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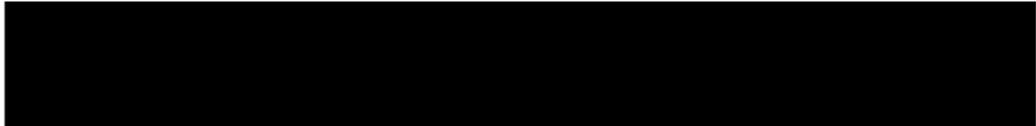
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File: SRC 05 075 50414 Office: TEXAS SERVICE CENTER Date: **NOV 30 2006**

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 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, Chief
Administrative Appeals Office

DISCUSSION: The Director of the 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)(I).

The petitioner is a Florida corporation allegedly engaged in the business of operating a retail store.¹ The petitioner 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 after concluding that the petitioner failed to establish that the beneficiary will be employed primarily in a managerial or executive capacity.

On July 18, 2005, the beneficiary filed a Form I-290B with the service center purporting to appeal the decision of the director dated June 13, 2005. The beneficiary did not indicate that she was signing the Form I-290B on behalf of the petitioner. Therefore, it must be concluded that the beneficiary filed the Form I-290B, and 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 is not a recognized party, she 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).²

ORDER: The appeal is rejected.

¹It should be noted that according to both the organizational materials provided by the petitioner and Florida state corporate records, the name of the petitioner is Tip Tops Gifts, Inc. It should also be noted that according to Florida state corporate records, the petitioner's corporate status in Florida was "administratively dissolved" on September 15, 2006. Therefore, since the corporation may not carry on any business except that necessary to wind up and liquidate its affairs, and the petitioner has not taken steps under Florida law to seek reinstatement, the company can no longer be considered a legal entity in the United States. *See Fla. Stat. 607.1421 (2006)*. Therefore, as this clearly and unequivocally renders the petitioner ineligible for the classification sought, the petition could not be approved for this reason if it were not being rejected.

²It must be noted that the brief and supporting evidence submitted in support of the beneficiary's appeal were submitted by Coptic Orthodox Charities, Inc., and not by the beneficiary or the petitioner. Not only was a Form G-28 not submitted for Coptic Orthodox Charities, Inc., the record fails to establish that this organization falls within any of the categories of representatives authorized by the regulations to represent affected parties. Therefore, even if this appeal were not being rejected, the AAO would be required to summarily dismiss this appeal pursuant to 8 C.F.R. § 103.3(a)(1)(v). This regulation obligates "the party concerned," or an authorized attorney or representative, to identify specifically any erroneous conclusion of law or statement of fact for the appeal. Since Coptic Orthodox Charities, Inc. is not the party concerned and is not an authorized attorney or representative, the brief and supporting evidence submitted by this organization cannot be used to meet the affected party's obligation of identifying specifically an erroneous conclusion of law or statement of fact.