

U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS, 20 Mass, 3/F
Washington, D.C. 20536

MZ

MAY 14 2003

File: [REDACTED] Office: Buffalo Date:

IN RE: Applicant: [REDACTED]

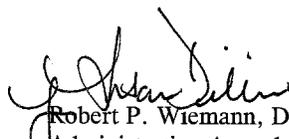
Application: Application for Extension of Stay Pursuant to 8 C.F.R. § 214.1(c)(1)

ON BEHALF OF APPLICANT: Self-represented

PUBLIC COPY

INSTRUCTIONS:

This is the decision 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, Director
Administrative Appeals Office

DISCUSSION: The petition for a nonimmigrant worker was filed as an application for an extension of the applicant's temporary stay in the United States as an E-2 Treaty Investor pursuant to 8 C.F.R. § 214.1(c)(1). The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petition was denied by the District Director, Buffalo, New York, who incorrectly advised the applicant that the decision could be appealed to the Administrative Appeals Office (AAO). The petitioner subsequently filed an appeal.

The regulation at 8 C.F.R. § 214.1(c)(5) states:

Decision in Form I-129 or I-539 extension proceedings.
Where an applicant or petitioner demonstrates eligibility for a requested extension, it may be granted at the discretion of the Service. There is no appeal from the denial of an application for extension of stay filed on Form I-129 or I-539.

The regulation cited above precludes the AAO from considering any appeal that is filed pursuant to the denial of an application for extension of stay. Accordingly, the appeal will be rejected.

ORDER: The appeal is rejected.