

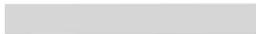


U.S. Citizenship  
and Immigration  
Services

(b)(6)



DATE: **AUG 12 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, California Service Center, denied the petition and dismissed a subsequent motion to reconsider. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The petitioner filed the Form I-129, Petition for a Nonimmigrant Worker (Form I-129), seeking to classify the beneficiary as an L-1B nonimmigrant 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 Delaware corporation, is a software solutions provider that wholly owns the beneficiary's foreign employer, [REDACTED] located in India. The petitioner seeks to transfer the beneficiary from the foreign employer to serve as a software engineer for a period of three years.

The director denied the petition, concluding that the petitioner did not establish that the beneficiary possesses specialized knowledge or that he has been employed abroad, or will be employed in the United States, in a position requiring specialized knowledge.

On appeal, the petitioner submits a brief disputing the denial and addressing the director's adverse findings.

We conduct appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). Upon reviewing the entire record of proceeding as supplemented by the petitioner's submission on appeal, we conclude that the record contains sufficient evidence to overcome the basis for the director's decision.

Specifically, the petitioner has established by a preponderance of the evidence that the beneficiary possesses a special knowledge of the company's products and their application in international markets, consistent with the statutory and regulatory definitions of "specialized knowledge." *See* section 214(c)(2)(B) of the Act; 8 C.F.R. § 214.2(l)(1)(ii)(D). Further, the petitioner has established that the beneficiary has been and would be employed in a capacity that requires this specialized knowledge.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner in the instant case has met that burden.

**ORDER:** The appeal is sustained.