U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. A3042
Washington, DC 20529

identifying data deleted to
prevent unwarranted
invasion of personal privacy

U.S. Citizenship
and Immigration
Services

PUBLIC COPY

[redacted]

MAY 04 2005

File: SRC-03-225-51636 Office: TEXAS SERVICE CENTER Date:

IN RE: Petitioner: [redacted]
Beneficiary:

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)

IN BEHALF OF PETITIONER:

SELF-REPRESENTED

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 extend the beneficiary's employment 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 is a corporation organized in the State of Delaware that operates as an information systems and information technology consulting firm. The petitioner claims that it is the parent of Birlasoft, Ltd., located in Noida, India. The petitioner now seeks to employ the beneficiary for an additional three years as a Software Engineer.

The director denied the petition concluding that the petitioner failed to establish that the beneficiary will be employed in a specialized knowledge capacity.

The petitioner subsequently filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review. On appeal, the petitioner asserts that the beneficiary possesses specialized knowledge due to his training and experience, and that he will be employed in a specialized knowledge capacity with the petitioner. In support of these assertions, the petitioner submits a brief, additional evidence, and previously submitted documents.

To establish eligibility for the L-1 nonimmigrant visa classification, the petitioner must meet the criteria outlined in section 101(a)(15)(L) of the Act, 8 U.S.C. § 1101(a)(15)(L). Specifically, a qualifying organization must have employed the beneficiary in a qualifying managerial or executive capacity, or in a specialized knowledge capacity, for one continuous year within the three years preceding the beneficiary's application for admission into the United States. In addition, the beneficiary must seek to enter the United States temporarily to continue rendering his or her services to the same employer or a subsidiary or affiliate thereof in a managerial, executive, or specialized knowledge capacity.

The regulation at 8 C.F.R. § 214.2(l)(3) 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.

The issue in the present matter is whether the petitioner has established that the beneficiary's position in the United States will involve specialized knowledge as required by the regulation at 8 C.F.R. § 214.2(l)(3)(ii).

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

> 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 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 or procedures.

With the initial petition filed on August 14, 2003, in an attached support letter the petitioner discussed the beneficiary's job duties as follows:

> The beneficiary has worked with [the petitioner's family of companies] on various projects **designing, developing and implementing, Installing, Configuring, Testing and Deploying Siebel CRM. During the said period he acquired very specific tool based knowledge and understanding of the specific organizational processes. [The beneficiary] has consistently been working on Siebel CRM Application since the year 1998 for which reason [the petitioner's family of companies] has continued to employ him since the year 2000. Since March 2000 [the beneficiary] has been working on Siebel CRM Application for a CRM Project.** His involvement in the project has been very critical since the beginning of the project. [The beneficiary] has been involved in the project right from its conceptual stage, interacting with users, understanding business processes, gathering requirements for the project, analyzing the same, Scoping and designing the system based on the final requirements gathered. Software Systems of this nature are very critical to the business of the organization and require very specific technical, domain and process knowledge, which needs to be built into the software.
>
> **During the process the beneficiary has garnered advanced knowledge of processes and domain expertise very specific and critical for the design, development, debugging and implementation of this software and similar systems.**

* * *

[The petitioner] has a very vast client base spread Globally and is in the process of developing and implementing the **CRM Application Project for GE Power System. This therefore needs continuity in terms of knowledge of Tool and critical processes. Thus, [the beneficiary] has a very specialized knowledge related to this assignment.**

* * *

[The beneficiary's] qualifications are impressive. He graduated with a **Degree of Bachelor of Science from University of Delhi, New Delhi, India followed by the Degree of Master of Engineering from Indian Institute of Science India's Premier Institute, Bangalore, Karnataka, India followed by Certificate Course in Siebel from Siebel University, India.**

[The beneficiary] has approximately 5 years of valuable experience in the Computer Software Development.

[The beneficiary's] work experience truly distinguishes him from other IT professionals. From February 1998 to May 1999 he was employed with ASAP Solutions, India, where he was involved on programming, debugging, documentation and analysis of systems using ABAP/4. During this period he worked on various projects where he was involved in analyzing, developing, debugging, modifying and implementing various client server technologies using **Seibel 99.5, Seibel Tools 5.5, Oracle8.0, Windows NT**, among others.

From June 1999 to February 2000, [the beneficiary] was associated with ASAP Info Systems Pvt. Ltd., as Siebel Consultant. He worked on various project for several clients, on a Customer Relation Management Project, implementing and configuring Siebel '99 in the fields of Sales, Service, and Marketing Enterprises. He was also responsible as a Project Leader to work on Sales Automation System Project working on **Seibel 99.5, Seibel Tools 5.5, Oracle 8.0, as a back end environment.**

From March 2000 to June 2003 he was associated with [the foreign entity]. [The beneficiary] was working with [the foreign entity] as a Senior Software Engineer with Specialized Knowledge. During this period **he was involved in design, development and implementation, integration Requirement Gathering, Installation, Configuration, Testing and Development of Siebel CRM. During the said period he acquired very specific tool based knowledge and understanding of the specific organizational processes.** Also, during the process the beneficiary has garnered advanced knowledge of processes and domain expertise very specific and critical for the design, development, debugging and implementation of this software and similar systems.

(Emphasis in original).

The petitioner submitted copies of the beneficiary's academic credentials and training certificates, including two certificates showing that he completed a Siebel 7 Migration Workshop at Siebel University and a program leading to the designation of Siebel 2000 Certified Consultant. The petitioner provided the beneficiary's resume that reflects that he completed Siebel training at Siebel University in Burlington, Massachusetts. The resume further indicates that the beneficiary's most recent assignment involves acting as a Business Analyst and Configurator for a British telecommunications retail company in order to implement a Siebel product, Siebel Call Center 6.0.1. Prior to that assignment, the beneficiary served as a Project Lead and Business Analyst to implement two Siebel products, Siebel 7 Sales and Siebel 7 Call Center, in order to replace older applications.

On September 22, 2003, the director requested additional evidence. Specifically, the director instructed the petitioner as follows:

> You must provide evidence that the beneficiary's knowledge is uncommon, noteworthy or distinguished by some unusual quality and not generally known by practitioners in the field. The evidence must also establish that the beneficiary's knowledge of the processes and procedures of your company is apart from the elementary or basic knowledge possessed by others.

In response, the petitioner submitted: (1) company brochures; (2) a certificate of approval awarded to the foreign entity by Bureau Veritas Quality International (BVQI) reflecting that the foreign entity attained the ISO 9001: 1994 quality standard; and (3) a letter further discussing the beneficiary as follows:

> **Service:**
>
> **CRM (Customer Relationship Management) is the [petitioner's] one of three core SERVICE offerings.** This service offering is implemented by using either Peoplesoft or Siebel.
>
> * * *
>
> [The beneficiary] is a key member of the said CRM Service (Referred to as Center of Excellence –COE for short). He has been associated with this Service [with the petitioner's family of companies] for the last 5 Years. **Infact [sic] he is the Founder members [sic] of the original team which created this Service for [the petitioner's family of companies] and was instrumental in creating all unique tools, processes, methodologies that [the petitioner] continues to deploy at various client sites. Obviously, therefore, he has extremely detailed and extensive knowledge of the Petitioning Organization's Service Offering which no other person inspite [sic] of having the best of knowledge in the Siebel CRM tool can hope to match.** On top of this, he is a Certififed Consultant in Siebel, worked with all releases of the Siebel software that have come out since inception and is therefore uniquely positioned to leverage that across multiple clients with varying needs and in different stages of their Siebel implementation . . . .

Methodology and techniques:

As a part of its Service Offering [the petitioner] has developed its unique methodology for the success of the Siebel Implementation it undertakes at various client sites. This is the methodology which has been a reason for its getting excellent feed back [sic] from its customers . . . .

As already mentioned above [the beneficiary] has been instrumental in the creation of this methodology and its successful implementation over the years across various clients and has guided scores of new team members by virtue of his having this specialized knowledge.

Advanced level of Knowledge:

Ordinarily, Siebel CRM Implementations are highly specialized on account of the unique kind of customers that each organization has. Furthermore, Power Companies have specific needs of CRM Implementation given the profile of *their* customers. Added to this, GEPS' requirements are further customized due to the nature of *GEPS'* Customers.

[The beneficiary] has extensive knowledge not only of the internal workings of Siebel CRM but also the way in which it applies to [sic]. This specialized and advanced knowledge is being used by [the beneficiary] in successful implementation of numerous CRM applications including GEPS' CRM Implementation.

Implementation of Siebel CRM requires significant knowledge of System Fine Tuning by setting specific parameters of the Hardware Equipment's Parameters. **[The beneficiary] as an experienced Siebel Professional possesses the necessary knowledge and capability to fulfill such responsibilities.**

Process and Procedures

Working at client sites requires Specialized knowledge of the Processes and Procedures being followed there and amalgamation of the same with Specialized knowledge of [the petitioner's] ISO 9001 and SEI CMM Level 5 assessed Organizational Standard Quality Procedures to arrive at a customized solution for the specific client.

[The beneficiary], by virtue of having worked with GEPS is an expert on the specific Processes and Procedures being used at GEPS like six stigma, DPMM etc. on the CRM Siebel project. In addition by virtue of his being with the company for so long, he has been completely exposed to [the petitioner's] CMM Level 5 and ISO processes.

(Emphasis in original).

On December 18, 2003, the director denied the petition. The director determined that the petitioner failed to establish that the beneficiary will be employed in a specialized knowledge capacity. Specifically, the director stated the following:

> [The beneficiary's] duties, as outlined by the petitioner, do not appear to be significantly different from those of any other programmer analyst in your firm; nor are they different from the duties performed by other programmer analysts in the computer consulting industry. Therefore, it has not been established that the duties warrant the expertise of someone possessing truly specialized knowledge.
>
> [The petitioner has] indicated that the position requires an individual who has an in-depth knowledge of [its] processes. [The petitioner has] not demonstrated, however, that these procedures are significantly different from the methods generally used in any computer consulting company. Nor [has it] established that an understanding of these methods within [its] company is indicative of advanced knowledge.
>
> The beneficiary's resume indicates that he is well versed in various computer hardware and software systems. This experience, while impressive, appears to be common among those who are similarly employed in the computer consulting industry.
>
> With regard to the beneficiary's knowledge within [the petitioner's] organization, it should be noteworthy or uncommon. [The petitioner has] indicated that every resource of [its] company is required to undergo a minimum of training and that [it has] roughly 400 employees to choose from. Given the vast number of other workers who hold comparable knowledge to the beneficiary's, his knowledge is essentially common within [the petitioner's] operations.

On appeal, the petitioner asserts that the beneficiary possesses specialized knowledge due to his training and experience, and that he will be employed in a specialized knowledge capacity. In an attached brief, the petitioner states the following:

> **[The petitioner] is assessed at Level 5 as per Software Engineering Institute's (SEI) Capability Maturity Model (CMM). <u>This is the Highest possible level at which any Consulting company can be assessed. There are around 75 companies ONLY worldwide which are assessed at Level 5</u> . . . . <u>[A]ny organization which has achieved Level 5 Assessment has the procedures which are significantly different and exclusive from the methods generally used in any other computer consulting company because not every company is assessed at Level 5.</u> This is pertinent to note that [the beneficiary] has an in-depth knowledge of our company's processes, techniques and Service offerings as he is one of the founding members of the team which created Siebel CRM Service for [the petitioner] and was instrumental in creating all the unique tools. [The beneficiary]**

> **played a pivotal role in the creation of CMM Compliant processes of [the petitioner] thus bestowing upon him the near exclusivity of knowledge.**
>
> * * *
>
> **[The petitioner] has also been certified as ISO 9001 Compliant. Under the ISO Standards of Certification, ISO 9001 is the highest achievable certification for any Organization . . . . ISO 9001 Certification . . . is evidence of the fact that the processes, techniques and Service offerings of our Organization are significantly different from other organizations and it is further important to note that [the beneficiary] has been associated exclusively with such processes, techniques and Service offerings as applied to Siebel-CRM project offerings since he joined [the petitioner's family of companies] nearly 4 years ago.**
>
> **Consequently, unlike other programmers within our organization [the beneficiary] has worked exclusively on Siebel CRM Projects using SEI-CMM Level 5 Assessed and ISO 9001 Certified Processes, Techniques and Service Offerings bestowing upon him therefore the triple attributes of the following which are significantly different from those of any other programmer analyst in our company and are different from the duties performed by other programmer analysts in the computer consulting industry[.]**

(Emphasis in original).

In support of these assertions, the petitioner submits a copy of a certificate from QAI India Limited reflecting that the petitioner was operating at "Maturity Level 5 of the Software CMM Ver. 1.1" as of May 10, 2002. The petitioner further provided an additional training certificate for the beneficiary and previously submitted documents.

On review, the petitioner has not demonstrated that the beneficiary possesses "specialized knowledge" as defined in section 214(c)(2)(B) of the Act, 8 U.S.C. § 1184(c)(2)(B), and the regulation at 8 C.F.R. § 214.2(l)(1)(ii)(D).

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(l)(3)(ii). The petitioner must submit a detailed description of the services to be performed sufficient to establish specialized knowledge. *Id.* It is also 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)).[1] As stated by the Commissioner in *Matter of Penner*, 18 I&N Dec. 49, 52

---

[1] 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

(Comm. 1982), 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." 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. 9, 15 (D.D.C. 1990). 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 that employee and the remainder of the petitioner's workforce.

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,

---

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, as well as *Matter of Penner*, remain useful guidance concerning the intended scope of the "specialized knowledge" L-1B classification.

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, 91st 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 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. 117, 119 (Comm. 1981). 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.*, 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.")

In the instant matter, the petitioner has not submitted a sufficiently detailed description of the beneficiary's duties to show that they involve specialized knowledge as defined in 8 C.F.R. § 214.2(l)(1)(ii)(D). While the record reflects that the beneficiary is an experienced technician, evidence does not show that his responsibilities require a greater level of knowledge and ability than that possessed by a skilled worker.

The petitioner indicates that the beneficiary works on Siebel CRM implementation projects. Yet, Siebel is a separate company, not related to the petitioner's family of companies. Siebel CRM is a software solution developed by Siebel, not a proprietary project of the petitioner. Thus, the beneficiary's knowledge of Siebel's CRM system does not constitute specialized knowledge of the petitioner's products or processes as contemplated by 8 C.F.R. § 214.2(l)(1)(ii)(D). Further, the petitioner has provided training certificates reflecting that the beneficiary completed courses at Siebel University on Siebel's software solutions. Yet, the petitioner has failed to show that this training is only available to individuals employed with the petitioner's family of companies. As the training was offered through a separate company, it is presumed that the courses are available to all professionals within the information technology field. Such training does not lead to specialized knowledge of the petitioner's products or processes, or distinguish the beneficiary's knowledge from that generally found within his field. *See* 8 C.F.R. § 214.2(l)(1)(ii)(D). The beneficiary's university training, while significant and undoubtedly valuable to the petitioner, likewise did not lead to knowledge that is specific to the petitioner's family of companies. *See id.*

The petitioner discusses the beneficiary's work experience, and notes that he "has consistently been working on Siebel CRM Application[s] since the year 1998 for which reason [the petitioner's family of companies] has continued to employ him since the year 2000." The beneficiary's resume reports that from June 1999 to February 2000, he worked as a Siebel Consultant with a separate company, namely ASAP Info Systems Pvt. Ltd., for which he was assigned to a CRM project using Siebel software solutions and tools. This fact further reveals that knowledge of Siebel CRM and experience with implementing it do not constitute specialized knowledge of the petitioner's unique products, processes, or procedures. *See* 8 C.F.R. § 214.2(l)(1)(ii)(D).

The petitioner notes that it has achieved SEI-CMM Level 5 status and ISO 9001 certification. The petitioner asserts that these qualifications reflect that its products and processes are unique among the information technology industry. Yet, while such credentials reflect that the petitioner offers quality services, they do not, by themselves, show that the petitioner's products or internal procedures are uncommon in the information technology industry. The petitioner's statement that "[t]here are around 75 companies . . . worldwide which are assessed at [SEI-CMM]Level 5" further supports that such certification is not unique to the petitioner. Such certifications are not sufficient to establish that the beneficiary's experience with the petitioner has led to specialized knowledge of the petitioner's products and processes. *See* 8 C.F.R. § 214.2(l)(1)(ii)(D).

The petitioner makes general statements about the beneficiary's knowledge such as "he acquired very specific tool based knowledge and understanding of the specific organizational processes." The petitioner provides that the beneficiary "was involved in design, development and implementation, integration Requirement Gathering, Installation, Configuration, Testing and Development of Siebel CRM." Yet, the petitioner has not named or described any internal tools that are specific to its family of companies. As discussed above, experience with Siebel CRM does not constitute specialized knowledge of the petitioner's products or processes. *See* 8 C.F.R. § 214.2(l)(1)(ii)(D).

The petitioner states that it "is in the process of developing and implementing the CRM Application Project for GE Power System." The petitioner indicates that "[the beneficiary] has been involved in the project right from its conceptual stage, interacting with users, understanding business processes, gathering requirements for the project, analyzing the same, Scoping and designing the system based on the final requirements gathered." Yet, without more detailed description, these duties appear to be the same tasks that any Siebel CRM consultant would perform. The petitioner provides that "[the beneficiary], by virtue of having worked with GEPS is an expert on the specific Processes and Procedures being used at GEPS like six stigma, DPMM etc. on the CRM Siebel project." However, it appears that the petitioner is representing that the beneficiary is familiar with its client's particular processes and procedures. Knowledge of GEPS' internal systems and procedures, while valuable to the petitioner, does not constitute specialized knowledge of the petitioner's products and processes. *See* 8 C.F.R. § 214.2(l)(1)(ii)(D).

The petitioner references its CRM Service, and states that the beneficiary "is the Founder members [sic] of the original team which created this Service for [the petitioner's family of companies] and was instrumental in creating all unique tools, processes, methodologies that [the petitioner] continues to deploy at various client sites." Yet, the petitioner has not provided sufficient explanation of its particular CRM services, such that they are distinguished from those offered by other CRM consultants in the information technology field.

Thus, the petitioner has failed to adequately describe the beneficiary's particular knowledge such that it can be considered specialized knowledge as contemplated by 8 C.F.R. § 214.2(l)(1)(ii)(D). Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972).

The legislative history for 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*, 745 F. Supp. 9, 16 (D.D.C. 1990). Based on the evidence presented, it is concluded that the beneficiary was not employed abroad in a specialized knowledge capacity. 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. Accordingly, the director's decision will be affirmed and the petition will be denied.

ORDER: The appeal is dismissed.