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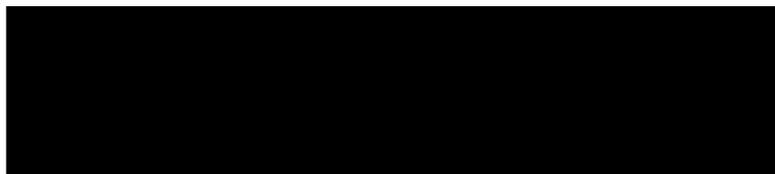
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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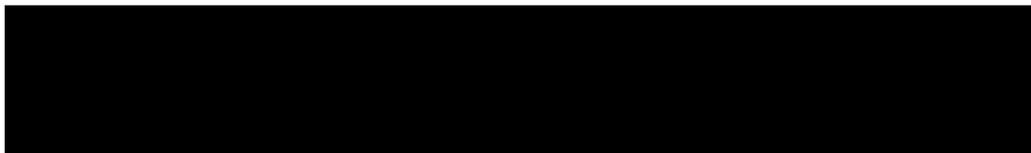
FILE: LIN-03-202-51289 Office: NEBRASKA SERVICE CENTER Date: FEB 28 2008

IN RE: Petitioner:
Beneficiary:



PETITION: Immigrant petition for Alien Worker as a Skilled Worker or Professional pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON BEHALF OF PETITIONER:



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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Acting Director (Director), Nebraska Service Center and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner is a software development business. It seeks to employ the beneficiary permanently in the United States as a programmer analyst for classification under Section 203(b)(3)(A)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A)(ii) as a professional. As required by statute, a Form ETA 750, Application for Alien Employment Certification approved by the Department of Labor (DOL), accompanied the petition. Upon reviewing the petition, the director determined that the beneficiary did not satisfy the minimum level of education stated on the labor certification. Specifically, the director determined that the beneficiary did not possess a four-year bachelor's degree as required on the Form ETA 750. Accordingly, the director denied the petition on March 14, 2005.

Review of Citizenship and Immigration Services (CIS) records indicates that, subsequent to denial of the instant petition, the petitioner filed another immigrant petition (LIN-05-198-53765) on behalf of the instant beneficiary on June 20, 2005 and the new petition was approved on July 20, 2005. The beneficiary was subsequently admitted as a lawful permanent resident on May 26, 2007. Because the beneficiary has been admitted as a lawful permanent resident, further pursuit of the matter at hand is moot.

ORDER: The petition is denied based on the alien's admission as a lawful permanent resident.