

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**

B6



FILE: WAC 02 164 50287 Office: CALIFORNIA SERVICE CENTER Date: JAN 17 2008

IN RE: Petitioner:  
Beneficiary:



PETITION: Immigrant Petition for Other Worker Pursuant to § 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. 1153(b)(3)

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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

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

The petitioner is a residential care facility. It seeks to employ the beneficiary permanently in the United States as a nurse assistant. As required by statute, a Form ETA 750, Application for Alien Employment Certification approved by the Department of Labor, accompanied the petition. The director determined that the petitioner had not established that it had the continuing ability to pay the beneficiary the proffered wage beginning on the priority date of the visa petition, January 20, 1998. The director also determined that the petitioner had not established that the beneficiary met the experience requirements of the labor certification before the priority date. The director denied the petition accordingly.

Review of Citizenship and Immigration Services records indicates that, subsequent to the filing of the instant petition, the alien obtained immigrant status as a lawful permanent resident on December 7, 2007. Because the alien has obtained lawful permanent resident status, further pursuit of the matter at hand is moot.

**ORDER:** The appeal is dismissed, based on the alien's lawful permanent resident status.