



U.S. Citizenship  
and Immigration  
Services

(b)(6)

DATE: MAR 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 (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 (AAO) on appeal. The appeal will be sustained. The petition will be approved.

The petitioner represented itself on the Form I-129 as a bible software company. It seeks to employ 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, finding that the petitioner failed to demonstrate that its proposed position qualifies for classification as a specialty occupation.

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 as supplemented by the submissions on appeal, we find that the petitioner has overcome the director's ground for denying this petition.

Specifically, we find that the particular graphic designer position proposed here requires a four-year course of a body of highly specialized knowledge commensurate with a university-level education in the specific discipline of graphic arts or a closely related specialty for entry into the occupation in the United States. The petitioner has therefore established by a preponderance of the evidence that the graphic designer position proffered here qualifies for classification as a specialty occupation. In addition, we have reviewed the qualifications of the beneficiary and find him qualified to perform the duties of the proffered specialty occupation.

The burden of proof in visa petition proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has sustained that burden.

**ORDER:** The appeal is sustained.