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**U.S. Citizenship
and Immigration
Services**

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File: SRC 04 164 53962 Office: TEXAS SERVICE CENTER Date: NOV 10 2005

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

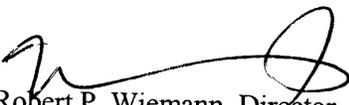
Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

IN BEHALF OF PETITIONER:



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, Texas 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).

The petitioner is a Florida corporation that claims to be engaged in real estate and investment services. It seeks to extend the employment of the beneficiary as 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, concluding that the petitioner failed to establish that the beneficiary will be employed in a primarily managerial or executive capacity.

Counsel subsequently filed the instant appeal and indicated on Form I-290B, Notice of Appeal, that she represents the beneficiary. The Forms G-28, Entry of Appearance as Attorney or Representative, that were submitted with the I-129 petition and on appeal were signed by the beneficiary in his personal capacity. The beneficiary did not indicate that he was signing as an authorized representative of the petitioner. The petitioner is not named on the Form G-28 or Form I-290B. Thus, the record clearly shows that counsel is representing the beneficiary, not the petitioner. 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 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.¹ 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

ORDER: The appeal is rejected.

¹ Although the appeal will be rejected, the AAO notes that Citizenship and Immigration Services (CIS) records indicate that the beneficiary in this case is also the beneficiary of an approved immigrant petition, filed by the same employer, and has adjusted status to that of a permanent resident as of May 9, 2005. While the appeal in this proceeding has not been withdrawn, it would appear that the immigrant petition was approved subsequent to the filing of the appeal, and the beneficiary is presently a permanent resident. Accordingly the issues in this proceeding are moot.