U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF A-C-, INC.

DATE: MAR. 5, 2018

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

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

The Petitioner, a technology services and corporate resources company, seeks to employ the Beneficiary as a management analyst. It requests classification of the Beneficiary as a professional under the third preference immigrant classification. Immigration and Nationality Act, section 203(b)(3)(A)(ii), 8 U.S.C. § 1153(b)(3)(A)(ii). This employment-based immigrant classification allows a U.S. employer to sponsor a professional with a baccalaureate degree for lawful permanent resident status.

The Director of the Texas Service Center initially approved the petition. The Director subsequently revoked the petition's approval because the Petitioner did not establish its continuing ability to pay the proffered wages of all of its immigrant and nonimmigrant petitions. We dismissed a subsequent appeal. Now before us on motion, the Petitioner asserts that it has the continuing ability to pay. Upon review, we will grant the motion to reconsider and sustain the appeal.[1]

A petitioner must establish its continuing ability to pay the proffered wage from the priority date onward. *See* 8 C.F.R. § 204.5(g)(2).[2] After review of the record, including additional materials submitted on motion, we find that the Petitioner has established its continuing ability to pay the proffered wage from the priority date onward. Accordingly, we will grant the motion to reconsider and sustain the appeal.

ORDER: The motion to reconsider is granted and the appeal is sustained.

Cite as *Matter of A-C-, Inc.*, ID# 570296 (AAO Mar. 5, 2018)

[1] The Petitioner filed a combined motion to reopen and reconsider. Because we are granting the motion to reconsider, the motion to reopen is moot.

[2] The priority date of a petition is the date the labor certification was accepted for processing by the DOL. *See* 8 C.F.R. § 204.5(d).