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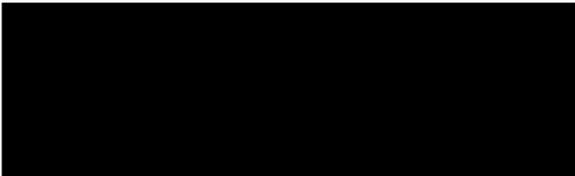
U.S. Department of Homeland Security  
U. S. Citizenship and Immigration Services  
Office of Administrative Appeals, MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

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FILE: EAC 08 082 51588 Office: VERMONT SERVICE CENTER Date: MAY 03 2010

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:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. 103.5(a)(1)(i).

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The acting service center director denied the nonimmigrant visa petition. The matter is now before the AAO. The appeal will be dismissed as the matter is now moot.

The petitioner is an aircraft parts sales and distribution company. To employ the beneficiary as an operations research analyst, the petitioner endeavors to classify her 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 acting director denied the petition based on a finding that the beneficiary had been in H or L nonimmigrant status for the maximum six years permitted and did not otherwise qualify for an extension of her visa status. On appeal, the petitioner did not contest the finding that the beneficiary had been present in the United States as an H or L visa holder for six years, but asserted that the beneficiary is eligible for an extension of her status pursuant to the American Competitiveness in the 21<sup>st</sup> Century Act (AC21).

U.S. Citizenship and Immigration Services records indicate that the beneficiary applied for adjustment of status on June 19, 2008, by a Form I-485 assigned receipt number SRC 08 206 50952, and that she became a lawful permanent resident on December 29, 2008. The beneficiary's adjustment of status to permanent resident renders the present proceeding moot.

**ORDER:** The appeal is dismissed based on the beneficiary's adjustment of status to that of a permanent resident.