U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 44096358

Date: AUG. 27, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS)

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

The Petitioner, describing itself as an industrial equipment supplier, seeks to temporarily employ the Beneficiary as a customer care and field service engineer 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. 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 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. Background

The Petitioner indicates that its foreign affiliate [redacted] producing the most complete and varied product line of any manufacturer on the globe "for every industry application conceivable." The Petitioner stated that it has a joint venture with its foreign affiliate to sell the [redacted] line of equipment in the United States and act as a marketing a servicing company. The Petitioner explained that [redacted] equipment is manufactured in Japan and that "there is no one in the United States as well qualified, trained, or with the resources of the [redacted] group of technicians" who perform services for "sales, installation, troubleshooting, startup commissioning, and warranty work…obtainable only from [redacted] engineers in Japan."

The Petitioner submitted a letter from the president of [redacted] stating that the Beneficiary "possesses a rare and specialized synergy of skills in electrical, hydraulic, pneumatic and vibration systems, specifically tailored to the complex architecture of our proprietary industrial machinery." The [redacted] president further indicated the Beneficiary holds "over 25 years of highly skilled experience at a major international elevator company" and that he pursued "advanced studies" in the United States from 2020 to 2021. He explained that the Beneficiary has a "profound understanding of the intricate control systems that govern our entire production facilities, including block machines, pallet transport systems, and

cubing machines." The president also stated that the Beneficiary completed a rigorous hands-on on-the-job training while working for its engineering department in Japan, including 1500 hours of specialized instruction to ensure mastery of its proprietary systems and mechanical synchronization, systematic troubleshooting, and safety protocols. He also stated that the Beneficiary's "high-level English proficiency" combined with his professional background and specialized technical training make him "one of the most qualified individuals assigned to [the Petitioner]," noting that his presence in the United States is vital. The Beneficiary's resume indicated that he had been employed as a commissioning engineer by from December 2022 until the date the petition was filed in December 2025, and that he would earn $50,000 per year.

B. 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 points to evidence on the record and asserts that USCIS erred in concluding that the Beneficiary's role abroad did not involve specialized knowledge, pointing to the discussed letter from president, other support letters from a manager at and the president of the Petitioner, a record of his asserted 1,876 hours of specialized training, as well as a chart listing the knowledge he acquired at each stage of his employment.

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 indicated that there were other employees working on a team" in the United States and it provided a foreign organizational chart reflecting 13 other individuals in the Beneficiary's department, as well as a manager overseeing these employees. However, we are provided with little specific information on the position titles of these employees or their duties, experience, education, training, salaries, or other similar probative information. Notably, the Petitioner only provided specifics related to one other technician already working in the United States under an approved L-1B petition, pointing to

this employee's 10 years of experience in concrete manufacturing machines and his bachelor's degree in engineering from a Japanese university. The Petitioner asserts that the knowledge of this other beneficiary with an approved petition is identical to that of the Beneficiary, indicating that the current petition should be approved. Yet, it appears that this employee holds greater education than the Beneficiary, since the Beneficiary does not have a bachelor's degree, and this discussed employee appears to have more experience in the company's concrete manufacturing products, leaving question as to whether the Beneficiary's knowledge can be seen as comparable or greatly developed in comparison. The Beneficiary's resume also reflects that he took courses in leadership, project management, and English at a university in California from January 2020 to June 2021, but the Petitioner does not discuss the nature of these courses or how the contributed to his asserted advanced knowledge.

Regardless, the USCIS denial decision does not indicate whether they reviewed the prior approvals of the other nonimmigrant petitions. If the previous nonimmigrant petitions were approved based on the same evidence contained in the current record, the approval would constitute an error on the part of USCIS. We are not required to approve applications or petitions where eligibility has not been demonstrated, merely because of prior approvals that may have been erroneous. *Matter of Church Scientology Int'l*, 19 I&N Dec. 593, 597 (Comm'r 1988). It would be unreasonable for USCIS or any agency to treat acknowledged errors as binding precedent. *Sussex Eng'g, Ltd. v. Montgomery*, 825 F.2d 1084, 1090 (6th Cir. 1987), *cert. denied*, 485 U.S. 1008 (1988).

The Petitioner submitted little explanation or supporting evidence to substantiate how the Beneficiary's knowledge of [redacted] proprietary technology is greatly advanced in relation to his many colleagues, including senior managers and trainers who trained the Beneficiary in its proprietary technology and who are listed in his training records. 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. This lack of this evidence was emphasized by USCIS in the denial, but the Petitioner does little to remedy this evidentiary deficiency on appeal, only submitting two client letters that discuss the importance and expertise of all [redacted] technicians to their operations in general, not an explanation of the specific knowledge of the Beneficiary and how it is set apart from his fellow [redacted] technicians.

Similarly, the Petitioner emphasized over 1500 hours (and in other parts of the record over 1800 hours) of specialized instruction the Beneficiary received to ensure mastery of its proprietary systems and mechanical synchronization, systematic troubleshooting, and safety protocols. However, [redacted] president referred to this training as "company mandated," and in a document submitted on appeal asserting to provide a comparison of the Beneficiary against others in the greater organization, the Petitioner indicated that the 1800 hour "extensive internal training" is completed by all its [redacted] technicians. It is not clear how training completed by all of [redacted] technicians would leave the Beneficiary with knowledge greatly developed or further along in progress, complexity, and understanding in comparison to his follow technicians, since they all presumably completed the same training.

The Petitioner further provided a resume for the Beneficiary reflecting that he been employed by [redacted] for approximately three years when the petition was filed, while he had been employed by a major

international elevator company for about 25 years prior to his time with [redacted]. In addition, the Petitioner also submits documentation on the record and on appeal referring to another [redacted] technician for whom it filed a L-1B nonimmigrant petition for during the same period, again suggesting that all [redacted] technicians hold similar knowledge, not knowledge greatly developed or further along in progress, complexity, and understanding. As such, there is substantial question as to how the Beneficiary knowledge of [redacted] processes and procedures would be greatly developed in comparison to his colleagues.

For instance, in the comparison document submitted on appeal, the Petitioner indicates that its candidates are not hired through open solicitation, but through professional recruitment agencies with whom they have "long-standing relationships." The document further stated that hiring a [redacted] technician requires "strong technical aptitude," the "capacity to master complex mechanical and electrical systems," and "professional discipline." As such, given this assertion it is reasonable to conclude that all [redacted] technicians have similar aptitudes, experience, and levels of knowledge. Without clear evidence as to the credentials of the Beneficiary's colleagues, it is reasonable to assume there are several [redacted] technicians with more experience in the company's proprietary products and processes beyond merely completing the company's required introductory training and approximately three years of work experience. 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 similar roles 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 products and their installation, troubleshooting, commissioning, and servicing.

Although the Beneficiary's skills and experience appear 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 his 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 greater organization's operations. For the foregoing reasons, the Petitioner did not establish that the Beneficiary possesses advanced knowledge.

C. 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 emphasizes that the Beneficiary's knowledge is distinct and uncommon in comparison to that generally found 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 emphasizes specialized training the Beneficiary received in [redacted] proprietary technology but did not explain in sufficient detail how it made him distinct or uncommon in relation to other similarly placed colleagues within his industry, beyond indicating that this training involved proprietary, patented, and trademarked knowledge. 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 patented and/or proprietary products, methods, and processes specific to the company, 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. To illustrate, the Petitioner submitted evidence indicating that the Beneficiary was employed with another company for over 25 years and it is reasonable to conclude, without evidence to the contrary, that he has extensive experience in his former employer's services, research, equipment, and/or techniques, and likewise, that these were in many cases patented and proprietary.

The Petitioner provides little evidence beyond its unsupported assertions to substantiate that the Beneficiary's knowledge is uncommon in the industry, beyond indicating that they are proprietary. For instance, the Petitioner provided little information or evidence regarding other companies in the industry and how the Beneficiary's specific knowledge compares to similarly placed employees. Once again, without specifics, it is reasonable to conclude that there are likely other competitors who also manufacture, sell, and service concrete products machinery and who have technicians of their own, including those who have worked more than three years and completed more than a minimally required training to perform the duties of their position. However, the Petitioner did not detail or document how [redacted] products, technology, and processes are different from others in the industry, more complex, or among the most advanced, beyond simply stating this. Indeed, the Petitioner provides little information on the greater industry and the place its company and its products hold therein, and how its proprietary technology, and in turn the Beneficiary's knowledge, is distinct or uncommon.

On appeal, the Petitioner submits two support letters from clients, including a regional technical manager and a vice president of manufacturing engineering, discussing the importance of [redacted] technicians in general to their operations. Yet, these letters include no specific discussion of the Beneficiary's knowledge and what sets him apart from his colleagues, nor an indication as to how his knowledge is distinct or uncommon in comparison to the knowledge of other similarly employed workers in the industry. For instance, the vice president from one of the Petitioner's clients stated that "the expertise held by these [redacted] technicians is not the result of general industry training; it is the culmination of immersive experience within [redacted] proprietary manufacturing ecosystem." Again, this client is not discussing the Beneficiary specifically or his knowledge and experience, but the

general skill set and knowledge of all [redacted] technicians, including their proprietary knowledge. However, it is logical to infer that many companies have technicians who have inside knowledge of their company's proprietary products and services, including those working in the concrete products machinery industry or other similar industries, so this alone is insufficient to demonstrate that the Beneficiary's knowledge is special.

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 own company's proprietary products and processes in the industry. For instance, in the discussed comparison document provided on appeal, the Petitioner lists several patents, but again, it is very likely that all companies who manufacture and service concrete product machinery also have patents and it did not sufficiently explain how these patents set apart [redacted] and in turn the Beneficiary's knowledge, from other similarly placed professionals in the industry. In sum, the Petitioner has not established that the Beneficiary's knowledge is "special" as defined by the regulations.

III. 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.[1]

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[1] The Petitioner's ostensible signature on the Form I-290B differs markedly from their ostensible signatures on other documents in the record, including the signature on the Form I-129, Petition for a Nonimmigrant Worker. A request without a valid signature that U.S. Citizenship and Immigration Services (USCIS) does not discover until a later date will not be considered as properly filed. *See generally* 1 *USCIS Policy Manual* B.2(A), https://www.uscis.gov/policymanual (indicating that once USCIS initially accepts a request and subsequently discovers a deficient signature, the matter is denied or dismissed rather than rejected). In any future proceeding, the Petitioner may submit evidence to rebut this information, including:

- A sworn (notarized) written statement from the Petitioner. The statement should certify, pursuant to the penalty of perjury under the laws of the United States of America that all the information is true and complete. In the statement, the Petitioner should identify which (if any) of the submitted forms and documents they personally signed. The Petitioner should also specify which of the forms and documents purporting to bear their signature that were submitted to USCIS were not personally signed by them. Within this sworn statement, the Petitioner should also provide a detailed description that explains why the signatures differ so markedly in style and appearance.
- A clear, legible photocopy of a government-issued identification document that predates this notice, such as a passport or state-issued driver's license for the Petitioner, which includes their signature.
- A sworn notarized statement from the individual(s) who signed the other forms and documents in the record of proceeding and include the following information for each person: full name; name of employer; job title; and contact information. Also, provide a clear, legible photocopy of a government-issued identification document for the individual(s), which includes his/her signature.

If the Petitioner submits this evidence in any future proceeding, it must meet the preponderance of the evidence standard, demonstrating that the Petitioner was the individual that actually signed the Form I-290B. We may dismiss any Form I-290B based on our conclusion that the forms submitted on do not bear a valid signature. *See* 1 *USCIS Policy Manual*, supra, at B.2(A).

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.