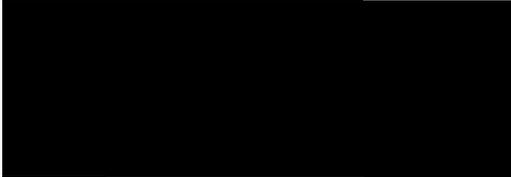


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U.S. Citizenship
and Immigration
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FILE: WAC 05 094 51020 Office: CALIFORNIA SERVICE CENTER

Date: **SEP 26 2006**

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

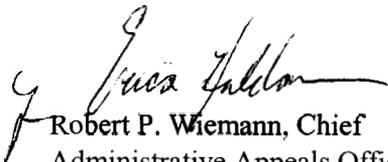
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

ON BEHALF OF PETITIONER:

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, Chief
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 appeal will be dismissed.

The petitioner, a California corporation, claims to be an affiliate of [REDACTED] located in India. The petitioner states that the United States entity is engaged in the software design and development business. Accordingly, the United States entity petitioned CIS to classify the beneficiary as a nonimmigrant intracompany transferee (L-1A) pursuant to section 101(a)(15)(L) of the Act as an executive or manager for three years. The beneficiary was initially granted L-1A classification for a period of three years and the petitioner now seeks to extend the beneficiary's stay in order to continue to fill the position of project manager.

On April 4, 2005 the director denied the petition on the ground that the petitioner filed the instant case more than four months before the proposed employment will commence or the extension of stay is required, pursuant to the instructions on the Form I-129. The director stated "the petitioner filed this instant case on February 15, 2005, requesting an employment start date of August 23, 2005. Said start date is in excess of (4) months before the date of actual need for the beneficiary's services." The director noted that the petitioner may re-file the petition at a later date consistent with the regulations at 8 C.F.R. § 214.2(1)(3).

The petitioner subsequently filed an appeal on April 25, 2005. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review. The petitioner submits a letter and additional documentation in support of the appeal.

A review of Citizenship and Immigration Services records indicates that this beneficiary is also the beneficiary of an approved L-1A nonimmigrant petition filed by the same petitioner on July 1, 2005, valid from August 23, 2005 until August 22, 2007 (WAC 05 193 50342). While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the petitioner timely filed a new I-129 petition requesting an extension of the beneficiary's status, and the beneficiary was granted the requested extension. Accordingly, the issue in this proceeding is moot, and the appeal is dismissed.

ORDER: The appeal is dismissed as moot.