



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

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

In Re: 19619183

Date: FEB. 11, 2022

Appeal of California Service Center Decision

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

The Petitioner, an automotive finance subsidiary of a major automotive manufacturing group, seeks to continue the Beneficiary's temporary employment as its chief financial officer 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 approved the petition but denied the Petitioner's request to extend the Beneficiary's L-1A status. The Director determined that the Beneficiary was ineligible for the extension of status because U.S. Citizenship and Immigration Service (USCIS) arrival and departure records show that he was not physically present in the United States at the time the Petitioner filed the Form I-129, Petition for a Nonimmigrant Worker.

On appeal, the Petitioner contends that the Beneficiary was physically present in the United States at the time of filing and did not depart while the Form I-129 was pending. The Petitioner submits evidence in support of this claim and asserts that the Director erred by not granting the requested extension of status. However, we lack jurisdiction over this matter and will reject the appeal.

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 extend a beneficiary's stay are combined in the Form I-129, a separate determination must be made by the director on each issue. 8 C.F.R. § 214.2(l)(15)(i). 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, Petition for a Nonimmigrant Worker, 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.

For the reasons discussed above, we have no jurisdiction over this matter.

**ORDER:** The appeal is rejected.