



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

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

In Re: 8420024

Date: JULY 17, 2020

Appeal of California Service Center Decision

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

The Petitioner, a manufacturer and marketer of packaged food products, seeks to temporarily employ the Beneficiary 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 California Service Center denied the petition, concluding that the Petitioner did not establish that the Beneficiary is qualified for the proffered position.

On appeal, the Petitioner submits a brief asserting that the Director erred in denying the petition. Upon *de novo* review, we will sustain the appeal.

After reviewing the evidence in support of the Beneficiary's qualifications, including all of his education documents and professional credentials, as well as relevant state law provisions, we conclude it is more likely than not that he is qualified to perform the duties of the proffered position consistent with section 214(i)(2) of the Act and 8 C.F.R. § 214.2(h)(4)(iii)(C).

**ORDER:** The appeal is sustained.