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NAVIGATING THE DOWNGRADE OF THE INDIAN LL.B IN GREEN CARD SPONSORSHIPS FOR LAWYERS

Posted on May 10, 2026 by Cyrus D. Mehta & Damira Zhanatova

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Over the last few years, many U.S. employers sponsoring Indian-trained lawyers for permanent residence have begun seeing a new kind of I-140 Request for Evidence (RFE). The problem is not usually the lawyer's experience, bar admission, or the substantive need for foreign law expertise. Instead, the RFE often focuses almost entirely on how AACRAO EDGE now classifies the Indian Bachelor of Laws (LLB) degree.

Sometime around 2022, EDGE updated its guidance to treat the Indian LLB as comparable in level to a U.S. bachelor's degree rather than a U.S. first professional law degree (JD). That shift has created serious complications in employment-based second preference (EB-2) cases for foreign lawyers, particularly where earlier credential evaluations had treated the LLB as JD-equivalent. This blog explains what is happening, why USCIS is issuing RFEs, and how careful framing of the job requirements and the beneficiary's credentials can still lead to I-140 approval.

The EDGE update matters because USCIS officers often consult EDGE to evaluate foreign educational credentials. In older cases, credential evaluations concluded that a three-year Indian LLB, earned after a prior bachelor's degree, was equivalent to a U.S. JD. Now, the updated EDGE entry states that the Indian Bachelor of Laws "represents attainment of a level of education comparable to a bachelor's degree in the United States," while also noting, in the author comments, that this credential "functions as a first professional degree in law in India". The LLB degree can be attained after three years or four years of college followed by three years of study in a law college or the LLB is also attained after five years of study in a law college after twelve years of high school. Both the

three year and five-year LLB degrees have been downgraded by EDGE as being comparable to a bachelor's degree in the US. RFEs have begun quoting only the "bachelor's-degree-equivalent" language to argue that a beneficiary does not have the equivalent of a U.S. JD or "equivalent professional degree" that the officer believes the position requires, while ignoring the "first professional degree" function in the Indian legal system.

That EDGE language places the Indian LLB in a very different position than certain other Indian professional degrees. For example, EDGE's entry for the MBBS states: "The Bachelor of Medicine & Bachelor of Surgery represents attainment of a level of education comparable to a first professional degree in medicine in the United States." In other words, for medicine EDGE is willing to say directly that the foreign degree is comparable to a U.S. first professional degree. For law, it stops short, saying the LLB "represents attainment of a level of education comparable to a bachelor's degree in the United States" and only that it "functions as a first professional degree in law in India."

The situation for LLBs from India has remained unsettled as a result. One theoretical approach is to try to extend the "First Professional Degree" language that EDGE applies to Indian credentials in fields like medicine and dentistry and argue that it should likewise cover law. However, given the current LLB wording, that is a weak argument today and unlikely to be persuasive on its own. The qualifiers "functions as" and "in India" signal that EDGE is deliberately not saying that the LLB is comparable to a first professional law degree in the United States.

In the EB-2 context, the core legal standard is set out in the regulations at 8 C.F.R. § 204.5(k). Under that provision, an I-140 can be approved for a "member of the professions holding an advanced degree" if the beneficiary has either an advanced degree (or a foreign equivalent) or a U.S. bachelor's degree (or a foreign equivalent) followed by at least five years of progressive post-baccalaureate experience in the specialty. The regulation explicitly recognizes that a foreign degree equivalent to a U.S. bachelor's degree plus five years of progressive experience can satisfy the "advanced degree" requirement, even if the foreign degree itself is not equivalent to a U.S. master's or JD.

Agency guidance interpreting 8 C.F.R. § 204.5(k) reiterates that where the foreign education is found to be only equivalent to a U.S. bachelor's degree, the petitioner may still satisfy the advanced-degree standard by documenting at

least five years of progressive post-baccalaureate experience in the specialty occupation. That guidance further explains that "progressive" experience must reflect increasing levels of responsibility, complexity, and judgment over time, rather than simply time served in an unchanging role.

This is where the EDGE shift collides with long-standing EB-2 standards. When credential evaluators previously described the LLB as JD-equivalent, many EB-2 filings for Indian-trained lawyers were framed as if the beneficiary already held a foreign professional law degree at the U.S. graduate level. With EDGE now labeling the LLB as bachelor's-level, adjudicators are much more likely to apply the bachelor's-plus-five-years track laid out in 8 C.F.R. § 204.5(k)(3)(i)(B). That approach is consistent with the regulation's text, but it requires petitioners to pay close attention to how they document both education and experience.

At the same time, resources like AACRAO EDGE are not binding sources of law. Officers are ought to treat such tools as aids, but to base final determinations on the totality of the evidence and the regulatory standards in 8 C.F.R. § 204.5(k). Where a foreign degree is only at the bachelor's level, adjudicators must examine whether the record establishes at least five years of progressive post-baccalaureate experience in the specialty, rather than allowing EDGE alone to determine the outcome.

In practice, effective responses to the Indian LLB-related RFEs have emphasized several key points. One key point is the distinction between EDGE's "level" description and the LLB's actual professional function. Even if EDGE now describes the LLB as comparable to a U.S. bachelor's degree, the same entry acknowledges that it functions as a first professional degree in law in India. Petitioners substantiate this by submitting evidence that the LLB is the credential required for enrollment as an advocate with an Indian bar council, and that without it, an individual cannot practice law in that jurisdiction. Enrollment certificates and bar‑council documentation demonstrate that the LLB is, in fact, the professional law qualification in the foreign system, not a generic academic credential.

Another key point is the importance of the certified job requirements. Where the labor certification permits an LLB or an "equivalent professional degree" among the acceptable qualifications, USCIS's role at the I‑140 stage is to determine whether the beneficiary possesses that foreign professional law degree and any other DOL‑certified minimums, not to retroactively raise the

bar to a U.S. JD alone. The friction introduced by the revised EDGE language should be addressed in the EB□2 analysis under 8 C.F.R. § 204.5(k), rather than by rewriting the Department of Labor's minimum qualifications after the fact.

Petitioners have also increasingly grounded their arguments in the bachelor's-plus-five-years prong of 8 C.F.R. § 204.5(k)(3)(i)(B). If USCIS treats the Indian LLB as equivalent to a U.S. bachelor's degree, the path forward is to demonstrate that the beneficiary has at least five years of progressive post-baccalaureate experience in the relevant legal specialty. Agency guidance interpreting that provision indicates that experience must show advancement in responsibility and complexity, such as moving from junior work to leading complex matters, supervising other professionals, or managing key client relationships, rather than merely accumulating time. Detailed letters of experience from prior employers, with concrete descriptions of duties and progression, are therefore essential.

Many practitioners continue to use credential evaluations that synthesize EDGE and other authorities to explain why an LLB pursued after a prior bachelor's degree should be understood as a first professional degree in law in terms of structure and purpose. Evaluations point out that, structurally, the combination of a prior bachelor's degree and a three-year LLB in India is analogous to the U.S. pattern of an undergraduate degree followed by a JD, and that in both systems, the professional law degree is the prerequisite for bar admission. Even if USCIS adheres to EDGE's bachelor's-level characterization for level-equivalency purposes, these evaluations help show that the overall educational and professional pathway satisfies the EB-2 advanced-degree standard when combined with the required progressive experience under 8 C.F.R. § 204.5(k).

The bottom line is that the EDGE "downgrade" of the Indian LLB has changed how many I-140s for Indian-trained lawyers are argued and reviewed, but it has not closed the door on EB-2 classification. By acknowledging the updated EDGE language, highlighting the LLB's role as a first professional law degree in India and as the gateway to bar admission, aligning job requirements with that foreign professional credential, and deliberately building a record of at least five years of progressive post-baccalaureate experience within the framework of 8 C.F.R. § 204.5(k), employers can continue to obtain I-140 approvals for Indian-trained attorneys despite this new wave of RFEs.

Finally, employers petitioning for H-1B classification on behalf of Indian trained

lawyers with an LLB degree should also structure the job requirements as a minimum of a bachelor's degree rather than a JD degree. The Indian trained lawyer should be able to qualify for H-1B classification as it meets the minimum of a bachelor's degree to qualify as a specialty occupation. However, many Indian lawyers with LLB degrees have also graduated with a Master of Laws (LLM) degree from a US law school. An Indian lawyer with an LL.M should be able to qualify under EB-2 by virtue of this degree as well as for H-1B classification. Our blog deals more with the lawyer who is being sponsored by a US employer with only an Indian LLB degree and the pitfalls associated with its unfortunate downgrade.

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