



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

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

MATTER OF V-T- LLC

DATE: NOV. 27, 2017

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, an information management company, seeks to employ the beneficiary as a software QA engineer. 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 section 203(b)(2), 8 U.S.C. § 1153(b)(2). This “EB-2” classification allows a U.S. employer to sponsor a professional with an advanced degree for lawful permanent resident status.

The Director of the Nebraska Service Center denied the petition. The Director found that the Petitioner did not establish that the Beneficiary had been awarded a bachelor’s degree, and therefore did not establish that the Beneficiary was eligible for classification as an advanced degree professional.

On appeal the Petitioner submits a brief and supporting documentation. The Petitioner contends that the Beneficiary was awarded a foreign bachelor’s degree that is equivalent to a U.S. bachelor’s degree, and therefore meets the minimum educational requirement for classification as an advanced degree professional.

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

The initial evidence rule for an EB-2 petition seeking advanced degree professional classification based on a bachelor’s degree plus five years of qualifying experience requires the submission of an “official academic record” showing that the beneficiary has a U.S. baccalaureate “degree” or a foreign equivalent “degree.” 8 C.F.R. § 204.5(k)(3)(i)(B). An “official academic record” is not limited to a formal diploma.¹ Accordingly, we conduct a case-specific analysis to determine

¹ *See also* U.S. Citizenship and Immigration Services (USCIS) Adjudicator’s Field Manual, Appendix 22-1, Memorandum from Michael D. Cronin, Acting Associate Commissioner, USCIS HQ 70/6.2, *Educational and Experience Requirements for Employment-Based Second Preference (EB-2) Immigrants* (March 20, 2000) at 2, <https://uscis.gov/ilink/docView/AFM/HTML/AFM/0-0-0-1/0-0-0-26573/0-0-0-31107.html> (last visited November 7, 2017), (“Whether the alien beneficiary actually possesses the advanced degree should be demonstrated by evidence *in the form of a transcript from the institution* that granted the advanced degree. An adjudicator must similarly consider the *baccalaureate transcript . . .*”) (emphasis added).

whether, at the time a degree certificate is issued, the individual has completed all substantive requirements to earn the degree and the university has approved the degree.

The record includes the following evidence of the Beneficiary's education:

- A copy of a certificate from [REDACTED] in [REDACTED] India, dated September 22, 2003, certifying that the Beneficiary "qualified for the Degree of Bachelor of Engineering in this University at the Examination held in the month of Sept./Oct., 2001."
- Copies of the Beneficiary's transcripts from [REDACTED] showing that he completed all of the coursework and examinations for the "four-year degree course in engineering" during the years 1998-2001.
- A letter from the principal of [REDACTED] dated June 8, 2017, certifying that the Beneficiary was a student at the college, which is affiliated with [REDACTED] during the years 1997-2001, that "[h]e passed B.E. Degree in Computer Science & Engineering in the year Sept./Oct. 2001," and that the phrase on the Beneficiary's certificate reading: "qualified for the Degree of Bachelor of Engineering in this University at the Examination . . ." means that he earned the degree.

In denying the petition the Director stated that the decisive issue is whether a degree has actually been awarded to the Beneficiary. The Director found that the documentation showing that the Beneficiary passed the examination for a bachelor's degree does not indicate that the degree was awarded. Accordingly, the Director concluded that the Beneficiary does not have the requisite degree for classification as an advanced degree professional.

We do not agree. We find that the four years of transcripts followed by the certificate issued by [REDACTED] on September 22, 2003, certifying that the Beneficiary "qualified for the Degree of Bachelor of Engineering" by virtue of the examination he passed in September/October 2001, affirmed that the Beneficiary had completed all substantive requirements for the degree and that the university approved the degree. The letter from the [REDACTED] official in 2017 confirmed that the language on the certificate issued in 2003 indicated that the Beneficiary "earned the degree listed."

We conclude, therefore, that the record establishes that the Beneficiary was awarded his Bachelor of Engineering degree on September 22, 2003. We also find that this degree is equivalent to a bachelor's degree in engineering from a U.S. college or university. As such, the Beneficiary meets the minimum educational requirement for classification as an advanced degree professional.

ORDER: The appeal is sustained.

Cite as *Matter of V-T- LLC*, ID# 876139 (AAO Nov. 27, 2017)