



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

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

MATTER OF E-, INC.

DATE: OCT. 31, 2017

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a consulting company, seeks to temporarily employ the Beneficiary under the H-1B nonimmigrant classification for specialty occupations. *See* Immigration and Nationality 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 record did not establish that the proffered position qualifies as a specialty occupation. On appeal, the Petitioner submits additional evidence and asserts that the Director's decision was in error. 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 Director's decision, we find that the Petitioner has overcome the basis of the Director's denial. Specifically, the totality of the evidence establishes by a preponderance of the evidence that the Petitioner has specialty occupation work available for the requested employment period and the proffered position qualifies as a specialty occupation.

**ORDER:** The appeal is sustained.

Cite as *Matter of E-, Inc.*, ID# 598233 (AAO Oct. 31, 2017)