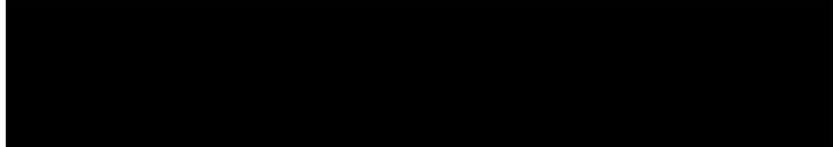




U.S. Citizenship
and Immigration
Services

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Date: **OCT 12 2012** Office: CALIFORNIA 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 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
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the 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 provides computer and software consulting services and was established in 1994 and has over 17,000 United States employees. It seeks to employ the beneficiary as a system analyst. Accordingly, the petitioner seeks to employ 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 (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b).

The director denied the petition determining that the petitioner had failed to substantiate that its employment offer was authentic.

A review of the records of U.S. Citizenship and Immigration Services (USCIS) indicates that on December 5, 2011, a date subsequent to the denial of the instant petition, the petitioner submitted a second Form I-129 on the beneficiary's behalf, and a third petition was filed for the beneficiary on April 9, 2012. The December 5, 2011 petition was approved, which granted the beneficiary H-1B status from November 16, 2011 until February 15, 2013. The April 9, 2012 petition was also approved, which granted the beneficiary H-1B status from October 11, 2012 until May 17, 2014. Because the beneficiary in the instant petition has been approved for employment with the petitioner based upon the filing of two other petitions, further pursuit of the matter at hand is moot. Therefore, this appeal is dismissed.

ORDER: The appeal is dismissed as moot.