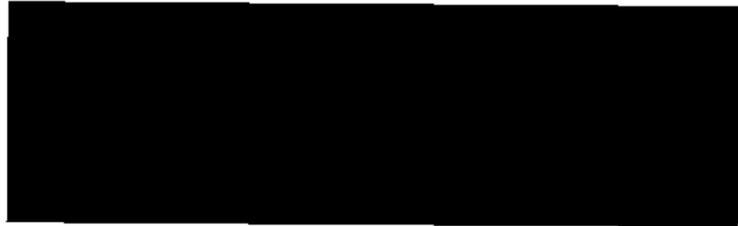


U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



D7

Date: DEC 24 2012

Office: VERMONT SERVICE CENTER

FILE: 

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)

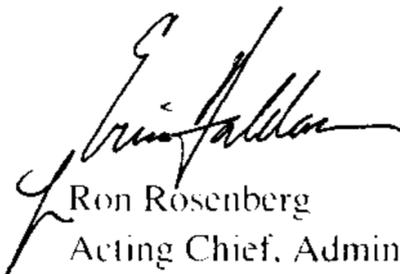
ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you.



Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director of the Vermont Service Center denied the nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner seeks to employ the beneficiary as its President/Managing Director and has petitioned to classify 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 director denied the petition after determining that the petitioner had not established eligibility.

The record reflects that an appeal, Form I-290B, Notice of Appeal or Motion, was filed by [REDACTED] on June 10, 2011. The record, however, did not contain a new, properly executed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, personally signed by the petitioner, authorizing [REDACTED] to represent the petitioner in the instant appeal. Effective March 4, 2010, the regulation at 8 C.F.R. § 292.4(a) requires that a "new [Form G-28] must be filed with an appeal filed with the [AAO]." Title 8 C.F.R. § 292.4(a) further requires that the Form G-28 "must be properly completed and signed by the petitioner, applicant, or respondent to authorize representation in order for the appearance to be recognized by DHS."

On October 18, 2012, the AAO notified the petitioner and [REDACTED] and requested a new, valid, and fully executed Form G-28, signed by the petitioner, authorizing him to represent the petitioner. The AAO advised [REDACTED] that without a new, valid, and fully executed Form G-28, signed by the petitioner, the AAO cannot consider him to be the petitioner's attorney of record with regard to the appeal. The AAO further advised [REDACTED] that the failure to submit the required documentation within the timeframe provided will result in the rejection of the appeal.

As of this date, the AAO has not received a new, valid, and fully executed Form G-28, signed by the petitioner, authorizing [REDACTED] to represent the petitioner. As the AAO cannot consider [REDACTED] to be the petitioner's attorney of record, the AAO therefore cannot consider the appeal to have been properly filed. Accordingly, the appeal will be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

The AAO notes that, had the appeal been properly filed, the AAO would dismiss the appeal as moot. On October 18, 2012, this office provided the petitioner with notice of adverse information and afforded the petitioner an opportunity to provide rebuttal evidence.

The petitioner claims to be a corporation organized under the laws of the State of Florida. Pursuant to 8 C.F.R. § 103.2(b)(16)(i), this office notified the petitioner that, according to the records at the Florida Department of State, Division of Corporations, website, the petitioner is currently administratively dissolved and its corporate status is inactive. *See* <http://www.sunbiz.org> (accessed October 10, 2012).

This office also notified the petitioner that if it is currently dissolved, this fact is material to its eligibility for the requested visa. Specifically, the petitioner's dissolution raises serious questions about whether it continues to exist as an importing employer, whether the petitioner maintains a qualifying relationship, and whether it is authorized to conduct business in a regular and systematic manner. *See* section 214(c)(1) of the Act; *see also* 8 C.F.R. §§ 214.2(l)(1)(ii)(G) and (1)(3).

This office allowed the petitioner 30 days in which to provide evidence to rebut the finding that the company has been dissolved. More than 30 days have passed and the petitioner has failed to respond to this office's request for a certificate of good standing or other proof that the petitioner remains in operation as a viable business. Therefore, had the appeal been properly filed it would be dismissed as moot.¹ The AAO conducts appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004).

As the appeal was not properly filed, it must be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

ORDER: The appeal is rejected.

¹ Even if the appeal could be sustained, the petition's approval would be subject to revocation pursuant to 8 C.F.R. § 214.2(l)(9)(iii) upon dissolution of the corporate entity. Accordingly, the AAO finds that the dissolution of the petitioner deprives this appeal of any practical significance. Considerations of prudence warrant the dismissal of the appeal as moot. *See Matter of Luis*, 22 I&N Dec. 747, 753 (BIA 1999).