



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

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

In Re: 28878511

Date: OCT. 16, 2023

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Alien Workers (Skilled Worker or Professional)

The Petitioner, a computer consultancy, sought to permanently employ the Beneficiary as a programmer analyst. The company requested his classification under the employment-based, third-preference (EB-3) immigrant visa category as a skilled worker or professional. *See* Immigration and Nationality Act (the Act) section 203(b)(3)(A)(i), (ii), 8 U.S.C. § 1153(b)(3)(A)(i), (ii).

The Director of the Texas Service Center denied the petition. The Director concluded that, contrary to the offered job's requirements, the Petitioner did not demonstrate the Beneficiary's possession of a bachelor's degree. On appeal, the company contends that the Director overlooked evidence that he completed four years of university studies.

USCIS records indicate that, in 2021, the Beneficiary adjusted his status to that of a permanent resident based on a later petition filed by another employer. *See* section 245(a) of the Act, 8 U.S.C. § 1255(a). Thus, this appeal no longer appears to retain practical significance. As a matter of prudence, we will therefore dismiss it as moot. *See Matter of Luis*, 22 I&N Dec. 747, 753 (BIA 1999).

ORDER: The appeal is dismissed.