



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

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

In Re: 28878552

Date: OCT. 16, 2023

Appeal of Nebraska Service Center Decision

Form I-140, Immigrant Petition for Alien Workers (Professional)

The Petitioner, an accounting firm, sought to permanently employ the Beneficiary as a software developer. The company requested his classification under the employment-based, third-preference (EB-3) immigrant visa category as a professional. *See* Immigration and Nationality Act (the Act) section 203(b)(3)(A)(ii), 8 U.S.C. § 1153(b)(3)(A)(ii). U.S. businesses may sponsor noncitizens for permanent residence in this category to work in jobs requiring at least bachelor's degrees. *See* 8 C.F.R. § 204.5(l)(3)(i) (stating that a job for a professional must require "the minimum of a baccalaureate degree").

The Director of the Nebraska Service Center denied the petition. The Director concluded that, contrary to requirements of the offered job and the requested immigrant visa category, the Petitioner did not establish the Beneficiary's possession of a bachelor's degree. On appeal, the company contends that the Director misinterpreted the job's educational requirements.

USCIS records indicate that, after this appeal's filing, the Beneficiary adjusted his status to that of a permanent resident based on a later petition filed by another employer. *See* section 245(a) of the Act, 8 U.S.C. § 1255(a). Thus, this appeal no longer appears to retain practical significance. As a matter of prudence, we will therefore dismiss it as moot. *See Matter of Luis*, 22 I&N Dec. 747, 753 (BIA 1999).

ORDER: The appeal is dismissed.