



U.S. Citizenship  
and Immigration  
Services

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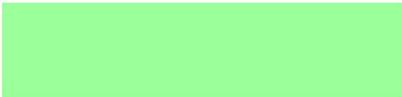


Date: **DEC 02 2014**

Office: CALIFORNIA SERVICE CENTER

FILE: 

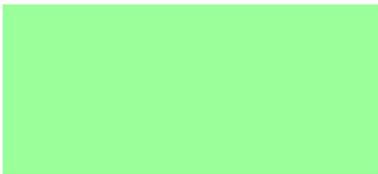
IN RE:

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, California Service Center. It then came before the Administrative Appeals Office (AAO) on appeal. On September 30, 2014, this office provided the petitioner with notice of adverse information and afforded the petitioner an opportunity to provide rebuttal evidence.

The petitioner filed a Form I-129, Petition for a Nonimmigrant Worker, to classify the beneficiary as a 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 states that it is a Nevada corporation established in 2009. It seeks to employ the beneficiary as its general manager.

Pursuant to 8 C.F.R. § 103.2(b)(16)(i), this office notified the petitioner that, according to the records at the Nevada Secretary of State website, the petitioner's corporate status has been "revoked."<sup>1</sup>

This office also notified the petitioner that if it is currently dissolved or otherwise without valid corporate status, this fact is material to its eligibility for the requested visa. Specifically, the revocation of the petitioner's corporate status by the Nevada Secretary of State 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's status has been revoked and to establish that it continues to do business as a U.S. employer. 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 appeal will be dismissed as moot.<sup>2</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> *See* <http://nvsos.gov/sosentitysearch> (last accessed on November 19, 2014).

<sup>2</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) if there is no longer a U.S. entity to employ the beneficiary. Accordingly, the AAO finds that the revocation of the petitioner's corporate status 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).