



U.S. Citizenship  
and Immigration  
Services

(b)(6)

DATE: JUL 21 2014

OFFICE: CALIFORNIA SERVICE CENTER FILE: [REDACTED]

IN RE:

Petitioner:  
Beneficiary:

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 IN THE FORM I-129 PROCEEDING:

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 motion. The motion will be dismissed as the matter is now moot.

The petitioner submitted a Petition for a Nonimmigrant Worker (Form I-129) to the California Service Center. On the Form I-129 visa petition, the petitioner describes itself as a marketing/advertising business established in 2009. In order to employ the beneficiary in what it designates as an advertising and promotions manager position, the petitioner seeks 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, 8 U.S.C. § 1101(a)(15)(H)(i)(b).

The director denied the petition, finding that the petitioner did not establish eligibility for the benefit sought. The petitioner subsequently appealed the director's decision. Upon review, we issued a decision on April 2, 2013 dismissing the appeal. Thereafter, the petitioner's counsel submitted a motion to reconsider.

A review of U.S. Citizenship and Immigration Services records indicates that this beneficiary is also the beneficiary of an approved immigrant petition and has adjusted status to that of a conditional permanent resident. While the petitioner has not withdrawn the instant motion, it appears that the beneficiary is presently a conditional permanent resident and the issues in this proceeding are moot.<sup>1</sup> Therefore, this motion is denied.

**ORDER:** The motion to reconsider is dismissed.

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<sup>1</sup> As the beneficiary has adjusted status to that of a conditional permanent resident, the instant motion is moot. Nevertheless, the AAO reserves its determination on any issues and deficiencies that it observes in the record.