U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF A-I-S-, INC.

DATE: OCT. 16, 2018

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, an insurance services provider, seeks to employ the Beneficiary as an auditor. 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 Texas Service Center denied the petition. The Director found that the Beneficiary does not have a U.S. bachelor's degree or a foreign equivalent degree, and therefore does not meet the regulatory requirement to qualify for classification as a professional.

On appeal the Petitioner submits a brief and supporting documents. The Petitioner asserts that the Beneficiary has the foreign equivalent of a U.S. bachelor's degree, thus qualifying him for classification as a professional.

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

I. LAW

Employment-based immigration generally follows a three-step process. First, an employer obtains an approved labor certification from the U.S. Department of Labor (DOL). *See* section 212(a)(5)(A)(i) of the Act, 8 U.S.C. § 1182(a)(5)(A)(i). By approving the labor certification, DOL certifies that there are insufficient U.S. workers who are able, willing, qualified, and available for the offered position and that employing a foreign national in the position will not adversely affect the wages and working conditions of domestic workers similarly employed. *See* section 212(a)(5)(A)(i)(I)-(II) of the Act. Second, the employer files an immigrant visa petition with U.S. Citizenship and Immigration Services (USCIS). *See* section 204 of the Act, 8 U.S.C. § 1154. Third, if USCIS approves the petition, the foreign national applies 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

At issue in this case is whether the Beneficiary's education is sufficient to qualify for professional classification. The regulation at 8 C.F.R. § 204.5(l)(3)(ii)(C) states, in pertinent part:

> If the petition is for a professional, the petition must be accompanied by evidence that the [beneficiary] holds a United States baccalaureate degree or a foreign equivalent degree . . . . Evidence of a baccalaureate degree shall be in the form of an official college or university record showing the date the baccalaureate degree was awarded and the area of concentration of study.

A beneficiary must also meet all of the education, training, experience, and other requirements of the labor certification as of 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). There is no provision in the statute or the regulations that would allow a beneficiary to qualify under section 203(b)(3)(A)(ii) of the Act with anything less than a full baccalaureate degree from a college or university. Where the analysis of the beneficiary's credentials relies on a combination of work and/or multiple lesser degrees, the result is the "equivalent" of a bachelor's degree rather than a single-source "foreign equivalent degree." In order to have education equating to a bachelor's degree under section 203(b)(3)(A)(ii) of the Act, the beneficiary must have a single degree that is the "foreign equivalent degree" to a United States baccalaureate degree from a college or university.

On its Form I-140, Immigrant Petition for Alien Worker, the Petitioner checked the box at Part 2.1.e. indicating that the petition was being filed for "[a] professional (at the minimum, possessing a bachelor's degree or a foreign degree equivalent to a U.S. bachelor's degree." The petition was accompanied by labor certification which states the following in section H with respect to the minimum requirements for the job of auditor:

4.	Education: Minimum level required:	Bachelor's degree
4-B.	Major Field of Study:	Accounting
5.	Is training required for the job?	No
6.	Is experience in the job offered required?	Yes
6-A.	How long?	24 months
7.	Is an alternate field of study acceptable?	Yes
7-A.	What field of study?	Business Administration
8.	Is an alternate combination of education and experience acceptable?	No
9.	Is a foreign educational equivalent acceptable?	Yes
10.	Is experience in an alternate occupation acceptable?	Yes
10-A.	How long?	24 months

[1] The priority date of the petition, in this case October 20, 2017, is the date the underlying labor certification (ETA Form 9089, Application for Permanent Labor Certification) is filed with the DOL. *See* 8 C.F.R. § 204.5(d).

10-B. What alternate job titles are acceptable? Assistant Manager, Risk Analyst, Auditor

Section J of the labor certification states that the Beneficiary's highest level of education relevant to the job opportunity is a bachelor's degree in business administration from the Pakistan, completed in 2009.

As evidence of the Beneficiary's educational credentials, the Petitioner submitted copies of a degree certificate and transcript from the showing that the Beneficiary passed his coursework and was awarded a bachelor of commerce in November 2005, as well as an examination certificate and transcript from in showing that the Beneficiary passed a series of subjects in the years 2003-2009 and a final examination in June 2009. The Petitioner also submitted two evaluations of the Beneficiary's academic credentials from The first evaluation asserted that the bachelor of commerce degree from and the final examination certificate from were equivalent to a bachelor's degree in business administration from an accredited U.S. college or university. The second evaluation asserted that the Beneficiary's bachelor of commerce from a two-year degree, combined with his final examination certificate from were equivalent to a bachelor of science in accounting from an accredited college or university in the United States.

In denying the petition the Director stated that the Beneficiary's educational credentials from Pakistan were not equivalent to a U.S. bachelor's degree. The Director found that the combination of a two-year bachelor of commerce degree from and a final examination certificate from did not constitute a foreign equivalent degree to a U.S. baccalaureate degree, as required in 8 C.F.R. § 204.5(l)(3)(ii)(C) to qualify for classification as a professional.

On appeal the Petitioner submits a third academic equivalency evaluation, this one from It asserts that the Beneficiary's final examination certificate from is equivalent by itself to a four-year bachelor's degree in accounting from an accredited college or university in the United States. The Petitioner indicates that the evaluation utilized the Educational Database for Global Education (EDGE), created by the American Association of Collegiate Registrars and Admissions Officers (AACRAO),[2] in formulating its equivalency evaluation for the credential, though the evaluation itself does not reference EDGE. The Petitioner also submits further documentation showing that the Beneficiary passed three sequential examinations upon completion of specific coursework over the six-year time period of his studies, 2003-2009, and that he was admitted to associate membership in in August 2009 following passage of the final examination. Based on the above documentation the Petitioner claims

[2] AACRAO is described on its website as "a nonprofit, voluntary, professional association of more than 11,000 higher education admissions and registration professionals who represent more than 2,600 institutions and agencies in the United States and in over 40 countries." http://www.aacrao.org/who-we-are (last visited October 3, 2018). EDGE is described on its registration page as "a web-based resource for the evaluation of foreign educational credentials." http://edge.aacrao.org/info.php (last visited October 3, 2018).

that the Beneficiary's final examination certificate from meets the regulatory requirement of a single foreign degree that is equivalent to a U.S. baccalaureate degree. Alternatively, the Petitioner contends that the Beneficiary's final examination certificate from because it built on the preceding two-year bachelor of commerce degree from constitutes a single source foreign equivalent degree to a four-year bachelor's degree in the United States. We are not persuaded by the Petitioner's claims.

We will first address the EDGE database for Pakistan which the Petitioner asserts was the basis of equivalency evaluation of the Beneficiary's educational credentials. We consider EDGE to be a reliable, peer-reviewed source of information about foreign degree equivalencies. With regard to the Beneficiary's bachelor of commerce degree from EDGE states that such degrees are awarded in Pakistan upon completion of two to three years of tertiary study and are comparable to two to three years of university study in the United States. The Beneficiary's two-year bachelor of commerce, therefore, is comparable to two years of university study in the United States. It is not equivalent to a bachelor's degree from a U.S. college or university, which generally requires four years of academic study. *See Matter of Shah*, 17 I&N Dec. 244, 245 (Reg'l Comm'r 1977). As for the Beneficiary's credentials, EDGE indicates that the final examination certificate and membership represent the culmination of four years of tertiary study and a level of education comparable to a bachelor's degree in the United States. Educational comparability to a U.S. bachelor's degree, however, does not make the final examination certificate from and associate membership in a single source "foreign equivalent degree" to a U.S. baccalaureate degree, as required in 8 C.F.R. § 204.5(l)(3)(ii)(C), because is not a college or university and is not a degree-granting institution.

As previously discussed, the regulation at 8 C.F.R. § 204.5(l)(3)(ii)(C) requires that the beneficiary have a U.S. baccalaureate or foreign equivalent degree and evidence thereof in the form of an official college or university record to be eligible for professional classification. is not an academic institution that can confer a degree with an official college or university record. *See Snapnames.com, Inc. v. Michael Chertoff*, 2006 WL 3491005 *11 (D. Ore. Nov. 30, 2006) (finding USCIS was justified in concluding that membership in a similar organization in India, the Institute of Chartered Accountants of India (ICAI), was not a college or university "degree" for purposes of classification as a member of the professions holding an advanced degree). Like ICAI in India, in Pakistan is a professional organization, not a college or university, and neither its final examination certificate nor its associate membership certificate is a degree. While these credentials may be "comparable" to a U.S. bachelor's degree as a measure of educational achievement, they are not, either individually or collectively, a "foreign equivalent degree" to a U.S. baccalaureate degree within the meaning of 8 C.F.R. § 204.5(l)(3)(ii)(C). Accordingly, they do not qualify the Beneficiary for classification as a professional under section 203(b)(3)(A)(ii) of the Act.

For the reasons discussed above, the equivalency evaluations from and have little probative value in this proceeding. None of the three evaluations asserts that the Beneficiary's only degree, the two-year bachelor of commerce from is equivalent to a U.S. bachelor's degree, and all three evaluations assert that equivalency to a U.S. bachelor's degree was attained when the Beneficiary passed his final examination and obtained membership. Neither

of these certificates from , however, constitutes a degree from a degree-granting institution. Thus, they do not represent a single source "foreign equivalent degree" to a U.S. baccalaureate degree, as required in 8 C.F.R. § 204.5(l)(3)(ii)(C). Evaluations of academic credentials by evaluation services are utilized by USCIS as advisory opinions only. Where an opinion is not in accord with other information or is in any way questionable, USCIS is not required to accept it or may give it less weight. *See Matter of Sea, Inc.*, 19 I&N Dec. 817 (Comm'r 1988). For the reasons discussed above, the and evaluations do not establish that the Beneficiary's credentials from or constitute a single foreign equivalent degree to a U.S. bachelor's degree.

III. CONCLUSION

The appeal will be dismissed because the Petitioner has not established that the Beneficiary has a foreign degree that is equivalent to a U.S. bachelor's degree, as required to qualify for classification as a professional under section 203(b)(3)(A)(ii) of the Act.

ORDER: The appeal is dismissed.

Cite as *Matter of A-I-S-, Inc.* ID# 1925240 (AAO Oct. 16, 2018)