



U.S. Department of Justice  
Immigration and Naturalization Service

DZ

OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536



File: LIN-00-002-54107 Office: Nebraska Service Center

Date: JUN 7 2001

IN RE: Petitioner:  
Beneficiary:



Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(H)(i)(b)

Public Copy

IN BEHALF OF PETITIONER:



Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

INSTRUCTIONS:

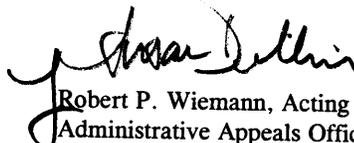
This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

  
Robert P. Wiemann, Acting Director  
Administrative Appeals Office

**DISCUSSION:** The nonimmigrant visa petition was denied by the director and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner is a chamber of commerce with five employees and a gross annual income of \$1,017,084. It seeks to employ the beneficiary as a communications coordinator for a period of three years. The director determined the petitioner had not established that the proffered position is a specialty occupation.

On appeal, counsel submits a brief.

8 C.F.R. 214.2(h)(4)(ii) defines the term "specialty occupation" as:

an occupation which requires theoretical and practical application of a body of highly specialized knowledge in fields of human endeavor including, but not limited to, architecture, engineering, mathematics, physical sciences, social sciences, medicine and health, education, business specialties, accounting, law, theology, and the arts, and which requires the attainment of a bachelor's degree or higher in a specific specialty, or its equivalent, as a minimum for entry into the occupation in the United States.

The director denied the petition because the petitioner had failed to show how a law degree would be required to perform the duties of a communications coordinator. On appeal, counsel states that the Swedish-American Chamber of Commerce has hired individuals to perform similar duties and required a bachelor's degree in law, government or a related field. Counsel further states that the petitioner has previously hired an individual for the same position with the same degree requirement.

Counsel's statement on appeal is not persuasive. The Service does not use a title, by itself, when determining whether a particular job qualifies as a specialty occupation. The specific duties of the offered position combined with the nature of the petitioning entity's business operations are factors that the Service considers. In the initial I-129 petition, the petitioner described the duties of the offered position as follows:

...researching and analyzing data for the JCCC survey of legal and economic conditions within the Midwest; overseeing the content of the JCCC publications; supervising various JCCC events; coordinating the legal and structural issues concerning the maintenance of the JCCC Internet Web site; reviewing the JCCC's accounting methods to ensure legal compliance with appropriate state

and federal laws; and researching and responding to member inquiries regarding various legal and economic issues of conducting business in the Midwest.

Pursuant to 8 C.F.R. 214.2(h)(4)(iii)(A), to qualify as a specialty occupation, the position must meet one of the following criteria:

1. A baccalaureate or higher degree or its equivalent is normally the minimum requirement for entry into the particular position;
2. The degree requirement is common to the industry in parallel positions among similar organizations or, in the alternative, an employer may show that its particular position is so complex or unique that it can be performed only by an individual with a degree;
3. The employer normally requires a degree or its equivalent for the position; or
4. The nature of the specific duties is so specialized and complex that knowledge required to perform the duties is usually associated with the attainment of a baccalaureate or higher degree.

The petitioner has not met any of the above requirements to classify the offered position as a specialty occupation.

First, the Service does not agree with counsel's argument that the beneficiary's proposed position as a communications coordinator would normally require a bachelor's degree in law or a related field. The proffered position appears to combine the duties of a public affairs specialist with those of a public relations manager. A review of the Department of Labor's Occupational Outlook Handbook (Handbook), 2000-2001 edition, at pages 241-243 finds no defined standards for entry into a public relations career. Although the Handbook indicates that many entry-level public relations specialists have a college major in public relations, journalism, advertising, or communications, other employers seek applicants with demonstrated communication skills and training or experience in a field related to the firm's business such as science, engineering, sales, or finance.

The Handbook at pages 25-26 also finds no requirement of a baccalaureate degree in a specialized area for employment as a public relations manager. A wide range of educational backgrounds are considered suitable for entry into public relations managerial positions. Some employers prefer a bachelor's or master's degree in public relations or journalism, but bachelor's degrees in various liberal arts fields are also acceptable. In addition, certain personal qualities and participation in in-house training

programs are often considered as significant as the beneficiary's specific educational background. Thus, the petitioner has not shown that a bachelor's degree in a specialized area is required for the position being offered to the beneficiary.

Second, although the petitioner argues that it normally requires a bachelor's degree in law, government or a related field for its position of communications coordinator, it has submitted evidence of only one other employee who occupied the position and possessed such degree. It is noted that the petitioner has been in operation since 1966. Third, it is noted that the record contains a letter from the director of another chamber of commerce indicating that the individuals from her agency who filled the position of communications director all possessed at least a bachelor's degree or its equivalent in law, government, or a related field. One letter, however, is insufficient evidence of an industry standard. The writer has not provided evidence in support of her assertions. It is also not known whether the duties of a communications director are the same as the duties of the proffered position as their job titles are not the same. In addition, the record contains no evidence of the number or percentage of chamber of commerce communications coordinators who hold such degrees. Finally, the petitioner did not demonstrate that the nature of the beneficiary's proposed duties is so specialized and complex that the knowledge required to perform the duties is usually associated with the attainment of a baccalaureate or higher degree.

The petitioner has failed to establish that any of the four factors enumerated above are present in this proceeding. Accordingly, it is concluded that the petitioner has not demonstrated that the offered position is a specialty occupation within the meaning of the regulations.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. The petitioner has not sustained that burden.

**ORDER:** The appeal is dismissed.