

(b)(6)



U.S. Citizenship
and Immigration
Services

DATE: **OCT 16 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 service center director denied the nonimmigrant visa petition that is now before the Administrative Appeals Office on appeal. The appeal will be dismissed as the matter is now moot.

On the Form I-129 visa petition, the petitioner describes itself as a "Computer and Software Consultancy." In order to extend the beneficiary's present employment in what the petitioner designates as a "Senior Systems Analyst" position, the petitioner seeks to classify him 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).

The director denied the petition on April 25, 2014 because the petitioner failed to (1) establish that the statements on the visa petition the petitioner seeks to extend were true and correct, (2) establish that the Labor Condition Application submitted with the visa petition is valid for all of the locations where the beneficiary would work, and (3) provide an itinerary of the locations where the beneficiary would work as required by 8 C.F.R. § 214.2(h)(2)(i)(B). On appeal, counsel submitted a brief asserting that the evidence submitted establishes that the visa petition is approvable.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that on June 30, 2014, a date subsequent to the denial of the instant petition, the petitioner submitted a new Form I-129, receipt number [REDACTED] on behalf of the beneficiary. USCIS records further indicate that this other petition was approved on July 3, 2014, which granted the beneficiary H-1B status from July 26, 2014 until June 30, 2016. Because the beneficiary in the instant petition has been approved for H-1B employment with the petitioner based upon the filing of another petition, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed. The petition is denied.