



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

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

MATTER OF W-U- INC

DATE: DEC. 7, 2018

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, a wholesale trade business, seeks to employ the Beneficiary as a market research analyst. It requests classification of the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant category. Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). This employment-based “EB-2” immigrant 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 on the ground that the Beneficiary did not meet the educational requirements of the labor certification. Specifically, the Director found that the Beneficiary’s master’s degree did not meet the labor certification requirements because the issuing university was no longer an accredited postsecondary institution. A motion to reopen and reconsider was denied by the Director.

On appeal the Petitioner asserts that issuing university was accredited at the time the Beneficiary completed his degree, and that the university’s accreditation, after a brief interruption, has recently been restored. Since the Beneficiary’s degree was awarded by an accredited institution, the Petitioner asserts that the Beneficiary’s degree satisfies the minimum educational requirements of the labor certification.

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

To qualify for classification as an advanced degree professional, the Beneficiary must have at least a U.S. baccalaureate or foreign equivalent degree plus five years of progressive post-baccalaureate experience in the specialty, or a U.S. master’s or foreign equivalent degree. See 8 C.F.R. § 204.5(k)(1). In addition, the Beneficiary must meet the specific educational, training, experience, and other requirements of the labor certification by the petition’s priority date¹. See *Matter of Wing’s Tea House*, 16 I&N Dec. 158, 159 (Acting Reg’l Comm’r 1977). In this case the only job requirement specified on the labor certification is a master’s degree in the field of business

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).

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administration or marketing. Upon review of the record, we find that the Petitioner established that the Beneficiary was awarded a master's degree in business administration from an accredited university before the priority date of this petition. As such, the Petitioner has established that the Beneficiary meets the minimum educational requirements of the labor certification. We will withdraw the Director's decision and sustain the appeal.

ORDER: The appeal is sustained.

Cite as *Matter of W-U-, Inc*, ID# 1620891 (AAO Dec. 7, 2018)