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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals, MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

D8



File: EAC 08 168 53173 Office: VERMONT SERVICE CENTER Date: APR 02 2010

IN RE: Petitioner:
Beneficiary:



Petition: Petition for a Nonimmigrant Worker under Section 101(a)(15)(O)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(O)(i)

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the petition for a nonimmigrant visa. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will dismiss the appeal as moot.

The petitioner filed the instant petition seeking to classify the beneficiary as an O-1 nonimmigrant pursuant to section 101(a)(15)(O)(i) of the Immigration and Nationality Act (the Act), as an alien of extraordinary ability in the arts. The petitioner is self-described as a not-for-profit cooperative dance organization. It seeks to employ the beneficiary as a dancer/performing artist for a period of three years.

The director denied the petition, concluding that the petitioner failed to establish that the beneficiary has achieved distinction in the arts at a national or international level. On appeal, counsel for the petitioner asserts that the director failed to consider the importance of the beneficiary's academic background and otherwise failed to evaluate the beneficiary's credentials using the proper standards.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that the beneficiary of this petition is currently the beneficiary of an approved I-129 nonimmigrant petition granting the beneficiary O-1 status from February 5, 2010 until December 20, 2012. Because the beneficiary in the instant petition has been approved for employment based upon the filing of another O-1 petition by another employer, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed.