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U.S. Citizenship
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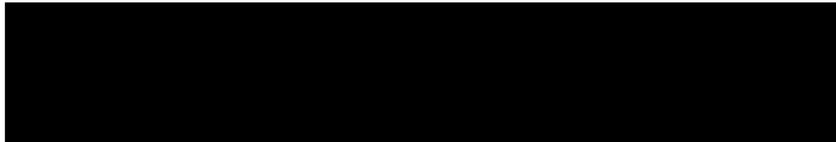
File: WAC 05 168 54496 Office: CALIFORNIA SERVICE CENTER Date: FEB 01 2007

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, 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 seeks to extend the temporary employment of the beneficiary as a supervisor 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 Commonwealth of Pennsylvania, claims to be a computer cooling products company. It claims to be the branch of [REDACTED] located in Maarheeze, The Netherlands. 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 filed by an attorney who had not previously entered his appearance in this matter. 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 an authorized representative of the petitioner.¹ 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)(I).

ORDER: The appeal is rejected.

¹ It is noted for the record that, while the beneficiary's signature appeared on the initial Form G-28 submitted by the petitioner's former counsel, the form was co-signed by [REDACTED] an authorized representative of the petitioner who simultaneously signed the Form I-129. The Form G-28 and Form I-290B submitted by new counsel on appeal clearly limit his representation/appearance to the beneficiary, and the only signature on the new Form G-28 is that of the beneficiary, with no indication given that she is acting on behalf of the petitioner with regard to the appeal filed in this matter.