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



U.S. Citizenship
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FILE: WAC 08 166 50889 Office: CALIFORNIA SERVICE CENTER Date: OCT 08 2009

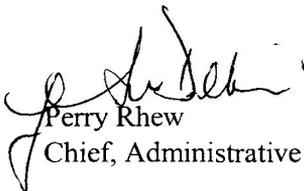
IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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:
[Redacted]

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.


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the service center director and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as the matter is now moot.

On the Form I-129, Petition for a Nonimmigrant Worker, the petitioner states that it is a non-profit research organization, that it was established in 1963, that it employs 454 persons, and has an estimated gross annual income of \$43,277,277. It seeks to employ the beneficiary as a research associate from October 28, 2008 to October 28, 2009. Accordingly, the petitioner 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).

On May 26, 2008, the director denied the petition, determining that the petitioner failed to establish that the beneficiary is eligible for an exemption to extend her H-1B status for an additional year.

On appeal, counsel contends that the director erred in denying the petition, and that the beneficiary qualifies for a seventh year of stay in H-1B status.

A review of the records of U.S. Citizenship and Immigration Services (USCIS) indicates that this beneficiary filed a Form I-485, Application to Adjust Status, which was approved on May 21, 2009, granting the beneficiary lawful permanent resident status. 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.