U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF S-M-S-, INC.

DATE: SEPT. 8, 2017

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, a shipping management business, seeks to employ the Beneficiary as a fleet marine superintendent. It requests classification of the Beneficiary as a professional under the third preference immigrant classification. *See* Immigration and Nationality Act (the Act) section 203(b)(3)(A)(ii), 8 U.S.C. § 1152(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 denied the visa petition because the underlying labor certification did not require a baccalaureate degree and the Beneficiary did not possess a baccalaureate degree.

The Petitioner subsequently filed another visa petition on behalf of the Beneficiary, seeking to classify him as a skilled worker under section 203(b)(3)(A)(i) of the Act, 8 U.S.C. § 203(b)(3)(A)(i), a classification requiring a minimum of two years of training or experience. The skilled worker petition was approved on December 1, 2016.

We concur with the Director's decision. However, as the skilled worker petition on behalf of the Beneficiary has been approved, the Petitioner's appeal in the present matter is moot and we will dismiss it on this basis.

ORDER: The appeal is dismissed.

Cite as *Matter of S-M-S-, Inc.*, ID# 481093 (AAO Sept. 8, 2017)