



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

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

MATTER OF C-A- CORP.

DATE: AUG. 10, 2018

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, an indirect automobile finance company, seeks to employ the Beneficiary as a senior developer. It requests classification of the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant classification. Immigration and Nationality 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 Acting Director of the Nebraska Service Center denied the petition, concluding that the record did not establish that the Beneficiary has the required bachelor's degree for the offered job. On appeal, the Petitioner submits additional evidence and asserts that the Beneficiary meets the requirements for the offered position.

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

In this case, the labor certification states that the offered position requires a bachelor's degree in computer science or management information systems, and 60 months of experience with multi-tiered web application development using Java and web servers.¹ The labor certification does not permit a foreign educational equivalent or an alternate combination of education and experience.

The record contains a copy of the Beneficiary's master of science degree in management information systems and transcripts from [REDACTED] at [REDACTED], issued on September 1, 2008. It also contains the Beneficiary's bachelor of engineering degree in computer science and engineering and transcripts from [REDACTED] in [REDACTED] India, issued in November 2005.

The Director found that the labor certification did not permit acceptance of the Beneficiary's bachelor's degree from India, nor did it permit substitution of the Beneficiary's U.S. master's degree as an alternative to the bachelor's degree requirement. However, we disagree. The Petitioner has demonstrated that the Beneficiary exceeds the educational requirements of the labor certification

¹ Part H.14 of the labor certification also requires knowledge of writing SQL queries, and the record establishes the Beneficiary's possession of this knowledge.

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with a U.S. master's degree, and therefore, the Petitioner has established that the Beneficiary possesses the required education for the offered position. The record otherwise establishes the eligibility of the Petitioner and the Beneficiary for the requested benefit, including the Beneficiary's more than 60 months of qualifying experience following receipt of his master's degree.

ORDER: The appeal is sustained.

Cite as *Matter of C-A- Corp.*, ID# 1668624 (AAO Aug. 10, 2018)