



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

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

In Re: 6080535

Date: DEC. 4, 2019

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Advanced Degree Professional

The Petitioner seeks to employ the Beneficiary as a senior seismic imager. 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 Director of the Texas Service Center denied the petition, concluding that the Petitioner did not establish that the Beneficiary possessed the experience required by the labor certification as of the priority date.¹ On appeal, the Petitioner asserts that it submitted sufficient evidence of the Beneficiary's qualifying experience. We agree.

A beneficiary must meet all of the requirements of the offered position set forth on the labor certification by the priority date of the petition. 8 C.F.R. § 103.2(b)(1), (12); *Matter of Wing's Tea House*, 16 I&N Dec. 158, 159 (Acting Reg'l Comm'r 1977). The labor certification requires a U.S. master's degree or foreign equivalent in geophysics, physics, mathematics, electrical or mechanical engineering, or other related engineering discipline,² and one year of experience in the job offered or one year of related experience in seismic imaging, utilizing mathematical or simulation models, and familiarity with UNIX platform. The experience letters submitted to the record establish the Beneficiary's over one year of qualifying experience. *See* 8 C.F.R. § 204.5(g)(1). Thus, the Petitioner has established that the Beneficiary possessed the experience required by the labor certification as of the priority date.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we will sustain the appeal.

ORDER: The appeal is sustained.

¹ The priority date of a petition is the date the U.S. Department of Labor accepted the labor certification for processing, which in this case is August 9, 2017. *See* 8 C.F.R. § 204.5(d).

² The Beneficiary has the required education for the offered job.