



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

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

In Re: 28119111

Date: NOV. 03, 2023

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Alien Workers (National Interest Waiver)

The Petitioner, an entrepreneur, seeks employment-based second preference (EB-2) immigrant classification as an individual of exceptional ability in the sciences, arts, or business. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). He also seeks a national interest waiver of the job offer requirement attached to this classification under section 203(b)(2)(1)(B) of the Act.

The Director of the Texas Service Center denied the petition, concluding that the record did not establish the Petitioner's eligibility for EB-2 classification as an individual of exceptional ability. The Director further determined that the Petitioner did not establish that it would be in the national interest to grant a discretionary waiver of the job offer requirement. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The record reflects that the present appeal is a duplicate filing. In response to the Director's adverse decision, the Petitioner mailed two Forms I-290B, Notice of Appeal or Motion, with filing fees, to the designated filing location under separate cover and was issued two separate receipts. On November 3, 2023, we issued a decision on the other appeal [REDACTED]. Therefore, the issues raised in this duplicate appeal are moot, and the appeal will be dismissed.

ORDER: The appeal is dismissed.