



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF R-, LLC

DATE: DEC. 3, 2015

APPEAL OF VERMONT SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner seeks to temporarily employ the Beneficiary under the H-1B nonimmigrant classification. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(H)(i)(b), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The Director, Vermont Service Center, denied the petition. The matter is now before us on appeal. The appeal will be sustained.

We conduct appellate review on a *de novo* basis. *Matter of Simeio Solutions, LLC*, 26 I&N Dec. 542 (AAO 2015); *see also* 5 U.S.C. § 557(b) (“On appeal from or review of the initial decision, the agency has all the powers which it would have in making the initial decision except as it may limit the issues on notice or by rule.”); *Dor v. INS*, 891 F.2d 997, 1002 n.9 (2d Cir. 1989).

The Director denied the petition, finding that the evidence in the record did not establish that the proffered position qualifies as a specialty occupation in accordance with the applicable statutory and regulatory provisions. Based upon our review of the entire record of proceedings, we find that the Petitioner has overcome the basis of the Director’s denial. Specifically, the totality of the evidence presented now establishes that the proffered position qualifies as a specialty occupation. Further, the evidence of record also establishes that the Beneficiary is qualified to perform the duties of the proffered position.

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) (citing *Matter of Brantigan*, 11 I&N Dec. 493, 495 (BIA 1966)). Here, that burden has been met.

ORDER: The appeal is sustained.

Cite as *Matter of R-, LLC*, ID# 16035 (AAO Dec. 3, 2015)