



U.S. Citizenship
and Immigration
Services

(b)(6)

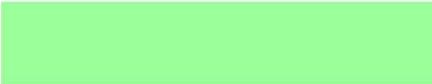


DATE: JUN 10 2013

Office: NEBRASKA SERVICE CENTER

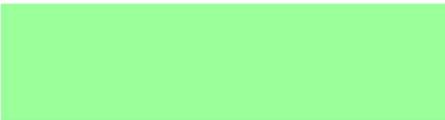
FILE: 

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:



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 in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** 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,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the preference visa petition. The Administrative Appeals Office (AAO) dismissed the petitioner's subsequent appeal. The matter is now before the AAO on a combined motion to reopen and reconsider. The AAO will dismiss the motion as moot.

The petitioner is a Michigan corporation. It seeks to employ the beneficiary as president of its fast food business. Accordingly, the petitioner endeavors 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.

The director denied the petition after concluding that the petitioner failed to establish that the beneficiary was employed by the foreign entity in a managerial capacity and that the beneficiary is currently and will continue to be employed in a managerial or executive capacity. Counsel for the petitioner filed a subsequent appeal.

On appeal, the AAO found that the petitioner presented sufficient evidence to overcome the director's objections and to establish that the beneficiary works as an executive for the U.S. entity. However, the AAO affirmed the director's finding that the petitioner failed to establish that the beneficiary was employed by the foreign entity in a managerial position for at least one year in the three-years immediately preceding his entry in the United States in nonimmigrant E-2 status. Consequently, the AAO dismissed the appeal.

Counsel for the petitioner subsequently filed the instant motion to reopen and reconsider. A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that the beneficiary of this petition adjusted status to that of a U.S. lawful permanent resident as of April 29, 2010 (A61 303 974).

Accordingly, the AAO finds that the beneficiary's adjustment of status deprives this appeal of any practical significance. Considerations of prudence warrant the dismissal of the appeal as moot. *See Matter of Luis*, 22 I&N Dec. 747, 753 (BIA 1999).

ORDER: The appeal is dismissed as moot.