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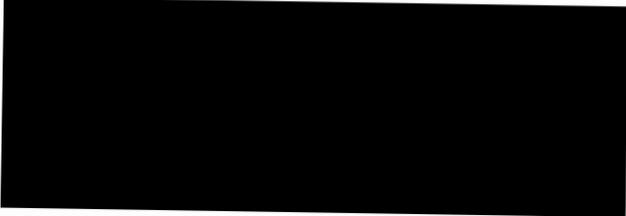
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U.S. Department of Homeland Security  
20 Massachusetts Ave., N.W., Rm. A3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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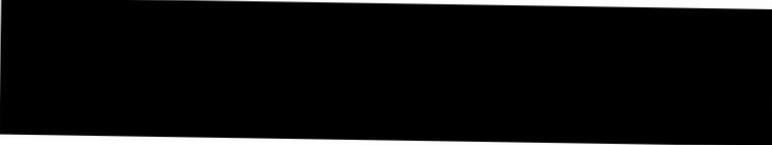
File: SRC 05 045 51794 Office: TEXAS SERVICE CENTER Date: **OCT 23 2006**

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)

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 temporary employment of the beneficiary as its president/executive manager 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 Florida, operates an automotive care clinic and claims to be the affiliate of [REDACTED] located in Brampton, Ontario, Canada. The director denied the petition concluding that the petitioner did not establish that the beneficiary will be employed in the United States in a primarily managerial or executive capacity.

The appeal in this matter was accompanied by a newly-executed Form G-28, Entry of Appearance as Attorney or Representative dated April 5, 2005. This form 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 her behalf. It is noted for the record that, while the beneficiary does appear to have been an agent for the petitioner, there is no evidence in the record that the beneficiary was legally authorized to sign 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 clearly limits her representation/appearance to the beneficiary, and nowhere is it indicated that the beneficiary signed the form in her capacity as president for the petitioner.<sup>1</sup>

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, 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.

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<sup>1</sup> It is further noted for the record that the Forms G-28 previously submitted for the record also limit counsel's appearance/representation to the beneficiary in this matter.