



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

Non-Precedent Decision of the  
Administrative Appeals Office

In Re: 12263663

Date: DEC. 16, 2020

Appeal of California Service Center Decision

Form I-129, Petition for L-1B Specialized Knowledge Worker

The Petitioner, a manufacturer of automobile roof systems, seeks to temporarily employ the Beneficiary as a “Senior Project Engineer- Roof Systems Expert” in the United States 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 Director of the California Service Center denied the petition, concluding the Petitioner did not establish that: 1) the Beneficiary had specialized knowledge and was qualified to perform the intended services in the United States; 2) the Beneficiary was employed abroad in a position that involved specialized knowledge; and 3) the proposed U.S. position would involve specialized knowledge.

On appeal, the Petitioner asserts that the Director ignored probative and credible evidence demonstrating that the Beneficiary has advanced knowledge of the company’s proprietary automobile roof systems and engineering. The Petitioner contends that the Beneficiary’s knowledge is specialized in comparison to her colleagues in China.

In these proceedings, it is the Petitioner’s burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. 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 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(I)(3).

## II. BACKGROUND

The Petitioner indicated that it is a U.S. subsidiary office of a worldwide parent company and stated that this group of companies is “an innovative leader in the design, engineering and assembly of door systems, access control systems, roof systems, motors and electronic systems, closure systems, [and] interior systems.” The Petitioner explained that it “provides advanced materials and processes to leading original equipment manufacturers (“OEM”) around the globe” and that it is an “innovative leader in the design, engineering and assembly of Sunroof systems.”

The Petitioner indicated that the Beneficiary “has several years of experience with the [company]” including “key insights into the company’s process and procedures.” The Petitioner explained that the Beneficiary has been employed in various positions with the company since July 2014 and twice promoted, including to a senior product engineer in 2017 and a product development supervisor in 2018. It stated that the Beneficiary was tasked with overseeing engineering and product development activities, including working with OEM and supplier partners to package sunroofs in new vehicles, supervising “3D and 2D data release,” and completing “design failure mode and effects analysis.”

The Petitioner emphasized that the Beneficiary had “gained and developed extensive specialized knowledge...to provide its customers with customized, high quality, and innovative solutions to their automotive application issues.” It also indicated that the Beneficiary had knowledge of internal customer and supplier requirement, and in the “training and application of [the company’s] proprietary engineering tool kit to design and engineer industry leading solutions for our customers.” It also explained that the Beneficiary has “experience working with our key customer and supplier partners” and had obtained a detailed technical background of their standards and specifications which can be applied to engineering solutions.” It stated that the Beneficiary would “continue to serve as the subject matter expert for [the Petitioner’s] highly specialized and proprietary product design of Sunroof Systems.” The Petitioner added that the Beneficiary’s position “requires a considerable amount of on-the-job and hands-on training and experience.”

The Petitioner further submitted examples of the Beneficiary’s projects during his time with the company, such as him “participating in quotations projects of new [redacted] business,” winning the [redacted] [redacted] sunroof project in September 2019.” and in 2019 leading a “successful 12 Week Global “Best of Benchmark” [redacted] Sunroof Workshop for a major OEM to secure future business awards.” The Petitioner also provided examples of the Beneficiary’s work product, including a “Potential Failure Mode and Effects Analysis” document, other design review and project management documents, as well as presentations including the Beneficiary’s name along with those of other colleague engineers.

In response to the Director’s request for evidence (RFE), the Petitioner further stated that the Beneficiary “supports the daily production of [redacted] projects which are running in [redacted] Mexico” and that he “helps [the] U.S. team to build good/high-efficiency communication with China team in term of engineering, purchasing, quotation, etc.” It also indicated that the Beneficiary “participates in Request for Quotation

actions like [redacted], [redacted] and [redacted] Best of Benchmark” helping the company “win [redacted] while acting as the “Lead Product Engineer of [redacted]”

### III. SPECIALIZED KNOWLEDGE

The primary issue in this matter is whether the Petitioner established that the Beneficiary possesses specialized knowledge and whether he was employed in a specialized knowledge capacity. 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.

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 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(I)(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.

#### A. Advanced Knowledge

On appeal, the Petitioner states that the Beneficiary holds advanced knowledge of the company’s proprietary automobile roof systems and engineering. 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.

First, the Petitioner has not sufficiently articulated the Beneficiary’s knowledge as necessary to determine whether it is advanced as defined by the regulations. For instance, the Petitioner stated that the Beneficiary “has several years of experience with the [company]” and that he had provided “key insights into the company’s processes and procedures.” However, it does not specifically describe the

Beneficiary's experience in layman's terms, explain his "key insights" in clear language, nor did it articulate the nature of the company's processes and procedures. Likewise, the Petitioner discussed various technical terms applicable in the automobile sunroof development and production industry and the Beneficiary's work, but provides no specific explanation of them, including "3D and 2D data release," "design failure mode and effects analysis," [redacted], [redacted]" [redacted] among others. The Petitioner emphasized that the Beneficiary had "gained and developed extensive specialized knowledge...to provide its customers with customized, high quality, and innovative solutions to their automotive application issues," but it did not clearly detail the innovative solutions he developed. It further explained that the Beneficiary had in-depth knowledge of "internal customer and supplier requirements," "training," and its "proprietary engineering tool kit," yet the nature of these requirements, this training, and proprietary tool kit is left unclear.

The Petitioner also emphasized that the Beneficiary is a "subject matter expert" in its "highly specialized and proprietary product design of Sunroof Systems." However, this subject matter and these claimed proprietary product designs are not specifically explained. In addition, the Petitioner asserted that the Beneficiary's foreign and U.S. positions "require a considerable amount of on-the-job and hands-on training and experience," yet it does not specifically indicate how many hours or years of training and experience are required to perform the duties of the Beneficiary's positions or to achieve a level of knowledge that is greatly developed when compared to similarly placed colleagues.

Further, the Petitioner submits various examples of the Beneficiary's work product, such as a "Potential Failure Mode and Effects Analysis" design document and other such design review, project management, and presentations documents, but it provided no discussion or context as to why these documents are relevant or what they are meant to demonstrate. Several times on the record the Petitioner also appears to suggest that the Beneficiary provides services for large automobile clients, including supporting "the daily production of [redacted] projects which are running in [redacted] Mexico." However, at no point does it discuss in detail the exact nature of the Beneficiary work for these clients. As we have noted, 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 and the nature of the beneficiary's knowledge.

The Petitioner has also not sufficiently established how the Beneficiary's knowledge is greatly developed as compared to similarly placed colleagues within the organization. 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. However, the Petitioner provided no specific comparisons of the Beneficiary's knowledge and experience against that of his colleagues within the greater company.

The Petitioner indicates that it is one company amongst many others entities across its multinational organization employing approximately 15,000 individuals around the world. However, the Petitioner does not discuss how many other employees work in positions similar to the Beneficiary's. Similarly, the Petitioner appears to indicate that the Beneficiary provides services to large clients, such as [redacted] [redacted] and [redacted] but it does not indicate how many other professionals similar to the Beneficiary provide services to these specific clients or other clients around the world, including several other large automobile companies listed in its marketing materials. Given this evidence and since the Petitioner states that it is an "innovative leader in the design, engineering and assembly of

Sunroof systems,” it is reasonable to conclude that it employs many other engineers performing duties comparable to those of the Beneficiary around the world. However, the Petitioner provides no specific comparisons of his knowledge against that of similarly placed colleagues to establish that it is greatly developed in comparison.

In fact, the Petitioner submitted an organizational structure titled “[redacted] Technical Center,” appearing to include the Beneficiary’s coworkers abroad and this the chart listed a senior roof engineering manager and three product development managers/supervisors, as well as more than 20 other product engineers shown at the Beneficiary’s same level within the organizational chart. This organizational chart supports a conclusion that there are likely many others performing duties similar to those of the Beneficiary within his specific foreign department, and the greater company, and suggests that his knowledge is likely widely held by his similarly placed colleagues.

For example, the Petitioner submitted a 2018 [redacted] Design Review: IDR” power point presentation listing the Beneficiary as presenting on the status of certain deliverables in this project, but this document also reflected his colleagues presenting on other deliverables, and in some cases, him jointly presenting with his colleagues. Again, this would indicate that there are many other similarly placed engineers within the company’s greater organization performing the Beneficiary’s duties and likely holding comparable knowledge of its products, technology, and client specific specifications and requirements. As another example, the Petitioner indicated that the Beneficiary won awards and/or recognition within the company, including [redacted] Best of Benchmark” and “win[ning] [redacted] but there is little indication as to the nature of these comparisons or how they set the Beneficiary apart from his colleagues. The Petitioner provides no credible comparisons or evidence to establish that the Beneficiary’s knowledge is greatly developed or further along in progress, complexity, and understanding in comparison to other workers in its greater company operations.

For the foregoing reasons, the Petitioner did not establish that the Beneficiary possesses advanced knowledge.

#### B. 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).

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.

As we noted, the Petitioner appears to only directly assert on appeal that the Beneficiary’s knowledge is advanced within its organization and does not explicitly contend that it is special, or distinct or

uncommon in comparison to the knowledge of other similarly employed workers in its particular industry. Therefore, we will only briefly discuss whether the Beneficiary's knowledge qualifies as special according to the regulatory definition. Upon review, the Petitioner has not established the Beneficiary's knowledge can be considered special. First, as we discussed at length in the previous section, the Petitioner does not clearly describe the nature of the Beneficiary's knowledge, nor its place within its industry. The Petitioner states that it is "innovative leader in the design, engineering and assembly of Sunroof systems." However, it submits little supporting evidence to substantiate this contention.

Even if we accept that it is an "innovator" in this industry and that it holds knowledge of complex proprietary products, processes, or technologies, this alone is not sufficient to establish that the Beneficiary's knowledge is distinct or uncommon. In fact, it is common in nearly every technical industry for companies to hold unique or proprietary knowledge and to work on highly complex problems 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. However, again, the Petitioner provides no specific explanation of the industry or comparisons of the Beneficiary against other similarly placed professionals within it. Without this specific information and evidence, it is reasonable to conclude that there are various other companies providing goods and services similar to those of the Petitioner, the foreign employer, and its affiliates; and in turn, many other engineers holding knowledge comparable to that of the Beneficiary.

Therefore, the Petitioner has not established that the Beneficiary's knowledge is "special" as defined by the regulations.

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 that the Beneficiary possesses specialized knowledge.

ORDER: The appeal is dismissed.