



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

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

MATTER OF A-S-R-, INC.

DATE: MAY 20, 2016

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, an information technology company, seeks to temporarily employ the Beneficiary as a "computer programmer" under the H-1B nonimmigrant classification for specialty occupation. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(H)(i)(b), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The H-1B program allows a U.S. employer to temporarily employ a qualified foreign worker in a position that requires both (a) the theoretical and practical application of a body of highly specialized knowledge and (b) the attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum prerequisite for entry into the position.

The Director, Vermont Service Center, denied the petition. The Director concluded that the evidence of record did not establish that the Petitioner had specialty occupation work available for the Beneficiary at the time of filing of the petition.

The matter is now before us on appeal. In its appeal, the Petitioner submits additional evidence and claims that this documentation was issued prior to the filing of the petition, but that it was revised to reflect certain changes. The Director has not had an opportunity to review the new evidence submitted on appeal. Therefore, the matter will be remanded to the Director for further review.

ORDER: The decision of the Director, Vermont Service Center, is withdrawn. The matter is remanded to the Director, Vermont Service Center, for further proceedings consistent with the foregoing opinion and for the entry of a new decision.

Cite as *Matter of A-S-R-, Inc.*, ID# 17347 (AAO May 20, 2016)