



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE: EAC 07 211 50156 Office: VERMONT SERVICE CENTER Date: OCT 02 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:

[Redacted]

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 director denied the nonimmigrant visa petition and dismissed a subsequent motion. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed, as the matter is now moot.

The petitioner is a software development and consulting company that seeks to employ the beneficiary as a computer programmer. The petitioner, therefore, 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).

The director denied the petition on the basis of his determination that the petitioner had failed to establish that the proposed position qualifies for classification as a specialty occupation. On appeal, counsel submits a brief and additional evidence.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that on December 6, 2007, a date subsequent to the denial of the instant petition, another employer filed a Form I-129 on behalf of the beneficiary. USCIS records further indicate that this second petition was approved on February 12, 2008, and granted the beneficiary H-1B status from February 12, 2008 until December 5, 2010. USCIS records also indicate that a third employer filed a Form I-129 on behalf of the beneficiary on January 23, 2008. USCIS records indicate that this third petition was approved on April 14, 2008, and granted the beneficiary H-1B status from April 14, 2008 until January 17, 2011. Because the beneficiary in the instant petition has been approved for employment with another petitioner, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed as moot.