



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

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

In Re: 4684910

Date: JULY 22, 2020

Appeal of California Service Center Decision

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

The Petitioner, an information technology and software development company, seeks to temporarily employ the Beneficiary as an “Oracle EBS Developer” 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 California Service Center denied the petition, concluding that the Petitioner failed to establish that the proffered position is a specialty occupation. On appeal, the Petitioner submits additional evidence and contends that the petition should be approved.

In these proceedings, it is the Petitioner’s burden to establish eligibility for the requested benefit, and we follow the preponderance of the evidence standard as specified in *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Based upon our *de novo* review, we conclude that the nature of the proffered position’s specific duties is so specialized and complex that the knowledge required to perform them is usually associated with the attainment of a bachelor’s degree in computer engineering, electrical engineering, or a related field. The record of proceedings therefore satisfies 8 C.F.R. § 214.2(h)(4)(iii)(A)(4). The Petitioner has also 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). Further, the record also establishes that the Beneficiary is qualified to perform the duties of this specialty occupation.

ORDER: The appeal is sustained.