



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF [REDACTED]

DATE: FEB. 15, 2017

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, an accounting, audit, tax and consulting company, seeks to temporarily employ the Beneficiary under the H-1B nonimmigrant classification for specialty occupations. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(H)(i)(b), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The H-1B program allows a U.S. employer to temporarily employ a qualified foreign worker in a position that requires both (a) the theoretical and practical application of a body of highly specialized knowledge and (b) the attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum prerequisite for entry into the position.

The Director, California Service Center, denied the petition. The Director concluded that the evidence in the record did not establish that: (1) the Petitioner complied with the itinerary requirement under 8 C.F.R. § 214.2(h)(2)(i)(B); (2) the Petitioner would maintain the requisite employer-employee relationship with the Beneficiary; or (3) that the proffered position qualifies as a specialty occupation.

The matter is now before us on appeal. In its appeal, the Petitioner submits additional evidence and asserts that it has satisfied all evidentiary requirements. Upon *de novo* review, we will sustain the appeal.

Based upon our review of the entire record of proceedings, including the submissions on appeal addressing the grounds for the Director's decision, we find that the Petitioner has overcome the basis of the Director's denial. Specifically, the totality of evidence now establishes that the Petitioner will have the requisite employer-employee relationship with the Beneficiary and that the proffered position qualifies as a specialty occupation. Further, the evidence of record also establishes that the Petitioner has satisfied the itinerary requirement.

In visa petition proceedings, it is the Petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has been met.

ORDER: The appeal is sustained.

Cite as *Matter of* [REDACTED] ID# 198426 (AAO Feb. 15, 2017)