



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF I-USA, CORP.

DATE: MAY 23, 2016

APPEAL OF VERMONT SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, a scrap metal purchasing and trade company, seeks to extend the Beneficiary's temporary employment as its president/managing director under the L-1A nonimmigrant classification for intracompany transferees. See Immigration and Nationality Act (the Act) section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The L-1A classification allows a corporation or other legal entity (including its affiliate or subsidiary) to transfer a qualifying foreign employee to the United States to work temporarily in a managerial or executive capacity.

The Director, Vermont Service Center, denied the petition. The Director concluded that the Petitioner did not establish that the Beneficiary would be employed in a managerial or executive capacity under the extended petition. The Petitioner subsequently filed a combined motion to reopen and reconsider. After reviewing the motion, the Director affirmed the denial of the petition.

The matter is now before us on appeal. In its appeal, the Petitioner submits additional evidence and asserts that the Director erred in determining that the Beneficiary would be primarily performing non-managerial duties.

Upon *de novo* review, we will dismiss the appeal.

The Petitioner claims to be a corporation organized under the laws of the State of Florida. According to public records available at the website of the Florida Department of State's Division of Corporations, the Petitioner is currently administratively dissolved and its corporate status is "inactive."¹

The Petitioner must establish eligibility at the time of filing the nonimmigrant visa petition and must continue to be eligible for the benefit through adjudication. 8 C.F.R. § 103.2(b)(1). The Petitioner's dissolution and inactive status are material to its eligibility for the requested visa. Specifically, the Petitioner's dissolution 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

¹ See Website of the Florida Department of State's Division of Corporations, <http://www.sunbiz.org>, last accessed May 16, 2016.

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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). Accordingly, we find that the Petitioner is no longer a legal entity that is qualified to file a nonimmigrant petition on the Beneficiary's behalf. Thus, the appeal will be dismissed.²

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.

Cite as *Matter of I-USA, Inc.*, ID# 18461 (AAO May 23, 2016)

² 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 petitioning company. Accordingly, we find that the Petitioner's dissolution 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).