



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

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

In Re: 8908796

Date: JULY 17, 2020

Appeal of California Service Center Decision

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

The Petitioner, a custom engineer and computer program service provider, seeks to temporarily employ the Beneficiary under the H-1B nonimmigrant classification for specialty occupations.<sup>1</sup> 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 evidence of record does not establish that the Beneficiary would perform services in a specialty occupation.

On appeal, the Petitioner submits a brief asserting that the Director erred in denying the petition. Upon *de novo* review, we will sustain the appeal.

The evidence of record establishes that the proffered position requires the theoretical and practical application of a body of highly specialized knowledge, and that it is so complex and specialized that it can be performed only by an individual with at least a bachelor's degree in specific specialty, or the equivalent. Specifically, the Petitioner provided a sufficiently detailed job description and explained why the position is complex and specialized. The Petitioner also described the products and projects involved and why the Beneficiary's role in them requires specialized knowledge usually associated with a bachelor's or higher degree in a specific specialty, or its equivalent. Therefore, we conclude that the evidence of record satisfies the criterion at 8 C.F.R. § 214.2(h)(4)(iii)(A)(4). 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 and 8 C.F.R. § 214.2(h)(4)(ii).

**ORDER:** The appeal is sustained.

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<sup>1</sup> See Immigration and Nationality Act (the Act) section 101(a)(15)(H)(i)(b), 8 U.S.C. § 1101(a)(15)(H)(i)(b).