U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 38603331

Date: JUNE 12, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner sells heating ventilation and air conditioning (HVAC) products and services. It seeks to employ the Beneficiary temporarily at its new office[1] in the position of "HVAC marketing specialist" 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).

Service Center Operations (SCOPS) denied the petition, concluding that the Petitioner did not establish that the Beneficiary possesses specialized knowledge and was employed abroad and would be employed in the United States in a specialized knowledge capacity. 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 because the Petitioner did not overcome SCOPS' conclusion that the Beneficiary does not possess specialized knowledge. Because the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's appellate arguments regarding the remaining issues. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach").

I. LAW

To establish eligibility for the L-1B nonimmigrant visa classification, 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. Section 101(a)(15)(L) of the Act. 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).

[1] The term "new office" refers to an organization which has been doing business in the United States for less than one year. 8 C.F.R. § 214.2(l)(1)(ii)(F).

Further, regarding a new office petition, the petitioner must submit evidence to demonstrate that it has secured sufficient physical premises to house its operation and that it has the financial ability to remunerate the beneficiary and commence doing business. *See generally*, 8 C.F.R. § 214.2(l)(3)(vi).

II. FACTUAL BACKGROUND

The Petitioner sells HVAC products and services, focusing its U.S. operation on the distribution and servicing of [redacted] conditioning systems on the east coast to large commercial and residential buildings and facilities. It states that it seeks to develop and implement "an extensive marketing strategy" so that it can sell customized [redacted] solutions to customers in the United States. The Petitioner discusses the Beneficiary's experience abroad which includes approximately five weeks of training at [redacted] headquarters in China and which the Petitioner claims resulted in the Beneficiary's specialized knowledge of [redacted] products.

The Petitioner states that the training provided the Beneficiary with a "deep and comprehensive understanding" of [redacted] software and products, which she then incorporated into her employment as the foreign entity's HVAC Marketing Specialist, a position she held for approximately one year before coming to the United States. The Petitioner refers to the "technology complexity" of the [redacted] products and highlights that training in this brand "is not generally held" and can only be imparted by the manufacturer at its China headquarters. The Petitioner states that the focus of the Beneficiary's proposed position will be to create promotional materials that will expand the [redacted] brand of products into the U.S. market.

III. SPECIALIZED KNOWLEDGE

The primary issue in this matter is whether the Petitioner established that the Beneficiary possesses specialized knowledge and whether she has been employed abroad and will be employed in the United States in a specialized knowledge capacity.

As a threshold issue, we must determine whether the Petitioner established that the Beneficiary possesses specialized knowledge. If the evidence is insufficient to establish that she possesses specialized knowledge, then we cannot conclude that the Beneficiary's past and intended future employment involve specialized knowledge.[2]

A beneficiary is deemed to have specialized knowledge if they have: (1) a "special" knowledge of the petitioning organization's product and its application in international markets; or (2) an "advanced" level of knowledge of the processes and procedures of the petitioning organization. Section 214(c)(2)(B) of the Act; 8 C.F.R. § 214.2(l)(1)(ii)(D). A petitioner may establish eligibility by submitting evidence that the beneficiary and the proffered position satisfy either prong of the statutory definition.

As both "special" and "advanced" are relative terms, determining whether a given beneficiary's knowledge is "special" or "advanced" inherently requires a comparison of the beneficiary's knowledge against that of others. With respect to either special or advanced knowledge, the petitioner

[2] The Petitioner does not claim that the Beneficiary was employed abroad in an executive or managerial capacity.

ordinarily must demonstrate that the beneficiary's knowledge is not commonly held throughout the particular industry and cannot be easily imparted from one person to another. The ultimate question is whether the petitioner has met its burden of demonstrating by a preponderance of the evidence that the beneficiary's knowledge or expertise is special or advanced, and that the beneficiary's position requires such knowledge.

Special knowledge concerns knowledge of the petitioning organization's products or services and their application in international markets. To establish that a beneficiary has special knowledge, the 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.

Because "advanced knowledge" concerns knowledge of an organization's processes and procedures, the petitioning entity may meet its burden through evidence that the beneficiary has knowledge of or an 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.

Once a petitioner articulates the nature of the claimed specialized knowledge, it is the weight and type of evidence which establishes whether 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 such knowledge is typically gained within the organization and explain how and when the individual beneficiary gained such knowledge.

Here, the Petitioner did not identify the Beneficiary's knowledge as special or advanced, instead claiming in general that her knowledge is specialized with respect to a specific brand of HVAC products whose manufacturer is headquartered in China and which the Petitioner plans to market and sell in the United States. The Petitioner provided a list of the Beneficiary's job duties that involve knowledge of the [redacted] brand without explaining how such knowledge, which the Beneficiary gained during five weeks of trainings at [redacted] China headquarters, is specialized. In other words, the Petitioner did not establish that the Beneficiary's knowledge is special, since it does not pertain to the petitioning organization's products or services and their application in international markets, or that her knowledge is advanced since there is no evidence that it pertains to the petitioning organization's processes and procedures. In fact, the Petitioner readily admits that the Beneficiary's knowledge squarely pertains to the products of an unrelated entity whose products are the focus of the marketing materials the Beneficiary develops in her capacity as marketing specialist.

In a request for evidence (RFE) the Petitioner was asked to explain how the Beneficiary's knowledge is either special or advance and to identify which of its organization's products, services, or tools, or which of its processes and procedures are involved in the job duties that require the Beneficiary to possess specialized knowledge.

The RFE response contains a chart that lists the Beneficiary's job duties and highlights her "deep understanding" of [redacted] products and their "unique functions, metrics, features, and competitive advantages" as the critical element of the specialized knowledge she is claimed to possess. The Petitioner highlights the Beneficiary's "proprietary training" in [redacted] products as the key factor that led to her product knowledge, enabling her to represent the products and convey their advantages to prospective customers. The Petitioner did not claim or provide evidence which shows that the Beneficiary's knowledge pertains either to the petitioning organization's processes and procedures or to its products or services and their application in international markets.

On appeal, the Petitioner continues to focus primarily on the Beneficiary's training in [redacted] "patented technology" but it does not claim that the Beneficiary's knowledge pertains to the Petitioner's products or services or to its processes and procedures. The Petitioner also provides a historical overview of Congressional intent and legal interpretations of the term "specialized knowledge," arguing that amendments to the relevant provisions of the Act were made with the intent of allowing for a more liberal interpretation of that term. Regardless, the statute is unambiguous in stating that the specialized knowledge must pertain to the company that seeks to employ the beneficiary, thereby requiring the Petitioner to establish that the Beneficiary "has a special knowledge of the company product and its application in international markets or has an advanced level of knowledge of processes and procedures of the company." Section 214(c)(2)(B) of the Act.

Because the Petitioner neither claims nor provides evidence to show that the Beneficiary's knowledge pertains to the petitioning organization's product or to its processes and procedures, it has not established that the Beneficiary's knowledge is specialized pursuant to the statutory requirements.

In light of the evidentiary deficiencies described herein, the Petitioner has not established that the Beneficiary possesses specialized knowledge or that she was employed abroad and would be employed in the United States in a specialized knowledge capacity.

ORDER: The appeal is dismissed.