



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF I-V-C-, INC.

DATE: FEB. 9, 2017

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, a provider of consulting and staffing services, seeks to permanently employ the Beneficiary as a senior software engineer. 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 (the Act) section 203(b)(2)(A), 8 U.S.C. § 1153(b)(2)(A). This category allows a U.S. employer to sponsor a professional with an advanced degree or its equivalent for lawful permanent resident status.

The Director, Nebraska Service Center, initially approved the petition, but later revoked its approval. The Director concluded that the record at the time of the petition's approval did not establish the Beneficiary's possession of the required experience for the offered position or the Petitioner's intention to employ the Beneficiary. *See* section 205 of the Act, 8 U.S.C. § 1155 (authorizing U.S. Citizenship and Immigration Services to revoke a petition's approval "at any time" for "good and sufficient cause").

The matter is now before us on appeal. We sent a notice of intent to dismiss and request for evidence (NOID/RFE) to the Petitioner. The NOID/RFE informed the Petitioner that the record at the time of the petition's approval did not establish the validity of its federal employer identification number (FEIN) or its ability to pay the proffered wage. Upon *de novo* review, we will sustain the appeal.

Based on all the evidence submitted, the record establishes the Beneficiary's possession of the required experience for the offered position and the Petitioner's intention to employ the Beneficiary. Also, by a preponderance of the evidence, the Petitioner's response to our NOID/RFE demonstrates the validity of the Petitioner's FEIN and its ability to pay the proffered wage. We will therefore withdraw the revocation decision and sustain the appeal.

ORDER: The appeal is sustained.

Cite as *Matter of I-V-C-, Inc.*, ID# 81808 (AAO Feb. 9, 2017)