



U.S. Citizenship
and Immigration
Services

(b)(6)

DATE: MAY 20 2014 OFFICE: CALIFORNIA SERVICE CENTER FILE: [REDACTED]

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

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 (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

James Blunzinger, for

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, 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.

The petitioner, which describes itself on the Form I-129 visa petition as a consumer electronic development company, seeks to classify the beneficiary as a nonimmigrant worker in a specialty occupation pursuant to section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b).

The director denied the petition, concluding that the evidence of record failed to establish that the beneficiary is qualified to perform the duties of a specialty occupation. On appeal, counsel asserted that the director's basis for denial was erroneous and contended that all evidentiary requirements had been met.

Based upon our *de novo* review of the entire record of proceeding, including documents submitted in response to a request for additional evidence issued by the AAO, we find that the evidence of record now demonstrates that the beneficiary is qualified to perform the duties of a specialty occupation. The director's decision, therefore, will be withdrawn.

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; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has been met.

Accordingly, the appeal will be sustained.

ORDER: The appeal is sustained. The petition is approved.