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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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DATE: **NOV 10 2011** Office: CALIFORNIA SERVICE CENTER FILE:

IN RE: Petitioner:
Beneficiary:

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

ON BEHALF OF PETITIONER:



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 law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the nonimmigrant visa petition, and the Administrative Appeals Office (AAO) dismissed the petitioner's subsequent appeal. The matter is now before the AAO on a combined motion to reopen and reconsider. The AAO will dismiss the motion.

The petitioner filed the nonimmigrant petition seeking to classify the beneficiary under section 101(a)(15)(P)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(P)(i), as an internationally recognized athlete. The petitioner is a jockey agent and the beneficiary is a jockey. The beneficiary was previously granted P-1 status pursuant to an approved petition filed by a different petitioner. The petitioner seeks to extend the beneficiary's status for a period of two years.

The director denied the petition, concluding that the petitioner failed to submit a contract between the petitioner and the beneficiary which specifies the terms and conditions of employment, a contract between the beneficiary and his actual employers, or a complete itinerary for the requested period of employment. The AAO dismissed the petitioner's subsequent appeal, concluding that the petitioner overcame only two of the three grounds for denial of the petition. The petitioner has filed a timely motion to reopen and reconsider.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that the beneficiary of this petition was also the beneficiary of an approved family-based immigrant petition (Form I-130) and that he has adjusted status to that of a United States permanent resident as of May 23, 2011. While the petitioner has not withdrawn the motion in this proceeding, it would appear that the beneficiary is presently a lawful permanent resident and the issues in this proceeding are moot. Therefore, this motion is dismissed.

ORDER: The motion is dismissed.