

February 11, 2021

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]

PUYANG & ASSOCIATES LLC  
5602 BALTIMORE NATL PIKE STE 208  
CATONSVILLE, MD 21228

[REDACTED]

EAC20 [REDACTED]

[REDACTED]

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

A [REDACTED]

**REQUEST FOR EVIDENCE**

**IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE RECEIPT NUMBER. THIS PAGE MUST BE SUBMITTED WITH THE REQUESTED EVIDENCE.**

You are receiving this notice because U.S. Citizenship and Immigration Services (USCIS) requires additional evidence to process your form. Please provide the evidence requested on the attached page(s). Include duplicate copies if you are requesting consular notification.

**Your response must be received in this office by May 10, 2021.**

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. See Title 8 Code of Federal Regulations (8 CFR), Section 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. See 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 Contact Center (UCC) at **1-800-375-5283**. If you are hearing impaired, please call the UCC TDD at **1-800-767-1833**.

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## H-1B Specialty Occupation Worker - Introduction

On July 17, 2020, your organization, [REDACTED] (petitioner, petitioning organization, or you), filed a Form I-129, Petition for a Nonimmigrant Worker (Form I-129) with U.S. Citizenship and Immigration Services (USCIS), seeking to classify [REDACTED] (beneficiary) as an H-1B specialty occupation worker.

The H-1B classification applies to individuals who will perform services in a specialty occupation. A specialty occupation is one that requires theoretical and practical application of a body of highly specialized knowledge, and attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States.

You seek a continuation of previously approved employment without change with the same employer and requested that USCIS extend the beneficiary's stay.

You stated on the petition that you are a Software /systems development and analysis in behavioral health sector business with [REDACTED] employees. You seek to employ the beneficiary as a Systems Analyst.

To process your petition and determine if you and the beneficiary are eligible, additional information is required. This request provides suggested evidence that you may submit to satisfy each eligibility criteria described below. You may:

- Submit one, some, or all of these items;
- Submit none of the suggested items and instead submit other evidence to satisfy the request;
- Explain how the evidence in the record already establishes eligibility; and/or
- Request a decision based on the record.

Note, however, that as the petitioner, you are responsible for providing evidence that demonstrates that you and the beneficiary meet all requirements. Evidence must show that all parties were eligible for the requested benefit when you filed the petition by a preponderance of the evidence.

Do not include with your response copies of documentation previously submitted.

If you are submitting evidence in response to this request, USCIS recommends that you submit:

- An index of the evidence and include corresponding tabs for each section of evidence.
- Clear and legible copies of the evidence. If legible copies are not possible, you may submit the original documents. Original documents, however, will be returned only if requested.

USCIS checks all petitions filed for this classification in its Validation Instrument for Business Enterprises (VIBE) system. VIBE uses commercially available data to validate basic information about organizations petitioning to employ foreign workers. For more information about this program, visit the USCIS website at [www.uscis.gov/VIBE](http://www.uscis.gov/VIBE).

### Specialty Occupation

You must establish that the beneficiary's proffered position is a specialty occupation. A specialty occupation is one that requires the theoretical and practical application of a body of highly specialized knowledge and that requires the attainment of a bachelor's degree or higher in a specific specialty, or

its equivalent, as a minimum for entry into the occupation in the United States.

To satisfy this requirement, you submitted:

- A company letter of support containing a description of the beneficiary's duties;
- A certified Labor Condition Application (LCA); and
- Information about your organization's products or services.

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

1. A 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 will discuss each of the qualifying criteria for specialty occupation below. With your response, identify which of the specialty occupation qualifying criteria you believe has been satisfied. If you believe the offered position satisfies multiple criteria, identify the evidence that you believe satisfies each criterion.

**1. Degree is Normally Minimum Requirement**

You may establish eligibility by showing that a bachelor's degree or higher in a specific specialty, or its equivalent, is normally the minimum requirement for entry into the particular position.

In your cover letter you indicate that you are eligible under this criterion. However, you have not submitted evidence to support this claim or to explain how you reached this conclusion.

As such, you have not sufficiently established that a bachelor's degree or higher in a specific specialty, or its equivalent, is normally the minimum requirement for entry into the particular position.

You may still submit evidence to establish eligibility under this criterion. Evidence may include, but is not limited to:

- Relevant documentation from an informative career resource, such as the Department of Labor's Occupational Outlook Handbook (OOH), which describes the duties, work environment, education, training, skills, and other qualification requirements for the occupation. Include a statement describing how the particular position relates to the occupation listed in the career guide and how the information in the career guide demonstrates that a bachelor's or higher degree in a specific specialty or its equivalent is normally the minimum requirement for the particular position.
- Any evidence you believe will establish that a bachelor's or higher degree or its equivalent is normally the minimum requirement for entry into the particular position.

**2.a. Degree Common to the Industry**

You may establish eligibility by showing that the degree requirement of a bachelor's degree or higher

You may still submit evidence to establish eligibility under this criterion. Evidence may include, but is not limited to:

- Job postings or advertisements showing a degree requirement of a bachelor's degree or higher in a specific specialty, or its equivalent, is common to the industry in parallel positions among similar organizations. Any job postings or advertisements should be supported by documentation of the following:
  - The date and source of the job posting or announcement;
  - A detailed description of the duties of the position and the educational, training, and experience requirements of the position;
  - The company or firm offering the position in these job postings or announcements is within your industry and is similar to your organization; and
  - The job postings or advertisements represent the industry standards for the position.
- Letters from an industry-related professional association indicating that similar organizations routinely employ and recruit only individuals with a bachelor's degree or higher in a specific specialty, or its equivalent for parallel positions.
- Copies of letters or affidavits from firms or individuals in the industry attesting that similar organizations routinely employ and recruit only individuals with a bachelor's degree or higher in a specific specialty, or its equivalent for parallel positions. Any letter or affidavit should be supported by documentation of the following:
  - The writer's qualifications as an expert;
  - How the writer's conclusions were reached; and
  - The basis for the writer's conclusions, supported by copies or citations of any materials used.

### **2.b. Position So Complex or Unique**

You may establish eligibility by showing that the particular position is so complex or unique that it can be performed only by an individual with a bachelor's degree or higher in a specific specialty, or its equivalent.

The evidence you submitted is insufficient to establish eligibility under this criterion. As evidence that the proffered position is so complex or unique that it can only be performed by an individual with a bachelor's or higher degree in a specific specialty, or its equivalent you submitted a description of the job duties for the beneficiary's proffered position. However, the job duties, as described:

[REDACTED] do not appear to be of such complexity or uniqueness as to require the attainment of a bachelor's degree or higher degree in a specific specialty, or its equivalent. The evidence of record does not establish that the proffered position is significantly different from other positions within the occupational category of Computer Systems Analysts.

You may still submit evidence to establish eligibility under this criterion. Evidence may include, but is not limited to:

- An organizational chart or diagram, showing your organizational structure and starting levels.
- Documentation that lists the educational, experience, training, and skills requirements of the

- Letters from an industry-related professional association indicating that the position is so complex or unique that it can be performed only by an individual with a bachelor's degree or higher in a specific specialty, or its equivalent.
- Copies of letters or affidavits from firms or individuals in the industry attesting that the position is so complex or unique that it can be performed only by an individual with a bachelor's degree or higher in a specific specialty, or its equivalent. Any letter or affidavit should be supported by documentation of the following:
  - The writer's qualifications as an expert;
  - The writer's knowledge of your business;
  - How the writer's conclusions were reached; and
  - The basis for the writer's conclusions, supported by copies or citations of any materials used.
- Copies of trade publications or other articles within your industry which demonstrate and highlight the specific complex or unique functions of the position, which can only be performed only by an individual with a bachelor's degree or higher in a specific specialty, or its equivalent.

### **3. Employer Normally Requires Degree or its Equivalent**

You may establish eligibility by showing that you normally require a bachelor's degree or higher in a specific specialty, or its equivalent, for the position.

The evidence you submitted is insufficient to establish eligibility under this criterion. In your letter in support of the petition, you indicate that the proffered position requires a Bachelor's Degree in Computer/Information Science, Information Management/Systems, or related field. However, aside from the statement in your support letter, you have provided no documentary evidence to support your claim that your company normally requires at least a bachelor's degree in a specific specialty, or equivalent as the minimum entry requirement.

You may still submit evidence to establish eligibility under this criterion. Evidence may include, but is not limited to:

- An organizational chart showing your hierarchy and staffing levels with corresponding educational and experience requirements for the positions. The educational requirements should include the field of study (e.g. computer science) in addition to the educational level (e.g. bachelor's degree).
- Copies of 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:
  - Documentation which lists the number of employees hired in the most recent two years for the position;
  - Copies of employment or pay records identifying past and present employees in this position;
  - Copies of degrees and/or transcripts to verify the level of education and field of study of each individual hired for this position in the last two years. Additionally, provide evidence to establish the duties that the individuals performed, such as official position descriptions, job offer letters, job postings, or performance reviews; and
  - An organizational chart or diagram, showing your organizational structure and staffing levels.
- Documentation that lists the educational, experience, training, and skills requirements of the

offered position, such as official position descriptions, job offer letters, or job postings.

#### **4. Nature of Specific Duties So Specialized and Complex**

You may establish eligibility by demonstrating that the nature of the specific duties of the offered position are so specialized and complex that the knowledge required to perform these duties is usually associated with the attainment of a bachelor's degree or higher in a specific specialty, or its equivalent.

The evidence you submitted is insufficient to establish eligibility under this criterion. The job duties, as described, do not appear to be of such specialization or complexity as to require at least the attainment of a bachelor's degree in a specific specialty, or its equivalent. You have not sufficiently detailed how the duties of the proffered position are more specialized and complex as compared to the duties normally associated with Computer Systems Analysts.

You may still submit evidence to establish eligibility under this criterion. Evidence may include, but is not limited to:

- An explanation of the specific duties, as they relate to your products and services, and how the nature of those duties of the offered position are so specialized and complex, that they are usually associated with the attainment of a bachelor's degree or higher in a specific field of study; provide an explanation of what differentiates your products and services from other employers in the same industry. Be specific and provide documentation to support any explanation of specialization and complexity.
- Copies of letters or affidavits from firms, individuals, professional associations, or customers attesting that the nature of your products and services are so specialized and complex that a bachelor's level of education, or higher, in a specific field of study is a prerequisite for entry into the offered position. Any letter or affidavit should be supported by documentation of the following:
  - The writer's qualifications as an expert;
  - How the writer's conclusions were reached; and
  - The basis for the writer's conclusions, supported by copies or citations of any materials used.
- Copies of trade publications or other articles about your company that highlights the nature of your products and services and demonstrates that the specific duties of the offered position are so specialized and complex that a bachelor's level of education, or higher, in a specific field of study is a prerequisite for entry into the position.

PLEASE RETURN THE REQUESTED INFORMATION AND ALL SUPPORTING DOCUMENTS  
WITH THIS ORIGINAL REQUEST ON TOP TO:

U.S. CITIZENSHIP AND IMMIGRATION SERVICES  
75 LOWER WELDEN ST  
ST ALBANS VT 05479