U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 10767702

DATE: AUG. 19, 2020

Appeal of Nebraska Service Center Decision

Form I-140, Immigrant Petition for Alien Worker

The Petitioner, a healthcare facility, seeks to employ the Beneficiary as a registered nurse, a Schedule A occupation as codified at 20 C.F.R. § 656.5(a). It requests classification of the Beneficiary under the third preference immigrant category.

In this case the only requirements of the ETA Form 9089 are an associate's degree in nursing, or a foreign educational equivalent, and passage of the NCLEX-RN examination. The Director denied the petition. The matter is now before us on appeal.

Upon de novo review, we will withdraw the Director's decision and sustain the appeal. The Beneficiary meets the specific educational and examination requirements of the ETA Form 9089, in conformance with the regulation at 8 C.F.R. § 204.5(l)(3)(ii). We conclude that the Beneficiary is eligible for the classification as requested in this petition.

ORDER: The appeal is sustained.