

# Denial Letter 1: H-1B Denied - Specialty Occupation Not Proven

USCIS Decision Notice

Petition: I-129 (H-1B Specialty Occupation)

Petitioner: XYZ Tech Solutions, Inc.

Beneficiary: Priya Sharma

Receipt Number: WAC2212156789

Date: March 15, 2024

## Summary of Decision:

After careful consideration, USCIS finds that the evidence submitted fails to establish that the offered position qualifies as a specialty occupation under the requirements set forth in 8 CFR §214.2(h)(4)(iii). The burden of proof is on the petitioner to demonstrate that the position requires theoretical and practical application of a body of highly specialized knowledge and that the attainment of a bachelor's degree or higher in a specific specialty is a minimum requirement.

The reasons for denial are as follows:

- Generic Job Description:** The job duties outlined by the petitioner are overly broad and closely resemble duties common to entry-level business analysts. The description lacks sufficient detail to show that the position requires a body of highly specialized knowledge.
- Wage Level I Classification:** The Labor Condition Application (LCA) submitted lists the job at Wage Level I, which corresponds to an entry-level role. USCIS interprets this as a signal that the duties of the position do not require a bachelor's degree in a specific specialty, as Level I roles are designed for individuals with basic understanding and limited experience.
- Lack of Supporting Evidence:** The petitioner did not provide industry-standard sources (such as the Occupational Outlook Handbook) or third-party expert opinion letters that substantiate the claim that the position requires a specific degree in a particular field.

4. Inconsistent Internal Requirements: No documentation (such as past hiring records, internal job postings, or organizational charts) was submitted to demonstrate that the employer has consistently required at least a bachelor's degree in a specific field for the position.

Conclusion:

Based on the lack of detailed job duties, the Level I wage classification, and the absence of credible supporting documentation, USCIS concludes that the petition fails to establish that the position offered qualifies as a specialty occupation. As such, the petition is denied in accordance with INA §101(a)(15)(H) and relevant regulations.

Decision: Petition denied.