

(b)(6)

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



U.S. Citizenship  
and Immigration  
Services

DATE: **APR 11 2013**

Office: CALIFORNIA SERVICE CENTER

FILE: [REDACTED]

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)

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.

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 in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** 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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg

Acting Chief, Administrative Appeals Office

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

The petitioner filed a nonimmigrant visa petition seeking to employ the beneficiary in the position of Applications Engineer for three years 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 finding that the petitioner failed to establish that the beneficiary has been employed in a managerial or executive capacity, or in a position involving specialized knowledge, with the petitioner's German parent company. A timely appeal was filed.

Upon review, the appeal must be rejected because it was not properly filed.

The Form I-290B, Notice of Appeal or Motion, was allegedly signed by [REDACTED] of The Law Offices of [REDACTED] and was accompanied by a Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, entering his appearance in the matter before the AAO. The Form I-129, Petition for a Nonimmigrant Worker, as well as the Form G-28 accompanying the Form I-129, was also allegedly signed by [REDACTED]. A review of the record, however, shows that the signatures that appeared on the Form I-129 and previous Form G-28 bear no resemblance to the signatures that appear on the Form I-290B and the Form G-28 accompanying the appeal. It is evident that the documents submitted on appeal were not signed by the same person.

The regulation governing representation in filing immigration petitions and/or applications with United States Citizenship and Immigration Services (USCIS) is found at 8 C.F.R. § 103.2(a)(3), which provides in pertinent part that:

(3) *Representation.* An applicant or petitioner may be represented by an attorney in the United States, as defined in § 1.1(f) of this chapter, by an attorney outside the United States as defined in § 292.1(a)(6) of this chapter, or by an accredited representative as defined in § 292.1(a)(4) of this chapter.

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 record does not reflect that the Form I-290B, Notice of Appeal or Motion, was signed by the petitioner or by the petitioner's attorney. The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(I) provides that an appeal filed by a person or entity not entitled to file it is improperly filed and must be rejected. Accordingly, the appeal will be rejected.

**ORDER:** The appeal is rejected.