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U.S. Department of Homeland Security
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Washington, DC 20529



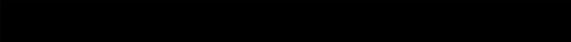
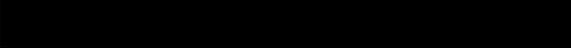
U.S. Citizenship
and Immigration
Services

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File: EAC 06 228 52537 Office: VERMONT SERVICE CENTER Date: **SEP 06 2007**

IN RE: Petitioner: 
Beneficiary: 

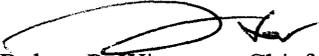
Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

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 Director, Vermont 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 extend its authorization 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, a New York corporation, states that it is engaged in the import and wholesale of household textiles. It claims to be a subsidiary of Rach Exports Pvt. Ltd., located in Mumbai, India. The beneficiary has been employed as the petitioner's general manager in L-1A status since 2002, and the petition now seeks to extend his stay for three additional years.

The director denied the petition concluding that the petitioner did not establish that the beneficiary would be employed in a primarily managerial or executive capacity under the extended petition.

The petitioner filed an appeal on October 17, 2006. 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 disputes the director's decision and asserts that the beneficiary qualifies as a manager or executive pursuant to section 101(a)(44) of the Act.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicate that the beneficiary in this matter is also the beneficiary of an approved employment-based immigrant visa petition filed on his behalf by the instant petitioner. The beneficiary adjusted status to that of a U.S. permanent resident on April 27, 2007. 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, the appeal is dismissed.

ORDER: The appeal is dismissed as moot.