U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40125701

Date: OCT. 31, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a floor manufacturing company, seeks to temporarily employ the Beneficiary as a maintenance 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.

SCOPS denied the petition on multiple grounds. SCOPS concluded the Petitioner did not establish that: 1) the Beneficiary was employed fulltime by a qualifying organization for one continuous year in the three preceding the date the petition was filed, 2) the Beneficiary was employed abroad in a position that was managerial, executive, or involving specialized knowledge, 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 as the Petitioner did not establish that the Beneficiary was employed abroad in a position involving specialized knowledge. Since this issue is dispositive, we decline to reach and hereby reserve the Petitioner's arguments with respect to the Director's other grounds for denial. *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).

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. EMPLOYMENT ABROAD IN A SPECIALIZED KNOWLEDGE CAPACITY

As discussed, SCOPS concluded the Petitioner did not establish that the Beneficiary was employed abroad in a position that was managerial, executive, or involving specialized knowledge. The Petitioner does not claim the Beneficiary was employed abroad in a managerial or executive capacity; as such, the sole issue we will analyze is whether the Petitioner established that the Beneficiary was employed abroad in a position involving specialized knowledge.

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.

The Petitioner indicated that the Beneficiary was responsible abroad for "leading the one-time molding equipment installation and operational maintenance," the basis of his asserted specialized knowledge. The Petitioner asserted that the foreign employer's molding technology for the manufacturing of flooring material is distinct and not available elsewhere in the flooring manufacturing marketplace. The Petitioner explained that the foreign employer utilizes a "unique patented seven-roll calendar which has been technically modified." The Petitioner stated that the Beneficiary obtained this specialized knowledge by "participating in the entire process of equipment R&D of the one-time molding technology" including its installation alongside "other colleagues." The Petitioner further explained that the Beneficiary was "one of the drafters of the Project Statement of Work for R&D." The Petitioner also indicated that the Beneficiary participated in training related to the one-time molding equipment with eight other colleagues.

In denying the petition, SCOPS concluded that the Petitioner did not provide a sufficient response to material discrepancies in its foreign employment discussed in its request for evidence (RFE). SCOPS noted in the RFE that the Beneficiary applied for a B1/B2 nonimmigrant travel visa with the U.S. Department of State (DOS) in July 2024 and stated that he worked as an equipment manager as opposed to a maintenance engineer. SCOPS further stated it was noteworthy that the Beneficiary's travel visa was denied, since according to DOS, he could not credibly explain his foreign job duties or his need to attend a business conference in the United States. SCOPS determined the Petitioner's response to these noted material discrepancies was insufficient and it was questionable that the Beneficiary would become confused about his foreign position when questioned by DOS.

On appeal, the Petitioner asserts the Beneficiary was employed as a maintenance engineer abroad and submits his one-page foreign employee profile as supporting evidence. The Petitioner further states that the foreign employer engaged an agency to file the Beneficiary's B1/B2 nonimmigrant visa application leading to the discussed inaccuracy in his DOS application.

The Petitioner did not sufficiently address SCOPS conclusions regarding the Beneficiary's claimed employment in a specialized knowledge capacity abroad. For instance, the Petitioner vaguely indicates that it hired an outside agency to file the Beneficiary's DOS B1/B2 nonimmigrant visa application and contends this explains the discrepancy in his job title provided with this application. However, even if this were accurate, the Petitioner does not explain how the Beneficiary was unable to credibly discuss his foreign job duties or his need to attend a business conference in the United States when questioned by DOS. This derogatory information leaves significant question as to whether the Beneficiary was employed abroad in a capacity involving special or advanced knowledge. The Petitioner's submittal of a one-page printout of his foreign employee profile does not overcome the doubt raised by his DOS interview. It is reasonable to conclude that an individual with specialized knowledge would be able to credibly explain his position and intentions prior to traveling for business to the United States. The Petitioner also provides little reasoning on appeal as to how SCOPS erred in this determination.[1] The Petitioner must resolve discrepancies and ambiguities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Unresolved material inconsistencies may lead us to reevaluate the reliability and sufficiency of other evidence submitted in support of the requested immigration benefit. *Id.; see also Matter of O-M-O-*, 28 I&N Dec. 191, 197 (BIA 2021) ("by submitting fabricated evidence, the appellant compromised the integrity of his entire claim") (cleaned up).

In addition, the Petitioner submitted little evidence to sufficiently substantiate the Beneficiary's claimed specialized knowledge capacity abroad. As discussed by SCOPS in its denial, a determination as to whether the Beneficiary's position would be special or advanced inherently requires a comprehensive comparison of him against others, including those similarly employed in both the company and industry to demonstrate that his knowledge is distinct and uncommon within the industry or greatly

[1] We note that the Petitioner is required on appeal to *specifically identify* [emphasis added] any erroneous conclusion of law or statement of fact in the unfavorable decision. 8 C.F.R. § 103.3(a)(1)(v).

developed[2] and/or further along in progress than his colleagues within the company.[3] The Petitioner asserted with little supporting documentary evidence that the Beneficiary held distinct knowledge of the foreign employer's molding technology not available elsewhere in the floor manufacturing marketplace. The Petitioner also did not specifically compare the Beneficiary's claimed knowledge against those similarly placed in the industry as necessary to establish that his knowledge was distinct and uncommon in comparison to the knowledge of other similarly employed workers. As such, the Petitioner provided little explanation and evidence to substantiate that the Beneficiary's knowledge is special as defined by applicable law.

In addition, the Petitioner did not sufficiently demonstrate that the Beneficiary's knowledge of the foreign employer's processes and procedures is greatly developed or further along in progress, complexity, and understanding in comparison to other workers in its operations. For example, the Petitioner only compared the Beneficiary to two other employees within the foreign employer's greater organization, two fellow maintenance engineers within his immediate department. With respect to one maintenance engineer in his department it stated that "the beneficiary is mainly responsible for the front-end workshops and integration, while [his fellow maintenance engineer] is mainly responsible for the back-end workshops." Further, when discussing another fellow maintenance engineer in his department it indicated that this employee "places more emphasis on the infrastructure and comprehensive management of the factory area." In each case, the Petitioner's comparisons provide little insight into how the Beneficiary's knowledge of its one-time molding equipment is greatly developed or further along in progress, complexity, and understanding in comparison. For instance, we are provided with little information on the education and experience of his discussed colleagues, how their knowledge compares to the Beneficiary's, how long they have worked for the company, the extent of their knowledge of one-time molding equipment, or other probative information to substantiate the Beneficiary's claimed advanced knowledge. The Petitioner also did not indicate how many other maintenance engineers the foreign employer employed.

In fact, the Petitioner stated that the Beneficiary participated in the asserted research and development of the one-time molding technology and its installation with "other colleagues." The Petitioner also indicated that the Beneficiary was one of other drafters of the statement of work for this project, and that he participated in training specific to this technology along with eight other colleagues. Notably,

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[2] Determining whether a beneficiary had "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 had knowledge that was 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.

[3] 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.

the Petitioner provided the "project statement of work" listing eleven other colleagues on the team, including a director, and deputy director, of research and development and several other employees working in supporting roles like the Beneficiary. Similarly, a "one-time molding equipment installation record" dated in May 2020 reflected the Beneficiary and three other colleagues, including one of the maintenance engineers listed in his immediate department. As discussed, the Petitioner also stated that the Beneficiary completed a training in his claimed specialized knowledge with seven other colleagues in April 2022, a training listed as available to "all off-duty personnel of the equipment department, production representatives, sales, etc."

Therefore, the Petitioner provided substantial evidence indicating that knowledge of his claimed advanced knowledge is widely available within the foreign employer. The Petitioner also submitted insufficient comparisons of the Beneficiary's asserted knowledge and training against that of his colleagues within the greater foreign organization. Again, the Petitioner must resolve discrepancies and ambiguities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. at 582, 591-92. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. As such, the Petitioner provided little explanation and supporting evidence to sufficiently demonstrate that the Beneficiary's knowledge was advanced within the foreign employer.

For the foregoing reasons, we adopt and affirm SCOPS' decision. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below "is not only common practice, but universally accepted"). Here, the Petitioner did not sufficiently address material discrepancies in the Beneficiary's foreign employment and his claimed specialized knowledge capacity abroad. The Petitioner also did not articulate with specificity or sufficiently supplement the record to demonstrate that SCOPS' denial of the petition was inconsistent with law or policy. As such, the appeal must be dismissed.

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.