

PUBLIC COPY

U.S. Department of Homeland Security
Citizenship and Immigration Services

**Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

M3

ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 Eye Street, N.W.
Washington, DC 20536

[REDACTED]

FILE: SRC 03 207 51174

OFFICE: TEXAS SERVICE CENTER

DATE: **NOV 03 2003**

IN RE: Applicant: [REDACTED]

APPLICATION: Application to Extend/Change Nonimmigrant Status (Form I-539)

ON BEHALF OF PETITIONER:

[REDACTED]

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 Director of the Texas Service Center denied the application to change the applicant's nonimmigrant status. The matter is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

On August 4, 2003, the director informed the applicant that she had denied the request to change the applicant's status from an L-2 nonimmigrant spouse to an H-4 nonimmigrant spouse. The director further informed the applicant that the decision could not be appealed. On September 4, 2003, counsel appealed the denial of the application.

Pursuant to 8 C.F.R. § 248.3(g), there is no appeal from the denial of an application to change a nonimmigrant status. Accordingly, the appeal must be rejected.

As always, the burden of proving eligibility for the benefit sought remains entirely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. The applicant has not sustained that burden.

ORDER: The appeal is rejected.