U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 17537467

Date: JUN. 10, 2021

Motion on Administrative Appeals Office Decision

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

The Petitioner, describing itself as an aluminum automobile wheel importer and wholesaler, seeks to temporarily employ the Beneficiary as the president and chief executive officer of its new office[1] 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 Director of the California Service Center denied the petition, concluding the record did not establish that the Beneficiary is employed abroad in a managerial or executive capacity. Further, the Director determined the Petitioner did not demonstrate that the Beneficiary would be employed in a managerial or executive capacity in the United States within one year of an approval of the petition. The Petitioner later filed an appeal that we summarily dismissed. The matter is now before us on a motion to reopen and a motion to reconsider.

After filing the current motions, the Petitioner submitted a letter to us stating the Petitioner has been sold by the Beneficiary and that "any further action on this case by USCIS [United States Citizenship and Immigration Services] is therefore futile." The sale of the Petitioner after the filing of the current motions indicates that it does not continue to exist as an intending U.S. employer of the Beneficiary, and it does not maintain a qualifying relationship with his foreign employer. *See* section 214(c)(1) of the Act; *see also* 8 C.F.R. §§ 214.2(l)(1)(ii)(G). Further, the Petitioner's statements on motion demonstrate that a *bona fide* job offer no longer exists for the Beneficiary in the United States. Therefore, the petition has become moot and the motion to reopen and the motion to reconsider must be dismissed.

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.

[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.