appeal from the denial of an application for extension of stay filed on Form I-129. The petitioner's appeal must be rejected.

ORDER: The appeal is rejected.