U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF H-X-C-USA LTD

DATE: MAY 25, 2017

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, an exporter of automobiles and related parts and components, seeks to employ the Beneficiary as the general manager of its new office under the L-1A nonimmigrant classification for intracompany transferees. *See* Immigration and Nationality Act section 101(a)(15)(L), 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 Vermont Service Center denied the petition, concluding that the record did not establish, as required, that the new office would support a managerial or executive position within one year. The matter is now before us on appeal.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that, subsequent to the filing of the instant petition, another employer filed a Form I-129, Petition for a Nonimmigrant Worker, seeking nonimmigrant L-1A classification on the Beneficiary's behalf. USCIS records further indicate that the other employer's petition was approved, for the period March 28, 2017, to March 27, 2018.[1] Because the Beneficiary has been approved for employment with another petitioner, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed.

Cite as *Matter of H-X-C-USA Ltd*, ID# 321119 (AAO May 25, 2017)

[1] On April 10, 2017, this office notified the Petitioner that the Beneficiary had been approved for L-1A employment with another employer and requested verification that it wished to pursue this appeal. The Petitioner did not respond to our request within the time period designated.