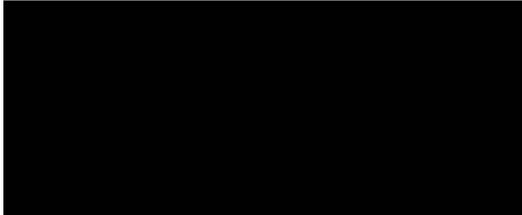




U.S. Citizenship
and Immigration
Services

Δ,



DEC 02 2009

FILE: EAC 08 164 51261 Office: VERMONT SERVICE CENTER Date:

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 documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. § 103.5(a)(1)(i).

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the service center director and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as the matter is now moot.

On the Form I-129, Petition for a Nonimmigrant Worker, the petitioner states that it provides software development and computer consulting services, that it was established in 2007, that it employs one person, and that it has a gross annual income of \$500,000. It seeks to employ the beneficiary as a programmer analyst from May 26, 2008 to May 25, 2011. Accordingly, the petitioner endeavors to classify the beneficiary as a nonimmigrant worker in a specialty occupation pursuant to section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b).

On July 30, 2008, the director denied the petition, determining that the petitioner failed to establish that the proffered position qualified as a specialty occupation. The Form I-129 petition in this matter was filed May 21, 2008.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that, subsequent to the filing of the instant petition, two other employers filed Form I-129 petitions seeking nonimmigrant H-1B classification on the beneficiary's behalf. USCIS records further indicate that the other two employer's petition were approved, which granted the beneficiary H-1B status from September 30, 2008 to August 26, 2011 and from July 29, 2009 to June 30, 2012. Because the beneficiary in the instant petition has been approved for employment with other petitioners, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed as moot.