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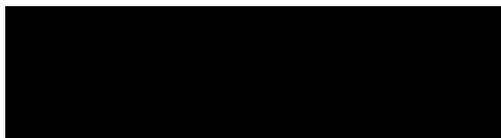
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U.S. Department of Homeland Security  
20 Massachusetts Ave., N.W., Rm. A3042  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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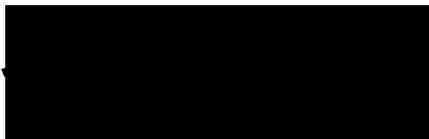


File: [Redacted] Office: VERMONT SERVICE CENTER Date: JUN 01 2005

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)

IN 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, Director  
Administrative Appeals Office

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

The petitioner filed this nonimmigrant petition seeking to extend the employment of its vice president 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 petitioner is a corporation organized in the State of New York that is engaged in the import and wholesale distribution of apparel manufactured in India. The petitioner claims that it is the subsidiary of Hems Apparel, located in Bombay, India. The beneficiary has served as the petitioner's vice president in L-1A status since November 1998 and the petitioner now seeks to extend the beneficiary's stay for an additional two years.

The director denied the petition concluding that the petitioner did not establish that the beneficiary would be employed in a primarily managerial or executive capacity.

The petitioner subsequently filed an appeal in response to the denial. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review. On appeal, counsel for the petitioner disputes the director's findings and contends that the director inappropriately raised issues in the decision which were not addressed in the request for evidence. Counsel asserts that the petitioner submitted sufficient evidence to establish that its subordinates are professionals. Counsel also contends that the director placed undue emphasis on the small size of the petitioner's staff without taking into account the petitioner's reasonable needs and use of independent contractors to perform certain functions.

A review of CIS records indicates that this beneficiary in this case is also the beneficiary of an approved family-based immigrant petition and has adjusted status to that of a permanent resident as of January 18, 2005. While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the beneficiary is presently a permanent resident and the issues in this proceeding are moot. Therefore, the appeal is dismissed.

**ORDER:** The appeal is dismissed as moot.