



U.S. Citizenship
and Immigration
Services

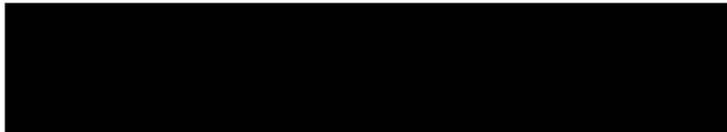


FILE: WAC 07 242 52258 Office: CALIFORNIA SERVICE CENTER Date: **DEC 04 2009**

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. § 103.5(a)(1)(i).

A handwritten signature in black ink, appearing to read "Perry Rhew".

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the service center director, and the petitioner's subsequent filing in response to that decision was considered by the service center director as a motion to reopen or reconsider and dismissed. The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed as the matter is now moot.

The petitioner is a corporation doing business as a computer and software consulting firm. To continue to employ the beneficiary as a computer systems analyst, the petitioner endeavors to continue his classification 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 denied the petition on multiple grounds. The director considered the petitioner's filing in response to the appeal as a motion to reopen or reconsider, and she dismissed it as such, based upon her determination that the requirements for reopening or reconsideration had not been met. On appeal, the petitioner contends that the director's decision to deny the petition was erroneous on the merits, and that the director further erred in adjudicating the petitioner's subsequent filing as a motion instead of forwarding it to the AAO as an appeal.

U.S. Citizenship and Immigration Services records indicate that the beneficiary applied for adjustment of status on September 21, 2008, by a Form I-485 assigned receipt number MSC 08 359 10097, and that he became a lawful permanent resident on April 1, 2009. The beneficiary's adjustment of status to permanent resident renders the present proceeding moot.

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