U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 6221156

Date: NOV. 26, 2019

Appeal of Vermont Service Center Decision

Form I-129, Petition for Nonimmigrant Worker (Extraordinary Ability – O)

The Petitioner, a property management business, seeks to classify the Beneficiary, a chef, as a foreign national of extraordinary ability in the arts. To do so, the Petitioner seeks O-1 nonimmigrant classification, available to foreign nationals who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(O)(i), 8 U.S.C. § 1101(a)(15)(O)(i).

The Director of the Vermont Service Center denied the petition, concluding that the Petitioner did not satisfy the evidentiary criteria applicable to individuals of extraordinary ability in the arts under an extended petition. 8 C.F.R. § 214.2(o)(3)(iv)(A)-(B). The matter is now before us on appeal.

U.S. Citizenship and Immigration Services (USCIS) records indicate that a Form I-140, Immigrant Petition for an Alien Worker, filed on behalf of the Beneficiary, was filed and approved before the instant appeal was filed. USCIS records further show that a Form I-485, Application to Register Permanent Residence or Adjust Status, was approved subsequent to the filing of the appeal and that the Beneficiary was issued a Permanent Resident Card on November 1, 2019. As the Beneficiary is presently a permanent resident further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed.