



U.S. Citizenship
and Immigration
Services

[REDACTED]

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Date: NOV 07 2012 Office: CALIFORNIA SERVICE CENTER FILE: [REDACTED]

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:

[REDACTED]

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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. ^ 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. ^ 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
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 describes itself as a "Food Production" company with 117,000 employees. To employ the beneficiary in what it designates as a "Quality Control Manager" position, the petitioner endeavors to classify 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 because she determined that the evidence of record does not establish that the beneficiary is still eligible for an extension of H-1B nonimmigrant status under Section 106(a) of The American Competitiveness in the Twenty-First Century Act (AC21), Public Law 106-313 as modified by The Twenty-First Century Department of Justice Appropriations Authorization Act (DOJ Act), Public Law 107-273, because a final decision has been rendered on the beneficiary's Form I-485. On appeal, the petitioner submits a brief and evidence contending that the beneficiary qualifies for an extension beyond the six-year limitation pursuant to Section 104(c) of AC21.

A review of U.S. Citizenship and Immigration Services records indicates that the beneficiary applied for adjustment of status on June 10, 2011, and that he became a permanent resident on December 6, 2011.

Because the beneficiary's status has been adjusted to permanent resident, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed. The petition is denied.