U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF 3-, INC.

DATE: OCT. 19, 2017

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a developer of online software learning solutions, seeks to temporarily employ the Beneficiary as a "Financial Analyst II" 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 Vermont Service Center denied the petition, concluding that the record did not establish, as required, that the Beneficiary has specialized knowledge, that he been employed abroad in a position involving specialized knowledge or that he would be employed in a specialized knowledge capacity in the United States.

On appeal, the Petitioner submits supplementary evidence and asserts that the Director failed to review the totality of the evidence and adjudicate according to the preponderance of the evidence standard. The Petitioner asserts that the Beneficiary holds advanced knowledge of the company's internal processes, procedures, and proprietary products required to perform the duties of the offered position.

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

I. LEGAL FRAMEWORK

To establish eligibility for the L-1B nonimmigrant visa classification, a qualifying organization must have employed the beneficiary "in a capacity that is managerial, executive, or involves specialized knowledge," for one continuous year within three years preceding the beneficiary's application for admission into the United States. Section 101(a)(15)(L) of the Act. In addition, the beneficiary must seek to enter the United States temporarily to continue rendering his or her services to the same employer or a subsidiary or affiliate thereof in a specialized knowledge capacity. *Id.*

The relevant statutory definition states that a beneficiary is considered to be serving in a capacity involving specialized knowledge with respect to a company if the beneficiary has a special knowledge of the company product and its application in international markets or has an advanced level of

knowledge of processes and procedures of the company. Section 214(c)(2)(B) of the Act, 8 U.S.C. § 1184(c)(2)(B).

Specialized knowledge is also defined as knowledge possessed by an individual of the petitioning organization's product, service, research, equipment, techniques, management, or other interests and its application in international markets, or an advanced level of knowledge or expertise in the organization's processes and procedures. 8 C.F.R. § 214.2(l)(1)(ii)(D).

An individual L-1B classification petition must be accompanied by evidence that: (1) the petitioner and the foreign employer of the beneficiary are qualifying organizations; (2) the beneficiary has been employed abroad in a position that was managerial, executive, or involved specialized knowledge for at least one continuous year in the three years preceding the filing of the petition; (3) the beneficiary is coming to work in the United States in a specialized knowledge capacity for the same employer or a subsidiary or affiliate of the foreign employer; and (4) the beneficiary's prior education, training and employment qualifies him or her to perform the intended services in the United States. 8 C.F.R. § 214.2(l)(3).

II. DISCUSSION

The sole issue to be addressed is whether the Petitioner established that the Beneficiary possesses specialized knowledge and whether he has been employed abroad, and will be employed in the United States, in a specialized knowledge capacity. The Petitioner claims that the Beneficiary has advanced knowledge of the company's internal processes and procedures.

The Petitioner and its foreign affiliates provides proprietary software solutions for e-Learning and explained that "what is unique and distinct about our business is the combination of systems integrated with our product offering across multiple vertical libraries and customer segments." The Petitioner explains that its platform has 7 million annual visitors, 6,000 product offerings across 13 vertical markets, servicing 350,000 consumers, 1,000 resale partners and 2,000 business customers. The Petitioner emphasizes that it has developed complex and highly specialized internal business processes and systems needed to "market, monetize and allocate resources" within this business model, and states that the offered position requires advanced knowledge of its proprietary products, internal systems, and financial methods and processes.

The record reflects that the Beneficiary has been employed by the Petitioner's foreign affiliate for over four years and has been responsible for contributing to the company's [redacted] database repository and developing management tools used to measure and analyze financial and operational information across product groups, customers, vendors, and marketing channels. The company's vice president of marketing explained that the Beneficiary "leads the financial analysis of [the e-commerce] department's goals and metrics, which contributes over 50% of company revenues." Further, the Petitioner's appeal includes evidence that the Beneficiary co-chairs a team of analysts within the department and developed a management dashboard used by the entire e-commerce team to access targeted financial and marketing information.

The Petitioner explains that it now requires the Beneficiary's advanced knowledge of the company's processes for financial analysis, marketing analytics, and e-commerce strategy in the United States and provides a detailed description of the U.S.-based strategic initiatives and transformation projects that will require this expertise.

The Petitioner has made detailed, consistent, and credible claims regarding the Beneficiary's specialized knowledge, and we find that the totality of the record, including new evidence submitted on appeal which provides more detailed descriptions and evidence of the Beneficiary's duties, previous and proposed projects, and work product, substantiates the Petitioner's claim that the Beneficiary possesses advanced knowledge of the company's internal financial processes. Further, the Petitioner has demonstrated that, based on the complexity of company's business model, the financial 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. Accordingly, the record of proceeding now contains sufficient evidence to overcome the basis for the Director's decision.

III. CONCLUSION

The Petitioner has established that the Beneficiary possesses specialized knowledge, and that his employment both abroad and in the United States requires specialized knowledge.

ORDER: The appeal is sustained.

Cite as *Matter of 3-, Inc.*, ID# 528424 (AAO Oct. 19, 2017)