U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43534583

Date: JUL. 21, 2026

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

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

The Petitioner assembles and installs automated storage systems for large distribution centers and warehouses. It seeks to temporarily employ the Beneficiary as its health and safety (HSE) and fleet manager under the L-1B nonimmigrant classification for intracompany transferees. *See* 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 employee with "specialized knowledge" to work temporarily in the United States.

USCIS denied the petition, concluding that the record did not establish that the Beneficiary possesses specialized knowledge, that he has been employed abroad in a capacity that involved specialized knowledge, and that he will be employed in a specialized knowledge capacity in the United States. The matter is now before us on appeal pursuant to 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 withdraw the decision and remand the matter for entry of a new decision consistent with the following analysis.

To establish eligibility for the L-1B nonimmigrant visa classification, a qualifying organization must have employed the beneficiary abroad "in a capacity that is managerial, executive, or involves specialized knowledge,"[1] 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 their services to the

[1] A beneficiary is considered to have specialized knowledge if they have: (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). Specialized knowledge is also defined as 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).

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 them to perform the intended services in the United States. 8 C.F.R. § 214.2(l)(3)(iv).

As noted, USCIS determined that the Petitioner did not meet its burden to demonstrate that the Beneficiary possesses specialized knowledge, that he has been employed abroad in a capacity involving specialized knowledge, and that he will be employed in a specialized knowledge capacity in the United States.

On appeal, the Petitioner asserts that USCIS' decision is flawed as it relies primarily on generalized conclusions and demonstrates a failure to consider the totality of the evidence provided. We agree that the decision does not adequately address the Petitioner's claims and supporting evidence and instead reaches conclusory findings that rely on isolated portions of the record and boilerplate language. For example, the Petitioner contends that the Beneficiary developed his specialized knowledge through "structured, multi-year internal specialization" within the company that occurred in multiple, defined stages. However, the decision indicates that USCIS only considered the Beneficiary's completion of short-term training (as evidenced by course completion certificates), and based on this limited review, concluded that the knowledge required for his current and offered positions could be readily gained and easily transferred. In its appellate brief, the Petitioner cites several other examples of claims and evidence that were not addressed in the decision and maintains that USCIS failed to make adequate findings based on a reasoned consideration of the record.

An officer's written decision must fully explain the reasons for denial so that the affected party has a fair opportunity to contest the decision and we have an opportunity to conduct a meaningful appellate review. *See* 8 C.F.R. § 103.2(a)(1)(i), (iii) (providing that the decision must explain the specific reasons for denial and notify the affected part of appeal rights); *cf. Matter of M-P-*, 20 I&N Dec. 786 (BIA 1994) (finding that the reasons for denying a motion must be clear to allow the affected part a meaningful opportunity to challenge the determination on appeal).

Here, USCIS' decision did not meet these requirements. While the evidence may ultimately be insufficient to demonstrate the Beneficiary's eligibility for the requested classification by a preponderance of the evidence, we will withdraw the decision and remand the matter for entry of a new decision. On remand, USCIS should re-evaluate the previously submitted evidence relating to the Beneficiary's claimed specialized knowledge and consider the Petitioner's claims and evidence on appeal.

In addition, we note there is a potential ground of ineligibility not addressed in USCIS' decision. To establish eligibility for L-1 classification, the Petitioner is required to provide evidence that the Beneficiary has at least one continuous year of full-time employment abroad with a qualifying organization within the three years preceding the filing of the petition. 8 C.F.R. § 214.2(l)(3)(iii).

Periods spent in the United States in a lawful status for a branch, parent, affiliate or subsidiary of the same employer and brief trips to the United States for business or pleasure do not interrupt the one year of continuous employment abroad, but such periods shall not be counted toward fulfillment of that requirement. 8 C.F.R. § 214.2(l)(3)(ii)(A). Therefore, the one-year foreign employment requirement is only satisfied by the time a beneficiary spends physically outside the United States

working full-time for the petitioner or a qualifying organization. *See generally* 2 *USCIS Policy Manual* L.6(G)(1), https://www.uscis.gov/policy-manual. A petitioner cannot use any time that the beneficiary spent in the United States to meet this requirement, even if a qualifying foreign entity paid the beneficiary and continued to employ him or her during time spent in the United States. *Id.* The beneficiary must meet this one-year foreign employment requirement at the time the petitioner files an L-1 petition. *See* 8 C.F.R. § 103.2(b)(1) (requiring that a petitioner demonstrate eligibility for a requested benefit at the time of filing); *see generally* 2 *USCIS Policy Manual*, *supra* at L.6(G)(2).

The Petitioner indicates that its foreign affiliate hired the Beneficiary on January 1, 2022. It filed the Form I-129, Petition for a Nonimmigrant Worker, on November 21, 2025, and therefore must show that the Beneficiary had at least one continuous year of full-time employment abroad with its foreign affiliate after November 21, 2022. The Petitioner provided a partial copy of the Beneficiary's passport showing that on June 1, 2022, the U.S. Department of State issued him a B-1 visa as a "Commercial/Industrial Worker" under "9 FAM 402.2-5(E)(1)." The passport shows he was admitted to the United States in B-1 status on June 17, 2022, and again on January 4, 2023. Other evidence in the record, including invoices and documentation related to the Petitioner's U.S. projects, suggests that the Beneficiary was also physically present in the United States for parts of 2024 and 2025.

Government records indicate that between November 21, 2022, and November 21, 2025, the Beneficiary was admitted to the United States in B-1 status ten times and accumulated over 800 days of physical presence during these trips. Therefore, it appears that the Petitioner cannot establish that he possessed the required one year of continuous full-time employment abroad, including the required physical presence abroad, in the three years preceding the filing of the petition. On remand, USCIS should offer the Petitioner an opportunity to rebut this potentially derogatory information and present additional evidence before issuing a new decision. *See* 8 C.F.R. § 103.2(b)(16)(i).

ORDER: The decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.