



U.S. Citizenship
and Immigration
Services

(b)(6)

DATE: **OCT 30 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 nonimmigrant visa petition was denied by the service center director and the matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed as the matter is now moot.

On the Petition for a Nonimmigrant Worker (Form I-129), the petitioner describes itself as a 157-employee software development and project management firm established in [REDACTED]. In order to employ the beneficiary in what it designates as an "SAP Functional Consultant" 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 July 3, 2013, and affirmed her decision on December 13, 2013.

U.S. Citizenship and Immigration Services (USCIS) records indicate that on April 10, 2014, a date subsequent to the denial of the instant petition, another employer filed a petition seeking nonimmigrant classification of the beneficiary under section 101(a)(15)(H)(i)(b) of the Act. USCIS records indicate further that this petition was approved on May 1, 2014, with dates of validity from October 1, 2014 through September 11, 2017.

Because the beneficiary of the instant petition has been approved for H-1B employment with another petitioner based upon the filing of a subsequent petition, further pursuit of the matter at hand is moot.¹

Because the beneficiary in the instant petition has been approved for H-1B employment with another petitioner, further pursuit of the matter at hand is moot.

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

¹ We sent a letter to counsel and the petitioner on August 28, 2014 requesting verification that the petitioner wishes to pursue the instant appeal, and requested a response within 33 days. We have not received a response.