



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

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

In Re: 21180469

Date: MAR. 21, 2022

Appeal of Vermont Service Center Decision

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

The Petitioner, a consumer goods and retail company, seeks to temporarily employ the Beneficiary as a “program manager” under the H-1B nonimmigrant classification for specialty occupations. 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 Vermont Service Center denied the petition, concluding that the record did not establish that the proffered position is a specialty occupation. On appeal, the Petitioner submits a brief and asserts that the Director erred by denying the petition. In these proceedings, it is the Petitioner’s burden to establish eligibility for the requested benefit 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). Upon de novo review, we will sustain the appeal.

We conclude the Petitioner has overcome the basis of the Director’s denial. In this matter, the record establishes, more likely than not, that the nature of the specific duties is specialized and complex and 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, as required by the regulation at 8 C.F.R. § 214.2(h)(4)(iii)(A)(4). Specifically, the Petitioner explained why these job duties are specialized and complex, and established that the duties require specialized knowledge usually associated with a bachelor’s or higher degree in a specific specialty, or its equivalent. The record of proceeding also establishes by a preponderance of the evidence that the knowledge associated with the proposed duties constitutes a “body of highly specialized knowledge” such that attainment of one of the specified degrees would constitute a degree “in the specific specialty” as contemplated by section 214(i)(1) of the Act.

ORDER: The appeal is sustained.