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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

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OCT 05 2009

FILE:

[Redacted]
SRC 08 209 54069

Office: TEXAS SERVICE CENTER Date:

IN RE:

Petitioner:
Beneficiary:



PETITION: Immigrant Petition for Alien Worker as Outstanding Professor or Researcher Pursuant to Section 203(b)(1)(B) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(B)

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.

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Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, approved the employment-based immigrant visa petition, which is now before the Administrative Appeals Office (AAO) on certification. The director's decision will not be addressed as it is now moot. The certification will be dismissed.

The petitioner is a general hospital with teaching and research facilities. It seeks to classify the beneficiary as an outstanding researcher pursuant to section 203(b)(1)(B) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(B). The petitioner seeks to employ the beneficiary permanently in the United States as a thoracic radiologist. The director determined that the petitioner had established that the beneficiary had attained the outstanding level of achievement required for classification as an outstanding researcher but questioned, without reaching an answer, whether the petitioner had been and would be engaged in a research capacity.

Review of U.S. Citizenship and Immigration Services (USCIS) records indicates that both the instant petition and the beneficiary's concurrently filed Form I-485 Application to Adjust Status, receipt number SRC-08-209-54024 have been approved. While an approved petition may be certified to the AAO pursuant to 8 C.F.R. § 103.4, we do not read that provision as giving the AAO the authority to issue advisory opinions on moot issues. Because the alien has adjusted to lawful permanent resident status, further pursuit of the matter at hand is moot.

ORDER: The merits of the director's decision will not be addressed as the matter is now moot, based on the alien's lawful permanent resident status. The certification is dismissed.