



U.S. Citizenship  
and Immigration  
Services

(b)(6)

DATE: JUN 26 2013

Office: CALIFORNIA SERVICE CENTER

FILE: [REDACTED]

IN RE:

Petitioner:

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:  
[REDACTED]

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  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the nonimmigrant visa petition and certified the decision to the AAO. The AAO will dismiss the appeal.

The petitioner in this matter is self-described as a talent agency. It seeks to employ the beneficiary as an actor. The petitioner filed the instant petition seeking to classify the beneficiary as an O-1 nonimmigrant pursuant to section 101(a)(15)(O)(i) of the Immigration and Nationality Act (the Act), as an alien of extraordinary achievement in the motion picture or television industry. The petitioner seeks to employ the beneficiary as an actor for a period of approximately three years.

On January 6, 2010, the director denied the petition concluding that the petitioner failed to establish that the beneficiary has a demonstrated record of extraordinary achievement in the motion picture and television industry. In denying the petition, the director determined that the petitioner failed to establish that the beneficiary has been nominated for or has been the recipient of a significant national or international award, pursuant to 8 C.F.R. § 214.2(o)(3)(v)(A), or that she has met three of the six evidentiary criteria set forth at 8 C.F.R. § 214.2(o)(3)(v)(B). In addition, the director determined that the petitioner's explanation of the intended events for the beneficiary does not establish that she is coming to the United States to provide services related to a specific event or events pursuant to 8 C.F.R. § 214.2(o)(2)(ii).

Also on January 6, 2010, the director issued a notice of certification advising the petitioner that the matter has been certified to the AAO pursuant to 8 C.F.R. § 103.4(a)(2), and granting 30 days in which to submit a brief or written statement. As of this date, the AAO has not received a brief or statement from counsel or the petitioner, and the record will be considered complete.

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 June 23, 2011. 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.