

9 FAM 41.54 Exhibit I

SPECIALIZED KNOWLEDGE QUESTIONNAIRE

(TL:VISA-44; 4-1-91)

NOTE: This exhibit is taken from a questionnaire recently introduced by INS for use by regional adjudicators in assessing the merits of L visa "specialized knowledge" petitions. It is presented for the consular officer's information only, to illustrate the nature of the inquiry made by INS in "specialized knowledge" cases and the elements considered in L petition adjudication. It is not intended that the consular officer readjudicate L petitions based upon the questions contained in this questionnaire.

1. Copy of the foreign organizational structure and location of beneficiary's current position in the organization's staffing pattern, including levels of supervision and number and types of positions incumbent supervises.

a. How many subsidiaries, affiliates, and joint ventures does the organization have worldwide?

b. What product is manufactured or what service is provided by each subsidiary, affiliate, or joint venture?

2. Total number of employees at foreign location where beneficiary is employed.

3. Copy of the U.S. organizational structure and location of the proposed position in the organization's staffing pattern, including levels of supervision and number and types of positions incumbent will supervise.

a. How many subsidiaries, affiliates, and joint ventures does the organization have in the United States?

b. When were the subsidiaries, affiliates, and joint ventures established in the United States?

c. What product is manufactured or what service is provided by each subsidiary, affiliate, or joint venture?

4. Total number of employees at U.S. location where beneficiary will be employed.

5. If U.S. location where beneficiary will be employed is a start-up operation:

a. Has production started?

b. When did production start?

c. Projected number of employees upon completion of start-up operation.

6. Number of foreign nationals employed at U.S. location where beneficiary will be employed and:

a. Title of position and type of visa held by each.

b. Number of specialized knowledge L-1's transferred since 1987 by year, and position and duties of each.

c. Number of specialized knowledge L-1's with degrees and number without degrees, and area of study of each.

d. Number of L-1's transferred within the last 12 months who are still at the U.S. location and the services each performs.

7. Number of persons holding the same or similar position as the beneficiary at U.S. location where beneficiary will be employed.

a. If the U.S. location has been in business for more than 1 year, how were the beneficiary's asserted duties performed prior to this petition and by whom?

b. Does any employee at the company's U.S. locations perform the duties stated in the beneficiary's proposed position?

c. If there is such an employee, why is that employee not being used by the petitioning organization?

8. How the duties the alien performed abroad and those he or she will perform in the United States are different or unique from those of other workers employed by the petitioner or other U.S. employers in this type of position.

a. What are the beneficiary's duties abroad?

b. What is the length of time the beneficiary has been performing these duties?

c. What are the beneficiary's proposed duties?

d. What percentage of the beneficiary's time will be spent using the company's equipment to produce a product?

9. Whether the equipment, system, product, technique, or service of which the beneficiary of this petition has specialized knowledge is used or produced by other employers in the United States and abroad.

- a. How old is the equipment being used at the U.S. location?
- b. Is comparable equipment currently being used in other U.S. plants?
- c. Is similar equipment manufactured in the United States?
- d. Do any of the company's other foreign or U.S. locations use the same equipment as the petitioning organization?

10. How the beneficiary's training is exclusive and significantly unique in comparison to that of others employed by the petitioner or another person in this particular field.

- a. Did the beneficiary participate in, and was he or she actually responsible for, the design and development of the equipment?
- b. Does the beneficiary have the ability to make technical modifications to existing equipment?

11. Describe in detail the training which the beneficiary will give other workers.

- a. What methods will be used?
- b. How much time will be required to train workers on the specific activity?
- c. How many workers will be trained?
- d. Are these workers currently employed by the petitioner?
- e. How was training provided prior to this petition?
- f. Will training be continuous after departure of beneficiary and, if so, by whom?

12. Describe the impact upon the petitioner's business if the petitioner is unable to obtain the alien's services, and what alternative action will be taken to fill the responsibilities.

Filename: 0941054X1.doc
Directory: M:\09FAM\09M0041
Template: C:\Program Files\Microsoft Office\Templates\Normal.dot
Title: 9 FAM 41.54 Exhibit I - Specialized Knowledge Questionnaire
Subject: Exhibit Covers: specialized knowledge questionnaire . . . (last updated 4-
1-1991 by transmittal letter VISA-44)
Author: USDOS
Keywords:
Comments:
Creation Date: 11/24/97 2:31 PM
Change Number: 2
Last Saved On: 01/02/02 4:59 PM
Last Saved By: USDOS
Total Editing Time: 6 Minutes
Last Printed On: 01/03/02 10:07 AM
As of Last Complete Printing
Number of Pages: 3
Number of Words: 727 (approx.)
Number of Characters: 4,146 (approx.)