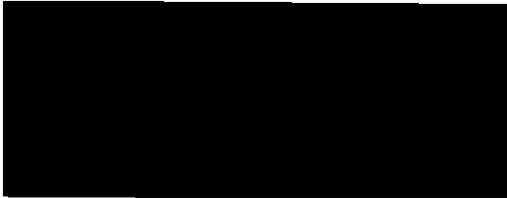




U.S. Citizenship
and Immigration
Services

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identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



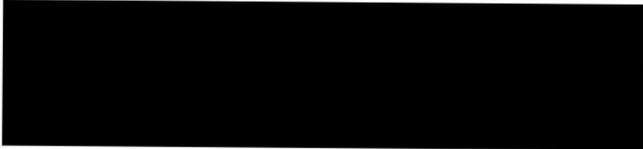
D7

FILE: EAC 00 259 51200 Office: VERMONT SERVICE CENTER Date: **MAY 15 2007**

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

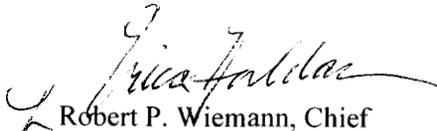
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

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 nonimmigrant visa petition was denied by the Director, Vermont Service Center. The petitioner subsequently filed an appeal with the Administrative Appeals Office (AAO), which the AAO dismissed. The matter is again before the AAO on a motion to reopen or reconsider. The motion will be dismissed.

The petitioner is described as software consulting company. It seeks to employ the beneficiary temporarily in the United States as its systems analyst. The director determined that the petitioner had not established that the beneficiary had been or would be employed in a primarily managerial or executive capacity. On appeal, the AAO affirmed the director's decision and dismissed the appeal.

On motion, counsel for the petitioner contends that the beneficiary is eligible for the requested nonimmigrant petition, as the beneficiary qualifies as a manager under the definition contained in 8 C.F.R. § 214.2(l).

A review of United States Citizenship and Immigration Services (USCIS) records indicates that this beneficiary is also the beneficiary of an approved immigrant petition, filed by the same employer, and has adjusted status to that of a permanent resident status as of December 1, 2004. While the petitioner has not withdrawn the motion in this proceeding, it would appear that the beneficiary is presently a permanent resident and the issues in this proceeding are moot. Therefore, this motion is dismissed.

ORDER: The motion is dismissed as moot.