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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

D13

DATE: FEB 21 2012

Office: CALIFORNIA SERVICE CENTER FILE: [REDACTED]

IN RE:

Petitioner: [REDACTED]

Beneficiary: [REDACTED]

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

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

  
Perry Rhew

Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the employment-based nonimmigrant visa petition. The petitioner appealed the decision to the Administrative Appeals Office (AAO), and the AAO withdrew the director's decision and remanded the matter for further action and consideration. The director again denied the petition. The matter is now before the AAO on appeal. The AAO will dismiss the appeal.

The petitioner is a church. It seeks to classify the beneficiary as a nonimmigrant religious worker under section 101(a)(15)(R)(1) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(R)(1), to perform services as a pastor. The director determined that the petitioner had failed to show that the beneficiary had not reached the five-year limitation on total stay in the classification and had failed to establish that the beneficiary qualifies for an exception to the limitation on total stay as stated in 8 C.F.R. § 214.2(r)(6).

Petitioner submits no further evidence on appeal.<sup>1</sup>

Review of U.S. Citizenship and Immigration Services (USCIS) records indicates that, subsequent to filing the instant petition, the beneficiary filed a Form I-485, Application to Adjust Status, receipt number [REDACTED] which was approved on September 8, 2011. Because the beneficiary has adjusted to lawful permanent resident status, further pursuit of the matter at hand is moot.

**ORDER:** The petition is denied. The appeal is dismissed, based on the alien's adjustment to lawful permanent resident status.

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<sup>1</sup> An official with the petitioner signed the Form I-290B, Notice of Appeal or Motion. While the director sent a copy of the notice of intent to deny and the final notice of denial to the beneficiary's attorney, the record does not contain a Form G-28, Notice of Appearance as Attorney or Representative signed by the petitioner on appeal. Thus, the AAO considers the petitioner self-represented.