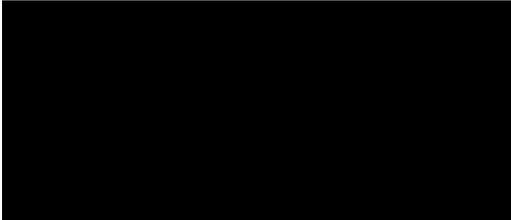




U.S. Citizenship
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DA

File: WAC 04 029 50625 Office: CALIFORNIA SERVICE CENTER Date: NOV 29 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:

SELF-REPRESENTED

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, California 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 employ the beneficiary 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 new corporation organized in the State of California that intends to operate a restaurant. The petitioner claims that it is a subsidiary of Broad Vision Consultants, located in Makati City, Philippines. The petitioner seeks to employ the beneficiary as its president and general manager for a three-year period.

The director denied the petition concluding that the petitioner did not establish: (1) that the petitioner has a qualifying relationship with the foreign entity; (2) that the beneficiary has been employed in a managerial or executive capacity with the foreign entity; or (3) the financial ability to commence doing business in the United States.

The petitioner subsequently filed an appeal in response to the denial on September 30, 2004. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review. On appeal, the petitioner states it will submit a brief and/or evidence to the AAO within 30 days. To date, no additional evidence has been received.

A review of CIS records indicates that the 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 June 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.