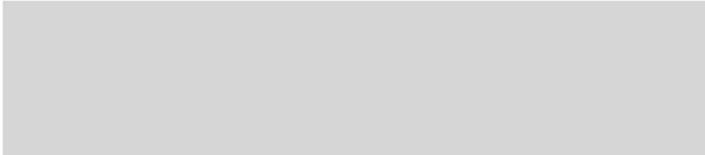




**U.S. Citizenship
and Immigration
Services**

(b)(6)



DATE: **APR 30 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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

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

The petitioner filed a Petition for a Nonimmigrant Worker (Form I-129) to classify the beneficiary as an intracompany transferee in a specialized knowledge capacity 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 Texas corporation engaged in the manufacture of sensors, visible LEDs and optoelectronic components, is an affiliate of the beneficiary's foreign employer, [REDACTED] and a subsidiary of [REDACTED], both located in the United Kingdom. The petitioner seeks to transfer the beneficiary to the United States to serve in the position of credit controller for a period of three years.

The director denied the petition concluding that the petitioner failed to establish that the beneficiary possesses specialized knowledge or that he has been employed abroad, or would be employed in the United States, in a position requiring specialized knowledge.

The petitioner subsequently filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to our office. On appeal, the petitioner asserts that the director overlooked comprehensive descriptions of the beneficiary's' training and experience and erred in concluding that he does not possess specialized knowledge.

I. THE LAW

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 parent, subsidiary, or affiliate of the foreign employer.

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.

The regulation at 8 C.F.R. § 214.2(l)(3) states that an individual petition filed on Form I-129 shall be accompanied by:

- (i) Evidence that the petitioner and the organization which employed or will employ the alien are qualifying organizations as defined in paragraph (l)(1)(ii)(G) of this section.
- (ii) Evidence that the alien will be employed in an executive, managerial, or specialized knowledge capacity, including a detailed description of the services to be performed.
- (iii) Evidence that the alien has at least one continuous year of full-time employment abroad with a qualifying organization within the three years preceding the filing of the petition.
- (iv) Evidence that the alien's prior year of employment abroad was in a position that was managerial, executive or involved specialized knowledge and that the alien's prior education, training and employment qualifies him/her to perform the intended services in the United States; however the work in the United States need not be the same work which the alien performed abroad.

II. THE ISSUE ON APPEAL

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.

A. Facts

The petitioner is self-described as "an innovative leader in the optoelectronics and lighting industries," and is a subsidiary of [REDACTED] a global electronics company based in the United Kingdom. The beneficiary is currently employed by [REDACTED] a U.K. subsidiary of [REDACTED]. The petitioner has 66 employees in the United States and \$41.7 million in gross revenue.

The petitioner filed the Form I-129 on April 15, 2014. In a letter dated April 1, 2014, the petitioner stated that the beneficiary has been employed by its U.K. affiliate since October 2010 in positions of increasing responsibility including Credit Controller, Global Credit Management Assistant, and, for the last 18 months, as Global Credit Process Manager.

The petitioner stated that the beneficiary is currently responsible for developing, implementing and reviewing the parent company's Global Credit Process (GCP) initiative on a global basis for all companies in the group's components division. The petitioner stated that this position has required him to continually develop and implement processes and procure to harmonize the GCP initiative across companies, and to introduce the U.S.-based sites to the Financial Control Framework that defines accounting policies and procedures for internal and external audits, including instruction on the implementation and use of relevant modules on the existing [REDACTED] system. The beneficiary is also responsible for training and monitoring the Global Credit Processing team, as well as compiling, producing and analyzing reports and Key Performance Indicator data for monthly management reviews. The petitioner stated that the beneficiary leads a team of six professional employees who ensure appropriate credit facilities are in place and to ensure high standards of collections and credit management are in place for companies in the components division of [REDACTED]

The petitioner also provided duty descriptions for the beneficiary's prior positions, indicating that he was initially involved with the GCP initiative as a Global Credit Management Assistant with group-wide responsibilities from September 2011 to October 2012.

The petitioner explained that the purpose of the beneficiary's transfer to the United States is to oversee, coordinate and facilitate the GCP initiative within U.S.-based sites on behalf of the parent company [REDACTED]. The petitioner stated that the proposed position in the United States requires expertise in the company's customized [REDACTED] system and internal audit procedures, and the ability to provide direction to the continual development and implementation of the GCP initiative for the petitioner. The petitioner provided a detailed description of the proposed responsibilities, and stated that the position requires in-depth knowledge of its customized [REDACTED] system and its financial control modules, the GCP initiative, and related internal credit policies and processes developed in the United Kingdom.

The petitioner subsequently submitted additional evidence, including a six-page letter from [REDACTED] Credit & Collections Finance Director for [REDACTED] the beneficiary's foreign employer who indicates that he has supervised the beneficiary since October 2010.

Mr. [REDACTED] provided additional details regarding each of the beneficiary's progressive positions within the foreign entity and the knowledge he gained or utilized in each role. He explained that the beneficiary was promoted to his current position as Global Credit Process manager based on his advanced knowledge of the company's U.K.-developed credit management policies, products, management, and internal procedures. Mr. [REDACTED] emphasized that the beneficiary possesses an advanced understanding of how the company's credit policies and procedures affect its business and production practices that will allow him to ensure consistent improvement and management of the GCP. The evidence indicated that the beneficiary has been involved with the GCP initiative from its inception and has played a role in the development and implementation of the Control Frameworks developed by the parent group, in addition to leading the group wide implementation of the GCP over the last 18 months.

The director ultimately denied the petition finding that the petitioner did not establish that the beneficiary possesses specialized knowledge or that he has been or would be employed in a specialized knowledge

capacity. The director noted that the petitioner had not provided a formal training record for the beneficiary, nor differentiated his knowledge from that held by other similarly-employed workers in the company.

On appeal, the petitioner asserts that the director failed to consider the detailed explanations provided in Mr. [REDACTED] letter submitted in response to the director's request for evidence. The petitioner emphasizes that the GCP initiative and accompanying ERP roll-out is a lengthy process which requires a U.S.-based resource with specialized knowledge and experience in each aspect of the U.K. [REDACTED] financial control configuration and GCP program, as well as U.K. accounting and auditing practices and the group's production and manufacturing processes.

B. Analysis

Upon review, the petitioner's assertions are persuasive. The petitioner has established that the beneficiary possesses specialized knowledge and that he would be employed in the United States in a specialized knowledge capacity as defined at 8 C.F.R. § 214.2(I)(1)(ii)(D).

In visa petition proceedings, the burden is on the petitioner to establish eligibility. *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966). 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). In evaluating the evidence, eligibility is to be determined not by the quantity of evidence alone but by its quality. *Id.* The director must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true.

In order to establish eligibility, the petitioner must show that the individual will be employed in a specialized knowledge capacity. 8 C.F.R. § 214.2(I)(3)(ii). The statutory definition of specialized knowledge at Section 214(c)(2)(B) of the Act is comprised of two equal but distinct subparts. First, an individual is considered to be employed in a capacity involving specialized knowledge if that person "has a special knowledge of the company product and its application in international markets." Second, an individual is considered to be serving in a capacity involving specialized knowledge if that person "has an advanced level of knowledge of processes and procedures of the company." *See also* 8 C.F.R. § 214.2(I)(1)(ii)(D). The petitioner may establish eligibility by submitting evidence that the beneficiary and the proffered position satisfy either prong of the definition.

In the present case, the petitioner's claims are based on the second prong of the statutory definition, asserting that the beneficiary has an advanced level of knowledge of the company's processes and procedures related to its Global Credit Process initiative, which encompasses knowledge of internal credit control processes and procedures, the company's customized [REDACTED] system, and financial modules that are being implemented globally as part of the GCP.

The petitioner submitted detailed, consistent and credible evidence to demonstrate that the beneficiary, who has worked on the internal GCP initiative for over two years, including 18 months as Global Credit Process Manager, possesses advanced knowledge of the processes and procedures needed to continue the

implementation and monitoring of this internal company program in North America. The record reflects that the beneficiary has also contributed to the development of [REDACTED] system modules and tools needed to implement the initiative and has substantial experience in training credit control staff in these new processes developed by the foreign parent company. The petitioner also established that such knowledge cannot be gained outside the organization. The petitioner provided evidence of the beneficiary's progressive work experience that contributes to an advanced level of knowledge regarding the processes and procedures of the company. *See* 8 C.F.R. § 214.2(l)(3)(iv). Finally, the petitioner explained in detail why the proffered position requires this advanced level of knowledge.

For the reasons discussed above, the evidence submitted establishes that the beneficiary possesses specialized knowledge and will be employed in a specialized knowledge capacity with the petitioner in the United States. *See* Section 214(c)(2)(B) of the Act. Accordingly, the appeal will be sustained.

III. CONCLUSION

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, that burden has been met.

ORDER: The appeal is sustained.