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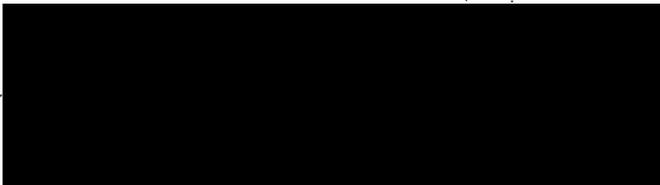
U.S. Department of Homeland Security
20 Mass Ave., N.W., Rm. 3000
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U.S. Citizenship
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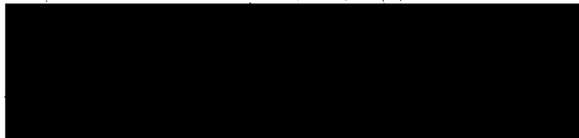


FILE: WAC 04 256 51706 Office: CALIFORNIA SERVICE CENTER Date: APR 25 2007

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:



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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The service center director denied the nonimmigrant visa petition by decision dated April 4, 2005. The matter was then appealed to the Administrative Appeals Office (AAO). By decision dated August 18, 2006, the AAO withdrew the director's decision and found that the proffered position qualified as a specialty occupation. The matter was then remanded to the director to determine whether the beneficiary is qualified to perform the duties of a specialty occupation. The director denied the petition stating that the beneficiary is not qualified to perform the duties of the proffered position and certified his decision to the AAO for review. The director's decision will be withdrawn. The petition will be approved.

The petitioner is a wholesaler of health and beauty products and generic brand perfumes. It seeks to employ the beneficiary (as a part-time budget accountant) 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). On appeal, the AAO found that the proffered position was closely aligned to that of a management accountant and qualified as a specialty occupation. The Department of Labor's *Occupational Outlook Handbook (Handbook)* notes that most accountant and auditor positions require at least a bachelor's degree in accounting or a related field. On remand, the director requested additional evidence seeking, in part, an evaluation of the beneficiary's foreign education to determine whether that education is equivalent to a United States bachelor's degree in the offered specialty. An evaluation of the beneficiary's foreign education by a credentials evaluation service revealed that the beneficiary's foreign education is equivalent to a bachelor's degree in accounting from an accredited college or university in the United States. The beneficiary is, therefore, qualified to perform the duties of the proffered position and the director's decision to the contrary is withdrawn.

Upon review, the AAO finds that the petitioner has overcome the director's decision on certification. 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 director's March 15, 2007 decision is withdrawn. The petition is approved.