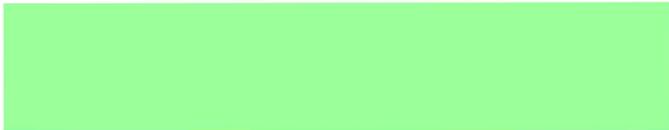




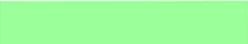
U.S. Citizenship
and Immigration
Services

(b)(6)

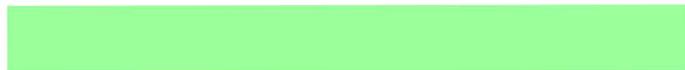


Date: **JAN 16 2013**

Office: CALIFORNIA SERVICE CENTER

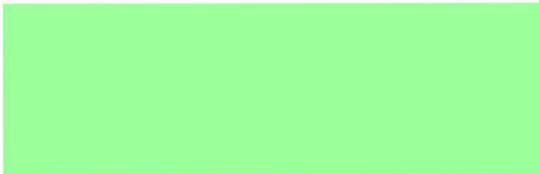
FILE: 

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:

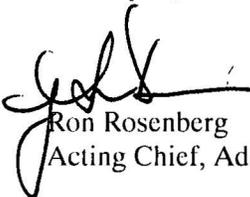


INSTRUCTIONS:

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,



Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, (“the director”) 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 states on the Form I-129, Petition for a Nonimmigrant Worker, that it supplies brake systems, chassis components, vehicle electronics, tires and technical elastomers and was established in 1871 and currently employs 134,500 personnel worldwide. It seeks to employ the beneficiary in a specialty occupation as a category purchasing supervisor 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 Form I-129 petition on November 1, 2011, determining that the petitioner had not established that the beneficiary is qualified to perform the duties of the proffered position. On appeal, counsel for the petitioner asserts that the director’s decision is in error and submits a brief and additional documentation.

A review of the records of United States Citizenship and Immigration Services (USCIS) indicates that on December 13, 2012, a date subsequent to the denial of the instant petition, the petitioner submitted a second Form I-129 on the beneficiary’s behalf. The December 13, 2012 petition was approved, which granted the beneficiary H-1B status from February 9, 2013 until January 1, 2015. Because the beneficiary in the instant petition has been approved for employment with the petitioner based upon the filing of another petition, further pursuit of the matter at hand is moot. Therefore, this appeal is dismissed.

ORDER: The appeal is dismissed as moot.