

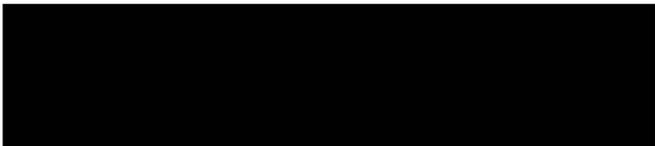
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
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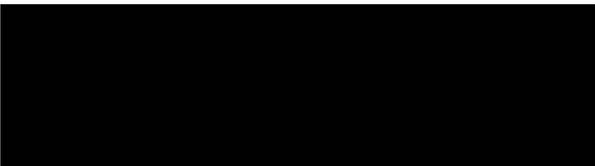
FILE: EAC 08 026 51230 Office: VERMONT SERVICE CENTER Date:

JAN 05 2010

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, 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.

The petitioner describes itself as a company that engages in “land planning, landscape architecture, environmental, traffic engineering and GIS,” was established in 1985, and has 59 employees. It seeks to employ the beneficiary as a senior civil engineer and, 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 because the labor condition application (LCA) was not certified prior to the filing of the H-1B petition. On appeal, counsel submits a brief.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that on January 22, 2009, the beneficiary adjusted her status to that of a lawful permanent resident of the United States. Although the petitioner has not withdrawn the appeal, because the beneficiary is now a permanent resident of the United States, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed. The petition is denied.