

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY



U.S. Citizenship
and Immigration
Services

D7



File: SRC 03 089 50889 Office: TEXAS SERVICE CENTER Date: **MAY 04 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)

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 petition seeking to employ the beneficiary 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 corporation organized in the State of Florida that claims to operate an automobile distributorship. The petitioner claims that it is the subsidiary of [REDACTED] Limited, located in Kingston, Jamaica. The beneficiary was initially granted a one-year period in L-1A classification in order to open a new office in the United States. The Director, Texas Service Center, denied a subsequent petition requesting an extension of the beneficiary's status. The petitioner now seeks to employ the beneficiary as its president for a three-year period.

The director denied the petition concluding that the petitioner did not establish: (1) that the beneficiary will be employed in the United States in a primarily managerial or executive capacity; or (2) that the petitioner has a qualifying relationship with the foreign entity.

The petitioner subsequently filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review. On appeal, counsel for the petitioner asserts that the beneficiary travels outside the United States frequently and is not involved in the day-to-day operations of the petitioner's business, as concluded by the director. Counsel contends that the director placed undue emphasis on the small size of the petitioning company and the fact that the beneficiary's subordinates may be employed on a part-time basis. Counsel submits a brief in support of the appeal.

A review of Citizenship and Immigration Services (CIS) records indicates that the beneficiary in this case is also the beneficiary of an approved first preference employment-based immigrant petition filed by the petitioner, and was admitted to the United States as a legal permanent resident on March 14, 2006. While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the beneficiary is presently a permanent resident and the issues in this proceeding are moot. Therefore, this appeal is dismissed.

ORDER: The appeal is dismissed as moot.