

U.S. Department of Homeland Security  
U. S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services



D7

DATE: **DEC 08 2012**

OFFICE: VERMONT SERVICE CENTER

FILE: 

IN RE: Petitioner:  
Beneficiary:



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

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you.

Ron Rosenberg  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center, denied the nonimmigrant visa petition. The Administrative Appeals Office (AAO) denied the petitioner's subsequent appeal. The petitioner has now filed a second appeal with the AAO. The AAO will reject the appeal.

The petitioner filed a nonimmigrant petition seeking to extend the beneficiary's employment as an 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 on the basis that the petitioner failed to show the beneficiary would be employed in a managerial or executive capacity. The petitioner subsequently appealed that denial. The AAO upheld the director's decision and dismissed the appeal on January 30, 2012, further finding that the petitioner failed to establish that it has a qualifying relationship with the beneficiary's foreign employer.

On March 6, 2012, the petitioner submitted a second appeal, which the director forwarded to the AAO.

The petitioner seeks appellate review of the AAO's own decision. There is no statutory or regulatory provision that permits the petitioner to file more than one appeal before the AAO with regard to the same petition. *See* 8 C.F.R. § 103.3(a)(1)(ii). The authority to adjudicate appeals is delegated to the AAO by the Secretary of the Department of Homeland Security (DHS) pursuant to the authority vested in him through the Homeland Security Act of 2002, Pub. L. 107-296. *See* DHS Delegation Number 0150.1 (effective March 1, 2003); *see also* 8 C.F.R. § 2.1 (2003). The AAO exercises appellate jurisdiction over the matters described at 8 C.F.R. § 103.1(f)(3)(iii) (as in effect on February 28, 2003), with one exception - petitions for approval of schools under § 214.3 are now the responsibility of Immigration and Customs Enforcement (ICE). The AAO does not exercise appellate jurisdiction over its own decisions. Accordingly, the appeal is not properly within the AAO's jurisdiction.

As noted in the AAO's cover letter, the petitioner had the option of filing a motion to reopen or a motion to reconsider the AAO's most recent decision within 33 days of service pursuant to 8 C.F.R. § 103.5 but neither the Form I-290B itself nor the petitioner's brief indicated an intent to file a motion. Counsel clearly indicated on the Form I-290B that the petitioner seeks to appeal the AAO's decision dated August 30, 2011.

Therefore, 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.