



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

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

MATTER OF Z-I-, INC.

DATE: MAY 7, 2019

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, a designer and seller of children’s clothing and accessories, seeks to employ the Beneficiary as a senior accountant. It requests her 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 for lawful permanent resident status to work in a job requiring at least a master’s degree, or a bachelor’s degree followed by five years of employment experience.

The Director of the Nebraska Service Center denied the petition and the Petitioner’s following motion to reopen. The Director concluded that the accompanying certification from the U.S. Department of Labor (DOL) is invalid. The Director found that, contrary to DOL regulations, the labor certification was not signed by the appropriate counsel.

On appeal, the Petitioner asserts that the Director erred in disregarding the alternate signature of its current counsel on the labor certification.

Upon *de novo* review of the record, we find that the appropriate parties signed the labor certification. The labor certification is therefore valid. A petitioner bears the burden of establishing eligibility for a benefit request. Section 291 of the Act, 8 U.S.C. § 1361. Here, the Petitioner has met that burden.

ORDER: The appeal is sustained.

Cite as *Matter of Z-I-, Inc.*, ID# 2835356 (AAO May 7, 2019)