U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF V-T-S-, INC.

DATE: MAY 23, 2018

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a provider of managed network services, seeks to temporarily employ the Beneficiary as its "Senior Cloud Security Architect" 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 California 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 Director found that the Petitioner did not establish that the Beneficiary possesses knowledge in the software development field that is significantly different from that possessed by others in the industry. We disagree with this conclusion. The record shows that the Beneficiary has years of progressive experience with the Petitioner's foreign subsidiary, including three years of experience as a senior security architect, where he has contributed to the development of a global platform recently launched by its parent company. The evidence in the record is sufficient to establish that the Beneficiary's senior technical role, in which he reports to the U.S.-based chief technology officer and works on a small international team of engineers, requires him to have a special knowledge of the company's proprietary technologies and advanced knowledge of internal

and company-specific processes and procedures that are key to further development of the company's proprietary [redacted] platform and service portfolio.

Further, the Petitioner sufficiently differentiated the advanced knowledge required for the Beneficiary's senior architect role from the more elementary knowledge possessed by other software professionals within the company and within the industry at large. The Petitioner has established by a preponderance of the evidence that the Beneficiary was 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 V-T-S-, Inc.*, ID# 1280415 (AAO May 23, 2018)