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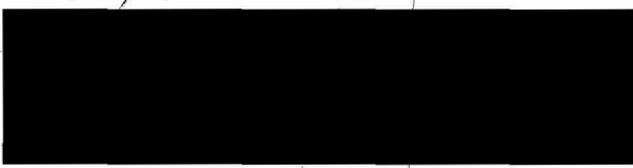
U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. A3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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File: SRC 05 254 51898 Office: TEXAS SERVICE CENTER Date: DEC 05 2006

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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)

IN BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the petition for a nonimmigrant visa. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will dismiss the appeal.

The petitioner filed this nonimmigrant visa petition seeking to employ the beneficiary in the position of chief executive officer to open a new office as an L-1A nonimmigrant intracompany transferee pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The petitioner is a limited liability company organized under the laws of the State of Georgia and is allegedly a construction company.¹

The director denied the petition concluding that the petitioner did not establish that (1) the intended United States operation had secured sufficient physical premises to house the new office; (2) the petitioner has a qualifying relationship with the foreign entity; or (3) the United States operation, within one year of approval of the petition, will support a managerial or executive position.

The petitioner filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review.

A review of Citizenship and Immigration Services records indicates that this beneficiary is also the beneficiary of an approved L-1A nonimmigrant petition filed by the same petitioner, valid from January 20, 2006 until January 20, 2007 (SRC 06 040 53188). While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the beneficiary is either presently in L-1A status or is able to apply for the appropriate visa abroad, and the issues in this proceeding are moot. Therefore, this appeal is dismissed.

ORDER: The appeal is dismissed as moot.

¹It should be noted that the petitioner identified itself as A.J. Tracy & Sons Construction in the original petition. According to Georgia state corporate records, the petitioner changed its name to A.J. Tracy Construction LLC on June 6, 2006.