(b)(6)

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

U.S. Citizenship and Immigration Services

DATE: AUG 2 7 2013 Office: TEXAS SERVICE CENTER FILE:

IN RE: Petitioner:
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Multinational Executive or Manager Pursuant to Section 203(b)(1)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(C)

ON BEHALF OF PETITIONER:

SELF REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at http://www.uscis.gov/forms for the latest information on fee, filing location, and other requirements.** *See also* 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO**.

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, recommended denial of the immigrant visa petition and certified his decision to the Administrative Appeals Office (AAO) pursuant to 8 C.F.R. § 103.4. On June 20, 2013, this office provided the petitioner with notice of adverse information and afforded the petitioner an opportunity to provide rebuttal evidence.

The petitioner states that it is a corporation organized under the laws of the State of Florida. The petitioner seeks to classify the beneficiary as an employment-based immigrant pursuant to section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(C), as a multinational executive or manager.

Pursuant to 8 C.F.R. § 103.2(b)(16)(i), the AAO notified the petitioner that, according to the records at the Florida Department of State Division of Corporations website, the petitioner has been administratively dissolved. *See* Website of Florida Department of State Division of Corporations, available at <http://search.sunbiz.org> (accessed June 19, 2013). The AAO provided the petitioner with a copy of this information and incorporated it into the record of proceeding.

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 maintains a qualifying relationship with a foreign entity, whether it is authorized to conduct business in a regular and systematic manner, and whether it is able to offer permanent employment to the beneficiary. *See* section 203(b)(1)(C) of the Act; *see also* 8 C.F.R. §§ 204.5(j)(2) and (3)(i)(C).

The AAO allowed the petitioner 30 days in which to provide evidence to rebut the finding that the petitioner has been dissolved. Specifically, the AAO requested a certificate of good standing or other proof that the petitioning company is currently active.

This office accorded 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. Thus, the petition will be denied as moot.[1]

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[1] Even if the petition were approvable, the petition's approval would be subject to revocation pursuant to section 205 of the Act upon dissolution of the petitioning employer. The petitioner's burden is not discharged until the immigrant visa is issued. *Tongatapu Woodcraft of Hawaii, Ltd. v. Feldman*, 736 F.2d 1305 (9th Cir. 1984). Accordingly, the AAO finds that the dissolution of the petitioner deprives this certification proceeding of any practical significance. Considerations of prudence warrant the denial of the petition as moot. *See Matter of Luis*, 22 I&N Dec. 747, 753 (BIA 1999).

The AAO conducts appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). 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.

ORDER: The petition is denied.