



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

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

In Re: 10206024

Date: SEPT. 28, 2020

Appeal of California Service Center Decision

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

The Petitioner, a call center pharmacy, seeks to temporarily employ the Beneficiary 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 California 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 denying the petition. 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.

Based upon our review of the entire record of proceedings, including the submissions on appeal addressing the grounds for the Director's decision, we conclude that the Petitioner has overcome the basis of the Director's denial. The Petitioner has provided a detailed job description for the proffered position, and explained why these duties, when performed within the context of its specific business operation, are specialized and complex. Specifically, 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 baccalaureate or higher degree in a specific specialty, or its equivalent, as required by 8 C.F.R. § 214.2(h)(4)(iii)(A)(4). Further, we conclude that Petitioner has established, by a preponderance of the evidence, 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).

ORDER: The appeal is sustained.