

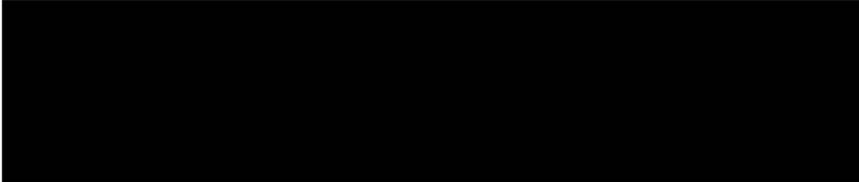
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U.S. Citizenship
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FILE: SRC 04 209 50054 Office: TEXAS SERVICE CENTER Date:

MAR 19 2008

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 service center director 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 a hospital. It seeks to employ the beneficiary as a physical therapist and endeavors to classify him 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 stating that the petitioner failed to submit a certificate from an approved credentialing agency verifying that the beneficiary's foreign education is comparable with that of an American healthcare worker of the same type pursuant to section 212(a)(5)(C) of the Act. On appeal, the petitioner submits additional information asking that the petition be approved.

Citizenship and Immigration Services (CIS) records indicate that the beneficiary applied for adjustment of status (Form I-485, receipt # SRC 06 003 51676) on October 3, 2005 and became a lawful permanent resident on January 5, 2006. The adjustment of status to permanent resident by the beneficiary renders the present proceeding moot.

ORDER: The appeal is dismissed based on the beneficiary's adjustment of status to that of a permanent resident.