U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 862298

Date: FEB. 5, 2020

Appeal of Vermont Service Center Decision

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

The Petitioner, intending to operate as a marketing, advertising, and general consulting business, sought to temporarily employ the Beneficiary as the general manager of its new office[1] under the L-1A nonimmigrant classification for intracompany transferees who are coming to be employed in the United States in a managerial or executive capacity. Immigration and Nationality Act (the Act) section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L).

The Director of the Vermont Service Center denied the petition concluding that the Petitioner did not establish, as required, that the Beneficiary was employed abroad and would be employed in the United States in a managerial or executive capacity. The matter is now before us on appeal.

The Petitioner was incorporated under the laws of the State of Florida. After filing the petition, the Petitioner filed articles of dissolution and a notice of corporate dissolution with the Florida Department of State, effective October 6, 2017.[2] The Petitioner's dissolved status is material to its eligibility for the requested visa. Specifically, the Petitioner's dissolution indicates that it does not continue to exist as an intending employer, does not maintain a qualifying relationship with a foreign entity, and is not authorized to conduct business. *See* section 214(c)(1) of the Act; *see also* 8 C.F.R. §§ 214.2(l)(1)(ii)(G) and (l)(3). Because there is no active and legal U.S. entity, no *bona fide* job offer exists for the Beneficiary; therefore, the petition has become moot and the appeal must be dismissed.

ORDER: The appeal is dismissed.

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[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.

[2] *See* http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder= (printout added to record February 5, 2020).