U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF G-&D-M-S-A-, INC.

DATE: APR. 25, 2019

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, a mobile security technology company, seeks to temporarily employ the Beneficiary as a technical project manager and amend his status under the L-1B nonimmigrant classification for intracompany transferees.[1] Immigration and Nationality Act (the Act) § 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The L-1B classification allows a corporation or other legal entity (including its affiliate or subsidiary) to transfer a qualifying foreign employee with "specialized knowledge" to work temporarily in the United States.

The Director of the Texas Service Center denied the petition, concluding that the Petitioner did not establish, as required, that the Beneficiary possesses specialized knowledge, that he was employed abroad in a capacity that was managerial, executive, or involved specialized knowledge, and that he would be employed in a specialized knowledge capacity in the United States.

On appeal, the Petitioner contends that the Director overlooked key evidence and that the denial decision was factually flawed, improperly reasoned, and did not apply the preponderance of the evidence standard to the case. The Petitioner further asserts that the Director erred by not acknowledging a recent decision issued by our office in which we determined that the Beneficiary met all eligibility requirements for L-1B classification.[2]

Upon *de novo* review, we will sustain the appeal.

A beneficiary is considered to be serving in a capacity involving specialized knowledge with respect to a company if the beneficiary has special knowledge of the company product and its application in international markets or has an advanced level of knowledge of processes and procedures of the company. Section 214(c)(2)(B) of the Act, 8 U.S.C. § 1184(c)(2)(B).

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[1] The Beneficiary was granted an L-1 visa under a blanket L petition and entered the United States to work for the mobile security division of the Petitioner's U.S. parent company in 2015. The Petitioner, formerly the mobile security division of its parent, was incorporated as a stand-alone company in 2016 and obtained approval of its own blanket L petition. As the Beneficiary was last admitted to the United States under the parent company's blanket L petition, the Petitioner filed this petition to amend his status and to reflect the Petitioner as his U.S. employer. The Petitioner indicates that there have been no changes to his job duties since his initial entry to the United States.

[2] In April 2018, we sustained an appeal of a Vermont Service Center decision denying a previous L-1B petition filed by the Petitioner on behalf of the same Beneficiary for the same U.S. position.

The Beneficiary in this matter has more than 14 years of progressive experience with the Petitioner's international group of companies, including five years as a research & development engineer and five years as a senior customer product manager and technical product manager. The Petitioner has submitted detailed, consistent, and credible descriptions of his current and prior assignments which show how he gained advanced knowledge of the processes and procedures needed to assimilate and integrate the Petitioner's proprietary mobile security technology with its clients' platforms and protocols. The Petitioner has also explained and documented the Beneficiary's special assignments, which include developing and delivering training in his areas of expertise.

The Petitioner has established that the Beneficiary has expertise in the organization's processes and procedures that is greatly developed or further along in progress, complexity, and understanding in comparison to other workers in the Petitioner's operations. Further, the record sufficiently demonstrates that both his prior position abroad and his U.S. position require this advanced knowledge.

The Petitioner has demonstrated by a preponderance of the evidence that the Beneficiary possesses specialized knowledge, and that he was employed abroad, and will continue to be employed in the United States, in a capacity that requires specialized knowledge.

ORDER: The appeal is sustained.

Cite as *Matter of G-&D-M-S-A-, Inc.*, ID# 3324289 (AAO Apr. 25, 2019)