



U.S. Citizenship  
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Services

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FILE: LIN-02-029-50974 Office: NEBRASKA SERVICE CENTER Date: JUL 18 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)

ON BEHALF OF PETITIONER:

[Redacted]

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

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**DISCUSSION:** The director of the Nebraska Service Center initially approved the nonimmigrant visa petition. Upon further review of the record, the director determined that the petitioner was not eligible for the benefit sought. Accordingly, the director served the petitioner and counsel with a notice of his intention to revoke the approval of the petition and his reasons therefore. After the petitioner failed to submit a timely response, the director revoked the approval of the petition. 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 claims to be engaged in the therapeutic massage and body wrap business. It seeks employment of its chief executive officer 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).

Based on further review of the record, the director issued a notice of intent to revoke the approval on March 3, 2003. The director determined that the petitioner failed to establish that the beneficiary would be primarily employed in the United States in a managerial or executive capacity or that the petitioner has been doing business as that term is defined in the regulations. After the petitioner failed to respond to the notice of intent to revoke, the director revoked the approval of the petition on May 12, 2003.

The AAO notes that the Form I-290B, Notice of Appeal, was filed by the beneficiary. There was no indication that the beneficiary filed the appeal as an authorized representative of the petitioner rather than on his own behalf. 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 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)(1).

**ORDER:** The appeal is rejected.