

PUBLIC COPY

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



**U.S. Citizenship
and Immigration
Services**

B6



FILE: [REDACTED]
SRC 02 178 53936

Office: TEXAS SERVICE CENTER

Date: **NOV 27 2007**

IN RE: Petitioner:
Beneficiary:



PETITION: Immigrant Petition for Alien Worker as a Skilled Worker or Professional Pursuant to Section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON 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.

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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner is a law firm. It seeks to employ the beneficiary permanently in the United States as a correspondence clerk. As required by statute, the petition is accompanied by a Form ETA 750, Application for Alien Employment Certification, approved by the Department of Labor. In her denial notice, the director indicated that there was evidence in the record that the beneficiary is inadmissible under Section 212(a)(6)(C) of the Act based on willful misrepresentation of a material fact. The director also determined that the petitioner had not established that as of the priority date, the beneficiary had the education and qualifying experience required by the Form ETA 750 as certified. The director denied the petition accordingly.

The record shows that the appeal is properly filed, timely and makes a specific allegation of error in law or fact. The procedural history in this case is documented by the record and incorporated into the decision. Further elaboration of the procedural history will be made only as necessary.

During the adjudication of the appeal, evidence came to light that the petitioner in this matter had been dissolved. See attached print-outs from the Florida Department of State, Division of Corporations official website which indicate that [REDACTED] dissolved on October 1, 2004. Therefore, on October 26, 2007, this office sent the petitioner a notice of derogatory information regarding this finding in which it informed the petitioner that if it was indeed no longer an active business, the petition and its appeal to the AAO would have become moot.¹ In which case, the AAO would dismiss the instant appeal as moot. The notice afforded the petitioner an opportunity to respond and to overcome the evidence in the attached print-outs.

In that notice, this office also informed the petitioner that [REDACTED] is listed as the attorney of record in this [REDACTED] ting at an address which is different from the address listed above for the petitioning business and [REDACTED] owever, according to the Executive Office for Immigration Review (EOIR) official website <http://www.usdoj.gov/eoir/profcond/chart.htm> (accessed October 24, 2007), on December 7, 2004, [REDACTED] was expelled from practice before DHS, the Board of Immigration Appeals (BIA), and the EOIR.² Consequently, this office shall treat the petitioner as self-represented and will not send an additional copy of its correspondence to the petitioner to [REDACTED] law office.

The AAO sent the notice of derogatory information to the petitioner's address of record. The U.S. Postal Service returned the notice to this office as "not deliverable"/ "unable to forward." As such, this office finds, in keeping with the attached record from the Florida Department of State, Division of Corporations official website, that the petitioner is dissolved. Thus, further pursuit of the instant petition is moot.

ORDER: The appeal is dismissed as moot based on the finding that the petitioner has dissolved.

¹ Where there is no active business, no legitimate job offer exists, and the request that a foreign worker be allowed to fill the position listed in the petition has become moot.

² According to the August 29, 2003 article, "Probe of suspicious visas uncovers immigration fraud," written by [REDACTED] of the Associated Press, [REDACTED] was convicted of immigration fraud and sentenced to over eight years in federal prison.