U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF V-S-, INC.

DATE: NOV. 21, 2018

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a provider of data security software, seeks to temporarily employ the Beneficiary as a senior 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 California Service denied the petition, concluding that the record did not establish, as required, that the Beneficiary possesses specialized knowledge. On appeal, the Petitioner submits additional evidence that the Beneficiary's has developed proprietary technology for the company and that his knowledge is far above those similarly placed in his industry.

Upon *de novo* review, we conclude that the record now contains sufficient evidence to overcome the sole basis for denial. The submitted evidence reflects that the Beneficiary more likely than not holds specialized knowledge of the company's proprietary security applications.

Determinations concerning "advanced knowledge" require review of a beneficiary's knowledge of the petitioning organization's processes and procedures. A petitioner may meet its burden through evidence that a given beneficiary has knowledge of or expertise in the organization's processes and procedures that is greatly developed or further along in progress, complexity, and understanding in comparison to other workers in the employer's operations. Such advanced knowledge must be supported by evidence setting that knowledge apart from the elementary or basic knowledge possessed by others. Also, the petitioner ordinarily must demonstrate that a beneficiary's knowledge is not commonly held throughout the particular industry and cannot be easily imparted from one person to another.

The Petitioner has provided detailed, consistent, and credible claims regarding the Beneficiary's knowledge of the company's proprietary software security application. The Petitioner provided several detailed duty descriptions and explanations of his knowledge and documentation substantiating that he has created several software upgrades and fixes for the company's proprietary security technology which are used widely by the company's other technical experts. Further, the submitted evidence credibly establishes that the Beneficiary was involved with the development of the company's proprietary technology and submitted evidence that this application is unique within

the industry and that he is one of only three developers within the company holding his level of knowledge.

In sum, we conclude that the Petitioner has submitted sufficient evidence to substantiate that the Beneficiary's knowledge is, more likely than not, advanced compared to his colleagues within the company. Further, the Petitioner has demonstrated that based on the complexity of the company's business model, the tools, systems, and processes are highly tailored to the petitioning organization and require knowledge that would not be generally found in the industry or readily acquired through training. The totality of the evidence establishes that the Beneficiary possesses specialized knowledge.

ORDER: The appeal is sustained.

Cite as *Matter of V-S-, Inc.*, ID# 1841593 (AAO Nov. 21, 2018)