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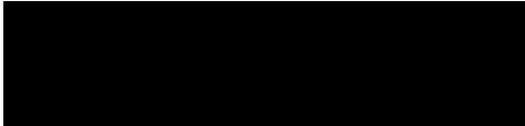
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

B2



FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

8/20/05

WAC 02 133 51513

IN RE:

Petitioner:



Beneficiary:

PETITION: Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to Section 203(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(A)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Mari Johnson

R Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner seeks classification as an employment-based immigrant pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A), as an alien of extraordinary ability in the sciences. The director determined the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

On appeal, the petitioner raises valid concerns regarding the director's decision, such as the director's failure to consider the evidence of citation and commentary that might distinguish the petitioner's articles from others in the field. We are also troubled by the director's failure to consider an association's membership requirements, contained in information from their website submitted into the record, and, instead, went beyond the regulation at 8 C.F.R. § 204.5(h)(3)(ii) by requiring evidence of the petitioner's rank within that association.¹

Nevertheless, we need not consider whether the petitioner has overcome all of the director's concerns. Specifically, review of CIS records indicates that the petitioner's employer filed another Form I-140 petition on her behalf under a different classification, with receipt number WAC 03 201 52950. CIS records further indicate that the second petition was approved on November 29, 2004. The alien concurrently filed a Form I-485 Application to Adjust Status, receipt number WAC 03 213 50251, which was approved on December 17, 2004. Because the alien has adjusted to lawful permanent resident status, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed, based on the alien's adjustment to lawful permanent resident status.

¹ We make no finding as to whether these requirements did include outstanding achievements as mandated by the regulation set forth at 8 C.F.R. § 204.5(h)(3)(ii). Rather, we express concern that the director failed to analyze these requirements and instead stated the record was "void" of credible evidence of the association's requirements.