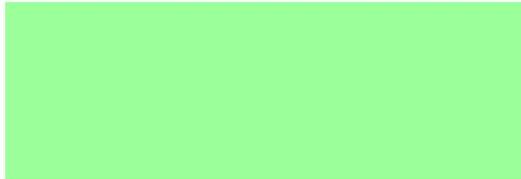




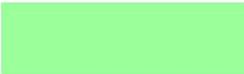
U.S. Citizenship  
and Immigration  
Services

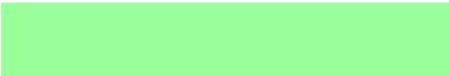
(b)(6)



DATE: JUN 20 2013

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.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a request 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 that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg  
Acting Chief, Administrative Appeals Office

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

The petitioner endeavors to classify the beneficiary as a nonimmigrant alien 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 states it is a corporation organized under the laws of the Commonwealth of Virginia seeking to employ the beneficiary as its vice president.

Pursuant to 8 C.F.R. § 103.2(b)(16)(i), this office notified the petitioner through a Notice of Derogatory Information on April 8, 2013 that, according to the records of the Commonwealth of Virginia's State Corporation Commission, the petitioner was never incorporated in Virginia as asserted in the record. See the website <https://sccefile.scc.virginia.gov>.

This office also notified the petitioner that if it was not incorporated as asserted this fact was material to its eligibility for the requested visa. Specifically, this material discrepancy related to the petitioner's corporate status 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 (l)(3).

This office allowed the petitioner 30 days in which to provide evidence to rebut the finding that the petitioner was not incorporated as stated. More than 30 days have passed and the petitioner has failed to respond to this office's request with a certificate of good standing or other proof that the petitioner remains in operation as a viable business. Thus, the appeal will be dismissed as moot.<sup>1</sup>

The AAO conducts appellate review on a *de novo* basis. See *Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not met that burden.

**ORDER:** The appeal is dismissed as moot.

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<sup>1</sup> 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 lack of existence 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).