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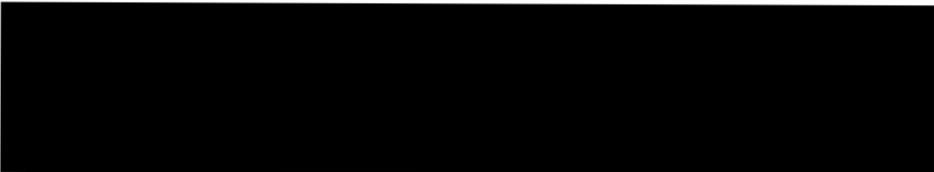


FILE: LIN 03 067 52215 Office: NEBRASKA SERVICE CENTER Date: SEP 27 2006

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

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 214(e)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1184(e)(2)

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The service center director denied the nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner erects and maintains telecommunications equipment and towers. It seeks to employ the beneficiary, a citizen of Canada, as a management consultant. The petitioner, therefore, endeavors to extend the status of the beneficiary as a TN alien to perform services as a professional business person pursuant to section 214(e)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1184(e)(2).

The director denied the petition because the proffered position does not qualify as a professional occupation according to Appendix 1603.D.1 to Annex 1603 of the North American Free Trade Agreement (NAFTA).

The extension request for a TN visa made on Form I-129 is not a petition for status within the meaning of section 214(c)(1) of the Act, and does not confer any of the appeal rights normally associated with a petition. The Form I-129 in the context of an application for extension of stay is merely the vehicle by which information is collected to make a determination on the extension application. Under 8 U.S.C. § 214.1(c)(5), there is no appeal of a denial of an application for extension of stay. Therefore, the appeal will be rejected.

ORDER: The appeal is rejected.