U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF M-P-C-, INC.

DATE: FEB. 15, 2017

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, a food manufacturing business, seeks to employ the Beneficiary as a Latin Market Development Specialist. 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.

The Director, Texas Service Center, denied the petition, concluding that the evidence in the record of proceedings did not establish that the Beneficiary was a member of the professions and did not demonstrate that the Beneficiary has the education required for the offered position.

The matter is now before us on appeal. The Petitioner states that the evidence in the record indicated that the Beneficiary possesses a master's degree in marketing and that the Director erred in concluding that this degree did not qualify the Beneficiary for the position offered. The Petitioner also asserts that the Beneficiary is a member of the professions and therefore qualifies for classification as a professional.

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

After reviewing the record, including materials submitted on appeal, we find that the Petitioner has established that the Beneficiary has the education required for the offered position and qualifies for classification as a professional under section 203(b)(3)(A)(ii) of the Act. The Petitioner and Beneficiary are otherwise eligible for the classification sought.

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Here, the Petitioner has met that burden.

ORDER: The appeal is sustained.

Cite as *Matter of M-P-C-, Inc.*, ID# 136075 (AAO Feb. 15, 2017)