

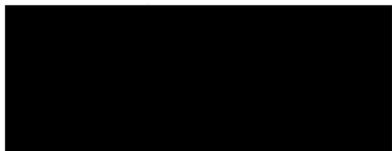
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U.S. Citizenship  
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FILE: WAC 02 145 52841 Office: CALIFORNIA SERVICE CENTER Date: **AUG 02 2006**

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)

ON 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, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the petition for a nonimmigrant visa. 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 states that it is engaged in import, export, wholesale, and trading. It seeks to extend the employment of its chief executive officer/president as a nonimmigrant intracompany transferee pursuant to § 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(L). The director denied the petition based on the conclusion that the petitioner failed to establish that the beneficiary would be employed in a primarily managerial or executive capacity.

The appeal was filed by an attorney who had not previously entered his appearance in this matter.<sup>1</sup> The Form G-28, Entry of Appearance as Attorney or Representative, that was submitted for the record was submitted on behalf of and signed by the beneficiary, not by the petitioner or by someone acting as an authorized representative of the petitioner. Citizenship and Immigration Services (CIS) regulations specifically prohibit a beneficiary of a visa petition, or a representative acting on a beneficiary's behalf, 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 and her representative are not recognized parties, counsel 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)(1).

**ORDER:** The appeal is rejected.

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<sup>1</sup> It is noted for the record that on appeal, counsel for the petitioner indicated on Form I-290B that it would submit a brief and/or additional evidence to address the director's denial within thirty days. On June 26, 2006, the AAO as a courtesy sent a fax to counsel for the beneficiary, advising him that no evidence or brief had ever been received in this matter and requested that counsel submit a copy of the brief and/or additional evidence, if in fact such evidence had been submitted, within five business days. Upon further review of the file, it appears that the requested brief was received on October 31, 2002 but overlooked by the AAO upon initial review of the file. However, since the appeal was improperly filed by the beneficiary, this issue is moot.