



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

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

In Re: 8909203

Date: JUNE 10, 2020

Appeal of Vermont Service Center Decision

Form I-129, Petition for Nonimmigrant Worker

The Petitioner, a credit research and analytics company, seeks to temporarily employ the Beneficiary as a data scientist under the H-1B nonimmigrant classification for specialty occupations. 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 qualifies as a specialty occupation. On appeal, the Petitioner submits a brief and asserts that the Director erred.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit by a preponderance of the evidence.<sup>1</sup> We review the questions in this matter *de novo*.<sup>2</sup> Upon *de novo* review, we will sustain the appeal.

Based upon our review of the entire record of proceedings, we conclude the Petitioner has overcome the basis of the Director's denial. In this matter, the totality of the record establishes 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 the regulation at 8 C.F.R. § 214.2(h)(4)(iii)(A)(4). Specifically, the Petitioner has provided a detailed job description and explained why these duties are specialized and complex. The Petitioner has also established that the duties require specialized knowledge usually associated with a bachelor's or higher degree in a specialty field. Further, the Petitioner has established that the proffered position qualifies for 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).

---

<sup>1</sup> Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010).

<sup>2</sup> See *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015).

**ORDER:** The appeal is sustained.