

U.S. Department of Homeland Security
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**U.S. Citizenship
and Immigration
Services**

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File: SRC 06 087 50515 Office: TEXAS SERVICE CENTER Date:

MAY 01 2007

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, Texas Service Center, denied the petition for a nonimmigrant visa. 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)(1).

The petitioner filed this nonimmigrant visa petition seeking to employ the beneficiary as its president to open a new office 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 corporation organized under the laws of the State of Florida and is allegedly a home cleaning business.

The director denied the petition concluding that the petitioner did not establish that (1) the petitioner has secured sufficient premises to house the new office; or (2) the United States operation, within one year of the approval of the petition, will support an executive or managerial position.

On June 20, 2006, the beneficiary filed a Form I-290B with the service center purporting to appeal the decision of the director dated May 18, 2006. The beneficiary did not indicate that he 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, he 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)(1).¹

ORDER: The appeal is rejected.

¹Moreover, the beneficiary asserts the following in the Form I-290B: "Because of the voluminous documents submitted with the original petition, I need additional time to gather more voluminous documents that have not already been submitted. Please note, this was a case for a new office. How can you deny a case for a new office when everything necessary by law and regulation was submitted[?]" The Form I-290B also indicates that a brief and/or additional evidence would be submitted within ninety days. However, as of the date of this decision, a brief or additional evidence has not been received. Since 8 C.F.R. § 103.3(a)(1)(v) requires the AAO to summarily dismiss an appeal when the appellant fails to identify specifically any erroneous conclusion of law or statement of fact, the AAO would be obligated to summarily dismiss the current appeal if the appeal were not being rejected. No erroneous conclusion of law or statement of fact has been identified for the appeal.