



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF M-O-

DATE: MAR. 9, 2017

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, an orthopedics practice, seeks to employ the Beneficiary as a business development specialist. It requests classification of the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant classification. *See* Immigration and Nationality Act (the Act), section 203(b)(2), 8 U.S.C. § 1153(b)(2). This employment-based immigrant classification allows a U.S. employer to sponsor a professional with an advanced degree for lawful permanent resident status.

The Director, Nebraska Service Center, denied the visa petition, finding that the Beneficiary did not have the degree required by the labor certification. On appeal, the Petitioner submits a brief and additional evidence, asserting that the Beneficiary's degree is the foreign equivalent degree to a U.S. master's degree, as was required by the terms of the labor certification.

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

To establish that a beneficiary is qualified to perform the duties of an offered position, a petitioner must demonstrate that the beneficiary has met all of the requirements set forth in the labor certification by the priority date of the petition. *See Matter of Wing's Tea House*, 16 I&N Dec. 158, 159 (Acting Reg'l Comm'r 1977); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l Comm'r 1971).

In the present matter, the job offer portion of the labor certification, Part H., reflects that the only requirement for the offered position is a U.S. master's or foreign equivalent degree in economics. Upon review of the record in this matter, including the evidence submitted on appeal, we find that the Petitioner has established that the Beneficiary holds the foreign equivalent degree to a U.S. master's in economics, and therefore meets the terms of the labor certification. The Petitioner and Beneficiary are otherwise eligible for the requested benefit.

ORDER: The appeal is sustained.

Matter of M-O-, ID# 122953 (AAO Mar. 9, 2017)