U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF M-E-, LLC

DATE: JUNE 28, 2017

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, a multi-location medical practice, seeks to permanently employ the Beneficiary in the United States as a management analyst. 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 Texas Service Center denied the petition. The Director determined that the Petitioner had not established that the Beneficiary possessed the minimum education required by the job offer.

On appeal, the Petitioner asserts that the Beneficiary's Indian master's degree is equivalent to a U.S. master's degree and that the Beneficiary therefore meets the terms of the labor certification.

Upon *de novo* review, we will dismiss the appeal.

I. LAW

Employment-based immigration generally follows a three-step process. First, an employer must obtain an approved labor certification from the U.S. Department of Labor (DOL).[1] *See* section 212(a)(5)(A)(i) of the Act, 8 U.S.C. § 1182(a)(5)(A)(i). By approving the labor certification, DOL certifies that there are insufficient U.S. workers who are able, willing, qualified, and available for the offered position and that employing a foreign national in the position will not adversely affect the wages and working conditions of domestic workers similarly employed. Section 212(a)(5)(A)(i)(I)-(II) of the Act. Second, the employer may file an immigrant visa petition with U.S. Citizenship and Immigration Services (USCIS). *See* section 204 of the Act, 8 U.S.C. § 1154. Third, if USCIS approves the petition, the foreign national may apply for an immigrant visa

[1] The date the labor certification is filed is called the "priority date." *See* 8 C.F.R. § 204.5(d). A beneficiary must be eligible as of that date.

abroad or, if eligible, adjustment of status in the United States. *See* section 245 of the Act, 8 U.S.C. § 1255.

The petitioner must establish that the beneficiary satisfied all of the educational, training, experience and any other requirements of the offered position specified on the labor certification by the priority date. 8 C.F.R. § 103.2(b)(l), (12). *See Matter of Wing's Tea House*, 16 I&N Dec. 158, 159 (Acting Reg'l Comm'r 1977); *see also Matter of Katigbak,* 14 I&N Dec. 45, 49 (Reg'l Comm'r 1971).

II. ANALYSIS

As required by statute, the petition is accompanied by a labor certification certified by the DOL. *See* Section 212(a)(5)(D) of the Act; *see also* 8 C.F.R. § 204.5(a)(2). The priority date in this matter is August 26, 2016. The labor certification states that the offered position requires a master's degree in MIS, business administration, management, or a related field. No alternate fields of study or alternate combination of education and experience were allowed, but a foreign educational equivalent was deemed acceptable.

The Beneficiary attested on the labor certification that he possesses a master's degree in business administration from [redacted] in India, completed in 2003. The record contains copies of the Beneficiary's diploma and statements of marks from [redacted] showing that the Beneficiary completed his two-year master of business administration program in 2003. The record also contains copies of the Beneficiary's diploma and transcripts from [redacted] in India showing that the Beneficiary completed his three-year bachelor of science program in 2001.

The Petitioner submitted two credential evaluations from the [redacted] The first found that the Beneficiary's master's degree was equivalent to a "Master's degree in management from a regionally accredited college or university in the United States." The second acknowledged that the Beneficiary's bachelor's degree was not equivalent to a U.S. bachelor's degree, but concluded that the Beneficiary's master's degree "is equivalent to a master's degree in management specializing in marketing and human resources from a regionally accredited college or university in the United States."

In order to evaluate the Beneficiary's credentials, the Director consulted the Electronic Database for Global Education (EDGE) created by the American Association of Collegiate Registrars and Admissions Officers (AACRAO). USCIS considers EDGE to be a reliable, peer-reviewed source of information about foreign credentials equivalencies.[2] As the Director stated in the notice of intent to

[2] In *Confluence International, Inc. v. Holder,* 2009 WL 825793 (D.Minn. Mar. 27, 2009), the court determined that we provided a rational explanation for its reliance on information provided by AACRAO to support its decision. In *Tisco Group, Inc. v. Napolitano*, 2010 WL 3464314 (E.D.Mich. Aug. 30, 2010), the court found that USCIS had properly weighed the evaluations submitted and the information obtained from EDGE to conclude that the beneficiary's three-year foreign "baccalaureate" and foreign "Master's" degree were only comparable to a U.S. bachelor's degree. In *Sunshine Rehab Services, Inc. v. USCIS,* 2010 WL 3325442 (E.D.Mich. Aug. 20, 2010), the court upheld a USCIS determination that the beneficiary's three-year bachelor's degree was not a foreign equivalent degree to a U.S. bachelor's

deny (NOID), according to EDGE, an Indian master of business administration degree is comparable to a bachelor's degree in the United States, not a master's degree. Therefore, the Director concluded that the Beneficiary did not possess a master's degree required by the labor certification and denied the petition.

On appeal, the Petitioner renews arguments made in a letter from vice president of which was submitted in response to the Director's NOID. Mr. asserted that the prior evaluations submitted from should be considered sufficient to establish that the Beneficiary has the foreign equivalent of a master's degree, despite the conclusions of EDGE to the contrary. On appeal, the Petitioner points to Mr. letter, emphasizing that Mr. stated that Dr. , the "cited EDGE author for the India profile" had written previous credentials evaluations and an 2005 article in ' ' in which he had concluded that a "three year bachelor's degree and a two year Indian master's degree from an accredited institution should be considered comparable to a U.S. Master's Degree."[3]

The Petitioner states that because this finding is different from the information in EDGE, Dr. "disagrees with USCIS' use of his own testimony, leading to the conclusion that USCIS is either reading it wrong or the witness is not reliable." However, this conclusion is not supported by any evidence that Dr. has objected to the EDGE guidance that he co-authored and that was last updated on 2016; and we do not agree with the Petitioner that an article written more than eleven years earlier discredits the guidance currently contained in EDGE.

The Petitioner also notes that the accepts the combination of an Indian bachelor's degree and Indian master's degree as "the foreign equivalent degrees for admission into the doctorate level" and noted several universities in the United States which offer five-year combined bachelor's and master's programs. However, a statement from one university admission's officer, speaking generally about a combination of education does not establish that the Beneficiary in this case has the equivalent of a U.S. master's degree. Moreover, while we acknowledge that five-year combined bachelor and master degrees are available in the U.S., those five-year programs are condensed or accelerated programs and result in a U.S. four-year baccalaureate degree and U.S. master's degree being earned in a shorter time period. In this case, the Petitioner has submitted no evidence to show that the Beneficiary was engaged in a condensed or accelerated program in either his three-year bachelor's program or his two-year master's program.

Also on appeal, the Petitioner resubmits documentation discussed in Mr. letter, stating that the opinion of EDGE regarding the equivalency of an Indian master's degree was not consistent with

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degree. Specifically, the court concluded that USCIS was entitled to prefer the information in EDGE and did not abuse its discretion in reaching its conclusion. The court also noted that the labor certification required a degree and did not allow for the combination of education and experience.

[3] The letter was not accompanied by any evaluations signed by Dr. to corroborate Mr. claims, but it was accompanied by a copy of the article.

the opinions published online by [redacted][4] in 2010 and in a 2004 print publication called [redacted][5] Contrary to Mr. [redacted] assertions, the [redacted] publication does not actually contain any recommendation for finding degree equivalency. The information submitted from the [redacted] is likewise insufficient to support Mr. [redacted] claims. The Petitioner submits only a one page excerpt which appears to indicate a recommendation that any bachelor's degree and master's degree program which last longer than a total of four years in length should be considered equivalent to a U.S. master's degree. However, the Petitioner does not submit any portion of the publication discussing the specific entrance requirements to these degree programs, such that we could evaluate their equivalency to a U.S. degree. Moreover, the [redacted] is published by a credential evaluation service and is not a peer reviewed publication like EDGE.

While we acknowledge that varying opinions exist regarding the equivalency of an Indian master's degree to a U.S. master's degree, where an opinion is not in accord with other information or is in any way questionable, the Service is not required to accept or may give less weight to that evidence. *Matter of Caron International*, 19 I&N Dec. 791 (Comm'r 1988); *Matter of Sea, Inc.*, 19 I&N Dec. 817 (Comm'r 1988). *See also Matter of D-R-*, 25 I&N Dec. 445 (BIA 2011).

III. CONCLUSION

The Petitioner has not established that the Beneficiary possesses the master's degree required by the labor certification. Accordingly, the record does not establish the Beneficiary's eligibility for the immigration benefit sought.

ORDER: The appeal is dismissed.

Cite as *Matter of M-E-, LLC*, ID# 545184 (AAO June 28, 2017)

[4] According to the company's website, this guide was published May 1, 2010. [redacted] (last visited June 20, 2017).

[5] [redacted] was first published in 2004. Mr. [redacted] states in his letter that it "has been published in several editions," but the copies of pages that were submitted are undated. The publisher's website lists the publication date as [redacted], 2004, and does not mention any subsequent editions. [redacted] (last visited June 20, 2017).