U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 13726427

Date: FEB. 09, 2021

Appeal of an Administrative Appeals Office Decision

Form I-129, Petition for L-1A Manager or Executive

The Petitioner, describing itself as a "household" business, seeks temporarily employ the Beneficiary as an executive chef under the L-1A nonimmigrant classification for intracompany transferees. See Immigration and Nationality Act (the Act) section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L).

The Director of the Texas Service Center denied the petition, concluding the record did not establish that the Petitioner was doing business as defined by the regulations. The Petitioner later filed an appeal that we dismissed for not being properly signed. The matter is now before us again on appeal.

However, we do not have appellate jurisdiction over our own decisions. The authority to adjudicate appeals is delegated to us by the Secretary of the U.S. Department of Homeland Security (DHS) pursuant to the authority vested in him or her 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). This office 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, i.e., petitions for approval of schools to accept foreign students are now the responsibility of Immigration and Customs Enforcement (ICE). See DHS Delegation Number 0150.1(U) supra; 8 C.F.R. § 103.3(a)(iv); and 8 C.F.R. § 214.3.

More specifically, while an affected party may file a motion to seek further review of one of our appellate decisions, there is no provision to appeal anything other than United States Citizenship and Immigration Service (USCIS) service center or field office decisions. See 8 C.F.R. § 103.5(a)(6). Accordingly, the current appeal is not properly before us. This matter may only be brought before us again upon the proper filing of a motion to reopen or motion to reconsider pursuant to the regulation at 8 C.F.R. § 103.5. The petitioner clearly marked on the Form I-290B Notice of Appeal or Motion that it intended to file an appeal.

Therefore, as the appeal was not properly filed, it must be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

ORDER: The appeal is rejected.