

EAC1202350999

- audit contracts, orders, and vouchers and prepare reports

On November 15, 2011, USCIS informed you in a Notice of Action (Form I-797) that the initial evidence did not establish that the job offered required the services of a person performing a specialty occupation. You were requested to submit evidence showing that the beneficiary will be employed in a specialty occupation, particularly the tasks that warrant the expertise of a bachelor's degree recipient. Additional evidence was requested to establish that you can sustain an employee performing duties at the level required for consideration as a "specialty occupation" per 8 CFR 214.2(h)(4)(ii).

In addition, you were asked to submit evidence showing that in your company or industry, a baccalaureate degree in a specific field of study is a standard minimum requirement for the job offered. You were also requested to signify how many other individuals you employ in similar positions, how many of these hold a baccalaureate degree and in what field of study.

On February 9, 2012, USCIS received your response, which included a letter and other evidence attempting to establish that the position qualifies as a "specialty occupation".

As evidence that a baccalaureate or higher degree, or its equivalent, in a specific specialty, is normally the minimum requirement for entry into the particular position, you submitted an excerpt from the O*NET On Line relating to Market Research Analysts and make reference to the Department of Labor's Occupational Outlook Handbook (OOH) as it relates to Market Research Analysts.

USCIS is not persuaded that the proffered position qualifies as a specialty occupation, because USCIS is not satisfied that the beneficiary will be performing services as a market research analyst only.

The specific duties of the offered position combined with the nature of your entity's business operations suggest a likelihood that the beneficiary will be performing a combination of market research analyst duties; e.g., sales and marketing and non qualifying duties.

USCIS routinely consults the Department of Labor's Occupational Outlook Handbook (OOH) for information about the duties and educational requirements of particular occupations. The duties described in the record are comparable to the duties of a Market Research Analyst. The OOH states the following regarding training and educational requirements for Market Research Analyst positions:

A bachelor's degree is the minimum educational requirement for many market and survey research jobs. However, a master's degree is usually required for more technical positions. In addition to completing courses in business, marketing, and consumer behavior, prospective market and survey researchers should take social science courses, including economics, psychology and sociology. Because of the importance of quantitative skills to market and survey researchers, courses in mathematics, statistics, sampling theory and survey design, and computer science are extremely helpful. Market and survey researchers often earn advanced degrees in business administration, marketing, statistics, communications, or other closely related disciplines.

The OOH suggests a wide range of subjects in which a person seeking a market research analyst position should take classes. The OOH does not establish that a position as a market research analyst requires a minimum of a bachelor's degree or the equivalent in a specific specialty. A petitioner must demonstrate that the