

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

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DATE: JUN 15 2012 Office: CALIFORNIA SERVICE CENTER



IN RE:



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:

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.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen with the field office or service center that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the nonimmigrant visa petition, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as the matter is now moot.

The petitioner filed the nonimmigrant petition to classify the beneficiary, its general manager, as an 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 California corporation, states that it operates an import and export cold storage business. The petitioner has employed the beneficiary as its general manager since November 2008 and now seeks to extend his status for two additional years, from May 20, 2010 until May 19, 2012.

The director denied the petition on April 27, 2010 concluding that the petitioner failed to establish that the beneficiary would be employed in the United States in a qualifying managerial or executive capacity. The petitioner filed a timely appeal.

A review of the records of U.S. Citizenship and Immigration Services (USCIS) indicates that, while the appeal was pending, a U.S. company, Shuangyi International Trading Co. Ltd., filed a new Form I-129, Petition for a Nonimmigrant Worker, on August 16, 2011 (WAC11 220 51266). USCIS approved the petition and granted the beneficiary L-1A classification for the period September 22, 2011 through September 21, 2012.

While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the beneficiary is presently authorized for employment in the United States in the requested classification, and the issues in this proceeding are moot. Therefore, this appeal is dismissed.

ORDER: The appeal is dismissed as moot.