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U.S. Department of Homeland Security

Citizenship and Immigration Services

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

[redacted]

OCT 23 2003

FILE: EAC 02 041 52144 Office: Vermont Service Center Date:

IN RE: Petitioner:
Applicant: [redacted]

APPLICATION: Application for Change of Nonimmigrant Status Pursuant to 8 C.F.R. § 248.3(a)

ON BEHALF OF APPLICANT: Self-represented

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 a change of the applicant's status in the United States to that of an R-1 Religious Worker, pursuant to 8 C.F.R. § 248.3(a). The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petition was denied by the Director, Vermont Service Center, on August 1, 2002. In his decision, the director advised the applicant that the decision could not be appealed to the AAO. In a subsequent notice dated January 9, 2003, the director inadvertently advised the applicant that the approval of the petition was revoked and the decision could be appealed to the AAO. The petitioner subsequently filed an appeal.

The regulation at 8 C.F.R. § 248.3(g) states:

> *Denial of application.* When the application is denied, the applicant shall be notified of the decision and the reasons for the denial. There is no appeal from the denial of the application under this chapter.

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

ORDER: The appeal is rejected.