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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

[redacted]

D7

Date: APR 2 4 2012 Office: VERMONT SERVICE CENTER FILE: [redacted]

IN RE: Petitioner: [redacted]
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:

[redacted]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 $630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center denied the nonimmigrant visa petition. It then came before the Administrative Appeals Office (AAO) on appeal. On January 4, 2012, this office provided the petitioner with notice of adverse information in the record and afforded the petitioner an opportunity to provide evidence that might overcome this information.

The petitioner claims to be a corporation organized under the laws of the State of Florida. It seeks to employ the beneficiary as its sales manager. Accordingly, the petitioner endeavors to classify the beneficiary as a nonimmigrant alien pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The director denied the petition based on a finding that the petitioner failed to establish that it would employ the beneficiary in a qualifying managerial or executive capacity.

The AAO conducts appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). Pursuant to 8 C.F.R. § 103.2(b)(16)(i), the AAO notified the petitioner that a search of the State of Florida corporate records and business registrations revealed that the petitioner's corporate status was "inactive" and that the company had been administratively dissolved. *See* Website of [redacted]

[redacted]

This office also notified the petitioner that if it is currently dissolved, this fact is material to its eligibility for the requested visa. Specifically, the petitioner's dissolution raises serious questions about whether it continues to exist as an importing employer, whether the petitioner is a qualifying organization, and whether it is authorized to conduct business in a regular and systematic manner. *See* section 214(c)(1) of the Act; *see also* 8 C.F.R. §§ 214.2(l)(1)(ii)(G) and (l)(3).

The AAO allowed the petitioner 30 days in which to provide evidence to rebut the finding that the petitioner has been dissolved. More than 30 days have passed and the petitioner has failed to respond to this office's request for a certificate of good standing or other proof that the petitioner remains in operation as a viable business.[1]

In order to seek employment of the beneficiary as an intracompany transferee, the petitioner must be a United States legal entity that is the same employer as the firm, corporation, or other legal entity that employed the beneficiary abroad or the U.S. petitioner must be a subsidiary or affiliate of that foreign entity, and it must be doing business as defined at 8 C.F.R. § 214.2(l)(1)(ii)(H). Given that the petitioner's corporate status is shown as inactive and administratively dissolved, the AAO finds that the petitioner is no longer a legal entity that is qualified to file a nonimmigrant petition in the beneficiary's behalf.

[1] Even if the appeal could be otherwise sustained, the petition's approval would be subject to revocation pursuant to 8 C.F.R. § 214.2(l)(9)(iii) upon dissolution of the corporate entity.

as inactive and administratively dissolved, the AAO finds that the petitioner is no longer a legal entity that is qualified to file a nonimmigrant petition in the beneficiary's behalf.

The administrative dissolution of the corporation effectively terminates the employer's business. Where there is no active and legal U.S. entity, no legitimate job offer exists, and the request that a foreign worker be allowed to fill the position offered in the petition has become moot.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not met that burden. While the petitioner has not withdrawn the appeal in this proceeding, its dissolved corporate status renders the issues in this proceeding moot. Therefore, the appeal will be dismissed.

ORDER: The appeal is dismissed as moot.