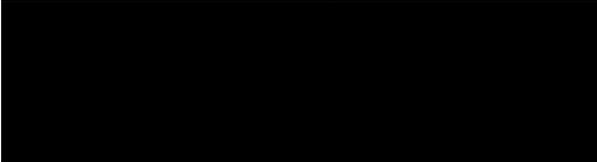


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invasion of personal privacy



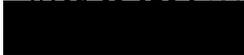
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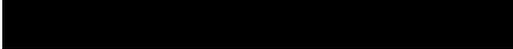
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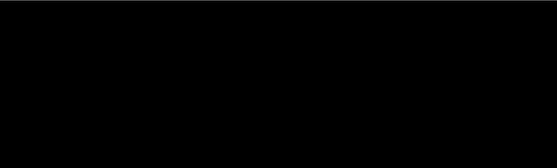
FILE: WAC 05 021 54608 Office: CALIFORNIA SERVICE CENTER Date: **AUG 07 2006**



IN RE: Petitioner:   
Beneficiary: 

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.

Robert P. Wiemann, Chief  
Administrative Appeals Office

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

The petitioner provides software products and services to Fortune 500 companies and government agencies. It seeks a one-year extension of the beneficiary's H-1B classification under the American Competitiveness in the Twenty-First Century Act (AC21), as amended by the 21<sup>st</sup> Century Department of Justice Appropriations Act. The director determined that the petitioner improperly filed the petition more than six months before the date of actual need for the beneficiary's services.

On appeal, the petitioner states that the director's decision was incorrect.

A review of Citizenship and Immigration Services (CIS) records indicates that a labor certification application (Form ETA-750) was filed on behalf of the beneficiary on October 29, 2003. The petitioner subsequently filed and received approval for a Form I-140 petition seeking immigrant classification on the beneficiary's behalf. The beneficiary then filed a Form I-485 Application to Adjust Status, receipt number WAC-05-028-54487, which was approved on April 8, 2005. Because the beneficiary in the instant petition has been adjusted to lawful permanent resident status, further pursuit of the matter at hand is moot.

**ORDER:** The appeal is dismissed due to the beneficiary's adjustment of status to that of a lawful permanent resident.