U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF H-G- CORP.

DATE: AUG. 2, 2018

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, an advertising agency, seeks to employ the Beneficiary as a digital creative development manager. It requests classification of the Beneficiary as a skilled worker under the third preference immigrant classification. Immigration and Nationality Act (the Act) section 203(b)(3)(A)(i), 8 U.S.C. § 1153(b)(3)(A)(i). This employment-based immigrant classification allows a U.S. employer to sponsor a foreign national for lawful permanent resident status to work in a position that requires at least two years of training or experience.

The Director of the Texas Service Center denied the petition, concluding that the record did not contain a valid prevailing wage determination (PWD) to support the labor certification for the offered job. *See* 20 C.F.R. § 656.40. Specifically, the Director noted that the Petitioner submitted a PWD with a different tracking number, standard occupational classification code, and prevailing wage amount than those reflected on the labor certification.

On appeal, the Petitioner submits a valid PWD to support the labor certification. The record otherwise establishes the eligibility of the Petitioner and the Beneficiary for the requested benefit. Upon *de novo* review, we will sustain the appeal.

ORDER: The appeal is sustained.

Cite as *Matter of H-G- Corp.*, ID# 1608350 (AAO Aug. 2, 2018)