

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 provided a labor condition application (LCA) for the position of XXX[POSITION]XXX. The *OOH* states the following regarding the training and educational requirements for a XXX[POSITION]XXX:

XXX[INCLUDE RELEVANT INFORMATION]XXX

Accordingly, a range of educational credentials, including those less than a bachelor's degree in a specific specialty would qualify an individual to perform the duties of a XXX[POSITION]XXX. On your LCA, you have designated the proffered position as a Level I wage (the lowest of four assignable wage levels). The "Prevailing Wage Determination Policy Guidance" issued by the Department of Labor provides a description of the wage levels. A Level I wage is defined as:

Level I (entry) wage rates are assigned to job offers for beginning level employees who have only a basic understanding of the occupation. These employees perform routine tasks that require limited, if any, exercise of judgment. The tasks provide experience and familiarization with the employer's methods, practices, and programs. The employees may perform higher level work for training and developmental purposes. These employees work under close supervision and receive specific instructions on required tasks and results expected. Their work is closely monitored and reviewed for accuracy. Statements that the job offer is for a research fellow, a worker in training, or an internship are indicators that a Level I wage should be considered.

In designating the proffered position at a Level I wage, you have indicated that the proffered position is a comparatively low, entry-level position relative to others within the occupation. Given the *OOH's* guidance that positions located within this occupational category do not require a bachelor's degree in a specific specialty, it does not appear that an entry-level position would have such a requirement.

XXX[INCLUDE ONLY IF RELEVANT/EDIT AS NECESSARY]XXX

The duties that you have described for the beneficiary align with those of any XXX[POSITION]XXX. Because you have classified the proffered position as being at a Level I wage, this would indicate that this position is not so complex or unique that it can be performed only by an individual with a bachelor's degree in a specific specialty. See 8 CFR 214.2(h)(4)(iii)(A)(2). Similarly, this would indicate that the specific duties are not so specialized and complex that knowledge required to perform the duties is usually associated with the attainment of a baccalaureate or higher degree. See 8 CFR 214.2(h)(4)(iii)(A)(4).

On [[[LETTER_CASE_RECEIPT_DT]]], you filed a Petition for a Nonimmigrant Worker (Form I-129) with U.S. Citizenship and Immigration Services (USCIS) to classify the beneficiary under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (Act).

Section 101(a)(15)(H)(i)(b) of the Act defines such a beneficiary as an alien:

...who is coming temporarily to the United States to perform services...in a specialty occupation described in section 214(i)(1)..., who meets the requirements for the occupation specified in section 214(i)(2)..., and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that the intending employer has filed with the Secretary an application under 212(n)(1).

Furthermore, section 212(n)(1) of the Act states:

No alien may be admitted or provided status as an H-1B nonimmigrant in an occupational classification unless the employer has filed with the Secretary of Labor an application stating the following:

(A) The employer-

(i) is offering and will offer during the period of authorized employment to aliens admitted or provided status as an H-1B nonimmigrant wages that are at least-

(I) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question, or

(II) the prevailing wage level for the occupational classification in the area of employment, whichever is greater, based on the best information available as of the time of filing the application...

Title 8 Code of Federal Regulations (8 CFR), section 214.2(h)(4)(i) states in part:

(B) General requirements for petitions involving a specialty occupation.

(1) Before filing a petition for H-1B classification in a specialty occupation, the petitioner shall obtain a certification from the Department of Labor that it has filed a labor condition application in the occupational specialty in which the alien(s) will be employed.

Title 20 Code of Federal Regulations (20 CFR), section 655.705(b) states in pertinent part:

...DHS accepts the employer's petition (DHS Form I-129) with the DOL-certified LCA attached. In doing so, the DHS determines whether the petition is supported by an LCA which corresponds with the petition, whether the occupation named in the labor condition application is a specialty occupation or whether the individual is a fashion model of

distinguished merit and ability, and whether the qualifications of the nonimmigrant meet the statutory requirements for H-1B visa classification.

XXXUSE IF A NEW LCA CERTIFIED AFTER FILING IS SUBMITTED: Finally, 8 CFR section 103.2 states in part:

(b) Evidence and Processing.

(1) Demonstrating eligibility at time of filing. An applicant or petitioner must establish that he or she is eligible for the requested benefit at the time of filing the benefit request and must continue to be eligible through adjudication. Each benefit request must be properly completed and filed with all initial evidence required by applicable regulations and other USCIS instructions...

...

(12) Effect where evidence submitted in response to a request does not establish eligibility at the time of filing. A benefit request shall be denied where evidence submitted in response to a request for evidence does not establish filing eligibility at the time the benefit request was filed...XXX

The LCA submitted with your response was certified after the date of filing your petition, this LCA does not establish eligibility at the time filing as required by 8 CFR section 103.2(b)(12).

Your **XXXINDICATE TYPE OFXXX** business seeks to employ the beneficiary as a **XXXJOB/POSITIONXXX** at an annual salary of **\$XXXAMOUNTXXX**. Based on information provided, your business was established in **XXXYEARXXX** and currently employs **XXXNUMBERXXX** workers. Included in your initial filing is an ETA 9035 Labor Condition Application (LCA) certified by the Department of Labor (DOL) for the position of **XXXJOB/POSITIONXXX** under the **XXXOCCUPATIONAL CLASSIFICATIONXXX** occupational classification and with a Level I wage designation for **XXXLIST LOCATION(S)-CITY, STATE.XXX**

At issue is whether the petition is supported by an LCA which corresponds with the proffered position and, therefore, that the LCA is certified for the specialty occupation in which the beneficiary will be employed. USCIS does not use a position title alone in determining whether the position and its associated wage level as certified on the LCA relates to the proffered position; the agency reviews the educational and experience requirements, individual job duties and specific function, and supervisory duties, if any, of the proffered position. With the initial filing, you submitted the following description of duties for the proffered position: **XXXLIST DUTIES PROVIDED WITH INITIAL FILINGXXX**

On your LCA, you have designated the proffered position as Wage Level I (the lowest of four assignable wage levels). The DOL's Employment and Training Administration Prevailing Wage Determination Policy Guidance Nonagricultural Immigration Programs, Rev. November, 2009 (DOL Policy Guidance) provides a description of the Wage Levels. Wage Level I is defined as:

Level I (entry) wage rates are assigned to job offers for beginning level employees who have only a basic understanding of the occupation. These employees perform routine tasks that require limited, if any, exercise of judgment. The tasks provide experience and familiarization with the employer's methods, practices, and programs. The employees may perform higher level work for training and developmental purposes. These employees work under close supervision and receive specific instructions on required tasks and results expected. Their work is closely monitored and reviewed for accuracy. Statements that the job offer is for a research fellow, a worker in training, or an internship are indicators that a Level I wage should be considered.

On **XXXDATE OF RFE** USCIS informed you in a Request for Evidence (RFE) that the initial evidence did not establish that your petition was supported by an LCA which corresponded with the proffered position described in the petition **XXXUSE IF SPECIALTY OCCUPATION WAS ALSO QUESTIONED:** or that the proffered position qualified as a specialty occupation. **XXX** You were requested to submit evidence to demonstrate that the LCA you have provided, with a Wage Level I designation, corresponds to the proffered position **XXXUSE IF SPECIALTY OCCUPATION WAS ALSO QUESTIONED:** and that the proffered position qualifies as a specialty occupation. **XXX**

On **XXXDATE OF RESPONSE**, USCIS received your response, which included:
XXXLIST EVIDENCE RECEIVED

Your response is insufficient to establish that your petition is supported by a certified LCA that corresponds with the proffered position described in the petition.

As indicated in *Matter of Simeio Solutions, LLC*, 26 I&N Dec. 542 (AAO 2015), USCIS must determine whether the attestations and content of the LCA correspond to and support the H-1B visa petition. Accordingly, USCIS reviews the LCA to ensure that the wage level designated by the petitioner corresponds to the proffered position.

XXXIF THE PETITIONER HAS PROVIDED THE OES WORKSHEET IN RESPONSE, USE AND MODIFY AS NEEDED: In your response, you have provided a copy of a "Worksheet for Use in Determining OES Wage Level" (OES worksheet) relating to the proffered position. On the OES worksheet you have indicated a Wage Level Result of "0" for Experience, Education, Special Skills and Other Requirements, and Supervisory duties and, as such, you determined that the proffered position is a Wage Level I position.

The DOL Policy Guidance provides several guides that can be used for reference during the process of determining the appropriate Wage Level. The OES worksheet you provided is listed as one of these reference documents as "...an example of a worksheet that [the National Prevailing Wage and Helpdesk Center] might use for determining the appropriate wage level." **XXXINCLUDE AND MODIFY AS NEEDED IF THE PETITIONER PROVIDED OR REFERENCED QUINTANILLA V. MYRIAD:** It is noted that you have provided a copy of the DOL decision, *Vicente Carlos Quintanilla v. Myriad RBM, Inc. D/B/A Rules Based Medicine*, ALJ Case No. 2014-LCA-11 (Feb. 10, 2015), in which a DOL Administrative Law Judge (ALJ) discusses the employer's use of the worksheet in making a Wage Level

determination. The ALJ's determination in *Quintanilla* was in the context of a complaint filed for back pay, which is a different context than the instant petition which pertains to USCIS's determination whether the LCA properly corresponds to and supports the H-1B visa petition. Furthermore, USCIS is not bound by the ALJ's determination in *Quintanilla*. XXX

XXXPROVIDE AN ANALYSIS OF THE PETITIONER'S ANSWERS ON STEPS 2-5 OF THE OES WORKSHEET AND ANY EVIDENCE SUBMITTED IN SUPPORT OF THEIR CLAIMS. ADDRESS ANY INCONSISTENCIES IN THE PETITIONER'S REQUIREMENTS LISTED ON THE OES WORKSHEET AND THE EVIDENCE OF RECORD, SUCH AS PETITIONER'S SUPPORT LETTER, LIST OF JOB DUTIES, JOB OFFER LETTER, ETC.XXX

As the Wage Level should be commensurate with the complexity of tasks to be performed in the proffered position, it does not appear that Wage Level I is the appropriate level for the proffered position. According to Appendix A of the DOL Guidance, page 5:

“The [OES worksheet] process described above should not be implemented in an automated fashion...The wage level should be commensurate with the complexity of tasks, independent judgment required, and amount of close supervision received as described in the employer's job opportunity.”

Consequently, while USCIS gives appropriate consideration to the OES worksheet submitted and the arguments set forth, the agency will consider the totality of the evidence in the record in assessing whether the LCA in the record corresponds to the proffered position.XXX

XXXUSE AND MODIFY IF RELEVANT TO THE INSTANT PETITION AND IF THE DISCUSSION ABOVE CONCERNING THE OES WORKSHEET WAS NOT USED: The DOL's Policy Guidance provides several guides, such as the Wage Level definitions and an advisory worksheet, that can be used for reference during the process of determining the appropriate wage level. As such, the Wage Level definitions are relevant to a Wage Level determination, and should be considered along with the totality of the evidence in the record in making a Wage Level determination. According to Appendix A of the DOL Guidance, page 5:

“The wage level should be commensurate with the complexity of tasks, independent judgment required, and amount of close supervision received as described in the employer's job opportunity.”XXX

Considering the DOL definition of a Wage Level I position and the totality of the evidence in the record, it does not appear that the proffered position comports with the DOL's description of a Level I position. A detailed analysis of the evidence provided in relation to that definition follows.

Level I (entry) wage rates are assigned to job offers for beginning level employees who have only a basic understanding of the occupation.

XXXPROVIDE AN ANALYSIS OF THE COMPLEX TASKS THAT APPEAR TO GO BEYOND A BASIC UNDERSTANDING OF THE OCCUPATION AND/OR DO NOT APPEAR APPROPRIATE FOR A BEGINNING LEVEL EMPLOYEE. DO NOT ADDRESS THE BENEFICIARY’S EXPERIENCE AS A DETERMINING FACTOR FOR “ENTRY-LEVEL.”XXX

These employees perform routine tasks that require limited, if any, exercise of judgment.

XXXPROVIDE AN ANALYSIS OF THE ADVANCED TASKS THAT REQUIRE MORE THAN A LIMITED EXERCISE OF JUDGMENTXXX

The tasks provide experience and familiarization with the employer’s methods, practices, and programs.

XXXMODIFY AND USE AS NEEDED:You have made no claim and provided no evidence to establish that duties of the proffered position will be principally performed to gain experience and familiarization with your methods, practices, and programs.XXX

The employees may perform higher level work for training and developmental purposes.

XXXMODIFY AND USE AS NEEDED:You have provided no evidence to establish that the complex duties or higher level of work discussed above will be performed for training and developmental purposes. The record establishes that the complex duties and higher level of work will be performed as part of the normal day-to-day work activities of the proffered position.XXX

These employees work under close supervision and receive specific instructions on required tasks and results expected. Their work is closely monitored and reviewed for accuracy.

XXXPROVIDE AN ANALYSIS OF THE SUPERVISION AND WHETHER IT DEMONSTRATES THAT THE BENEFICIARY’S WORK IS CLOSELY MONITORED AND REVIEWED FOR ACCURACY AND WHETHER THE BENEFICIARY IS RECEIVING SPECIFIC INSTRUCTIONS ON REQUIRED TASKS AND RESULTS. ADDRESS THE SUPERVISION FOR AN OFF-SITE ASSIGNMENT (IF RELEVANT)XXX

XXXADD DISCUSSION IF THE PETITIONER SUBMITTED AN LCA WHICH WAS CERTIFIED AFTER THE TIME OF FILINGXXX

In support of your petition, you submitted a certified LCA for the position of XXXJOB/POSITIONXXX at a Wage Level I. As discussed above, you have not established that the proffered position is an entry-level position within the occupational category of XXXJOB/POSITIONXXX, nor have you established that the proffered position comports to the DOL’s definition of Wage Level I. The proffered position appears to encompass complex tasks and require skills, knowledge, and independent judgment beyond that typically associated with an entry-level XXXJOB/POSITIONXXX.

The record does not establish that the petition is supported by an LCA which corresponds with the proffered position described in the petition as required by 20 CFR 655.705(b) and *Matter of Simeio Solutions*. Accordingly, you have not provided an LCA which is certified for the specialty occupation in which the beneficiary will be employed, as required by 8 CFR section 214.2(h)(4)(i). **XXXUSE IF A NEW LCA CERTIFIED AFTER FILING IS SUBMITTED:** Furthermore, as discussed above, the LCA submitted with your response was certified after the date of filing your petition. Therefore this LCA does not establish eligibility at the time filing as required by 8 CFR section 103.2(b)(12).XXX Therefore, your petition is denied.

XXX[INSERT AS SNIPPET INTO 2120]XXX

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 provided a labor condition application (LCA) for the position of XXX[POSITION]XXX. The *OOH* states the following regarding the training and educational requirements for a XXX[POSITION]XXX:

XXX[INCLUDE RELEVANT INFORMATION]XXX

Accordingly, a range of educational credentials, including those less than a bachelor's degree in a specific specialty may qualify an individual to perform the duties of a XXX[POSITION]XXX. On your LCA, you have designated the proffered position as a Level I wage (the lowest of four assignable wage levels). The "Prevailing Wage Determination Policy Guidance" issued by the Department of Labor provides a description of the wage levels. A Level I wage is defined as:

Level I (entry) wage rates are assigned to job offers for beginning level employees who have only a basic understanding of the occupation. These employees perform routine tasks that require limited, if any, exercise of judgment. The tasks provide experience and familiarization with the employer's methods, practices, and programs. The employees may perform higher level work for training and developmental purposes. These employees work under close supervision and receive specific instructions on required tasks and results expected. Their work is closely monitored and reviewed for accuracy. Statements that the job offer is for a research fellow, a worker in training, or an internship are indicators that a Level I wage should be considered.

By designating the proffered position at a Level I wage, you indicate that the proffered position is an entry-level position of a comparatively low level relative to other positions within the occupation. Given the *OOH*'s guidance that some positions within this occupational category do not normally require a bachelor's or higher degree in a specific specialty as a minimum requirement, it does not appear that an entry-level position would have such a requirement.

XXX[INCLUDE ONLY IF RELEVANT/EDIT AS NECESSARY]XXX

The duties that you have described for the beneficiary align with those of any XXX[POSITION]XXX. Because you have classified the proffered position as being at a Level I wage, this would indicate that this position is not so complex or unique that it can be performed only by an individual with a bachelor's degree in a specific specialty. Similarly, this would indicate that the specific duties are not so specialized and complex that knowledge required to perform the duties is usually associated with the attainment of a baccalaureate or higher degree.

Labor Condition Application

You must establish that your petition is supported by an LCA which corresponds with the proffered position described in the petition.

XXX[You did not submit any evidence for this requirement.]XXX

XXX[OR]XXX

XXX[To satisfy this requirement, you submitted:]XXX

- XXX

The evidence you submitted is insufficient to satisfy this requirement.

As discussed above, you have not demonstrated that the proffered position is a specialty occupation. However, if it is your claim that the proffered position is not entry level, but is instead a more advanced or complex position, which normally requires the attainment of a bachelor's degree or higher in a specific specialty as a minimum requirement, you must submit evidence to demonstrate that LCA you have provided, with a Level I wage designation, corresponds to the proffered position.

You may submit additional evidence to satisfy this requirement. Evidence may include, but is not limited to, a combination of the following or similar types of evidence:

XXX[DELETE ITEMS THAT WERE ALREADY PROVIDED OR NOT APPLICABLE]XXX

- A letter explaining how the Level I wage designation LCA that you have provided corresponds to the proffered position.
- Documentation to support that the Level I wage designation on the LCA corresponds to the proffered position.
- A new LCA, with a different wage designation and/or SOC code and title. If you submit a new LCA, you must provide an explanation for the change. Note that eligibility for H-1B employment must be established as of the date of filing the I-129 petition. Therefore, the LCA must have been certified **prior to** the date of filing the I-129 petition.

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.

XXX[INSERT SPECIALTY OCC SNIPPET]XXX

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.

In addition to proving that the proffered position qualifies as a specialty occupation, you must establish that your petition is supported by a Form ETA 9035(E) Labor Condition Application (LCA) which corresponds with the proffered position described in the petition.

XXX[INSERT LCA SNIPPET]XXX

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.

XXX[INSERT SPECIALTY OCC SNIPPET]XXX

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;
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- 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;
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 - press releases;
 - patents; or
 - articles
- Any evidence you believe will establish that the position qualifies as a specialty occupation.

In addition to proving that the proffered position qualifies as a specialty occupation, you must establish that your petition is supported by a Form ETA 9035(E) Labor Condition Application (LCA) which corresponds with the proffered position described in the petition.

XXX[INSERT LCA SNIPPET]XXX