



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

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

In Re: 22654174

Date: NOV. 29, 2022

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Skilled Worker

The Petitioner, an electronics store, seeks to employ the Beneficiary as a bookkeeper. It requests classification of the Beneficiary as a skilled worker under the third preference immigrant classification. Immigration and Nationality Act (the Act) section 203(b)(3)(A)(i), 8 U.S.C. § 1153(b)(3)(A)(i). This employment-based immigrant classification allows a U.S. employer to sponsor a noncitizen for lawful permanent resident status to work in a position that requires at least two years of training or experience.

The petition was initially approved, but the Director of the Texas Service Center revoked<sup>1</sup> the approval, concluding that the record did not establish that a *bona fide* job opportunity existed. On appeal, the Petitioner contests the Director's findings, submitting a brief and supporting documentation, and requests that the approval of the petition be restored.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter *de novo*. *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will sustain the appeal.

The Petitioner has established by a preponderance of the evidence that the offered position is a *bona fide* job opportunity open to U.S. workers. As the only ground for revocation has been overcome, we will withdraw the Director's decision and sustain the appeal.

**ORDER:** The appeal is sustained.

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<sup>1</sup> Section 205 of the Act, 8 U.S.C. § 1155, provides that USCIS may revoke the approval of a petition "for good and sufficient cause." By regulation, USCIS may do so "when the necessity for the revocation comes to the attention of [USCIS]." 8 C.F.R. § 205.2(a). USCIS must give the petitioner notice of its intent to revoke the prior approval of the petition and the opportunity to submit evidence in opposition before proceeding with written notice of the revocation. 8 C.F.R. § 205.2(b) and (c).