

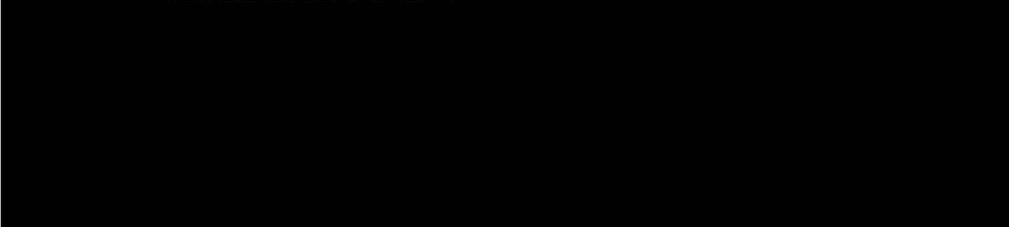


U.S. Citizenship
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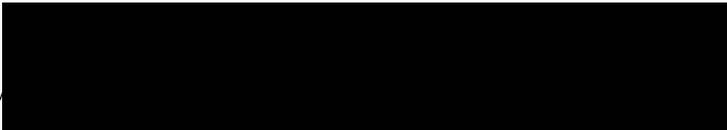
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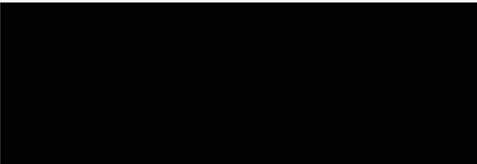
FILE: EAC 04 154 54693 Office: VERMONT SERVICE CENTER Date: MAR 10 2006

IN RE: Petitioner:
Beneficiary



PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

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

DISCUSSION: The director, Vermont Service Center, denied the nonimmigrant visa petition, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner is an applications systems network provider that seeks to employ the beneficiary as a global technical consulting manager. The petitioner, therefore, endeavors to classify the beneficiary as a nonimmigrant worker in a specialty occupation pursuant to section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b).

The director denied the petition, holding that, as the beneficiary was no longer in H-1B status at the time the petition was filed, he did not meet the requirements of section 106 of AC21 and thereby did not establish that he was eligible for a seventh year of stay in H-1B status.

On appeal, counsel contends that the director erred in denying the petition, and that the beneficiary qualifies for a seventh year of stay in H-1B status.

A review of the records of the Citizenship and Immigration Services indicates that this beneficiary is also the beneficiary of an approved immigrant petition and has adjusted status to that of a permanent resident as of July 28, 2004. While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the beneficiary is presently a permanent resident and the issues in this proceeding are moot. Therefore, this appeal is dismissed.

ORDER: The appeal is dismissed as moot.