U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF Y-R-R-

DATE: AUG. 29, 2018

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, a private individual, sought to employ the Beneficiary as a cook and housekeeper. She requested classification of the Beneficiary as an "other worker" under the third preference immigrant category. Immigration and Nationality Act (the Act) section 203(b)(3)(A)(iii), 8 U.S.C. § 1153(b)(3)(A)(iii). This employment-based "EB-3" immigrant classification allows a U.S. employer to sponsor for lawful permanent resident status a foreign national who is capable of performing unskilled labor that requires less than two years of training or experience and is not of a temporary or seasonal nature.

The Director of the Texas Service Center denied the petition on the grounds that the evidence of record did not establish the *bona fides* of the job offer or that the Beneficiary had at least three months of qualifying experience, as required by the labor certification. The Director also found that the Petitioner had not resolved other evidentiary discrepancies in the record.

The Petitioner filed an appeal, which we will dismiss as moot. The regulation at 8 C.F.R. § 204.5(c) provides that "[a]ny United States employer desiring and intending to employ an alien may file a petition for classification of the alien under . . . section 203(b)(3) of the Act." Public records show that the Petitioner passed away on March 15, 2018. Therefore, the Petitioner can no longer offer employment to the Beneficiary and no longer qualifies as a U.S. employer. Accordingly, the appeal is moot.[1]

ORDER: The appeal is dismissed.

Cite as *Matter of Y-R-R-*, ID# 100509 (AAO Aug. 29, 2018)

[1] Even if the petition had been approved, the approval would have been automatically revoked as of the date of approval upon the death of the Petitioner. *See* 8 C.F.R. § 205.1(a)(3)(iii)(B).