



U.S. Citizenship
and Immigration
Services

82

[REDACTED]

Date: **OCT 05 2012**

Office: CALIFORNIA SERVICE CENTER

FILE: [REDACTED]

IN RE:

Petitioner:

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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

for 
Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The service center director denied the instant 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.

In the Petition for a Nonimmigrant Worker (Form I-129), the petitioner describes itself as a "Whosaler of laptop PC accessories and consumer electronics" company with 22 employees. To employ the beneficiary in what it designates as a "Director of Logistics, U.S. Operations" position, 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, 8 U.S.C. § 1101(a)(15)(H)(i)(b).

The issue properly before the AAO is the director's denial of the visas petition, based upon her determination that the evidence of record does not establish that the proffered position qualifies as a specialty occupation. On appeal, the petitioner submits a brief and additional evidence, contending that the director erred by failing to recognize the proffered position as a specialty occupation.¹

A review of U.S. Citizenship and Immigration Services records indicates that the beneficiary applied for adjustment of status on May 30, 2012, and that he became a permanent resident on September 14, 2012.

Because the beneficiary's status has been adjusted to permanent resident, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed. The petition is denied.

¹ The letter of notification of the director's decision also states that the beneficiary was ineligible for the extension of stay requested, as the director had also determined that the beneficiary "has failed to maintain his nonimmigrant status." However, the petitioner should note that, pursuant to the regulation at 8 C.F.R. § 214.1(c)(5), there is no provision for an appeal from the denial of an application for extension of stay filed on Form I-129 or I-539. Therefore, this AAO decision should not be construed as in any way addressing the denial of the request for extension of stay, as that issue is not within the AAO's jurisdiction.