



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

Non-Precedent Decision of the  
Administrative Appeals Office

In Re: 10456989

Date: SEP. 30, 2020

Appeal of Vermont Service Center Decision

Form I-129, Petition for a Nonimmigrant Worker

The Petitioner, an information technology consulting company, seeks to temporarily employ the Beneficiary as a “software developer” 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 Director of the Vermont Service Center denied the petition, concluding that the record did not establish that the proffered position qualifies as a specialty occupation. On appeal, the Petitioner asserts that the Director erred in denying the petition.

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.