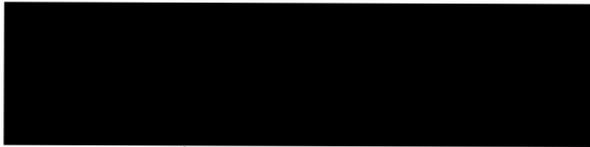


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prevent clearly unwarranted
invasion of personal privacy**



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



07

File: LIN 03 179 51843 Office: NEBRASKA SERVICE CENTER Date: **OCT 04 2006**

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

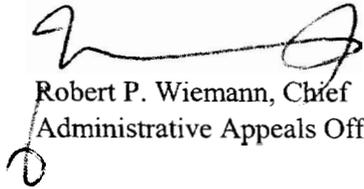
Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

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, Nebraska 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 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 Washington corporation that states that it exports advanced medical equipment and related software and technology. The petitioner claims that it is a subsidiary of a Chinese company [REDACTED]. The petitioner seeks to employ the beneficiary as its president for a two-year period.

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

The petitioner subsequently filed an 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 director erred in determining that the beneficiary would not supervise subordinate managerial personnel. Counsel submits a brief and an expert opinion letter in support of the appeal.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that the instant beneficiary's spouse was the beneficiary of an approved employment-based immigrant petition, and that the beneficiary in this case has adjusted status to that of a legal U.S. permanent resident as of April 7, 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, this appeal is dismissed.

ORDER: The appeal is dismissed as moot.