U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 10551126

Date: AUG. 20, 2020

Appeal of California Service Center Decision

Form I-129, Petition for L-1A Manager or Executive

The Petitioner, which describes itself as a "trading and mortgage loan business," seeks to continue the Beneficiary's temporary employment as its president under the L-1A nonimmigrant classification for intracompany transferees.[1] 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 of the California Service Center approved the petition, but later revoked that approval, concluding that the record did not establish, as required, that: (1) the Beneficiary has been employed abroad in a managerial or executive capacity; and (2) the Beneficiary will be employed in the United States in a managerial or executive capacity. The Petitioner appealed the revocation, and we remanded the matter for a new decision. The Director denied the petition, citing the same grounds. The matter is now before us on appeal.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates the Petitioner filed an immigrant petition on behalf of the Beneficiary in January 2018. USCIS approved that petition in January 2019. The Beneficiary filed Form I-485, Application to Register Permanent Residence or Adjust Status, and USCIS approved that application in August 2020. As a result, the Beneficiary is now a permanent resident, and the issues in this proceeding are moot. Therefore, we will dismiss the appeal.

ORDER: The appeal is dismissed.

[1] The Petitioner previously filed a "new office" petition on the Beneficiary's behalf which was approved for the period from December 5, 2016 to December 4, 2017. A "new office" is an organization that has been doing business in the United States through a parent, branch, affiliate, or subsidiary for less than one year. 8 C.F.R. § 214.2(l)(1)(ii)(F). The regulation at 8 C.F.R. § 214.2(l)(3)(v)(C) allows a "new office" operation one year within the date of approval of the petition to support an executive or managerial position.