U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF C-S-C-

DATE: SEPT. 26, 2019

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, an adult day care facility, seeks to employ the Beneficiary as an accountant. 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 on the grounds that (1) the proffered position is not a professional occupation and (2) the Petitioner does not have the required education. On appeal the Petitioner submits additional documentation and asserts that it has overcomes the Director's grounds for denial.

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

To qualify for classification as a professional a beneficiary must have a U.S. baccalaureate degree or a foreign equivalent degree and be a member of the professions. 8 C.F.R. § 204.5(l)(3)(ii)(C). A beneficiary must also meet the specific educational, training, experience, and other requirements of the labor certification. *Id.* All requirements must be met by the petition's priority date, which in this case is April 17, 2017.[1] *See Matter of Wing's Tea House*, 16 I&N Dec. 158, 159 (Acting Reg'l Comm'r 1977).

As stated in the labor certification, the educational requirements for the proffered position in this case are a bachelor's degree in accounting or business administration in money and banking, or a foreign educational equivalent. The labor certification asserts that the Beneficiary met the educational requirement with a bachelor's degree in money and banking from [redacted] University of Finance and Economics [redacted] University) in [redacted] China. The Petitioner submitted two credentials: (1) a "Graduate Diploma (Adult Higher Education)" with a major in "monetary banking and financial market" in July 2000 and (2) a "Bachelor's Degree Diploma (Adult Higher Education)" with a major in "monetary banking and financial market" in August 2000.

[1] The "priority date" of a petition is the date the underlying labor certification was filed with the Department of Labor. *See* 8 C.F.R. § 204.5(d).

In denying the petition the Director referred to the Electronic Database for Global Education (EDGE), created by the American Association of Collegiate Registrars and Admissions Officers (AACRAO), which USCIS considers to be a reliable, peer-reviewed source of information about foreign academic credentials. The Director cited an EDGE entry– the BENKE Program Graduation Certificate from adult higher-education institutions – that applies to the Beneficiary's "Graduate Diploma (Adult Higher Education)" certificate from [redacted] University. EDGE rates this credential as comparable to four to six years of university study in the United States and advises that a BENKE Certificate is not a bachelor's degree. Based in large part on this credential advice from EDGE the Director concluded that the Beneficiary does not have a baccalaureate-level degree from [redacted] University.

However, the Director neglected to consider the Beneficiary's second credential from [redacted] University – the "Bachelor's Degree Diploma (Adult Higher Education)" – awarded in August 2000, the month following the BENKE Graduation Certificate award, which certified that the Beneficiary completed all the courses in her undergraduate program and was awarded "a Bachelor's Degree." On appeal, the Petitioner submits evidence showing that a Bachelor's Degree Certificate in China is awarded to students who hold BENKE Graduation Certificates and is equivalent to a bachelor's degree in the United States. We also note that EDGE finds the Bachelor's Degree Certificate, awarded after the BENKE Graduation Certificate, to be comparable to a U.S. bachelor's degree

Based on the foregoing analysis, we conclude that the Beneficiary's "Bachelor's Degree Diploma" from [redacted] University is a foreign equivalent degree to a U.S. baccalaureate degree, and that this degree is in a qualifying field of study under the terms of the labor certification. We also find that the offered position is a professional position, as a bachelor's degree is generally required to enter the occupation of accounting. Accordingly, we will sustain the appeal.

ORDER: The appeal is sustained.

Cite as *Matter of C-S-C-*, ID# 5018534 (AAO Sept. 26, 2019)