



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

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

In Re: 20883688

Date: JUN 03, 2022

Motion on Administrative Appeals Office Decision

Form I-539, Application to Extend/Change Nonimmigrant Status

The Applicants seek to extend their L-2 nonimmigrant status as the dependent spouse and unmarried minor child of an L-1A nonimmigrant intracompany transferee. *See* 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 Form I-539, Application to Extend/Change Nonimmigrant Status, based on the concurrent denial of the L-1A extension petition filed on behalf of the principal L-1A nonimmigrant. The Applicant appealed that decision, and we rejected the appeal pursuant to the regulation at 8 C.F.R. § 214.1(c)(5), which provides that there is no appeal from the denial of an application for an extension of stay filed on Form I-539.¹

The Applicant previously filed three combined motions to reopen and reconsider. We dismissed each motion, and the matter is now before us again on a fourth motion to reopen and motion to reconsider. Upon review, we will dismiss both motions.

To satisfy the filing requirements for a motion, the moving party must address the motion to the official having jurisdiction. 8 C.F.R. § 103.5(a)(1)(iii)(D). As stated, the denial of the Form I-539 is not appealable and we therefore lacked jurisdiction to adjudicate the Applicant's appeal. Because we rejected the appeal, there is no decision issued by our office that may be reopened or reconsidered in this or any future motion proceeding. We do not have jurisdiction over motions seeking reopening or reconsideration in cases where the underlying decision was not appealable.

A motion that does not meet applicable requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4).

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.

¹ The regulation at 8 C.F.R. § 214.1(c)(5) states that "[w]here an applicant or petitioner demonstrates eligibility for a requested extension, it may be granted at the discretion of [USCIS]. There is no appeal from the denial of an application or extension of stay filed on Form I-129 or I-539."