U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF T-C-, INC.

DATE: OCT. 12, 2017

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

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

The Petitioner, a manufacturer of composite decking, seeks to employ the Beneficiary as an information systems analyst. 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.

The Director of the Texas Service Center denied the petition because the record did not establish that the Beneficiary had a degree in the field of study specified on the labor certification. Specifically, the labor certification requires a bachelor's degree in computer science and states that no alternative field of study is acceptable. The Beneficiary has a four-year Indian bachelor of engineering degree and a U.S. master's degree in information systems management from [redacted] We dismissed the appeal on the ground that neither of the Beneficiary's degrees is in the required field of computer science.

Upon further review of the record, including further consideration of an education equivalency evaluation from one [redacted] of [redacted] stating his opinion that the Beneficiary has the equivalent of a bachelor's degree in computer science, we reopen the appeal on service motion[1] and find that the Petitioner has established by a preponderance of the evidence that the Beneficiary met all of the educational requirements of the labor certification as of the priority date. Therefore, we withdraw our previous decision and approve the Beneficiary's requested immigrant classification.

ORDER: The appeal is sustained.

Cite as *Matter of T-C-, Inc.*, ID# 946781 (AAO Oct. 12, 2017)

[1] 8 C.F.R § 103.5(a)(5)(i).