U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42722552

Date: MAY 5, 2026

Appeal of Service Center Operations (SCOPS) Decision

Form I-140, Immigrant Petition for Alien Workers (National Interest Waiver)

The Petitioner, a manufacturing optimization consultant, seeks classification as a member of the professions holding an advanced degree. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). The Petitioner also seeks a national interest waiver of the job offer requirement that is attached to this EB-2 immigrant classification. *See* section 203(b)(2)(B)(i) of the Act. U.S. Citizenship and Immigration Services (USCIS) may grant this discretionary waiver of the required job offer, and thus of a labor certification, when it is in the national interest to do so.

SCOPS denied the petition, concluding that the record did not establish that the Petitioner qualifies for EB-2 classification. The matter is now before us on appeal under 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 withdraw SCOPS' decision and remand the matter for entry of a new decision consistent with the following analysis.

To qualify for a national interest waiver, a petitioner must first show eligibility for the underlying EB-2 visa classification, as either an advanced degree professional or an alien of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) of the Act.

An advanced degree is any United States academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. A United States bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. 8 C.F.R. § 204.5(k)(2).

Where available, evidence of qualifying experience shall be in the form of letters from current or former employers and shall include the name, address, and title of the writer, and a specific description of the duties performed by the alien. *See* 8 C.F.R. § 204.5(g)(1).

The Petitioner does not claim eligibility as an alien of exceptional ability, and he does not claim to hold an advanced degree. Instead, the Petitioner claims eligibility as a member of the professions with

a bachelor's degree and five or more years of progressive post-baccalaureate experience, equivalent to a master's degree under 8 C.F.R. § 204.5(k)(2).

The Petitioner submitted a translated transcript from [redacted] in Brazil, listing coursework from 2009 through 2013, and a diploma indicating that the Petitioner earned a *Grau de Bacherel* (bachelor's degree) in industrial engineering on May 30, 2014. A credential evaluation indicates that the degree is equivalent to a U.S. bachelor of science degree in industrial engineering.

The Petitioner pursued graduate studies after 2014, but neither claimed nor established that these studies resulted in the awarding of an advanced degree. Therefore, the Petitioner must establish at least five years of progressive experience in the specialty between May 30, 2014, when he received his bachelor's degree, and August 9, 2024, when he filed the petition.

On his résumé, the Petitioner claimed to have worked for manufacturers of building materials in the [redacted] in South America. Specifically, the Petitioner stated that he worked as a lean manufacturing engineer for [redacted] Brazil, from May 2014 to February 2018, and in various capacities for [redacted] Argentina, from March 2018 to February 2022. Since February 2022, the Petitioner has been in the United States in various nonimmigrant classifications that do not convey employment authorization.

Various managers at [redacted] provided letters attesting to and describing the Petitioner's employment between 2014 and 2022.

In the denial decision, SCOPS did not acknowledge these letters or explain why they do not adequately meet the applicable requirements. Instead, SCOPS noted the Petitioner's submission of a credential evaluation and then, without further discussion or explanation, concluded that "the petitioner does not have" "a bachelor's degree plus five (5) years of progressive post-baccalaureate experience, a master's degree, or the foreign equivalent." SCOPS then concluded that "the petitioner is ineligible for classification as a member of the professions holding an advanced degree." SCOPS did not address the merits of the Petitioner's claim of eligibility for the national interest waiver.

We agree with the Petitioner's assertion on appeal that SCOPS did not adequately address the evidence that the Petitioner submitted to support his claim of eligibility as a member of the professions with a bachelor's degree and post-baccalaureate experience equivalent to a master's degree. We note that section 101(a)(32) of the Act, 8 U.S.C. § 1101(a)(32), includes engineers in the definition of "profession."

We will remand the matter so that SCOPS can more fully address the evidence relating to the Petitioner's academic degree and his post-baccalaureate experience. If SCOPS concludes that the Petitioner qualifies for classification as a member of the professions holding an advanced degree, then SCOPS should also address the merits of the national interest waiver claim.

ORDER: SCOPS' decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.