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**U.S. Citizenship  
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File: SRC 05 189 51335 Office: TEXAS SERVICE CENTER Date: **MAY 12 2008**

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

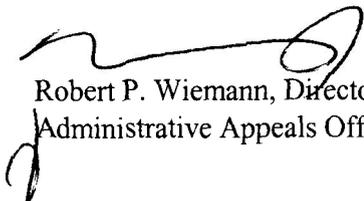
Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the  
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The Director, Texas Service Center, denied the petition for a nonimmigrant visa. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will dismiss the appeal.

The petitioner filed this nonimmigrant petition seeking to employ the beneficiary in the position of software development engineer as an L-1B nonimmigrant intracompany transferee with specialized knowledge pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The petitioner, a Georgia corporation, is engaged in the business of telecommunications engineering. The petitioner claims to be a wholly-owned subsidiary of Telesoft Technologies, Ltd., located in the United Kingdom. The petitioner seeks to employ the beneficiary for a period of three years.

The director denied the petition, concluding that the petitioner failed to establish that the position offered to the beneficiary requires an employee with specialized knowledge or that the beneficiary possesses such knowledge.

On appeal, counsel for the petitioner asserts that the petitioner has satisfied the criteria for establishing that the beneficiary is a specialized knowledge employee, and that Citizenship and Immigration Services (CIS) misapplied current standards set forth in section 101(a)(15)(L) of the Act and agency memoranda. Counsel for the petitioner asserts that “the petitioner has clearly established that the beneficiary is a highly skilled professional who has **unique** knowledge of the company’s proprietary products, gained over years of work with the proprietary technology, which is essential to the company’s continued competitiveness in the international telecommunications marketplace.” Counsel further emphasizes that there are only three employees in the United States company. Counsel concludes that the petitioner has established that the beneficiary possesses advanced knowledge of the petitioner’s processes and procedures and therefore qualifies for the benefit sought. Counsel submits a brief in support of the appeal.

To establish L-1 eligibility under section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L), the petitioner must demonstrate that the beneficiary, within three years preceding the beneficiary’s application for admission into the United States, has been employed abroad in a qualifying managerial or executive capacity, or in a capacity involving specialized knowledge, for one continuous year by a qualifying organization and seeks to enter the United States temporarily in order to continue to render his or her services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge.

The regulation at 8 C.F.R. § 214.2(l)(3) further states that an individual petition filed on Form I-129 shall be accompanied by:

- (i) Evidence that the petitioner and the organization which employed or will employ the alien are qualifying organizations as defined in paragraph (l)(1)(ii)(G) of this section.
- (ii) Evidence that the alien will be employed in an executive, managerial, or specialized knowledge capacity, including a detailed description of the services to be performed.

- (iii) Evidence that the alien has at least one continuous year of full time employment abroad with a qualifying organization within the three years preceding the filing of the petition.
- (iv) Evidence that the alien's prior year of employment abroad was in a position that was managerial, executive or involved specialized knowledge and that the alien's prior education, training, and employment qualifies him/her to perform the intended services in the United States; however, the work in the United States need not be the same work which the alien performed abroad.

This matter presents two related, but distinct issues: (1) whether the beneficiary possesses specialized knowledge; and (2) whether the proposed employment is in a capacity that requires specialized knowledge.

Section 214(c)(2)(B) of the Act, 8 U.S.C. § 1184(c)(2)(B), provides:

For purposes of section 101(a)(15)(L), an alien is considered to be serving in a capacity involving specialized knowledge with respect to a company if the alien has a special knowledge of the company product and its application in international markets or has an advanced level of knowledge of processes and procedures of the company.

Furthermore, the regulation at 8 C.F.R. § 214.2(l)(1)(ii)(D) defines "specialized knowledge" as:

[S]pecial 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.

In a letter dated June 7, 2005, submitted with the petition, the petitioner stated the current duties performed by the beneficiary as a software engineer at the foreign company as the following:

He is actively involved in the development of [the company's] proprietary software. Specifically, he has developed TDAPI, an application developers interface which gives customer's [sic] access to [the petitioner's] protocol stacks. TDAPI is deployed worldwide and has interconnected with hundreds of networks and switches. [The beneficiary's] duties have included designing and implementing SS7 CAMEL (Customized Applications for Mobile network Enhanced Logic); designing and developing example applications used to train [the company's] customers in using the new CAMEL API, developing and updating Intersystem Operations IS-41 API; designing and developing example applications used to train [the petitioner's] customers in using IS-41 API; designing and developing API for Circuit emulation Services over Packet Switched network a mechanism for transporting time division multiplexing into VOIP networks; developing API's enabling media processing, network interface, call control and signal processing.

In addition, the petitioner provided the following list of duties for the beneficiary's proposed position as a software development engineer in the United States:

[The beneficiary's] position of Software Development Engineer in the United States will entail the same basic duties he performs for the company abroad based upon his detailed knowledge of [the petitioner's] proprietary software and internal procedures. His primary responsibility will be to utilize his specialized knowledge of [the petitioner's] product line to provide resolution of problems to American end-users, partners and distributors of [the petitioner's] software products. These customers need to install their equipment worldwide, this is achieved by utilizing and integrating [the petitioner's] software protocol stacks and proprietary hardware into their equipment. This enabling technology gives our American customers a key ability to sell their equipment in countries which have different telecommunications standards than the United States. The world compliant connectivity solutions provided by [the petitioner] require in-depth technical support. [The beneficiary's] specialized knowledge of the proprietary C data structures used by [the petitioner's] customers to encode and decode parameters used to perform IS-41 and CAMEL operations is critical to this position.

On June 29, 2005, the director issued a notice requesting additional evidence establishing that the beneficiary has specialized knowledge. Specifically, the director requested: (1) evidence that the beneficiary's knowledge is uncommon, noteworthy, or distinguished by some unusual quality and not generally known by practitioners in the field; (2) evidence that the beneficiary's knowledge of the processes and procedures of the company is apart from the elementary or basic knowledge possessed by others; (3) evidence to prove that the beneficiary has an advanced level of knowledge of the processes and procedures of the company and is distinguished from those with only elementary or basic knowledge; (4) evidence of the pertinent training courses in which the beneficiary has been enrolled while working for the foreign company; and (5) an explanation of the number of employees of the company who have the knowledge and skills to perform the duties of the offered position.

In response, the petitioner submitted a letter, dated August 1, 2005, responding to the director's request. In its response, the petitioner asserts that the beneficiary satisfies the requirements of specialized knowledge since he has two years of experience as a software engineer with the petitioner and "he has advanced knowledge of our company's proprietary Line Cards family of products." The petitioner indicates that the company "designs and owns the Intellectual Property Rights on all of its core technology." The petitioner lists the technology produced by the company and asserts that "this is not generalized knowledge but very specific, technical information about our internal process, procedures and products." The petitioner further explains the beneficiary's specialized knowledge by asserting the following:

[The beneficiary] has acquired advanced knowledge of our company's proprietary products which is not held by others in the industry. [The beneficiary] possesses specialized knowledge of Line Cards which can only be gained through prior experience working for [the petitioner]. [The beneficiary] is responsible for application programming interface with the Line Card range, this interface is used by our customers to construct products for sale primarily from the United States to the global telecommunication market. [The petitioner's]

Line Cards [product line] is a major market initiative and [the beneficiary's] specialized knowledge of this product line is valuable to our company's competitiveness in the U.S. marketplace and beyond. [The beneficiary] has unique knowledge of both the protocols and the internal structure of our company's proprietary software not released outside the company.

In addition, the petitioner notes that the beneficiary "has recently been involved in the company's design and implementation of a homeland security product for use in the U.S. market. His proposed position of Software Development Engineer in the U.S. would entail providing technical support for this telecommunications monitoring products into the U.S. based systems integrator." The petitioner does not further explain the specific project. The petitioner stated that its clients "do not possess the advanced knowledge needed to troubleshoot these proprietary products, they rely on our staff to provide these services."

On August 16, 2005, the director denied the petition concluding that the petitioner did not establish that the position of software development engineer requires someone with specialized knowledge, or that the beneficiary has such knowledge. The director noted that the beneficiary's duties do not appear to be significantly different from those of any other software engineers employed by the petitioner, or different from the duties performed by other software engineers in the computer industry. The director also noted that the petitioner did not demonstrate that its processes and procedures are significantly different from the methods generally used by other telecommunications companies. Finally, the director determined that the petitioner had not established that the beneficiary's knowledge is noteworthy or uncommon, as the training he received is standard training given to all employees with computer experience within the company.

On appeal, counsel for the petitioner reiterates the job duties to be performed by the beneficiary in the United States, and asserts that the position requires specialized knowledge in order to successfully perform the duties required of the position. Counsel for the petitioner further states that the beneficiary will be "responsible for complex hardware and software development and troubleshooting in the United States based upon his specialized knowledge of [the petitioner's] proprietary technology." Counsel for the petitioner states that the petitioner has satisfied the factors utilized to determine specialized knowledge as outlined in two legacy Immigration and Naturalization Service (INS) memoranda. See Memorandum from James A. Puleo, Acting Exec. Assoc. Comm., INS, *Interpretation of Special Knowledge* (March 9, 1991)("Puleo Memo"); Memorandum from Fujie Ohata, Assoc. Comm., INS, *Interpretation of Specialized Knowledge* (December 20, 2002)("Ohata Memo"). Counsel further emphasizes that according to the Ohata memorandum, the petitioner is not required to establish that the claimed specialized knowledge is narrowly held within the company.

On review, the record as presently constituted is not persuasive in demonstrating that the beneficiary has been employed in a specialized knowledge position or that the beneficiary is to perform a job requiring specialized knowledge in the proffered U.S. position. In examining the specialized knowledge capacity of the beneficiary, the AAO will look to the petitioner's description of the job duties. See 8.C.F.R. § 214.2(1)(3)(ii). The petitioner must submit a detailed job description of the services to be performed sufficient to establish specialized knowledge.

Although the petitioner repeatedly asserts that the beneficiary's proposed U.S. position requires specialized knowledge, the petitioner has not adequately articulated any basis to support this claim. The petitioner has provided a detailed description of the beneficiary's proposed responsibilities as a software development engineer, however, the description does not mention the application of any specialized or advanced body of knowledge which would distinguish the beneficiary's role from that of other software engineers employed by the petitioner or the telecommunications industry at large. Going on record without documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)). Based upon the lack of supporting evidence, the AAO cannot determine whether the U.S. position requires someone who possesses knowledge that rises to the level of specialized knowledge as defined at 8 C.F.R. § 214.2(l)(1)(ii)(D).

The petitioner has repeatedly asserted that the beneficiary possesses specialized knowledge of the company's Line Cards as the beneficiary is "responsible for application programming interface with the Line Card range." In addition, the petitioner repeatedly asserts that the beneficiary will assist customers with "troubleshooting" of the petitioner's "proprietary technology." However, the petitioner does not support its claim that the beneficiary must possess knowledge of business processes, procedures and methods of operation that are unique and proprietary to the company in order to implement, troubleshoot and update the applications server. There is no evidence in the record that the beneficiary actually participated in the development of such methodologies and processes that might lead to the conclusion that his level of knowledge is comparatively "advanced." In addition, the petitioner does not explain how the technology developed by the petitioner is "proprietary" and different from the technology utilized by other companies in the telecommunications field. Again, simply going on record without documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. at 165.

In addition, contrary to the assertions of counsel and the petitioner, there is no evidence on record to suggest that the software development processes pertaining to telecommunications companies are different from those applied for any software development engineer position. In addition, the petitioner has not explained how the knowledge of the petitioner's "proprietary technologies" amounts to specialized knowledge, particularly since the system is built upon technologies used by other companies as mentioned in the articles submitted by the petitioner. The technologies utilized by the petitioner appear to be the same technologies utilized by software engineers in the telecommunications industry. While individual companies will develop computer systems tailored to their own needs and internal quality processes, it has not been established that there would be substantial differences such that knowledge of the petitioning company's processes and quality standards alone would amount to "specialized knowledge."

In addition, there is no evidence in the record that the beneficiary has received specific in-house training that would have imparted him with the claimed "advanced" knowledge of the company's processes, procedures and methodologies. In the request for evidence, the director specifically requested that the petitioner identify the manner in which the beneficiary gained his specialized knowledge, including the total length of any classroom training or on-the-job training courses completed. In its response, the petitioner indicated that the beneficiary has "hands-on experience" in the development and support of the petitioner's technologies. It appears that the beneficiary did not receive any specific training with the petitioner's proprietary

technologies. In addition, the beneficiary only possesses one year and eight months in the position of software engineer with the petitioner. It has not been established that the beneficiary, who did not receive any specific training with the petitioner's proprietary technology, other than "hands-on" experience, actually possesses an advanced knowledge of the petitioner's technologies. Rather, it is reasonable to conclude that a software engineer professional with a background in the related telecommunications technologies may learn the company's application server with minimum training.

Based on the above, the AAO concurs with the director's conclusion that the petitioner has failed to demonstrate that the beneficiary has acquired specialized knowledge as defined in the statute and regulations.

Furthermore, in the request for evidence, the director instructed the petitioner to submit evidence of how the beneficiary's knowledge is uncommon, noteworthy, or distinguished by some unusual quality and not generally known by practitioners in the field; evidence to prove that the beneficiary has an advanced level of knowledge of the processes and procedures of the company and is distinguished from those with only elementary or basic knowledge; and, an explanation of the number of employees of the company who have the knowledge and skills to perform the duties of the offered position. In its response, the petitioner provided additional information of the job duties to be performed by the beneficiary and did not specifically respond to the requests made by the director. Failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. 8 C.F.R. § 103.2(b)(14). Instead, the petitioner asserted that the beneficiary had specialized knowledge. Without documentary evidence to support the claim, the assertions of counsel will not satisfy the petitioner's burden of proof. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaighbena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980).

The AAO does not dispute the likelihood that the beneficiary is a software engineer who understands the telecommunication technologies and is able to apply it within the context of the petitioner's specific environment. However, it is appropriate for the AAO to look beyond the stated job duties and consider the importance of the beneficiary's knowledge of the business's product or service, management operations or decision-making process. *Matter of Colley*, 18 I&N Dec. 117, 120 (Comm. 1981)(citing *Matter of Raulin*, 13 I&N Dec. 618(R.C. 1970) and *Matter of LeBlanc*, 13 I&N Dec. 816 (R.C. 1971)).<sup>1</sup> As stated by the

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<sup>1</sup> Although the cited precedents pre-date the current statutory definition of "specialized knowledge," the AAO finds them instructive. Other than deleting the former requirement that specialized knowledge had to be "proprietary," the 1990 Act did not significantly alter the definition of "specialized knowledge" from the prior INS interpretation of the term. The 1990 Committee Report does not reject, criticize, or even refer to any specific INS regulation or precedent decision interpreting the term. The Committee Report simply states that the Committee was recommending a statutory definition because of "[v]arying [*i.e.* not specifically incorrect] interpretations by INS," H.R. Rep. No. 101-723(I), at 69, 1990 U.S.C.C.A.N. at 6749. Beyond that, the Committee Report simply restates the tautology that became section 214(c)(2)(B) of the Act. *Id.* The AAO concludes, therefore, that the cited cases remain useful guidance concerning the intended scope of the "specialized knowledge" L-1B classification. The AAO supports its use of *Matter of Penner*, as well in offering guidance interpreting "specialized knowledge." Again, the Committee Report does not reject the interpretation of specialized knowledge offered in *Matter of Penner*.

Commissioner in *Matter of Penner*, when considering whether the beneficiaries possessed specialized knowledge, “the *LeBlanc* and *Raulin* decisions did not find that the occupations inherently qualified the beneficiaries for the classifications sought.” 18 I&N Dec. at 52. Rather, the beneficiaries were considered to have unusual duties, skills, or knowledge beyond that of a skilled worker. *Id.* The Commissioner also provided the following clarification:

A distinction can be made between a person whose skills and knowledge enable him or her to produce a product through physical or skilled labor and the person who is employed primarily for his ability to carry out a key process or function which is important or essential to the business’ operation.

*Id.* at 53.

It should be noted that the statutory definition of specialized knowledge requires the AAO to make comparisons in order to determine what constitutes specialized knowledge. The term “specialized knowledge” is not an absolute concept and cannot be clearly defined. As observed in *1756, Inc. v. Attorney General*, “[s]imply put, specialized knowledge is a relative . . . idea which cannot have a plain meaning.” 745 F. Supp. at 15. The Congressional record specifically states that the L-1 category was intended for “key personnel.” *See generally*, H.R. REP. NO. 91-851, 1970 U.S.C.C.A.N. 2750. The term “key personnel” denotes a position within the petitioning company that is “of crucial importance.” *Webster’s II New College Dictionary* 605 (Houghton Mifflin Co. 2001). In general, all employees can reasonably be considered “important” to a petitioner’s enterprise. If an employee did not contribute to the overall economic success of an enterprise, there would be no rational economic reason to employ that person. An employee of “crucial importance” or “key personnel” must rise above the level of the petitioner’s average employee. Accordingly, based on the definition of “specialized knowledge” and the Congressional record related to that term, the AAO must make comparisons not only between the claimed specialized knowledge employee and the general labor market, but also between the employee and the remainder of the petitioner’s workforce. While it may be correct to say that the beneficiary in the instant case is a highly skilled and productive employee, this fact alone is not enough to bring the beneficiary to the level of “key personnel.”

Moreover, in *Matter of Penner*, the Commissioner discussed the legislative intent behind the creation of the specialized knowledge category. 18 I&N Dec. 49 (Comm. 1982). The decision noted that the 1970 House Report, H.R. No. 91-851, stated that the number of admissions under the L-1 classification “will not be large” and that “[t]he class of persons eligible for such nonimmigrant visas is narrowly drawn and will be carefully regulated by the Immigration and Naturalization Service.” *Id.* at 51. The decision further noted that the House Report was silent on the subject of specialized knowledge, but that during the course of the sub-committee hearings on the bill, the Chairman specifically questioned witnesses on the level of skill necessary to qualify under the proposed “L” category. In response to the Chairman’s questions, various witnesses responded that they understood the legislation would allow “high-level people,” “experts,” individuals with “unique” skills, and that it would not include “lower categories” of workers or “skilled craft workers.” *Matter of Penner, id.* At 50 (citing H.R. Subcomm. No. 1 of the Jud. Comm., Immigration Act of 1970: Hearings on H.R. 445, 91<sup>st</sup> Cong. 210, 218, 223, 240, 248 (November 12, 1969)).

Reviewing the Congressional record, the Commissioner concluded in *Matter of Penner* that an expansive reading of the specialized knowledge provision, such that it would include skilled workers and technicians, is not warranted. The Commissioner emphasized that the specialized knowledge worker classification was not intended for “all employees with any level of specialized knowledge.” *Matter of Penner*, 18 I&N Dec. at 53. Or, as noted in *Matter of Colley*, “[m]ost employees today are specialists and have been trained and given specialized knowledge. However, in view of the House Report, it can not be concluded that all employees with specialized knowledge or performing highly technical duties are eligible for classification as intracompany transferees.” 18 I&N Dec. at 119. According to *Matter of Penner*, “[s]uch a conclusion would permit extremely large numbers of persons to qualify for the ‘L-1’ visa” rather than the “key personnel” that Congress specifically intended. 18 I&N Dec. at 53; *see also*, *1756, Inc. v. Attorney General*, 745 F. Supp. at 15 (concluding that Congress did not intend for the specialized knowledge capacity to extend to all employees with specialized knowledge, but rather to “key personnel” and “executives.”)

Further, although counsel correctly states that the L-1B visa classification does not require a test of the U.S. labor market for available workers, the Puleo memo cited by counsel allows CIS to compare the beneficiary’s knowledge to the general United States labor market and the petitioner’s workforce in order to distinguish between specialized and general knowledge. The Associate Commissioner notes in the memorandum that “officers adjudicating petitions involving specialized knowledge must ensure that the knowledge possessed by the beneficiary is not general knowledge held commonly throughout the industry but that it is truly specialized.” *Memo, Supra*. A comparison of the beneficiary’s knowledge to the knowledge possessed by others in the field is therefore necessary in order to determine the level of the beneficiary’s skills and knowledge and to ascertain whether the beneficiary’s knowledge is advanced. In other words, absent an outside group to which to compare the beneficiary’s knowledge, CIS would not be able to “ensure that the knowledge possessed by the beneficiary is truly specialized.” *Id.* The analysis for specialized knowledge therefore requires a test of the knowledge possessed by the United States labor market, but does not consider whether workers are available in the United States to perform the beneficiary’s job duties.

The record does not distinguish the beneficiary’s knowledge as more advanced than the knowledge possessed by other software engineers working in the telecommunications field. The petitioner has not established that the beneficiary has been trained in and has participated in developing proprietary methodologies for the petitioner. The beneficiary is claimed to have “advanced” knowledge of the company’s business processes, procedures and methodologies, as well as “specialized knowledge” in the intricate software created by and utilized by the company. However, as the petitioner has failed to document any specific training or otherwise describe or document the purported knowledge, these claims are not persuasive.

Furthermore, the petitioner failed to provide the requested information regarding the training acquired by similarly employed workers with the company, and the job titles and duties of other workers for whom the petitioner has filed L-1B petitions. Again, failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. 8 C.F.R. § 103.2(b)(14). Without this information, the AAO has no basis to compare the beneficiary’s knowledge to that of other workers within the company, and therefore it can not be concluded that his knowledge is “advanced.” There is no indication that the beneficiary has any knowledge that exceeds that of any experienced software engineer specializing in telecommunication technologies, or that he has received special training in the company’s methodologies or processes which would separate him from any other similarly employer worker with the

**foreign company.** However, notwithstanding the lack of documentation, the petitioner failed to demonstrate that the beneficiary's knowledge is more than the knowledge held by a skilled worker. See *Matter of Penner*, 18 I&N Dec. at 52.

The AAO does not dispute that the petitioner's organization, like any telecommunications company, has its own internal information systems processes and methodologies. However, there is no evidence in the record to establish that the beneficiary's knowledge of these systems processes and methodologies is particularly advanced in comparison to his peers, that the processes themselves cannot be easily transferred to its U.S. employees or to professionals who have not previously worked with the organization, that the U.S.-based staff does not actually possess the same knowledge, or that the U.S. position offered actually requires someone with the claimed "advanced knowledge." The petitioner has simply submitted no documentary evidence in support of its assertions or counsel's assertions that the beneficiary's skills and knowledge of the foreign entity's processes, procedures and methodologies would differentiate him from any other similarly employed software engineer within the petitioner's group or within the industry. Simply going on record without supporting documentary evidence is not sufficient for the purpose of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. at 165.

Counsel's reliance on the Puleo and Ohata memorandum is misplaced. It is noted that the memoranda were intended solely as a guide for employees and will not supersede the plain language of the statute or regulations. Therefore, by itself, counsel's assertion that the beneficiary's qualifications are analogous to the examples outlined in the memoranda is insufficient to establish the beneficiary's qualification for classification as a specialized knowledge professional. While the factors discussed in the memorandum may be considered, the regulations specifically require that the beneficiary possess an "advanced level of knowledge" of the organization's processes and procedures, or a "special knowledge" of the petitioner's product, service, research, equipment, techniques or management. 8 C.F.R. § 214.2(l)(1)(ii)(D). As discussed above, the petitioner has not established that the beneficiary's knowledge rises to the level of specialized knowledge contemplated by the regulations.

In sum, the beneficiary's duties and technical skills, while impressive, demonstrate knowledge that is common among computer systems professional working in the beneficiary's specialty in the telecommunications field. The petitioner has failed to demonstrate that the beneficiary's training, work experience, or knowledge of the company's processes is more advanced than the knowledge possessed by others employed by the petitioner, or that the processes and systems used by the petitioner are substantially different from those used by other large insurance companies. The AAO does not dispute the fact that the beneficiary's knowledge has allowed him to successfully perform his job duties for the foreign entity. However, the successful completion of one's job duties does not distinguish the beneficiary as possessing special or advanced knowledge or as a "key personnel," nor does it establish employment in a specialized knowledge capacity. As discussed, the petitioner has not submitted probative evidence to establish that the beneficiary's knowledge is uncommon, noteworthy, or distinguished by some unusual quality and not generally known in the beneficiary's field of endeavor, or that his knowledge is advanced compared to the knowledge held by other similarly employed workers within the petitioner and the foreign entity.

The legislative history of the term "specialized knowledge" provides ample support for a restrictive interpretation of the term. In the present matter, the petitioner has not demonstrated that the beneficiary

should be considered a member of the “narrowly drawn” class of individuals possessing specialized knowledge. *See 1756, Inc. v. Attorney General, supra at 16*. Based on the evidence presented, it is concluded that the beneficiary has not been employed abroad and would not be employed in the United States in a capacity involving specialized knowledge. For this reason, the appeal will be dismissed.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

**ORDER:** The appeal is dismissed.