U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF C-T-S- LLC

DATE: JULY 25, 2017

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, a consulting, development, and staffing company, seeks to employ the Beneficiary as a software engineer (applications). 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 of the Texas Service Center denied the petition on the ground that the Petitioner did not establish its ability to pay the proffered wage for 2014. On appeal, the Petitioner submits additional evidence and asserts that it had the ability to pay the proffered wage.

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

To be eligible for approval, a petitioner must establish its continuing ability to pay the proffered wage of the job offered from the priority date up to the present. *See* 8 C.F.R. § 204.5(g)(2). The priority date of the instant petition is September 27, 2013, which is the date the underlying labor certification was accepted for processing by the DOL. *See* 8 C.F.R. § 204.5(d).

Upon review of the entire record, including the additional evidence submitted on appeal, we conclude that the Petitioner has established that it more likely than not has had the ability to pay the proffered wage from the priority date. Thus, the Petitioner has overcome the ground for denial in the Director's decision. Accordingly, the petition will be approved under section 203(b)(2) of the Act for classification of the Beneficiary as an advanced degree professional.

ORDER: The appeal is sustained.

Cite as *Matter of C-T-S- LLC*, ID# 91037 (AAO July 25, 2017)