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U.S. Department of Justice
Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
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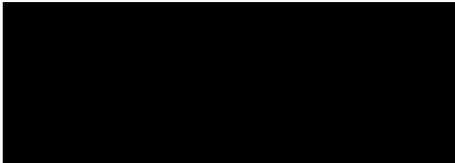
File: WAC 98 140 52427 Office: California Service Center

Date: AUG 23 2002

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

Petition: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. 1153(b)(2)

IN BEHALF OF PETITIONER:



Public Copy

INSTRUCTIONS:

This is the decision 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.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, California Service Center. The Associate Commissioner for Examinations dismissed a subsequent appeal. The matter is now before the Associate Commissioner on a motion to reopen. The motion will be denied.

The petitioner seeks to classify the beneficiary pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1153(b)(2), as a member of the professions holding an advanced degree. The director found that the position does not require the equivalent of an advanced degree. The Administrative Appeals Office, in dismissing the appeal, concurred with the director's finding that the requirement of a bachelor's degree plus five years of experience is not equivalent to the requirement of an advanced degree.

From a cursory review of the record, the finding of the Administrative Appeals Office appears to have been in error. Nevertheless, for reasons to be discussed below, no practical benefit would arise from further discussion or consideration of this matter.

Review of Service records indicates that, subsequent to filing the instant petition, the petitioner filed another Form I-140 petition on the beneficiary's behalf, with receipt number WAC 99 033 50975. Service records further indicate that the second petition was approved on February 2, 2000. The alien subsequently filed a Form I-485 Application to Adjust Status, which was approved on February 27, 2002. Because the alien has adjusted to lawful permanent resident status, further pursuit of the matter at hand is moot. The beneficiary has already secured the benefit sought in this proceeding, and the outcome of this motion has no effect on the beneficiary's already-granted permanent resident status.

ORDER: The motion is denied, based on the alien's lawful permanent resident status.