



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

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

In Re: 23071891

Date: MAR. 20, 2023

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Alien Workers (Extraordinary Ability)

The Petitioner, a martial arts professional, seeks to classify himself as an individual of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Texas Service Center denied the petition, concluding the record did not establish that the Petitioner met at least three of the ten required evidentiary criteria at 8 C.F.R. § 204.5(h)(3). The matter is now before us on appeal.

After the date this appeal was filed in January 2022, we received correspondence from the Petitioner stating that another Form I-140, petitioning for immigrant status as an individual with extraordinary ability, was approved on his behalf on April 22, 2022. United States Citizenship and Immigration Services records confirm that this Form I-140 was approved on behalf of the Petitioner following the date of this appeal. The Petitioner stated in his letter to us that it “request[s] a transfer of the Underlying Basis from the initial I-140 [the current petition]...to the approved I-140 Petition for the following¹ pending Applications to Register Permanent Residence or Adjust Status.”² As such, given the Petitioner’s request that the current petition longer form a basis of his adjustment, further pursuit of this matter is now moot.

ORDER: The appeal is dismissed.

¹ The Petitioner’s name and I-485, Application to Register Permanent Residence or Adjust Status, receipt number was among those listed in the letter.

² We note that as an appellate office, we have no jurisdiction over the “transfer” of Forms I-140 to different Forms I-485, nor do we have jurisdiction over the adjustment of status.