U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF O-T-, INC.

DATE: OCT. 4, 2017

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, a business offering billing mediation solutions to telecommunications providers, seeks to employ the Beneficiary as a senior design engineer. It requests classification of the Beneficiary as a professional under the third preference immigrant classification. *See* Immigration and Nationality Act section 203(b)(3)(A)(ii), 8 U.S.C. § 1152(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.

The Director of the Texas Service Center denied the visa petition, concluding that the Beneficiary did not have the baccalaureate degree required by the labor certification.

On appeal, the Petitioner asserts that the Director has erred in his assessment of the evidence it has submitted for the record to establish the Beneficiary's degree. Upon *de novo* review, we will sustain the appeal.

The labor certification requires a U.S. bachelor's or foreign degree equivalent in computer science, engineering, computer applications, management information systems, mathematics or a related field. The Director found that the Beneficiary's degree, while equivalent to a U.S. bachelor's degree, was not in one of the fields listed on the labor certification. However, we find the evidence of record sufficient to demonstrate that the Beneficiary's foreign degree is equivalent to a U.S. bachelor's degree in one of the required fields. Therefore, the Petitioner has established that the Beneficiary meets the academic requirements of the labor certification. Accordingly, we will sustain the appeal.

ORDER: The appeal is sustained.

Cite as *Matter of O-T-, Inc.*, ID# 591777 (AAO Oct. 4, 2017)