



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

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

In Re: 24133101

Date: JAN. 19, 2023

Motions on Administrative Appeals Office Decision

Form I-140, Immigrant Petition for Other Worker

The Petitioner, a poultry processor, seeks to permanently employ the Beneficiary as a trimmer. The company requests his classification under the third-preference, immigrant visa category as an “other worker.” *See* Immigration and Nationality Act (the Act) section 203(b)(3)(A)(iii), 8 C.F.R. § 1153(b)(3)(A)(iii).

The Director of the Texas Service Center denied the petition, and we dismissed the Petitioner’s following appeal. *See In re: 01772231* (AAO Jul. 7, 2022). We agreed with the Director that the company submitted insufficient evidence of its required ability to pay the proffered wages of this and other positions it offered to noncitizens. *Id.*

The matter returns to us on the Petitioner’s combined motions to reopen and reconsider. The company submits additional evidence of its ability to pay.

U.S. Citizenship and Immigration Services (USCIS) records, however, indicate that, before the motions’ filings, the Beneficiary obtained lawful permanent residence based on an immigrant visa petition that his spouse filed for him. The family-based proceedings resulted in the Beneficiary’s possession of a different alien registration number than the one he received in these proceedings. But the family-based filing lists his same name, date and country of birth, gender, date and place of last U.S. entry, and number of his Form I-94, Arrival/Departure Record, as this petition. Photographs of the Beneficiary in USCIS systems also match. The record therefore demonstrates his lawful permanent residence.

Administrative tribunals may dismiss appeals or motions that lack practical significance as moot. *Matter of Luis*, 22 I&N Dec. 747, 753 (BIA 1999). The Beneficiary’s “green card” status renders the employment-based petition for him moot. We will therefore dismiss the Petitioner’s motions.

**ORDER:** The motion to reopen is dismissed.

**FURTHER ORDER:** The motion to reconsider is dismissed.