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U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE: [Redacted]
SRC 03 102 50503

Office: TEXAS SERVICE CENTER Date:

AUG 29 2005

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

PETITION: Immigrant Petition for Alien Worker as a Skilled Worker or Professional Pursuant to Section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON BEHALF OF PETITIONER:

[Redacted]

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.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office (AAO) on certification. The matter will be summarily dismissed.

The petitioner, a software applications development and information technology consulting service, sought to employ the beneficiary permanently in the United States as a software engineer. As required by statute, a Form ETA 750, Application for Alien Employment Certification approved by the Department of Labor, accompanied the petition. The director denied the petition on October 27, 2004 and certified her decision to the AAO for review.

Information received from the petitioner's counsel in the form of a withdrawal of his opposition to the director's decision submitted on certification, styled as a "Withdrawal of Motion to Reopen," as well as CIS electronic records, reveals that the director approved an immigrant visa petition (SRC 05 063 52191) on February 26, 2005, filed by the petitioner on behalf of the beneficiary. As the beneficiary has obtained the same visa classification as that sought in the present matter, the basis to review the director's decision on certification is now moot.

ORDER: The matter is dismissed.