

8 C.F.R. § 204.5(k)(1)-(2) – Aliens who are members of the professions holding advanced degrees...

(k) *Aliens who are members of the professions holding advanced degrees or aliens of exceptional ability.* (1) Any United States employer may file a petition on Form I-140 for classification of an alien under section 203(b)(2) of the Act as an alien who is a member of the professions holding an advanced degree or an alien of exceptional ability in the sciences, arts, or business. If an alien is claiming exceptional ability in the sciences, arts, or business and is seeking an exemption from the requirement of a job offer in the United States pursuant to section 203(b)(2)(B) of the Act, then the alien, or anyone in the alien's behalf, may be the petitioner.

(2) *Definitions.* As used in this section: *Advanced degree* means any United States academic or professional degree or a foreign equivalent degree above that of baccalaureate. A United States baccalaureate degree or a foreign equivalent degree followed by at least five years of progressive experience in the specialty shall be considered the equivalent of a master's degree. If a doctoral degree is customarily required by the specialty, the alien must have a United States doctorate or a foreign equivalent degree.

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=b20e1cd9b97fd59c382c73047784a6d1&rgn=div5&view=text&node=8:1.0.1.2.8&idno=8#8:1.0.1.2.8.1.1.5> (Accessed Aug. 16, 2012)