U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF A-G- INC

DATE: DEC. 7, 2018

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, an importer of products to China, seeks to temporarily employ the Beneficiary as chief executive officer and president 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 on multiple grounds. The Director concluded that the Petitioner did not establish that: 1) it had a qualifying relationship with the Beneficiary's foreign employer, 2) the Beneficiary was employed in a managerial or executive capacity abroad, and 3) the Beneficiary would be employed in a managerial or executive capacity in the United States within one year of an approval of the petition.

We issued a notice of intent to dismiss and request for evidence (NOID/RFE) after discovering that the Petitioner filed a certificate of dissolution with the California Secretary of State on August 24, 2018, approximately four months after filing the appeal. The certificate of dissolution also indicated that the Petitioner's shareholders voted to dissolve the company and stated that it was "completely wound up and is dissolved." We noted that these facts were material to the Petitioner's eligibility for the requested visa. Specifically, the Petitioner's dissolution raised question as to whether it continues to exist as an importing employer and whether it maintains a qualifying relationship with the Beneficiary's foreign employer. *See* section 214(c)(1) of the Act; *see also* 8 C.F.R. §§ 214.2(l)(1)(ii)(G) and (l)(3).

We may dismiss an appeal if the Petitioner does not respond to our request. The regulation provides, in pertinent part:

> If the petitioner or applicant fails to respond to a request for evidence or to a notice of intent to deny by the required date, the benefit request may be summarily denied as abandoned, denied based on the record, or denied for both reasons.

8 C.F.R. § 103.2(b)(13)(i). Our NOID/RFE specifically informed the Petitioner that "we may dismiss your case if we do not receive your response to this NOID/RFE **within 33 days of the date on the cover letter**. This time period includes three days added for service by mail." (Emphasis in

original). To date, more than 33 days have lapsed, and we have yet to receive a response from the Petitioner.

We will dismiss the appeal as abandoned pursuant to 8 C.F.R. § 103.2(b)(13)(i). Moreover, because the Petitioner did not submit evidence to resolve the derogatory information addressed in the NOID/RFE, the Petitioner did not establish that the Beneficiary is eligible for classification as a multinational executive or manager.

ORDER: The appeal is dismissed as abandoned pursuant to 8 C.F.R. § 103.2(b)(13).

Cite as *Matter of A-G- Inc*, ID# 1646345 (AAO Dec. 7, 2018)