

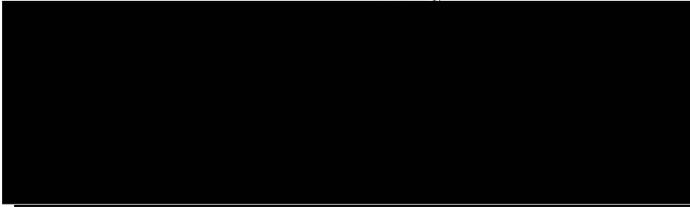
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Citizenship
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Services

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File: SRC 05 148 50081 Office: TEXAS SERVICE CENTER Date: **DEC 05 2006**

IN RE: Petitioner: 
Beneficiary:

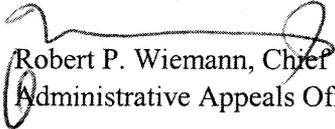
Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

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, Chief
Administrative Appeals Office

DISCUSSION: The Director, Texas 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 filed this nonimmigrant petition seeking to extend the beneficiary's employment 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 Florida corporation engaged in the sale of marble and granite products. It states that it is an affiliate of Tracomal Mineracao, located in Serra, Brazil. The beneficiary was initially granted a one-year period of stay in L-1A status in order to open a new office in the United States. The petitioner now seeks to employ the beneficiary in the position of "Vice President – Sales/Sales Executive" for two additional years.

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

The petitioner subsequently filed the instant appeal. 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 asserts that the beneficiary will be employed in a managerial or executive capacity and submits a brief and documentary evidence in support of this claim.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that the beneficiary of this petition has filed a Form I-485, Application to Register Permanent Residence or Adjust Status, which was approved on November 1, 2006. While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the beneficiary is presently a lawful U.S. permanent resident and the issues in this proceeding are moot. Therefore, the appeal is dismissed.

ORDER: The appeal is dismissed as moot.