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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
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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: SEP 01 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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Michael T. Kelly
Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The service center director revoked approval of the H-1B nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed, as the matter is now moot.

The petitioner describes itself as an information technology consulting firm. The H-1B petition was filed on November 6, 2007 and approved on September 10, 2008 for the beneficiary to serve as a computer programmer for the period August 14, 2007 to March 9, 2009 as a nonimmigrant worker in a specialty occupation 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 December 10, 2008, the service center director issued a Notice of Intent to Revoke (NOIR) approval of this petition.¹ After reviewing the petitioner's response to the NOIR, the service center director issued a decision revoking approval of the petition on the basis stated in the NOIR, namely, that the petition did not merit approval because the record of proceeding failed to establish (1) that the proffered position was a specialty occupation; (2) that a valid Labor Condition Application (LCA) was submitted for all work locations; and (3) that a concise itinerary for all work locations was submitted. That revocation decision is here before the AAO on appeal.

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 this other employer's petition was approved on October 20, 2009. 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.

¹ The NOIR and the subsequent decision revoking approval of the petition reflect that the service center director was acting under the authority of the regulation at 8 C.F.R. § 214.2(h)(11)(iii)(A)(5), which states that a director may revoke approval of a petition if that approval "violated paragraph (h) of this section [that is, the regulations at 8 C.F.R. § 214.2(h) governing approval of H petitions] or involved gross error."