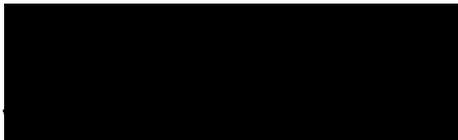




U.S. Citizenship
and Immigration
Services

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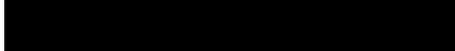
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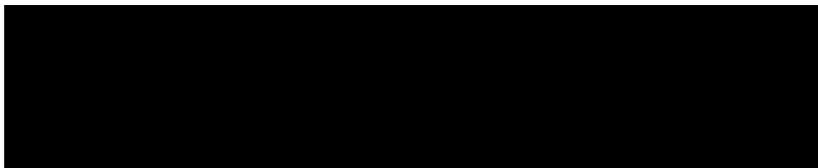
FILE: 
SRC 03 116 52692

Office: TEXAS SERVICE CENTER Date: DEC 16 2005

IN RE: Petitioner: 
Beneficiary: 

PETITION: Immigrant petition for Alien Worker as a Skilled Worker or Professional pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

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, Director
Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the preference visa petition that is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner is a retail jewelry store. It seeks to employ the beneficiary permanently in the United States as a jewelry and watch repairperson. As required by statute, a Form ETA 750, Application for Alien Employment Certification approved by the Department of Labor accompanied the petition. The director determined that the petitioner had not established that it had the continuing ability to pay the beneficiary the proffered wage beginning on the priority date of the visa petition and denied the petition accordingly. On appeal, counsel submitted a brief.

The petitioner in this case is [REDACTED]. The beneficiary is [REDACTED]. This office observes that during the pendency of the appeal in this matter, [REDACTED] filed another Form I-140 petition for [REDACTED]. That petition was approved on July 15, 2005.

Because a petition by the instant petitioner for the instant beneficiary has been approved, the instant petition is moot and will be dismissed.

ORDER: The appeal is dismissed