

(b)(6)



U.S. Citizenship  
and Immigration  
Services

DATE: **AUG 01 2014** OFFICE: VERMONT SERVICE CENTER FILE: [REDACTED]

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:

SELF-REPRESENTED

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 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 submitted a Petition for a Nonimmigrant Worker (Form I-129) to the Vermont Service Center on April 1, 2013. On the Form I-129 visa petition, the petitioner describes itself as a 46-employee IT solutions and integration business established in 2003. In order to employ the beneficiary in what it designates as a full-time business analyst position, the petitioner seeks to classify her 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).

On October 11, 2013, the director denied the petition, finding that the petitioner failed to establish that it has specialty occupation work available for the beneficiary to perform. 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 February 11, 2014, a date subsequent to the denial of the instant petition, the petitioner filed another Form I-129 petition seeking nonimmigrant H-1B classification on behalf of the beneficiary. USCIS records further indicate that the other petition was approved on March 24, 2014, with dates of validity from March 24, 2014 through January 30, 2017. Because the beneficiary of the instant petition has been approved for H-1B employment with the petitioner based upon the filing of a subsequent petition, further pursuit of the matter at hand is moot.

**ORDER:** The appeal is dismissed as moot.