U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF M-R-M-C-P-D-, INC.

DATE: MAY 15, 2018

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, a hospital, seeks to employ the Beneficiary as a registered nurse, a Schedule A occupation as codified at 20 C.F.R. § 656.5(a). It requests classification of the Beneficiary as a skilled worker under the third preference immigrant category. Immigration and Nationality Act (the 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 denied the petition after concluding that it was not supported by a valid prevailing wage determination (PWD) from the U.S. Department of Labor, as required for Schedule A petitions. Specifically, the Director found that the PWD was not valid because it did not reflect the exact same job requirements described on the uncertified Form ETA 9089, Application for Permanent Employment Certification. Upon review of the record, including evidence submitted on appeal, we find that the PWD is valid for the offered position. Accordingly, the Petitioner has overcome the Director's decision.

ORDER: The appeal is sustained.

Cite as *Matter of M-R-M-C-P-D-, Inc.*, ID# 1268198 (AAO May 15, 2018)