U.S. Citizenship and Immigration Services

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

In Re: 34135048

Date: OCT. 4, 2024

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Alien Workers (National Interest Waiver)

The Petitioner, a music producer, arranger, and director, seeks classification as an individual of exceptional ability in the sciences, arts or business. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). The Petitioner also seeks a national interest waiver of the job offer requirement that is attached to this EB-2 immigrant classification. *See* section 203(b)(2)(B)(i) of the Act. U.S. Citizenship and Immigration Services (USCIS) may grant this discretionary waiver of the required job offer, and thus of a labor certification, when it is in the national interest to do so.

The Director of the Texas Service Center denied the petition, concluding that the record established that the Petitioner qualifies for classification as an individual of exceptional ability in the arts, but did not establish that the Petitioner qualifies for the national interest waiver. The Petitioner filed a motion to reopen and reconsider, which the Director dismissed. The matter is now before us on appeal under 8 C.F.R. § 103.3.

USCIS records show that the Director reopened the petition and later approved it on April 18, 2024.

Because the petition has been approved, there is no longer any adverse decision to appeal. Therefore, the appeal is now moot.

**ORDER:** The appeal is dismissed.