U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43193271

Date: JUN. 10, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

Form I-140, Immigrant Petition for Alien Workers (Advanced Degree)

The Petitioner, a data processing and hosting business, seeks to employ the Beneficiary as a software development engineer, under the second-preference, immigrant classification for members of the professions with advanced degrees or their equivalents. Immigration and Nationality Act (the Act) section 203(b)(2)(A), 8 U.S.C. § 1153(b)(2)(A).

USCIS denied the petition, concluding that the petition was not properly filed as it did not contain acceptable signatures. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

SCOPS denied the petition on January 28, 2026. Subsequent to filing the instant appeal, USCIS records show that the Petitioner filed a second Form I-140, Immigration Petition for Alien Worker, on April 7, 2026. That petition was approved on April 23, 2026. Because the Beneficiary has been approved for the same classification based on the same underlying labor certification for the same offered position, further pursuit of this appeal would be moot.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.