



U.S. Citizenship
and Immigration
Services

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File: WAC 03 094 50471 Office: CALIFORNIA SERVICE CENTER Date: NOV 27 2006

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

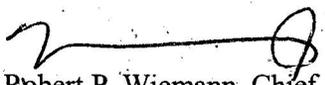
Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

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 nonimmigrant visa petition was denied by the Director, California Service Center. The matter is now before the Administrative Appeals Office (AAO) on a motion to reopen and reconsider. The motion will be dismissed.

The petitioner claims to be in the electronics and wholesale business. It seeks to employ the beneficiary temporarily in the United States as its marketing manager as a nonimmigrant intracompany transferee (L-1A) pursuant to section 101(a)(15)(L) of the Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The petitioner states that it is an affiliate of the beneficiary's foreign employer, located in Mexico. The director determined that the petitioner had not established that the petitioner and the foreign entity have a qualifying relationship. On motion, counsel for the petitioner argues that the foreign entity and the U.S. entity are affiliates since the same individuals control both companies. Counsel submits a brief and new documentary evidence in support of the motion.

A review of Citizenship and Immigration Services (CIS) records indicates that this beneficiary is also the beneficiary of an approved immigrant petition, filed by the same employer, and has adjusted status to that of a U.S. permanent resident as of March 15, 2006. While the petitioner has not withdrawn the motion in this proceeding, it would appear that the beneficiary is presently a permanent resident and the issues in this proceeding are moot. Therefore, this motion is dismissed.

ORDER: The motion is dismissed as moot.