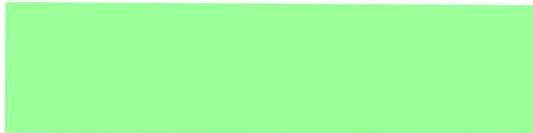


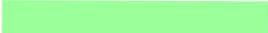
(b)(6)



U.S. Citizenship  
and Immigration  
Services

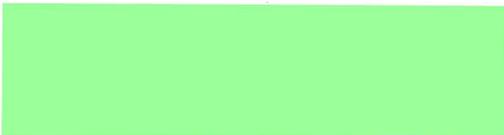


DATE: **JAN 03 2013** OFFICE: CALIFORNIA SERVICE CENTER FILE: 

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:

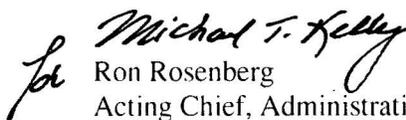


INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) 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,

  
Ron Rosenberg  
Acting 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 moot.

On the Form I-129 visa petition, the petitioner describes itself as a wireless communications company established in 2003. In order to employ the beneficiary in what it designates as a DAS Design Engineer position, the petitioner seeks to classify him 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 March 19, 2012.

U.S. Citizenship and Immigration Services (USCIS) records indicate that on April 9, 2012, a date subsequent to the denial of the instant petition, the petitioner filed another petition seeking nonimmigrant classification of the beneficiary under section 101(a)(15)(H)(i)(b) of the Act. USCIS records indicate further that this petition was approved on April 13, 2012, with dates of validity from October 1, 2012 through September 25, 2015.

Because the beneficiary of the instant petition has been approved for H-1B employment with the petitioner based upon the filing of a subsequent petition, further pursuit of the matter at hand is moot.

**ORDER:** The appeal is dismissed as moot.