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



U.S. Citizenship
and Immigration
Services

DATE **MAR 04 2014**

OFFICE: CALIFORNIA 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)

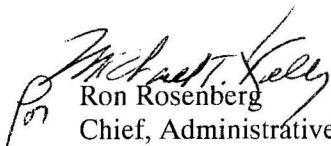
ON BEHALF OF PETITIONER:

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 Director, California Service Center (“the director”), revoked the approval of the H-1B extension petition that had been granted on January 4, 2012. In response to the revocation decision, the petitioner filed an appeal. That appeal is the matter now before the Administrative Appeals Office (AAO). The appeal will be dismissed as the matter is now moot.

In the Petition for a Nonimmigrant Worker (Form I-129)¹, the petitioner described itself as a wholesaler and distributor of computer parts, systems, and graphic arts supplies - with two employees - that was established in 1987.

The petition approval whose revocation is the subject of this appeal had been granted for the petitioner to continue to employ the beneficiary as an H-1B temporary worker in a position to which the petitioner had assigned “Computer Programmer” as the job title. The director initiated the revocation process, and ultimately revoked the extension petition’s approval, under the revocation-on-notice provisions of the regulation at 8 C.F.R. § 214.2(h)(11)(iii).

The director revoked the petition’s approval on May 28, 2013, determining that the evidence of record, including the results of a site visit of the work location specified in the petition, had not established a credible offer of employment and had not established that the proffered position is a specialty occupation. On appeal, counsel for the petitioner asserts that the director’s decision is in error and submits a brief and additional documentation.

A review of the records of United States Citizenship and Immigration Services indicates that this beneficiary is also the beneficiary of an approved immigrant petition and has adjusted status to that of a permanent resident as of January 23, 2014. While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the beneficiary is presently a lawful permanent resident and the issues in this proceeding are moot. Therefore, this appeal is dismissed.

ORDER: The appeal is dismissed as moot.

¹ The Form I-129 was filed on January 14, 2011.