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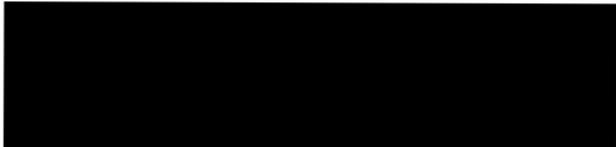


File: SRC 06 116 53293 Office: TEXAS SERVICE CENTER Date: NOV 03 2008

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

Petition: Petition for a Nonimmigrant Worker under Section 101(a)(15)(O)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(O)(i)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the petition for a nonimmigrant visa. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will dismiss the appeal.

The petitioner is self-described as a provider of innovative design products and services. It seeks to employ the beneficiary as a multimedia marketing artist specializing in pop art. The petitioner filed the instant petition seeking to classify the beneficiary as an O-1nonimmigrant pursuant to section 101(a)(15)(O)(i) of the Immigration and Nationality Act (the Act), as an alien of extraordinary ability in the arts.

The director denied the petition on March 16, 2007, finding that the petitioner failed to establish that the beneficiary has achieved the requisite level of national or international acclaim as an artist. On appeal, counsel for the petitioner asserts that the director incorrectly applied the legal standard for O-1 aliens of extraordinary ability in the arts.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that the beneficiary in this matter is also the beneficiary of an approved first preference employment-based immigrant petition and has adjusted status to that of a U.S. permanent resident as of February 1, 2008. While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the beneficiary is presently a permanent resident and the issues in this proceeding are moot. Therefore, the appeal is dismissed.

ORDER: The appeal is dismissed as moot.