

SUBJECT-MATTER INDEX

References are to Master Volume and Supplement page numbers.
Supp: precedes the page numbers for the Supplement.

A

AAO and other administrative decisions

See also Authority for degree equivalency cases
appellate procedure. *See* Appeals
authority to interpret employer's job requirements, 46–50
legal foundation for AAO's position on three-year degrees, 8–10
narrow interpretation essential, 12
 departure from the general rule, 42
nonbinding effect, 1
online availability, 40
sample EB-3 decisions, Appendix D
unpublished decision as persuasive authority, 40, 41

Accountants

petitions for, *Supp:* 166–73

AILA liaison committees

efforts to develop policy memorandum, 6
individual assistance via, 8, 20, 38, 39, 40, 52
Q&A and other guidance, 8, 24, 31, 33, 36

Alternative qualifications. *See* Education, training, or experience as degree-equivalent

Ambiguity on I-140

difficulties with “or equivalent” language, 15–16, 29–32, *Supp:* 10, 43–47

Appeals

AAO, appeals to
 “clear error,” 41
 difficulties in challenging *Shah*, 41
 filing of Form I-290B initially treated as motion to reconsider, 40
 generally, 40–42
 processing time, 39
DOL and BALCA, appeals to, *Supp:* 3
federal court appeals
 deference to agency interpretation (*Chevron*), 12, 44

 generally, 5–6, 42–52
 jurisdiction, 42–43
 successful strategies, 44–46
 options when I-140 is denied, 39
 reversals of I-140 denials, 5–6
 sample briefs, Appendix E

Attorneys

petitions for, *Supp:* 164–65

Audits

sample requests, *Supp:* 241

Authority for degree equivalency cases

administrative decisions and memos, 7–8
court decisions, 7
liaison minutes, 8
regulatory, 6
statutory, 6–7

C

Chefs

foreign foods specialty cooks (*Wing's Tea House*), *Supp:* 174–77
live-in housekeeper with cooking experience (*Kellogg*), *Supp:* 242–50

Chevron deference. *See* Appeals, *sub-head:* federal court appeals

Common sense and knowledge of real-world practices

uselessness, 11–12

Computer professionals. *See* IT professionals

Credential evaluators and evaluations

ineffectiveness of “cookie cutter” evaluations, 17–18, *Supp:* 10–11
working with evaluators, 35–37

D

Degree equivalency

See also Language, ambiguity

generally, 19–37, *Supp.*: 9–33
 bachelor's degrees, *Supp.*: 2, 21–23
 Sunshine Rehab Services, *Supp.*: 266–86
 common pitfalls, 19–21
 DOL ad hoc rules, *Supp.*: 35–53
 difference with USCIS regulations,
 Supp.: 69–74
 EB-2 PERM applications, 22–28, *Supp.*:
 75–81
 common scenarios (table), 25–27, *Supp.*:
 4–7
 EB-2 vs. EB-3, 19–22, 28–29
 EB-3 PERM applications, 28–35, *Supp.*:
 81–86
 Regal International, *Supp.*: 254–65
 master's degrees, 23–24, *Supp.*: 21–23,
 27–28
 MBBS from India, *Supp.*: 66–69
 Tisco Group, *Supp.*: 287–296

Denial of I-140 petition

ambiguous degree equivalency language
 as basis for, *Supp.*: 43–47
 options, 39
 reversal, 5–6
 samples, *Supp.*: 237–40

Derogatory information

notice of, *Supp.*: 116–20

E**EB-2 & EB-3 PERM applications. See
Degree equivalency****EB-2 vs. EB-3**

common pitfalls when designating de-
 gree requirements, 19–21
 degree majors, *Supp.*: 61–66
 key difference, 28–29, *Supp.*: 9–10
 strategies for expressing equivalency,
 14–15

**Education, training, or experience as
degree-equivalent**

approval of EB-3 as “skilled worker”
 rather than “member of the profes-
 sions,” 46
 authority of AAO & USCIS to interpret
 employer's requirements, 46–53
 distinguishing foreign education from
 foreign equivalent degree, 12–13,
 Supp.: 9

Kellogg language, analysis, 31, *Supp.*:
 29–32

substantial equivalence, *Supp.*: 38–43

**Electronic Database for Global Education
(EDGE) database**

generally, *Supp.*: 2, 11–15
 challenging, *Supp.*: 20–21
 interpreting content of, *Supp.*: 16–20
 options for accessing, *Supp.*: 15–16
 recommendations and advice to admis-
 sions officers, *Supp.*: 251–53

ETA Form 9089

drafting issues
 EB-2, *Supp.*: 75–81
 EB-3, *Supp.*: 81–86
 key changes in new form, *Supp.*: 86–88
Kellogg language issues and, *Supp.*: 47,
 51
 sample, *Supp.*: 307–09
 under review, *Supp.*: 310–14

**Evaluations. See Credential evaluators
and evaluations****Experience. See Education, training, or
experience as degree-equivalent****F****Federal court appeals. See Appeals****Foreign equivalent education. See Educa-
tion, training, or experience as de-
gree-equivalent****H****H-1B petitions**

consistency with PERM applications and
 I-140 petitions, *Supp.*: 55–60

History

generally, 1–6
 three-year bachelor's degrees, 2–6
 expansion to EB-3s, 4–6

I

I-140 petitions

ambiguity. *See* Ambiguity on I-140
consistency with PERM applications and
H-1B petitions, *Supp.*: 55–60
denial. *See* Denial of I-140 petition

INA, generally. *See* Authority for degree
equivalency cases

India

bachelor's and master's degrees, *Supp.*:
21–23
MBBS equivalency, *Supp.*: 66–69
three-year degrees
distinguishing from rest-of-world de-
grees, 16–17, *Supp.*: 10
exception for 3+2+5 combination,
Supp.: 26–27
presumption of nonequivalence, 17

Insurance professionals

property, machinery and marine under-
writers (*Federal Insurance Co.*),
Supp.: 214–27

IT professionals

computer software engineers, *Supp.*: 97–
108
AGMA Systems LLC, *Supp.*: 179–88
Talent IT Services, *Supp.*: 207–13
computer systems analysts, *Supp.*: 121–
25
program managers (*Microsoft Corpora-
tion*), *Supp.*: 196–202
programmers/analysts (*Enterprise Busi-
ness Solutions*), *Supp.*: 203–06
senior programmers/analysts, *Supp.*: 130–
35
senior project managers, *Supp.*: 109–15
senior trading systems software engineer
managers, *Supp.*: 158–63

J

Jurisdiction, federal court. *See* Appeals

K

Kellogg language

analysis, 31, *Supp.*: 29–32, 47–53
live-in housekeeper with cooking experi-
ence (*Kellogg* decision), *Supp.*: 242–
50

L

Labor certifications

See also Degree equivalency
education and experience scheme com-
pared with USCIS degree equiva-
lency regulations, 1
policy guidance, *Supp.*: 229–36
salvaging old labor certifications, 32–35
two-pronged test, *Supp.*: 32–33

Language, ambiguity

“or equivalent” and its variations, 15–16,
29–32, *Supp.*: 28–29

M

Marketing professionals

market research analysts, *Supp.*: 130–35
Globalnet Management LC, *Supp.*: 189–
95
market research specialists, *Supp.*: 126–
29

Medical professionals. *See* Physicians and
medical professionals

Motions to reconsider

filing of Form I-290B with AAO, 40

N

Nebraska Service Center (NSC)

See USCIS, *subhead.*: service centers

O

“Or equivalent” and its variations
interpretations, 15–16, 29–32, *Supp.*: 10,
43–47

P

PERM applications
alternative experience requirements. *See*
Education, training, or experience as
degree-equivalent
clash with SVP system, *Supp.*: 36
consistency with H-1B petitions and I-
140 petitions, *Supp.*: 55–60
degree equivalency. *See* Degree equiva-
lency
drafting, *Supp.*: 75–88

Physicians and medical professionals
dentists, *Supp.*: 154–157
family practice physicians, *Supp.*: 148–53
interventional radiologists, *Supp.*: 136–41
Neufeld memo on physician degree
equivalency, *Supp.*: 297–306

Presumption of nonequivalence
Indian three-year degrees, 17. *See also*
India

Processing time
AAO appeals, 39

R

Regulatory and statutory authority. *See*
Authority for degree equivalency
cases

S

Service centers. *See* USCIS
Single-source degree rule, *Supp.* 2, 23–25
exception for 3+2+5 combination, *Supp.*:
26–27
transfer credit for prior education, *Supp.*:
25–26

SVP (Specific Vocational Preparation)
system
generally, *Supp.*: 36–53
difference with USCIS degree equiva-
lency regulations, *Supp.*: 69–74

T

Teachers
secondary school science teachers, *Supp.*:
91–96

Training. *See* Education, training, or
experience as degree-equivalent

Two-pronged test for approval of I-140
examples, 14
generally, 13–14, *Supp.*: 32–33

U

Unpublished AAO decisions
as persuasive authority, 40, 41

USCIS
authority of AAO & USCIS to interpret
employer’s requirements, 46–53
independent role of USCIS, 47–50
limitation on USCIS’s authority, 50–51
service centers
inconsistency among, 1, 5
NSC standard for evaluating degree
equivalency, 17, 18, 40