



U.S. Citizenship
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File: WAC 02 182 50402 Office: CALIFORNIA 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:



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 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 California corporation, is described as a producer, importer and retailer of Persian rugs and kilims. The petitioner states that it is a subsidiary of the beneficiary's foreign employer, which is located in Iran. The petitioner seeks to open a new office in the United States and has requested that the beneficiary be granted a one-year period in L-1A classification to serve as its managing director and chief financial officer.

The director concluded that the beneficiary is a native of Iran who would be coming to the United States to work as an employee of an Iranian business entity. Therefore, in accordance with the Executive Orders and regulations relating to Iranian economic sanctions, the director concluded that the beneficiary is not authorized to carry out activities in the United States as an intra-company transferee.

On appeal, counsel for the petitioner asserts that the beneficiary is coming to the United States to work for a U.S.-based entity organized under the laws of California, and as such, he will not be an agent, employee or contractor of the Government of Iran or a business entity or other organization in Iran. Counsel emphasizes that the services to be offered by the beneficiary are not addressed specifically and are not prohibited pursuant to the regulation at 31 C.F.R. § 560.306(d)(3). Finally, counsel notes that the goods to be imported by the U.S. petitioner, Iranian carpets, are among the imported goods authorized by the Department of Treasury regulations.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that the beneficiary in this matter is also the beneficiary of an approved family-based immigrant petition. The beneficiary has adjusted status to that of a U.S. permanent resident as of December 23, 2003. 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.