

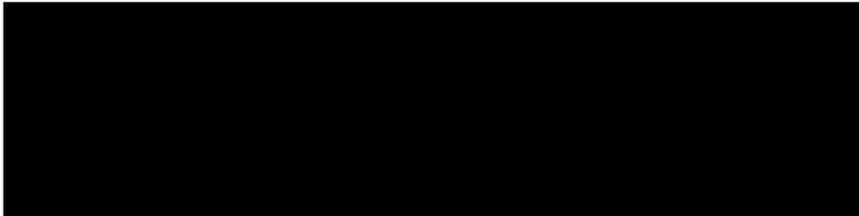
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U.S. Citizenship  
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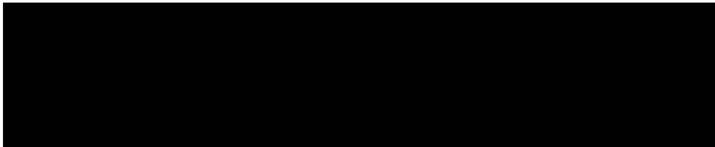
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File: WAC 07 092 51530 Office: CALIFORNIA SERVICE CENTER Date: **FEB 02 2009**

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

Petition: Petition for a Nonimmigrant Worker under Section 101(a)(15)(O)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(O)(i)

ON BEHALF OF PETITIONER:



**INSTRUCTIONS:**

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

  
John F. Grissom, Acting Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the petition for a nonimmigrant visa. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will dismiss the appeal.

The petitioner is self-described as a media and entertainment company. It seeks to employ the beneficiary as a software developer. The petitioner filed the instant petition seeking to classify the beneficiary as an O-1 nonimmigrant pursuant to section 101(a)(15)(O)(i) of the Immigration and Nationality Act (the Act), as an alien of extraordinary ability in business and science.

The director denied the petition on May 17, 2007, finding that the petitioner failed to establish that the beneficiary has achieved the requisite level of sustained national or international acclaim in the field of software development, such that he is recognized as being at the very top of his field. On appeal, counsel for the petitioner asserts that the director incorrectly applied the legal standard for O-1 aliens of extraordinary ability and disregarded critical evidence.

A review of United States Citizenship and Immigration Services (USCIS) records indicates that the beneficiary in this matter is also the beneficiary of an approved family-based immigrant petition and has adjusted status to that of a U.S. permanent resident as of October 9, 2008. While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the beneficiary is presently a permanent resident and the issues in this proceeding are moot. Therefore, the appeal is dismissed.

**ORDER:** The appeal is dismissed as moot.