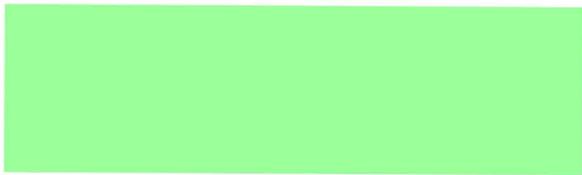


(b)(6)

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



DATE: **FEB 28 2014** OFFICE: NEBRASKA SERVICE CENTER

FILE:



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:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

A handwritten signature in black ink that reads "Elizabeth McCormack".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center (director) denied the employment-based immigrant visa petition and the petitioner has appealed that decision to the Administrative Appeals Office (AAO). The appeal will be dismissed as moot.

The petitioner is a dental clinic seeking to employ the beneficiary permanently in the United States as a dentist (materials/reconstructive) pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2). On May 16, 2013, the director denied the visa petition after determining that the record failed to establish that the beneficiary was qualified for the offered position.

The AAO conducts appellate review on a *de novo* basis. See *Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004).

The record contains the instant Form I-290B, Notice of Appeal or Motion (), which was timely filed by the petitioner on June 18, 2013. It also includes a Form I-290B () filed by the petitioner on June 17, 2013. Both Forms I-290B appeal the director's May 16, 2013 decision and rely on the same reasoning.

On February 12, 2014, the AAO sustained the petitioner's June 17, 2013 appeal of the director's decision (). Accordingly, the AAO will not consider the instant Form I-290B () and will dismiss it as moot.

ORDER: The appeal is dismissed as moot.