MATTER OF WANG

In Visa Petition Proceedings

A-12567835

Decided by Acting Regional Commissioner July 19, 1965

Beneficiary, who possesses a master's degree in library science, is eligible for first preference status under section 203(a)(1), Immigration and Nationality Act, as amended, as assistant catalogue librarian in a university's internationally famous medical library since the position duties for which her services are requested are not subordinate but rather correspond in level of responsibility to those of a senior librarian.

This case comes forward on appeal from the decision of the Acting District Director, San Francisco, who on May 10, 1965, denied the petition as follows:

> The duties the beneficiary would perform as an Assistant Catalogue Librarian (classify and catalogue medical books according to a modified Library of Congress system; also work with circulation, reference, ordering and processing materials) are not complex and could be learned in a relatively short period of time. Therefore, the duties of the position do not meet the criteria for first preference classification.

The petitioner, Stanford University, is a well-established institution of higher education. It was established in 1885, has over 6,000 employees and a student enrollment of over 10,000 from all parts of the United States and foreign countries.

The petitioner seeks the services of the beneficiary to serve in the capacity of "Assistant Catalogue Librarian" in the Lane Medical Library School of Medicine, a division of Stanford University. In the petition the duties of the position are described as follows:

> Mrs. Wang will classify and catalogue medical books according to a modified Library of Congress system. She will also work with circulation, reference, ordering and processing materials. Because the library is small (14 employees) she will have an opportunity to become familiar with the complete library process, not just one department. She will have a wide variety of experience over and above the specific department where her chief responsibility will lie.

The petitioner has stated that the duties to be performed by the beneficiary require a person with a Master of Library Science Degree.

Beneficiary is a 26-year-old married female, a native and citizen of China. She entered the United States on February 12, 1962, as a student and has been enrolled in the University of West Virginia, University of Oregon, and University of California at Berkeley in the Graduate Division devoted to studies in Library Science. She obtained a Master of Library Science Degree from the University of California on September 6, 1963, which was followed by 18 months of practical training in Library Science, 6 months at San Jose State College, San Jose, California, and 12 months at the School of Medicine at Stanford University. Following completion of the training period she continued her employment with petitioner as Assistant Catalogue Librarian where she is still employed.

In the brief in support of the appeal petitioner has pointed out that the beneficiary's responsibilities and duties are in reality those of an "Assistant Librarian" which should more properly be the title of the position for which petitioned and that the title "Assistant Librarian" should not be confused with "Library Assistant." The Work Trait Requirements Handbook published by the United States Employment service shows that to qualify for the position of "Library Assistant," Code 1-20.01, only 6 months to 1 year of specific vocational preparation are required, but that for the position of "Librarian," Code 0-23.20, from 4 to 10 years of specific vocational preparation are required.

On March 23, 1965, the United States Employment Service, Department of Labor, advised as follows: "A librarian must have successfully completed 5 years of college through which a master's degree in library science was obtained. A petition for a librarian who does not have the required formal education must be accompanied by a clearance order." The Dictionary of Occupational Titles, Volume 1, defines the term "assistant" as "a general term applied to a worker who assists another" and goes on to state "the same classification should be assigned to the worker assisted except when the duties performed by the assistant are clearly subordinate to and different from those of the worker assisted." Petitioner asserts that the duties of beneficiary are not subordinate and that the work for which Mrs. Wang is responsible would correspond to the level of responsibility of a "Librarian II" or "Senior Librarian." The Medical Library has over 170,000 volumes, is internationally famous with demands for its books coming from Libraries in all parts of the United States and foreign countries. The material is highly technical with rare serial supplements from all over the world and in many languages. Peti-

tioner states that only a person with a Master of Library Science Degree can perform the duties of the position. It must be concluded that the services of the beneficiary are urgently needed because of her high education, technical training and specialized experience and that the beneficiary is qualified to perform the duties of the position. The appeal will be sustained.

ORDER: It is ordered that the decision of the District Director be revoked.

It is further ordered that the appeal be sustained and the petition granted.