

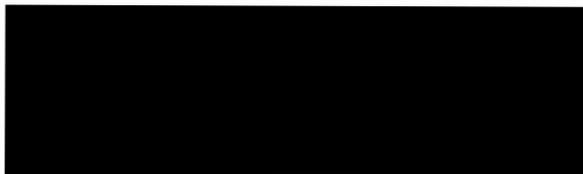
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



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FILE: WAC 04 259 50664 Office: CALIFORNIA SERVICE CENTER Date: **JUN 18 2009**

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

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 or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

John F. Grissom, *for*
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director of the California Service Center denied the nonimmigrant visa petition, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will neither affirm nor withdraw the director's decision. Rather, the appeal will be dismissed as moot.

The petitioner filed this nonimmigrant petition seeking to employ the beneficiary in the position of software quality assurance analyst as an H-1B nonimmigrant 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). The petitioner describes itself as an information technology service provider that works with clients worldwide.

The director denied the petition finding that the petitioner failed to establish that: 1) the proffered position is a specialty occupation as defined at 8 C.F.R. § 214.2(h)(4)(ii); 2) it meets the regulatory definition of an intending United States employer as defined at 8 C.F.R. § 214.2(h)(4)(ii); 3) it meets the definition of "agent" at 8 C.F.R. § 214.2(h)(2)(i)(F); and 4) it submitted a valid labor condition application (LCA) for all locations.

A review of the records of U.S. Citizenship and Immigration Services indicates that this beneficiary was granted lawful permanent resident status on December 5, 2007 (LIN 07 065 52338). While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the beneficiary is presently a permanent resident of the United States and the issues in this proceeding are moot. Therefore, this appeal is dismissed.

ORDER: The appeal is dismissed as moot.