U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF I-S-, LLC

DATE: JAN. 25, 2018

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a provider of technical and repair services for cellular devices, seeks to temporarily employ the Beneficiary as its "owner/founder/COO" under the L-1A 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-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 Vermont Service Center denied the petition. The Petitioner then filed an appeal. In the course of reviewing the record, we determined that the record before us was incomplete. In addition, according to a website maintained by the State of Florida (www.sunbiz.org), the petitioning company was "voluntarily dissolved" in April 2017.

Accordingly, we issued a notice of intent to dismiss and request for evidence (NOID/RFE) in which we listed and asked the Petitioner to provide a complete copy of all missing documents, and to provide current evidence of its good standing and continuing business activities. The Petitioner did not respond to the NOID/RFE.

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 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 rebut our finding that it voluntary dissolved its business, the Petitioner has not shown that it continues to exist as an importing

employer, that it maintains a qualifying relationship with the Beneficiary's foreign employer, or that it is conducting business in a regular and systematic manner. *See* section 214(c)(1) of the Act; *see also* 8 C.F.R. §§ 214.2(l)(1)(ii)(G) and (l)(3).

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

Cite as *Matter of I-S- LLC*, ID# 903634 (AAO Jan. 25, 2018)