U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF P-G-C- INC.

DATE: MAR. 14, 2019

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, an environmental consulting company, seeks to employ the Beneficiary as an environmental engineer. It requests classification of the Beneficiary as a professional under the third preference immigrant category. Immigration and Nationality Act (the Act) section 203(b)(3)(A)(ii), 8 U.S.C. § 1153(b)(3)(A)(ii). This employment-based "EB-3" immigrant classification allows a U.S. employer to sponsor a professional with a baccalaureate degree for lawful permanent resident status.

The Director of the Nebraska Service Center denied the petition on the ground that the Petitioner provided no evidence that the Beneficiary had acquired by means of employment the specific skills required by the labor certification.

On appeal the Petitioner asserts that the labor certification does not require that the specific skills be acquired through employment. Rather, it states that the specific skills should be acquired through university level coursework. The Petitioner asserts that the Beneficiary meets that requirement, and submits additional evidence thereof.

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

To qualify for classification as professional, the Beneficiary must have a U.S. baccalaureate or a foreign equivalent degree. *See* 8 C.F.R. § 204.5(l)(3)(C). In addition, the Beneficiary must meet the specific educational, training, experience, and other requirements of the labor certification by the petition's priority date[1]. *See Matter of Wing's Tea House*, 16 I&N Dec. 158, 159 (Acting Reg'l Comm'r 1977). In this case section H of the labor certification ("Job Opportunity Information") requires a bachelor's degree in environmental engineering or a foreign educational equivalent. It does not require any training or experience. However, section H, box 14, of the labor certification ("Specific skills or other requirements") states that the following skills are required:

> Proficiency, **acquired through university level coursework**, in using instruments and devices for sampling and testing air, water and soil quality including

[1] The "priority date" of a petition is the date the underlying labor certification was filed with the Department of Labor. *See* 8 C.F.R. § 204.5(d). The priority date in this case is July 6, 2017.

> colorimeters, soil erodibility devices, Argon ionization detectors, CN analyzers, fluorescence spectro-photometers, TDG analyzers and multi-parameter water quality and nutrient analyzers. [Emphasis added]

Thus, section H.14 of the labor certification does not require that the specific skills requirement be met through employment experience. Instead, it expressly states that the specific skills should be "acquired through university level coursework."

The record shows that the Beneficiary has a four-year degree in environmental engineering from a Turkish university, completed in 2014, which is comparable to a bachelor's degree in that field of study from a college or university in the United States. Thus, the Beneficiary meets the educational requirement of the labor certification. In addition, based on the evidence of record, including most importantly a letter from the environmental engineering department of the Turkish university addressing the Beneficiary's coursework and acquisition of the required skills, we find that the Beneficiary meets the specific skills requirement of the labor certification.

ORDER: The appeal is sustained.

Cite as *Matter of P-G-C- Inc.*, ID# 3281008 (AAO Mar. 14, 2019)