



U.S. Citizenship
and Immigration
Services

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File: SRC 05 107 50951 Office: TEXAS SERVICE CENTER Date: **DEC 06 2006**

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

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, Chief
Administrative Appeals Office

DISCUSSION: The Director, Texas 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 seeks to extend the employment of the beneficiary as its vice president for international sales in the United States 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 U.S. petitioner, a corporation organized in the State of Texas, is engaged in the manufacture of lighting fixtures and bathroom accessories and claims to be the subsidiary of [REDACTED] located in Sao Paulo, Brazil. The director denied the petition, concluding that the petitioner had failed to establish that the beneficiary was or would be employed in a primarily managerial or executive capacity.

The appeal in this matter was filed on behalf of the beneficiary. It is further noted that the Form G-28, Entry of Appearance as Attorney or Representative, dated March 2, 2005, was not signed by the petitioner or an authorized representative thereof, but rather by the beneficiary, who noted on the Form G-28 that the form was filed on his behalf. It is noted for the record that, while the beneficiary does appear to be an agent for the petitioner, there is no evidence in the record that the beneficiary signed the Form G-28 as a representative on behalf of the petitioner with regard to the appeal before the AAO. Specifically, the Form G-28 submitted by counsel, as well as Form I-290B, Notice of Appeal, clearly limits his representation/appearance to the beneficiary, and nowhere is it indicated that the beneficiary signed the form in his capacity as vice president for 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 his representative are not recognized parties, counsel is not authorized to file an appeal, and it must therefore be rejected. 8 C.F.R. §103.3(a)(1)(iii)(B); 8 C.F.R. §103.3(a)(2)(v)(A)(I).

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.