



U.S. Citizenship
and Immigration
Services

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File: WAC 01 287 56299 Office: CALIFORNIA SERVICE CENTER Date: DEC 22 2005

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)

IN BEHALF OF PETITIONER:

SELF-REPRESENTED

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, Director
Administrative Appeals Office

DISCUSSION: The Director of the California 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. §§ 103.2(a)(7)(i) and 103.3(a)(2)(v)(A)(I).

The petitioner is a corporation organized in the State of California that claims to be engaging in the business of interior design and architectural consulting. It seeks to extend the employment of its president 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 determining that the petitioner has not sufficiently demonstrated that the beneficiary would be employed in the United States in a primarily managerial or executive capacity.

The documents filed on appeal include a Form I-290B, Notice of Appeal, on which the signature, name and address of the person filing the appeal were left blank. The reasons for appeal were stated as follows:

- I work as an executive officer and I like to explain why.
- The reason I should have more time to develop the company.
- The goal for the company.

Also submitted was a letter from the beneficiary elaborating upon the reasons for appeal.

Based on the stated reasons for appeal on Form I-290B, it appears that the beneficiary filed the appeal. However, absent the information required on Form I-290B identifying the person filing the appeal, it cannot be determined whether the beneficiary filed the appeal in his individual capacity or on behalf of the petitioner. The 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 and therefore is not authorized to file an appeal. 8 C.F.R. §§ 103.2(a)(3) and 103.3(a)(1)(iii)(B). Thus, an appeal filed by the beneficiary in his individual capacity must be rejected as improperly filed. 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

Even assuming that the beneficiary filed the appeal as an authorized representative of the petitioner, on behalf of the petitioner, the appeal must be rejected for lack of proper signature. The regulations provide that "[a]n applicant or petitioner must sign his or her application or petition. . . . By signing the application or petition, the applicant or petitioner . . . certifies under penalty of perjury that the application or petition, and all evidence submitted with it, either at the time of filing or thereafter, is true and correct." 8 C.F.R. § 103.2(a)(2). An application or petition that is not properly signed, as is the case here, must be rejected as improperly filed. 8 C.F.R. § 103.2(a)(7)(i).

Based on the foregoing, the appeal will be rejected as improperly filed. 8 C.F.R. §§ 103.2(a)(7)(i) and 103.3(a)(2)(v)(A)(I).

ORDER: The appeal is rejected.