U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43735517

Date: AUG. 3, 2026

Appeal of U.S. Citizenship and Immigration Service (USCIS) Decision

Form I-129, Petition for a Nonimmigrant Worker (L-1B Specialized Knowledge Worker)

The Petitioner, describing itself as an "industry-leading integrator of digital technologies," seeks to temporarily employ the Beneficiary as a process associate under the L-1B nonimmigrant classification for intracompany transferees. Immigration and Nationality Act (the Act) section 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.

USCIS denied the petition on multiple grounds, concluding the Petitioner did not establish that: 1) the Beneficiary was employed abroad in a position that was managerial, executive, or involving specialized knowledge, 2) the Beneficiary was qualified to perform the intended services in the United States, and 3) the Beneficiary would be employed in the United States in a position involving specialized knowledge. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LEGAL FRAMEWORK

To establish eligibility for the L-1B nonimmigrant visa classification, a qualifying organization must have employed the beneficiary "in a capacity that is managerial, executive, or involves specialized knowledge," for one continuous year within three years preceding the beneficiary's application for admission into the United States. Section 101(a)(15)(L) of the Act. In addition, the beneficiary must seek to enter the United States temporarily to continue rendering his or her services to the same employer or a subsidiary or affiliate thereof in a specialized knowledge capacity. *Id.* The petitioner must also establish that the beneficiary's prior education, training, and employment qualify him or her to perform the intended services in the United States. 8 C.F.R. § 214.2(l)(3).

II. BACKGROUND

The Petitioner indicates that its foreign parent company "has a strong global presence with next-gen optical preform, fiber, cable, and [redacted] The Petitioner states that the Beneficiary was employed with the foreign parent company from April 2024 to the date the petition was filed in November 2025 as an "OPS support," employee[1] and began with the company as a trainee in November 2020.

The Petitioner states that the Beneficiary has advanced and specialized knowledge of the foreign parent company's proprietary manufacturing processes of its [redacted] products acquired during his employment abroad. The Petitioner explains that it requires the Beneficiary's application of this knowledge in the United States to support a project facilitating the manufacturing of its proprietary [redacted] The Petitioner explains that the Beneficiary uses his specialized knowledge of the company's tools different from those with only "general knowledge," allowing him to foresee, avoid, and resolve issues, rework processes to fit a particular product, and adjust processes in novel ways.

Later in response to USCIS's request for evidence (RFE), the Petitioner indicated that the Beneficiary received training in the foreign parent's proprietary processes and technologies involving multiple stages with sophisticated machinery and equipment, including in the [redacted] The Petitioner stated that unlike other companies in the fiber-optic cable industry, the foreign parent's manufacturing processes require an employee like the Beneficiary because they are more complex due to the advanced use of [redacted] "which involves intricate and highly specialized production techniques." A support letter from an associate manager (operations) explained that the Beneficiary was one of only two employees within the foreign parent with specialized knowledge of the company's proprietary optic fiber cable manufacturing processes as compared to four with general knowledge, which it indicated was insufficient to meet its business needs in the United States. The Petitioner noted that the proprietary nature of the products makes it virtually impossible to locate a suitable candidate in the U.S. market since it would take "an extended period of time to train this individual on the products and processes."

III. SPECIALIZED KNOWLEDGE

The primary issue in this matter is whether the Petitioner established that the Beneficiary possesses specialized knowledge and whether he would be employed in a specialized knowledge capacity. As a threshold matter, if the Beneficiary does not possess specialized knowledge, then his positions abroad and in the United States would not involve specialized knowledge as necessary to qualify him.

Under the statute, a beneficiary is considered to have specialized knowledge if he or she has: (1) a "special" knowledge of the company product and its application in international markets; or (2) an "advanced" level of knowledge of the processes and procedures of the company. Section 214(c)(2)(B) of the Act, 8 U.S.C. § 1184(c)(2)(B). A petitioner may establish eligibility by submitting evidence that the beneficiary and the proffered position satisfy either prong, or both prongs, of the statutory

[1] Other submitted documentation indicating that the Beneficiary's title was production engineer.

definition of specialized knowledge. Specialized knowledge is also defined as special knowledge possessed by an individual of the petitioning organization's product, service, research, equipment, techniques, management, or other interests and its application in international markets, or an advanced level of knowledge or expertise in the organization's processes and procedures. 8 C.F.R. § 214.2(l)(1)(ii)(D).

Once a petitioner articulates the nature of the claimed specialized knowledge, it is the weight and type of evidence which establishes whether or not the beneficiary actually possesses specialized knowledge. We cannot make a factual determination regarding a given beneficiary's specialized knowledge if the petitioner does not, at a minimum, articulate with specificity the nature of its products and services or processes and procedures, the nature of the specific industry or field involved, and the nature of the beneficiary's knowledge. The petitioner should also describe how an employee is able to gain specialized knowledge within the organization and explain how and when the individual beneficiary gained such knowledge.

A. Advanced Knowledge

We will first discuss whether the Petitioner has demonstrated that the Beneficiary's knowledge is "advanced." 8 C.F.R. § 214.2(l)(1)(ii)(D). On appeal, the Petitioner contends USCIS erred in concluding that the evidence was not sufficient to establish that the Beneficiary possessed specialized knowledge, asserting that USCIS "missed information." The Petitioner states that the support letters establish his specialized knowledge, including sufficient detail and information on how his knowledge will be of significant value to the Petitioner, and how it is impractical for them to locate and train another employee in this knowledge.

Determinations concerning "advanced knowledge" require review of a beneficiary's knowledge of the petitioning organization's processes and procedures. A petitioner may meet its burden through evidence that a given beneficiary has knowledge of or expertise in the organization's processes and procedures that is greatly developed or further along in progress, complexity, and understanding in comparison to other workers in the employer's operations. Such advanced knowledge must be supported by evidence setting that knowledge apart from the elementary or basic knowledge possessed by others. Also, as with special knowledge, the petitioner ordinarily must demonstrate that a beneficiary's knowledge is not commonly held throughout the particular industry and cannot be easily imparted from one person to another. *See generally* 2 *USCIS Policy Manual* L.4, https://www.uscis.gov/policymanual.

USCIS emphasized in the denial decision that the Petitioner did not sufficiently establish how the Beneficiary's knowledge is greatly developed as compared to similarly placed colleagues within the organization by providing probative comparisons of his knowledge against that of his colleagues. Determining whether knowledge is "advanced" inherently requires a comparison of the beneficiary's knowledge against that of others. The Petitioner bears the burden of establishing such a favorable comparison. *Id.*

The Petitioner provided insufficient comparisons of the Beneficiary's knowledge and experience against that of his colleagues within the greater organization. For example, the Petitioner only vaguely indicated that he was one of among two individuals working for the foreign parent with specialized

knowledge of the company's proprietary [redacted] and manufacturing processes, as compared to four others abroad with only "general knowledge." The Petitioner generic comparison provided little support for how the Beneficiary's knowledge is greatly developed compared to his colleagues and they provided no other probative specifics about the Beneficiary's colleagues, such as information on their comparative experience, education, duties, training, salaries, or other relevant details. Notably, the Beneficiary is listed in the foreign organizational chart with over 25 other "ops support" employees within the company's greater organization, including two others in his department, as well as several leads overseeing these support employees. However, we are given little explanation or supporting evidence to substantiate how the Beneficiary knowledge of the foreign parent's proprietary technology is greatly advanced in relation to his many colleagues, including senior managers. Further, it is reasonable to conclude that there are others within the organization who likely developed the company's proprietary technology, and it is not sufficiently clear how the Beneficiary's knowledge would be greatly developed or further along in progress, complexity, and understanding in comparison to those involved in the development of its proprietary technology.

Similarly, the Petitioner emphasized that the Beneficiary received training in the foreign parent's proprietary technologies from December 2020 to June 2024; yet there is no indication whether this represents advanced training or merely entry level training in the foreign parent's proprietary technology and processes. The Petitioner submits no comparison of this training against that of his colleagues as necessary to reflect how it led to knowledge of the company's proprietary technology that is greatly advanced in relation to his similarly placed colleagues within the organization. The Petitioner also vaguely indicated that only one other employee completed the Beneficiary's course of training, but they did not identify this individual by name or provide details on his education, skills, and experience in comparison to the Beneficiary. As discussed, USCIS rightly emphasized the lack of specific comparisons between the Beneficiary and his colleagues, and the Petitioner does little to address this evidentiary deficiency on appeal. Therefore, without specific comparisons of the Beneficiary against even those in his own department and others working in his role within the organization, it is reasonable to conclude that there are likely many others within the company's greater organization with high levels of knowledge of its proprietary [redacted] and its manufacture.

Although the Beneficiary's experience appears noteworthy, it is difficult to discern whether it is greatly set apart from his colleagues as the Petitioner provides little specific information or evidence related to the experience and education of his colleagues. We have little doubt that the Beneficiary is likely a valuable employee, but the Petitioner has not met the regulatory requirement of demonstrating with documentary evidence that the Beneficiary's knowledge of the organization's processes and procedures is greatly developed or further along in progress, complexity, and understanding in comparison to other workers in the employer's operations. For the foregoing reasons, the Petitioner did not establish that the Beneficiary possesses advanced knowledge.

B. Special Knowledge

We will next discuss whether the Petitioner has demonstrated that the Beneficiary's knowledge is "special." 8 C.F.R. § 214.2(l)(1)(ii)(D). On appeal, the Petitioner provides no specific discussion as

to how the Beneficiary's knowledge is distinct or uncommon in comparison to the knowledge of other similarly employed workers in the industry.

Determining whether a beneficiary has "special knowledge" requires review of a given beneficiary's knowledge of how the petitioning organization manufactures, produces, or develops its products, services, research, equipment, techniques, management, or other interests. Because "special knowledge" concerns knowledge of the petitioning organization's products or services and its application in international markets, a petitioner may meet its burden through evidence that the beneficiary has knowledge that is distinct or uncommon in comparison to the knowledge of other similarly employed workers in the particular industry. Knowledge that is commonly held throughout a petitioner's industry or that can be easily imparted from one person to another is not considered special knowledge. *See generally* 2 *USCIS Policy Manual* L.4, https://www.uscis.gov/policymanual.

The Petitioner submitted little explanation or evidence to demonstrate that the Beneficiary's knowledge of his company's proprietary technology and processes is distinct or uncommon in comparison to the knowledge of other similarly employed workers in the industry. The Petitioner did not clearly describe the Beneficiary's knowledge in easily understandable terms, but submits an array of potential technologies, products, and their components, without clearly articulating in which his special knowledge resides. The Petitioner emphasized specialized training the Beneficiary received in the foreign parent's proprietary technology but did not explain in sufficient detail the nature of this training and how it made him distinct or uncommon in relation to other similarly placed colleagues within his industry. The Petitioner must support its assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010).

Even if we accept that the Petitioner holds knowledge of specific proprietary products, methods, and processes specific to the company, and that the Beneficiary has knowledge of them, this alone is not sufficient to establish that his knowledge is distinct or uncommon in the industry. In fact, it is common in nearly every industry for companies to hold unique or proprietary knowledge and to work on highly complex products and services. The Petitioner must set the Beneficiary apart from similarly placed workers within the industry and demonstrate that his knowledge is distinct or uncommon in comparison.

The Petitioner provides little evidence beyond its unsupported assertions to substantiate that the Beneficiary's knowledge is uncommon in the industry. For instance, the Petitioner vaguely stated that the products, technology, and processes of the foreign parent are "more complex" due to the advanced use of [redacted] "which involves intricate and highly specialized production techniques." However, the Petitioner did not detail or document how the foreign parent's products, technology, and processes are different from others in the industry, more complex, or among the most advanced. Indeed, the Petitioner provides no information on the industry and the place its greater company and its products hold therein, and how its proprietary technology, and in turn the Beneficiary's knowledge, is distinct or uncommon.

Therefore, the Petitioner did not sufficiently articulate how the Beneficiary's education, experience, and training is uncommon when compared to other similarly placed colleagues within the industry. Without objective evidence to the contrary, it is reasonable to conclude that there are many other similar colleagues who have extensive experience in their company's products and processes in the

industry. The Petitioner has not established that the Beneficiary's knowledge is "special" as defined by the regulations.

IV. CONCLUSION

Again, as a threshold matter, if the Beneficiary does not possess specialized knowledge, then his position abroad and in the United States would not involve specialized knowledge as necessary to qualify him. For the foregoing reasons, the Petitioner has not sufficiently established, when considering the totality of the circumstances, that the Beneficiary possesses specialized knowledge. For this reason, the appeal must be dismissed.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.