



U.S. Citizenship
and Immigration
Services

(b)(6)

DATE: **MAR 16 2015** OFFICE: VERMONT 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 service center director (hereinafter "director") initially approved the nonimmigrant visa petition. In response to new evidence, the director issued a notice of intent to revoke, and ultimately did revoke the approval of the petition. The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed as the matter is now moot.

On the Petition for a Nonimmigrant Worker (Form I-129), the petitioner describes itself as a 1,327-employee "[c]ommercial aircraft maintenance, modification and engineering" firm established in [REDACTED]. In order to continue to employ the beneficiary in what it designates as an "Aircraft Technologies Engineer" 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 revoked approval of the petition on July 16, 2014, finding that the petitioner had violated the terms and conditions of the approved visa petition by failing to pay the beneficiary the full amount of the proffered wage. On appeal, the petitioner submitted a brief and additional evidence.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that on August 1, 2014, a date subsequent to the revocation 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 August 15, 2014, which granted the beneficiary H-1B status from August 15, 2014 until February 1, 2016. Subsequently, the director issued a *nunc pro tunc* order granting the beneficiary H-1B status from February 2, 2013 until February 1, 2016. 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.