

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

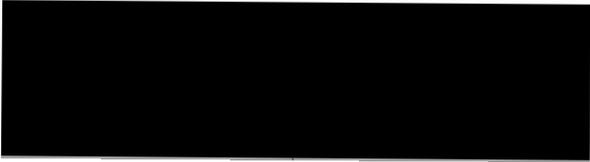
PUBLIC COPY

U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529-2090
MAIL STOP 2090



U.S. Citizenship
and Immigration
Services

07



File: EAC 08 014 52558 Office: VERMONT SERVICE CENTER

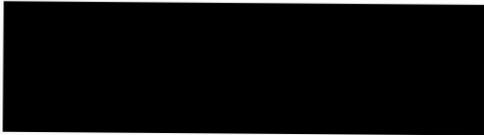
Date: JAN 30 2009

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.

A handwritten signature in black ink, appearing to read "John F. Grissom".

John F. Grissom, Acting 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 visa 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, a South Carolina corporation, is an affiliate of [REDACTED], located in Brazil. The petitioner is a new office that intends to engage in the sale and distribution of plastic parts. It seeks to employ the beneficiary as its vice president for a three-year period.

The director denied the petition concluding that the petitioner did not establish that it had secured adequate physical premises to house the new office, as required by 8 C.F.R. § 214.2(l)(3)(v)(A)

On appeal, counsel for the petitioner asserts that the director overlooked and misunderstood evidence submitted to establish that the U.S. company has secured adequate office and warehouse space needed to commence operations in the United States.

A review of U.S. Citizenship and Immigration Services records indicates that this beneficiary is also the beneficiary of an approved L-1A nonimmigrant petition filed by the same petitioner, granting the beneficiary L-1A status valid from February 15, 2008 until February 14, 2009. While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the beneficiary is either presently in L-1A status or is able to apply for the appropriate visa abroad, and the issues in this proceeding are moot. Therefore, this appeal is dismissed.

ORDER: The appeal is dismissed as moot.