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**U.S. Citizenship
and Immigration
Services**

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FILE: [Redacted]
SRC-03-090-54791

Office: TEXAS SERVICE CENTER

Date: **JUL 27 2006**

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, Chief
Administrative Appeals Office



DISCUSSION: The Director, Texas Service Center, denied the preference petition for abandonment, reopened the matter on her own motion, and subsequently denied the petition on substantive grounds. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner is a plastering business. It seeks to employ the beneficiary permanently in the United States as a plasterer. As required by statute, the petition is accompanied by a Form ETA 750, Application for Alien Employment Certification, approved by the Department of Labor. 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. The director denied the petition accordingly.

Review of Citizenship and Immigration Services (CIS) records indicates that, subsequent to filing the instant appeal, the petitioner filed an identical petition, SRC-05-195-51707, on June 30, 2005. That petition was approved by the director on August 12, 2005. Because the petitioner has an approved petition for the same beneficiary, proffered position, underlying labor certification and priority date, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed.