U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 9458047

Date: AUG. 26, 2020

Appeal of California Service Center Decision

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

The Petitioner, which describes its business as "oil field transportation," seeks to temporarily employ the Beneficiary in the United States as chief operations officer of its new office[1] under the L-1A nonimmigrant classification for intracompany transferees. 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 denied the petition, concluding that the record did not establish, as required, that: (1) the Petitioner had secured adequate physical premises for the new office; (2) a qualifying organization had employed the Beneficiary abroad for at least one continuous year during the three years immediately preceding the filing of the petition; (3) the Beneficiary was employed abroad in a managerial or executive capacity; and (4) the Petitioner will employ the Beneficiary in the United States in a managerial or executive capacity. The matter is now before us on appeal.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that another petitioner filed an immigrant petition on behalf of this Beneficiary in September 2019. USCIS approved that petition in February 2020. 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 term "new office" refers to an organization which has been doing business in the United States 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 no more than one year within the date of approval of the petition to support an executive or managerial position.