U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39746350

Date: OCT. 20, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner is a jewelry wholesaler that seeks to temporarily employ the Beneficiary as marketing consultant[1] of its new office 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 foreign employee with "specialized knowledge" to work temporarily in the United States.

SCOPS denied the petition, concluding that the record 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 under 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, the beneficiary must seek to enter the United States temporarily to continue rendering their 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 them to perform the intended services in the United States. 8 C.F.R. § 214.2(l)(3).

II. FACTUAL BACKGROUND

The Beneficiary was previously employed as a sales and marketing manager for a jewelry manufacturer in India called [redacted]. The Petitioner is a newly established office, which seeks to sell jewelry manufactured by [redacted].

[1] An organizational chart in the record shows the variant title "Product & Sales Consultant."

The Petitioner described the Beneficiary's background and training:

> After completing his BBA (Bachelors in Business Administration) in 2012, [the Beneficiary] joined his family business as an apprentice in Delhi, India and helped in stock maintenance and the trading of diamonds. This introduction to the jewelry trade encouraged him to enroll in an extensive course in [redacted] from the [redacted] in October 2012. After graduating and receiving the coveted [redacted] certification in January 2013 he then joined a diamond cutting and sorting factory in [redacted] (INDIA) for 3 months where he gained extensive knowledge about diamond cutting and small diamond assortment. In 2018 he joined [redacted] as an export manager for trading and marketing in USA. He carried gold and diamond jewelry shipments to USA and, in 18 months of extensive marketing, created a fairly large market and obtained $400,000 worth of orders and sales. His expertise in the gem trade, [redacted] jewelry production and customs requirements as well as his well-established US base of experience makes him the perfect Candidate to provide product and marketing consultation to [redacted]
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> [The Beneficiary] possesses knowledge of [redacted] manufacturing processes, labor and product costs and export operations which will be of significant value to [the Petitioner's] ability to quote prices and promote products.

III. ANALYSIS

The primary issue in this matter is whether the Petitioner established that the Beneficiary possesses specialized knowledge and whether he has been employed abroad and will be employed in the United States, in a specialized knowledge capacity.[2]

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 he possesses specialized knowledge, then we cannot conclude that the Beneficiary's past and intended future employment involve specialized knowledge.

A beneficiary is deemed to have specialized knowledge if he or she has: (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. *See generally* 2 *USCIS Policy Manual* L.4(B),

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

https://www.uscis.gov/policy-manual. With respect to either special or advanced knowledge, the petitioner 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. *Id.* 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. *Id.*

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. *Id.*

Knowledge generally may be considered specialized if a petitioner can demonstrate through credible and relevant evidence that the knowledge possessed by the beneficiary would be difficult to impart to another person without significant economic cost or inconvenience to the petitioning organization. However, USCIS does not require a petitioner to establish significant economic cost or inconvenience if it can otherwise establish specialized knowledge. *Id.*

Once a petitioner articulates the nature of the claimed specialized knowledge, it is the weight and type of evidence that establishes whether the beneficiary actually possesses specialized knowledge. A petitioner should 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 in order to determine if it meets the specialized knowledge standard. 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.

The record contains a copy of the Beneficiary's 2013 diploma in [redacted] from [redacted] The Petitioner indicated that this course of study lasted four months, from October 2012 to January 2013, and allowed the Beneficiary to "develop[] his expertise in evaluating and pricing loose gemstones."

The Beneficiary's foreign employer, [redacted], described his work there "for the last five years":

> [The Beneficiary worked] first, in the physical factory overseeing production and for the last 3 years as our sales and marketing coordinator. During his tenure in our factory he obtained detailed and specific knowledge and experience in production (Casting, filing, setting, polishing and finishing). This physical factory experience of overseeing the manufacturing process of our proprietary products and designs provided him with

the tools to immediately give quotes to buyers in USA when they show their samples for orders as well as training a sales staff there. . . .

[The Beneficiary] has, based upon our specific needs, coordinated [the] cutting and polishing as well as pricing [of rough diamonds]. His unique knowledge has been instrumental in keeping our quality high and price very competitive.

[redacted] indicated that the Beneficiary "traveled extensively all over California and Chicago" "to study the USA market and analyze the different demands, pricing and requirements of Indian jewelry specialty retailers." [redacted] also asserted that the Beneficiary "has become an expert in both Indian and USA Custom[s] related requirements."

An individual with the initials M.T., identified as the Petitioner's manager and sole employee at the time of filing, stated:

Although I have developed the skills required to operate a wholesale Indian jewelry business here in California, I am lacking the knowledge and experience regarding design, fabrication, grading, pricing and, most of all, [redacted] capabilities to provide products that will serve as the sole source of our inventory. Without someone to train both me and our future sales staff regarding all of the above we will be at a severe disadvantage.

[The Beneficiary] is uniquely qualified to do so. His prestigious [redacted] certification, his well rounded work experience with [redacted] and his previous sales and marketing travels to the United States will provide our company with the tools and credibility we need as we venture forth into the business. . . .

His experience with [redacted] his specialized knowledge of the fabrication of its proprietary products, the raw and polished gemstones suppliers and the United States market establishes him as the ideal person to assist our personnel in the opening and operating of [the petitioning entity].

The Petitioner also described the Beneficiary's experience abroad in wording similar to that of the foreign employer's letter.

The Petitioner and [redacted] did not cite evidence to show that the Beneficiary's work with those employers requires knowledge not commonly held throughout the particular industry and not easily imparted from one person to another, and to establish that the Beneficiary's [redacted] certification imparted knowledge that was distinct or uncommon. For instance, the Petitioner did not establish that [redacted] uses fabrication processes not common to the industry, or that familiarity with gemstone suppliers and "the United States market" is not commonly found in the United States' jewelry trade, in which the Beneficiary would be working.

SCOPS issued a request for evidence (RFE) asking the Petitioner for evidence to show that the Beneficiary's knowledge meets the regulatory definition of "special" or "advanced." For example, SCOPS requested documentation of the Beneficiary's training and experience, and a detailed

description of the Beneficiary's intended U.S. position that establishes how the position involves special or advanced knowledge.

In response, the Petitioner submitted a letter from [redacted] that essentially repeated elements of that employer's first letter, adding a description of the Beneficiary's typical daily schedule at [redacted] The schedule indicates that the Beneficiary "collaborates with designers" on "new jewelry designs," "proceeds to plan and coordinate the production of new orders," and "visits the factory to supervise ongoing production processes." [redacted] claimed:

> To train another employee to perform duties similar to [the Beneficiary's] would require the educational and industry work experience background followed by the same 2-3 year curriculum [described previously]. Currently, no employees have this combination of duties and background and even those currently in our factory do not possess the requisite knowledge of precious gemstones etc.

In a separate letter, [redacted] indicated that the Beneficiary's prior experience taught him about gemstones and gold jewelry and introduced him to sellers, and that his time at [redacted] gave him "knowledge of the manufacturing process."

On behalf of the Petitioner, M.T. stated:

> Indian jewelry, which is an important part of Indian culture and events, is a highly specialized market with even the average Indian possessing a keen eye for quality and style. In agreeing to manage the [petitioning company], I realized the importance of specialized training in the business.
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> . . . In order to be effective, [the Beneficiary] will be required to train me and my future staff of pricing, [redacted] jewelry design capability, the trade vernacular in dealing with potential customers in the wholesale market as well as the many issues that arise in sales, pricing, design and importing.
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> Without [the Beneficiary's] training, [the Petitioner's] staff, including me, will be at a severe disadvantage when negotiating sales and delivery.

In a separate, unsigned statement, the Petitioner indicated that its "training program for . . . new hires . . . is divided into four parts," but the Petitioner then listed five components: Knowledge of Diamonds, Knowledge of Precious Stones, Marketing and Sales, Inventory and Stock Keeping, and Accounts. The Petitioner claimed that each component of training would take between 30 and 90 days, for a total of 330 days of training.

SCOPS denied the petition, stating that the Petitioner had not submitted enough information and evidence "to show how [the Beneficiary's] proficiency equates to specialized knowledge as contemplated by the regulations," or to support the claim that "it would take approximately 2-3 years of . . . training . . . to acquire the beneficiary's level of knowledge." SCOPS concluded that the

Petitioner had not sufficiently distinguished the Beneficiary's "knowledge, training and experience" from that of others similarly employed in the industry.

On appeal, the Petitioner contends that letters in the record "lay out a progressive training and experience program encompassing well over 12 years," seven of which were with [redacted] SCOPS did not dispute the length of the Beneficiary's experience and education, but length of experience does not necessarily correlate to specialized knowledge.

The Petitioner asserts: "Indian jewelry . . . varies by region, so, in order to sell, [the Beneficiary] had to become acquainted with the different styles." The Petitioner asserts that the Beneficiary attained "advanced knowledge and expertise in both diamonds and colored gemstones" through his [redacted] training, employment experience, and "his international trips to Asian countries to scout out sources." The Petitioner contends that SCOPS overlooked much of this information, and focused unduly on "tools and techniques."

SCOPS did not dispute the Beneficiary's familiarity with the Petitioner's business and various aspects of jewelry manufacturing. But familiarity, even at the level of expertise, is not necessarily the same as specialized knowledge. A petitioner ordinarily must demonstrate that the beneficiary's knowledge is not commonly held throughout the industry. *See generally* 2 *USCIS Policy Manual* I.4(B)(1). Here, the Petitioner has asserted, without objective supporting evidence, that the Beneficiary's knowledge is of this type. The Petitioner has not established how the Beneficiary's knowledge of the Indian jewelry industry differs from what is commonly held among others employed in that industry.

For example, the Petitioner has called the Beneficiary's [redacted] diploma "prestigious" and "coveted," but the Petitioner has submitted no further details about the course of study there and no documentary evidence to show that this level of training conveys special or advanced knowledge in relation to others in the Beneficiary's field.

Throughout this proceeding, the Petitioner and [redacted] have described the Beneficiary's work and asserted that it requires specialized knowledge, but the Petitioner has not verifiably distinguished the Beneficiary from others involved in Indian jewelry sales to demonstrate specialized or advanced knowledge.

Given the evidentiary deficiencies discussed above, the record does not establish that the Beneficiary attained specialized knowledge of the petitioning organization's products or services or its processes and procedures. Accordingly, the Petitioner has not established that the Beneficiary possesses specialized knowledge or that he was employed abroad and would be employed in the United States in a specialized knowledge capacity.

The above discussion determines the outcome of the appeal. But we note an additional issue.

IV. QUALIFYING RELATIONSHIP

To establish a "qualifying relationship" under the Act and the regulations, a petitioner must show that the beneficiary's foreign employer and the proposed U.S. employer are the same employer (i.e., one

entity with "branch" offices), or related as a "parent and subsidiary" or as "affiliates." *See generally* section 101(a)(15)(L) of the Act; 8 C.F.R. § 214.2(l).

At various times, the Petitioner has called [redacted] its "sister company" and its "parent subsidiary" (sic). The record identifies the Beneficiary's aunt, with the initials M.D., as the sole proprietor of [redacted] The Petitioner's limited liability company (LLC) operating agreement dated [redacted] 2024, names M.D. as the LLC's sole member (owner). This arrangement would essentially establish an affiliate relationship between the two employers. *See* the definition of "affiliate" at 8 C.F.R. § 214.2(l)(1)(ii)(L). The operating agreement also names M.T. as the LLC's manager and registered agent, with the Petitioner's address as the registered agent's location.

But the Petitioner submitted copies of documents filed with California Secretary of State that show different information. The Petitioner's articles of organization, filed [redacted] 2024, indicate that the company would have only one manager, not named on that document. A Statement of Information that the Petitioner filed two days later, on [redacted], 2024, has a space for the LLC to list "Manager(s) or Member(s)." That document lists only the Beneficiary under "Manager or Member Name." Both documents list the Beneficiary, not M.T., as the LLC's registered agent, with the Beneficiary's residential address as the registered agent's address.

California law requires every LLC to file a biennial Statement of Information providing the name and address of any manager or managers or, if the LLC has appointed no manager, the name and address of each member of the LLC. *See* Cal. Corp. Code § 17702.09(a)(5) (West). An individual who signs a required filing, such as a Statement of Information, affirms under penalty of perjury that the information in that filing is accurate. *See id.* at §17702.07(c) (West). In this instance, the Beneficiary signed the Articles of Organization and the Statements of Information that the Petitioner filed in [redacted] 2024.

Because the Petitioner's organizing documents, as submitted to USCIS, contain different information than the information on the Petitioner's official state filings, there is a question as to which, if any, of those documents accurately reflect the Petitioner's ownership and administrative structure. If the Beneficiary is the only member of the petitioning LLC, as the state filings appear to imply, then the Petitioner has no qualifying relationship with [redacted] because the same person or entity does not own and control both employers. But if the Beneficiary is neither a member nor manager of the petitioning LLC, then the Petitioner's state filings contain false information.

Because of ambiguities in the wording of the state filings, we cannot tell whether the documents call the Beneficiary a "member" or "manager" of the petitioning LLC, but either way, the documents filed with the California Secretary of State are not consistent with the Petitioner's organizational documents. Given this discrepancy, we conclude that the Petitioner has not met its burden of proof to establish its claimed qualifying relationship with [redacted] *See Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988) (stating that a petitioner must resolve discrepancies in the record with independent, objective evidence pointing to where the truth lies).

V. CONCLUSION

We will dismiss the appeal because the Petitioner has not met its burden of proof to establish that the Beneficiary possesses specialized knowledge.

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.