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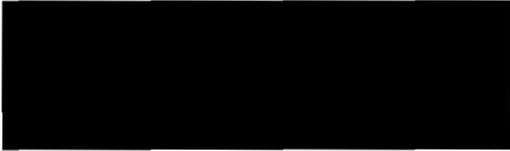
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



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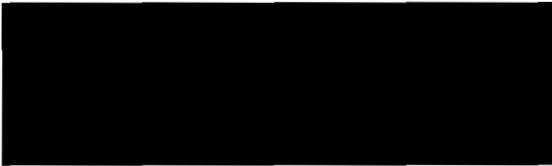
FILE: EAC 07 247 50850 Office: VERMONT SERVICE CENTER Date: JUN 03 2009

IN RE: Applicants:



PETITION: Application to Extend Status as Spouse/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:

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

John F. Grissom,
Acting Chief, Administrative Appeals Office

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

The applicants seek to extend their period of stay as a nonimmigrant spouse and dependents of a nonimmigrant worker in a specialty occupation pursuant to § 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(H)(i)(b). The director denied the application after the nonimmigrant petition of the applicants' spouse/father was denied. The applicants, through counsel, filed a Form I-290B in an attempt to appeal the decision of the director.

Title 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-539. The applicant's appeal must be rejected. ***It is noted, however, as the appeal of the H-1B petition for the principal beneficiary has been sustained, the director should reopen his decision on this matter and approve the application.***

ORDER: The appeal is rejected.