



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

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

In Re: 9973015

Date: JULY 21, 2020

Appeal of California Service Center Decision

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

The Petitioner, a computing products and services business, seeks to temporarily employ the Beneficiary as a "Software Engineer 2" 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 proffered position does not qualify as a specialty occupation. On appeal, the Petitioner submits additional evidence and asserts that the Director erred.

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 a specific specialty, or the equivalent. 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 the proffered position.

ORDER: The appeal is sustained.