



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

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

In Re: 21157060

Date: MAR. 23, 2022

Appeal of Vermont Service Center Decision

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

The Petitioner seeks to temporarily 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 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.

The Petitioner has explained that that it would employ the Beneficiary within its "Global Specialty [redacted] Distribution Supply Chain Team" practice group, and it has provided credible, detailed descriptions of the duties he would perform as part of his employment in that practice area. Working within its "Global Specialty [redacted] Distribution Supply Chain Team," the Beneficiary will manage running a network of distribution centers that support over 100 stores and [redacted] centers nationally. When reviewed within the context of the Petitioner's business operations, we find the evidence of record sufficient to demonstrate that this Beneficiary's work would in fact involve a "body of highly specialized knowledge" attained through a precise and specific course of study that relates directly and closely to the proffered position.

The evidence of record therefore establishes that the proffered position requires the theoretical and practical application of a body of highly specialized knowledge, and the attainment of a bachelor's or higher degree in the specific specialty, or its equivalent. It 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). It also establishes that the position is so complex or unique that it can only be performed by an individual

with a bachelor's degree in a specific specialty, or the equivalent, and it therefore also satisfies 8 C.F.R. § 214.2(h)(4)(iii)(A)(2). The record demonstrates that the Beneficiary possesses a U.S. master's degree in information technology and management, so he is qualified to perform the duties of this specialty occupation.

**ORDER:** The appeal is sustained.