

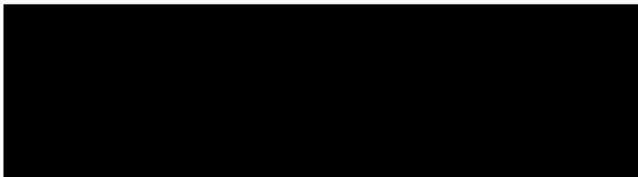
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FILE: EAC 09 151 53234 Office: VERMONT SERVICE CENTER

Date: NOV 12 2009

IN RE: Petitioner:  
Beneficiary:

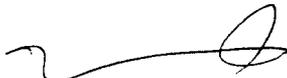


PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

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.

  
Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center, approved the nonimmigrant visa petition, but denied the application to extend the beneficiary's period of stay. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.<sup>1</sup>

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 as of the date of filing, the petitioner also sought to extend her stay for a period of two years. The director approved the petition to classify the beneficiary as an L-1A nonimmigrant on July 7, 2009 with validity dates of June 30, 2009 to June 29, 2011. However, on July 7, 2009, the director denied the application for an extension of status. The director properly advised the petitioner that the decision may not be appealed.

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.

On September 28, 2009, the Vermont Service Center received a letter from the petitioner requesting that the "appeal" be withdrawn. However, this request is moot as the AAO does not have jurisdiction over this matter.

Accordingly, the applicant's appeal must be rejected.

**ORDER:** The appeal is rejected.

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<sup>1</sup> On August 3, 2009, the petitioner filed a Form I-290B, Notice of Appeal or Motion, and indicated by checking box D in Part 2 of the form that it is filing a "Motion to Reopen," although in Part 3, counsel for the petitioner indicated that it is filing a request to reopen and reconsider. The director subsequently forwarded the Form I-290B to the AAO as an appeal. Although it is not clear that the petition intended to file an appeal, the petitioner has now requested that the AAO withdraw the "appeal." In an effort to effectuate the petitioner's request, the matter will be treated as an improperly filed appeal.