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U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
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U.S. Citizenship
and Immigration
Services

87

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File: EAC 06 188 51777 Office: VERMONT SERVICE CENTER Date: AUG 06 2007

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

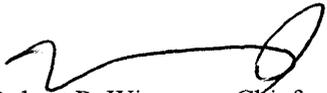
Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

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, Vermont 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 extend the employment of its president/branch 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 petitioner, a California corporation, states that it is engaged in the import and sale of electronic instruments, and claims to be a subsidiary of K-Won C&C Co., Ltd., located in Seoul, Korea.

The director denied the petition concluding that the petitioner did not establish that the beneficiary would be employed in a primarily managerial or executive capacity. The petitioner subsequently filed an appeal in response to the denial. On appeal, counsel for the petitioner disputes the director's findings asserts that the petitioner submitted sufficient evidence to establish that the beneficiary would be employed in a managerial capacity.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that the beneficiary in this case is also the beneficiary of an approved first preference employment-based immigrant petition and has adjusted status to that of a U.S. permanent resident as of October 24, 2006. 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.