U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF I-C-E-C-, INC.

DATE: AUG. 1, 2016

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Applicant, a Florida corporation, seeks to employ the Beneficiary in the United States as "President/CEO" in the nonimmigrant classification of an E-2 Treaty Investor, pursuant to 8 C.F.R. §§ 214.2(e)(20) and (21). In accordance with the regulations, the application for a change of status and extension of stay was filed on Form I-129. *See* 8 C.F.R. § 214.1(c)(1). The Director, California Service Center denied the application. The Applicant then filed three subsequent motions on January 26, 2015, April 24, 2015, and September 23, 2015, respectively. Although the Director granted the Applicant's January 26, 2015, combined motion to reopen and reconsider and its April 24, 2015, motion to reopen, the Director affirmed the denial of the application in both instances. The Applicant's September 23, 2015, combined motion to reopen and reconsider was denied. The matter of the latest motion then came before us on appeal. We rejected the appeal based on our lack of jurisdiction. The matter is now before us on a motion to reopen and motion to reconsider.

Upon review, we will deny the combined motion.

As we discussed in our prior decision rejecting the appeal, there is no appeal from the denial of an application for an extension of stay of an E-1 or E-2 treaty trader or treaty investor. 8 C.F.R. § 214.1(c)(5). Because the Petitioner filed a combined motion on an appeal of an application over which we have no jurisdiction, the combined motion must be denied.[1]

ORDER: The motion to reopen is denied.

FURTHER ORDER: The motion to reconsider is denied.

Cite as *Matter of I-C-E-C-, Inc.*, 11762 (AAO Aug. 1, 2016)

[1] When we reject an appeal, there is no merits-based decision to reopen or reconsider.