U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF F-C-M- CORP.

DATE: MAY. 1, 2017

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a Chinese cultural and language center, seeks to classify the Beneficiary as a foreign national of extraordinary ability in the arts to perform services as a Chinese language and culture specialist. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(O)(i), 8 U.S.C. § 1101(a)(15)(O)(i). This O-1 classification makes nonimmigrant visas available to foreign nationals who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation.

The Director of the Vermont Service Center denied the petition, concluding that the submitted documentation did not satisfy the applicable evidentiary requirements. The Director also denied the Petitioner's subsequent motion to reopen.

Upon *de novo* review, we will dismiss the appeal.

On March 10, 2017, we sent a notice of intent to dismiss the appeal based on derogatory information, and afforded the Petitioner an opportunity to provide rebuttal evidence. Specifically, the Petitioner claims to be a corporation organized under the laws of the Commonwealth of Massachusetts. Pursuant to 8 C.F.R. § 103.2(b)(16)(i), we notified the Petitioner that, according to the records of the Massachusetts Department of State, Corporations Division, the Petitioner's corporate status is inactive with an "Involuntary Dissolution" dated [redacted] 2016.[1]

We also informed the Petitioner that, if it is currently dissolved, this fact is material to its eligibility for the requested visa.[2] Specifically, a company that has been dissolved by the state cannot qualify

[1] We have confirmed that that Petitioner has not been reinstated as of this date. *See* Massachusetts Corporations Division, Massachusetts Department of State, http://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSummary.aspx?FEIN=[redacted]&SEARCH_TYPE=1 (accessed on April 20, 2017, and incorporated into the record of proceedings).

[2] Under Massachusetts General Laws, Chapter 156D, section 14.21(c), a corporation that has been administratively dissolved continues its corporate existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under section 14.05 and notify claimants under sections 14.06, 14.07, and 14.08.

as a U.S. employer for purposes of employing a nonimmigrant worker. *See* section 214(c)(1) of the Act; *see also* 8 C.F.R. § 214.2(o)(2)(i).

We provided the Petitioner 30 days in which to provide evidence to rebut the finding that it has been dissolved. To date, more than 30 days have passed and it has not responded with proof that it remains in operation as a viable business. As the Petitioner was dissolved, it cannot qualify as a U.S. employer for purposes of employing the Beneficiary.

Accordingly, we will dismiss the appeal.

ORDER: The appeal is dismissed.

Cite as *Matter of F-C-M- Corp.*, ID# 188248 (AAO May. 1, 2017)