



U.S. Citizenship
and Immigration
Services

(b)(6)

[Redacted]

DATE: **JAN 23 2014**

OFFICE: NEBRASKA SERVICE CENTER]

[Redacted]

IN RE: Petitioner:
 Beneficiary:

[Redacted]

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

ON BEHALF OF PETITIONER:

[Redacted]

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. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,


Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center (the director), denied the immigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as moot.

The petitioner is a manufacturer for the semiconductor industry. It seeks to employ the beneficiary permanently in the United States as a field service/support engineer 3. The petition requests classification of the beneficiary as a professional pursuant to section 203(b)(3)(A)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A)(ii). The director determined that the beneficiary does not possess a U.S. Bachelor's degree or a foreign equivalent as required by the terms of the labor certification and denied the petition accordingly.

Review of U.S. Citizenship and Immigration Services (USCIS) records indicates that, subsequent to filing the instant petition, the petitioner filed a second petition for the same beneficiary using the same underlying labor certification, receipt number [REDACTED] which was approved on February 25, 2013.¹ Because the amended petition has been approved with the original priority date, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed as moot.

¹ On February 20, 2013, the petitioner filed a Form I-140 immigrant petition, [REDACTED] requesting approval of the petition using the underlying labor certification in the instant case and amending the instant petition. On February 25, 2013, the Form I-140 immigrant petition was approved as a skilled worker pursuant to section 203(b)(3)(A)(i) of the Act, § 1153(b)(3)(A)(i).