

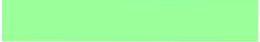
(b)(6)

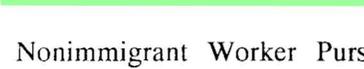


U.S. Citizenship  
and Immigration  
Services



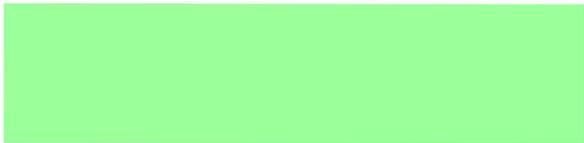
DATE: NOV 05 2013

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 (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The service center 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 moot.

On the Form I-129 visa petition, the petitioner describes itself as a computer, software development, and information technology consulting firm established in 2001. In order to employ the beneficiary in what it designates as a full-time system analyst position, the petitioner seeks to classify him 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, finding that the petitioner failed to establish eligibility for the benefit sought. Counsel for the petitioner filed an appeal of the director's decision.

U.S. Citizenship and Immigration Services (USCIS) records indicate that on April 29, 2013, a date subsequent to the denial of the instant petition, another employer filed a petition seeking nonimmigrant classification of the beneficiary under section 101(a)(15)(H)(i)(b) of the Act. USCIS records indicate further that this petition was approved on August 15, 2013, with dates of validity from September 29, 2013 through September 26, 2016. Because the beneficiary of the instant petition has been approved for H-1B employment with another petitioner based upon the filing of a subsequent petition, further pursuit of the matter at hand is moot.

**ORDER:** The appeal is dismissed as moot.