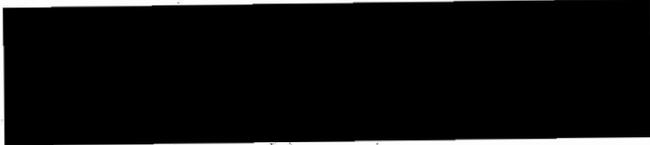




U.S. Citizenship
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Services

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invasion of personal privacy
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File: SRC 01 153 50277 Office: TEXAS SERVICE CENTER Date: JUL 27 2006

IN RE: Petitioner:
Beneficiary:



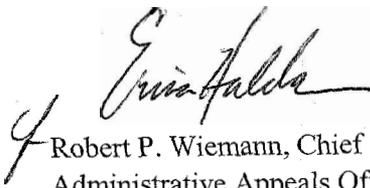
Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

ON 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 nonimmigrant visa petition was denied by the Director, Texas Service Center. The Administrative Appeals Office (AAO) dismissed a subsequently filed appeal. The matter is now before the AAO on a motion to reopen and reconsider. The motion will be dismissed.

The petitioner is described as a plastering contractor business. It seeks to extend its authorization to employ the beneficiary temporarily in the United States as its president. The director determined that the petitioner had not established that the beneficiary had been or would be employed in a primarily managerial or executive capacity, and that the United States company and the foreign company are doing business. On appeal, the AAO found sufficient evidence that the U.S. and foreign entities were doing business, but dismissed the appeal on the grounds that the petitioner failed to establish that the beneficiary would be employed in a managerial or executive capacity.

On motion, counsel for the petitioner argues that the beneficiary qualifies as an executive under the definition contained in section 101(a)(44)(B) of the Act, 8 U.S.C. § 1101(a)(44)(B). Counsel submits a brief and new documentary evidence in support of the motion.

A review of CIS records indicates that this beneficiary is also the beneficiary of an approved immigrant petition, filed by the same employer, and has adjusted status to that of a permanent resident status as of June 2005. While the petitioner has not withdrawn the motion in this proceeding, it would appear that the beneficiary is presently a permanent resident and the issues in this proceeding are moot. Therefore, this motion is dismissed.

ORDER: The motion is dismissed as moot.