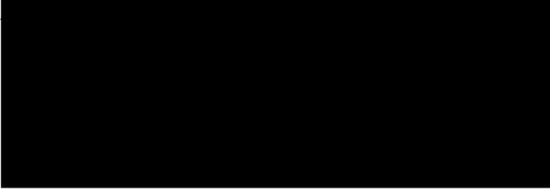


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U.S. Citizenship
and Immigration
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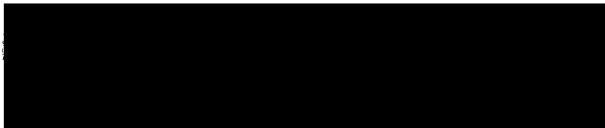
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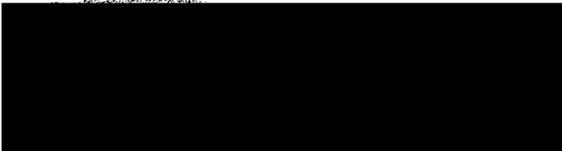
FILE: WAC 00 068 50176 Office: CALIFORNIA SERVICE CENTER Date: JUL 26 2006

IN RE: Petitioner:
Beneficiary:



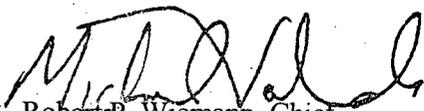
PETITION: Immigrant Petition for Alien Worker as an Skilled Worker or Professional Pursuant to
Section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

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 Director, California Service Center, and the appeal was subsequently rejected by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reconsider. The motion will be granted. The appeal will be dismissed.

The petitioner is a non-profit Armenian cultural and educational facility, comedy club, and entertainment and recording studio. It seeks to employ the beneficiary permanently in the United States as a teacher of Armenian music. As required by statute, a Form ETA 750, Application for Alien Employment Certification approved by the Department of Labor (DOL), accompanied the petition. The director determined that the petitioner had not established that it had the continuing ability to pay the beneficiary the proffered wage beginning on the priority date of the visa petition and denied the petition accordingly.

The AAO initially rejected the appeal on April 21, 2004, due to the lack of a properly filed notice of entry of appearance based on a lack of evidence of authorization by the petitioner. On motion, counsel submits additional documentation and asserts that the petitioner has had the continuing financial ability to pay the proffered salary. The AAO will consider current counsel as having proper authorization to represent the petitioner in this matter.

Review of CIS electronic records indicates that, subsequent to the filing of the instant motion to reconsider, the alien obtained immigrant status as a lawful permanent resident on December 12, 2005. Because the alien has obtained lawful permanent resident status, further pursuit of the matter at hand is moot.

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