

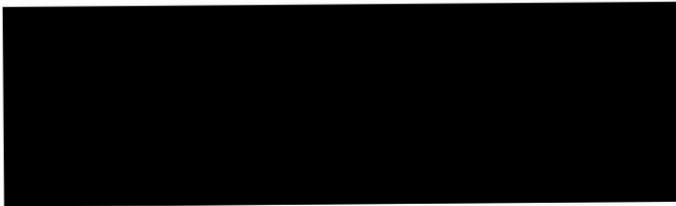
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**U.S. Citizenship  
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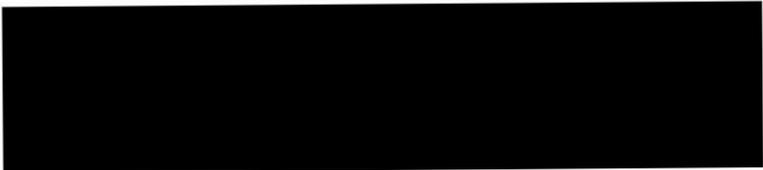
FILE: SRC 04 242 51373 Office: TEXAS SERVICE CENTER Date: **JUL 14 2006**

IN RE: Petitioner:  
Beneficiary:



PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All materials have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

*for Michael T. Kelly*  
Robert P. Wiemann, Chief  
Administrative Appeals Office

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

The petitioner operates a café and restaurant. It desires to employ the beneficiary temporarily in the United States as an accountant, at an annual salary of \$28,163, for three years. The director determined that the petitioner did not establish that the proffered position qualifies as a specialty occupation. The director also determined that the petitioner did not establish that the beneficiary is qualified to perform services in a specialty occupation and denied the petition.

On appeal, counsel states that Citizenship and Immigration Services (CIS) incorrectly assumed that the job offering was for a financial clerk, and not for an accountant. Counsel also states that an accountant is a specialty occupation and that the beneficiary is qualified to hold this position.

A review of Citizenship and Immigration Services (CIS) records indicate that subsequent to the filing of the instant petition, a Form I-130, Petition for Alien Relative, seeking immigrant classification was filed on the beneficiary's behalf. CIS records further indicate that the petition was approved on April 17, 2006. The beneficiary subsequently filed a Form I-485 Application to Adjust Status, receipt number MSC-05-365-16834, which was approved on April 17, 2006. Because the beneficiary in the instant petition has been adjusted to lawful permanent resident status, further pursuit of the matter at hand is moot.

**ORDER:** The appeal is dismissed due to the beneficiary's adjustment of status to that of a lawful permanent resident.