U.S. Citizenship and Immigration Services

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

In Re: 41477009

Date: MAR. 9, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an insurance business, seeks to employ the Beneficiary as a project owner. It requests classification of the Beneficiary as a professional under the third preference immigrant classification. *See* Immigration and Nationality Act (the Act), section 203(b)(3)(A)(ii), 8 U.S.C. § 1153(b)(3)(A)(ii). This employment-based immigrant classification allows a U.S. employer to sponsor a professional with a baccalaureate degree for lawful permanent resident status. *Id.*

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner did not establish that the Beneficiary possessed the minimum education required for the offered position and for the requested professional classification. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

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 dismiss the appeal.

## I. LAW

To permanently fill a position in the United States with a foreign worker, a prospective employer must first obtain certification from the U.S. Department of Labor (DOL). *See* section 212(a)(5) of the Act, 8 U.S.C. § 1182(a)(5). If DOL approves a position, an employer must next submit the certified labor application (Form ETA-9089, Application for Permanent Employment Certification) with an immigrant visa petition to U.S. Citizenship and Immigration Services (USCIS). *See* section 204 of the Act, 8 U.S.C. § 1154. Among other things, USCIS considers whether a beneficiary meets the requirements of a certified position and a requested immigrant visa classification. If USCIS approves the petition, an alien may finally apply for an immigrant visa abroad or, if eligible, adjustment of status in the United States. *See* section 245 of the Act, 8 U.S.C. § 1255.

## II. ANALYSIS

A U.S. bachelor's degree generally requires four years of education. A three-year foreign degree is generally not equivalent to a U.S. bachelor's degree. *See Matter of Shah*, 17 I&N Dec. 244, 245 (Reg'l Comm'r 1977).

The labor certification in this case was filed on October 27, 2023. The education, training, experience, and other requirements for the proffered position are set forth at Part F of the DOL Form ETA-9141, Application for Prevailing Wage Determination. In this case, Part F.b of Form ETA-9141 states that the position of project owner requires a U.S. bachelor's degree in business administration or related field, and 36 months of experience in business administration or a related field. On the Form ETA-9089 the Petitioner stated that it will accept a foreign diploma/degree equivalent to a U.S. bachelor's degree. At Part F.c of Form ETA-9141, the Petitioner stated that no alternate sets of education, training, and/or experience are accepted.

Appendix A of the Form ETA-9089 states that the Beneficiary earned a bachelor's degree in commerce from the University [redacted], India. No other education is listed.

The record includes the following educational credentials issued to the Beneficiary:

- Bachelor of Commerce degree from the University [redacted], dated January 1981, accompanied by statements of marks for three years of course examinations (1978-1980).
- Certificate for a "one year diploma course" in personnel management from the [redacted], dated March 1981, accompanied by a certificate of marks for the diploma examination.
- Statement of marks for "final year diploma examinations in hotel management and catering technology course held in May 1983" from the [redacted].

The record also includes three evaluations of the Beneficiary's educational credentials. The first evaluation, by USCES.org, states that the Beneficiary's three-year bachelor of commerce degree from the University [redacted] is equivalent to a U.S. bachelor of business administration. The evaluation does not provide an explanation of how the evaluator reached this conclusion, nor does it identify what resources were used in the analysis. The evaluation does not discuss the Beneficiary's other educational credentials in the record.

The Petitioner submitted a second evaluation, from an unidentified source, in response to SCOPS' request for evidence (RFE). This evaluation, dated September 15, 2025, states that the U.S. equivalency of the Beneficiary's bachelor of commerce degree is a bachelor of business administration. The evaluation also lists of a U.S. equivalency of "2 years of undergraduate credit from an unaccredited institution" but does not relate this equivalency to any specific credential. Nor does the evaluation identify the name and credentials of the evaluator or any resources used in the analysis.

In response to the RFE the Petitioner also submitted a third evaluation, from Foreign Credential Evaluations, Inc. (FCE), dated October 9, 2025.[1] This evaluation states that the Beneficiary's one year of study in personnel management, when combined with three years of study for the bachelor of commerce, "represents the completion of four years of university study and is equivalent to the degree, Bachelor of Business Administration in Financial Accounting and Auditing and Human Resources Management from a regionally accredited university in the United States." With respect to the Beneficiary's post-secondary diploma in personnel management, the evaluation states, "Admission to this study requires the completion of the three-year Indian Bachelor's degree in an appropriate field of study." However, there is no resource cited for this statement or corroborating evidence issued by the institution verifying the admission requirements.

On appeal, the Petitioner notes that SCOPS' decision did not reference the second response to the RFE or the FCE evaluation. The Petitioner again submits the FCE evaluation, which it asserts establishes the Beneficiary's possession of the equivalent of a U.S. bachelor of business administration degree. The Petitioner also asserts that the evaluation is "consistent with *Matter of Shah* and numerous AAO decisions accepting the '3 + 1' Indian program structure as equivalent to a U.S. four-year bachelor's degree when properly supported by an accredited evaluator's analysis."[2]

The submission of advisory opinions from experts supporting the petition is not presumptive evidence of eligibility. USCIS may evaluate the content of the opinions as to whether they support the beneficiary's eligibility. We may, in our discretion, use an evaluation of foreign education as an advisory opinion. *Matter of Sea, Inc.,* 19 I&N Dec. 817, 820 (Comm'r 1988). However, where an opinion is not in accord with other information, is not corroborated, or is in any way questionable, we may discount or give it less weight. *Id.*

Here, the FCE evaluation includes uncorroborated statements regarding the admission requirements for the diploma course in personnel management. We acknowledge the Petitioner's submission on appeal of printouts from the [redacted] website demonstrating the institute's recognition under the [redacted] However, the printouts do not list the Beneficiary's specific program in personnel management, nor state the admission requirements for this program. Additionally, the printouts state that the [redacted] was founded in 2009, 28 years *after* the Beneficiary's completion of the personnel management course. Therefore, it is unclear how the information about the [redacted] relates to the Beneficiary's specific credential. Accordingly, we accord the submitted evaluation less evidentiary weight.

We have also consulted the Electronic Database for Global Education (EDGE), described on its registration page as "a web-based resource for the evaluation of foreign educational credentials." http://edge.aacrao.org/info.php. EDGE was created by the American Association of Collegiate Registrars and Admissions Officers (AACRAO), which is described on its website as "a nonprofit,

[1] It appears that the Petitioner submitted two separate responses to the RFE. The first response was dated October 3, 2025, and requested a one-week extension of time to respond. The record includes a second response, dated October 10, 2025, which included the FCE evaluation.

[2] Although the Petitioner does not identify the AAO decisions referenced, we note that decisions not published as precedent do not bind USCIS officers in future adjudications. *See* 8 C.F.R. § 103.3(c). Unpublished agency decisions and advisory legal opinions are not binding, even when they are published in private publications or widely circulated. *R.L. Inv. Ltd Partners v. INS,* 86 F. Supp. 2d 1014, 1022 (D. Haw. 2000), *aff'd*, 273 F.3d 874 (9th Cir. 2001).

voluntary, professional association of more than 11,000 higher education admissions and registration professionals who represent more than 2,600 institutions in over 40 countries." http://www.aacrao.org/who-we-are (last visited Mar. 5, 2026).

Concerning postgraduate diplomas from India, awarded upon completion of one or two years of study beyond the two- or three-year bachelor's degree, the credential author notes in EDGE state:

> *Postgraduate Diplomas* should be issued by an accredited university or an institution approved by the All-India Council for Technical Education (AICTE) … When examining the *Postgraduate Diploma*, note the entrance requirement and be careful not to confuse the *Post Secondary Diploma* awarded after the *Higher Secondary Certificate* with this *PGD* awarded after the bachelor's degree.

(Emphasis in original).

Here, the record does not demonstrate that the Beneficiary's one-year diploma course in personnel management was a postgraduate program that built upon a pre-requisite bachelor of commerce or other three-year degree. Without verification of the entrance requirements, the Beneficiary's one-year course diploma in personnel management may not be combined with his three-year bachelor of commerce to raise his education equivalence to a four-year U.S. baccalaureate degree.

In *Snapnames.com, Inc. v. Michael Chertoff*, No. 06-65-MO, 2006 WL 3491005 (D. Or. Nov. 30, 2006), the court held that, in professional and advanced degree professional cases, where the beneficiary is statutorily required to hold a baccalaureate degree, USCIS properly concluded that a single foreign degree or its equivalent is required. *See also Maramjaya v. USCIS*, Civ. Act No. 06-2158, 2008 WL 9398947 (D.D.C. Mar. 26, 2008) (for professional classification, USCIS regulations require the beneficiary to possess a single four-year U.S. bachelor's degree or foreign equivalent degree). Thus, for purposes of the requested immigrant visa category, a foreign equivalent of a U.S. bachelor's degree must constitute a single degree.

The labor certification specifically requires a U.S. bachelor's, or foreign equivalent, degree in business administration or a related field. We will dismiss the appeal because the Petitioner has not established that the Beneficiary meets the minimum educational requirements of the labor certification or for the requested professional classification.

**ORDER:** The appeal is dismissed.

**NOTICE:** This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.