U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37737583

Date: JUN. 03, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a software product development company, seeks to temporarily employ the Beneficiary as a "Senior Software Engineer L2" 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.

Service Center Operations (SCOPS) denied the petition, concluding the Petitioner did not establish, as required, that the Beneficiary possesses specialized knowledge, that she has been employed abroad in capacity that involved specialized knowledge, and that she will be employed in a specialized knowledge capacity in the United States. SCOPS further determined the Petitioner did not establish that the Beneficiary's proposed assignment to an unaffiliated employer's worksite would comply with the provisions of the L-1 Visa Reform Act, which prohibits L-1B nonimmigrants from providing "labor for hire." 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 dismiss the appeal.

I. LAW

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).

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).

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).

II. BACKGROUND

The Petitioner is a software development and product engineering services company established in 1991. In its supporting letter, the Petitioner explains that it provides "outsourced software product design, research and development, and related services to leading global software product companies." The Petitioner states that its organization "has raised and invested considerable funds to develop proprietary [redacted] technology so that it can mine, process, organize and analyze massive amounts of data for large enterprises." It places special emphasis on its internally developed tool called [redacted] which it describes as "one of [the company's] most important proprietary technologies." The record indicates that [redacted] "is able to convert and migrate business data from old, legacy data warehouses, ETL platforms, and reporting workloads to any modern [redacted] Platform, such as [redacted] etc."

The Petitioner provided evidence that the Beneficiary has worked for its Indian subsidiary in the position of Senior Software Engineer L2 since June 2021 and has been assigned to the [redacted] for its client, a major airline, since December 2022. It now seeks to employ her in the same role in the United States and indicates she will be stationed primarily offsite at the client's location. The Petitioner described the Beneficiary's current and proposed duties and explained that "software engineers assigned to the project, including [the Beneficiary], are responsible for utilizing [redacted] to migrate over 190 existing flight schedules and maintenance workloads from the legacy database, [redacted], to the target database, [redacted]." The Petitioner stated that the project requires engineers with specialized knowledge of [redacted] and "a thorough understanding of how [redacted] operates in conjunction with other [redacted] tools."

The record reflects that the Beneficiary completed a bachelor's degree in electronics engineering at an Indian university in May 2015. The Petitioner states that she had prior work experience as a software engineer when hired by its subsidiary.

III. SPECIALIZED KNOWLEDGE

SCOPS concluded that the Petitioner did not establish the Beneficiary possesses specialized knowledge, that she has been employed abroad in position involving specialized knowledge,[1] and that she will be employed in a specialized knowledge capacity in the United States. As a threshold issue,

[1] The Petitioner did not claim, in the alternative, that the Beneficiary was employed abroad in a managerial or executive capacity. *See* 8 C.F.R. § 214.2(l)(3)(iv).

we must determine whether the Petitioner established that the Beneficiary possesses specialized knowledge. If the Petitioner does not meet this burden, then we cannot conclude that she has been employed abroad in a position involving specialized knowledge and would be employed in the United States in a specialized knowledge capacity.

For the reasons provided below, we conclude the Petitioner has not demonstrated that the Beneficiary possesses specialized knowledge.

A. Evaluating Specialized Knowledge

Because "special knowledge" concerns knowledge of a 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 knowledge held by other similarly employed workers in the same industry. With respect to "advanced knowledge," 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. Knowledge that is commonly held throughout a petitioner's industry or that can be readily imparted from one person to another is not considered special or advanced knowledge.

Once a petitioner articulates the nature of the claimed specialized knowledge, we consider the weight and type of evidence to determine whether a petitioner met its burden to establish the beneficiary possesses such knowledge. We cannot make this factual determination if the petitioner does not, at a minimum, articulate with specificity the nature of its products and services, 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.

B. Special Knowledge

Here, the Petitioner consistently claimed that the Beneficiary has special knowledge of its [redacted] product, including essential knowledge of how it integrates with other, third-party [redacted] technologies.[2] The Petitioner maintains that the proprietary knowledge that she and other similarly employed software engineers within the company possess is both technologically complex and distinct and uncommon within the industry. The Petitioner states that the Beneficiary had to undergo a significant period of internal training to acquire this knowledge and thus it could not be readily imparted to another software engineer without significant cost and inconvenience to the company.

As a preliminary matter, we acknowledge that the proprietary nature of the Petitioner's [redacted] product is well-established in the record. The statutory and regulatory definitions of "specialized knowledge" do not include a requirement that a beneficiary's knowledge be proprietary. By itself, a petitioner's claim that knowledge is proprietary will not satisfy the statutory and regulatory standards;

[2] The Petitioner has not, in the alternative, articulated a claim that the Beneficiary possesses advanced knowledge of the organization's processes and procedures that is greatly developed in comparison to other workers employed within its operations. Therefore, the focus of our discussion will be on the Beneficiary's claimed special knowledge of the company's [redacted] product.

a petitioner must still meet its burden to demonstrate that a beneficiary's knowledge is either special or advanced, and that such knowledge cannot be readily imparted from one person to another. We look at the nature of the proprietary knowledge, how it can be acquired within the company, and when and how a given beneficiary gained such knowledge to determine whether the knowledge qualifies as "special knowledge."

Here, the Petitioner claims that the Beneficiary's proprietary knowledge of [redacted] qualifies as special knowledge because such knowledge can only be gained through extensive internal training within its organization. The Petitioner maintains that this training, which must be completed by the company's software engineers before undertaking an assignment that requires the use of [redacted] "transforms" experienced software engineers into engineers with specialized knowledge.

To document the Beneficiary's claimed training, Petitioner submitted a May 2024 supporting letter with a narrative description of 13 internal courses and their claimed relevance to the duties she performs as a senior software engineer.[3] The Petitioner stated that the Beneficiary spent a cumulative total of 475 hours in this structured training between December 2021 and May 2022. The Petitioner provided copies of training certificates issued to the Beneficiary for 9 of the 13 claimed course, which corroborated her completion of 255 cumulative hours of training. Notably, the supporting evidence lacked a certificate for the 80-hour course titled "[redacted]," which the Petitioner claimed she completed in January 2022.[4] Specifically, the Petitioner provided certificates corroborating her completion of the following training:

Course Title	Date Completed	Hours
[redacted]	Dec. 03, 2021	25
	Dec. 09, 2021	14
	Dec. 20, 2021	20
	Jan. 20, 2022	16
	Feb. 08, 2022	12
	March 11, 2022	25
	March 28, 2022	55
	April 12, 2022	8
	May 10, 2022	80

The Petitioner emphasized that the internal training on these third-party technologies ensured that the Beneficiary "has the requisite knowledge of [redacted] and how [redacted] tools and technologies should be used in conjunction with our proprietary tool," noting that the training is "specific to [the company's] needs" and "not accessible outside of [the company], as it includes training on [redacted]." The Petitioner explained that "[k]nowledge of how [redacted] can be used cohesively with [redacted] tools such as [redacted] or [redacted] is knowledge that goes well beyond basic knowledge

[3] On page 16 of its letter, the Petitioner listed a 14th course titled "[redacted]." However, the Petitioner did not mention this course elsewhere in its letter or provide a corresponding course completion certificate.

[4] The Petitioner stated in its May 2024 letter that the Beneficiary also completed: (1) a 30-hour [redacted] course in January 2022; (2) an 80-hour course in [redacted] in March 2022; and (3) a 30-hour course in [redacted] in April 2022. It did not submit training certificates or comparable supporting evidence documenting these courses.

on [redacted] tools found generally within the IT industry because it requires knowledge of how to integrate our proprietary technology . . . with those tools."

In a request for evidence (RFE), SCOPS advised the Petitioner it did not provide sufficient information or evidence of how Beneficiary obtained the claimed specialized knowledge. In part, SCOPS observed that it appeared the Beneficiary received only 80 hours of training in [redacted] rather than nearly 500 hours as claimed. Among other items, SCOPS requested: evidence of the Beneficiary's prior education, training and employment and an explanation of how that background relates to her claimed specialized knowledge; a comparison of the Beneficiary's knowledge to that of other similarly employed workers within the organization and within the field; in-house training records; curricula and training manuals for in-house training courses; or any other evidence to support the Petitioner's claim that the Beneficiary possesses knowledge that cannot be readily transferred or taught to another individual without significant economic cost or inconvenience.

In its RFE response, the Petitioner reiterated its claims regarding the technical complexity of the [redacted] tool, its proprietary nature, and the Beneficiary's completion of "475+ hours of training" that is not available anywhere outside of the petitioning organization. The Petitioner emphasized that it had already provided "training certificates for each training course that she has completed." The Petitioner's response did not include additional evidence regarding the Beneficiary's prior education, training and employment experience in the software engineering field, or any supplemental supporting documentation regarding her claimed in-house training with its Indian subsidiary.

SCOPS concluded the Petitioner did not adequately support its claim that it would take a significant amount of time to transfer the proprietary knowledge the Beneficiary possesses to a similarly educated and experienced software engineer working in the same field. SCOPS again emphasized that the Petitioner claimed the Beneficiary completed only one 80-hour course related to [redacted] and observed that proprietary knowledge that can be readily transferred in a relatively short period of time, and without significant cost or inconvenience, does not qualify as special knowledge.

On appeal, the Petitioner contends that SCOPS overlooked or mischaracterized evidence demonstrating that the Beneficiary possesses special knowledge of its [redacted] product. The Petitioner emphasizes that it did not simply claim she holds proprietary knowledge but submitted "training certificates" and "internal training manuals" to show that she underwent at least 475 hours of structured and rigorous training in the [redacted] product. It further alleges that SCOPS failed to consider "internal training materials used by [the company] to train its employees in [redacted] and "comprehensive explanations of the critical skills developed through these trainings." Finally, the Petitioner maintains that it appears that SCOPS only reviewed the course titles in reaching a conclusion that the Beneficiary had only 80 hours of [redacted] training, and failed to acknowledge evidence showing how the courses she completed "build and enhance [redacted] knowledge."

The record does not support the Petitioner's assertion that it provided training certificates for every course it claims the Beneficiary completed, internal training manuals for those courses, and other "internal training materials" and "comprehensive explanations" demonstrating that the Beneficiary completed 475 hours of [redacted] specific training. The referenced training manuals and other training materials are not in the record and were not mentioned at the time of filing or in the RFE response. As noted, the record contains: (1) the Petitioner's initial May 2024 letter in support of the

petition, which includes descriptions of 13 courses it claims the Beneficiary completed; and (2) completion certificates for 9 of the 13 courses the Petitioner identified in its letter, which account for only 255 hours of training, rather than the 475 hours the Petitioner claimed she completed. No other evidence related to the Beneficiary's internal training was submitted.

Each of the nine training certificates includes a list of topics covered. Notably, none of the certificates include a reference to [redacted] despite the Petitioner's claim that the courses were designed to ensure that its engineers gain skills needed to integrate [redacted] with other third-party technologies. Although the Petitioner indicated that the Beneficiary obtained knowledge of [redacted] in the course titled '[redacted]' it did not provide corroborating evidence that she completed this 80-hour course. Therefore, while the Petitioner corroborated the Beneficiary's completion of 255 hours of training by providing course completion certificates, this evidence did not convey her training focused on [redacted] or on the integration of this tool with third-party technologies.

The Petitioner's narrative description of the "relevance" of each training course is likewise insufficient to support its claim that each course was designed to enhance its employees' knowledge of [redacted] For example, in explaining the relevance of the Beneficiary's 55 hours of training in [redacted] the Petitioner generally stated that "[k]nowledge of [redacted] is necessary during the data validation stage in order to compare and validate data between source and target systems." While we do not doubt that the Beneficiary may use both [redacted] to perform her duties, the evidence does not demonstrate that this 55-hour training course was focused on [redacted] or on using [redacted] in conjunction with [redacted] The record indicates that the course's topics included [redacted] architecture, workflow and installation; [redacted] data types; [redacted] functions; [redacted] query optimization; and [redacted] Tables, among others. Without additional evidence regarding the content of the training courses, the Petitioner has not substantiated its claim that the training it offers actually "goes well beyond basic knowledge on [redacted] tools found generally within the IT industry" due to the courses' underlying focus on [redacted]

In addition, we note that notwithstanding the Petitioner's claim that all the Beneficiary's training was designed to "build and enhance" her knowledge of [redacted], the record shows that she completed training in [redacted] and [redacted] in December 2021. The Petitioner claims that she took her first and only [redacted] course in January 2022, so any training taken before that date likely did not enhance her knowledge of the tool. It also appears the Beneficiary may have taken the [redacted] training and the claimed [redacted] training prior to her claimed completion of the [redacted] course. These facts tend to undermine the Petitioner's contention that all training the Beneficiary completed had a [redacted] component that distinguishes it from industry-standard training in legacy data warehousing and [redacted] technologies.

For the reasons discussed above, the Petitioner has not provided sufficient explanation or evidence to supports its claim that the proprietary knowledge required to perform the duties of a senior software engineer can only gained through extensive internal training focused on [redacted] The evidence does not sufficiently document the Beneficiary's completion of the claimed 475 hours of training or support the Petitioner's claim that all her company training, the significant majority of which related to third-party technologies, incorporated proprietary information about [redacted] that makes it distinct or uncommon compared to the training available to other software engineers outside of the

company. Based on the evidence submitted, we cannot discern whether those courses were intended to enhance and build on employees' knowledge of [redacted] as claimed, or simply to ensure that the company's engineers have the technical background in data warehousing and [redacted] platforms needed to carry out their project-related duties.

The regulation at 8 C.F.R. § 214.2(l)(3)(iv) requires, in part, evidence that "an alien's prior education, training, and employment qualifies him/her to perform the intended services in the United States." Therefore, the Petitioner's job-related requirements, and the Beneficiary's own professional background and industry experience, are material to understanding and evaluating its specialized knowledge claim. Here, the Petitioner emphasized that it only hires software engineers who meet specific "educational and experience requirements." It did not articulate what those requirements are or whether it requires, for example, prior experience with data warehousing and [redacted] technologies as a prerequisite for hiring.

Although SCOPS asked the Petitioner to provide evidence of the Beneficiary's prior education, training and employment and how it relates to the claimed specialized knowledge, the Petitioner did not provide this evidence in its response to the RFE. In fact, the Petitioner has provided little information about the Beneficiary's own employment history or any professional training she received prior to joining its foreign subsidiary in 2021. The Petitioner generally stated that she had "gained substantial experience as a software engineer" and "developed a thorough understanding of the different methodologies of software development processes and platforms" prior to joining the company. It did not indicate, for example, whether she had any previous experience in the automated migration of data from legacy data warehouses to [redacted] platforms or identify the specific third-party technologies in which she already had expertise. It is also unclear from the record whether there is a standardized course of internal training that all the Petitioner's software engineers must complete. The Petitioner claims that all software engineers working with [redacted] have acquired specialized knowledge but does not indicate whether they are all required to complete the same type and amount of training to acquire this knowledge.

We acknowledge that the Petitioner did not claim that the Beneficiary gained her specialized knowledge exclusively through the claimed 475 hours of structured training. For example, the Petitioner noted a need for "a minimum of six months to gain familiarity with [redacted] generally, which preceded this training" and stated that the Beneficiary was required to complete a "proof-of-concept" project. The Petitioner did not provide sufficient explanation regarding the scope and nature of any hands-on training the Beneficiary received on [redacted] In fact, while the Petitioner documented her completion of nine training courses totaling 255 hours between December 2021 and May 2022, it did not explain what specific assignments she undertook between her date of hire in June 2021 and December 2021, or between May 2022 and December 2022, when she received her current project assignment. Regardless, the Petitioner's primary argument on appeal, and throughout this proceeding, is that the Beneficiary possesses specialized knowledge based on her claimed completion of 475 hours of structured training focused on its proprietary product, which, for the reasons discussed, is not sufficiently documented in the record.

We do not question that the Beneficiary is well-qualified to perform the intended duties in the United States based on her experience with the Petitioner's foreign subsidiary. However, the Petitioner did not adequately support its claim that an understanding of its proprietary [redacted] tool equates to

specialized knowledge that can normally only be gained through a significant period of training within the organization, and that it could not be readily transferred to another industry professional with the requisite functional and technological background. The Petitioner's claim that it would require an extensive period of training to acquire the claimed specialized knowledge is not sufficiently supported by the record. Accordingly, the appeal will be dismissed.

C. Reserved Issues

Because the Petitioner has not demonstrated that the Beneficiary possesses specialized knowledge, she is ineligible for the classification sought. We need not reach, and therefore reserve, the separate issues of whether she has been employed abroad in a capacity involving specialized knowledge, whether she would be employed in a specialized knowledge capacity in the United States, and whether the terms of her proposed assignment to the worksite of an unaffiliated employer in the United States comply with the provisions of the L-1 Visa Reform Act. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

IV. CONCLUSION

For the reasons discussed, the Petitioner has not established that the Beneficiary possesses specialized knowledge.

ORDER: The appeal is dismissed.