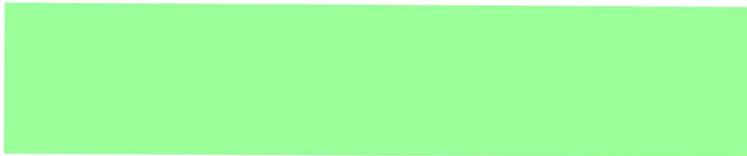


(b)(6)



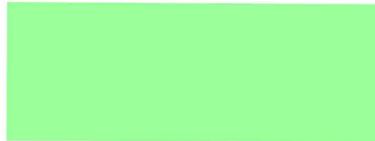
U.S. Citizenship  
and Immigration  
Services



DATE: **MAY 05 2014**

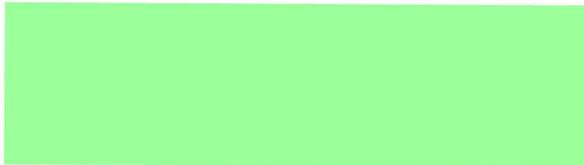
OFFICE: CALIFORNIA SERVICE CENTER FILE: 

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.

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director of the California Service Center denied the nonimmigrant visa petition and certified the decision to the Administrative Appeals Office (AAO). The AAO reviewed the record of proceeding in its entirety and finds that the petitioner has not established eligibility for the benefit sought. Accordingly, the AAO affirms the director's decision to deny the petition.

The petitioner submitted a Petition for a Nonimmigrant Worker (Form I-129) to the California Service Center on April 2, 2013. In the Form I-129 petition, the petitioner describes itself as a business that is engaged in the manufacture, research and development, distribution, and wholesale of frozen foods. The petitioner seeks to classify 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 on September 12, 2013. Thereafter, on December 5, 2013, the director certified the decision to the AAO for review. On May 2, 2014, the AAO received a letter from the petitioner's counsel requesting the H-1B petition be withdrawn. It is noted that even if the grounds of ineligibility in this matter were to be overcome, this request to withdraw the petition now renders it subject to immediate and automatic revocation without prior notice. *See* 8 C.F.R. § 214.2(h)(11)(ii). Therefore, as the petition would be subject to automatic revocation if it were approved, the issues in this proceeding are now moot.

**ORDER:** The director's decision to deny the petition is affirmed.