U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF P-C-, INC.

DATE: JUNE 26, 2018

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, an IT company that provides "high accuracy disambiguation, profiling, and recommendation" software applications to publishers and researchers, seeks to temporarily employ the Beneficiary as its "Lead Software Deployment and Maintenance Engineer" under the L-1B nonimmigrant classification for intracompany transferees. *See* 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 California Service Center denied the petition, concluding that the record did not establish, as required, that the Beneficiary: (1) possesses specialized knowledge; (2) has been employed abroad as a manager or executive, or in a specialized knowledge capacity; and (3) will be employed in the United States in a specialized knowledge capacity.

On appeal, the Petitioner fully explains the complexities associated with the type of software it offers to its clients, pointing to its two patents relating to its proprietary software – The Petitioner describes in greater detail the nature of the Beneficiary's specialized knowledge, pointing out that the Beneficiary was initially hired as a "Trainee Software Engineer" in 2007 and was ultimately promoted to his current position in 2015, after working with the foreign entity for over seven years and building his knowledge of its proprietary software to a level that is matched only by the employer's CEO. The Petitioner states that it would take least eight years of training and experience with its proprietary software and its application within systems in order to attain the Beneficiary's level of knowledge. The Petitioner also notes that the Beneficiary's knowledge of its proprietary software is critical for its continued business with – a key client that comprised 70% of the foreign entity's revenue for the prior fiscal year – and points to the Beneficiary's role as a key contributor to development of "the new generation" of the software and its deployment at

The Petitioner also provides charts that compare the Beneficiary's level of knowledge and salary to that of the software engineers within his division; both charts indicate that the Beneficiary's level of knowledge and salary surpass those of his co-workers. Although the knowledge comparison chart indicates that other software engineers within the company assist the Beneficiary with various components of his job, none has the comprehensive understanding of the Petitioner's proprietary

software and its application within [redacted]s environment that is possessed by the Beneficiary. In sum, we find that the record of proceeding, as supplemented by the Petitioner's submission on appeal, establishes that the Beneficiary possesses specialized knowledge. Further, because we find that the Beneficiary will apply his specialized knowledge of his employer's proprietary software at the client's work site, his proposed position meets the requirements of the Visa Reform Act. Accordingly, upon *de novo* review, we will sustain the appeal.

ORDER: The appeal is sustained.

Cite as *Matter of P-C-, Inc.*, ID# 1386599 (AAO June 26, 2018)