

U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services

PUBLIC COPY

ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS, AAO, 20 Mass, 3/F
Washington, DC 20536



File: WAC 98 140 52081 Office: CALIFORNIA SERVICE CENTER Date:

AUG 21 2003

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)

ON BEHALF OF PETITIONER:



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

INSTRUCTIONS:

This is the decision 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.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Bureau of Citizenship and Immigration Services (Bureau) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The immigrant visa petition was denied by the Director, California Service Center. This is a second motion to reconsider the Administrative Appeals Office decision dismissing the appeal of the denial of the petition. The motion will be dismissed as moot.

The petitioner, a computer consultancy and software business, seeks to classify the beneficiary as a multinational executive or manager to serve as its president. The director's decision to deny the petition was upheld on appeal and again affirmed in response to the petitioner's first motion to reopen and reconsider.

On this second motion, counsel submits a copy of a decision (WAC 99 213 51795) in a nonimmigrant visa petition case that was issued by the Director of the California Service Center dated September 29, 1999. Counsel argues that the director did not properly consider a brief that was filed in that case.

A review of Bureau records indicates that this beneficiary has adjusted status to that of a permanent resident as of February 7, 2003. As the beneficiary is presently a permanent resident, the issues in this proceeding are moot.

ORDER: The motion is dismissed.