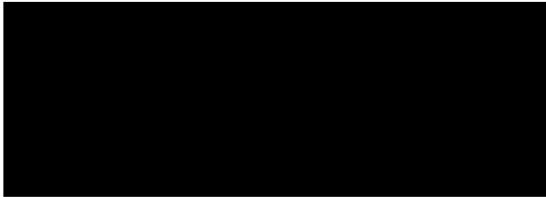




U.S. Citizenship  
and Immigration  
Services

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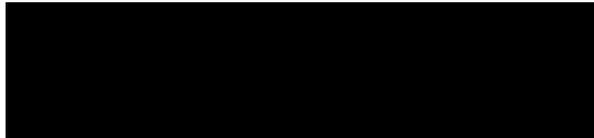
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D7

File: EAC 06 209 52970 Office: VERMONT SERVICE CENTER Date: SEP 06 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)

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, 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 employ the beneficiary 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 Florida corporation, intends to engage in the import and sale of girdles, body shapers, lingerie, underwear, and nightwear. The petitioner states that it is a subsidiary of Auto Posto Estrela do Sul Ltda., located in Sao Paulo, Brazil. The petitioner seeks to employ the beneficiary as the general manager of its new office in the United States for a one-year period.

The director denied the petition concluding that the petitioner failed to establish that the beneficiary will be employed in the United States in a primarily managerial or executive capacity within one year.

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, the petitioner asserts that the director placed undue emphasis on the anticipated size of the petitioning organization in determining that the company would not support a managerial or executive position within one year.

To establish eligibility for the L-1 nonimmigrant visa classification, the petitioner must meet the criteria outlined in section 101(a)(15)(L) of the Act. Specifically, a qualifying organization must have employed the beneficiary in a qualifying managerial or executive capacity, or in a specialized knowledge capacity, for one continuous year within three years preceding the beneficiary's application for admission into the United States. In addition, the beneficiary must seek to enter the United States temporarily to continue rendering his or her services to the same employer or a subsidiary or affiliate thereof in a managerial, executive, or specialized knowledge capacity.

According to publicly available corporate records held by the office of the Florida Secretary of State, the petitioner's corporate status in Florida has been "voluntarily dissolved." The petitioner filed articles of dissolution on March 29, 2007. [REDACTED] Therefore, as the petitioner has voluntarily elected to wind-up its operations and has completely dissolved its business as a corporation, the company no longer exists and can no longer be considered a legal entity in the United States. It is fundamental to this nonimmigrant classification that there be a United States entity to employ the beneficiary. In order to meet the definition of "qualifying organization," there must be a United States employer. *See* 8 C.F.R. 214.2(l)(1)(ii)(G)(2). The dissolution of the U.S. company clearly and unequivocally renders the beneficiary ineligible for the requested classification. While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the U.S. petitioner no longer exists, thus the issues in this proceeding are moot. Therefore, the appeal will be dismissed.

**ORDER:** The appeal is dismissed as moot.