U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF Q- INC.

DATE: OCT. 3, 2018

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a software-as-a-service provider, 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 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 asserts that the Director erred by making unwarranted conclusions.

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

In its appeal, the Petitioner demonstrates that it had submitted information which the Director had found was absent from the record, such as a comparison of the Beneficiary's qualifications to those of other employees at the company. The Petitioner has shown that the Beneficiary's experience is infrequently encountered and also critical to the products that the Beneficiary is helping to develop, implement, and improve. The Petitioner cited the Beneficiary's multifaceted expertise and wide-ranging knowledge of one of the company's flagship products.

The Petitioner has provided detailed, consistent, and credible explanations of the Beneficiary's duties, the company's products, and the nature of the Beneficiary's specialized knowledge. In sum, we find that the record of proceedings, as supplemented by the Petitioner's submission on appeal, establishes that the Beneficiary possesses specialized knowledge, and that his work abroad and his intended employment in the United States involve that knowledge.

ORDER: The appeal is sustained.

Cite as *Matter of Q- Inc.*, ID# 1691198 (AAO Oct. 3, 2018)