

**identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy**

U.S. Department of Homeland Security  
20 Massachusetts Avenue, NW, Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**



FILE: LIN 04 172 53095 Office: NEBRASKA SERVICE CENTER Date: **JUN 26 2006**

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)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

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

The petitioner is a leasing company that seeks to employ the beneficiary as an operations manager. 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 because the petitioner did not establish that the proffered position is a specialty occupation. On appeal, counsel submits a Form I-290B and additional evidence.

Section 214(i)(1) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1184(i)(1), defines the term "specialty occupation" as an occupation that requires:

- (A) theoretical and practical application of a body of highly specialized knowledge, and
- (B) attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States.

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.

Citizenship and Immigration Services (CIS) interprets the term "degree" in the criteria at 8 C.F.R. § 214.2(h)(4)(iii)(A) to mean not just any baccalaureate or higher degree, but one in a specific specialty that is directly related to the proffered position.

The record of proceeding before the AAO contains: (1) Form I-129 and supporting documentation; (2) the director's request for additional evidence; (3) the petitioner's response to the director's request; (4) the director's denial letter; (5) the appeal brief and supporting documentation. The AAO reviewed the record in its entirety before issuing its decision.

The petitioner is seeking the beneficiary's services as an operations manager. Evidence of the beneficiary's duties includes: the I-129 petition; and the petitioner's response to the director's request for evidence. According to this evidence, the beneficiary would perform duties that entail, in part, responsibility for: (1) overall sales and marketing strategy for portfolio customers and house generated customers; (2) initial credit analysis of applicants; (3) overall integrity of data including lease documentation; (4) timely billing and collecting of each lease; and (5) managing employees. The petitioner provided an expanded description of each of these duties. The petitioner indicated that it required a bachelor's degree in business.

The record reflects that the petitioner was established in 1995, and has 6 employees. The petitioner stated that its gross annual income is \$1,009,000 with approximately \$189,000 annual net income. It leases equipment of various types to third parties, and has leased assets of approximately \$968,000.

The director found that the proffered position was not a specialty occupation. The director determined that the duties of the position do not appear to be so complex as to require specialized and theoretical knowledge gained through the attainment of a baccalaureate degree in a specialized field. The director categorized the position as having the combined duties of a general manager or executive with those of a marketing manager. The director determined that the Department of Labor's *Occupational Outlook Handbook (Handbook)*, 2002-2003 edition, indicates that a baccalaureate in a specialty is not the minimum for entry into the profession.

On appeal, counsel states that the operations manager position is similar to that of a credit manager, a specialty occupation, and requires skills such as business law that is normally gained from a degree in business. On appeal, counsel refers to the previously submitted letter describing the job duties, and asserted that the director's conclusion that the position is not complex lacks foundation. The AAO finds that the duties of the position include those of a marketing manager, an administrative services manager (contracts administrator) and a finance manager.

Upon review of the record, the petitioner has established one of the four criteria outlined in 8 C.F.R. § 214.2(h)(4)(iii)(A). Therefore, the proffered position is a specialty occupation.

The AAO considers the criterion at 8 C.F.R. § 214.2(h)(4)(iii)(A)(1): A baccalaureate or higher degree or its equivalent is normally the minimum requirement for entry into the particular position.

The duties of the position include those of a financial manager as described in the electronic version of the 2006 -2007 *Handbook* at <http://www.bls.gov/oco/ocos010.htm>. **The *Handbook* states:**

The duties of financial managers vary with their specific titles, which include controller, treasurer or finance officer, credit manager, cash manager, and risk and insurance manager. *Controllers* direct the preparation of financial reports that summarize and forecast the organization's financial position, such as income statements, balance sheets, and analyses of future earnings or expenses. Controllers also are in charge of preparing special reports required by regulatory authorities. Often, controllers oversee the accounting, audit, and budget departments. *Treasurers* and *finance officers* direct the

organization's financial goals, objectives, and budgets. They oversee the investment of funds, manage associated risks, supervise cash management activities, execute capital-raising strategies to support a firm's expansion, and deal with mergers and acquisitions. *Credit managers* oversee the firm's issuance of credit, establishing credit-rating criteria, determining credit ceilings, and monitoring the collections of past-due accounts. Managers specializing in international finance develop financial and accounting systems for the banking transactions of multinational organizations.

....

Financial institutions, such as commercial banks, savings and loan associations, credit unions, and mortgage and finance companies, employ additional financial managers who oversee various functions, such as lending, trusts, mortgages, and investments, or programs, including sales, operations, or electronic financial services. These managers may be required to solicit business, authorize loans, and direct the investment of funds, always adhering to Federal and State laws and regulations.

With respect to training, of financial managers, the *Handbook* states:

A bachelor's degree in finance, accounting, economics, or business administration is the minimum academic preparation for financial managers. However, many employers now seek graduates with a master's degree, preferably in business administration, economics, finance, or risk management. These academic programs develop analytical skills and provide knowledge of the latest financial analysis methods and technology.

The *Handbook* indicates that a business related degree is the minimum requirement for financial managers. The duties of the position also include those of an administrative services manager (contracts administrator), which the *Handbook* states requires a degree in business, human resources, or finance. The petitioner's operations involve an equipment leasing business that requires financial analysis, processing and tracking in order to avert potential losses. Equipment leasing primarily involves financial transactions, requiring financial analyses such as evaluation of lessees' credit, documentation of terms, and processing of transactions in conformity with often complex lease terms. The duties of the proffered position are akin to those of a credit manager and contracts administrator. The petitioner has established that a degree in finance, business or a related field is the minimum requirement for entry into the occupation. Therefore, the proffered position has been established as a specialty occupation under the requirements at 8 C.F.R. § 214.2(h)(4)(iii)(A)(I).

The petitioner has established that the beneficiary is qualified to perform the duties of the proffered position. The *Handbook* indicates that bachelor's degree in finance, accounting, economics, or business administration is the minimum academic preparation for financial managers. The record indicates that the beneficiary holds a degree in Business Administration with a concentration in marketing from Portland State University, an institution of higher education in the United States. Upon review of the record, there is sufficient evidence to

determine that the beneficiary is qualified to perform the duties of a specialty occupation under the criterion at 8 C.F.R. § 214.2(h)(4)(iii)(C)(1).

For the reasons related in the preceding discussion, the petitioner has established that the proffered position meets the requirements for a specialty occupation set forth at 8 C.F.R. § 214.2(h)(4)(iii)(A), and that the beneficiary is qualified to perform the duties of the specialty occupation.

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.

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