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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: **NOV 02 2010**

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

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)

ON BEHALF OF PETITIONER:
[REDACTED]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The service center director denied the nonimmigrant visa petition, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained. The petition will be approved.

The petitioner is a non-profit research organization that seeks to employ the beneficiary in what it designates as a Research Associate – Pharmaceutical Program Management position. Therefore, the petitioner endeavors to classify the beneficiary as a nonimmigrant worker in a specialty occupation pursuant to section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b).

The director denied the petition, finding that the proffered position did not qualify as a specialty occupation. On appeal, counsel submits a brief and additional evidence.

Based upon its review of the entire record of proceeding, including the submissions on appeal, the AAO finds that the petitioner has overcome the basis of the director's denial.

The AAO recognizes that research associate positions do not comprise an occupational group that categorically requires at least a bachelor's degree in a specific specialty, or its equivalent, for entry into the occupation. However, the AAO finds that the evidence in this record of proceeding establishes that the specific duties of the particular research associate – pharmaceutical program management position proffered in this petition are sufficiently specialized and complex to require at least a bachelor's degree, or the equivalent, in a specific specialty, and the petitioner thereby satisfies the specialty-occupation criterion at 8 C.F.R. § 214.2(h)(4)(iii)(A)(4). As the beneficiary is qualified to serve in the pertinent specialty occupation, the appeal will be sustained and the petition will be approved.

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.

ORDER: The appeal is sustained. The petition is approved.