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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

DF

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:

[REDACTED]

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

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**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 manager, finance and planning 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 Virginia corporation engaged in telecommunications consulting, and claims to be an affiliate of the beneficiary's former foreign employer located in India. The beneficiary was initially granted a one-year period of stay to work in a new office and the petitioner now seeks to extend his status for a three-year period.

The director denied the petition on August 18, 2003, concluding that the petitioner did not establish that the beneficiary would be employed in a primarily managerial or executive capacity. The petitioner subsequently filed a timely appeal. However, on April 27, 2004, the director re-opened and approved the petition on service motion pursuant to 8 C.F.R. § 103.5(i).

Further, a review of Citizenship and Immigration Services (CIS) records indicates that this beneficiary in this case is also the beneficiary of an approved immigrant petition, filed by the same employer, and has adjusted status to that of a permanent resident as of December 2, 2004. While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the instant petition was approved subsequent to the filing of the appeal, and the beneficiary is presently a permanent resident. Accordingly the issues in this proceeding are moot and the appeal will be dismissed.

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