U.S. Citizenship and Immigration Services

In Re: 27106628

Date: JUL. 26, 2023

Appeal of Vermont Service Center Decision

Form I-129, Petition for a Nonimmigrant Worker (H-3)

The Petitioner, a hotel management company, seeks to temporarily accept the Beneficiary as a trainee under the H-3 nonimmigrant trainee program. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(H)(iii), 8 U.S.C. § 1101(a)(15)(H)(iii). The H-3 program allows an individual or organization in the United States to invite certain noncitizens to receive job-related training that is not available in their home country, for work that will ultimately be performed outside of the United States.

The Director of the Vermont Service Center denied the petition, concluding that the record did not establish that the proposed training will benefit the Beneficiary in pursuing a career outside of the United States. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will sustain the appeal.

On appeal, the Petitioner submits additional evidence and asserts that the evidence of record does not support the Director's ground for denying the petition. Having reviewed the entire record of proceedings, including the additional evidence submitted on appeal, we conclude that the Petitioner has overcome the Director's sole ground for denial. The totality of the evidence before us demonstrates by a preponderance of the evidence that the proposed training would benefit the Beneficiary in pursuing a career outside the United States. We also find the record of proceedings sufficient to satisfy all of the regulatory requirements for approval of an H-3 trainee petition as set forth at 8 C.F.R. § 214.2(h)(7).

ORDER: The appeal is sustained.