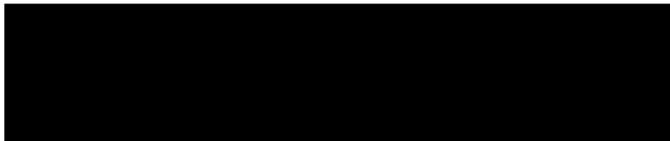


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File: EAC 07 073 52378 Office: VERMONT SERVICE CENTER Date: FEB 01 2008

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 of the Vermont Service Center denied the nonimmigrant visa petition and 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)(I).

The petitioner is a Connecticut corporation allegedly engaged in the rug business. The petitioner seeks to extend the employment of the beneficiary as its general manager 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 director denied the petition after concluding that the petitioner failed to establish that the beneficiary will be employed primarily in a managerial or executive capacity.

The Form G-28, Entry of Appearance as Attorney or Representative, dated August 17, 2007 and which was submitted with the current appeal, was signed by the beneficiary (identified in the G-28 as "applicant"), not by an authorized representative of the petitioner and not on behalf of the petitioner. Therefore, the attorney identified in the Form G-28 is counsel to the beneficiary, not counsel to the petitioner. The Form I-290B that was submitted in response to the July 20, 2007 decision was signed and filed by the attorney identified in the above Form G-28 on behalf of the beneficiary and not on behalf of the petitioner.

Citizenship and Immigration Services 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. 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).<sup>1</sup>

**ORDER:**                   The appeal is rejected.

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<sup>1</sup>It must be noted that, in the beneficiary's Form I-290B, no explanation was offered regarding the petitioner's failure to establish that the beneficiary will be employed primarily in an executive or managerial capacity. The beneficiary's counsel vaguely argues that the director's decision was both "arbitrary" and inconsistent with "standards." Since 8 C.F.R. § 103.3(a)(1)(v) requires the AAO to summarily dismiss an appeal when the appellant fails to identify specifically any erroneous conclusion of law or statement of fact, the AAO would be obligated to summarily dismiss the current appeal if the appeal were not being rejected. No erroneous conclusion of law or statement of fact was identified for the appeal. Furthermore, while counsel to the beneficiary asserts in the Form I-290B that he would be submitting a brief and/or additional evidence within 30 days of the filing of the appeal, counsel has failed to submit a brief or additional evidence.