U.S. Citizenship and Immigration Services

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

In Re: 7408300

Date: FEB. 13, 2020

Appeal of California Service Center Decision

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

The Petitioner, an aeronautical engineering company, seeks to temporarily employ the Beneficiary as an aircraft fitter artisan in its new office[1] in the United States 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 Director of the California Service Center denied the petition on multiple grounds, concluding that the Petitioner did not establish that: 1) it had secured sufficient physical premises to house its new office, 2) the Beneficiary was employed abroad in a position involving specialized knowledge, 3) the Beneficiary was qualified to perform the intended services in the United States, and 4) the Beneficiary's proposed position in the United States would involve specialized knowledge.

The matter is now before us on appeal. On the Form I-290B, Notice of Appeal or Motion, the Petitioner marked Box 1.b. in Part 2, indicating that it would submit a brief and/or additional evidence to this office within 30 calendar days of filing the appeal. The record reflects that the Petitioner has not submitted a brief or any additional evidence since filing the appeal more than 30 days prior.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

> An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

As noted, the Petitioner has not provided a brief or additional evidence in support of the appeal. The Petitioner only submitted generic statements in the Form I-290B with respect to each ground for dismissal discussed above. For instance, the Petitioner indicated that it had "in fact" established each ground for eligibility, that the Director's determinations were "false," or that it had established each element "beyond a preponderance of the evidence."

[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 Petitioner has not specifically identified any erroneous conclusion of law or statement of fact as a basis for the appeal, but only provided generic statements that do not specifically address why the Director's conclusion was in error. For this reason, we will summarily dismiss the appeal.

In any event, we agree with the Director's finding that the Beneficiary does not possess specialized knowledge. As a threshold matter, if the Petitioner does not establish that the Beneficiary holds specialized knowledge, United States Citizenship and Immigration Services (USCIS) cannot conclude that his position abroad involved specialized knowledge or that his proposed position in the United Stated would involve specialized knowledge. In denying the petition, the Director noted that the Petitioner did not demonstrate that the Beneficiary's knowledge was distinct and uncommon in comparison to his colleagues or others similarly employed in the industry. Specifically, the Director pointed to the fact that there were over 30 other employees working in the Beneficiary's department and that the Petitioner did not contrast his duties and knowledge against these colleagues as necessary to set his knowledge apart as greatly advanced within the company or uncommon in the industry.[2] Further, the Director noted certain discrepancies in the Beneficiary's training and educational history that indicated that he more likely than not was not one of the most knowledgeable aircraft mechanics working on the Mirage F1 fighter within the company as claimed.

It is noteworthy that the Petitioner stated in a letter submitted in response to the Director's request for evidence that the Beneficiary had only recently received his "competency card" in October 2018, approximately two months prior to the date the petition was filed in December 2018. The Petitioner indicated that receipt of this card represented "the point in time when the aircraft mechanic is officially determined to be 'competent' in various skills." This statement leaves substantial uncertainty as to its assertion that the Beneficiary was a "leading expert" within the company in the repair and maintenance of the Mirage F1 fighter. This evidence only further supports the Director's conclusion that the Beneficiary's knowledge was not established as greatly developed or further along in progress, complexity, and understanding in comparison to other workers in the employer's operations or distinct or uncommon in comparison to the knowledge of other similarly employed workers in the industry. *See* 8 C.F.R. § 214.2(l)(1)(ii)(D).

**ORDER**: The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

[2] 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. 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. 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.