



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF S-S- INC.

DATE: APR. 3, 2017

APPEAL OF VERMONT SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, a computer business, seeks to temporarily employ the Beneficiary as a "software quality assurance engineer" under the H-1B nonimmigrant classification for specialty occupations. *See* Immigration and Nationality Act section 101(a)(15)(H)(i)(b), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The H-1B program allows a U.S. employer to temporarily employ a qualified foreign worker in a position that requires both (a) the theoretical and practical application of a body of highly specialized knowledge and (b) the attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum prerequisite for entry into the position.

The Director of the Vermont Service Center denied the petition, concluding that the Petitioner has not established that it will have a valid employer-employee relationship with the Beneficiary.

On appeal, the Petitioner asserts that the Director erred in the decision. Upon *de novo* review, we will dismiss the appeal as the matter is now moot.

Specifically, a review of our records indicates that on a date subsequent to the denial of the instant petition, another employer submitted a Form I-129, Petition for a Nonimmigrant Worker, on behalf of the Beneficiary. Our records further indicate that this other employer's Form I-129 was approved.

Because the Beneficiary has been approved for H-1B employment with another employer, this matter is moot.

**ORDER:** The appeal is dismissed.

Cite as *Matter of S-S- Inc.*, ID# 310329 (AAO Apr. 3, 2017)