



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 29139071

Date: JAN. 2, 2024

Appeal of California Service Center Decision

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

The Petitioner, a designer and manufacturer of automotive components, seeks to temporarily employ the Beneficiary in the United States as a data analyst. The company requests her classification under the L-1B nonimmigrant visa category as an intracompany transferee whose work would involve “specialized knowledge.” *See* Immigration and Nationality Act (the Act) section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L).

The Director of the California Service Center denied the petition. The Director concluded that the Petitioner did not demonstrate the specialized knowledge nature of the Beneficiary’s foreign and proposed U.S. work. The Director also found insufficient evidence that the Beneficiary possesses the education, training, and employment experience for the offered job. On appeal, the Petitioner contends that the Director misapplied facts and law.

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising appellate de novo review, *see Matter of Christo’s, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we conclude that the company has established the specialized knowledge nature of the Beneficiary’s current and offered jobs and her qualifications for the offered job. We will therefore sustain the appeal.

## I. LAW

A petitioner seeking to employ an L-1B intracompany transferee must demonstrate that - for at least one continuous year in the three years before a beneficiary’s initial U.S. admission in nonimmigrant status - the petitioner or its parent, branch, subsidiary, or affiliate employed the noncitizen abroad in a capacity that was managerial, executive, or involved specialized knowledge. Section 101(a)(15)(L) of the Act; 8 C.F.R. § 214.2(l)(3)(i), (iii), (iv). An L-1B petitioner must also establish that the beneficiary would be employed in a specialized knowledge capacity in the United States and that their education, training, and experience qualify them for the offered job. 8 C.F.R. § 214.2(l)(3)(ii), (iv).

## II. ANALYSIS

The record shows that an affiliate of the Petitioner has employed the Beneficiary in Ireland as a data analyst since July 2021. The Petitioner filed its petition in June 2023, seeking to temporarily transfer her to its U.S. operations to work in the same position.

The Petitioner stated that the offered U.S. job entails the same duties the Beneficiary now performs for the foreign employer. She would continue to provide systems expertise to the organization's global legal and compliance team. The Beneficiary would define the team's requirements regarding legal documentation and management, governance, and invoice processing. She would then incorporate these requirements into the Petitioner's customized databases and software systems by creating and defining database tool functions. The Beneficiary would also train the Petitioner's team members, and lead systems and tools practices to ensure their proper use and implementation.

### A. The Nature of the Foreign and U.S. Jobs

The Petitioner contends that both the Beneficiary's foreign and offered jobs involve specialized knowledge. Because the jobs share the same duties, we will analyze their natures together.

A beneficiary serves in a specialized knowledge capacity if they have "a special knowledge of the company product and its application in international markets" or "an advanced level of knowledge of processes and procedures of the company." Section 214(c)(2)(B) of the Act; *see also* 8 C.F.R. § 214.2(l)(1)(ii)(E) (defining the term "specialized knowledge" as including special knowledge of a petitioner's "product, service, research, equipment, techniques, management, or other interests and its application in international markets").

If claiming special knowledge of an organization's products or services and its application in international markets, a petitioner must demonstrate that a beneficiary's knowledge is distinct or uncommon compared to that of other similarly employed workers in the industry. 2 *USCIS Policy Manual* L.(4)(B)(1), [www.uscis.gov/policy-manual](http://www.uscis.gov/policy-manual). In contrast, if claiming advanced knowledge of an organization's processes or procedures, a petitioner must establish that a beneficiary's knowledge is greatly developed or further along in progress, complexity, and understanding compared to other workers in the organization's operations. *Id.*<sup>1</sup>

The following factors may indicate a beneficiary's possession of specialized knowledge:

- They have been employed abroad in a capacity that has significantly enhanced their employer's productivity, competitiveness, image, or financial position;

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<sup>1</sup> Neither the Act nor regulations define the terms "special" or "advanced." USCIS therefore refers to their common dictionary definitions. The term special is defined in leading dictionaries as "surpassing the usual," "distinct among others of a kind," "distinguished by some unusual quality," "uncommon," or "noteworthy." *See* Merriam-Webster Dictionary, [www.merriam-webster.com/dictionary/special](http://www.merriam-webster.com/dictionary/special); Oxford English Dictionary, [www.oed.com/dictionary/special\\_adj#eid](http://www.oed.com/dictionary/special_adj#eid). The term advanced is defined in leading dictionaries as "greatly developed beyond an initial stage," or "ahead or far or further along in progress, complexity, knowledge, skill, etc." *See* [www.merriam-webster.com/dictionary/advanced](http://www.merriam-webster.com/dictionary/advanced); [www.oed.com/dictionary/advance\\_v#eid](http://www.oed.com/dictionary/advance_v#eid).

- Their claimed specialized knowledge is normally gained only through prior experience with the petitioning organization;
- They have knowledge of a product or process that cannot be easily transferred or taught to another without significant economic cost or inconvenience (because, for example, such knowledge may require substantial training, work experience, or education); or
- They have knowledge of a process or product that, although not necessarily unique to the petitioning organization, either is sophisticated and complex, or of a highly technical nature.

2 *USCIS Policy Manual* L.(4)(B)(2).

The Beneficiary provides systems expertise to the Petitioner’s global legal and compliance team. Thus, the record does not indicate her knowledge of the organization’s automotive-related products or services or its application in international markets. Rather, the evidence shows that her work involves the organization’s internal processes and procedures regarding its legal operations. The Petitioner must therefore demonstrate that, as compared to others in the organization, the Beneficiary’s knowledge of the relevant legal processes and procedures is greatly developed or further along in progress, complexity, and understanding.

The Director found that “[i]t appears that the Beneficiary performs the same or similar duties as other workers in a similar position in the field.” The Director therefore concluded that “the evidence provided does not sufficiently establish how the knowledge possessed by the beneficiary abroad . . . is not commonly found in the industry and more highly developed or complex.”

The Director incorrectly compared the Beneficiary’s knowledge to those of others in the industry. As previously indicated, her claimed knowledge concerns the processes and procedures of the Petitioner’s internal organization. Contrary to the Director’s finding, others in the industry would not commonly have knowledge of the organization’s internal processes and procedures. 2 *USCIS Policy Manual* L.(4)(B)(1) (“[B]ecause advanced knowledge concerns knowledge of a petitioning organization’s processes and procedures that is not commonly found in the relevant industry, the petitioner may meet its burden through evidence that the beneficiary has knowledge of or expertise in the petitioning 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.”) Thus, the Director should have compared the Beneficiary’s knowledge to that of other workers within the Petitioner’s organization. *Id.*

The Petitioner submitted evidence that the Beneficiary has a more developed knowledge of the databases and systems supporting the global legal and compliance team than others in the organization. The relevant systems include: a customized platform used to manage legal matters; a system for outside attorneys to process invoices; databases used to manage conflicts of interest and internal investigations; and software to monitor compliance with privacy regulations and third-party privacy risks. The Petitioner states that, at the time of the Beneficiary’s hiring, it had acquired the system to monitor privacy compliance and risks. But, until her hiring, no one had been assigned to manage or configure the system. The company states that it added the other systems after she joined the organization. All the systems supporting the legal team are commercially available, and vendors of some systems have developed applications for them. The Petitioner argues that, to customize the

systems to support the team’s particular needs and to liaise with system vendors, the Beneficiary had to gain specialized knowledge of the organization’s legal processes, data needs, compliance and investigation procedures, and data retention and privacy risk policies.

The Petitioner states that, after the Beneficiary’s hiring, she completed six months of training at the Irish affiliate to acquire the relevant specialized knowledge. The company submitted evidence showing that her training included certification in the use of the privacy information system and completion of a three-week course on “European Data Protection.” The Petitioner states that her training also included: learning about the organization’s legal processes and reporting requirements; defining its key performance indicators; understanding security access levels under its policies; identifying and resolving its data quality issues; and understanding data transfer and cross-functionality between its systems and external ones.

The company submitted a chart comparing the Beneficiary’s skills to those of other legal team workers, including five in Ireland and four in the United States. The chart identifies the Beneficiary as the only worker with skills needed to manage the relevant systems - including knowledge of the business needs and requirements of all the organization’s specialty legal teams, its relevant systems and their architectures - and experience with database management and design for legal systems. The Petitioner stated that the company has other information technology employees but that none of them have experience with the systems supporting the global legal team. A company official described the Beneficiary as “the only one who can manage and configure the legal management systems, troubleshoot and handle unforeseen issues or problems, and transform data into meaningful reports.”

A preponderance of the evidence shows that, as compared to other workers in the Petitioner’s organization, the Beneficiary’s knowledge of the relevant internal legal processes and procedures and their interaction with supporting information systems is advanced and that another in the organization could not gain the knowledge without completing months of training. *See Fogo de Chao (Holdings) Inc. v. DHS*, 769 F.3d 1127, 1142 (D.C. Cir. 2014) (holding that, when considering whether a job involves specialized knowledge, USCIS should consider any economic burdens that training another worker would entail); *see also 2 USCIS Policy Manual L.(4)(B)(2)* (listing knowledge that cannot be transferred to another without substantial training as a factor indicating specialized knowledge). The Petitioner therefore has demonstrated that the Beneficiary’s foreign and proposed U.S. jobs involve specialized knowledge. We will therefore withdraw the Director’s contrary finding.

#### B. The Beneficiary’s Qualifications for the Offered Job

Besides showing that an offered job involves specialized knowledge, an L-1 petitioner must demonstrate that a beneficiary’s “prior education, training, and employment qualifies [them] to perform the intended services in the United States.” 8 C.F.R. § 214.2(l)(3)(iv). According to USCIS policy, this demonstration of the amount and type of training, work experience, and education required to develop a beneficiary’s knowledge is “[o]ne of several factors that may be considered in determining whether the knowledge is specialized.” *2 USCIS Policy Manual L.(4)(B)(2)*, n.4.

The Petitioner documented the Beneficiary’s receipt of a bachelor of science degree in management information systems (MIS) from an Irish university in 2020 and her employment abroad by the Petitioner’s affiliate in the offered job since July 2021. An independent, professional evaluation of her foreign educational credentials concludes that her Irish degree equates to a U.S. bachelor of science

degree in MIS. The company also submitted copies of two 2021 certificates she earned in business data analytics and documentation of training she received at the Petitioner's affiliate after her hiring.

The Director found that the Petitioner's evidence does not show that the Beneficiary has "knowledge or experience in the field of database management/data analytics that is significantly different from that possessed by similarly employed workers in the same industry." Asserting that data analysts commonly require bachelor's degrees, the Director found that the Beneficiary's education does not reflect "special" or "advanced" knowledge. Also, the Director stated that the company did not demonstrate that "the general knowledge of and familiarity with [the] organization's tools, processes, and systems equates to specialized knowledge."

The Director's analysis of the Beneficiary's qualifications is misguided. First, as previously discussed, because her current and offered jobs involve the Petitioner's internal processes and procedures rather than its products and services in international markets, the Director should have compared her education, training, and experience to those of others in the company's organization, not to those of others in the industry. *See 2 USCIS Policy Manual L.(4)(B)(1)* ("[B]ecause advanced knowledge concerns knowledge of a petitioning organization's processes and procedures that is not commonly found in the relevant industry, the petitioner may meet its burden through evidence that the beneficiary has knowledge of or expertise in the petitioning 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.") Also as previously discussed, the Petitioner sufficiently demonstrated that the Beneficiary is the only worker in the company's organization with the: skills to manage the relevant computer and database systems; knowledge of the business needs and requirements of the organization's legal teams; and experience managing and designing databases for legal purposes.

Further, contrary to the Director's finding, the Petitioner sufficiently demonstrated that the Beneficiary has more than a "general knowledge of and familiarity with [the] organization's tools, processes, and systems." The record shows that she received training, certifications, and experience on the relevant computer and database systems and studied the legal team's processes and procedures, including completing a three-week course on compliance with European privacy laws. The Petitioner has also demonstrated that the Beneficiary's knowledge of the team's processes and procedures and their relationships to information systems is further along in progress, complexity, and understanding than that generally found within the company's organization. Thus, the Petitioner has established that the Beneficiary has advanced knowledge of its processes and procedures.

### III. CONCLUSION

Contrary to the Director's finding, the Petitioner has established the specialized knowledge nature of the Beneficiary's foreign and offered jobs. The company also demonstrated her qualifications for the offered job.

**ORDER:** The appeal is sustained.