

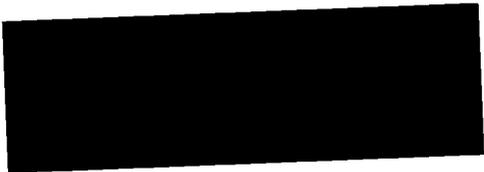
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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090
**U.S. Citizenship
and Immigration
Services**



D2



DATE: **FEB 07 2012** Office: CALIFORNIA SERVICE CENTER FILE:

IN RE: Petitioner:
Beneficiary:

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

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. 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: On appeal to the Administrative Appeals Office (AAO) is the service center director's revocation of the approval of an H-1B nonimmigrant visa petition that the petitioner had filed on the behalf of the beneficiary to serve as an accountant. The appeal will be dismissed as the matter is now moot.

On July 30, 2010, the AAO issued a Request for Additional Evidence (RFE) in order to allow the petitioner the opportunity to submit evidence regarding its legal status during the period relevant to the petition. As noted in the RFE, the AAO's review of the record of proceeding revealed that the petition was filed on January 2, 2002 for a period of intended employment to end on November 1, 2004, but a search of the California Secretary of State's Business Entity Detail database at the Internet site <http://kepler.sos.ca.gov/cbs.aspx> indicated that the petitioner was not incorporated until October 13, 2004, almost three years after the petition was filed. Additionally, as also noted in the RFE, a search at the same Internet site for the petitioner as a Limited Liability Company/Limited Partnership returned no record of any entity. Further, the record of proceeding contains no documentary evidence that the petitioner was a legal entity at the time that the petition was filed.

The RFE requested the petitioner to submit to the AAO whatever documentary evidence may exist regarding its legal status from January 2, 2002, the date the petition was filed, until October 13, 2004, the incorporation date appearing on the aforementioned California Secretary of State's Business Entity Detail database. The RFE notified the petitioner that, unless it responded with sufficient documentary evidence to establish that it was a corporation or other independent legal entity on the date the petition was filed, and that it continued in such status until the end of the period of employment specified in the Form I-129 (November 1, 2004), the AAO would dismiss the appeal as moot, because the approval of any petition is automatically revoked if the petitioner is not in business. As the regulatory basis for that action, the AAO referred the petitioner to 8 C.F.R. § 214.2(h)(11)(ii), which states that the approval of any petition is automatically revoked if the petitioner goes out of business.

The RFE notified the petitioner that any response should be submitted so as to be received at the AAO no later than September 2, 2010. To date, no response has been received by the AAO. Accordingly, the record of proceeding is deemed complete.

As the petitioner has not responded to the RFE and, therefore, has not provided evidence that the petitioner was in business during the period relevant to this petition, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed. The petition is denied.