



U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy
PUBLIC COPY

DF



File: SRC 04 153 52502 Office: TEXAS SERVICE CENTER Date: NOV 28 2005

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

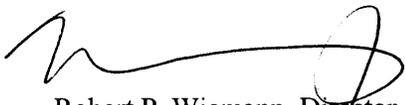
Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

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 filed this petition seeking to extend the employment of its director 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 petitioner is a Florida corporation that claims to be engaged the operation of vending machines. The petitioner claims that it is a subsidiary of Distribuidora Relsom Cars, C.A., located in Caracas, Venezuela. The beneficiary was initially granted a one-year period of stay in L-1A status in order to open a new office in the United States, and the petitioner now seeks to extend his status for a three-year period.

The director denied the petition, concluding that the petitioner failed to establish that the beneficiary will be employed in a 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 she was signing as an authorized representative of the petitioner, and 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 this 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).

ORDER: The appeal is rejected.