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U.S. Citizenship
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Services

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File: SRC 05 085 51424 Office: TEXAS SERVICE CENTER Date: **MAR 06 2007**

IN RE: Petitioner:
Beneficiary:



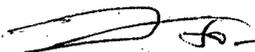
Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

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 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 property management. 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 November 28, 2005, the beneficiary filed a Form I-290B with the service center purporting to appeal the decision of the director dated October 31, 2005. 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 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).¹

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.

¹It must be noted that, in the Form I-290B and in the attachment thereto, the beneficiary gave as a reason for the appeal his omission of certain evidence from the record. He also seeks to offer that evidence on appeal. 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. The beneficiary did not identify any erroneous conclusion of law or statement of fact for the appeal. The petitioner's failure to provide evidence supporting its petition is not a valid basis for an appeal.