



U.S. Department of Justice
Immigration and Naturalization Service

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Washington, DC 20536

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MEMORANDUM FOR ALL SERVICE CENTER DIRECTORS

FROM: Fujie O. Ohata *Fujie O. Ohata*
Associate Commissioner
Service Center Operations
Immigrations Service Division

SUBJECT: Interpretation of Specialized Knowledge

Service Center employees are reminded to follow the procedures concerning specialized knowledge as outlined in the March 9, 1994 James Puleo memo on the Interpretation of Specialized Knowledge. That memo outlines the criteria for adjudicating Specialized Knowledge cases.

The INA at 214 (c)(2)(B) states that an alien has specialized knowledge if he/she has special knowledge of the company product and its application in international markets or has an advanced level of knowledge of the processes and procedures of the company. See also 8 CFR 214.2(1)(ii)(D)

The alien should possess a type of specialized or advanced knowledge that is different from that generally found in the particular industry. The knowledge need not be proprietary or unique. Where the alien has specialized knowledge of the company product, the knowledge must be noteworthy or uncommon. Where the alien has knowledge of company processes and procedures, the knowledge must be advanced. Note, the advanced knowledge need not be narrowly held throughout the company. Further, there is no test of the US Labor Market in determining whether an alien possesses specialized knowledge. Only an examination of the knowledge possessed by the alien is necessary.

There are multiple examples outlined in the March 1994, memo. A common type of specialized knowledge is knowledge of a process or a product, which would be difficult to impart to another individual without significant economic inconvenience to the United States or foreign firm. The knowledge is also not generally known and is advanced. The petitioner bears the burden of

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Establishing through the submission of probative evidence that the alien's specialized knowledge is distinguished by some unusual qualification and not generally known by practitioners in the alien's industry. Likewise, a petitioner's assertion that the alien possesses an advanced level of knowledge must be supported by evidence describing and setting apart the knowledge from elementary knowledge possessed by others.

Requests for additional evidence for specialized knowledge cases should not run contrary to the 1994 Memorandum on specialized knowledge. Please refer to the attached March 9, 1994 memo for more information. If you have questions in regards to this memorandum, please contact Joseph Holliday at (202) 616-7546.