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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



U.S. Citizenship
and Immigration
Services

[Redacted]

DATE: JUN 25 2015

[Redacted]

IN RE: Petitioner:
 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:

[Redacted]

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

Thank you,

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

Ron Rosenberg
Chief, Administrative Appeals Office

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

The petitioner filed a Petition for a Nonimmigrant Worker (Form I-129) with the Vermont Service Center. The petitioner sought to classify 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 evidence in the record did not establish that the proffered position qualifies as a specialty occupation. The petitioner submitted an appeal of the decision.

We conduct appellate review on a *de novo* basis. See *Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). Upon review of 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 evidence now establishes that the employer normally requires at least a bachelor's degree in a specific specialty, or its equivalent, for the position. Therefore, we conclude that the evidence of record satisfies the criterion at 8 C.F.R. § 214.2(h)(4)(iii)(A)(3). Further, the petitioner has also established that the proffered position otherwise qualifies for classification as a specialty occupation as defined by section 214(i)(1) of the Act and 8 C.F.R. § 214.2(h)(4)(ii). In addition, we reviewed the qualifications of the beneficiary and find that, more likely than not, he is qualified to perform the duties of the proffered position based on the evidence presented.

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 October 8, 2014 is withdrawn, and the petition is approved.