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U.S. Department of Homeland Security  
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U.S. Citizenship  
and Immigration  
Services

**PUBLIC**

D7

File: EAC 06 197 51158 (I-539) Office: VERMONT SERVICE CENTER Date: MAR 04 2009  
EAC 08 103 52594 (I-290B)

IN RE: Applicant:

Petition: Application to Extend Status as Dependent of a Nonimmigrant Worker Pursuant to 8 C.F.R. § 214.2(l)(15)(ii)

IN 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).

A handwritten signature in black ink, appearing to read "John F. Grissom".

John F. Grissom, Acting Chief  
Administrative Appeals Office

**DISCUSSION:** The Director of the Vermont Service Center denied the application to extend the applicant's stay filed on Form I-539. This denial was based on the denial of the nonimmigrant visa petition filed on behalf of the applicant's spouse, [REDACTED] (EAC 06 197 51126). On September 6, 2006, the applicant filed a motion to reopen and reconsider. On January 14, 2008, the director denied the motion. On February 12, 2008, the applicant filed an appeal with the Administrative Appeals Office (AAO). This appeal will be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

The AAO does not exercise appellate jurisdiction over appeals from denials of Applications to Extend/Change Nonimmigrant Status filed on Form I-539. 8 C.F.R. 214.1(c)(5). Likewise, the AAO does not exercise appellate jurisdiction over appeals from denials of motions pertaining to denials of Applications to Extend/Change Nonimmigrant Status filed on Form I-539. 8 C.F.R. § 103.5(a)(6). The AAO exercises appellate jurisdiction over the matters described at 8 C.F.R. § 103.1(f)(3)(iii) (as in effect on February 28, 2003). *See* DHS Delegation Number 0150.1; 8 C.F.R. § 103.3(a)(iv). Accordingly, the appeal is not properly before the AAO.

Therefore, the appeal will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

**ORDER:**                   The appeal is rejected.