



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

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

In Re: 10270663

Date: JULY 20, 2020

Appeal of Vermont 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 Java 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 Vermont Service Center denied the petition, concluding that the Petitioner 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 a Form I-129, Petition for a Nonimmigrant Worker, seeking H-1B classification on behalf of the Beneficiary was filed and approved. Because the Beneficiary has been approved for H-1B employment, further pursuit of the matter at hand is moot.

**ORDER:** The appeal is dismissed.