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

(b)(6)

U.S. Citizenship and Immigration Services

DATE: APR 10 2015

PETITION RECEIPT #:

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:

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The petitioner filed a Petition for a Nonimmigrant Worker (Form I-129) with the California Service Center, seeking to classify the beneficiary as an H-1B 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 did not establish the proffered position qualified as a specialty occupation in accordance with the applicable statutory and regulatory provisions. The petitioner submitted an appeal of the Director's decision.

We conduct appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). Upon reviewing the entire record of proceeding as supplemented by the petitioner's submission on appeal, we conclude that the record now contains sufficient evidence to overcome the basis for the Director's decision.

Specifically, the totality of the evidence now establishes that the nature of the proffered position's specific duties is so specialized and complex that their performance would require the theoretical and practical application of a body of highly specialized knowledge and attainment of at least a bachelor's degree in a specific specialty. Therefore, we conclude that the evidence of record now satisfies by a preponderance of the evidence the criterion at 8 C.F.R. § 214.2(h)(4)(iii)(A)(*4*). Further, the petitioner has established that the proffered position otherwise qualifies for classification as 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).

The evidence of record also establishes that the beneficiary's educational credentials qualify her to perform the services of the pertinent specialty occupation in accordance with the relevant regulations.

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.

ORDER: The appeal is sustained. The Director's decision dated July 31, 2014 is withdrawn, and the petition is approved.