



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

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

In Re: 9088685

Date: JULY 2, 2020

Appeal of Vermont Service Center Decision

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

The Petitioner, an information technology company, seeks to extend the Beneficiary's temporary employment as a "programmer analyst" under the H-1B nonimmigrant classification for specialty occupations. 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 position qualifies as a specialty occupation. The matter is now before us on appeal.

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

ORDER: The appeal is dismissed.