



U.S. Citizenship
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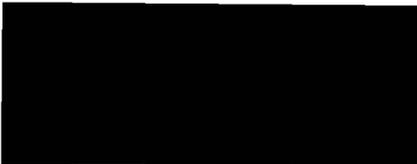
File: WAC 02 183 53536 Office: CALIFORNIA SERVICE CENTER Date: JUN 04 2007

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, California 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 executive manager 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 under the laws of the State of Nevada and allegedly operates a convalescent home. The director denied the petition concluding that the petitioner did not establish (1) that the beneficiary had been employed abroad in a primarily managerial or executive capacity; (2) that the beneficiary will be employed in a primarily managerial capacity in the United States; or (3) that the petitioner has a qualifying relationship with the foreign employer.¹

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 immigrant petition and has adjusted status to that of a permanent resident on January 30, 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 While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the beneficiary is presently a permanent resident and the issues in this proceeding are moot.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.²

ORDER: The appeal is dismissed as moot.

¹It must be noted that, according to Nevada state corporate records, the petitioner's corporate status in Nevada was revoked on September 1, 2005. Therefore, as the State of Nevada has forfeited the petitioner's corporate privileges, the company can no longer be considered a legal entity in the United States. If this appeal were not being dismissed as moot for the reason set forth above, this would call into question the petitioner's continued eligibility for the benefit sought.

²It must be noted that, in the Form I-290B, the petitioner failed to specifically identify any erroneous conclusion of law or statement of fact for the appeal. Since 8 C.F.R. § 103.3(a)(1)(v) requires the AAO to summarily dismiss an appeal when the appellant fails to identify specifically any erroneous conclusion of law or statement of fact, the AAO would be obligated to summarily dismiss the current appeal if the appeal were not being dismissed as moot.