



U.S. Citizenship
and Immigration
Services

(b)(6)

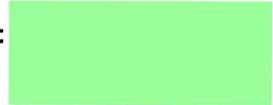


DATE:

APR 23 2013

OFFICE: TEXAS SERVICE CENTER

FILE:



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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

(b)(6)

Page 2

DISCUSSION: The Director, Texas Service Center, revoked the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner is a restaurant. It seeks to employ the beneficiary permanently in the United States as a manager. The petitioner seeks to classify the beneficiary as a cook pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3), as a skilled worker or professional. The employment-based petition was approved on November 19, 2004. On May 11, 2010, the director notified the petitioner of his intent to revoke (NOIR) the approval of the petition for the petitioner's failure to disclose the familial relationship between the beneficiary and the president of the petitioner. The director subsequently revoked the approval of the petition on July 22, 2010 for the petitioner's failure to respond to the NOIR within the prescribed timeframe.

A review of U.S. Citizenship and Immigration Services records indicates that, subsequent to filing the instant petition, the beneficiary filed a family-based Form I-485 Application to Adjust Status, receipt [REDACTED] which was approved on February 25, 2011. Because the beneficiary has adjusted to lawful permanent resident status, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed as moot based on the alien's adjustment to lawful permanent resident status.