U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 30452528

Date: JUN. 12, 2024

Appeal of California Service Center Decision

Form I-129, Petition for a Nonimmigrant Worker (L-1A Manager or Executive)

The Petitioner, a medical supplies seller and distributor, seeks to temporarily employ the Beneficiary as its international sales manager under the L-1A nonimmigrant classification for intracompany transferees. Section 101(a)(15)(L) of the Act, 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 California Service Center initially approved the petition, but later revoked the approval on notice, concluding that the Petitioner did not establish that the Beneficiary would be employed in the United States in a managerial or executive capacity. The matter is now before us on appeal.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal as moot.

The Petitioner claims to be a limited liability company organized under the laws of the State of Florida. Pursuant to the regulation at 8 C.F.R. § 103.2(b)(l6)(i), we notified the Petitioner that, according to the records on the website at the Florida Department of State, Division of Corporations, the Petitioner's status has been "inactive" since [redacted] 2024, based on the Petitioner's voluntary filing of Articles of Dissolution.[1] We also notified the Petitioner that its dissolved status is material to its eligibility for the requested visa, as the dissolution raises serious questions about whether the Petitioner continues to exist as an employer, whether it maintains a qualifying relationship with the Beneficiary's foreign employer, and whether it is authorized to conduct business in a regular and systematic manner. *See* section 214(c)(l) of the Act; *see also* 8 C.F.R. §§ 214.2(l)(1)(ii)(G) and (1)(3). We granted the Petitioner 30 days in which to provide proof that the petitioning business had not been dissolved and is currently in active status.

[1] *See* https://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=[redacted] (originally checked on April 22, 2024, and rechecked on June 12, 2024).

More than 30 days have passed, and the Petitioner has not responded to our request for a certificate of good standing or other proof that it remains in operation as a viable business. Because the Petitioner has provided no evidence to overcome the adverse findings listed in our previously issued notice of intent to dismiss, this appeal will be dismissed as moot.[2]

ORDER: The appeal is dismissed.

[2] Even if the appeal could be sustained, the petition's approval would be subject to revocation pursuant to 8 C.F.R. § 214.2(1)(9)(iii) upon dissolution of the corporate entity. Accordingly, dissolution of the Petitioner deprives this appeal of any practical significance. Considerations of prudence warrant the dismissal of the appeal as moot. *See Matter of Luis,* 22 I&N Dec. 747, 753 (BIA 1999).