U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF A-C- LLC

DATE: SEPT. 20, 2017

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, an electronic commerce company, seeks to employ the Beneficiary as a software development engineer. 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 Nebraska Service Center denied the petition on the ground that the Beneficiary does not have a U.S. baccalaureate or foreign equivalent degree and therefore does not meet the minimum educational requirement for the job offered under the terms of the labor certification and for classification as a professional.

On appeal the Petitioner submits additional evidence and asserts that the Beneficiary holds the foreign equivalent of a U.S. bachelor's degree in computer science.

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

The beneficiary of a petition must meet all of the educational, experience, and other requirements of the offered position as stated on the labor certification by the priority date.[1] *See Matter of Wing's Tea House*, 16 I&N Dec. 158, 159 (Act. Reg'l Comm'r 1977). In this case, the offered position and the requested immigrant visa classification both require a bachelor's degree.

The Beneficiary received a four-year bachelor of science in computer science from [redacted] in [redacted] Pakistan.

The record contains three credentials evaluations stating that the Beneficiary's degree is the foreign equivalent of a U.S. bachelor's degree. In addition, the Educational Database for Global Education (EDGE), created by the American Association of Collegiate Registrars and Admissions Officers

[1] The "priority date" is the date the labor certification (ETA Form 9089, Application for Permanent Employment Certification) is filed with the Department of Labor. See 8 C.F.R. § 204.5(d).

(AACRAO),[2] states that a four-year (non-business) bachelor's degree from Pakistan is comparable to a bachelor's degree in the United States.

We therefore conclude that the Beneficiary's bachelor of science from [redacted] is a "foreign equivalent degree" to a U.S. baccalaureate degree, within the meaning of 8 C.F.R. § 204.5(l)(3)(i)(C), which makes the Beneficiary eligible for classification as a professional. We also conclude that the Beneficiary's degree meets the terms of the labor certification because it satisfies the minimum educational requirement of a bachelor's degree.

The Petitioner has established that the Beneficiary meets the minimum educational requirements of the labor certification and is eligible for classification as a professional. Accordingly, we will withdraw the Director's decision and sustain the appeal.

ORDER: The appeal is sustained.

Cite as *Matter of A-C- LLC*, ID# 583590 (AAO Sep. 20, 2017)

[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/about (last accessed September 18, 2017). "Its mission is to provide professional development, guidelines, and voluntary standards to be used by higher education officials regarding the best practices in records management, admissions, enrollment management, administrative information technology, and student services." *Id.* EDGE is "a valuable resource for evaluating educational credentials earned in foreign systems." AACRAO EDGE, http://aacrao.org/aacrao-solutions/aacrao-international/aacrao-edge/edge (last accessed September 18, 2017).