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**U.S. Citizenship
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FILE: EAC 04 191 51558 Office: VERMONT SERVICE CENTER Date: **JUN 15 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:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All materials 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 nonimmigrant visa petition was denied by the Director, Vermont Service Center. In a subsequent motion to reconsider, the director dismissed the motion. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as the matter is now moot.

The petitioner is an information technology consulting service. It desires a one-year extension of the beneficiary's H-1B classification under the American Competitiveness in the Twenty-First Century Act (AC21), as amended by the 21st Century Department of Justice Appropriations Act. The director determined that the beneficiary was not eligible under sections 104(c) or 106 of AC21 for an extension of H-1B classification beyond the six-year maximum limitation.

On appeal, the petitioner states that the director's decision was incorrect.

A review of Citizenship and Immigration Services (CIS) records indicate that a labor certification application (Form ETA-750) on behalf of the beneficiary was filed on June 27, 2003, and subsequent to the filing of the instant petition, the petitioner filed a Form I-140 petition seeking immigrant classification on the beneficiary's behalf. CIS records further indicate that the petition was approved on November 23, 2004. The beneficiary subsequently filed a Form I-485 Application to Adjust Status, receipt number EAC-05-025-50253, which was approved on April 27, 2005. Because the beneficiary in the instant petition has been adjusted to lawful permanent resident status, further pursuit of the matter at hand is moot.

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