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U.S. Citizenship  
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File: EAC 07 168 51725 Office: VERMONT SERVICE CENTER

Date: NOV 03 2008

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center, denied the petition for a nonimmigrant visa and affirmed her decision on a subsequent motion to reopen and reconsider. 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 executive director/president 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 Virginia corporation, is described as a publishing and multi-media services provider.

The director denied the petition on November 14, 2007, concluding that the petitioner failed to establish that the beneficiary will be employed in a primarily managerial or executive capacity. The director granted the petitioner's subsequent motion to re-consider and affirmed the denial of the petition on April 29, 2008. The petitioner subsequently filed a timely appeal on May 30, 2008, which is now before the AAO.

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 employment-based immigrant visa petition filed by the petitioning company. The beneficiary adjusted status to that of a U.S. permanent resident as of August 26, 2008. While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the beneficiary is presently a lawful permanent resident and the issues in this proceeding are moot. Therefore, the appeal is dismissed.

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