U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 33613871

Date: OCT. 11, 2024

Appeal of California Service Center Decision

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

The Petitioner, an entertainment and management services business, seeks to classify the Beneficiary, a physiotherapist, as an individual of extraordinary ability. This O-1 nonimmigrant visa classification is available to individuals 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 California Service Center denied the petition, concluding the Beneficiary had not satisfied the initial evidentiary criteria applicable to individuals of extraordinary ability in sciences, education, business, or athletics: either receipt of a major, internationally recognized award or at least three of eight possible forms of documentation. 8 C.F.R. § 214.2(o)(3)(iii)(A)-(B). The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

U.S. Citizenship and Immigration Services records indicate that the Petitioner filed another nonimmigrant petition [redacted] on behalf of the Beneficiary, which the Director of the California Service Center approved on August 8, 2024, with a validity period until May 1, 2027. Accordingly, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed.