



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

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

In Re: 9280508

Date: JULY 2, 2020

Appeal of Vermont Service Center Decision

Form I-129, Petition for Nonimmigrant Worker (H-1B)

The Petitioner, an engineering consulting company, seeks to temporarily employ the Beneficiary as an electrical engineer 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 of the Vermont Service Center denied the petition, concluding that the record did not establish that the proffered position is a specialty occupation. The matter is now before us on appeal. On appeal, the Petitioner contends that the petition should be approved.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). We review the questions in this matter *de novo*. *See Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will sustain the appeal.

Upon review of the record in its entirety, we conclude 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 bachelor's or higher degree in a specific specialty, or its equivalent, as required by 8 C.F.R. § 214.2(h)(4)(iii)(A)(4). The record includes an explanation of the Beneficiary's proposed work and a detailed description of the job duties. The proposed duties, when reviewed within the context of the Petitioner's business operations, are sufficient to demonstrate that the duties of the position require a "body of highly specialized knowledge" attained through a precise and specific course of study that relates directly to the proffered position. Specifically, the Petitioner's position description, when reviewed within the broader context of its operations, depicts a position that includes duties sufficiently complex that a qualifying degree would be required to perform them. Moreover, the totality of the evidence establishes that the Beneficiary is qualified to perform the duties of the proffered position.

Therefore, the record satisfies the criterion at 8 C.F.R. § 214.2(h)(4)(iii)(A)(4). Further, the Petitioner has established that the proffered position qualifies for classification as a specialty occupation as defined by section 214(i)(1) of the Act, 8 U.S.C. § 1184(i)(1), and 8 C.F.R. § 214.2(h)(4)(ii).

ORDER: The appeal is sustained.