



U.S. Citizenship
and Immigration
Services

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

MATTER OF A- INC.

DATE: APR. 3, 2019

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, a provider of communications equipment and services, seeks to employ the Beneficiary as a systems architect. It requests his classification under the second-preference, immigrant category as a member of the professions holding an advanced degree. Immigration and Nationality Act (the Act) section 203(b)(2)(A), 8 U.S.C. § 1153(b)(2)(A). This employment-based, “EB-2” category allows a U.S. business to sponsor a foreign national to work in a job requiring a master’s degree, or a bachelor’s degree and five years of experience.

The Director of the Texas Service Center denied the petition. The Director concluded that the Petitioner did not demonstrate its required ability to pay the proffered wage.

On appeal, the Petitioner submits additional evidence and argues that the size and scope of its business demonstrate its ability to pay.

Upon *de novo* review of the appellate record, we find the Petitioner has demonstrated, by a preponderance of the evidence, its ability to pay the proffered wage under a totality of circumstances analysis. *See Matter of Sonogawa*, 12 I&N Dec. 612, 614-15 (Reg’l Comm’r 1967) (allowing adjudicators, when determining a petitioner’s ability to pay, to consider factors beyond its net income or net current assets). We will therefore withdraw the Director’s decision.

ORDER: The appeal is sustained.

Cite as *Matter of A- Inc.*, ID# 884261 (AAO Apr. 3, 2019)