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U.S. Citizenship
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File: EAC 07 139 52399 Office: VERMONT SERVICE CENTER Date: NOV 03 2008

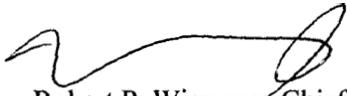
IN RE: Petitioner:
Beneficiary:

Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

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 Director, Vermont Service Center, approved the nonimmigrant visa petition, but denied the application to change the beneficiary's status from B-2 to L-1A and to extend the beneficiary's period of authorized stay. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner filed the nonimmigrant petition to classify the beneficiary as a nonimmigrant intracompany transferee pursuant to § 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(L). As the beneficiary was physically present in the United States in B-2 status as of the date of filing, the petitioner also sought to change the beneficiary's status, and to extend her stay for a period of three years. The director approved the petition to classify the beneficiary as an L-1A nonimmigrant on November 6, 2007. However, on January 15, 2008, the director denied the application for a change and extension of status. The director properly advised the petitioner that the decision may not be appealed.

On February 11, 2008, the petitioner filed a Form I-290B, Notice of Appeal or Motion, and clearly indicated on the form that is filing an appeal, notwithstanding an accompanying brief from counsel titled "Motion to Reopen and Reconsider." Pursuant to 8 C.F.R. § 103.5(a)(8), the official who denied an application or petition may treat the appeal from that decision as a motion for the purpose of granting the motion. Here, the director declined to treat the appeal as a motion and forwarded it to the AAO.

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, whether filed on a Form I-129 or Form I-539. Therefore, the AAO does not have jurisdiction over this matter, and the appeal must be rejected.

ORDER: The appeal is rejected.