



U.S. Citizenship
and Immigration
Services

BL



SEP 08 2004

FILE: EAC 02 141 52452 Office: VERMONT SERVICE CENTER

Date:

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

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, Director
Administrative Appeals Office

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prevent clearly unwarranted
invasion of personal privacy

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

The petitioner seeks to classify the beneficiary as an employment-based immigrant pursuant to section 203(b)(3) of the Immigration and Nationality Act, (the Act), 8 U.S.C. § 1153(b)(3), as a skilled worker. The petitioner is a healthcare staffing firm. It sought to employ the beneficiary permanently in the United States as a professional nurse-RN. The petitioner sought to qualify the beneficiary under the blanket labor certification procedure pursuant to 20 C.F.R. § 656.10, Schedule A, Group 1. The director determined that the petitioner had not established that it had the continuing financial ability to pay the beneficiary the proffered wage as of the priority date of the visa petition. The director also found that the petitioner did not have any contracts with hospital or medical facilities to support a valid job offer to the alien beneficiary. Thus, the director denied the petition on September 5, 2002.

Review of CIS records indicates that the petitioner filed another immigrant visa petition (Form I-140) under the same classification, receipt number EAC 022 865 2144, which was approved on December 6, 2002. The beneficiary received permanent resident status on August 10, 2003. Because the alien is already a lawful permanent resident, further pursuit of the instant matter is moot.

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