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U.S. Department of Homeland Security
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U.S. Citizenship
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Services

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File: SRC 06 130 52878 Office: TEXAS SERVICE CENTER Date:

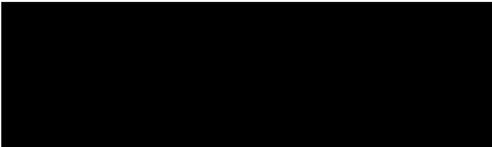
APR 05 2007

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)(1).

The petitioner seeks to extend the temporary employment of the beneficiary as its general manager and chief executive officer 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, claims to be engaged in the transportation industry, and claims to be the subsidiary of Costy Corporation, located in Venezuela. The petitioner seeks to extend the beneficiary's stay for an additional three years. 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 Form G-28, Entry of Appearance as Attorney or Representative, that was submitted for the record in support of the appeal was signed by the beneficiary, not by the petitioner or an authorized representative thereof. 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). In this case, the Form G-28 that was submitted for the record was signed by the beneficiary in his personal capacity. While it is noted for the record that 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 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 his capacity as chief executive officer for the petitioner.¹ In addition, counsel clearly limits her representation on the Form I-290B to the beneficiary.

An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. 8 C.F.R. § 103.3(a)(2)(v)(A)(1). As the beneficiary and his counsel are not recognized parties, counsel is not authorized to file an appeal. *Id.*; 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.

¹ It is noted that the original G-28 filed with the petition is identical to the one submitted in support of the appeal. As a result, the AAO notes that counsel was not an authorized representative of the petitioner during the adjudication process. Pursuant to 8 C.F.R. 103.2(3), a beneficiary of a petition is not a recognized party in such a proceeding. Consequently, it is noted that CIS erroneously recognized counsel as an authorized representative of the petitioner with respect to the initial filing despite the fact that the Form G-28 clearly limited her representation to the beneficiary.