



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

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

In Re: 25034132

Date: FEB. 07, 2023

Appeal of California Service Center Decision

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

The Petitioner, an enterprise software developer and election service and technology provider, seeks to continue the Beneficiary's temporary employment as its integrated communications director under the L-1A nonimmigrant classification for intracompany transferees. Immigration and Nationality Act (the Act) section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The L-1A classification allows a corporation or other legal entity (including its affiliate or subsidiary) to transfer a qualifying foreign employee to the United States to work temporarily in a managerial or executive capacity.

The Director approved the Form I-129, Petition for a Nonimmigrant Worker, filed on the Beneficiary's behalf,¹ but denied the Petitioner's concurrent request to extend the Beneficiary's L-1A stay in the United States. The Director observed that the Beneficiary had made a willful misrepresentation of a material fact in connection with a separate proceeding. The Director advised that she is therefore inadmissible under section 212(a)(6)(C)(i) of the Act, 8 U.S.C. § 1182(a)(6)(C)(i), and ineligible for the requested extension of status. The Petitioner subsequently filed a combined motion to reopen and reconsider, which the Director dismissed. The matter is now before us on appeal. 8 C.F.R. § 103.3. We will reject the appeal.

We note that a petitioner's request for a beneficiary's "extension of stay" must be distinguished from its request for an "extension of visa petition validity." A petitioner seeking to extend the employment of an L-1 nonimmigrant worker must file a single form (Form I-129) to request a petition extension under 8 C.F.R. § 204.2(l)(14)(i) and a beneficiary's extension of stay under 8 C.F.R. § 214.2(l)(15)(i). 8 C.F.R. § 214.2(h)(15)(i) specifically states that, "[e]ven though the requests to extend the petition and the alien's stay are combined on the petition, the director shall make a separate determination on each." In this case, the Director approved the Petitioner's request to extend the validity of the petition under 8 C.F.R. § 214.2(l)(14)(i) but denied the request to extend the Beneficiary's stay under 8 C.F.R. § 214.2(l)(15)(i).

¹ The record reflects that USCIS issued a Form I-797B Approval Notice granting the requested L-1A classification for the period January 4, 2021 until January 3, 2023, with notification of the approval sent to the U.S. Consulate in Caracas, Venezuela.

Pursuant to 8 C.F.R. § 214.1(c)(5), there is no appeal from the Director's denial of an application for extension of stay filed on Form I-129 or Form I-539. Thus, any denial of an extension of stay request is not within our jurisdiction, nor is the dismissal of a motion to reopen or reconsider such a denial.

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 Petitioner points to no authority for this office to overturn the Director's denial of the Beneficiary's extension of stay or to address the Director's conclusions regarding the Beneficiary's admissibility. As we do not have jurisdiction over the Petitioner's requests, the appeal must be rejected.

ORDER: The appeal is rejected.