

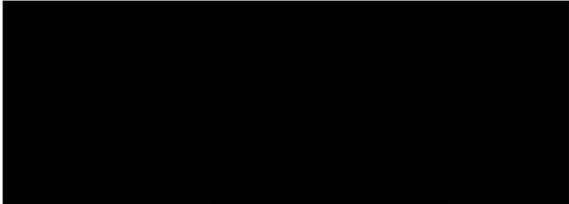


U.S. Citizenship
and Immigration
Services

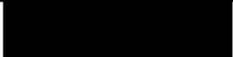
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prevent clearly unwarranted
invasion of personal privacy

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FILE:



Office: VERMONT SERVICE CENTER

Date: JUL 28 2008

EAC-04-055-51501

IN RE:

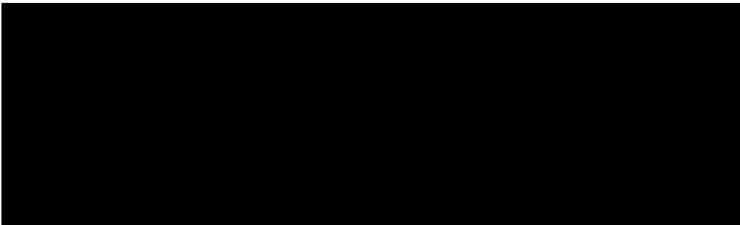
Petitioner:



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:



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.

Robert P. Wiemann, Chief
Administrative Appeals Office

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

The petitioner was a law firm. It sought to employ the beneficiary permanently in the United States as a paralegal. As required by statute, the petition was accompanied by a Form ETA 750, Application for Alien Employment Certification, approved by the Department of Labor (DOL). The director determined that a bona fide job offer did not exist given that the president of the petitioner was convicted of conspiracy to commit immigration fraud. The director denied the petition on October 28, 2005 accordingly.

The instant appeal was filed on November 14, 2005 by [REDACTED] of the petitioner. During the adjudication of the appeal, evidence came to light that the petitioner in this matter had been forfeited. See attached print-outs from the Maryland Department of Assessments and Taxation, Taxpayer Services Division official website which indicate that the status of [REDACTED] was forfeited. Therefore, on March 17, 2008, 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 notes that [REDACTED] the sole member of the petitioner as a Maryland limited liability company to practice law, was convicted in multiple counts of immigration fraud on April 14, 2005, after a jury trial in the United States District Court for the District of Maryland, Northern Division; that [REDACTED] was convicted of various counts regarding the falsifying of Labor Certification applications and conspiracy to submit false Labor Certifications; and that consequently, the District of Columbia Bar Association suspended [REDACTED] membership and on September 15, 2005, U.S. Department of Justice Executive Office for Immigration Review granted a petition for immediate suspension and suspended [REDACTED] from the practice of law before the Board of Immigration Appeals, the Immigration Courts and the Department of Homeland Security (DHS). See <http://www.usdoj.gov/eoir/profcond/chart.htm>.

The petitioner responded to the AAO's notice of derogatory information on April 15, 2008 through counsel. However, the response does not contain any evidence or assertions to rebut the derogatory information in the notice. As such, this office finds, in keeping with the attached record from the Maryland Department of Assessments and Taxation, Taxpayer Services Division official website, that the petitioner's status has been forfeited, and thus, the petitioner no longer qualifies as a United States employer capable of making a valid job offer. Therefore, further pursuit of the instant petition is moot.

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

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.