U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF I-L-V-, LLC

DATE: OCT. 3, 2018

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, which operates hardware store franchises through subsidiaries, seeks to temporarily employ the Beneficiary as chief executive officer of its new office[1] 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 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 approved the petition, but later revoked that approval, concluding that the record did not establish, as required, that a qualifying relationship exists between the Petitioner and the Beneficiary's foreign employer.

U.S. Citizenship and Immigration Services records indicate that the petitioning employer filed an immigrant petition on the Beneficiary's behalf, receipt number SRC 16 904 06471, on August 24, 2016. The Director of the Texas Service Center approved that petition on July 29, 2017. Based on that approval, the Beneficiary adjusted status to that of a U.S. lawful permanent resident as of November 18, 2017.

Because the Beneficiary's status has been adjusted to permanent resident, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed.

Cite as *Matter of I-L-V-, LLC*, ID# 1690449 (AAO Oct. 3, 2018)

[1] The term "new office" refers to an organization which has been doing business in the United States for less than one year. 8 C.F.R. § 214.2(l)(1)(ii)(F). The regulation at 8 C.F.R. § 214.2(l)(3)(v)(C) allows a "new office" operation no more than one year within the date of approval of the petition to support an executive or managerial position.