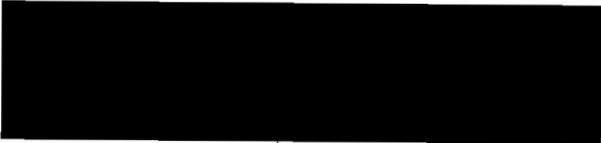


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U.S. Citizenship
and Immigration
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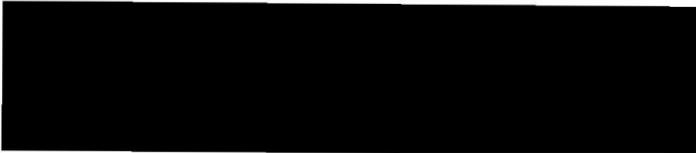
D7

File: SRC 02 239 51944 Office: TEXAS SERVICE CENTER Date: FEB 18 2009

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)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).


John F. Grissom, Acting 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 extend the employment of its president and chief executive officer 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 Florida corporation, states that it is an affiliate of [REDACTED] located in Argentina. It claims to be engaged in air conditioning systems design and real estate development. The beneficiary was previously granted one year in L-1A nonimmigrant status in order to open a new office in the United States and the petitioner now seeks to extend his status for a period of two years.

The director denied the petition concluding that the petitioner had failed to establish: (1) that it had been doing business for the previous year; and (2) that the beneficiary would be employed in a primarily managerial or executive capacity.

On appeal, counsel asserts that the petitioner faced extraordinary circumstances which prevented it from executing its business plan.

A review of U.S. Citizenship and Immigration Services records indicates that this beneficiary is also the beneficiary of an approved family-sponsored immigrant visa petition. The beneficiary adjusted status to that of a U.S. permanent resident as of January 7, 2005. While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the beneficiary is presently a lawful permanent resident and the issues in this proceeding are moot. Therefore, this appeal is dismissed.

ORDER: The appeal is dismissed as moot.