



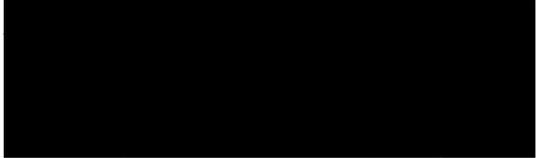
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U.S. Department of Justice

Immigration and Naturalization Service

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



File: EAC-02-223-52259 Office: Vermont Service Center

Date: JAN 14 2003

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)

IN BEHALF OF PETITIONER: SELF-REPRESENTED

PUBLIC COPY

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that 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 that 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 that 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, Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be sustained and the petition will be approved.

The petitioner is a political risk consulting business with 24 employees and a gross annual income of \$1,050,000. It seeks to employ the beneficiary as its director of external relations for a period of three years. The director determined the petitioner had not established that the beneficiary qualifies to perform services in a specialty occupation.

On appeal, the petitioner submits a statement.

Pursuant to section 214(i)(2) of the Act, 8 U.S.C. 1184(i)(2), to qualify as an alien coming to perform services in a specialty occupation the beneficiary must hold full state licensure to practice in the occupation, if such licensure is required to practice in the occupation. In addition, the beneficiary must have completed the degree required for the occupation, or have experience in the specialty equivalent to the completion of such degree and recognition of expertise in the specialty through progressively responsible positions relating to the specialty.

The director determined that the petitioner had not submitted sufficient documentation to show that the beneficiary qualifies to perform the duties of the proffered position.

On appeal, the petitioner states that sufficient documentation has been submitted to show that the beneficiary qualifies to perform services in a specialty occupation.

Pursuant to 8 C.F.R. 214.2(h)(4)(iii)(C), to qualify to perform services in a specialty occupation, the alien must meet one of the following criteria:

1. Hold a United States baccalaureate or higher degree required by the specialty occupation from an accredited college or university;
2. Hold a foreign degree determined to be equivalent to a United States baccalaureate or higher degree required by the specialty occupation from an accredited college or university;
3. Hold an unrestricted State license, registration, or certification which authorizes him or her to fully practice the specialty occupation and be immediately engaged in that specialty in the state of intended employment; or

4. Have education, specialized training, and/or progressively responsible experience that is equivalent to completion of a United States baccalaureate or higher degree in the specialty occupation and have recognition of expertise in the specialty through progressively responsible positions directly related to the specialty.

The petitioner is a research and consulting firm that focuses on political-risk analysis and general industry research for the countries of Eurasia. Eurasia Group, LTD offers its clients regular publications on the region, custom-tailored and sector-specific reporting on political trends and how they affect particular industries, as well as programming services that enable client companies to engage in direct dialogue with leaders from the region. In association with Lehman Brothers, Eurasia Group has created the first qualitative comparative political and economic stability index designed specifically to measure stability in emerging markets in the Middle East. This methodology enables a company's in-country researchers to track new developments on a daily basis and helps to anticipate critical trends in order to measure a country's political, economic, security, and social shocks. The petitioner wishes to employ the beneficiary as its director of external relations. The beneficiary would be assisting the Global Political Risk Research Director in analyzing the key issues and political trends in the Middle East; actively seeking opportunities to create new crossover business for the company; creating and leading the Middle East Practice Group; and contributing to Eurasia Group's overall research and consulting activities.

The record shows that the beneficiary was awarded a bachelor's degree in Arabic from the School of Oriental and African Studies, University of London, on August 1, 1989. The beneficiary was subsequently awarded a master's degree in Near and Middle Eastern studies from the same institution on December 18, 1991.

According to the beneficiary's resume, he has the following work experience:

1. From 1990 to 1994, the beneficiary worked as an Analyst, Middle East and Africa, for Control Risks Information Services in London, England.
2. From 1994-1999, the beneficiary worked as Senior Economist, Middle East and North Africa, for the Economist Intelligence Unit in London, England.
3. From 1999 to 2001, the beneficiary worked as a Senior Analyst, EEMEA, for Credit Lyonnais Securities Asia 5 in London, England.

4. From 2001 to 2002, the beneficiary worked as Producer, Wire Services/Senior Economist, North America, Economist Intelligence Unit, in New York, New York.

The beneficiary holds a bachelor's degree in Arabic and a master's degree in Middle Eastern studies. The beneficiary's foreign education is clearly equivalent to a bachelor's degree in Arabic and a master's degree in Middle Eastern studies awarded by a regionally accredited university in the United States. At the time of filing of the petition, the beneficiary had recognition of expertise in the specialty through 12 years of progressively responsible positions directly related to the specialty. It is concluded that the beneficiary's foreign education and work experience more than qualify him to perform the duties of the proffered position of director of external relations.

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 sustained that burden. Accordingly, the appeal will be sustained and the petition will be approved.

ORDER: The appeal is sustained. The director's decision is withdrawn and the petition is approved.