U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43845389

Date: SEP. 1, 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, a seller of water dispensers, seeks to temporarily employ the Beneficiary as a senior technical manager in its new office[1] 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.

USCIS revoked the approval of the petition determining the facts contained in the petition were not true and correct and that the approval of the petition involved gross error. More specifically, USCIS concluded that the Petitioner did not establish that: 1) it had a qualifying relationship with the Beneficiary's foreign employer, 2) the Beneficiary had been employed fulltime abroad by a qualifying organization for one continuous year in the three preceding the date the petition was filed, 3) the Beneficiary was employed abroad in a position that was managerial, executive, or involving specialized knowledge, 4) the Beneficiary was qualified to perform the intended services in the United States, and 5) 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.

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

[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). The regulation at 8 C.F.R. § 214.2(l)(3)(v)(C) allows a "new office" operation no more than one year within the date of approval of the petition to support an executive or managerial position.

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 USCIS regulations, the approval of an L-1B petition may be revoked on notice under six specific circumstances. 8 C.F.R. § 214.2(l)(9)(iii)(A). To properly revoke the approval of a petition, a director must issue a notice of intent to revoke that contains a detailed statement of the grounds for the revocation and the time-period allowed for rebuttal. 8 C.F.R. § 214.2(l)(9)(iii)(B).[2] USCIS may revoke a petition at any time, even after the expiration of the petition. *See, generally*, 2 *USCIS Policy Manual* L.9(D)(*2*), https://www.uscis.gov/policymanual.

II. SPECIALIZED KNOWLEDGE

The primary issue in this matter is whether the Petitioner established that the Beneficiary possesses specialized knowledge and whether he would be employed in a specialized knowledge capacity. As a threshold matter, if the Beneficiary does not possess specialized knowledge, then his positions abroad and in the United States would not involve specialized knowledge as necessary to qualify him.

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.

[2] USCIS approved the petition on December 19, 2024, but later issued a notice of intent to revoke (NOIR) on February 3, 2026, indicating that the statements of facts contained in the petition were not true and correct and that the approval of the petition involved gross error. USCUS later revoked the approval of the petition on April 17, 2026.

A. Background

The Petitioner indicated that its foreign parent sells a "cutting-edge water dispenser device" providing hot and cold water with an [redacted] The Petitioner stated that this product, the [redacted] "has become a staple of [redacted] The Petitioner stated that it aimed to expand this product to the United States through a U.S. based partner responsible for the marketing and sale of these "water bars," while it would be tasked with their installation, maintenance, and repair. The Petitioner stated that the Beneficiary was a "critical transfer" explaining that he had more than six years of experience working for the foreign parent and an "extensive understanding of [the foreign parent's] proprietary products and technology, services, and clientele." It indicated that the Beneficiary gained his specialized knowledge in its proprietary water dispenser technology while overseeing field technicians, addressing complex technical issues, educating technicians on rare product problems, and developing and implementing solutions to resolve common issues, making him "one of a few employees within our organization with the specialized knowledge we require to build our presence in the United States."

The Petitioner stated that the Beneficiary would be responsible for using his advanced proficiency in the foreign parent's water dispenser, particularly the [redacted] to provide training and complex technical advice to technicians and customer service representatives at all stages of the product life cycle from installation to repair. The Petitioner asserted that the position in the United States required an individual who is an expert in water dispenser systems and solutions to complex technical issues, including at least four years of experience in the foreign parent's water dispensers, most notably the '[redacted]' The Petitioner explained that during his tenure with the foreign parent, the Beneficiary installed more than 900 water bars and went on almost 400 service calls to diagnose and address product issues, emphasizing a computer patch he installed to solve a problem where the [redacted] would [redacted]

B. Advanced Knowledge

We will first discuss whether the Petitioner has demonstrated that the Beneficiary's knowledge is "advanced." 8 C.F.R. § 214.2(l)(1)(ii)(D). On appeal, the Petitioner submits an expert opinion and emphasizes that the Beneficiary's knowledge of his company's product, its installation, repair, and [redacted] guidelines represents specialized knowledge. The Petitioner does not specifically discuss on appeal how the Beneficiary's knowledge is advanced in comparison to his colleagues within its greater organization.

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.

USCIS emphasized in the denial decision that the Petitioner did not sufficiently establish how the Beneficiary's knowledge is greatly developed as compared to similarly placed colleagues within the organization by providing probative comparisons of his knowledge against that of his colleagues. Determining whether knowledge is "advanced" inherently requires a comparison of the beneficiary's knowledge against that of others. The Petitioner bears the burden of establishing such a favorable comparison. *Id.*

The Petitioner provided insufficient comparisons of the Beneficiary's knowledge and experience against that of his colleagues within the greater organization. For example, the Petitioner submitted an organizational chart indicating that the Beneficiary supervised two technicians and worked in parallel roles with a sales manager and an advertising manager, and the proposed U.S. organizational chart showed that he would oversee an already employed technician. However, we are provided with little specific information on these employees such as their duties, experience, education, training, salaries, or other similar probative information. Notably, the Petitioner stated that the Beneficiary's proposed position of senior technical manager in the United States required at least four years of experience in the company's water products, but without information on his colleagues within the greater organization we cannot discern whether his experience is reflective of someone with knowledge that is greatly developed or further along in progress, complexity, and understanding in comparison to his colleagues.

In fact, the Petitioner submitted a certificate related to one of the Beneficiary's colleagues working for the foreign employer indicating that he was certified as a technician in April 2019, or approximately five years prior to the date the petition was filed. Likewise, the Petitioner provided a letter from one of the Beneficiary's asserted subordinates who had worked for the company since 2017, a similar period as the Beneficiary. Although this employee indicated that the Beneficiary helped him learn to diagnose faults in the water bars and repair them, he gave little indication as to his credentials as compared to the Beneficiary and how the Beneficiary's knowledge was greatly developed in comparison. Given that the discussed technicians worked for the foreign employer for similar periods as the Beneficiary, it is likely that he could have comparable knowledge of the company's processes and procedures, and the Petitioner provides little evidence to demonstrate otherwise.

Similarly, the Petitioner emphasized that the Beneficiary installed more than 900 water bars and went on nearly 400 service calls to diagnose and address product issues. Again, it is not clear how this number of installations and services calls separates the Beneficiary from his colleagues, including the other technicians working for the foreign employer and Petitioner. In fact, the Petitioner stated that the Beneficiary was "one of a small cadre" of employees with specialized knowledge of the company's products, their installation, and servicing, when it appears that the company only employs three other technicians. In sum, the Petitioner provided few specifics as to how the Beneficiary's knowledge was greatly developed in comparison to the company's other technicians as well as its other employees. Therefore, without specific comparisons of the Beneficiary against even those working in similar roles within the organization, it is reasonable to conclude that there are likely others within the company's greater organization with high levels of knowledge of its proprietary technology and its operation, installation, troubleshooting, and servicing.

Although the Beneficiary's skills and experience appear noteworthy, it is difficult to discern whether it is greatly set apart from his colleagues as the Petitioner provides little specific information or evidence

related to the experience and education of his colleagues. We have little doubt that the Beneficiary is likely a valuable employee, but the Petitioner has not met the regulatory requirement of demonstrating with documentary evidence that his knowledge of the organization's processes and procedures is greatly developed or further along in progress, complexity, and understanding in comparison to other workers in the greater organization's operations. For the foregoing reasons, the Petitioner did not establish that the Beneficiary possesses advanced knowledge.

C. Special Knowledge

We will next discuss whether the Petitioner has demonstrated that the Beneficiary's knowledge is "special." 8 C.F.R. § 214.2(l)(1)(ii)(D). On appeal, as discussed, the Petitioner submits an expert opinion and asserts that the Beneficiary's knowledge of his company's product, its installation, repair, and [redacted] guidelines represents special knowledge.

Determining whether a beneficiary has "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 has knowledge that is 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.

The Petitioner submitted little explanation or evidence to demonstrate that the Beneficiary's knowledge of his company's products and processes is distinct or uncommon in comparison to the knowledge of other similarly employed workers in the industry. Even if we accept that the Petitioner holds knowledge of specific patented and/or proprietary products, methods, and processes specific to the company, and that the Beneficiary has knowledge of them, this alone is not sufficient to establish that his knowledge is distinct or uncommon in the industry. In fact, it is common in nearly every industry for companies to hold unique or proprietary knowledge and to work on highly complex products and services. The Petitioner must set the Beneficiary apart from similarly placed workers within the industry and demonstrate that his knowledge is distinct or uncommon in comparison. For instance, the Petitioner provided little information or evidence regarding other companies in the industry and how the Beneficiary's specific knowledge compares to similarly placed employees. More specifically, it is not clear whether there are other companies in the industry that provide water systems compliant with [redacted] requirements, the main basis of the Beneficiary's claimed special knowledge. The Petitioner must support its assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010).

As noted, the Petitioner points to a letter of recommendation provided on appeal from a water systems expert, Mr. S-, holding a Master of Sciences degree. Mr. S- states that he worked with the Beneficiary from 2018 to 2020 and asserts that his knowledge is "exceptionally deep and rare" since he is a master of [redacted] machines and consistently demonstrates immense creativity in adapting, synchronizing, and integrating different systems to work seamlessly together while adhering to the strictest [redacted] First, we are provided with little information on Mr. S- and his credentials

and how he is qualified to opine on how the Beneficiary's knowledge is distinct or uncommon in comparison to the knowledge of other similarly employed workers in the industry. Further, the letter from Mr. S- appears to describe a competent professional with knowledge of his company's product, including its ability to adhere to [redacted] requirements, yet there is little indication as to how this sets the Beneficiary apart from his similarly placed colleagues in the industry. The Petitioner provides little evidence beyond its unsupported assertions to substantiate that the Beneficiary's knowledge is uncommon in the industry, beyond his knowledge being specific to the company's products.

Once again, without specifics, it is reasonable to conclude that there are likely other competitors who also manufacture, sell, and service water systems and who have technicians of their own, including those that are compliant with [redacted] For example, the Petitioner submitted another support letter from a Mr. A-, a water technologies and systems specialist, with ten years of professional experience who also "worked with specialized systems designed to meet the unique requirements of [redacted] Mr. A- indicated that water systems designed for [redacted] are not common in the United States, but "a unique product category that has primarily been developed, marketed, and serviced in [redacted] where extensive practical experience has been accumulated in the installation and maintenance of [redacted] water systems." In addition, the Petitioner submitted another letter of recommendation from a senior mechanical engineer Mr. M-, a consultant to the Beneficiary's foreign employer, with experience in "developing multidisciplinary systems and engineering solutions, providing design services and offering technical consultancy." Again, given that this mechanical engineer provided consulting services to the foreign employer and was familiar with the Beneficiary's work, this suggests he was also familiar with the company's products, their installation, servicing, and maintenance, as well as their ability to adhere to [redacted]

Therefore, the evidence indicates that knowledge of water systems technology compliant with [redacted] is likely common within the water systems industry in [redacted] leaving substantial question as to whether the Beneficiary's knowledge can be considered uncommon in his position abroad. It is also not clear how the Beneficiary's knowledge within the industry could be considered uncommon in comparison to those who provided the recommendation letters, since they appear to have more education than him, including a Master of Sciences and Business Administration degrees, as well as an engineering degree, and in each case, either similar or more experience when compared to the Beneficiary. The Petitioner must resolve 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).

Therefore, the Petitioner did not sufficiently articulate how the Beneficiary's education, experience, and training is uncommon when compared to other similarly placed colleagues within the industry. Without objective evidence to the contrary, it is reasonable to conclude that there are many other similar colleagues who have extensive experience in their own company's products and processes in the industry. In sum, the Petitioner has not established that the Beneficiary's knowledge is "special" as defined by the regulations.

IV. CONCLUSION

Again, as a threshold matter, if the Beneficiary does not possess specialized knowledge, then his position abroad and in the United States would not involve specialized knowledge as necessary to qualify him.

For the foregoing reasons, the Petitioner has not sufficiently established, when considering the totality of the circumstances, that the Beneficiary possesses specialized knowledge. Because the Petitioner is ineligible for the benefit sought, we need not reach, and therefore reserve, whether the Petitioner has a qualifying relationship with the Beneficiary's foreign employer and whether he was employed fulltime abroad by a qualifying organization for one continuous year in the three preceding the date the petition was filed. *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). Therefore, the appeal must be dismissed, and the petition will remain revoked.

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.