U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF R-N- LLC

DATE: MAY 3, 2017

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a retail nutrition business, seeks to classify the Beneficiary as a foreign national of extraordinary ability in the arts to perform services as a fashion and fitness model. *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 evidence did not satisfy the applicable evidentiary requirements.

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

On February 13, 2017, and March 21, 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.[1] Specifically, we noted that the Petitioner claims to be a limited liability company organized under the laws of the State of Florida. Pursuant to 8 C.F.R. § 103.2(b)(16)(i), we notified the Petitioner that, according to the records of the Florida Department of State, Division of Corporations, the Petitioner's corporate status is inactive with an "Administrative Dissolution for Annual Report" dated September 23, 2016.[2]

[1] We sent our initial notice to the Petitioner's address of record, in Florida. As that notice was returned as undeliverable, we sent an additional notice to the Petitioner at the address of its registered agent.

[2] We have confirmed that that Petitioner has not been reinstated as of this date. *See* Florida Division of Corporations, Florida Department of State, http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder= (accessed on May 2, 2017, and incorporated into the record of proceedings).

We also informed the Petitioner that, if it is currently dissolved, this fact is material to its eligibility for the requested visa.[3] Specifically, a company that has been dissolved by the state cannot qualify 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 since our March 21, 2017, notice, and the Petitioner 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 R-N- LLC*, ID# 129912 (AAO May 3, 2017)

[3] Under Florida Revised Statute section 605.0714(5) a limited liability company that has been administratively dissolved continues in existence but may only carry on activities necessary to wind up its activities and affairs, liquidate, and distribute its assets, and notify claimants under sections 605.0711 and 605.0712.