



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

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

In Re: 24828805

Date: MAR. 10, 2023

Appeal of Texas Service Center Decision

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

The self-Petitioner, a dentist, sought immigrant visa classification as a member of the professions holding an advanced degree or a noncitizen of exceptional ability. *See* Immigration and Nationality Act (the Act) section 203(b)(2)(A), 8 U.S.C. § 1153(b)(2)(A). He also requested a waiver of the visa category's normal job-offer requirement, which U.S. Citizenship and Immigration Services (USCIS) has discretion to grant if it is "in the national interest." Section 203(2)(B)(i) of the Act.

The Director of the Texas Service Center denied the petition. Although finding that the Petitioner qualified for the requested visa category as an advanced degree professional, the Director concluded that he did not demonstrate his proposed employment to be in the national interest. On appeal, the Petitioner contended that the Director erred in finding that he materially altered his proposed endeavor.

USCIS records indicate that, in December 2022, while this appeal was pending, the Petitioner adjusted his status to that of a lawful permanent resident as his spouse's derivative. *See* section 245(a) of the Act, 8 U.S.C. § 1255(a). Thus, this appeal no longer appears to retain practical significance. As a matter of prudence, we will therefore dismiss it as moot. *See Matter of Reyes*, 26 I&N Dec. 528, 528 n.3 (BIA 2015).

ORDER: The appeal is dismissed.