



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

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

In Re: 9256848

Date: JULY 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 Vermont Service Center Director denied the petition, concluding that the Petitioner had not established that the proffered position is a specialty occupation. On appeal, the Petitioner submits a brief and additional documentation and asserts that the Director's decision was erroneous.

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.

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 8 C.F.R. § 214.2(h)(4)(iii)(A)(4). The Petitioner provided a sufficiently detailed description of the proffered position and explained the Beneficiary's proposed work as it relates to the project upon which he will work. The Petitioner supported the requirements for the proposed position with thorough position evaluations which further clarified and supported the Petitioner's claim establishing that the duties of the position required a baccalaureate or higher degree in a specific discipline, or its equivalent.

The proposed duties, when reviewed within the context of the Petitioner's business operations, are also sufficient to demonstrate that more likely than not the duties of the position require a "body of highly specialized knowledge" attained through a precise and specific course of study that relates directly and closely to the proffered position. The Petitioner also appropriately accounted for the level of experience and responsibility of the position with the certification of the wage level on the labor condition application.

When considering all these factors, the record establishes, that more that more likely than not, 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). Finally, the record establishes that the position proffered here actually requires the theoretical and practical application of a body of highly specialized knowledge and the attainment of a baccalaureate or higher degree in a specific specialty as the minimum for entry into the occupation as required by the Act.

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.