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U.S. Citizenship
and Immigration
Services

D7

File: SRC 03 060 50273 Office: TEXAS SERVICE CENTER Date: APR 05 2007

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)

IN 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 petitioner appealed this decision to the Administrative Appeals Office (AAO). The AAO dismissed this appeal on August 1, 2005. The petitioner filed a motion to reconsider or reopen the decision of the AAO. The motion will be dismissed as moot.

The petitioner filed this nonimmigrant visa petition seeking to extend the employment of the beneficiary in the position of general manager 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 director denied the petition concluding that the petitioner failed to establish (1) that the petitioner is doing business; or (2) that the beneficiary would be employed primarily in a managerial or executive capacity. The AAO dismissed the subsequently filed appeal.

The petitioner filed the instant motion to reconsider or reopen the AAO's decision.

A review of Citizenship and Immigration Services records indicates that this beneficiary is also the beneficiary of an approved immigrant petition and has adjusted status to that of a permanent resident on January 4, 2006. While the petitioner has not withdrawn the instant motion, it would appear that the beneficiary is presently a permanent resident and the issues in this proceeding are moot. Therefore, this motion is dismissed.

ORDER: The motion is dismissed as moot.