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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

DATE: **JAN 06 2015** OFFICE: CALIFORNIA SERVICE CENTER FILE: [REDACTED]

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

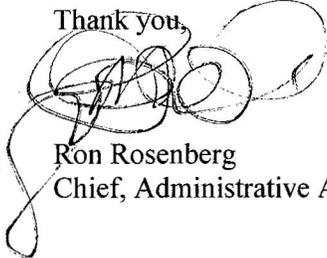
PETITION: Petition for a Commonwealth of the Northern Mariana Islands (CNMI) Only Nonimmigrant Transitional Worker Classification Pursuant to 48 U.S.C. § 1806(d)

ON BEHALF OF PETITIONER:
[REDACTED]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

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

The petitioner submitted a Petition for a CNMI-Only Nonimmigrant Transitional Worker (Form I-129CW) to the California Service Center. In the Form I-129CW visa petition, the petitioner describes itself as a business consisting of a hotel, restaurant, bar, gift shop, catering, foreign currency exchange and barbeque stand. In order to employ the beneficiary in what it designates as a waitress position, the petitioner seeks to classify her as a CNMI-Only Nonimmigrant Transitional Worker (CW-1) to work in the Commonwealth of the Northern Mariana Islands (CNMI) pursuant to 48 U.S.C. § 1806(d).

On May 8, 2014, the director denied the petition, finding that the petitioner failed to establish eligibility for the benefit sought. On appeal, the petitioner asserts that the director's basis for denial of the petition was erroneous.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that on a date subsequent to the denial, another employer filed a Form I-129CW petition seeking nonimmigrant CW-1 classification on behalf of the beneficiary. USCIS records further indicate that this other employer's petition was approved on November 17, 2014. Because the beneficiary in the instant petition has been approved for CW-1 employment with another employer, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed.