



U.S. Citizenship
and Immigration
Services

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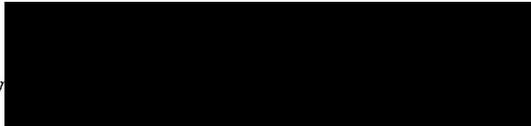
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File: SRC 04 164 53940 Office: TEXAS SERVICE CENTER Date: **SEP 21 2005**

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 PETITIONER:

SELF-REPRESENTED

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 Director, Texas Service Center denied the nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A).

The petitioner is a new company engaged in export of construction machinery and equipment. It seeks to employ the beneficiary as its purchasing manager, and has petitioned to classify the beneficiary as an L-1A 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 petition after determining that: (1) the beneficiary had not been employed with the petitioner's claimed foreign parent company for one continuous year in the three year period preceding the filing of the petition; (2) the beneficiary had not been employed by the foreign entity in a managerial or executive capacity; and (3) the petitioner had not secured sufficient physical premises to house the new office.

The beneficiary subsequently submitted an appeal. While it appears that the beneficiary is an officer of the petitioning company, the appeal was clearly filed by the beneficiary in his personal capacity, without reference to the petitioner. Citizenship and Immigration Services (CIS) regulations specifically prohibit a beneficiary of a visa petition from filing a petition; the beneficiary of a visa petition is not a recognized party in a proceeding. 8 C.F.R. § 103.2(a)(3). As the beneficiary is not a recognized party, he is not authorized to file an appeal. 8 C.F.R. § 103.3(a)(1)(iii)(B).

As the appeal was not properly filed, it will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

ORDER: The appeal is rejected.