



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

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

In Re: 8804637

Date: JUNE 2, 2020

Appeal of Vermont Service Center Decision

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

The Petitioner 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 Vermont Service Center denied the petition, concluding that the evidence of record does not establish that the proffered position qualifies as a specialty occupation. Upon *de novo* review, we will sustain the appeal.

Based upon our review of the entire record, we conclude that the particular position being offered to the Beneficiary qualifies for classification as a specialty occupation as the term is defined at section 214(i)(1) of the Act and 8 C.F.R. § 214.2(h)(4)(ii). Specifically, the Petitioner has provided a detailed job description and established that these duties, when performed within the context of its specific business operations, are so specialized and complex that the knowledge required to perform them is usually associated with the attainment of a baccalaureate or higher degree, as required by the regulation at 8 C.F.R. § 214.2(h)(4)(iii)(A)(4).

ORDER: The appeal is sustained.