U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF A-B-A-R-

DATE: JUNE 12, 2017

CERTIFICATION OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, a restaurant, seeks to employ the Beneficiary as a cook. It requests classification of the Beneficiary as a skilled worker under the third preference immigrant classification. *See* Immigration and Nationality Act section 203(b)(3)(A)(i), 8 U.S.C. § 1153(b)(3)(A)(i). This employment-based immigrant classification allows a U.S. employer to sponsor a foreign national for lawful permanent resident status to work in a position that requires at least two years of training or experience.

The Director of the Texas Service Center revoked the approval of the visa petition, finding that the record did not establish the Petitioner's ability to pay the Beneficiary the proffered wage or its compliance with U.S. Department of Labor requirements in its recruitment for the offered position. The Director certified the decision to our office.

On certification, the Petitioner submits additional evidence for our consideration. Upon *de novo* review, we find that the Petitioner has met its burden to establish eligibility for the benefit requested. As such, we will withdraw the Director's decision and reinstate the approval of the petition.

ORDER: The approval of the petition is reinstated.

Cite as *Matter of A-B-A-R-*, ID# 10111 (AAO June 12, 2017)