U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40554507

Date: DEC. 17, 2025

Appeal of Service Center Operations (SCOPS) Decision

Form I-140, Immigrant Petition for Alien Workers (Professional)

The Petitioner, a healthcare staffing business, seeks to employ the Beneficiary as a medical technologist. It requests classification of the Beneficiary as a professional under the third preference immigrant classification. *See* Immigration and Nationality Act (the Act), section 203(b)(3)(A)(ii), 8 U.S.C. § 1153(b)(3)(A)(ii). This employment-based immigrant classification allows a U.S. employer to sponsor a professional with a baccalaureate degree for lawful permanent resident status. *Id.*

Service Center Operations (SCOPS) denied the petition in June 2025, concluding that the Form I-140 petition was filed with an expired labor certification that was no longer valid. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

U.S. Citizenship and Immigration Services records indicate that SCOPS reopened the petition in November 2025 and issued a request for additional evidence. Therefore, the June 2025 denial is no longer in effect. There is no record that SCOPS issued any decision on the underlying petition. As there is no evidence of a decision following the November 2025 reopening, the proceeding appears to remain pending. Therefore, we must dismiss the appeal as moot, because there is no decision for the Petitioner to contest on appeal.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.