U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF I-G- INC.

DATE: JAN. 29, 2019

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a provider of custom software and web development services, seeks to temporarily employ the Beneficiary as a software engineer 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, that he has been employed abroad in a position involving specialized knowledge, and that he will be employed in the United States in a specialized knowledge capacity.

On appeal, the Petitioner contends that the Director's decision fails to address the Petitioner's primary claims regarding the Beneficiary's specialized knowledge and did not give proper weight to the supporting evidence.

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

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 record shows that the Beneficiary has more than six years of progressive experience with the Petitioner's foreign parent, which has included more than three years assigned to an internal software development project. While assigned to the project, the Beneficiary made key contributions to a significant re-design of the Petitioner's [redacted] solution, a proprietary system that automates the company's internal development processes and operations and allows it to seamless integrate with clients' systems during development projects. The Petitioner indicates that it requires his services in the United States to further develop [redacted] integration capabilities based on U.S. client requirements and specifications.

The Petitioner acknowledges that all of its technical personnel have user level access and familiarity with [redacted] as it is used company-wide. However, the Petitioner sufficiently demonstrated that the Beneficiary, based on his training, progressive experience, and unique work assignments, is one of few employees who possesses developer-level knowledge of the redesigned proprietary system and advanced knowledge of internal and company-specific processes and procedures that are automated in the system and critical to its continued development.

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.

Cite as *Matter of I-G-, Inc.*, ID# 2000593 (AAO Jan. 29, 2019)