



U.S. Citizenship  
and Immigration  
Services

(b)(6)

DATE:

SEP 18 2013

OFFICE: NEBRASKA 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:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg

Chief, Administrative Appeals Office

**DISCUSSION:** The nonimmigrant visa petition was denied by the Director, Nebraska Service Center. It then came before the Administrative Appeals Office (AAO) on appeal, which the AAO dismissed. The petitioner subsequently filed a motion to reopen. On June 11, 2013, this office provided the petitioner with notice of adverse information in the record and afforded the petitioner an opportunity to provide evidence that might overcome this information.

The petitioner claims to be a corporation organized under the laws of the State of Washington. It seeks to employ the beneficiary as its vice president. Accordingly, 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).

Pursuant to 8 C.F.R. § 103.2(b)(16)(i), this office notified the petitioner on June 11, 2013 that, according to information found on Westlaw, copies of which were provided to the petitioner, the petitioner's corporate status is inactive.

This office notified the petitioner that its inactive corporate status is a fact that is material to its eligibility for the requested visa. Specifically, the petitioner's inactive corporate status raises serious questions about whether the petitioner continues to exist as an importing employer, whether it 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 accorded the petitioner 30 days in which to provide evidence to rebut the finding that the petitioner's corporate status has been revoked. 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. Thus, the motion to reopen 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 motion is dismissed.

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