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U.S. Department of Homeland Security
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U.S. Citizenship
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Services

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: AUG 22 2006
WAC-02-190-50833

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

PETITION: Petition for Alien Worker as a Skilled Worker or Professional Pursuant to Section 203(b)(3)
of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to
the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, California Service Center, and an appeal to the Administrative Appeals Office (AAO) was dismissed. The matter is now again before the AAO on a joint request from the director and the petitioner to reopen and remand. The request will be granted.

The petitioner seeks to classify the beneficiary pursuant to section 203(b)(3) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3) as a skilled worker/ professional. The director determined that the petitioner had not established that it had the continuing ability to pay the beneficiary the proffered wage beginning on the priority date of the visa petition and denied the petition accordingly. In a decision dated June 3, 2005 the AAO dismissed an appeal by the petitioner.

The AAO has now received electronic mail communications from the director and from the petitioner jointly requesting that the petition be reopened and remanded to the director for the issuance of a request for additional evidence to clarify certain issues pertaining to the petitioner's ability to pay the proffered wage. The request will be granted.

ORDER: The petition is reopened and is remanded to the director.