



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF N-E-T-, INC.

DATE: JULY 28, 2016

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, an import-export company and real estate firm, sought to permanently employ the Beneficiary as its executive director under the first preference immigrant classification for multinational executives or managers. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(C), 8 U.S.C. § 1153(b)(1)(C). This classification allows a U.S. employer to permanently transfer a qualified foreign employee to the United States to work in an executive or managerial capacity.

The Director, Texas Service Center, denied the petition. The Petitioner filed a motion to reconsider. The Director denied that motion for untimely filing. The matter is now before us on appeal. We will dismiss the appeal as moot.

The Petitioner was incorporated under the laws of the State of Florida. During the adjudication of the appeal, the Petitioner filed articles of dissolution and a notice of corporate dissolution with the Florida Department of State, effective March 16, 2016.¹ The Petitioner's dissolved status is material to its eligibility for the requested visa. Specifically, the Petitioner's dissolution indicates that it does not continue to exist as an intending employer, does not maintain a qualifying relationship with a foreign entity, and is not authorized to conduct business in a regular and systematic manner as a firm, corporation, or other entity, as is required for the immigrant classification sought. *See* section 203(b)(1)(C) of the Act; *see also* 8 C.F.R. §§ 204.5(j). The dissolution of the corporation effectively terminates the employer's business. Where there is no active and legal U.S. entity, no *bona fide* job offer exists for the Beneficiary and the Petitioner is no longer eligible to file a Form I-140, Immigrant Petition for Alien Worker, on the Beneficiary's behalf. Therefore, the petition has become moot and the appeal must be dismissed.

ORDER: The appeal is dismissed.

Cite as *Matter of N-E-T-, Inc.*, ID# 10844 (AAO July 28, 2016)

¹ *See* <http://search.sunbiz.org/Inquiry/CorporationSearch>