U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 7858289

Date: JAN. 28, 2020

Appeal of California Service Center Decision

Form I-140, Immigrant Petition for Professional

The Petitioner seeks to employ the Beneficiary as a registered nurse.[1] It requests classification of the Beneficiary as a professional under the third preference immigrant classification. 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 of the California Service Center denied the petition, concluding that the Petitioner did not provide a valid prevailing wage determination (PWD). To meet Schedule A eligibility, a petitioner must submit a valid PWD obtained in accordance with 20 C.F.R. §§ 656.40 and 656.41. *See* 20 C.F.R. § 656.15(b)(1).

U.S. Citizenship and Immigration Services records indicate that the Beneficiary adjusted status to that of a U.S. lawful permanent resident on February 9, 2012. She became a naturalized U.S. citizen on March 18, 2015. Because the Beneficiary is a U.S. citizen, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed.

[1] A Schedule A occupation is an occupation codified at 20 C.F.R. § 656.5(a) for which the U.S. Department of Labor has determined that there are not sufficient U.S. workers who are able, willing, qualified and available and that the wages and working conditions of similarly employed U.S. workers will not be adversely affected by the employment of foreign nationals in such occupations. The current list of Schedule A occupations includes professional nurses and physical therapists. *Id.*