U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF M-D-F- INC.

DATE: AUG. 2, 2017

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, a furniture store, seeks to employ the Beneficiary as a systems engineer. It requests classification of the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). This employment-based immigrant classification allows a U.S. employer to sponsor a professional with an advanced degree for lawful permanent resident status.

The Director of the Nebraska Service Center denied the petition, concluding that the Petitioner had not established that the Beneficiary met the educational requirements of the labor certification.

On appeal, the Petitioner asserts that the Beneficiary possesses the foreign equivalent of a U.S. master's degree. Upon *de novo* review, we will sustain the appeal.

A beneficiary must meet all of the requirements of the offered position set forth on the labor certification by the priority date of the petition. *See Matter of Wing's Tea House*, 16 I&N Dec. 158, 159 (Acting Reg'l Comm'r 1977). In this case, section H.4 of the ETA Form 9089, Application for Permanent Employment Certification (labor certification), requires a master's degree in electrical engineering. Section J of the labor certification states that the Beneficiary possesses a master's degree in electrical engineering from [redacted] The record contains a copy of the Beneficiary's diploma and transcripts from the [redacted] as well as evaluations of his educational credentials from [redacted] and [redacted] These evaluations each conclude that the Beneficiary's education is the foreign equivalent of a U.S. master's degree in electrical engineering.

The Director reviewed information from the American Association of Collegiate Registrars and Admissions Officers (AACRAO) Electronic Database for Global Education (EDGE).[1] The Director stated that, according to EDGE, "the Diploma of higher education represents attainment of a level of education comparable to a Bachelor's degree in the United States." On appeal, the Petitioner states

[1] AACRAO is "a nonprofit, voluntary, professional association of more than 11,000 higher education professionals who represent approximately 2,600 institutions in over 40 countries." http://www4.aacrao.org/centennial/about.htm (last visited July 17, 2017). According to its registration page, EDGE is "a web-based resource for the evaluation of foreign educational credentials." http://edge.aacrao.org/info.php (last visited July 17, 2017).

that the Beneficiary obtained his diploma in 1992 based on the educational system of the former Soviet Union prior to the enactment of reforms in 1999 which brought about a new educational system in Armenia. The Petitioner states that the conclusion in EDGE is based on the current educational structure in Armenia and does not apply to diplomas that were issued under the prior system.

After reviewing the evidence submitted on appeal and information regarding the historical educational structure of Armenia at the time the Beneficiary's diploma was issued, we conclude that the Petitioner has established that the Beneficiary possesses a degree that is the foreign equivalent of a U.S. master's degree, and that he therefore meets the educational requirements of the labor certification and for classification as an advanced degree professional position under section 203(b)(2) of the Act.

ORDER: The appeal is sustained.

Cite as *Matter of M-D-F- Inc.*, ID# 389801 (AAO Aug. 2, 2017)