



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

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

MATTER OF S-T- INC.

DATE: MAY 18, 2017

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a software consulting and development company, seeks to temporarily employ the Beneficiary as a computer programmer 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 California Service Center denied the petition, concluding that the record did not establish that the Petitioner will have an employer-employee relationship with the Beneficiary.

A review of U.S. Citizenship and Immigration Services' (USCIS) records indicates that, subsequent to the filing of the instant petition, another employer filed a Form I-129 petition seeking nonimmigrant H-1B classification on the Beneficiary's behalf. USCIS' records further indicate that the other employer's petition was approved, for the period December 7, 2016, to December 5, 2019.¹ Because the Beneficiary in the instant petition has been approved for employment with another petitioner, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed.

Cite as *Matter of S-T- Inc.*, ID# 324340 (AAO May 18, 2017)

¹ On April 6, 2017, this office notified the Petitioner that the Beneficiary had been approved for H-1B employment with another employer and requested verification that it wished to pursue this appeal. The Petitioner did not respond to our request within the time period designated.