U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 29549751

Date: JAN. 19, 2024

Appeal of Texas Service Center Decision

Form I-129, Petition for a Nonimmigrant Worker (L-1B Specialized Knowledge Worker)

The Petitioner is an express delivery service that seeks to temporarily employ the Beneficiary as a "marketing tech advisor" under the L-1B nonimmigrant classification for intracompany transferees. 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.

Under the statute, a beneficiary is considered to have specialized knowledge if he or she has: (1) a "special" knowledge of the company product and its application in international markets; or (2) an "advanced" level of knowledge of the processes and procedures of the company. Section 214(c)(2)(B) of the Act, 8 U.S.C. § 1184(c)(2)(B).

The Director of the Texas Service Center denied the petition, concluding that the record did not establish that the Beneficiary possesses specialized knowledge or that he has been employed abroad and will be employed in the United States in a specialized knowledge capacity.

On appeal, the Petitioner contends that the Director misapplied the law and USCIS policy, did not apply the preponderance of the evidence standard, and failed to consider probative evidence concerning the Beneficiary specialized knowledge in the organization's market assessments and competitive intelligence tools.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will sustain the appeal.

The record shows that the Beneficiary has more than ten years of progressive experience with the Petitioner's foreign affiliate, which has included various roles of increased complexity in the Latin American and Caribbean ("LAC") division. In the course of his employment abroad the Beneficiary has made key contributions to the organization, most nobly by designing, developing, and implementing proprietary market intelligence tools and dashboards, thereby enhancing the foreign entity's ability to analyze data and gain valuable business insights into the LAC market. The Petitioner

has provided evidence describing and documenting these contributions and comparing the Beneficiary's knowledge to that of others within the organization. In a multiple supporting statements and on appeal the Petitioner has discussed the increased revenues that resulted from the Beneficiary's market analysis and strategic recommendations, highlighting the impact of the market intelligence tools the Beneficiary designed, developed, and implemented and which he would introduce to the Petitioner's U.S. employees, whom he would train in use of such tools in the course of his proposed U.S. employment.

In addition, the Petitioner has documented the Beneficiary's certification as a Quality Driven Management (QDM) expert, a proprietary methodology that took the Beneficiary four years to acquire, involved his successful completion of 47 courses, and is an uncommon credential possessed by only .3% of the Petitioner's global workforce. The Petitioner further pointed out that the Beneficiary is the only QDM expert in the strategic marketing, planning, and analysis team.

On appeal, the Petitioner contends that the Director disregarded a previously submitted chart that compares the Beneficiary's knowledge to that of others within the organization, showing that his knowledge is not commonly held and is therefore specialized.

In sum, the Petitioner has submitted detailed, consistent, and credible statements discussing the Beneficiary's progressive experience and employment within the organization and explaining how his knowledge is specialized. The Petitioner has also explained how the Beneficiary gained specialized knowledge of the organization's operations within the LAC region, which resulted in the Beneficiary's development of proprietary market intelligence and data analysis tools that were listed and discussed in the RFE response. Further, the Petitioner also explained the need for the Beneficiary's services in the United States, given its need to familiarize and train its employees in the use of the proprietary tools that the Beneficiary designed, developed, and implemented in the course of his employment with the organization.

Accordingly, the Petitioner has established by a preponderance of the evidence that the Beneficiary possesses specialized knowledge, that he has been employed abroad in a position involving specialized knowledge, and that he will be employed in a specialized knowledge capacity in the United States.

ORDER: The appeal is sustained.