

Interim Decision #2009

MATTER OF REYES

In Visa Petition Proceedings

A-17859880

*Decided by District Director September 26, 1969*

*Affirmed by Regional Commissioner October 28, 1969*

petitioner/beneficiary, who has a bachelor's degree, with a major in social work, qualifies on the basis thereof as a member of the professions as a social worker within the meaning of sections 101(a)(32) and 203(a)(3) of the Immigration and Nationality Act, as amended. [*Matter of Cruz*, Int. Dec. No. 1920, overruled.]

**BEFORE THE DISTRICT DIRECTOR**

The petitioner, a 30 year old native and citizen of The Philippines, seeks third preference status as a professional social worker. The petition was denied June 6, 1969, in the light of *Matter of Cruz*, Int. Dec. No. 1920, as the petitioner lacks a master's degree. On appeal the matter was remanded by the Regional Commissioner for further consideration.

The petitioner possesses a Bachelor of Arts degree issued March 22, 1960 by the Philippine Women's University. The Office of Education, United States Department of Health, Education and Welfare has reviewed a transcript of her studies and found the petitioner's degree is the equivalent of a Bachelor of Arts degree, with a major in Social Work, issued by an accredited college in the United States.

The Department of Labor has issued a labor certification for "entry level" in Social and Welfare Work, following review of the petitioner's statement of qualifications, Form ES-575A and supporting documents consisting of certified copies of the petitioner's degree and transcript of studies. The petitioner has been employed as a social worker since 1968 by the Department of Social Welfare, Manila, Philippines.

The issue is whether possession of a Bachelor's degree, with a major in Social Work, qualifies the holder, a social worker, as a

member of the professions within the meaning of the Immigration and Nationality Act. In *Matter of Cruz, supra*, it was held that a Master's degree or its equivalent in training and experience, was required for professional status in that activity.

It is significant that the labor certification is for "entry level" in Social and Welfare Work. Earlier editions of the Department of Labor's Occupational Outlook Handbook contained a statement that "full professional status requires two years of graduate study in an accredited school of social work." The 1968-69 Edition of the handbook eliminated this statement. The 1968-69 Edition states that a bachelor's degree generally is the minimum educational requirement for beginning jobs in social work.

The Department of Labor has advised that its Occupational Outlook Handbook lists minimum qualifications for an occupation as well as optimum, and does not consider that optimum requirements must be met for certification for an occupation, professional or otherwise. The Department has further advised that it considers persons who have bachelor's degrees in Sociology, equivalent to a degree issued by an accredited school in the United States, meet the criteria for certification as members of the professions. We concur.

On the basis of the entire record, the petition will be approved. However, because of the holding in *Matter of Cruz, supra*, certification will be made to the Regional Commissioner for final decision.

**ORDER:** It is ordered that the petition be, and the same is hereby approved.

*It is further ordered* that the decision be certified to the Regional Commissioner for final decision.

#### BEFORE THE REGIONAL COMMISSIONER

The decision of the District Director approving the petition of Estrella Galimba REYES, for third preference classification pursuant to section 203(a) of the Immigration and Nationality Act as a member of the professions on the basis of her possessing a Bachelor of Arts degree, with a major in Social Work, is before me by certification pursuant to 8 CFR 103.4 because such holding is in conflict with *Matter of Cruz*, Int. Dec. No. 1920, which held that a Master's degree, or its equivalent in training and experience, was the minimum requirement for such professional status. I concur in the findings and conclusions of the District Director in this case and his decision will be affirmed. Accordingly, to the

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extent that *Matter of Cruz, supra*, is inconsistent with this holding, that decision is overruled.

**ORDER:** It is ordered that the decision of the District Director be and is hereby affirmed.