U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

MATTER OF F- LLC

DATE: JULY 24, 2018

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, a provider of investment management services, seeks to employ the Beneficiary as a senior systems administrator. It requests his classification under the third-preference, immigrant category as a professional. Immigration and Nationality Act (the Act) section 203(b)(3)(ii), 8 U.S.C. § 1153(b)(3)(ii). This employment-based, "EB-3" category allows a U.S. business to sponsor a foreign national with at least a bachelor's degree for lawful permanent resident status.

The Director of the Texas Service Center denied the petition, concluding that the Petitioner did not demonstrate the Beneficiary's possession of the required degree in a field of study acceptable for the offered position. On appeal,[1] the Petitioner submits additional evidence and asserts that the Beneficiary's foreign degree equates to the required degree in an acceptable field of study.

Upon *de novo* review, including a thorough consideration of the educational documents submitted, we find that a preponderance of the evidence establishes the Beneficiary's possession of a foreign equivalent of the required degree in an acceptable field of study.[2] As such, the Beneficiary meets the minimum educational requirements of the offered position.

**ORDER:** The appeal is sustained.

Cite as *Matter of F- LLC*, ID# 1367052 (AAO July 24, 2018)

[1] As a matter of prudence, U.S. Citizenship and Immigration Services (USCIS) may dismiss appeals or motions as moot. *See, e.g., Matter of Luis-Rodriguez*, 22 I&N Dec. 747, 753 (BIA 1999). After this petition's denial, USCIS approved another petition by the Petitioner for the Beneficiary in the same requested classification. Because the petitions have different priority dates, however, this appeal retains practical significance. *See* 8 C.F.R. § 204.5(e) (entitling a beneficiary of multiple, approved petitions to the earliest priority date).

[2] The requirements of the offered position allow for a foreign equivalent degree.