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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
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U.S. Citizenship
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FILE:

Office: VERMONT SERVICE CENTER

Date: MAY 11 2009

EAC 02 248 52555

IN RE:

Petitioner:


Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

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.


John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner seeks classification pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as a member of the professions holding an advanced degree. The petitioner seeks employment as a physician. The petitioner asserts that an exemption from the requirement of a job offer, and thus of a labor certification, is in the national interest of the United States because the petitioner will practice medicine at a health care facility under the jurisdiction of the Secretary of Veterans Affairs. The director found that the petitioner had not established she meets the alien physician admissibility requirements established by section 212(a)(5)(B) of the Act.

Review of U.S. Citizenship and Immigration Services' records indicates that the petitioner was granted lawful permanent residence on October 20, 2005. Therefore, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed based on the alien's lawful permanent resident status in the United States.