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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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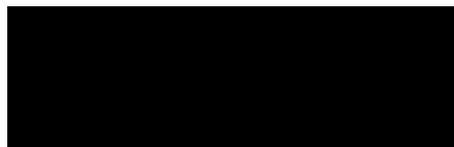


File: [Redacted] Office: TEXAS SERVICE CENTER Date: JUN 01 2005

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

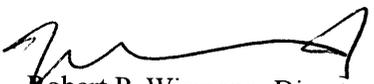
Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

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 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).

The petitioner operates as an international courier. It seeks to employ the beneficiary as a President and General Manager, and has petitioned to classify the beneficiary 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 determining that the petitioner failed to establish that the beneficiary will be employed in a primarily managerial or executive capacity.

The Form G-28, Entry of Appearance as Attorney or Representative, that was submitted with the initial petition was signed by [REDACTED] in the capacity of Vice President of the petitioner. The petitioner was listed in the section of the Form G-28 that reads "I hereby enter my appearance as attorney for (or representative of), and at the request of the following named person(s)" Thus, for the purpose of filing the initial petition, counsel clearly and properly represented the petitioner. Yet, the Form G-28 submitted on appeal is signed by the beneficiary only, in her personal capacity. In the aforementioned section of the form that denotes who is represented and who authorized such representation, only the beneficiary's name appears, and the corresponding box is checked to indicate that counsel represents the beneficiary. An address that is different from the petitioner's is listed on the form for the beneficiary, and it is presumed to be her personal residence. Nowhere on the form does it provide that counsel filed the appeal on behalf of 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 her 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)(1).

ORDER: The appeal is rejected.