



U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: JUL 24 2015

PETITION RECEIPT #: [REDACTED]

IN RE:

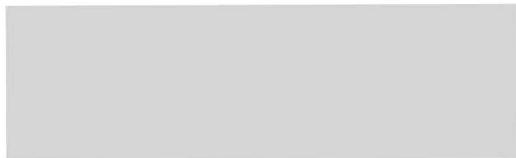
Petitioner:

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 nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The petitioner filed this Form I-129, Petition for a Nonimmigrant Worker, seeking to classify the beneficiary 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, an Oregon corporation established in [REDACTED], claims to be an affiliate of [REDACTED], located in [REDACTED], Ghana. The petitioner states that it operates a software development and services business. It seeks to employ the beneficiary in the position of Lead Titanium Developer Specialist for a period of three years.

On November 18, 2014, the director denied the petition, finding that the evidence of record did not establish that: (1) the beneficiary's employment abroad was in a position that was managerial, executive, or involved specialized knowledge; (2) the beneficiary possesses specialized knowledge; and (3) the beneficiary's position in the United States involves specialized knowledge.

On appeal, the petitioner submits a brief and cites to previously submitted evidence in the record 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 now contains sufficient evidence to overcome the basis for the director's decision.

Specifically, the totality of the evidence now establishes that the petitioner has satisfied the legal criteria regarding the beneficiary's qualifying employment abroad, his possession of specialized knowledge, and his qualifying employment with the petitioning U.S. entity.

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 sustained that burden.

ORDER: The appeal is sustained.