

April 30, 2018

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
75 Lower Welden St.
St. Albans, VT 05479



U.S. Citizenship
and Immigration
Services

[REDACTED]

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5602 BALTIMORE NATL PIKE STE 208
CATONSVILLE, MD 21228

[REDACTED]

EAC17 [REDACTED]

[REDACTED]

A [REDACTED]

RE: [REDACTED]
I-129, Petition for a Nonimmigrant Worker

REQUEST FOR EVIDENCE

IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE NUMBER. THIS PAGE MUST BE SUBMITTED WITH THE REQUESTED EVIDENCE. MAIL THIS NOTICE AND YOUR RESPONSE TO THE ADDRESS ABOVE.

You are receiving this notice because U.S. Citizenship and Immigration Services (USCIS) requires additional evidence to process your form. Please provide the evidence listed on the attached page(s). Include duplicate copies if you are requesting consular notification. **Your response must be received in this office by July 26, 2018.**

Please note that you have been allotted the maximum period allowed for responding to a Request For Evidence (RFE). The time period for responding cannot be extended. 8 CFR 103.2(b)(8)(iv). Because many immigration benefits are time sensitive, you are encouraged to respond to this request as early as possible, but no later than the deadline provided above. If you do not respond to this notice within the allotted time, your case may be denied. The regulations do not provide for an extension of time to submit the requested evidence.

You must submit all requested evidence at the same time. If you submit only some of the requested evidence, USCIS will consider your response a request for a decision on the record. 8 CFR 103.2(b)(11).

If you submit a document in any language other than English, the document must be accompanied by a full and **complete** English translation. The translator must certify that the translation is accurate and he or she is competent to translate from that language to English. **If you submit a foreign language translation in response to this request for evidence, you must also include a copy of the foreign language document.**

Processing of your form or benefit request will resume upon receipt of your response. If you have not heard from USCIS within **60 days of responding**, you may contact the USCIS National Customer Service Center (NCSC) at **1-800-375-5283**. If you are hearing impaired, please call the NCSC TDD at **1-800-767-1833**.

Introduction

U.S. Citizenship and Immigration Services (USCIS) is in receipt of a petition for a Nonimmigrant Worker (Form I-129) that was filed on August 18, 2017. Your petition lacks documentation regarding eligibility requirements to establish that you and the beneficiary qualify for the benefit you are requesting. In order to process your petition, additional evidence is needed.

The Petitioner

Documentation submitted with your petition indicates that your company provides IT services.

Specialty Occupation

A specialty occupation is one that requires the theoretical and practical application of a body of highly specialized knowledge and which requires the attainment of a bachelor's or higher degree in a specific specialty, or its equivalent, as a minimum, for entry into the occupation in the United States.

USCIS does not use the job title, by itself, when determining whether a particular position qualifies as a specialty occupation. The specific duties of the offered position, combined with the nature of the petitioning entity's business operations, are factors that USCIS considers.

To qualify as a specialty occupation, the position must meet at least one of the following criteria:

1. Bachelor's 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 bachelor's or higher degree.

USCIS interprets the term degree in the above criteria to mean not just any degree, but a degree in a specific field of study that is directly related to the proffered position. USCIS routinely consults the Department of Labor's *Occupational Outlook Handbook (OOH)* for information about the duties and educational requirements of particular occupations. You have petitioned and provided a labor condition application (LCA) for the position of Computer Systems Analyst. The *OOH* states the following regarding the training and educational requirements for a Computer Systems Analyst:

A bachelor's degree in a computer or information science field is common, although not always a requirement. Some firms hire analysts with business or liberal arts degrees who have skills in information technology or computer programming.

Most computer systems analysts have a bachelor's degree in a computer-related field. Because these analysts also are heavily involved in the business side of a company, it may be helpful to take business courses or major in management information systems.

Some employers prefer applicants who have a master's degree in business administration (MBA) with

a concentration in information systems. For more technically complex jobs, a master's degree in computer science may be more appropriate.

Although many computer systems analysts have technical degrees, such a degree is not always a requirement. Many analysts have liberal arts degrees and have gained programming or technical expertise elsewhere.

To satisfy this requirement, you submitted:

- A letter of support;
- Company Profile; and
- Corporate Taxes for 2015.

The evidence you submitted is insufficient. You did not submit evidence confirming that the position of Computer Systems Analyst needs the minimum of a Bachelor's degree, that this degree or its equivalent is normally required to perform the duties, or that the duties are so complex that only an individual who has attained a Bachelor's degree could perform them. You may submit additional evidence to satisfy this requirement. Evidence may include, but is not limited to:

- A detailed statement to:
 - explain the beneficiary's proposed duties and responsibilities;
 - indicate the percentage of time devoted to each duty;
 - state the educational requirements for these duties; and
 - explain how the beneficiary's education relates to the position
- A copy of a line-and-block organizational chart showing your hierarchy and staffing levels. The organizational chart should:
 - list all divisions in the organization;
 - identify the proffered position in the chart;
 - show the names and job titles for those persons, if any, whose work will come under the control of the proposed position; and
 - indicate who will direct the beneficiary, by name and job title.
- Job postings or advertisements showing a degree requirement is common to the industry in parallel positions among similar organizations.
- Letters from an industry-related professional association indicating that they have made a bachelor's degree or higher in a specific specialty a requirement for entry into the field.
- Copies of letters or affidavits from firms or individuals in the industry that attest that similar organizations routinely employ and recruit only degreed individuals in a specific specialty. Any letter or affidavit should be supported by the following:
 - the writer's qualifications as an expert;
 - how the conclusions were reached; and
 - the basis for the conclusions supported by copies or citations of any material used.
- Copies of your present and past job postings or announcements for the proffered position showing that you require applicants to have a minimum of a bachelor's or higher degree in a specific specialty or its equivalent.
- Documentary evidence of your past employment practices for the position, including copies of:
 - employment or pay records; and
 - degrees or transcripts to verify the level of education of each individual and the field of study for which the degree was earned.
- An explanation of what differentiates your products and services from other employers in the same industry and why a bachelor's level of education in a specific field of study is a prerequisite for entry into the proffered position. Be specific and provide documentation to



support any explanation of complexity.

- Copies of documentary examples of work product created by current or prior employees in similar positions, such as:
 - reports;
 - presentations;
 - evaluations;
 - designs; or
 - blueprints.
- Additional information about your organization, highlighting the nature , scope, and activity of your business enterprise, along with evidence to establish the beneficiary will be employed with the duties you have set forth, such as:
 - business plans, reports, presentations, etc., to describe your business;
 - contractual agreements or work orders from each company who will utilize the beneficiary's services to show the beneficiary will be performing specialty occupation duties;
 - promotional materials;
 - advertisements;
 - press releases;
 - patents; or
 - articles.
- Any evidence you believe will establish that the position qualifies as a specialty occupation.

