

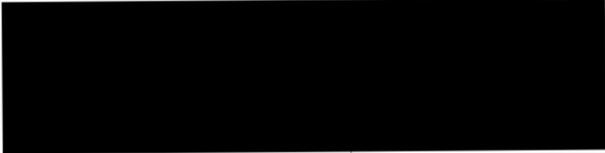


U.S. Citizenship
and Immigration
Services

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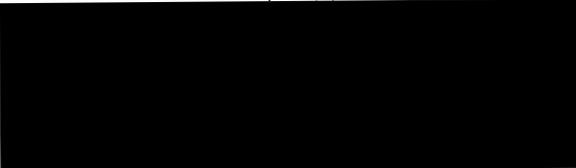


FILE: WAC 00 091 54577 Office: CALIFORNIA SERVICE CENTER Date: OCT 06 2006

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.

for Michael T. Kelly
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The director of the California Service Center denied the nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as moot.

The petitioner is a convenience store business with six locations that seeks to employ the beneficiary as an accountant 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 revoked the petition because the proffered position is not a specialty occupation.

A review of relevant Citizenship and Immigration Services (CIS) databases indicates that subsequent to the filing of the instant petition, the petitioner, on January 14, 2003, submitted a second Petition for a Nonimmigrant Worker (Form I-129) on behalf of the beneficiary for the same employment (WAC 03 081 54690). This second Form I-129 was approved on appeal on December 21, 2005. Because the beneficiary has already been awarded the benefit sought, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed based on CIS' December 21, 2005 approval of the petitioner's January 14, 2003 petition on behalf of the beneficiary.