



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

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF S-R-A-T-, INC.

DATE: SEPT. 15, 2015

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a provider of testing technologies and services for the networking, security and wireless industries, seeks to temporarily employ the Beneficiary as Senior R&D Engineer under the L-1B nonimmigrant classification. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The Director, California Service Center, denied the petition. The matter is now before us on appeal. The appeal will be sustained.

The Director determined that the record did not establish that the Beneficiary possesses specialized knowledge, that he was employed abroad in a position involving specialized knowledge, and that he will be employed in the United States in a specialized knowledge capacity.

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 now contains sufficient evidence to overcome the basis for the Director's decision.

Specifically, the totality of the record establishes by a preponderance of the evidence that the beneficiary possesses specialized knowledge and that he has been and will be employed in a qualifying capacity.

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. § 136; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). The Petitioner in the instant case has sustained that burden.

ORDER: The appeal is sustained.

Cite as *Matter of S-R-A-T-, Inc.*, ID# 12521(AAO Sept. 15, 2015)