



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

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

In Re: 10065335

Date: JULY 7, 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 did not establish that the proffered position is a specialty occupation. On appeal, the Petitioner submits a brief and asserts that the Director erred and the Petitioner has established eligibility for this benefit.

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

In this matter, the record demonstrates that the proffered position is a specialty occupation under 8 C.F.R. § 214.2(h)(4)(ii) and (iii)(A). 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 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 record includes a description of the job duties and an explanation of the Beneficiary's proposed work in marketing. The proposed duties, when reviewed within the context of the Petitioner's business operations, are sufficient to demonstrate that 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 totality of the record establishes that, more likely than not, the Petitioner's particular position requires the theoretical and practical application of a body of highly specialized knowledge, and the attainment of a bachelor's or higher degree in the specific specialty or its equivalent. 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), 8 C.F.R. § 214.2(h)(4)(ii), and (iii)(A)(4). Additionally, the record establishes that the Beneficiary is qualified to perform the duties of the proffered position by holding a qualifying foreign degree determined to be equivalent to a U.S. baccalaureate or higher

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

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

degree from an accredited college or university. Section 214(i)(2) of the Act; 8 C.F.R. § 214.2(h)(4)(iii)(C)(2).

ORDER: The appeal is sustained.