



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

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

MATTER OF U-, LLC

DATE: MAY 23, 2016

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a management consulting firm, seeks to temporarily employ the Beneficiary as a program manager under the L-1B nonimmigrant classification for intracompany transferees. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The L-1B classification allows a corporation or other legal entity (including its affiliate or subsidiary) to transfer a qualifying foreign employee with “specialized knowledge” to work temporarily in the United States.

The Director, California Service Center, denied the petition. The Director concluded that the Petitioner had not established that the Beneficiary possesses specialized knowledge or that he has been employed abroad, and would be employed in the United States, in a position requiring specialized knowledge.

The matter is now before us on appeal. In its appeal, the Petitioner submits additional evidence and asserts that the Director did not apply the appropriate regulations when adjudicating the petition. The Petitioner claims that the Director used boilerplate language in the decision and thus did not perform a good faith analysis of the evidence submitted. The Petitioner maintains that had the Director considered the factors and guidance provided in the newly adopted L-1B adjudication policy memorandum, the Director would have recognized that the Beneficiary possesses knowledge that is specialized and crucial to the successful performance of the duties of the offered position.<sup>1</sup>

Upon *de novo* review, we will sustain the appeal.<sup>2</sup>

Specifically, we have reviewed the evidence of record including the evidence and argument submitted on appeal. The totality of the evidence now establishes that the Beneficiary possesses specialized knowledge, that he has been employed abroad in a position involving specialized knowledge, and that he would be employed in the United States in specialized knowledge capacity.

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<sup>1</sup> The Petitioner is referring to USCIS Policy Memorandum PM-602-0111, *L-1B Adjudications Policy* (Aug. 17, 2015), <https://www.uscis.gov/laws/policy-memoranda>.

<sup>2</sup> Additionally, a review U.S. Citizenship and Immigration Services records indicates that this Beneficiary is also the beneficiary of an approved immigrant petition and has adjusted status to that of a permanent resident as of May 10, 2016.

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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; *Matter of Otiende*, 26 I&N 127, 128 (BIA 2013). Here, the Petitioner has met that burden.

**ORDER:** The appeal is sustained.

Cite as *Matter of U-, LLC*, ID# 17175 (AAO May 23, 2016)