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U.S. Citizenship and Immigration Services

[redacted]

FEB 12 2004

FILE: WAC-99-066-52359 Office: NEBRASKA SERVICE CENTER Date:

IN RE: Petitioner: [redacted]

PETITION: Immigrant Petition by Alien Entrepreneur Pursuant to Section 203(b)(5) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(5)

ON BEHALF OF PETITIONER:

[redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Mari Johnson

For Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner seeks classification as an alien entrepreneur pursuant to § 203(b)(5) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(5).

The director determined that the petitioner had failed to demonstrate a qualifying investment or that he would create the necessary employment.

Review of Citizenship and Immigration Services (CIS) records indicates that the petitioner subsequently filed a Form I-485 Application to Adjust Status, which was approved on November 24, 2000. At that time, the petitioner was admitted as a conditional permanent resident. On December 31, 2003, the petitioner had the conditions removed from his residence. Because the alien has adjusted to unconditional lawful permanent resident status, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed, based on the petitioner's adjustment to lawful permanent resident status.