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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Service
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

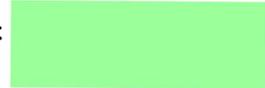


U.S. Citizenship
and Immigration
Services

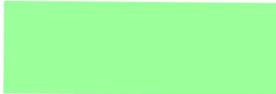


Date: **MAR 04 2015** Office: CALIFORNIA SERVICE CENTER

FILE:



IN RE: Petitioner:
Beneficiary:



PETITION: Petition for a Nonimmigrant Worker Pursuant to 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:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements.** See also 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, recommended denial of the nonimmigrant visa petition and certified her decision to the Administrative Appeals Office (AAO) for review pursuant to 8 C.F.R. § 103.4(a)(5). We will affirm the director's decision and deny the petition as moot.

The petitioner, a California limited liability company, is a self-described business operations, investment and consulting company. It seeks to employ the beneficiary as its managing director for a period of three years.

On November 23, 2009, the director recommended denial of the petition, concluding that the beneficiary, who is the sole member of the petitioning limited liability company, is "in effect, self-petitioning" for O-1 classification, and is prohibited from doing so by the regulation at 8 C.F.R. § 214.2(o)(2)(i). The director certified her decision to us and advised the petitioner that it had 30 days in which to submit a brief or other written statement to us. The petitioner has submitted a brief and additional evidence for our consideration. The petitioner asserts that "a petition filed by a U.S. company on behalf of a beneficiary is not a 'self-petition,'" as there is a clear distinction between the petitioner and the beneficiary.

A review of U.S. Citizenship and Immigration Services records indicates that this beneficiary is also the beneficiary of an approved employment-based immigrant visa petition. The beneficiary adjusted status to that of a U.S. permanent resident as of April 28, 2014. Accordingly, while the petitioner has not withdrawn the petition in this proceeding, it would appear that the beneficiary is presently a legal permanent resident and the issues in this proceeding are moot. Therefore, the petition will be denied as moot.

ORDER: The petition is denied as moot.