



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 23944908

Date: JUNE 29, 2023

Appeal of California Service Center Decision

Form I-129, Petition for a Nonimmigrant Worker (L-1A Manager or Executive)

The Petitioner seeks to continue to employ the Beneficiary temporarily as president under the L-1A nonimmigrant classification for intracompany transferees.<sup>1</sup> *See* 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 record did not establish that the Beneficiary would be employed in a managerial or executive capacity under an extended petition. The matter is now before us on appeal.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal as moot.

The Petitioner claims to be a corporation organized under the laws of the State of Florida. Pursuant to the regulation at 8 C.F.R. § 103.2(b)(16)(i), we notified the Petitioner that, according to the records on the website at the Florida Department of State, Division of Corporations, the Petitioner has been dissolved since [REDACTED] 2022.<sup>2</sup> We also notified the Petitioner that its dissolved status is material to its eligibility for the requested visa, as the dissolution raises serious questions about whether the Petitioner continues to exist as an employer, whether it maintains a qualifying relationship, and whether it is authorized to conduct business in a regular and systematic manner. *See* section 214(c)(1) of the Act; *see also* 8 C.F.R. §§ 214.2(l)(1)(ii)(G) and (1)(3). We granted the Petitioner 30 days in which to provide proof that the petitioning business had not been dissolved and is currently in active status.

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<sup>1</sup> The Petitioner previously filed a “new office” petition on the Beneficiary’s behalf. That petition was approved for the one-year period from December 28, 2020, until December 27, 2021. A “new office” is an organization that has been doing business in the United States through a parent, branch, affiliate, or subsidiary 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 one year within the date of approval of the petition to support an executive or managerial position.

<sup>2</sup> *See* [https://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2022%5C1229%5C99669124.tif&documentNumber=\[REDACTED\]](https://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2022%5C1229%5C99669124.tif&documentNumber=[REDACTED]) (originally checked on May 4, 2023, and rechecked on June 28, 2023).

A response has been provided in the form of a statement from counsel, who claims that the Beneficiary continues to do business in Florida “on behalf of” the Petitioner. However, no evidence was submitted to demonstrate this. Counsel further claims that the Beneficiary was unaware that dissolving the corporation would adversely impact the instant petition and requests that we do not dismiss this appeal as the Beneficiary intends to “timely reinstate” the Petitioner’s corporate status. However, the Petitioner has been dissolved for approximately [REDACTED] and no evidence was submitted with the response to show that it actually filed for reinstatement, or that it has been reinstated. In addition, the Petitioner provided a copy of a document titled [REDACTED] Business Tax Receipt,” effective [REDACTED] 2022, thus showing that the document was issued more than two months prior to the Petitioner’s dissolution in [REDACTED] 2022.

Because the Petitioner has provided no evidence to overcome the adverse findings listed in our previously issued notice of intent to dismiss, this appeal will be dismissed as moot.<sup>3</sup>

**ORDER:** The appeal is dismissed.

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<sup>3</sup> Even if the appeal could be sustained, the petition’s approval would be subject to revocation pursuant to 8 C.F.R. § 214.2(1)(9)(iii) upon dissolution of the corporate entity. Accordingly, dissolution of the Petitioner deprives this appeal of any practical significance. Considerations of prudence warrant the dismissal of the appeal as moot. *See Matter of Luis*, 22 I&N Dec. 747, 753 (BIA 1999).