



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

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

MATTER OF D-D-L-, INC.

DATE: SEPT. 27, 2017

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a data science platform 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 record did not establish the availability of specialty occupation work for the requested validity period. 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.

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 D-D-L-, Inc.*, ID# 734528 (AAO Sept. 27, 2017)