



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

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

MATTER OF I-B-E-, INC.

DATE: JAN. 29, 2016

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a four-employee¹ “beauty salons” business, seeks to temporarily employ the Beneficiary as a “Management Consultant” 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 dismissed.

I. ISSUE

The issue before us is whether the proffered position qualifies as a specialty occupation in accordance with the applicable statutory and regulatory provisions.²

II. SPECIALTY OCCUPATION

A. Legal Framework

Section 214(i)(1) of the Act, 8 U.S.C. § 1184(i)(1), defines the term “specialty occupation” as an occupation that requires:

- (A) theoretical and practical application of a body of highly specialized knowledge,
and

¹ On the Form I-129, the Petitioner described itself as a three-employee company in the “beauty salons” business established in 2008. In response to our request for evidence (RFE), the Petitioner stated that it has “four W2 employees” and utilizes the services of independent contractors to “fill additional beauty technician needs.”

² Although the Director’s decision listed three separate “issues” (regarding whether: (1) the proffered position qualifies as a specialty occupation; (2) a material change occurred from the original petition request; and (3) the original request qualified as a specialty occupation at the time of initial filing), we view these as falling under the single issue of whether the proffered position qualifies as a specialty occupation.

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).

- (B) attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States.

The regulation at 8 C.F.R. § 214.2(h)(4)(ii) states, in pertinent part, the following:

Specialty occupation means an occupation which [(1)] requires theoretical and practical application of a body of highly specialized knowledge in fields of human endeavor including, but not limited to, architecture, engineering, mathematics, physical sciences, social sciences, medicine and health, education, business specialties, accounting, law, theology, and the arts, and which [(2)] requires the attainment of a bachelor's degree or higher in a specific specialty, or its equivalent, as a minimum for entry into the occupation in the United States.

Pursuant to 8 C.F.R. § 214.2(h)(4)(iii)(A), to qualify as a specialty occupation, a proposed position must meet one of the following criteria:

- (1) A baccalaureate or higher degree or its equivalent is normally the minimum requirement for entry into the particular position;
- (2) The degree requirement is common to the industry in parallel positions among similar organizations or, in the alternative, an employer may show that its particular position is so complex or unique that it can be performed only by an individual with a degree;
- (3) The employer normally requires a degree or its equivalent for the position; or
- (4) The nature of the specific duties [is] so specialized and complex that knowledge required to perform the duties is usually associated with the attainment of a baccalaureate or higher degree.

As a threshold issue, it is noted that 8 C.F.R. § 214.2(h)(4)(iii)(A) must logically be read together with section 214(i)(1) of the Act and 8 C.F.R. § 214.2(h)(4)(ii). In other words, this regulatory language must be construed in harmony with the thrust of the related provisions and with the statute as a whole. See *K Mart Corp. v. Cartier, Inc.*, 486 U.S. 281, 291 (1988) (holding that construction of language which takes into account the design of the statute as a whole is preferred); see also *COIT Independence Joint Venture v. Fed. Sav. and Loan Ins. Corp.*, 489 U.S. 561 (1989); *Matter of W-F-*, 21 I&N Dec. 503 (BIA 1996). As such, the criteria stated in 8 C.F.R. § 214.2(h)(4)(iii)(A) should logically be read as being necessary but not necessarily sufficient to meet the statutory and regulatory definition of specialty occupation. To otherwise interpret this section as stating the necessary *and* sufficient conditions for meeting the definition of specialty occupation would result in particular positions meeting a condition under 8 C.F.R. § 214.2(h)(4)(iii)(A) but not the statutory or regulatory definition. See *Defensor v. Meissner*, 201 F.3d 384, 387 (5th Cir. 2000). To avoid this result, 8 C.F.R. § 214.2(h)(4)(iii)(A) must therefore be read as providing supplemental criteria that must be met in

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accordance with, and not as alternatives to, the statutory and regulatory definitions of specialty occupation.

As such and consonant with section 214(i)(1) of the Act and the regulation at 8 C.F.R. § 214.2(h)(4)(ii), U.S. Citizenship and Immigration Services (USCIS) consistently interprets the term “degree” in the criteria at 8 C.F.R. § 214.2(h)(4)(iii)(A) to mean not just any baccalaureate or higher degree, but one in a specific specialty that is directly related to the proffered position. *See Royal Siam Corp. v. Chertoff*, 484 F.3d 139, 147 (1st Cir. 2007) (describing “a degree requirement in a specific specialty” as “one that relates directly to the duties and responsibilities of a particular position”). Applying this standard, USCIS regularly approves H-1B petitions for qualified individuals who are to be employed as engineers, computer scientists, certified public accountants, college professors, and other such occupations. These professions, for which petitioners have regularly been able to establish a minimum entry requirement in the United States of a baccalaureate or higher degree in a specific specialty, or its equivalent, directly related to the duties and responsibilities of the particular position, fairly represent the types of specialty occupations that Congress contemplated when it created the H-1B visa category.

To determine whether a particular job qualifies as a specialty occupation, USCIS does not simply rely on a position’s title. The specific duties of the proffered position, combined with the nature of the petitioning entity’s business operations, are factors to be considered. USCIS must examine the ultimate employment of the individual, and determine whether the position qualifies as a specialty occupation. *See generally Defensor v. Meissner*, 201 F. 3d 384. The critical element is not the title of the position or an employer’s self-imposed standards, but whether the position actually requires the theoretical and practical application of a body of highly specialized knowledge, and the attainment of a baccalaureate or higher degree in the specific specialty as the minimum for entry into the occupation, as required by the Act.

B. The Proffered Position

The Petitioner seeks to employ the Beneficiary in a full-time “Management Consultant” position at the address of [REDACTED] Texas, which is an eyebrow grooming salon located in a shopping mall. The labor condition application (LCA) submitted to support the visa petition states that the proffered position corresponds to Standard Occupational Classification (SOC) code and occupation title 13-1111, “Management Analysts,” from the Occupational Information Network (O*NET). The LCA further states that the proffered position is a Level I, entry-level, position.

In a letter of support dated April 4, 2014, the Petitioner described itself as “a beauty salon and studio” that is “undergoing a period of tremendous growth and expansion.” The Petitioner stated that “the current focus of the organization is to create a foundational model to channel the rapidly growing demand of [the Petitioner’s] line of services. This model will focus on expansion of geographic locations, restructuring of independent contractor/employer/employee relationships, expansion of services/product lines, and an overall organizational restructuring.” The Petitioner listed the duties of the proffered position as follows (verbatim):

- 1) Assess organizational structure of employees and independent contractors to achieve operational efficiency and enhance productivity and performance of salons;
- 2) Evaluate profit and loss statements, financial statements, and balance sheets and advise president of findings to improve financial operations;
- 3) Analyze and audit all aspects of salons including work performance, appearance, accessibility, and geographical locations as they relate to financial performance of existing operations and advise president of findings to expand and/or relocate locations;
- 4) Develop and implement methods, forms, and operations manuals for recruitment and training of new employees and/or independent contractors;
- 5) Work with accountants and legal counsel of organization to implement changes, additions, and revisions to employment and independent contractor structures;
- 6) Evaluate compensation structures of independent contractors and suggest modifications to improve moral and increase revenues over three-year period; and
- 7) Continually monitor and assess implementation of policies, compensation structures, and other operational changes at all locations of salons.

The Petitioner stated that the proffered position requires “at minimum a bachelor’s degree in Business Administration or a related field.”

In a letter dated June 25, 2014, submitted in response to the Director’s RFE, the Petitioner elaborated upon the nature of its business as well as its need for a management consultant. More specifically, the Petitioner explained that its owner owns 22 salons under 11 different legal entities, and is seeking to “ultimately structure [the Petitioner’s] organization in a position where [it] can offer franchising opportunities, or in the alternative, be acquired by a venture capital group or other investors.” The Petitioner further explained that it needs the services of a management consultant to help the company reach its goal to “reorganize all of our locations and operations to either franchise or be acquired.” The Petitioner asserted that “[t]hese duties cannot be completed by anyone without a bachelor[’]s degree in business or related field.”

On appeal, the Petitioner explains that it “is in the process of restructuring its organization through a number of mergers and acquisitions . . . [which] will take place through [the Petitioner] as a legal entity.” The Petitioner further explains that its “intent is to reorganize its salon businesses to reduce tax consequences, create organizational uniformity, appeal to venture capital funds and franchisees, create a uniform brand, and increase overall profitability.” The Petitioner submitted evidence of its other affiliated salons to demonstrate “the likelihood of the planned mergers/acquisitions and the existence of businesses for the Petitioner to either merge with or acquire.”

Regarding the proffered position, the Petitioner clarifies that the Beneficiary would not be managing any location or person, would have no managerial responsibility, and would not be working from any location other than the one listed on the Form I-129. The Petitioner attests that “the requisite field of study for completion of the proposed duties includes business administration or a related field.”

As noted above, in response to our RFE, the Petitioner states that it currently has four employees on its payroll: its owner, who is “responsible for the overall supervision and general management of the location,” and three beauty technicians who provide customers with beauty services and are also “responsible for taking payments, customer service, and answering phones.”³ The Petitioner also clarifies that “[a]t this point in time, [it has] no independent contractors” and is “moving away from this method of servicing given the lack of reliability and constant turnover of independent contractors.” While the Petitioner claims to employ independent contractors at its other affiliated salon locations, the Petitioner states that its relationship with contractors is not “efficient” or “valued when going to funding markets or in the valuation process; this is one of the main points of concern that [it] need[s] addressed through the use of the beneficiary in his role as [its] management consultant.”

C. Analysis

As a preliminary matter, we find that the Petitioner has not established that its company is in good standing and is authorized to transact business in the State of Texas. More specifically, the evidence of record reflects that the Petitioner’s right to transact business in Texas was involuntarily ended as of July 30, 2014, and we cannot find evidence that the Petitioner’s active status has been reinstated by the Texas Secretary of State.⁴

In response to our RFE on this matter, the Petitioner asserts that it has paid the requisite franchise fee and filed the requisite applications for reinstatement. The Petitioner further asserts that it “expect[s], in accordance with the regulations, [its] organization will be reinstated and the revocation or forfeiture will be set aside . . . and the active status of [its] organization shall be reflected on the online records within two days.” To support its RFE response, the Petitioner submits copies of its Tax Clearance Letter for Reinstatement, Application for Reinstatement and Request to Set Aside Revocation or Forfeiture, Application for Reinstatement and Request to Set Aside Tax Forfeiture, and Transaction Receipt dated December 11, 2015. The Transaction Receipt states the expected response time for filings is “within 2 business days following date of receipt.”

However, the Petitioner has not submitted evidence that its active status has actually been reinstated, and the revocation or forfeiture set aside, pursuant to its December 11, 2015, applications. As of the date of this decision, the public records of the Office of the Comptroller of the State of Texas still reflect that the Petitioner’s right to transact business in the State of Texas has been involuntarily ended as of July 30, 2014.

Without evidence that the Petitioner is authorized to conduct business in the State of Texas where the Beneficiary’s place of employment is proposed, we cannot find that the Petitioner has made a *bona fide* job offer and qualifies as an intending or prospective employer. See section 101(a)(15)(H)(i)(b);

³ The Petitioner explains that it hired an additional beauty technician after the date of filing.

⁴ We visited the Texas Office of the Comptroller website on January 28, 2016, which indicates that the status of the Petitioner’s “Right to Transact Business in Texas” is the following: “FRANCHISE TAX INVOLUNTARILY ENDED.”

section 214(c)(1) of the Act. *See also* 8 C.F.R. §§ 214.2(h)(1)(i) and (ii)(B). For this reason, the appeal must be dismissed.

The appeal must also be dismissed for the additional reason that the evidence of record is insufficient to establish that the proffered position qualifies as a specialty occupation.

Here, the Petitioner has repeatedly stated that the minimum educational requirement for the proffered position is a bachelor's degree in business or business administration, or a related field.⁵ The claim that a bachelor's degree in business or business administration is a sufficient minimum requirement for entry into the proffered position is inadequate to establish that the proposed position qualifies as a specialty occupation. A petitioner must demonstrate that the proffered position requires a precise and specific course of study that relates directly and closely to the position in question. Since there must be a close correlation between the required specialized studies and the position, the requirement of a degree with a generalized title, such as business or business administration, without further specification, does not establish the position as a specialty occupation. *Cf. Matter of Michael Hertz Assocs.*, 19 I&N Dec. 558, 560 (Comm'r 1988).

To prove that a job requires the theoretical and practical application of a body of highly specialized knowledge as required by section 214(i)(1) of the Act, a petitioner must establish that the position requires the attainment of a bachelor's or higher degree in a specialized field of study or its equivalent. As discussed *supra*, USCIS interprets the degree requirement at 8 C.F.R. § 214.2(h)(4)(iii)(A) to require a degree in a specific specialty that is directly related to the proposed position. Although a general-purpose bachelor's degree, such as a degree in business or business administration, may be a legitimate prerequisite for a particular position, requiring such a degree, without more, will not justify a finding that a particular position qualifies for classification as a

⁵ In counsel's Memorandum of Law submitted in response to the Director's RFE, counsel stated: "As demonstrated in the Petitioner's Supplemental Statement in Support, the immediate need for a competent person, with a Bachelor's degree in Business Administration with a concentration in accounting, to perform the functions and duties of the Management Consultant is significantly important." However, the Petitioner has never stated – neither in its RFE response (which we assume is the "Supplemental Statement in Support" referenced by counsel) nor in any other document – that the proffered position requires a bachelor's degree in business administration *with a concentration in accounting*. Instead, as previously noted, the Petitioner has repeatedly stated that the minimum educational requirement for the proffered position is merely a bachelor's degree in business or business administration (or related field), without further concentration or specialty. As such, counsel's unsupported statement indicating that the proffered position requires a bachelor's degree in business administration with a concentration in accounting is not entitled to evidentiary weight. Without documentary evidence to support the claim, the assertions of counsel will not satisfy the Petitioner's burden of proof. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 n.2 (BIA 1988) (citing *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980)).

We note that the Beneficiary possesses the equivalent of a U.S. bachelor's degree in business administration with a concentration in accounting. However, the test to establish a position as a specialty occupation is not the educational qualification of a proposed beneficiary, but whether the position itself qualifies as a specialty occupation. Thus, regardless of the Beneficiary's degree, the proffered position does not qualify as a specialty occupation because the position itself not require anything more than a general-purpose degree.

specialty occupation. *Royal Siam Corp. v. Chertoff*, 484 F.3d 139, 147 (1st Cir. 2007).⁶

Again, the Petitioner in this matter claims that the minimum educational requirement for the proffered position is only a general-purpose bachelor's degree, i.e., a bachelor's degree in business or business administration. Without more, this assertion alone indicates that the proffered position is not in fact a specialty occupation. The Director's decision must therefore be affirmed and the appeal dismissed on this basis alone.⁷

Moreover, it also cannot be found that the proffered position is a specialty occupation because the Petitioner has not sufficiently established the substantive nature of the work to be performed by the Beneficiary within the context of the Petitioner's business operations.

The Petitioner has described the proffered duties in relatively abstract and generalized terms that lack sufficient detail and concrete explanation. For example, the Petitioner stated that the Beneficiary would "[a]ssess organizational structure of employees and independent contractors to achieve operational efficiency and enhance productivity and performance of salons." However, the Petitioner has not provided substantive information with regard to the particular work and methodologies that would be required to accomplish this particular duty. Another example of a relatively abstract and generalized job duty is "[a]nalyze and audit all aspects of salons including work performance, appearance, accessibility, and geographical locations as they relate to financial performance of existing operations

⁶ Specifically, the United States Court of Appeals for the First Circuit explained in *Royal Siam* that:

The courts and the agency consistently have stated that, although a general-purpose bachelor's degree, such as a business administration degree, may be a legitimate prerequisite for a particular position, requiring such a degree, without more, will not justify the granting of a petition for an H-1B specialty occupation visa. *See, e.g., Tapis Int'l v. INS*, 94 F.Supp.2d 172, 175-76 (D. Mass. 2000); *Shanti*, 36 F. Supp. 2d at 1164-66; *cf. Matter of Michael Hertz Assocs.*, 19 I&N Dec. 558, 560 ([Comm'r] 1988) (providing frequently cited analysis in connection with a conceptually similar provision). This is as it should be: otherwise, an employer could ensure the granting of a specialty occupation visa petition by the simple expedient of creating a generic (and essentially artificial) degree requirement.

Id.

⁷ A general degree requirement does not necessarily preclude a proffered position from qualifying as a specialty occupation. For example, an entry requirement of a bachelor's or higher degree in business administration with a concentration in a specific field, or a bachelor's or higher degree in business administration combined with relevant education, training, and/or experience may, in certain instances, qualify the proffered position as a specialty occupation. In either case, it must be demonstrated that the entry requirement is equivalent to a bachelor's or higher degree in a specific specialty that is directly related to the proffered position. *See Royal Siam Corp. v. Chertoff*, 484 F.3d at 147.

It is also important to note that a position may not qualify as a specialty occupation based solely on either a preference for certain qualifications for the position or the claimed requirements of a petitioner. *See Defensor v. Meissner*, 201 F.3d 384, 387 (5th Cir. 2000). Instead, the record must establish that the performance of the duties of the proffered position requires both the theoretical and practical application of a body of highly specialized knowledge and the attainment of a baccalaureate or higher degree in a specific specialty, or its equivalent, as the minimum for entry into the occupation. *See* section 214(i)(1) of the Act; 8 C.F.R. § 214.2(h)(4)(ii) (defining the term "specialty occupation").

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and advise president of findings to expand and/or relocate locations.” Again, the Petitioner has not explained in detail the specific tasks involved and the manner in which such tasks would be accomplished, particularly as the position does not require the Beneficiary to travel to any of the other salon locations.⁸

It is not clear how the stated job duties realistically apply within the context of the Petitioner’s actual operations. For example, the Petitioner listed job duties involving the assessment, recruitment and training of independent contractors, but the location at which the Beneficiary would work has no independent contractors, and the Petitioner has stated that its other salons are “moving away from this method of servicing.”⁹ The Petitioner also stated that the Beneficiary would “[e]valuate profit and loss statements, financial statements, and balance sheets and advise president of findings to improve financial operations.” Significantly, however, the Petitioner has not explained who actually prepares the profit and loss statements and other financial documentation which the Beneficiary would purportedly “[e]valuate.” Although the Petitioner stated that its owner is “responsible for the overall supervision and general management of the location,” the Petitioner did not indicate whether the owner’s duties also include the preparation of profit and loss statements, financial statements, balance sheets, and other routine bookkeeping and administrative functions. The Petitioner has not sufficiently established how it will support the Beneficiary’s employment in the manner asserted.

The Petitioner also has not adequately explained who provides the actual, day-to-day supervision and management over this and the other salons’ operations and staff. Again, although the Petitioner stated that the owner provides “overall supervision and general management,” this statement falls short of asserting that he also provides the actual, day-to-day management and supervision over the salon.¹⁰ In fact, the Petitioner has not fully explained the management and organizational structure of any of its salon locations throughout the United States. Without full disclosure of the management and operational structure of this and the other affiliated salons, the Beneficiary’s proposed job duties, such as “[c]ontinually monitor and assess implementation of policies, compensation structures, and other operational changes at all locations of salons,” are too vaguely described and lack sufficient context to convey the substantive nature of the work to be performed.¹¹

⁸ We acknowledge the Petitioner’s statement that it “does not envision any need for the beneficiary to travel” because “the Petitioner has video camera surveillance, video conferencing, and phone conferencing capabilities if the need ever arose for the Management Consultant to communicate with or view any other location that the Petitioner merges with or acquires.” Without more, however, this statement is insufficient to describe exactly how the Beneficiary would carry out his duties to assess and enhance the structure, productivity, and performance of the other salons.

⁹ The Petitioner states that the location in which the Beneficiary would work has beauty technicians and cosmetology interns rotating through this location.

¹⁰ We note that, according to the W-2 (Wage and Tax Statement) forms and other evidence in the record, the owner resides in Illinois. In addition to receiving a salary from the Petitioning salon, he also receives a salary from several other salons, including [REDACTED] (located in Illinois), [REDACTED] (located in Florida), and [REDACTED] (located in Alabama). Thus, it is not clear what the owner’s specific duties are with respect to this and his other salons.

¹¹ While the Petitioner’s descriptions of its business operations and the proffered position are overly vague, we will withdraw the Director’s finding that the Petitioner’s descriptions of the Beneficiary’s duties and work locations materially changed. The Petitioner’s initial job descriptions specifically stated that the Beneficiary would be working

As the evidence of record is insufficient to establish the substantive nature of the work to be performed by the Beneficiary, we are therefore precluded from finding that the proffered position satisfies any criterion at 8 C.F.R. § 214.2(h)(4)(iii)(A), because it is the substantive nature of that work that determines (1) the normal minimum educational requirement for entry into the particular position, which is the focus of criterion 1; (2) industry positions which are parallel to the proffered position and thus appropriate for review for a common degree requirement, under the first alternate prong of criterion 2; (3) the level of complexity or uniqueness of the proffered position, which is the focus of the second alternate prong of criterion 2; (4) the factual justification for a petitioner normally requiring a degree or its equivalent, when that is an issue under criterion 3; and (5) the degree of specialization and complexity of the specific duties, which is the focus of criterion 4. Accordingly, as the Petitioner has not established that it has satisfied any of the criteria at 8 C.F.R. § 214.2(h)(4)(iii)(A), it cannot be found that the proffered position qualifies for classification as a specialty occupation.¹²

III. CONCLUSION

Based upon a complete review of the record of proceeding, we find that the evidence does not establish that the proffered position more likely than not constitutes a specialty occupation.

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 not been met.

with "salons" *in the plural*. Thus, the initial descriptions are not inconsistent with the Petitioner's subsequent explanations regarding the other affiliated salon locations.

¹² Even if the Petitioner were able to establish the substantive nature of the work to be performed by the Beneficiary, we still could not find that the proffered position qualifies as a specialty occupation by virtue of its occupational category. A review of the U.S. Department of Labor's *Occupational Outlook Handbook (Handbook)*, which we recognize as an authoritative source on the duties and educational requirements of the wide variety of occupations that it addresses, does not indicate that, as a category, a management analyst position qualifies as a specialty occupation. In particular, the *Handbook* states that "[a] bachelor's degree is the typical entry-level requirement for management analysts," but does not further state that the bachelor's degree must be *in a specific specialty*. U.S. Dep't of Labor, Bureau of Labor Statistics, *Occupational Outlook Handbook*, 2016-17 ed., "Management Analysts," <http://www.bls.gov/ooh/business-and-financial/management-analysts.htm#tab-4> (last visited Jan. 28, 2016). In fact, the *Handbook* states that "many fields of study provide a suitable education because of the range of areas that management analysts address." *Id.* The *Handbook's* statements indicating that a general bachelor's degree is an acceptable minimum entry requirement for the occupation are consistent with the Petitioner's own requirement for the proffered position, i.e., a general-purpose bachelor's degree in business or business administration. As previously discussed, the requirement of a general bachelor's degree, without further specification, does not establish the position as a specialty occupation. *Royal Siam Corp. v. Chertoff*, 484 F.3d at 147; *cf. Matter of Michael Hertz Assocs.*, 19 I&N Dec. at 560. Here, the duties and requirements of the position as described in the record of proceeding do not indicate that this particular position proffered by the Petitioner is one for which a baccalaureate or higher degree in a specific specialty, or its equivalent, is normally the minimum requirement for entry.

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ORDER: The appeal is dismissed.

Cite as *Matter of I-B-E-, Inc.*, ID# 13262 (AAO Jan. 29, 2016)