

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



D2

Date: **JAN 23 2012** Office: VERMONT SERVICE CENTER

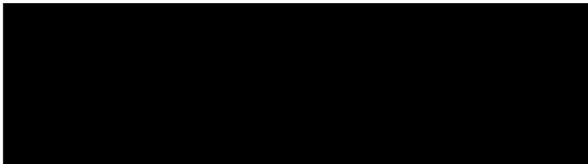
FILE:

IN RE: Petitioner:
Beneficiary:



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:



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 \$630. 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,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The service center director denied the instant 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.

In the Petition for a Nonimmigrant Worker (Form I-129), the petitioner described itself as a “health care staffing and recruitment” firm. To employ the beneficiary in what it designates as a “healthcare quality assurance manager” position, 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, 8 U.S.C. § 1101(a)(15)(H)(i)(b).

The director denied the petition on February 12, 2010, because he determined that (1) the petitioner failed to satisfy the itinerary requirement at 8 C.F.R. § 214.2(h)(2)(i)(B), (2) the evidence of record does not establish that the proffered position qualifies as a specialty occupation, and (3) the evidence of record does not establish that the beneficiary is qualified to perform services in a specialty occupation. On appeal, the petitioner submits a brief and evidence contending that an itinerary was not required, and that the proffered position qualifies as a specialty occupation for which the beneficiary is qualified.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that on April 14, 2011, a date subsequent to the denial of the instant petition, another employer filed a Form I-129 seeking H-1B nonimmigrant classification on behalf of the beneficiary. USCIS records further indicate that the other employer’s petition was approved.

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.