U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF H-N-A-T-, LLC

DATE: JAN. 29, 2019

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner seeks to continue the Beneficiary's temporary employment under the L-1B nonimmigrant classification for intracompany transferees. Immigration and Nationality Act (the Act) section 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 Vermont Service Center denied the petition, concluding that the record did not establish, as required, that the Beneficiary: possesses specialized knowledge; was employed abroad as a manager, executive, or in a position involving specialized knowledge; and will be employed in the United States, in a specialized knowledge capacity.

On appeal, the Petitioner submits additional evidence and asserts that the Beneficiary possesses both special and advanced knowledge of the company's products, techniques, and processes based on his formal training and experience with its Chinese parent company.

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

We find that the Petitioner established by a preponderance of the evidence that the Beneficiary possesses advanced knowledge of the company's techniques, processes, and procedures. The Petitioner met its burden to establish that this knowledge is not commonly found in the industry, not easily transferred from one person to another, and is greatly developed or complex compared to the knowledge held by similarly employed persons within the petitioning group's operations. Further, the record establishes that the offered U.S. position, and the Beneficiary's last position with the Petitioner's foreign parent, require him to perform duties that require the application of this advanced knowledge.

ORDER: The appeal is sustained.

Cite as *Matter of H-N-A-T- LLC*, ID# 1893470 (AAO Jan. 29, 2019)