U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF S-H-P-C-

DATE: MAY 10, 2017

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, a multi-disciplinary physician practice group, seeks to employ the Beneficiary as a "Primary Care Physician - Outpatient." It requests classification of the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant classification. *See* Immigration and Nationality Act section 203(b)(2), 8 U.S.C. § 1153(b)(2). This employment-based immigrant classification allows a U.S. employer to sponsor a professional with an advanced degree for lawful permanent resident status.

The Director of the Nebraska Service Center denied the petition, concluding that there was a material change in the terms and conditions of the job offered. Accordingly, the Director held that the Petitioner had not established its intent to employ the Beneficiary in accordance with the terms of the labor certification

On appeal, the Petitioner asserts that there has been no material change in the terms and conditions of the job offered. Upon *de novo* review, we will sustain the appeal.

We find that the evidence in the record does not support a finding that there has been a material change in the terms and conditions of the job offered. Therefore, we will withdraw the decision by the Director.

ORDER: The appeal is sustained.

Cite as *Matter of S-H-P-C-*, ID# 264185 (AAO May 10, 2017)