



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

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

MATTER OF M-D-T-, INC.

DATE: DEC. 4, 2018

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, a provider of computer software engineering services, seeks to employ the Beneficiary as a senior software developer. It requests her classification under the second-preference, immigrant category as a member of the professions holding an advanced degree. Immigration and Nationality Act (the Act) section 203(b)(2)(A), 8 U.S.C. § 1153(b)(2)(A). This employment-based, “EB-2” category allows a U.S. business to sponsor a foreign national for lawful permanent resident status to work in a position requiring at least a master’s degree, or a bachelor’s degree followed by five years of experience.

The Director of the Texas Service Center denied the petition. Although the Beneficiary’s foreign degree equates to a U.S. master’s degree as required by the labor certification,¹ the Director found that the Petitioner did not establish the Beneficiary’s possession of a degree in a field of study acceptable for the offered position. On appeal, the Petitioner submits additional evidence and asserts that the Beneficiary’s foreign degree equates to the required degree in an acceptable field of study.

Upon *de novo* review, including thorough consideration of the educational documents submitted, we find that a preponderance of evidence establishes the Beneficiary’s possession of a foreign equivalent of the required degree in an acceptable field of study. Thus, the record on appeal establishes the Beneficiary’s possession of the educational requirements of the offered position.

ORDER: The appeal is sustained.

Cite as *Matter of M-D-T-, Inc.*, ID# 1987893 (AAO Dec. 4, 2018)

¹ The labor certification alternatively allows a U.S. bachelor’s degree followed by five years of post-baccalaureate experience. The labor certification also permits a foreign educational equivalent.