



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

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

In Re: 10299603

Date: JULY 23, 2020

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 Director of the California Service Center denied the petition, concluding that the evidence of record does not establish that: (1) the Petitioner will have an employer-employee relationship with the Beneficiary; and (2) the proffered position qualifies as a specialty occupation. On appeal, the Petitioner asserts that the Director erred, and the evidence supports an approval of 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.