

(b)(6)

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



U.S. Citizenship
and Immigration
Services

DATE: NOV 13 2014

OFFICE: CALIFORNIA SERVICE CENTER FILE: [REDACTED]

IN RE:

Petitioner:

Beneficiary:

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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg", with a checkmark below it.

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center ("the 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 states that it is a "Management Consulting" firm established in 2007. It seeks to employ 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). On the Form I-129, the petitioner identified the intended dates of employment as October 1, 2014, to August 27, 2017.

The director denied the petition determining that the petitioner had not established that it had specialty occupation work for the beneficiary for the requested employment period.

Upon review of the record before the director we find no error in the director's determination. However, upon review of the totality of the record, including probative evidence submitted on appeal, we find that the petitioner has overcome the director's basis for denying this petition. We conduct appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). The evidence presented on appeal establishes eligibility for the benefit sought by a preponderance of the evidence. More specifically, the petitioner provided sufficient evidence on appeal to substantiate that, at the time the petition was filed, it had qualifying, non-speculative work for the beneficiary through March 31, 2017. Accordingly, the petition may be approved, valid until that date.

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 petition is approved, valid until March 31, 2017.