

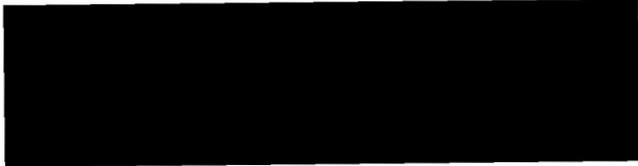


U.S. Citizenship  
and Immigration  
Services

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invasion of personal privacy

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FILE: WAC 00 083 52954 Office: CALIFORNIA SERVICE CENTER Date: NOV 25 2008

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

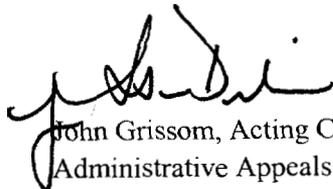
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the  
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

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.

  
John Grissom, Acting Chief  
Administrative Appeals Office

**DISCUSSION:** The Form I-129 (present petition) was filed on January 20, 2000, and thereafter approved by the California Service Center on April 13, 2000. An extension petition was subsequently filed by the petitioner for the proffered position (WAC 03 051 53703) and that petition was approved by the California Service Center on or about December 12, 2002. On October 8, 2003, the director issued a Notice Of Intent To Revoke (NOIR) the approval of the present petition (WAC 00 083 52954) and approval of the extension petition (WAC 03 051 53703). The director revoked the approval of the extension petition (WAC 03 051 53703) and the matter was appealed to the Administrative Appeals Office (AAO). The AAO sustained the appeal and approved the extension petition on May 3, 2004. The director issued a decision revoking approval of the present petition on April 30, 2004, stating that the petitioner did not respond to the NOIR. The director's decision revoking approval of the initial petition (filed January 20, 2000 – WAC 00 083 52594) is presently before the AAO on appeal. The petitioner states, on appeal, that it never received the NOIR relating to the approval of the present petition (WAC 00 083 52954), and was first served with a copy along with the director's decision to revoke dated April 30, 2004. The petitioner submitted additional evidence and states that the proffered position qualifies as a specialty occupation and that the beneficiary is qualified to perform the duties of the position. The appeal will be dismissed.

The petitioner is engaged in the business of transmission design and repair. It seeks to employ the beneficiary as an automotive engineer 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 petitioner seeks to establish that the proffered position is a specialty occupation and that the beneficiary is qualified to perform the duties of the position. Those two issues were adjudicated by the AAO on appeal from the director's decision revoking approval of the extension petition in file number WAC 03 051 53703. By decision dated May 3, 2004, the AAO determined that the offered position is a specialty occupation and that the beneficiary is qualified to perform the duties of the position. As such, the present appeal is moot as the relief requested herein has been granted by U.S. Citizenship and Immigration Services (USCIS).

**ORDER:** The appeal is dismissed.