



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

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

In Re: 10270656

Date: JULY 20, 2020

Appeal of California Service Center Decision

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

The Petitioner, a company engaged in custom computer programming services, seeks to temporarily employ the Beneficiary as a software developer under the H-1B nonimmigrant classification for specialty occupations. Immigration and Nationality 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 Petitioner did not establish an employer-employee relationship with the Beneficiary, and did not establish that the Beneficiary had sufficient specialty occupation work to perform throughout the requested validity period. On appeal, the Petitioner asserts that the Director erred in the decision.

U.S. Citizenship and Immigration Services records indicate that the Petitioner filed another Form I-129, Petition for a Nonimmigrant Worker, seeking H-1B classification on behalf of the Beneficiary and that the petition was approved. Because the Beneficiary has been approved for H-1B employment with the Petitioner, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed.