



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

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

MATTER OF GMCS-T- INC.

DATE: JAN. 28, 2016

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a software technology services company specializing in customer communications management products, seeks to temporarily employ the Beneficiary as a Senior PSO Consultant 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, Vermont 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 disputes the Director's decision and asserts that the Beneficiary qualifies for the benefit sought based on his seven years of progressive experience and training with the company's proprietary technologies.

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 Beneficiary has specialized knowledge of the Petitioner's products and services and that he has been employed abroad and would be employed in the United States in a position requiring 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. § 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 GMCS-T- Inc.*, ID# 15266 (AAO Jan. 28, 2016)