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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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File: EAC 02 141 54540 Office: VERMONT SERVICE CENTER Date: DEC 26 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, 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 visa petition seeking to extend the employment of the beneficiary in the position of applications software analyst/programmer as an L-1B nonimmigrant intracompany transferee having specialized knowledge 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 did not establish that the beneficiary has been or will be employed in a capacity involving specialized knowledge.

The petitioner filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review.

A review of Citizenship and Immigration Services records indicates that this beneficiary was also the beneficiary of an approved L-1B nonimmigrant petition filed by the same petitioner, valid from January 16, 2004 until March 22, 2005 (EAC 04 068 50176). While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the beneficiary was either in L-1B status during the period of validity requested in the instant petition or was able to apply for the appropriate visa abroad, and the issues in this proceeding are moot. Therefore, this appeal is dismissed.

ORDER: The appeal is dismissed as moot.