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U.S. Department of Homeland Security
20 Mass. Ave N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services



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File: WAC 98 220 52973

Office: California Service Center

Date: AUG 02 2005

IN RE:

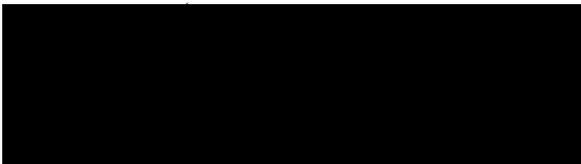
Petitioner:

Beneficiary:



Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

IN BEHALF OF BENEFICIARY:



INSTRUCTIONS: This is the decision of the Administrative Appeals Office 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 nonimmigrant visa petition was denied by the director, California Service Center, and the Administrative Appeals Office (AAO) dismissed a subsequent appeal. The matter is now before the AAO on a motion to reopen and reconsider. On July 30, 2001, counsel for the beneficiary requested that the motion be withdrawn.

The petitioner seeks to classify the beneficiary as a nonimmigrant intracompany transferee pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L).

The director denied the petitioner on October 22, 1998. On November 27, 1998, counsel for the petitioner filed an appeal seeking review of the director's decision. After reviewing the record, the AAO dismissed the appeal on November 10, 1999. Counsel for the beneficiary subsequently filed a motion to reopen/reconsider on December 9, 1999, which was subsequently followed by a request that the motion be withdrawn on July 30, 2001.

The "party affected" in visa petition cases is the petitioner, and the beneficiary does not have standing to move to reopen the proceedings. *Matter of Dabaase*, 16 I&N Dec. 720 (BIA 1979). As the motion to reopen and subsequent request for withdrawal were filed by counsel for the beneficiary, both must be rejected.

ORDER: The motion and the request for withdrawal are rejected.