U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 08757374

Date: NOV. 23, 2020

Appeal of California Service Center Decision

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

The Petitioner, describing itself as a seller of car wash equipment and services, seeks to temporarily employ the Beneficiary as its chief executive officer 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 that the Petitioner did not establish that the Beneficiary would be employed in a managerial or executive capacity in the United States.

We issued a notice of intent to dismiss (NOID) after discovering that records of the Illinois Secretary of State reflected that the Petitioner was "not in good standing" as of December 1, 2019. We noted that this status was material to the Petitioner's eligibility for the requested visa; specifically, whether it continued to exist as an importing employer, whether it was doing business, and whether it maintained a qualifying relationship with the Beneficiary's foreign employer. *See* section 214(c)(1) of the Act; *see also* 8 C.F.R. §§ 214.2(l)(1)(ii)(G) and (l)(3).

We may dismiss an appeal if the Petitioner does not respond to our NOID request. The regulation provides, in pertinent part:

> If the petitioner or applicant fails to respond to a request for evidence or to a notice of intent to deny by the required date, the benefit request may be summarily denied as abandoned, denied based on the record, or denied for both reasons.

8 C.F.R. § 103.2(b)(13)(i). Our NOID specifically informed the Petitioner that "we may dismiss your case if we do not receive your response to this NOID/RFE **within 33 days of the date on the cover letter**. This time period includes three days added for service by mail." (Emphasis in original). To date, more than 120 days have lapsed, and we have yet to receive a response from the Petitioner.

As such, we will dismiss the appeal as abandoned pursuant to 8 C.F.R. § 103.2(b)(13)(i). Moreover, because the Petitioner did not submit evidence to resolve the derogatory information addressed in the

NOID, the Petitioner did not establish that the Beneficiary is eligible for classification as a multinational executive or manager.

ORDER: The appeal is dismissed as abandoned pursuant to 8 C.F.R. § 103.2(b)(13).