



U.S. Citizenship
and Immigration
Services

(b)(6)

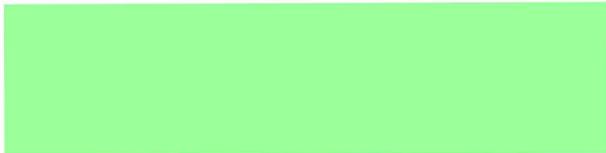


DATE: **OCT 23 2014** OFFICE: CALIFORNIA SERVICE CENTER FILE:

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 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
Chief, Administrative Appeals Office

DISCUSSION: The service center director denied the nonimmigrant visa petition that is now before the Administrative Appeals Office on appeal. The appeal will be dismissed as the matter is now moot.

On the Form I-129 visa petition, the petitioner describes itself as a "Specialty staffing services" firm, established in 1994, with 12,300 employees in the United States. In order to employ the beneficiary in what it designates as a "Senior Programmer 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 on June 24, 2014, finding that the petitioner had failed to demonstrate (1) that it would comply with the terms and conditions of H-1B employment, and (2) that the Labor Condition Application submitted to support the visa petition is valid for all of the locations where the beneficiary would work. Counsel filed a timely appeal.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that on August 28, 2014, a date subsequent to the denial of the instant petition, the petitioner submitted a new Form I-129, receipt number [REDACTED] on behalf of the beneficiary. USCIS records further indicate that this second petition was approved on September 10, 2014, which granted the beneficiary H-1B status from September 9, 2014 until September 24, 2015. 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. The petition is denied.