U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF C-C- INC.

DATE: APR. 26, 2019

APPEAL OF NEBRASKA SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, an electronic parts wholesale merchant, seeks to employ the Beneficiary as a logistics analyst. It requests classification of the Beneficiary as a professional under the third preference immigrant category. Immigration and Nationality Act (the Act) section 203(b)(3)(A)(ii), 8 U.S.C. § 1153(B)(3)(A)(ii). This employment-based "EB-3" immigrant classification allows a U.S. employer to sponsor a professional with a baccalaureate degree for lawful permanent resident status.

The Director of the Nebraska Service Center denied the petition on the ground that the Petitioner did not establish its continuing ability to pay the proffered wage from the priority date onward.

On appeal the Petitioner submits additional evidence and asserts that the evidence of record establishes its ability to pay the proffered wage.

Upon *de novo* review, we will sustain the appeal.

A petitioner must establish that it has the ability to pay the proffered wage, as stated on the labor certification, from the priority date onward. *See* 8 C.F.R. § 204.5(g)(2). In this case, the proffered wage is $57,699 per year and the priority date is December 27, 2016. On appeal the Petitioner supplements the record with additional financial information, including a copy of its federal income tax return for 2017. Based a review of the evidence, including that submitted on appeal, we find that an analysis of the totality of the Petitioner's circumstances demonstrates its ability to pay the proffered wage from the priority date onward.

ORDER: The appeal is sustained.

Cite as *Matter of C-C- Inc*, ID# 3717394 (AAO Apr. 26, 2019)