

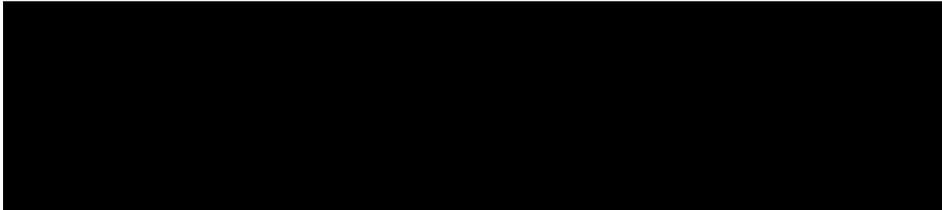
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

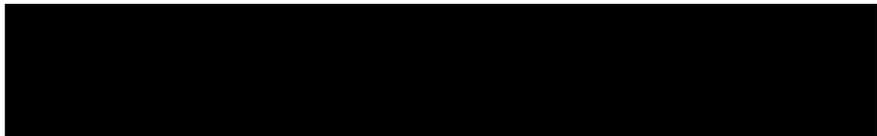
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FILE: LIN 05 063 50240 Office: NEBRASKA SERVICE CENTER Date: **OCT 04 2007**

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, Chief
Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, entered an informal decision in this matter approving the petition until February 14, 2005. The director found the beneficiary ineligible for a seventh year of H-1B status under the provisions of the American Competitiveness in the Twenty-First Century Act (AC-21) (as amended by the Twenty-First Century DOJ Appropriations Authorization Act (DOJ-21)). The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner is a university and seeks to employ the beneficiary as a coordinator of its graduate school diversity office. It endeavored 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).

On July 6, 2005 the director entered an informal decision and counsel for the petitioner submitted a Form I-290B, Notice of Appeal. The AAO finds that the director has not properly entered a decision in this matter. Thus, in most circumstances the proper course would be to remand the matter to the director for the entry of a new decision.

However, review of Citizenship and Immigration Services (CIS) records shows that the beneficiary applied for adjustment of status (Form I-485, receipt number LIN 06 089 50409) and has become a lawful permanent resident as of September 23, 2006. Because the alien is already a lawful permanent resident, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed as moot.