

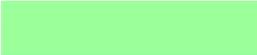
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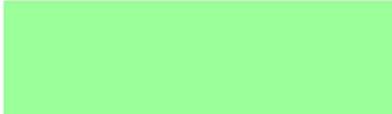
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



Date: FEB 11 2014 Office: CALIFORNIA SERVICE CENTER FILE: 

IN RE: Petitioner: 
Beneficiary:

PETITION: Petition for a Nonimmigrant Worker under 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 Director, California Service Center, denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as moot.

The petitioner filed this nonimmigrant petition to employ the beneficiary pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L), as an intracompany transferee employed in a managerial or executive capacity. The petitioner, an Arizona corporation engaged in an investment business, seeks to employ the beneficiary as the president of its new office in the United States.

The director denied the petition concluding that the petitioner failed to establish that it has a qualifying relationship with the beneficiary's foreign employer. The petitioner filed a timely appeal.

To establish eligibility for the L-1 nonimmigrant visa classification, the petitioner must meet the criteria outlined in section 101(a)(15)(L) of the Act. Specifically, a qualifying organization must have employed the beneficiary in a qualifying managerial or executive capacity, or in a specialized knowledge capacity, for one continuous year within the three years preceding the beneficiary's application for admission into the United States. In addition, the beneficiary must seek to enter the U.S. temporarily to continue rendering his or her services to the same employer or a subsidiary or affiliate.

The regulation at 8 C.F.R. § 214.2(l)(1)(ii)(G) states that a *qualifying organization* means a United States or foreign firm, corporation, or other legal entity which:

- (1) Meets exactly one of the qualifying relationships specified in the definitions of a parent, branch, affiliate or subsidiary specified in paragraph (l)(1)(ii) of this section;
- (2) Is or will be doing business (engaging in international trade is not required) as an employer in the United States and in at least one other country directly or through a parent, branch, affiliate, or subsidiary for the duration of the alien's stay in the United States as an intracompany transferee; and
- (3) Otherwise meets the requirements of section 101(a)(15)(L) of the Act.

The term doing business is defined at 8 C.F.R. § 214.2(l)(1)(ii)(H) as follows:

Doing business means the regular, systematic and continuous provision of goods and/or services by a qualifying organization and does not include their mere presence of an agent or office of the qualifying organization in the United States and abroad.

In the present matter, the AAO finds that the petitioner is no longer eligible to file a Form I-129, Petition for a Nonimmigrant Worker, in behalf of the beneficiary. During the course of verifying the validity of the petitioning entity, the AAO reviewed the State of Arizona Corporation Commission

database.¹ The search showed that as of July 11, 2002, the petitioner's active corporate status ceased and the petitioner was shown as "Administratively Dissolved." As indicated above, in order to seek employment of the beneficiary as an intracompany transferee, the petitioner must be a United States legal entity that is the same employer as the firm, corporation, or other legal entity that employed the beneficiary abroad or the U.S. petitioner must be a subsidiary or affiliate of that foreign entity. As the petitioner's corporate status is shown as administratively dissolved dating back to July 11, 2002, the petitioner is not a legal entity that is qualified to file a nonimmigrant petition on the beneficiary's behalf.

The dissolution of the corporation effectively terminates the employer's business. Where there is no active and legal U.S. entity, no legitimate job offer exists, and the request that a foreign worker be allowed to fill the position offered in the petition has become moot.

Accordingly, while the petitioner has not withdrawn the appeal in this proceeding, its dissolved corporate status renders the issues in this proceeding moot. Therefore, the appeal will be dismissed.

ORDER: The appeal is dismissed.

¹ Website of the Arizona Corporation Commission, Corporations Division. <<http://starpas.azcc.gov/scripts/cgiip.exe/WService=>>. (A copy of the information found has been incorporated into the record of proceeding.)