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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



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DATE: **FEB 07 2012** Office: CALIFORNIA SERVICE CENTER FILE 

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)

COPY TO:  


**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.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The director, California Service Center, denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will reject the appeal as improperly filed.

The petitioner filed this nonimmigrant petition seeking to employ the beneficiary as a 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, a California corporation, states that it operates retail shoe stores. It claims to be a subsidiary of [REDACTED] located in China. The petitioner seeks to employ the beneficiary in the position of sales manager for a period of one year.

The director denied the petition, concluding that the petitioner failed to establish: (1) that the beneficiary would be employed in the United States in a primarily managerial or executive capacity; and (2) that the U.S. company has a qualifying relationship with the claimed foreign parent company.

The beneficiary filed the instant Form I-290B, Notice of Appeal or Motion, on March 8, 2010. The beneficiary stated: "I am appealing because I don't think that all the evidence was received or fairly judged. I wish I have the chance to resubmit more information to provide my case." The petitioner submitted additional evidence to the AAO on April 9, 2010.

The appeal must be rejected because it was improperly filed. In order to properly file an appeal, the regulation at 8 C.F.R. § 103.3(a)(2)(i) provides that the affected party must file the complete appeal within 30 days of service of the unfavorable decision.

The regulation at 8 C.F.R. § 103.3(a)(1)(iii) states, in pertinent part:

- (B) *Meaning of affected party.* For purposes of this section and sections 103.4 and 103.5 of this part, *affected party* (in addition to the Service) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition. An affected party may be represented by an attorney or representative in accordance with part 292 of this chapter.

The regulation at 8 C.F.R. § 103.3(a)(2)(v) states:

- (A) *Appeal filed by person or entity not entitled to file it -- (1) Rejection without refund of filing fee.* An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee the Service has accepted will not be refunded.

Therefore, U.S. Citizenship and Immigration Services (USCIS) regulations specifically limit the filing of an appeal to an affected party (the person or entity with legal standing) and/or to the party's attorney or representative authorized pursuant to 8 C.F.R. § 292. The meaning of affected party does not include the beneficiary of a visa petition. The record does not reflect that the beneficiary is an officer or authorized signatory of the petitioning company with the legal standing to file an appeal on the petitioner's behalf.

The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(1) provides that an appeal filed by a person or entity not entitled to file it is improperly filed and must be rejected. Inasmuch as the beneficiary has no standing to file an appeal in this matter, the appeal must also be rejected as improperly filed.

**ORDER:** The appeal is rejected.