



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

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

MATTER OF K-A-, INC.

DATE: SEPT. 26, 2016

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a strategic consulting firm, seeks to temporarily employ the Beneficiary as an “analyst” 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, Vermont Service Center, denied the petition. The Director concluded that the Petitioner had not demonstrated that the proffered position qualifies as a specialty occupation position.

The matter is now before us on appeal. In its appeal, the Petitioner submits additional evidence and asserts that the proffered position is a specialty occupation. Upon *de novo* review, we will sustain the appeal.

Specifically, the totality of evidence now establishes that the Petitioner normally requires 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 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.

Cite as *Matter of K-A-, Inc.*, ID# 124904 (AAO Sept. 26, 2016)