

EAC1202350999

the occupation in the United States.

Title 8 Code of Federal Regulations, section 214.2(h)(4)(iii)(A) requires a specialty occupation to meet one of the following criteria:

- (1) A baccalaureate or higher degree or its equivalent is normally the minimum requirement for entry into the particular position;
- (2) The degree requirement is common to the industry in parallel positions among similar organizations or, in the alternative, an employer may show that its particular position is so complex or unique that it can be performed only by an individual with a degree;
- (3) The employer normally requires a degree or its equivalent for the position; or
- (4) The nature of the specific duties is so specialized and complex that knowledge required to perform the duties is usually associated with the attainment of a baccalaureate or higher degree.

To be consistent with section 214(i)(1) of the Act, U.S. Citizenship and Immigration Services (USCIS) interprets the term "degree" set forth in the criteria at 8 CFR 214.2(h)(4)(iii)(A) to mean not just any baccalaureate or higher degree, but one in a specific specialty that is directly related to the offered position.

The record shows your organization was established in 1997 as an interior design business. You have eight current employees, and unreported gross and net annual incomes. You seek to employ the beneficiary in the position of Business Development Manager for a temporary period of three years. You provided a certified labor condition application to include a signed statement that you will comply with the terms of the labor condition application. The beneficiary possesses a Bachelor of Commerce degree.

At issue is whether the offered position qualifies as a specialty occupation.

USCIS does not use a title, by itself, when determining whether a particular job qualifies as a specialty occupation. USCIS considers the specific duties of the offered position, as well as the nature of the petitioning entity's business operations. With the initial filing, you submitted the following description of duties for the offered position:

- develop overall strategic direction with creative team
- grow the business to reach financial targets
- recruit additional personnel and outsource certain functions to external vendors
- develop strategies for marketing materials
- create business proposals with creative team
- attend trade fairs
- create editorials/narratives of design projects
- solicit interior design publications to publish marketing tools
- develop and implement sales goals
- analyze financial information and prepare reports
- assist in recommending to management economic objectives and policies
- prepare budgets and reports