U.S. Citizenship and Immigration Services

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

MATTER OF N-, INC.

DATE: JUNE 28, 2018

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, a provider of clearinghouse and directory services to the global communications and internet industries, seeks to employ the Beneficiary as a QA engineer III. 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 "EB-3" immigrant classification allows a U.S. employer to sponsor a foreign national for lawful permanent resident status to work in a position that requires at least two years of training or experience.

The Director of the Texas Service Center denied the petition on the ground that the Beneficiary did not have a degree in one of the fields of study required on the labor certification. After a motion to reopen was dismissed by the Director, the Petitioner appealed.

Upon *de novo* review, including further consideration of the education documents in the record, we find that the Petitioner has established by a preponderance of the evidence that the Beneficiary has the foreign equivalent of a degree in one of the required fields.[1] As such, the Beneficiary meets the minimum educational requirements of the labor certification, and we withdraw the Director's decision.

**ORDER**: The appeal is sustained.

Cite as *Matter of N-, Inc.*, ID# 1480472 (AAO June 28, 2018)

[1] The labor certification allows for a foreign educational equivalent.