



U.S. Citizenship
and Immigration
Services

(b)(6)

[Redacted]

DATE: **OCT 02 2013** 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 (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,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The director initially approved the nonimmigrant visa petition. Upon subsequent review of the record, the director issued a notice of intent to revoke (NOIR) the approval of the petition, and ultimately did revoke the approval of the petition. The matter is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed as the matter is now moot.

The petitioner submitted a Petition for Nonimmigrant Worker (Form I-129) to the California Service Center on August 16, 2011. In the Form I-129 visa petition, the petitioner describes itself as computer and software consultancy firm established in 1994. The employer sought to employ the beneficiary in a position it designated as a senior business analyst position. The petition was initially granted.

Thereafter, a site visit was conducted. The director reviewed the site visit report and issued a NOIR. The NOIR contained a detailed statement regarding the new information that U.S. Citizenship and Immigration Services (USCIS) had obtained and notified the petitioner that it was afforded an opportunity to submit evidence in support of the petition and in opposition to the grounds alleged for revocation of the approval of the petition. The petitioner responded to the NOIR. Thereafter, the director reviewed the evidence submitted but determined that it did not overcome the grounds for revocation. On May 1, 2013, the director revoked the approval of the petition.

A review of USCIS records indicates that on May 28, 2013, a date subsequent to the revocation of the approval of the instant petition, the petitioner submitted a new Form I-129 on the beneficiary's behalf.¹ USCIS records further indicate that this second petition was approved on June 5, 2013.² Because the beneficiary in the instant petition has been approved for H-1B employment with the petitioner based upon the filing of another petition, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed.

¹ The petitioner indicated that the basis of classification was new employment and requested consular notification.

² The validity dates of the H-1B petition are from June 5, 2013 to March 5, 2015.