

DISCUSSION: The service center director revoked the approval of the visa petition, and, after granting a subsequent motion to reopen and reconsider, affirmed the earlier decision to revoke approval of the petition. 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 is a for-profit enterprise engaged in the business of soccer loading, coaching and training that seeks to employ the beneficiary as a regional director. The petitioner, therefore, endeavors to classify the beneficiary 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).

The director revoked the approval of the petition on September 23, 2009, finding that the petitioner failed to establish that the proffered position qualifies as a specialty occupation. The petitioner submitted a motion to reopen and reconsider, which the director granted. On November 10, 2009, the director affirmed the initial decision to deny the petition. On appeal, the petitioner and counsel assert that the director's basis for denial was erroneous and contend that the petitioner satisfied all evidentiary requirements.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that on November 12, 2010, a date subsequent to the revocation, another employer filed a Form I-129 petition seeking nonimmigrant H-1B classification on behalf of the beneficiary. USCIS records further indicate that this other employer's petition was approved on December 16, 2010, which granted the beneficiary H-1B status. 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.