



**SELECTED DOCUMENTS FROM USCIS FOIA PRODUCTION ON L-1 TRAINING MATERIALS**

Pg range	Agency Office	Document	Description	Date	Key Information Included
AILA FOIA 176-177	INS	INS Memorandum from Fujie O. Ohata, then Assoc Comm'r, Service Center Operations	Memo regarding definition of manager for L-1 and E1-3 (the immigrant visa category)	12/20/2002	Labeled Exhibit 7B from L-1 Intracompany Transferee Immigration Practice Manual, 1st Supplement 2009
AILA FOIA 178-179	DOS	Policy guidance from Dept. of State regarding L-1 visas	Guidance from DOS regarding L-1 visas for short term assignments	6/5/1998	The document produced is from AILA InfoNet (Doc. No. 98060591, posted June 5, 1998)
AILA FOIA 180-183	INS	INS Memorandum from James A. Puleo, then Acting Exec Assoc Comm'r	Memo regarding post-IMMACT 90 definition of specialized knowledge	3/9/1994	Labeled Exhibit 7D from L-1 Intracompany Transferee Immigration Practice Manual, 1st Supplement 2009. Explains IMMACT 90 specialized knowledge definition, described as a "lesser standard," which requires that the knowledge be "different from that generally found in the particular industry", but not "proprietary or unique." Provides examples of specialized knowledge that are not restrictive.
AILA FOIA 184-185	INS	INS Memorandum from Fujie O. Ohata	Memo regarding definition of specialized knowledge	12/20/2002	Labeled Exhibit 7E from L-1 Intracompany Transferee Immigration Practice Manual, 1st Supplement 2009. Reaffirms 1994 Puleo memo definition.

AILA FOIA 186-189	USCIS	USICS Memorandum from Fujie O. Ohata, then Director, Service Center Operations	Memo regarding definition of specialized knowledge with regard to specialty cooks	9/9/2004	Appears to be from USCIS web site ("www.uscis.gov" is printed at the bottom of the 1st page.) States that chefs or specialty cooks are generally not considered to have "specialized knowledge."
AILA FOIA 190-194	USCIS	"Interoffice Memorandum" from William R. Yates, then Assoc Director of Operations	Memo regarding changes to L classification made by the L-1 Reform Act of 2004	7/28/2005	Revisions to Adjudicator's Field Manual. Restrictions on placement of L-1B workers at third party work sites.
AILA FOIA 278-311	USCIS	Text of what appears to be a PowerPoint presentation entitled "I-129 L-1 Adjudication."	Text of I-129 L-1 Adjudication training slides Text is matched to slide numbers.	Unknown, but may be Sept. 2011. Text also appears to match the slides produced in AILA FOIA at 34 -135 and in Council FOIA Part 1, 35 - 181. (The slide numbers match.)	Text for slides 80 - 84 concern the Puleo memo. At 295, the Puleo memo is identified as "one of the agency's policy memos" re: interpretation of specialized knowledge. "Officers must follow this interpretation when adjudicating SK petitions." At 297 (slide 88): USCIS expects petitioners to include documentary evidence to support statements about SK. ["SK" stands for "specialized knowledge"]

AILA FOIA 314-318	USCIS	"Topics to be Covered"	Text of what appears to be a PowerPoint presentation for Policy Guidance on the Interpretation of the L-1B Specialized Knowledge Classification. Text is matched to slide numbers. Appears to be the text for the presentation slides withheld under (b)(5) in AILA FOIA 3-33 and Council FOIA 4-34.	Unknown, but probably about Sept. 2011. At 314, refers to feedback from 5/12/2011 USCIS public engagement.	Appears to be the text for the Policy Guidance on the Interpretation of the L-1B Specialized Knowledge Classification training slides. At 312-13: Withheld under (b)(5). At 314: Reasons for "refresher training," which include Service Center requests for clarification; statutory and regulatory definitions. At 315: Characteristics and evaluation of specialized knowledge, the differences between "special" and "advanced" knowledge. At 316: Reviews Puleo and Ohata memos. Says "they represent USCIS policy and are binding on officers."
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AILA FOIA 319- 338	USCIS	"Topics to be Covered" (con't)			At 319: Factors, recognizing specialized knowledge does not have to be narrowly held within company. At 320: Cites Penner and Colley for requiring specialized knowledge in "key personnel" about "key" or "essential processes." Although tells adjudicators these cases pre-date IMMACT 90, appears to suggest they continue to use these "key" and "essential" standards while avoiding references to pre-IMMACT 90 terminology like "proprietary" or "unique." At 320-21: Burden and standard of proof, preponderance of evidence. At 321-22: RFE, including reminder that non-precedent AAO decisions "are not binding," but reasoning can be applied if officer reaches "independent" decision. At 323-38: Withheld under (b)(5).
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