U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF F-D-C-C-(H-) LLC

DATE: FEB. 2, 2017

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a restaurant operator, seeks to temporarily employ the Beneficiary as a *churrasqueiro* (gaucho chef) under the L-1B 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-1B classification allows a corporation or other legal entity (including its affiliate or subsidiary) to transfer a qualifying foreign employee with "specialized knowledge" to work temporarily in the United States.

The Director, Vermont Service Center, revoked the approval of the petition on March 20, 2008. The matter is now before us on appeal. The appeal will be dismissed.

On December 19, 2016, we sent the Petitioner notice that we had not rendered a decision on this matter due to litigation on a factually similar matter involving the Petitioner which has since been resolved. We requested that the Petitioner inform us if it wished to pursue the appeal and have a decision issued on the record, or if, in the alternative, it would prefer to withdraw the appeal. We afforded the Petitioner 33 days (30 days, plus 3 days for mailing), not subject to extension, to submit its response. We also informed the Petitioner that if it did not respond within the allotted timeframe, the appeal would be dismissed as moot.

More than 33 days have passed, and the Petitioner has not responded. Thus, the appeal will be dismissed as moot.

ORDER: The appeal is dismissed.

Cite as *Matter of F-D-C-C-(H-) LLC*, ID# 252653 (AAO Feb. 2, 2017)