U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 01772252

DATE: FEB. 24, 2021

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for an Alien Worker

The Petitioner, a janitorial and cleaning services business, seeks to employ the Beneficiary as a packer. It requests "other worker" classification for the Beneficiary 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 ground that the Petitioner did not establish its ability to pay the proffered wages of the instant Beneficiary as well as the beneficiaries of all its the other Form I-140 petitions. The Petitioner appealed.

On appeal the Petitioner submits a brief and asserts that the evidence as a whole establishes its ability to pay the proffered wages of the instant Beneficiary and all of its other I-140 beneficiaries.

The records of U.S. Citizenship and Immigration Services (USCIS) show that the Beneficiary was granted legal permanent resident status on May 27, 2019. The appeal currently before us, therefore, is moot. Accordingly, it will be dismissed.

ORDER: The appeal is dismissed as moot.