



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

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

In Re: 21160004

Date: MAR. 3, 2022

Appeal of Vermont Service Center Decision

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

The Petitioner seeks to 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 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 Vermont Service Center Director denied the Form I-129, Petition for a Nonimmigrant Worker, concluding that the Petitioner's position requirements precluded it from satisfying the definition of a specialty occupation, and that the record did not establish that the position met any of the four regulatory criteria relating to specialty occupations. The matter is now before us on appeal. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). We review the questions in this matter *de novo* (*see Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015)), and after doing so, we will sustain the appeal.

First, although the Petitioner identified a range of degrees as acceptable for the proffered position that on its face may appear broad, the record of proceeding in this particular case preponderantly establishes how each field is directly related to the duties and responsibilities of the particular position. Second, we conclude that the record establishes 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. The Petitioner's position description, when reviewed within the broader context of its operations, depicts one that includes duties sufficiently complex that a qualifying degree would be required to perform them. Specifically, the organization devised a position that serves the company by developing options and solutions for intricate business problems using data analytics, mathematical problem-solving, and other advanced techniques to make the organization more efficient and cost-effective. Moreover, the totality of the evidence establishes that the Beneficiary is qualified to perform the duties of the proffered position.

Therefore, the record satisfies the criterion at 8 C.F.R. § 214.2(h)(4)(iii)(A)(4). Further, 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), and 8 C.F.R. § 214.2(h)(4)(ii).

ORDER: The appeal is sustained.