U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF S- CORP.

DATE: SEPT. 20, 2017

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, an electromedical manufacturing company, seeks to employ the Beneficiary as a computer 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 Nebraska Service Center denied the petition, concluding that the record did not establish that the Beneficiary has a degree in one of the fields of study specified by the employer on the labor certification.

On appeal the Petitioner submits a brief and supporting documentation, and asserts that the Beneficiary has a degree that meets the requirements of the labor certification.

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

One of the requirements of the requested immigrant visa classification is that the beneficiary must meet all of the education, training, experience and other requirements specified on the labor certification. *See Matter of Wing's Tea House*, 16 I&N Dec. 158, 159 (Acting Reg'l Comm'r 1977). In evaluating the beneficiary's qualifications, we must look to the job offer portion of the labor certification to determine the required qualifications for the position.

The Petitioner's Form I-140, Immigrant Petition for Alien Worker, was accompanied by a certified ETA Form 9089, Application for Permanent Employment Certification (labor certification). In section H of the labor certification the Petitioner specified that the minimum educational requirement for the job offered was a bachelor's degree in "Computer Science, Information Systems or [a] related design or technology field."

In section J of the labor certification the Beneficiary claimed that he met and exceeded the educational requirement for the offered position with a master's degree in media arts and technology from [redacted] in [redacted] Massachusetts. The record includes copies of the Beneficiary's degree and academic transcript from [redacted] which show that the Beneficiary was awarded

a Master of Fine Arts (MFA), with a major in media art, upon completion of a three-year master's degree program on May 11, 2014.

In denying the petition, the Director found that the Beneficiary's coursework focused on the field of media art, rather than computer science or information technology. The Director acknowledged that catalogues and other documentation from [redacted] indicate the prevalence of "technology usage" in interactive media production, but expressed doubt that the Beneficiary's coursework in his Master of Fine Arts degree program prepared him for the profession of computer systems analyst. The Director concluded that the Beneficiary does not have a bachelor's degree or a foreign equivalent degree in the field of computer science, information systems, or a related design or technology field.

On appeal the Petitioner emphasizes the importance of computer skills and technology in the field of media art. The Petitioner cites [redacted] which describes the field of media arts as being "utterly transformed by digitization." In a letter from its president and CEO, dated April 5, 2017, the Petitioner states that it is developing a new generation of "smart" sensing surgical instruments and medical devices, and that it develops user interfaces that utilize two- and three-dimensional graphics and images depicting objects in motion or illustrating a process using computer animation or modeling programs. The letter states that the computer systems analyst must understand these design and technology features, and asserts that the Beneficiary gained a solid foundation in media design and interactive digital media technology (including computer programming, 2D and 3D modeling skills, as well as digital, audio, and video design and technology) in his MFA in Media Art degree program. The most prominent example was the Beneficiary's master's thesis project during his final year at Emerson, a copy of which is in the record.

Based on all the evidence of record, we conclude that the Beneficiary's Master of Fine Arts with a major in media art satisfies the labor certification's minimum educational requirement because it falls under the broad umbrella of a "related design field" to computer science or information systems. Accordingly, we will sustain the appeal.

ORDER: The appeal is sustained.

Cite as *Matter of S- Corp.*, ID# 785091 (AAO Sept. 20, 2017)