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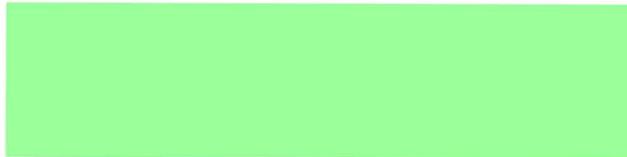


U.S. Citizenship
and Immigration
Services



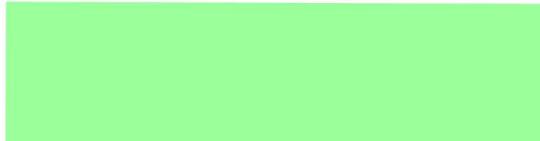
DATE: SEP 23 2014 OFFICE: CALIFORNIA SERVICE CENTER FILE: 

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 (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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

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

The evidence in the record shows that the petitioner is an institution of higher education. The petitioner 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).

The director denied the petition, finding that the beneficiary is not 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 the petitioner satisfied all evidentiary requirements. In support of that assertion, counsel provided additional evidence.

Based upon our review of the entire record of proceeding, including the submissions on appeal addressing the grounds for the director's decision, we find that the petitioner has overcome the basis of the director's denial. The totality of the evidence presented in this particular record of proceeding, including the evidence submitted on appeal, establishes by a preponderance of the evidence (1) the specialty occupation nature of the particular position for which this petition was filed, and (2) the beneficiary's qualification to serve in that specialty occupation. Therefore, the appeal will be sustained and the petition will be approved.

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.