



## **EDGE SAYS INDIAN 2- YEAR MASTER'S DEGREE FOLLOWING 4-YEAR BACHELOR'S IS NOT EQUIVALENT TO US MASTER'S DEGREE**

*Posted on January 14, 2012 by Cyrus Mehta*

Determining whether a foreign degree is equivalent to a US degree is crucial for an employment-based immigrant visa petition. Within the US employment-based preference system, being classified under the Employment-based Second Preference (EB-2) puts one at a significant advantage over one who is classified under the Employment-based Third Preference (EB-3). There is no backlog in the EB-2 for most countries while the EB-3 is hopelessly backlogged. Even if the EB-2 for countries like India and China is backlogged, it is less so than the EB-3. Indeed, the EB-3 backlog for India is unimaginable and totally untenable. It is estimated that it will take 70 years for the green card for a person from India who establishes his or her priority date in 2012!

To be classified under the EB-2 pursuant to section 203(b)(2) of the Immigration and Nationality Act, the position must require an advanced degree or its equivalent, which the USCIS in 8 CFR section 204.5(k)(2) defines as a foreign equivalent 4-year bachelor's degree plus five years of post baccalaureate experience.

In the United States, one normally obtains a master's degree after completing a 2-year program following a 4-year bachelor's degree. Thus a student has to undertake 6 years of study in order to be awarded a master's degree from an accredited US college or university.

It has generally been assumed that a foreign master's degree, obtained after 6 years of education, would generally be equivalent to a US master's degree.

EDGE (Electronic Database For Global Education), administered by the [American Association of Collegiate Registrars and Admissions Officers](#)

provides information on foreign degree equivalence from educational institutions from around the world. It is treated as gospel truth by the USCIS in determining whether a foreign degree is equivalent for immigration purpose. Till recently, EDGE has correctly said that an Indian 4-year degree, such as a Bachelor of Technology degree, followed by a 2-year master's degree, is equivalent to a US master's degree. On the other hand, a master's degree following a 2- or 3-year Indian bachelor's degree only equated to a US bachelor's degree and not a master's degree.

It has recently come to our attention, thanks to Natalie Muehlberger of [Trustforte Corporation](#), that EDGE has recently downgraded many Indian master's degrees. This is how EDGE, a paid service, describes it now:

### ***Credential Description***

*Awarded upon completion of 1.5-2 years of study beyond the three-year bachelor's degree or four year BTech or BEng degree.*

### ***Credential Advice***

*The Master of Science represents attainment of a level of education comparable to a bachelor's degree in the United States.*

Thus, regardless of whether the master's degree is obtained after a 3- year or a 4- year bachelor's degree program in India, EDGE is now equating both to a US bachelor's degree. This downgrade of Indian master of science degrees would impact those who would otherwise qualify under the EB-2 as the USCIS closely relies on EDGE. We do hope that EDGE realizes that it is wrong and reverts to its earlier assessment that a master's degree, following 6 years of education, is equivalent to a US master's degree and not a bachelor's degree. In addition, EDGE has also downgraded the Indian MBA, regardless of whether it was preceded by a 4-year engineering degree and the Indian master of science by research degree (which no longer appears in EDGE at present). While EDGE used to maintain that 2 years of coursework in business management leading to a post-graduate diploma from the prestigious Indian Institute of Management, India, was comparable to a master's degree in the United States, this degree has been downgraded to equate to only a US bachelor's degree since only a three year bachelor's degree is required

**. EDGE also still finds that an Indian master of technology or engineering degree, and master of computer applications degree, is equivalent to a**

**US master's degree. The same logic should hold true for other Indian master of science and MBA degrees, following a 4 year bachelor degree. It is therefore important to constantly check the foreign national's educational credentials with EDGE before embarking on an employment-based green card sponsorship.**

Since USCIS follows EDGE, the beneficiary of an I-140 petition with an Indian master's in the above situations may be only able to qualify under the EB-2 if he or she can demonstrate a bachelor's degree (since this master's degree will still equate to a single source bachelor's degree) plus 5 years of progressive experience following this degree. If the beneficiary does not have the 5 years of post-baccalaureate experience, he or she will have no choice but to be classified under the EB-3, and if born in India, the green card will materialize after decades.

If EDGE does not revert to its original position with respect to Indian master of science degrees and the MBA, petitioners and their attorneys should still endeavor to convince the USCIS, or then litigate before the AAO and in federal court, that a 2-year Indian master of science degree following a 4- year bachelor's degree ought to be comparable to a US master's degree. In a [2009 USCIS liaison meeting](#), the agency indicated that it would still be receptive to arguments notwithstanding a contrary EDGE finding:

*USCIS considers all sources, including EDGE and AACRAO databases, and has received many evaluations where the evaluators list membership in AACRAO in their credentials and list AACRAO publications as their reference materials. USCIS adjudicators review all evidence in the record and make determinations based on the individual facts of each case. The AAO's decisions are available to the public and provide an extensive compilation of the results of its findings as to the equivalency of particular foreign degrees.*

The USCIS pursuant to its 2009 guidance ought to be receptive to arguments that an Indian master's degree following 6 years of post-secondary education is functionally equivalent to a US master's degree. Otherwise, the EDGE downgrade with Indian master of science and other degrees will strike another blow to Indians, who will then be endlessly mired in the EB-3 even though they qualify for a position that requires an advanced degree. It will also be another example of how the USCIS constantly shifts the goal posts concerning foreign equivalent degrees, adversely and unfairly impacting mostly skilled foreign

nationals with Indian degrees.

(The blog was amended on January 18, 2012 to clarify that the downgrade only applies to Indian master of science degrees and a few other degrees but not all Indian master degrees)

### **UPDATE: EDGE FLIP FLOPS – SHOULD USCIS BE RELYING ON EDGE SO SLAVISHLY? – JANUARY 20, 2012**

The author has learned today that EDGE has again reverted to its former position. It has deleted within the entry that a master of science degree beyond a 4 year degree is equivalent to a US bachelor's degree. It leaves intact within that entry that a master's degree following a 3 year bachelor's degree is equivalent to a US bachelor's degree. Does this mean that a master of science degree following a 4 year bachelor's degree is equivalent to a master's degree? We hope that the USCIS follows this logic and agrees. On the other hand EDGE now has an entry , and this is very strange, indicating that the master of engineering or master of technology degree following a 4 year bachelor of technology or bachelor of engineering degree is equivalent to a US bachelor's degree. **This cannot be the case and must be an error!** In yet another entry, EDGE says that an Indian master of physiotherapy, master of science (nursing), master of science in engineering/technology, master of pharmacy and master of laws, following 4 or 5 year bachelor degree programs is equal to US master's degree. All this is completely inconsistent with the downgrade, and results in uncertainty for those who rely on EDGE in filing immigrant visa I-140 petitions to get classified under the EB-2. Perhaps, USCIS, given these flip flops and inconsistencies, should no longer treat EDGE as the gospel truth with respect to determining whether these degrees are equivalent to US degrees, and give more credence to justifications provided from other reliable sources determining the accurate equivalence of such degrees.