U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF G- CO.

DATE: JUNE 11, 2018

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

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

The Acting Director of the Nebraska Service Center denied the petition. The Director concluded that the Petitioner did not demonstrate the Beneficiary's possession of the position's minimum educational requirements.

On appeal, the Petitioner asserts that the Director's assessment of the Beneficiary's qualifications was unreasonable and that, contrary to statutory requirements, the Director did not consult the U.S. Department of Labor (DOL) during the adjudication. Alternatively, the Petitioner requests that we consider the Beneficiary's EB-3 classification as a skilled worker. *See* section 203(b)(3)(A)(i) of the Act (providing immigrant visas for foreign workers with at least two years of training or experience).

U.S. Citizenship and Immigration Services (USCIS) records indicate that, after the Director's decision in this matter, USCIS approved a skilled-worker petition by the Petitioner for the Beneficiary. The record indicates that both petitions share the same DOL certification and thus the same priority dates. *See* 8 C.F.R. § 204.5(d) (explaining how to determine a petition's priority date). Approval of this petition therefore would not appear to additionally benefit the Beneficiary. Because this appeal lacks practical significance, we will dismiss it as moot.

ORDER: The appeal is dismissed.

Cite as *Matter of G-M- Co.*, ID# 1445167 (AAO June 11, 2018)