MATTER OF HANNA

In Visa Petition Proceedings

A-18187446

Decided by District Director March 6, 1968

A ceramic engineer, who has a baccalaureate degree in ceramic engineering, is a qualified member of the professions within the meaning of section 101(a)-(32) of the Immigration and Nationality Act, as amended, and is eligible for preference classification under section 203(a)(3) of the Act.

The petition was filed by the beneficiary for third preference classification as a member of the professions based upon his qualifications as a ceramic engineer.

He is married, a native and citizen of the United Arab Republic, presently residing with his spouse and two children in Cairo. In 1962, following a five-year course, he was graduated with a baccalaureate degree in ceramic engineering, from the College of Applied Arts, Giza United Arab Republic; and he has completed a five-month training program in the mass production of porcelain, in Germany. He was employed from December 1962 to February 1964 as supervisor of production by Mostorod Ceramic and Porcelain Company, Cairo; and as quality controller from March 1964 to date by the Cairo Sand Bricks and Tile Company, Cairo.

Section 203(a)(3) of the Act, as amended, relates to issuance of immigrant visas "to qualified immigrants who are members of the professions, or who because of their exceptional ability in the sciences or arts will substantially benefit prospectively the national economy, cultural interests, or welfare of the United States." The term "profession" is defined in section 101(a)(32) of the Act as including but not being limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary schools, colleges, academies, or seminaries.

The Occupational Outlook Handbook, 1966–67 edition, published by the Bureau of Labor Statistics, United States Department of Labor contains on page 76 a discussion of the employment of ceramic engineers. In discussing the nature, training and qualifications for this work, the handbook includes the following statements:

Ceramic engineers develop methods for processing clay, silicates, and other nonmetallic minerals into a wide variety of ceramic products, ranging from glassware, cement, and bricks, to coatings and refractories for missile nose cones. They may also design and supervise the construction of the plant and equipment used in the manufacture of these products.

The outlook is for rapid growth in the employment of ceramic engineers through the mid-1970's. Although ceramic engineering is a small field and the number of openings in any one year will be small compared with those in the large branches of engineering, the number of graduates with degrees in ceramic engineering is also small. Thus, the opportunities for new graduates should be excellent. The growth of programs related to nuclear energy, electronics, and space exploration will provide many of the opportunities for ceramic engineers.

A bachelor's degree in ceramic engineering is the generally accepted educational requirement for entrance into such engineering positions.

Section 212(a)(14) of the Immigration and Nationality Act, as amended, provides that third preference aliens must be issued a certification by the Secretary of Labor to the effect that qualified workers in the United States are unavailable, and that the alien's employment would not have an adverse effect on wages and working conditions of workers similarly employed in this country. Under 8 CFR 204.2(f) the Secretary of Labor's determination with respect to the issuance of the required certification is obtained before any third preference petition may be approved. The required certification was issued in the instant case as a ceramic engineer, under Schedule C, Group II, 29 CFR, indicating that in the Department of Labor's opinion the beneficiary qualified as a professional person in the filed of ceramic engineering.

Since a baccalaureate degree is the accepted educational requirement for entry into the field, and in view of the above discussion, it is concluded that ceramic engineering as with other occupations in the engineering field, should be considered a professional-level occupation. The record reflects that the beneficiary has a baccalaureate degree in ceramic engineering, and that he has had more than 5 years of experience in that field. We, therefore, concur in the opinion of the Department of Labor concerning his qualification for classification as a professional person under section 203(a)(3) of the Act.

ORDER: It is ordered that the petition to accord the beneficiary third preference classification be and hereby is approved.