U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41217565

Date: MAR. 3, 2026

Appeal of Service Center Operations (SCOPS) Decision

Form I-140, Immigrant Petition for Alien Workers (Other Worker)

The Petitioner, a skilled nursing facility, seeks to employ the Beneficiary as a nursing assistant. It requests classification of the Beneficiary under the third-preference, immigrant category as an unskilled worker. Immigration and Nationality Act (the Act) section 203(b)(3)(A)(iii), 8 U.S.C. § 1153(b)(3)(A)(iii). This employment-based category allows a U.S. business to sponsor an alien for lawful permanent resident status based on a job offer requiring less than two years of training or experience.

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner did not establish that it had the continuing ability to pay the proffered wage of the offered job. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

SCOPS denied the petition on September 24, 2025. U.S. Citizenship and Immigration Services records show that the Beneficiary was granted an immigrant visa and became a lawful permanent resident in March 2025. *See* section 245(a) of the Act, 8 U.S.C. § 1255(a). Thus, this appeal no longer appears to retain practical significance. As a matter of prudence, we will therefore dismiss it as moot. *See Matter of Luis,* 22 I&N Dec. 747, 753 (BIA 1999).

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.