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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

D7

File: EAC 98 098 51517 Office: VERMONT SERVICE CENTER Date: APR 22 2009

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:

[REDACTED]

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

A handwritten signature in black ink, appearing to read "John F. Grissom".

John F. Grissom
Acting 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 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 New York corporation, claims to be a subsidiary of [REDACTED], located in China. It seeks to employ the beneficiary as a manager for a three-year period.

The director denied the petition concluding that the petitioner did not establish that the beneficiary would be primarily employed in a managerial or executive position, as defined at section 101(a)(44)(A) and (B) of the Act, 8 U.S.C. § 1101(a)(44).

On appeal, counsel for the petitioner asserts that the director overlooked or misunderstood evidence submitted and asserts that the beneficiary has been and will be employed in a managerial or executive capacity.

A review of U.S. Citizenship and Immigration Services records indicates that this beneficiary is also the beneficiary of an approved Form I-130 immigrant visa petition and that she adjusted status to lawful permanent resident (IR6) on December 21, 2007. While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the beneficiary the issues in this proceeding are moot. Therefore, this appeal is dismissed.

ORDER: The appeal is dismissed as moot.