



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

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

In Re: 23431708

Date: DEC. 14, 2022

Appeal of California Service Center Decision

Form I-129, Petition for a Nonimmigrant Worker (H-1B)

The Petitioner seeks to temporarily employ the Beneficiary under the H-1B nonimmigrant classification for specialty occupations. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(H)(i)(b), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The H-1B program allows a U.S. employer to temporarily employ a qualified foreign worker in a position that requires both: (a) the theoretical and practical application of a body of highly specialized knowledge; and (b) the attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum prerequisite for entry into the position.

The Director of the California Service Center denied the petition, concluding that the record did not establish that the Beneficiary qualified for the proffered position. On appeal, the Petitioner asserts that the Director erred, and the Petitioner has established eligibility for this benefit. The matter is now before us on appeal. We will dismiss the appeal as moot.

U.S. Citizenship and Immigration Services records indicate that the Petitioner filed a subsequent Form I-129, Petition for a Nonimmigrant Worker, seeking nonimmigrant H-1B classification on behalf of the Beneficiary and that the petition was approved.

Because the Beneficiary of the instant petition has been approved for H-1B employment with Petitioner, further pursuit of the matter at hand would be moot.

ORDER: The appeal is dismissed.