



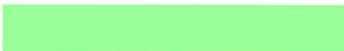
U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: JAN 28 2014

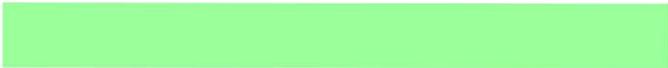
OFFICE: CALIFORNIA SERVICE CENTER



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:

SELF-REPRESENTED

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DISCUSSION: The nonimmigrant visa petition was revoked by the service center director. The petitioner filed an appeal with the Administrative Appeals Office (AAO). The AAO dismissed the appeal, as well as a subsequently filed joint motion to reopen and reconsider. The matter is again before the AAO on motion. The motion will be dismissed as the matter is now moot.

The petitioner submitted a Petition for a Nonimmigrant Worker (Form I-129) to the California Service Center on May 12, 2011. On the Form I-129 visa petition, the petitioner describes itself as a business providing medical and cardiology consultant services that was established in 1979. In order to employ the beneficiary in what it designates as a computer analyst/programmer position, the petitioner sought 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, 8 U.S.C. § 1101(a)(15)(H)(i)(b).

The petition was initially approved. Following a site visit and the issuance of a Notice of Intent to Revoke (NOIR), the director revoked the approval of the petition. The petitioner submitted an appeal, which the AAO dismissed on June 28, 2013. The petitioner subsequently filed a joint motion to reopen and reconsider. The AAO dismissed the motion on October 28, 2013. The petitioner then filed a second joint motion to reopen and reconsider on November 25, 2013.

A review of U.S. Citizenship and Immigration Services records indicates that this beneficiary is also the beneficiary of an approved immigrant petition and has adjusted status to that of a U.S. permanent resident. While the petitioner has not withdrawn the motion in this proceeding, it would appear that the beneficiary is presently a permanent resident and the issues in this proceeding are moot. Therefore, this motion is dismissed.

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