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Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services



DA

FILE: EAC 03 151 52749 Office: VERMONT SERVICE CENTER

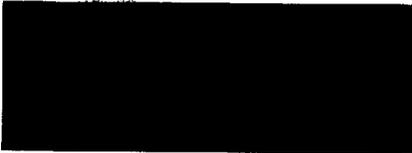
Date: MAY 12 2005

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:



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 appeal will be dismissed.

The petitioner states that it is a petrochemical technology licensing firm. It seeks to extend its authorization to employ the beneficiary temporarily in the United States as its cost control analyst, pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The director denied the petition, concluding that the petitioner has failed to establish that the beneficiary would be employed in a primarily managerial or executive capacity, or that the U.S. entity currently can support such a position.

On appeal, counsel for the petitioner contends that the beneficiary qualifies as an intra-company transferee under the statute because she “manages an essential function within the organization.” Counsel also asserts that the beneficiary possesses “specialized knowledge” of the company and the industry.

A review of the records of the Citizenship and Immigration Services indicates that this beneficiary is also the beneficiary of an approved immigrant petition, filed by the same employer, and has adjusted status to that of a permanent resident status as of July 13, 2004. While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the beneficiary is presently a permanent resident and the issues in this proceeding are moot.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, this appeal is dismissed.

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