U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 09511411

Date: JUL. 14, 2021

Appeal of California Service Center Decision

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

The Petitioner, a software development company, seeks to extend the Beneficiary's temporary employment as its CEO 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 Director of the California Service Center denied the petition, concluding that the record did not establish, as required, that (1) the Petitioner is doing business as defined in the regulations; and (2) the Beneficiary would be employed in a managerial or executive capacity under the extended petition. The matter is now before us on appeal.

On February 2, 2021, we issued a notice of intent to dismiss and request for evidence (NOID/RFE). In the NOID/RFE, we took administrative notice that the Beneficiary of this petition appears to be deceased and offered the Petitioner an opportunity to rebut this information. We advised the Petitioner that, while conducting a routine, pre-adjudication search of publicly available sources, we discovered information that an individual matching the Beneficiary's name, date of birth, and state of residence was involved in a fatal car accident on November 26, 2019. We also advised, that, in the unfortunate event that the Beneficiary is deceased, we would dismiss the appeal as moot.

We requested that the Petitioner respond with a letter confirming whether the newly discovered information pertains to the Beneficiary of this petition and informed the Petitioner that it could choose to withdraw its appeal. We also advised that we may dismiss the appeal if we did not receive the Petitioner's response to the NOID/RFE within 87 days of the date of the notice. As of this date, we have not received a response to the NOID/RFE.

The regulation at 8 C.F.R. § 103.2(b)(13) provides that if a petitioner fails to respond to a request for evidence or a notice of intent to deny by the required date, the benefit request may be summarily denied as abandoned. As the Petitioner did not respond to the NOID/RFE by the required date, we will dismiss the appeal as abandoned.

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