

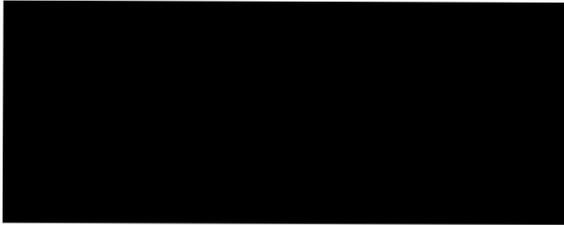
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U.S. Department of Homeland Security
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Washington, DC 20529-2090
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U.S. Citizenship
and Immigration
Services

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FILE: EAC 00 161 53331 Office: VERMONT SERVICE CENTER Date: NOV 24 2008

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

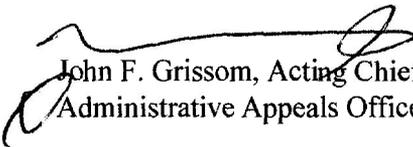
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

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 F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, revoked the approval of 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 provider of engineering-based services to the marine and naval architecture industries. It seeks to employ the beneficiary as a computer programmer. 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 initially approved the petition but subsequently issued a notice of intent to revoke the approval, advising the petitioner that it had come to the service center's attention that the beneficiary is subject to the two-year foreign residence requirement pursuant to section 212(e) of the Act. The director requested evidence that the beneficiary had been granted a waiver of such requirement. The director subsequently revoked the approval of the petition, noting that the petitioner failed to respond to the notice of intent to revoke and therefore failed to overcome the proposed grounds for revocation.

On appeal, counsel contends that the director erred in revoking the approval of the petition.

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 May 23, 2002. 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.