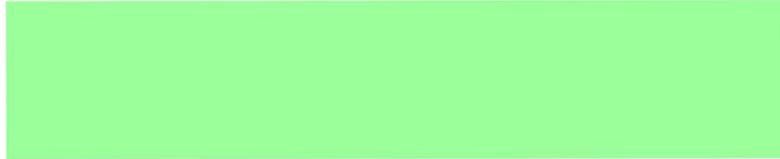


(b)(6)

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



U.S. Citizenship
and Immigration
Services

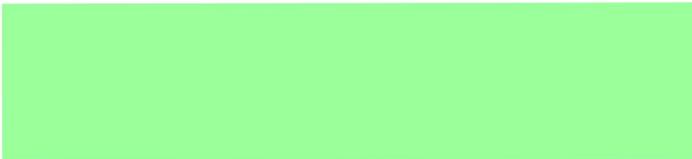


DATE: FEB 20 2015 OFFICE: CALIFORNIA SERVICE CENTER FILE: [REDACTED]

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 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,

for *Michael T. Kelly*
Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The service center director ("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.

On the Form I-129 visa petition, the petitioner describes itself as an 18-employee "Provider of Healthcare Management Technology and Support Services." 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).

For an H-1B petition to be approved, the petitioner must provide sufficient evidence to satisfy the statutory and regulatory requirements for establishing both (1) that it will employ the beneficiary in a specialty-occupation position, and (2) that the beneficiary is qualified to serve therein.

The director denied the petition, concluding that the petitioner failed to demonstrate that the proffered position qualifies for classification as a specialty occupation. On appeal, the petitioner asserts that the director's basis for denial was erroneous, and the petitioner also contends that it satisfied all of the evidentiary requirements for approval of the petition.

The AAO conducts appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). 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. As the totality of the evidence presented in this particular record of proceeding establishes (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, the appeal will be sustained and the petition will be approved.

The totality of the evidence presented in this record of proceeding establishes that the nature of the specific duties of the proffered position is so specialized and complex that knowledge required to perform the duties is usually associated with the attainment of a baccalaureate or higher degree in a specific specialty that is directly related to the performance requirements of the proffered position. Therefore, the evidence of record has satisfied the fourth prong of the criterion at 8 C.F.R. § 214.2(h)(4)(iii)(A)(4) as necessarily interpreted and applied in conjunction with the definition of "specialty occupation" at section 214(i)(1) of the Act and at 8 C.F.R. § 214.2(h)(4)(ii).

In addition, we reviewed the qualifications of the beneficiary and find her qualified to perform the duties of the proffered position, in accordance with Section 214(i)(2) of the Act and the implementing regulations at 8 C.F.R. §§ 214.2(h)(4)(iii)(C) and (h)(4)(iii)(D). The record evidences that the proffered position requires a baccalaureate or higher degree or its equivalent in Information Systems with a concentration in Data Analytics and the record further establishes that the beneficiary holds a Master of Business Administration with a specialty in Information Systems and a concentration in Data Analytics, conferred on the beneficiary by the [REDACTED]

¹ In the instant case, the petitioner and its counsel could have more clearly articulated how the proffered position qualifies as a specialty occupation and how the beneficiary qualifies for 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). Here, the petitioner has met that burden.

ORDER: The director's decision dated August 15, 2014 is withdrawn. The petition is approved.

Nevertheless, in this particular record, the petitioner's statements and the totality of the evidence are sufficient to support a determination that the petitioner has established eligibility for the benefit sought by a preponderance-of-the-evidence standard.