U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

(b)(6)

DATE: AUG 14 2015

PETITION RECEIPT #:

IN RE: Petitioner:
Beneficiary:

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

ON BEHALF OF PETITIONER:

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center ("the director"), denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The petitioner filed the Petition for a Nonimmigrant Worker (Form I-129), seeking to extend the beneficiary's status as an L-1B nonimmigrant intracompany transferee pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The petitioner, a Delaware limited liability company established in is engaged in global financial research and analytics consultation. The petitioner is a wholly owned subsidiary of the beneficiary's foreign employer located in India. The petitioner seeks to employ the beneficiary in his current L-1B position of senior research analyst for two additional years.

The director denied the petition, concluding that the petitioner did not establish that the beneficiary possesses specialized knowledge or that he was employed abroad or would be employed in the United States in a specialized knowledge capacity.

On appeal, the petitioner asserts that the director failed to consider all of the evidence submitted and contends that it has established by a preponderance of the evidence that the beneficiary possesses specialized knowledge and is eligible for an extension of his L-1B status.

To establish eligibility for the L-1 nonimmigrant visa classification, the petitioner must meet the criteria outlined in section 101(a)(15)(L) of the Act. Specifically, a qualifying organization must have employed the beneficiary in a qualifying managerial or executive capacity, or in a specialized knowledge capacity, for one continuous year within the three years preceding the beneficiary's application for admission into the United States. In addition, the beneficiary must seek to enter the U.S. temporarily to continue rendering his or her services to the same employer or a subsidiary or affiliate.

If the beneficiary will be serving the United States employer in a managerial or executive capacity, a qualified beneficiary may be classified as an L-1A nonimmigrant alien. If a qualified beneficiary will be rendering services in a capacity that involves "specialized knowledge," the beneficiary may be classified as an L-1B nonimmigrant alien. *Id.*

Section 214(c)(2)(B) of the Act, 8 U.S.C. § 1184(c)(2)(B), provides the statutory definition of specialized knowledge:

> For purposes of section 101(a)(15)(L), an alien is considered to be serving in a capacity involving specialized knowledge with respect to a company if the alien 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.

Furthermore, the regulation at 8 C.F.R. § 214.2(l)(1)(ii)(D) defines specialized knowledge as:

> [S]pecial 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.

In denying the petition, the director concluded that the petitioner had not provided sufficient evidence to establish that the beneficiary possesses knowledge that is advanced in relation to his colleagues or differentiated from that held by similarly-employed workers in the petitioner's industry, such that it would qualify as specialized. The director further found that the beneficiary's claimed special or advanced knowledge was client-specific and not specific to the petitioning company.

On appeal, the petitioner contends that the director failed to consider all of the evidence submitted. The petitioner asserts that the evidence supports a finding that the beneficiary provides "unique, cutting edge global financial research and analytical services," that are based on the petitioner's award-winning proprietary research, tools and methodologies. The petitioner asserts that the beneficiary possesses, and his position as a senior research analyst requires, specialized knowledge as that term is defined by the statute and regulations.

In visa petition proceedings, the petitioner must prove by a preponderance of evidence that the beneficiary is fully qualified for the benefit sought. *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). The "preponderance of the evidence" standard requires that the evidence demonstrate that the petitioner's claim is "probably true," where the determination of "truth" is made based on the factual circumstances of each individual case. *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010) (citing *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r 1989)). In evaluating the evidence, the truth is to be determined not by the quantity of evidence alone but by its quality. *Id.*

Upon review of the totality of the record, the petitioner's assertions and evidence are persuasive. The petitioner has submitted a detailed duty description for the beneficiary which establishes that he works extensively with his company's proprietary knowledge, tools and methodologies, and provided probative evidence which demonstrates the complexity of this proprietary knowledge and differentiates it within the petitioner's industry. The petitioner's statements are well-supported by evidence corroborating the specialized nature of the services it provides, as well as evidence of the beneficiary's training, experience and duties and the nature of his past and present assignments. Overall, the petitioner established by a preponderance of the evidence that the beneficiary possesses specialized knowledge and that he has been and will be employed in a specialized knowledge capacity. Accordingly, the appeal will be sustained and the director's decision dated September 23, 2014 will be withdrawn.

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, the petitioner has met that burden.

ORDER: The appeal is sustained.