



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF O-, INC.

DATE: SEPT. 14, 2015

APPEAL OF VERMONT SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, a software development and information technology services company, seeks to employ the Beneficiary as a systems analyst and to classify him as a nonimmigrant worker in a specialty occupation. *See* 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, Vermont Service Center, denied the petition. The matter is now before us on appeal. The appeal will be dismissed.

U.S. Citizenship and Immigration Services (USCIS) records indicate that on April 13, 2015, a date subsequent to the denial of the instant petition, the Petitioner filed another Form I-129 seeking nonimmigrant H-1B classification on behalf of the Beneficiary. USCIS records further indicate that this petition was approved on May 7, 2015. We sent a letter to the Petitioner requesting verification of its intent to pursue the appeal on July 1, 2015, and have not received a response.

Because the Beneficiary of the instant petition has been approved for H-1B employment with the Petitioner, further pursuit of the matter at hand is moot.

**ORDER:** The appeal is dismissed.

Cite as *Matter of O-, Inc.*, ID# 13057 (AAO Sept. 14, 2015)