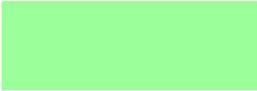


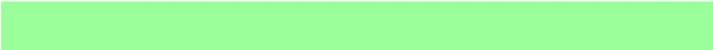


U.S. Citizenship
and Immigration
Services

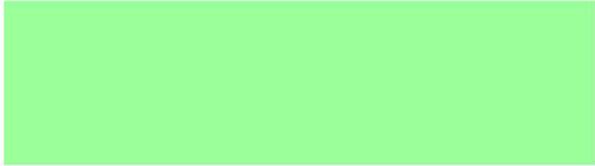
(b)(6)



DATE: **JUL 15 2014** OFFICE: NEBRASKA 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 (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, approved the immigrant visa petition and subsequently revoked the petition's approval. The matter is now before the Administrative Appeals Office (AAO) on appeal.¹ The appeal will be dismissed as moot.

The petitioner is a restaurant. It seeks to employ the beneficiary permanently in the United States as a chef. The petitioner seeks to classify the beneficiary as an alien worker pursuant to section 203(b)(3) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3), as a skilled worker or professional. In his notice of revocation dated October 9, 2012, 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. The director revoked the petition's approval accordingly.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that, subsequent to filing the instant petition, the alien filed a Form I-485, Application to Register Permanent Residence or Adjust Status, receipt number [REDACTED]. The Form I-485 was approved on May 14, 2014.² Because the alien has adjusted to lawful permanent resident status, further pursuit of the matter at hand is moot.

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

¹ The director incorrectly stated in a notice to the petitioner that the appeal was untimely filed. The appeal was timely received by the Nebraska Service Center on October 26, 2012.

² The beneficiary was permitted to port to a similar position with a new employer pursuant to the American Competitiveness in the Twenty-First Century Act of 2000 (AC21).