



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

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

MATTER OF N-V-, INC.

DATE: NOV. 27, 2018

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, a management consulting company, seeks to temporarily employ the Beneficiary under the H-1B nonimmigrant classification for specialty occupations. Immigration and Nationality 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 did not establish that the proffered position qualifies as a specialty occupation. Upon *de novo* review, we will sustain the appeal.

Based upon our review of the entire record of proceedings, we find that the Petitioner has overcome the basis of the Director's denial. Specifically, we find that the nature of the proffered position is so complex and unique that it can be performed only by an individual with at least a U.S. bachelor's degree in a specific specialty, or the equivalent, as required by 8 C.F.R. § 214.2(h)(4)(iii)(A)(2). Further, we conclude that Petitioner has established, by a preponderance of the evidence, that the particular position being offered to the Beneficiary qualifies for classification as a specialty occupation as the term is defined at section 214(i)(1) of the Act and 8 C.F.R. § 214.2(h)(4)(ii).

ORDER: The appeal is sustained.

Cite as *Matter of N-V-, Inc.*, ID# 1258619 (AAO Nov. 27, 2018)