

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**

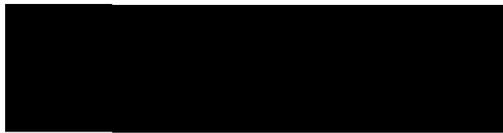


D2

Date: **MAY 08 2012** Office: CALIFORNIA SERVICE CENTER

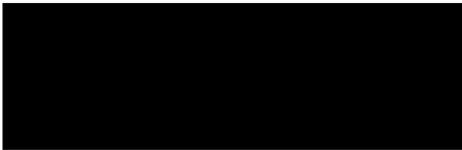


IN RE:



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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you,

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The service center director denied the nonimmigrant visa petition, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained. The petition will be approved.

In the Petition for a Nonimmigrant Worker (Form I-129), the petitioner describes itself as a high-end real estate brokerage firm. To employ the beneficiary in what it designates as a "Business Intelligence Analyst" position, the petitioner endeavors to classify her as a nonimmigrant worker in a specialty occupation 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). The director denied the petition on the ground that the petitioner failed to establish that the proffered position qualifies for classification as a specialty occupation.

Upon review of the entire record, we find that the petitioner has overcome the director's sole basis for denying this petition. The AAO conducts appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). The evidence presented in this particular record of proceeding establishes that the proffered position entails a unique combination of the duties of various computer network and database administrator positions. The totality of the evidence establishes that due to this unique combination of duties as well as the unique nature of the complex work that the beneficiary will perform, the petitioner has established that it is more likely than not that the particular position is so complex or unique that it can be performed only by an individual with a bachelor's or higher degree in a specific specialty directly related to its duties. *See* 8 C.F.R. § 214.2(h)(4)(iii)(A)(2). The petitioner has also established that the position proffered here otherwise meets the requirements of 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). In addition, the AAO has reviewed the qualifications of the beneficiary and finds her qualified to perform the duties of the proffered position.

The burden of proof in visa petition proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has sustained that burden.

**ORDER:** The appeal is sustained. The director's August 2, 2010 decision is withdrawn. The petition is approved.