



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

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

MATTER OF H-I-H-

DATE: SEPT. 21, 2016

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, an international adoptions agency, seeks to temporarily employ the Beneficiary as a “director of development (Brazil)” under the H-1B nonimmigrant classification for specialty occupations. 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, California Service Center, denied the petition. The Director concluded that the Petitioner did not establish that the proffered position was a specialty occupation.

The matter is now before us on appeal. In its appeal, the Petitioner submits additional evidence and asserts that the Director erred in denying the petition.

Upon *de novo* review, we will dismiss the appeal.

I. LAW

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
- (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) largely restates this statutory definition, but adds a non-exhaustive list of fields of endeavor. In addition, the regulations provide that the proffered position must meet one of the following criteria to qualify as a specialty occupation:

- (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.

8 C.F.R. § 214.2(h)(4)(iii)(A). U.S. Citizenship and Immigration Services (USCIS) has consistently interpreted 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 proposed 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”); *Defensor v. Meissner*, 201 F.3d 384, 387 (5th Cir. 2000).

II. PROFFERED POSITION

In the H-B petition, the Petitioner provided the job duties of the proffered position. In response to the Director’s request for evidence (RFE), the Petitioner changed the job titled to “program development and coordinator, Brazil program” and submitted a revised job description for the proffered position, along with the approximate percentage of time the Beneficiary will spend on each duty, as follows:

- Attend meetings with the program’s key individuals, including travel abroad when needed to structure or to monitor the program. When in Brazil, responsible for organizing and structuring all aspects of the program including: hiring and training contractors to assist the families, interface with the government authorities, courts, and public agencies that deal with international adoption, managing the dossiers of the families, and communicating with the families and [the Petitioner’s] staff about updates (30%)
- Monitor a broad range of laws and regulations in Brazil affecting the area of international adoption, deliver the annual reports with information requested by Brazil government necessary for the agency to be accredited, and work with adoption in Brazil (10%)
- Provide cultural training to the prospective adoptive families, coordinate group sessions, family files, travel meetings and cultural days (10%)

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- Provide direct consultation to prospective adoptive families in states other than where [the Petitioner] maintains a licensed office inquiring about the program, explaining all the aspects and proceedings of adoption in Brazil, updating them on their case, and updating documents as needed to keep the program current. (10%)
- Work with the Out-of-State families to gather documents required for the dossier, according to the court and Brazil law requirements, and review completed dossiers for compliance prior to submission (10%)
- Hold and assist with regular staff meetings as needed to discuss adoption procedures in [] Brazil, policies when working with the foreign staff, and assisting other staff in the U.S. to become familiar with all aspects of the program (10%)
- Direct fund raising efforts and prepare grants to fund the programs (5%)
- Oversee the income and budget of the program, managing the financials and reporting to the Program Director (10%)
- Account to the Chief Officer of the Hague Compliance regarding U.S. regulations, and report to the Program Director placements and disruptions/dissolutions biannually (5%)

On appeal, the Petitioner expands on the duties of the proffered position and changes the approximate percentages of time the Beneficiary will spend on each duty. Specifically, the Petitioner provides the following:

- Assume responsibility for processing the international adoptions through legal system in Brazil, traveling to the Country when necessary, performing the following tasks (30%):
 1. Attend formal meetings, and coordinate relationship with the Brazilian Central Authority, Judicial Committees for International Adoption, Higher Courts, Infant Courts, and Child and Youth Public Defenders in order to get the American family matched with a Brazilian minor that is legally adoptable
 2. Secure and analyze the necessary legal documents to assure the child is legally adoptable according to the Law in Brazil – Example of necessary legal documents to prove adoptability of a minor: irrevocable legal consents of the guardian, termination of parental rights, Child and Youth Public Defenders motions
 3. Attend and prepare before hand the two (2) Court Hearings necessary to process international adoption in Brazil – The first Court hearing is when the family gets guardianship of the minor for 30 days, and the last Court hearing after 30 days is to finalize the adoption, and issuance of the adoption decree
 4. Draft and/or review motions, legal briefings, contracts, and legal documents necessary to complete the adoption
 5. File in the Court, and meet deadlines of the motions, legal briefings, contracts, and legal documents necessary to complete the adoption

6. Provide training, and coordinate paralegals to work under your supervision to assist in the above mentioned tasks
- Explain the Law and give legal advices to the American families regarding adoption Law in Brazil, performing the following tasks (25%):
 1. Provide consultation and prepare the prospective adoptive families for the proceedings
 2. Assist the families gathering the necessary documents to send to Brazil
 3. Reply to the adoptive families inquiries and recruit families to adopt from Brazil
 - Monitor a broad range of Brazilian laws and regulations in the foreign country affecting area of international adoptions in order to maintain [the Petitioner's] authorization to work with adoption in this specific country current and valid, performing the following tasks (20%):
 1. Deliver monthly, and annual reports with information requested by Brazilian courts and agencies
 2. Advice the staff, and adoptive families about updates, new Laws and regulations in Brazil
 - Hold and assist with regular staff meetings as needed to discuss adoption procedures in the foreign country, policies when working with the foreign staff, and assisting other staff in the U.S. to become familiar with all aspects of the program (10%)
 - Direct fund raising efforts and prepare grants to fund the programs (5%)
 - Oversee the income and budget of the program, managing the financials and reporting to the Program Director (5%)
 - Account to the Chief Officer of the Hague Compliance regarding U.S. regulations, and report to the Program Director placements and disruptions/dissolutions biannually (5%)

According to the Petitioner, a Brazilian law degree is required to perform the duties of the proffered position.

III. ANALYSIS

Upon review of the record in its totality and for the reasons set out below, we determine that the Petitioner has not demonstrated that the proffered position satisfies any of the criteria at 8 C.F.R.

§ 214.2(h)(4)(iii)(A) and, therefore, qualifies as a specialty occupation. Specifically, the record (1) provides inconsistent information regarding the position¹; and (2) does not establish that the job duties require an educational background, or its equivalent, commensurate with a specialty occupation.²

As a preliminary matter, we note that the Petitioner claims that a Brazilian law degree is required for the position. However, the Petitioner has not established that its stated requirement would satisfy those of a specialty occupation, i.e., that it is equivalent to a U.S. bachelor's degree in a specific specialty. For example, the Petitioner has not established the length of time required to complete a "Brazilian law degree." We reviewed the Electronic Database for Global Education (EDGE) created by the American Association of Collegiate Registrars and Admissions Officers, which states that a "título or grau de bacharel" varies between 3 to 5 years to complete.³ Nevertheless, we will now analyze the evidence of record.

A. First Criterion

We turn first to the criterion at 8 C.F.R. § 214.2(h)(4)(iii)(A)(I), which requires that a baccalaureate or higher degree in a specific specialty, or its equivalent, is normally the minimum requirement for entry into the particular position.⁴ To inform this inquiry, we recognize the U.S. Department of Labor's (DOL's) *Occupational Outlook Handbook (Handbook)* as an authoritative source on the duties and educational requirements of the wide variety of occupations that it addresses.⁵

¹ In response to the RFE or on appeal, the Petitioner cannot offer a new position to the Beneficiary, or materially change a position's title, its level of authority within the organizational hierarchy, the associated job responsibilities, or the requirements of the position. The Petitioner must establish that the position offered to the Beneficiary when the petition was filed merits classification for the benefit sought. *See Matter of Michelin Tire Corp.*, 17 I&N Dec. 248, 249 (Reg'l Comm'r 1978). A petitioner may not make material changes to a petition in an effort to make a deficient petition conform to USCIS requirements. *See Matter of Izummi*, 22 I&N Dec. 169, 176 (Assoc. Comm'r 1998). Here, in response to the RFE, the Petitioner changed the Beneficiary's job title, and on appeal, the Petitioner expands the Beneficiary's job duties, adding that she will provide training, and coordinate paralegals to work under her supervision to assist in the above mentioned tasks.

² The Petitioner submitted documentation to support the H-1B petition, including evidence regarding the proffered position. While we may not discuss every document submitted, we have reviewed and considered each one.

³ For additional information, see <http://edge.aacrao.org/info.php> (last visited Sept. 20, 2016). USCIS considers EDGE to be a reliable, peer-reviewed source of information about foreign credentials equivalencies.

⁴ Although some aspects of the regulatory criteria may overlap, we will address each of the criteria individually.

⁵ All of our references are to the 2016-2017 edition of the *Handbook*, available at <http://www.bls.gov/ooh/>. We do not, however, maintain that the *Handbook* is the exclusive source of relevant information. That is, the occupational category designated by the Petitioner is considered as an aspect in establishing the general tasks and responsibilities of a proffered position, and USCIS regularly reviews the *Handbook* on the duties and educational requirements of the wide variety of occupations that it addresses. To satisfy the first criterion, however, the burden of proof remains on the Petitioner to submit sufficient evidence to support a finding that its particular position would normally have a minimum, specialty degree requirement, or its equivalent, for entry.

The labor condition application (LCA) submitted to support the visa petition states that the proffered position corresponds to Standard Occupational Classification (SOC) code and title 23-2099, “Legal Support Workers, All Other,” at a Level II (qualified) wage.⁶

We reviewed the *Handbook* regarding the occupational category “Legal Support Workers, All Other.” However, the *Handbook* does not provide a detailed narrative account nor does it provide summary data for this occupational category. More specifically, the *Handbook* does not provide the typical duties and responsibilities for “Legal Support Workers, All Other.” It also does not provide any information regarding the academic and/or professional requirements for these positions. Thus, the *Handbook* does not support the claim that the occupational category here is one for which normally the minimum requirement for entry is a baccalaureate degree (or higher) in a specific specialty, or its equivalent.

We note that there are occupational categories which are not covered in detail by the *Handbook*, as well as occupations for which the *Handbook* does not provide any information. The *Handbook* states the following about these occupations:

Although employment for hundreds of occupations are covered in detail in the *Occupational Outlook Handbook*, this page presents summary data on additional occupations for which employment projections are prepared but detailed occupational information is not developed. For each occupation, the Occupational Information Network (O*NET) code, the occupational definition, 2014 employment, the May 2015 median annual wage, the projected employment change and growth rate from 2014 to 2024, and education and training categories are presented.⁷

Thus, the narrative of the *Handbook* indicates that there are many occupations for which only brief summaries are presented and that detailed occupational profiles for these occupations are not developed.⁸ The *Handbook* suggests that for at least some of the occupations, little meaningful information could be developed.

⁶ We will consider this selection in our analysis of the position. The “Prevailing Wage Determination Policy Guidance” issued by DOL provides a description of the wage levels. A Level II wage rate is for a petitioner who expects its employee to perform moderately complex tasks that require limited judgment. U.S. Dep’t of Labor, Emp’t & Training Admin., *Prevailing Wage Determination Policy Guidance*, Nonagric. Immigration Programs (rev. Nov. 2009), available at http://flcdatacenter.com/download/NPWHC_Guidance_Revised_11_2009.pdf. A prevailing wage determination starts with an entry level wage and progresses to a higher wage level after considering the experience, education, and skill requirements of the Petitioner’s job opportunity. *Id.*

⁷ U.S. Dep’t of Labor, Bureau of Labor Statistics, *Occupational Outlook Handbook*, 2016-17 ed., “Data for Occupations Not Covered in Detail,” <http://www.bls.gov/ooh/About/Data-for-Occupations-Not-Covered-in-Detail.htm> (last visited Sept. 20, 2016).

⁸ We note that occupational categories for which the *Handbook* only includes summary data includes a range of occupations, including for example, postmasters and mail superintendents; agents and business managers of artists, performers, and athletes; farm and home management advisors; audio visual and multimedia collections specialists; clergy; merchandise displayers and window trimmers; radio operators; first-line supervisors of police and detectives; crossing guards; travel guides; agricultural inspectors, as well as others.

Accordingly, in certain instances, the *Handbook* is not determinative. When the *Handbook* does not support the proposition that a proffered position is one that meets the statutory and regulatory provisions of a specialty occupation, it is incumbent upon the Petitioner to provide persuasive evidence that the proffered position more likely than not satisfies the statutory and regulatory provisions, including this or one of the other three criteria, notwithstanding the absence of the *Handbook's* support on the issue. In such case, it is the Petitioner's responsibility to provide probative evidence (e.g., documentation from other objective, authoritative sources) that supports a finding that the particular position in question qualifies as a specialty occupation. Whenever more than one authoritative source exists, an adjudicator will consider and weigh all of the evidence presented to determine whether the particular position qualifies as a specialty occupation. Here, the Petitioner did not provide further evidence.

In the instant case, the Petitioner has not established that the proffered position falls under an occupational category for which the *Handbook*, or other authoritative source, indicates that normally the minimum requirement for entry is at least a bachelor's degree in a specific specialty, or its equivalent. Thus, the Petitioner has not satisfied the criterion at 8 C.F.R. § 214.2(h)(4)(iii)(A)(1).

B. Second Criterion

The second criterion presents two, alternative prongs: "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[.]" 8 C.F.R. § 214.2(h)(4)(iii)(A)(2) (emphasis added). The first prong contemplates the common industry practice, while the alternative prong narrows its focus to the Petitioner's specific position.

1. First Prong

To satisfy this first prong of the second criterion, the Petitioner must establish that the "degree requirement" (i.e., a requirement of a bachelor's or higher degree in a specific specialty, or its equivalent) is common to the industry in parallel positions among similar organizations.

In determining whether there is such a common degree requirement, factors often considered by USCIS include: whether the *Handbook* reports that the industry requires a degree; whether the industry's professional association has made a degree a minimum entry requirement; and whether letters or affidavits from firms or individuals in the industry attest that such firms "routinely employ and recruit only degreed individuals." See *Shanti, Inc. v. Reno*, 36 F. Supp. 2d 1151, 1165 (D. Minn. 1999) (quoting *Hird/Blaker Corp. v. Sava*, 712 F. Supp. 1095, 1102 (S.D.N.Y. 1989)).

As previously discussed, the Petitioner has not established that its proffered position is one for which the *Handbook*, or other authoritative source, reports a requirement for at least a bachelor's degree in a specific specialty, or its equivalent. Thus, we incorporate by reference the previous discussion on the matter.

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In support of the assertion that the proffered position is a specialty occupation under this criterion of the regulations, the Petitioner submitted a letter from [REDACTED] Director of [REDACTED]. In the letter, [REDACTED] states that “anyone willing to work as an International Adoption Program Coordinator in Brazil would have to fulfill a very specific condition such as possessing a Brazilian Law Degree.” [REDACTED] has not demonstrated how the requirements for a program coordinator in Brazil is relevant for determining whether the proffered position satisfies the applicable statutory and regulatory provisions for a specialty occupation in the United States.

In addition, [REDACTED] submitted the resume of its program coordinator. [REDACTED] asserts that the duties of this individual’s position are similar to the proffered position and that the individual possesses a Brazilian law degree. [REDACTED] did not submit the academic credentials of this individual, *e.g.*, copies of diplomas, transcripts. Moreover, she did not provide documentary evidence to corroborate that she currently or in the past employed individuals in parallel positions to the proffered position, nor did she provide any documentation to substantiate the claimed academic requirements. Further, the [REDACTED] did not submit any probative evidence of her recruitment and/or hiring practices.

The Petitioner also submitted two letters from families engaged in the international adoption process, who praise the Beneficiary’s work and attribute her success to her Brazilian law degree. While these letters convey the gratitude of satisfied families, they do not establish that only a specialty-degreed individual could perform the duties of the proffered position. Regardless, while it appears that knowledge of Brazilian law is an attribute sought by adoption agencies to facilitate the coordination of such international adoptions, the evidence of record is insufficient to establish that such organizations “routinely employ and recruit only degreed individuals.”

For the reasons outlined above, the Petitioner has not satisfied the first alternative prong of 8 C.F.R. § 214.2(h)(4)(iii)(A)(2).

2. Second Prong

We will next consider the second alternative prong of 8 C.F.R. § 214.2(h)(4)(iii)(A)(2), which is satisfied if the Petitioner shows that its particular position is so complex or unique that it can be performed only by an individual with at least a bachelor’s degree in a specific specialty, or its equivalent.

In support of its assertion that the proffered position qualifies as a specialty occupation, the Petitioner submitted a letter from [REDACTED] Associate Professor of Law at the [REDACTED]. In his letter, [REDACTED] (1) describes the credentials that he asserts qualify him to opine upon the nature of the proffered position; (2) describes the manner in which he knows the Beneficiary; and (3) states that the duties of the proffered position require at least a Brazilian law degree. We carefully evaluated [REDACTED] assertions in support of the instant petition but, for the following reasons, determined his letter does not have significant weight in this matter.

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_____ states that he was an instructor for the _____ program while the Beneficiary was a student, and that she was enrolled in several of his courses during that time. _____ notes that the Beneficiary wrote a seminar paper about legal issues related to international adoptions, and concludes that there is “little doubt” that her work for the Petitioner requires “intimate familiarity” with the Brazilian legal system. _____ concludes that it is “difficult to imagine” that the Beneficiary could “interface with the government authorities, courts, and public agencies that deal with international adoption” without her Brazilian legal credentials.

_____ bases his assessment upon a seminar paper written by the Beneficiary, and not on any first-hand information provided by the Petitioner. _____ does not demonstrate in-depth knowledge of the Petitioner’s operations or how the duties of the position would actually be performed in the context of its business enterprise. _____ has not provided sufficient information to establish his expertise on the practices of adoption organizations seeking to hire development directors. Without further clarification, it is unclear how his education, training, skills or experience would translate to expertise regarding the current recruiting and hiring practices of an enterprise engaged in “international adoptions” or similar organizations for development directors.

Further, _____ opinion letter does not cite specific instances in which his past opinions have been accepted or recognized as authoritative on this particular issue. There is no indication that he has conducted any research or studies pertinent to the educational requirements for such positions (or parallel positions) in the Petitioner’s industry for similar organizations, and no indication of recognition by professional organizations that he is an authority on those specific requirements.

Even assuming _____ possessed expertise on the degree requirements for development directors, his opinion letter does not substantiate his conclusions, such that we can conclude that the Petitioner has met its burden of proof. First, _____ does not reference, cite, or discuss any studies, surveys, industry publications, authoritative publications, or other sources of empirical information which he may have consulted to complete his evaluation. Second, the record does not indicate whether _____ was aware that, as indicated by the Level II wage on the LCA, the Petitioner considered the proffered position to be for an employee who is expected to perform moderately complex tasks that require limited exercise of judgment. The Petitioner has not demonstrated that _____ possessed the requisite information to adequately assess the nature of the position and appropriately determine parallel positions based upon the job duties and level of responsibilities.

For the reasons discussed, we find that _____ opinion letter lends little probative value to the matter here. *Matter of Caron Int’l*, 19 I&N Dec. 791, 795 (Comm’r 1988) (The service is not required to accept or may give less weight to an advisory opinion when it is “not in accord with other information or is in any way questionable.”).

Accordingly, the Petitioner has not submitted sufficient evidence to satisfy the second alternative prong of 8 C.F.R. § 214.2(h)(4)(iii)(A)(2).

C. Third Criterion

The third criterion of 8 C.F.R. § 214.2(h)(4)(iii)(A) entails an employer demonstrating that it normally requires a bachelor's degree in a specific specialty, or its equivalent, for the position.

To merit approval of the petition under this criterion, the record must establish that a petitioner's imposition of a degree requirement is not a matter of preference for high-caliber candidates but is necessitated by performance requirements of the position. While a petitioner may assert that a proffered position requires a specific degree, that statement alone without corroborating evidence cannot establish the position as a specialty occupation. Were USCIS limited solely to reviewing the Petitioner's claimed self-imposed requirements, then any individual with a bachelor's degree could be brought to the United States to perform any occupation as long as the Petitioner created a token degree requirement, whereby all individuals employed in a particular position possessed a baccalaureate or higher degree in the specific specialty, or its equivalent. *See Defensor v. Meissner*, 201 F.3d at 388. Evidence provided in support of this criterion may include, but is not limited to, documentation regarding the Petitioner's past recruiting and hiring practices, as well as information regarding employees who previously held the position.

We reviewed the Petitioner's statements regarding the proffered position; however, the Petitioner acknowledges that the proffered position is a newly-created position, and has not provided evidence in support of this criterion. Therefore, it has not satisfied the third criterion of 8 C.F.R. § 214.2(h)(4)(iii)(A).

D. Fourth Criterion

The fourth criterion at 8 C.F.R. § 214.2(h)(4)(iii)(A) requires a petitioner to establish that the nature of the specific duties is so specialized and complex that the knowledge required to perform them is usually associated with the attainment of a baccalaureate or higher degree in a specific specialty, or its equivalent.

The Petitioner provided information regarding the proffered position and its business operations, including the documentation previously outlined. While the evidence provides some insights into the Petitioner's business activities, the documents do not establish that the nature of the specific duties of the proffered position is so specialized and complex that the knowledge required to perform them is usually associated with the attainment of a baccalaureate or higher degree in a specific specialty, or its equivalent.

While the Petitioner may believe that the proffered position meets this criterion of the regulations, it has not sufficiently demonstrated how the position as described requires the theoretical and practical application of a body of highly specialized knowledge and the attainment of a bachelor's or higher degree in a specific specialty, or its equivalent. For instance, the Petitioner did not submit information relevant to a detailed course of study leading to a specialty degree and did not establish how such a curriculum is necessary to perform the duties it may believe are so complex and unique.

While a few related courses in law may be beneficial, or even required, in performing certain duties of the position, the Petitioner has not demonstrated how an established curriculum of such courses leading to a baccalaureate or higher degree in a specific specialty, or its equivalent, is required to perform the duties of the proffered position. The description of the duties does not specifically identify any tasks that are so specialized or complex that only a specifically degreed individual could perform them. Again, it appears that the Petitioner expects the Beneficiary to perform moderately complex tasks that require limited exercise of judgment (by its selection of a Level II wage on the LCA) compared to other positions within the same occupation.⁹

The Petitioner claims that the Beneficiary is well qualified for the position, and references her qualifications. However, the test to establish a position as a specialty occupation is not the education or experience of a proposed beneficiary, but whether the position itself requires at least a bachelor's degree in a specific specialty, or its equivalent. The Petitioner has not demonstrated in the record that its proffered position is one with duties sufficiently specialized and complex to satisfy 8 C.F.R. § 214.2(h)(4)(iii)(A)(4).

IV. CONCLUSION

Because the Petitioner has not satisfied one of the criteria at 8 C.F.R. § 214.2(h)(4)(iii)(A), it has not demonstrated that the proffered position qualifies as a specialty occupation. The burden is on the Petitioner to show 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 not been met.

ORDER: The appeal is dismissed.

Cite as *Matter of H-I-H-*, ID# 8900 (AAO Sept. 21, 2016)

⁹ Nevertheless, a low wage-designation does not preclude a proffered position from classification as a specialty occupation, just as a high wage-designation does not definitively establish such a classification. In certain occupations (e.g., doctors or lawyers), a Level II position would still require a minimum of a bachelor's degree in a specific specialty, or its equivalent, for entry. Similarly, however, a Level IV wage-designation would not reflect that an occupation qualifies as a specialty occupation if that higher-level position does not have an entry requirement of at least a bachelor's degree in a specific specialty, or its equivalent. That is, a position's wage-level designation may be a relevant factor but is not itself conclusive evidence that a proffered position meets the requirements of section 214(i)(1) of the Act.