



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

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

MATTER OF T- CORP.

DATE: NOV. 3, 2015

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, which describes itself as a software solutions provider to the high tech industry, seeks to employ the Beneficiary permanently in the United States as a senior associate solution architect as a professional worker pursuant to Section 203(b)(3)(a)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(a)(ii). As required by statute, the petition is accompanied by ETA Form 9089, Application for Permanent Employment Certification, approved by the United States Department of Labor (DOL). The Director denied the petition after determining 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.

We conduct appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004).

Upon review of the entire record, including evidence submitted on appeal and in response to our requests for evidence, we conclude that the Petitioner has established it possesses the continued ability to pay the proffered wage from the priority date onward. The Beneficiary may be classified as a professional because the job offered may be classified as such and her credentials match the terms of the labor certification. *See* 8 C.F.R. § 204.5(l)(3)(ii)(C). Accordingly, the petition is approved under section 203(b)(3)(A)(ii) of the Act, 8 U.S.C. § 1153(b)(3)(A)(ii).

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The Petitioner has met that burden.

ORDER: The appeal is sustained.

Cite as *Matter of T- Corp.*, ID# 12742 (AAO Nov. 3, 2015)