



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

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

MATTER OF I-, INC.

DATE: MAY 9, 2017

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, an online survey programming and hosting 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 of the California Service Center denied the petition, concluding that the Petitioner did not establish that: (1) the proffered position qualifies as a specialty occupation; and (2) the Beneficiary is qualified to perform the duties of a specialty occupation.

On appeal, the Petitioner submits a brief and additional evidence and asserts that the Director erred in denying the petition.

Upon *de novo* review, we will sustain the appeal.

The totality of the evidence now establishes that the nature of the proffered position's specific duties is so specialized and complex that the knowledge required to perform them is usually associated with the attainment of at least a bachelor's degree in a specific specialty. On appeal, the Petitioner provides more details regarding the nature of the position and supplements the record with additional evidence. Therefore, we conclude that the evidence of record now satisfies by a preponderance of the evidence the criterion at 8 C.F.R. § 214.2(h)(4)(iii)(A)(4). Further, the Petitioner has established that the proffered position otherwise qualifies for classification as a specialty occupation as that term is defined by section 214(i)(1) of the Act, 8 U.S.C. § 1184(i)(1), and 8 C.F.R. § 214.2(h)(4)(ii).

The Petitioner also supplements the record with additional evidence demonstrating that the Beneficiary is qualified to perform the duties of the position. Specifically, the evidence in the record establishes that, in addition to related undergraduate work, the Beneficiary completed graduate level coursework that directly correlate to the duties of the proffered position. The evidence of record establishes that the Beneficiary's educational credentials qualify him to perform the services of the

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pertinent specialty occupation in accordance with section 214(i)(2) of the Act and 8 C.F.R. § 214.2(h)(4)(iii)(C).

The Petitioner has established that (1) the proffered position qualifies as a specialty occupation; and (2) the Beneficiary is qualified to perform the duties of a specialty occupation.

ORDER: The appeal is sustained.

Cite as *Matter of I-, Inc.*, ID# 282114 (AAO May 9, 2017)