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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

DATE: **JUN 28 2013**

Office: CALIFORNIA SERVICE CENTER

FILE: [REDACTED]

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

PETITION: Petition for a Nonimmigrant Worker Pursuant to 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:

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.

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 Administrative Appeals Office (AAO) for review. The AAO will dismiss the appeal.

The petitioner, a model management firm, seeks the services of the beneficiary as a professional fashion model. Accordingly, the petitioner filed this O-1 nonimmigrant visa petition requesting classification of the beneficiary as an O-1 alien with extraordinary ability in the arts pursuant to section 101(a)(15)(O)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(O)(i)(2006). The petitioner seeks to temporarily employ the beneficiary in the position of a professional fashion model for a period of three years.

On November 25, 2009, the director denied the petition. The director found that the petitioner is an agent representing both the beneficiary and multiple employers, but failed to submit a complete itinerary of events and the contracts between the beneficiary and her ultimate employers. The petitioner responded that the regulations do not require a detailed itinerary, because it is an agent performing the function of an employer. Noting that the petition involves complex issues of law and fact, the director certified the decision to the AAO for review. *See* 8 C.F.R. § 103.4(a)(5) (2012). The certification advised the petitioner that the matter has been certified to the AAO pursuant to 8 C.F.R. § 103.4(a)(2), and granted 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 of this petition has since been the beneficiary of two approved I-129 nonimmigrant petitions granting the beneficiary O-1 status from February 15, 2010 until February 14, 2014. Because the beneficiary in the instant petition currently holds the requested classification, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed.