U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF P-S-, INC.

DATE: JAN. 23, 2017

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, a software product development and consultancy services provider, seeks to employ the Beneficiary as a senior programmer analyst. It requests classification of the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). This employment-based immigrant classification allows a U.S. employer to sponsor a professional with an advanced degree for lawful permanent resident status.

The Director, Nebraska Service Center, denied the petition, concluding that the terms of the labor certification did not support classification of the position in the advanced degree professional category.

The matter is now before us on appeal. The Petitioner states that the terms of the labor certification meet the minimum requirements for classification of the position as an advanced degree professional under section 203(b)(2) of the Act.

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 position offered meets the minimum requirements for advanced degree professional classification under section 203(b)(2) of the Act. The Petitioner and Beneficiary are otherwise eligible for the benefit requested.

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; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, the Petitioner has met that burden.

ORDER: The appeal is sustained.

Cite as *Matter of P-S-, Inc.*, ID# 84204 (AAO Jan. 23, 2017)