



U.S. Citizenship
and Immigration
Services

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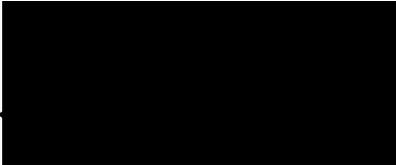
File: SRC 04 095 52874 Office: TEXAS SERVICE CENTER Date: JAN 27 2006

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)

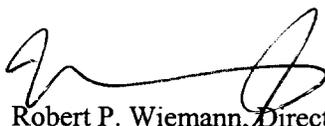
IN BEHALF OF PETITIONER:

COURTESY COPY TO:



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

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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 the import, export and distribution of auto parts. It 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, 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 he represents the beneficiary. The Form G-28, Entry of Appearance as Attorney or Representative, submitted by current counsel on appeal was signed by only the beneficiary. The beneficiary did not indicate that he was signing as an authorized representative of the petitioner, and the petitioner is not named on the Form G-28. Thus, the record shows that counsel represents the beneficiary, not the petitioner.

In order to properly file an appeal, the regulation at 8 C.F.R. § 103.3(a)(2)(i) provides that the affected party must file the complete appeal within 30 days of service of the unfavorable decision.

8 C.F.R. § 103.3(a)(1)(iii) states:

(B) Meaning of affected party. For purposes of this section and sections 103.4 and 103.5 of this part, *affected party* means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.

Similarly, only an authorized party may maintain an appeal. 8 C.F.R. § 103.3(a)(2)(v) states:

Improperly filed appeal—(A). Appeal filed by person or entity not entitled to file it-- (1) Rejection without refund of filing fee. An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee the Service has accepted will not be refunded.

Inasmuch as neither the beneficiary nor his representative has standing to file an appeal in this matter, the appeal must be rejected as improperly filed.

ORDER: The appeal is rejected.