



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

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

In Re: 23981391

Date: DEC. 16, 2022

Appeal of California Service Center Decision

Form I-129, Petition for 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 California Service Center Director denied the petition, concluding that the Petitioner did not establish the Beneficiary was qualified for the offered position. The matter is now before us on appeal. Upon *de novo* review, we will dismiss the appeal as the matter is now moot.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicate that on a date subsequent to the denial of this petition, the Petitioner submitted a new Form I-129, Petition for a Nonimmigrant Worker, on behalf of the Beneficiary. USCIS records further indicate that this new Form I-129 was approved. Because the Beneficiary in this petition has been approved for H-1B employment with the Petitioner based upon the filing of another petition, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed.