



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 20009021

Date: FEB. 28, 2022

Appeal of California Service Center Decision

Form I-129, Petition for L-1A Manager or Executive

The Petitioner, a restaurant business, seeks to temporarily employ the Beneficiary as its general manager under the L-1A nonimmigrant classification for intracompany transferees. Section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L).

The Director of the California Service Center denied the petition, concluding that the Petitioner did not establish, as required, that it would employ the Beneficiary in a managerial or executive capacity in the United States. The Director also denied the Petitioner's concurrently filed request that the Beneficiary be granted an extension of nonimmigrant status, due to the denial of the underlying petition.¹ The Director issued separate decisions denying the petition and the extension of status request on June 24, 2021.

On appeal, the Petitioner submits a copy of the decision denying the extension of status request and asserts that the Director erroneously determined that the Beneficiary "failed to maintain [his] nonimmigrant status because his authorized stay expired prior to filing that application." However, the Petitioner's appeal does not acknowledge or address the denial of the underlying petition or the Director's determination that it did not meet its burden to establish that the Beneficiary would be employed in the United States in a managerial or executive capacity.

We will reject the appeal based on our lack of jurisdiction.

The authority to adjudicate appeals is delegated to us by the Secretary of the U.S. Department of Homeland Security (DHS) pursuant to the authority vested in him through the Homeland Security Act of 2002, Pub. L. 107-296. *See* DHS Delegation Number 0150.1 (effective March 1, 2003); *see also* 8 C.F.R. § 2.1 (2003). The regulations limit our jurisdiction over petitions for temporary workers to those described under 8 C.F.R. §§ 214.2 and 214.6. *See* 8 C.F.R. § 103.1(f)(3)(iii)(J) (2003).

The regulations state that, while a petitioner's request to classify a beneficiary as an L-1 nonimmigrant and to change a beneficiary's status and extend a beneficiary's stay are combined in the Form I-129, Petition for Nonimmigrant Worker, a separate determination must be made by the director on each

¹ The Petitioner also requested that the Beneficiary be granted a change of status, as he was in the United States as a B-2 nonimmigrant visitor when it filed the petition in July 2020.

issue. 8 C.F.R. § 214.2(l)(15)(i). Therefore, although a request for an extension of stay in L-1A status is made on Form I-129, it is not a petition within the meaning of section 214(c)(1) of the Act, 8 U.S.C. § 1184(c)(1), and thus, does not confer any of the appeal rights normally associated with a petition. The Form I-129 in this context is merely the vehicle by which information is collected to make a determination on the application for an extension of status. *See* 8 C.F.R. § 214.1(c)(1).

There is no provision in the regulations for an appeal from a denial of an extension of status request filed on Form I-129. 8 C.F.R. § 214.1(c)(5). Further, the Director's decision on an extension of status request, and all issues surrounding that decision, are within the sole discretion of the Director. *Id.* However, subject to the governing regulations and the limits on the individual's period of stay, the Petitioner may seek further extensions.

Finally, as noted, although the Director's decision denying the underlying Form I-129 petition is appealable, the Petitioner has neither acknowledged nor addressed that decision or the Director's determination that it did not meet its burden to establish that the Beneficiary would be employed in the United States in a managerial or executive capacity. Accordingly, we cannot conclude that the Petitioner has filed an appeal of the Director's adverse decision regarding the Beneficiary's underlying eligibility for L-1A classification.

For the reasons discussed above, we have no jurisdiction over this matter and must reject the appeal.

ORDER: The appeal is rejected.